

MINUTES OF THE MEETING OF THE BAR-BENCH-MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference was held on Monday, January 26, 2009, at 12:30 p.m. in the Supreme Court Conference Room in Wilmington. The Conference members in attendance were:

Members of the Electronic News Media

Peg Brickley
Chris Carl
John Dearing (by telephone)
John Mussoni

Members of the Print News Media

Elizabeth Bennett
Randall Chase
Rita Farrell (by telephone)
John Sweeney

Members of the Bench

Judge Peggy L. Ableman
Judge Thomas L. Ambro (by telephone)
Justice Carolyn Berger
Judge Arlene Minus Coppadge (by telephone)
Chief Magistrate Alan Grant Davis
Judge Joseph E. Flickinger, III

Members from the Bar

Charles J. Durante, Esquire
Paul A. Fioravanti, Jr., Esquire
Kimberly L. Gattuso, Esquire
Francis G.X. Pileggi, Esquire (by telephone)
Christine P. Schiltz, Esquire (by telephone)

The meeting was called to order at 12:35 p.m. by Chris Carl, the outgoing Chair, who introduced Kim Gattuso as the incoming Chair. The meeting continued with Kim as the Chair.

The first agenda item was the approval of the draft minutes from the October 20, 2008 Conference meeting. The minutes were approved.

Under Old Business, the second agenda item was Expanded Electronic Media Access to Delaware Courts. Chris Carl announced that he had received a letter dated January 23, 2009 (copy attached) from Chief Justice Myron T. Steele concerning expanding electronic media coverage. The Delaware Supreme Court has approved the Conference's recommendation that the Court "... authorize an experiment, during the next year, to permit expanded electronic media coverage of criminal motion practice in the Superior Court and of civil jury trials in the Superior Court where parties consent subject to procedures and guidelines drafted by the Conference and approved by the Supreme Court to protect the interested parties including the juries." The Conference members were pleased with the Court's approval, but some members expressed an interest in further expanding the experiment to criminal trials. It was noted that the Court approved the Conference's recommendation as proposed by the Conference. It is an incremental step which affords the media the opportunity to demonstrate its ability to cover trial court proceedings in a dignified and unobtrusive manner. The Conference

members agreed that if the expanded experiment is successful, the Conference may be in a position to request a further expansion of the experiment to include criminal trials.

The Court predicated its approval of the experiment on the development, by the Conference, of a comprehensive set of rules that will govern the expanded electronic coverage of trial court proceedings. Kim Gattuso asked for volunteers to form a subcommittee to develop a draft set of rules. Chris Carl volunteered to be the Chair of the subcommittee. Judge Ableman, Rita Farrell, John Dearing and Steve Taylor volunteered to be subcommittee members. Steve Taylor distributed a copy of a July 30, 2002 letter from then President Judge Henry duPont Ridgely, then Chair of the Bar-Bench-Media Conference, to then Chief Justice E. Norman Veasey enclosing drafts of an Administrative Directive and Rules for Expanded Media Coverage. The Subcommittee will use these drafts to begin drafting the proposed rules for the expanded media coverage of trial court proceedings. The subcommittee is to have a draft circulated to the Conference prior to the April 20, 2009 Conference meeting.

The next agenda item was to introduce Paul A. Fioravanti, Jr., Esquire as a new Conference member appointed by Allen M. Terrell, Jr., Esquire, President of the Delaware State Bar Association. Mr. John Mussoni was introduced as an

interim member of the Conference. John will attend in place of Micheline Boudreau who is on maternity leave from WHYV-TV.

The next order of business was to elect a Vice Chair of the Conference. In the rotation of officers system, it was the print media's turn to offer a candidate for the position. Elizabeth Bennett graciously volunteered to serve as Vice Chair. She was nominated and seconded to be the Vice Chair. She was unanimously elected.

Under future business, Rita Farrell brought up the topic of the redaction of documents filed in Delaware courts. This topic led to a discussion of public access to court documents and the COTS project. Among the issues discussed were: (1) access to transcripts in Federal Courts and a recent policy change as to access to the transcripts, (2) ownership of court documents, (3) when are court documents public, (4) access to court documents on line, (5) LexisNexis and (6) COTS. As a result of these preliminary discussions, a number of projects were undertaken. Kim Gattuso and Steve Taylor will contact judges and court reporters in both the Federal system and the State system to gather information on the production and ownership of transcripts. Chuck Durante will look at the transcript issues from an IP perspective and have some legal research done on the issue. Randall Chase and Peg Brickley, in consultation with Rita, will place their issues, concerns and ideas in writing to present the issues for a more detailed discussion at future Conference

meetings. All of these projects will be submitted to the Conference for consideration prior to the April meeting.

The next Conference meeting will be held on Monday, April 20, 2009 at 12:30 p.m. in the Supreme Court Conference Room in Wilmington. Lunch will be served.

The meeting adjourned at 1:35 p.m.

Respectfully Submitted,

SDT/dlc

January 28, 2009