

## Judicial-Media Committee

Minutes of meeting on April 23, 2018

Members present: Co-chairs Karen Florin and Judge Robert Devlin; Linda Cimino, Judge Patrick Clifford, Tais Ericson, Melissa Farley, Paul Giguere, Judge David Gold, Alaine Griffin, Judge Susan Handy, Paul Hartan, Judge Barbara Bailey Jongbloed, Eric Parker, Chris Powell, Gary Roberge, Tom Scheffey, Judge Hope Seeley, Lauren Sellew, and Judge Omar Williams. Also in attendance were staff liaison WFSB anchor Dennis House and Branch liaison Rhonda Stearley Hebert.

- I. Judge Devlin opened the meeting at 3 p.m.
- II. The committee approved minutes from its meeting on Sept. 18, 2017.
- III. Judge Handy reported on preparations for the upcoming *2018 Law School for Journalists*.
- IV. The committee next addressed a concern by journalists regarding delays in receiving affidavits due to redactions mandated by the General Assembly. Judge Robert Devlin responded that the policy is to have a supervisor do the redactions and that they can't always drop what they're doing to complete the redactions. Attorney Ericson, executive director of Superior Court Operations, also noted that the availability of reduced resources is another significant consideration.

Journalist members on the committee emphasized the importance of getting the affidavits the day the document is available, adding that the warrants are of public interest. The committee concluded the discussion by deciding to have journalists on the committee inform External Affairs of any situations in the future where there is a delay in receiving an affidavit, so that the situation may be addressed.

- V. The committee next continued discussion on a suggested rule change that would give judges the discretion to decide whether to allow in cameras at proceedings where the victim was sexually assaulted and murdered. Currently, cameras are not allowed in cases involving sexual assault charges.

Judge Devlin presented a draft new rule to aid in the discussion, which reads: "In a homicide case involving sexual assault, media coverage of the trial shall be permitted provided the victim's family affirmatively consents to such coverage. In situations where the position of the victim's family is unknown or where members of the victim's family are divided on the issue of media coverage, such coverage shall not

be permitted.”

Following a discussion of the issue, Judge Devlin asked committee members to think of any amendments that they might want to add to the draft rule. The committee will discuss changes that might be made, and, Judge Devlin said, the proposal can then be sent to the Rules Committee.

- VI. Next to be discussed was the issue of whether the news media should be allowed access to arraignments where a defendant is arraigned at a hospital, rather than in an open courtroom. The committee determined that it is essential to get the position of the hospitals on this matter and decided to contact the hospitals before the next meeting.
- VII. Joe Scarborough of MSNBC’s *Morning Joe* spoke discussed with the committee the importance of a free press in a democracy and the impact of fake news on public discourse and confidence in our institutions.
- VIII. The committee scheduled its next meeting for Monday, Sept. 24, and adjourned at about 4:30 p.m.