



PUBLIC SERVICE AND TRUST COMMISSION

Standing Committee on Video & Teleconferencing

Meeting Minutes
January 28, 2010

Those in attendance:

Hon. Elliot Solomon, Chair
Hon. Patrick Clifford
Hon. Christine Keller
Atty. Brian Carlow
Mr. William Colon

Atty. Scott Murphy
Atty. Jennifer Robinson
Mr. Scott Rosengrant
Mr. Carl VonHassel
Atty. Deborah DelPrete Sullivan

Not Present:

Hon. Dennis Eveleigh
Hon. Linda Munro

The Standing Committee on Videoconferencing and Teleconferencing met on January 28, 2010 at 1 p.m. in room 204 at 225 Spring Street, Wethersfield on the second floor.

The meeting was called to order by Judge Solomon at 1:04 p.m.

Nancy Porter discussed the proposed revisions for the Practice Book Rules pertaining to Juvenile Matters.

Judge Solomon asked whether the proposed rules were comparable to the recommendations that were made by the Alternatives to Court Appearances Committee?

Nancy Porter indicated that the Public Defenders were opposed to including delinquency matters in the proposed rules revisions, as a result, delinquency has not been included in the proposed juvenile changes.

Brian Carlow indicated that with the removal of delinquency matters, the Public Defenders Office do not object to the proposed juvenile revisions.

The minutes from the meeting on November 12, 2009 were unanimously approved at 1:10 p.m., provided page 3 would be revised to remove "support" from Attorney Carlow's statements. He "recognized" there are certain advantages to videoconferencing, provided that the defendant agrees to appear before the court using videoconferencing technology.

Scott Rosengrant discussed the progress thus far with the rollout plan for videoconferencing. The first location for installation is 95 Washington in Hartford, the first or second week of February. Scott also discussed the steps that he and Jennifer Robinson are taking to assess each courthouse. He also mentioned that HB

Communications, the videoconferencing vendor for the Judicial Branch, has pre-purchased some equipment. This will effectuate installation of equipment at 4 courthouses a month, as opposed to the original plan of 3 a month. Scott indicated that he and Carl VonHassel would be available after the meeting for anyone interested in seeing the smaller videoconferencing units that may be used for attorney/client conversations. The cost of the units he brought to the meeting ranged from \$700 to \$6,000.

Jennifer Robinson discussed marketing videoconferencing and requirements under the grant for advertisements or materials. One idea for marketing is to work with the Legal Exchange Program and provide a presentation on videoconferencing to the local Bar Associations in each Judicial District. The Committee also discussed marketing and training for Judges and Judicial staff. Judge Solomon suggested some training sessions should be mandatory, while some training would be voluntary. Mandatory training would introduce individuals to videoconferencing who might not otherwise be interested in learning about the technology. The main focus should be educating about the availability and the use of the equipment.

The Committee discussed the proposed rules changes and that the Rules Committee will want to know the positions of the Information Technology Division, Judge Keller, Judge Clifford, the Public Defenders and the State's Attorney's about the proposals.

There was no objection by the Committee to the proposed juvenile rules.

Joe DelCiampo discussed the proposed revisions to P.B. Rule 44-10A

Brian Carlow objected to the proposal under 44-10A(a)(5) that removes the defendant's consent to the use of videoconferencing in Sentence Review matters. The Public Defender's position is that Sentence Review should only be done by video where there is consent of the parties. The Public Defender's object to the inability of their client to physically appear in person, it would de-personalize the proceeding. However, they recognize the possibility of using videoconferencing for Sentence Review where a defendant is withdrawing their application.

Jennifer Robinson indicated statistical information from the Sentence Review Division for July 2008 to July 2009. During that time period there were 201 cases disposed, 78 of those were withdrawals.

The Committee discussed the concerns that the Public Defender's Office has and that those concerns should be submitted to the Rules Committee.

Brian Carlow discussed their concern for situations where an attorney feels their client should be at the courthouse and the judicial authority conducts the proceeding by video. The Public Defenders are not agreeable to that.

Judge Solomon indicated he would draft a cover letter to the Rules Committee that includes the concerns of the Public Defender's Office.

Judge Solomon explained that the proposed rules change under 44-10A(a)(7) would start with a pilot of arraignments in Hartford. The Chief Court Administrator could then consider extending the rule, or not, to other courts based on the experience in Hartford.

The Committee discussed the proposed language under 44-10A(a)(8) regarding the use of videoconferencing in disposition conferences. Attorney Carlow is concerned that a generally worded rule for videoconferencing will result in Judicial Authorities not requiring anyone to be transported to the courthouse. He also stated that

videoconferencing of proceedings will generate more litigation based on claims by clients that they were not afforded the opportunity to appear before the court in person.

Judge Solomon agreed to a revision of 44-10A(a)(8) that would allow for confidential discussion between an attorney and their client, by video, concerning a disposition conference. However, if a defendant is either going to be accept or reject an offer, the defendant would be transported to court. Judge Solomon noted that there is a standing objection by the Public Defender's Office to this proposal.

The Committee agreed that it would not be a good idea to include a time period in 44-10A(c), concerning submission of documents prior to a videoconferenced hearing.

William Colon discussed the Department of Correction expansion of videoconferencing. DOC is currently in the design phase which will add 20 additional videoconferencing systems to their facilities throughout the State.

Judge Solomon asked if DOC would be able to give inmates earphones in order to block out the noise in the background. This would enable an inmate to speak at a normal level and not be heard by others outside the videoconferencing room.

Judge Keller requested a general rule proposal that the Judicial Branch would not be responsible for payment of parties to appear by video.

Judge Solomon asked for comments on the rules proposals by 3:00 Tuesday.

The next meeting was scheduled for June 3, 2010 at 1:00 at 225 Spring Street, room 204, Wethersfield.

The meeting was adjourned at 2:15 p.m.