

Minutes from May 19, 2008, meeting of Pilot Program Committee

Present: Co-chairs Tom Appleby and Judge Patrick Clifford; Judge Marshall Berger Jr., Sara Bernstein, Larry Callahan, Linda J. Cimino, Paul Giguere, Ken Margolfo, Robin C. Smith, Judge Elliot Solomon, Mike St. Peter, Kirk Varner, and Dave Ward.

Absent: Judge David Gold, Gail Hardy, John Long, Patrick Sanders.

I. Open meeting

Tom Appleby and Judge Clifford started the meeting at 2 p.m.

II. Approval of minutes from meeting of April 28, 2008

Judge Clifford made a motion to approve the minutes, seconded by Judge Solomon. The committee unanimously approved the minutes.

III. Review & Approve Revised Draft Evaluation Forms

Committee members finalized evaluation forms for judges, attorneys and the media. Committee members also discussed how the evaluations would be distributed and determined that they would not apply retroactively to arraignments that have already been televised/photographed.

Judge Clifford and Judge Berger raised three areas of concern that have arisen during a recently televised trial:

- Camera operators chasing jurors down the street.
- Camera operators chasing the defendant down the street during the trial.
- Interviews being conducted outside of the courthouse during the trial.

The judges expressed their concern that these actions would prejudice an individual's right to a fair trial.

Mr. Ward responded that members of the print media often interview people outside of a courthouse and take notes. Mr. Giguere added that the judges' concerns would likely be borne out in the evaluations that the committee is to review. He suggested that the committee let everything play out. Judge Berger added that the judges offered these comments as a heads-up and are focusing on what occurs during the trial, as opposed to when the trial concludes. Judge Clifford added that if he is a judge watching TV and sees a witness being interviewed on camera, then that is an issue for him.

Mr. Varner said that he does not see the media being unresponsive to requests from a judge and that, from the media's point of view, what the media does will come down to ethics and their practices.

IV. Schedule next meeting

Committee members agreed to meet again on Sept.15 to review the evaluations that are sent in.

V. Adjourn

The committee adjourned at about 4 p.m.