



2021-026 a

STATE OF CONNECTICUT
JUDICIAL BRANCH

CHAMBERS OF
PATRICK L. CARROLL III
CHIEF COURT ADMINISTRATOR

231 CAPITOL AVENUE
HARTFORD, CT 06106

December 9, 2021

Hon. Andrew J. McDonald, Chair
Rules Committee of the Superior Court
Supreme Court Building
231 Capitol Avenue
Hartford, CT 06106

Re: Proposal for Changes to Practice Book Sections 1-11A, 1-11B and 1-11C

Dear Justice McDonald:

Judge Joan Alexander and Attorney Eric Parker, co-chairs of the Judicial Media Committee, have asked that I submit to the Rules Committee of the Superior Court proposed changes to the Connecticut Practice Book sections regarding electronic media coverage of arraignments, civil proceedings and criminal proceedings. All of the recommended changes are proposed to simplify, update and streamline rules that took effect nearly a decade ago.

As background, the members of the Judicial Media Committee discussed the proposed rules changes during its September 28, 2021 meeting, and the members unanimously approved the proposed changes. Additionally, both Judge David Gold, Chief Administrative Judge of the Criminal Division, and Judge James W. Abrams, Chief Administrative Judge of the Civil Division, support the changes.

Recommendations are as follows:

Sec. 1-11A. Media Coverage of Arraignments

(b) Any media representative desiring to broadcast, televise, record or photograph an arraignment shall send an e-mail request for electronic coverage to a person designated by the chief court administrator to receive such requests. Said designee shall promptly transmit any such request to the administrative judge, presiding judge of criminal matters, arraignment judge, clerk and the

supervising marshal. The administrative judge shall ensure that notice is provided to the state's attorney and the attorney for the defendant or, where the defendant is unrepresented, to the defendant. Electronic coverage shall not be permitted until the state's attorney and the attorney for the defendant, or the defendant if he or she has no attorney, have had an opportunity to object to the request on the record and the judicial authority has ruled on the objection. If a request for coverage is denied or is granted over the objection of any party, the judicial authority shall articulate orally or in writing the reasons for its decision on the request and such decision shall be final.

Reason: The proposed revision clarifies that the person to whom the media e-mails a request for electronic coverage is the person designated by the chief court administrator to receive the request.

(h) If there are multiple requests to broadcast, televise, record or photograph the same arraignment, the media representatives making such requests must make pooling arrangements among themselves, unless otherwise determined by the judicial authority. The judicial authority shall not mediate any disputes among the media regarding pooling arrangements.

*Reason: The proposed revision makes it clear that the judicial authority shall not mediate any disputes among the media regarding pooling arrangements. There is similar language in subsection (m) of Section 1-11B and section (o) of Section 1-11C. The language reads, "Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, **without calling upon the judicial authority to mediate any dispute as to the appropriate media representative or equipment for a particular trial.**" This new language provides consistency among all of the rules concerning camera coverage of proceedings.*

Sec. 1-11B. Media Coverage of Civil Proceedings

(m) [The judicial authority in its discretion may require pooling arrangements by the media. Pool representatives should ordinarily be used for video, still cameras and radio, with each pool representative to be decided by the relevant media group. Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of necessary procedures and selection of pool representatives, without calling upon the judicial authority to mediate any dispute as to the appropriate media representative or equipment for a particular trial. If any such medium shall not agree on equipment, procedures and personnel, the judicial authority shall not permit that medium to have coverage at the trial.]

If there are multiple requests to broadcast, televise, record or photograph the same civil proceeding or trial, the media representatives making such requests must make pooling arrangements among themselves, unless otherwise determined by the judicial authority. The judicial authority shall not mediate any disputes among the media regarding pooling arrangements.

Reason: The proposed revision simplifies the rule requiring the media to make pooling arrangements among themselves and reiterates that the judicial authority shall not mediate any disputes.

(n) Unless good cause is shown, any media or pool representative seeking to broadcast, televise, record or photograph a civil proceeding or trial shall, at least three days prior to the commencement of the proceeding or trial, [submit a written notice of media coverage to the administrative judge of the judicial district where the proceeding is to be heard or the case is to be tried] send an e-mail

request for media coverage to a person designated by the chief court administrator to receive such requests. [A notice of media coverage submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool.] The [administrative judge] designee shall inform the administrative judge, presiding judge of civil matters, judicial authority who will hear the proceeding or who will preside over the trial, clerk, and the supervising marshal of the [notice] request, and the judicial authority shall allow such coverage except as otherwise provided in this section. [Any news organization seeking permission to participate in a pool whose name was not submitted with the original notice of media coverage may, at any time, submit a separate written notice to the administrative judge and shall be allowed to participate in the pool arrangement.]

Reason: The proposed revisions make the following changes to the camera rules impacting civil proceedings: 1) clarifies that the media must e-mail their requests only to a person designated by the chief court administrator to receive such requests rather than the respective administrative judge; 2) removes the requirement that the pool media organization provide a list of all news organizations seeking to participate in the pool; 3) clarifies that the person designated by the chief court administrator will inform the following people of the request: administrative judge, presiding judge of civil matters, judicial authority who will hear the proceeding or who will preside over the trial, clerk and the supervising marshal; and 4) removes the requirement for news organizations whose names were not originally included in the pool arrangement to submit a request to the administrative judge to be included in the pool. The requirement for the pool media organization to provide a list of all news organizations seeking to participate in the pool is obsolete. Current practice is that the news organizations work out all of the pooling logistics among themselves.

Sec. 1-11C. Media Coverage of Criminal Matters

(d) Unless good cause is shown, any media or pool representative seeking to broadcast, televise, record or photograph a criminal proceeding or trial shall, at least three days prior to the commencement of the proceeding or trial, [submit a written notice of media coverage to the administrative judge of the judicial district where the proceeding is to be heard or the case is to be tried] send an e-mail request for media coverage to a person designated by the chief court administrator to receive such requests. [A notice of media coverage submitted on behalf of a pool shall contain the name of each news organization seeking to participate in that pool.] The [administrative judge] designee shall inform the administrative judge, presiding judge of criminal matters, judicial authority who will hear the proceeding or who will preside over the trial, clerk, and the supervising marshal of the [notice] request, and the judicial authority shall allow such coverage except as otherwise provided.

Reason. The proposed revisions make the following changes to the camera rules impacting criminal proceedings: 1)clarifies that the media must e-mail their requests only to a person designated by the chief court administrator to receive such requests rather than to the respective administrative judge; 2) removes the requirement that the pool media organization provide a list of all news organizations seeking to participate in the pool; and 3) clarifies that the person designated by the chief court administrator will inform the following people of the request: administrative judge, presiding judge of criminal matters, judicial authority who will hear the proceeding or who will preside over the trial, clerk and the supervising marshal. The requirement for the pool media organization to provide

a list of all news organizations seeking to participate in the pool is obsolete. Current practice is that the news organizations work out all of the pooling logistics among themselves.

(o) [The judicial authority in its discretion may require pooling arrangements by the media. Pool representatives should ordinarily be used for video, still cameras and radio, with each pool representative to be decided by the relevant media group. Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of necessary procedures and selection of pool representatives, without calling upon the judicial authority to mediate any dispute as to the appropriate media representative or equipment for a particular trial. If any such medium shall not agree on equipment, procedures and personnel, the judicial authority shall not permit that medium to have coverage at the proceeding or trial.]

If there are multiple requests to broadcast, televise, record or photograph the same criminal proceeding or trial, the media representatives making such requests must make pooling arrangements among themselves, unless otherwise determined by the judicial authority. The judicial authority shall not mediate any disputes among the media regarding pooling arrangements.

Reason. The proposed revision simplifies the rule requiring the media to make pooling arrangements among themselves and reiterates that the judicial authority shall not mediate any disputes.

I look forward to working with you on these revisions. Please feel free to contact my office, via Melissa Farley, Esq., at Melissa.Farley@jud.ct.gov, should you have any questions.

Sincerely,



The Hon. Patrick L. Carroll III
Chief Court Administrator

cc: Judge Joan Alexander, Co-chair of the Judicial Media Committee
Eric Parker, Co-Chair of the Judicial Media Committee
Joseph J. Del Ciampo, Counsel, Rules Committee of the Superior Court
Melissa A. Farley, Executive Director, External Affairs Division