

By James H. Smith
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The broad-shouldered, stocky linebacker of a man, a newspaper editor, almost bellowed across the lectern (after breaking the microphone) speaking of how fragile democracy is, and noted how "it hasn't all been fighting the judiciary" the past year. Even though it seemed that way.

The diminutive, soft-spoken former chief justice seated at a luncheon table a few feet away smiled, then chuckled, acknowledging his disagreements with the speaker and all the other people in the room. But he knew he was there to accept an award from them all.

The big man worried about fragility raised his arm in the air and said, "We fight for the rights of the public!" He is Vince Valvo, editor of the Hartford Business Journal and enjoying the last moments of his presidency of CCFol, the Connecticut Council on Freedom of Information.

David M. Borden, who just stepped down as the acting chief justice of the Connecticut Supreme Court, accepted the plaque from Valvo "with great humility."

Borden has spent the last year trying to pry open long-closed state court practices.

But he publicly disagreed with CCFol's efforts to force more court openness through legislation and a constitutional amendment. He believes the doctrine of separation of powers leaves court decisions with the judges. Valvo believes the doctrine of separation of powers requires the Legislature to make the laws under which the judiciary operates. Borden won. The bill in the Legislature to require legislative action failed.

CCFol promises to carry on the fight.

Setting aside his award plaque, the justice quietly acknowledged to the couple dozen advocates for open government on hand Thursday at the Waterbury Country Club that "we don't always agree, as you know." But he was there to say that the perceived "degree of hostility in the judiciary" for a more public court system "is overdrawn. Most judges believe," he said, "what we are doing is correct," and it is "inconceivable to me" that the movement for more openness could be reversed.

Valvo, handing Borden his award, called the new

efforts to open the state courts "the movement you have spearheaded" after years of secrecy in court dockets, judges meetings, and sealing of cases.

Borden, reaching 70 this year, will retire as a full-time judge. His award is named for the late Bice Clemow, who edited the West Hartford News for decades.

The Steve Collins Award, normally given to a journalist and named for the late Danbury News-Times editor, was presented to Daniel Klau, the Hartford attorney who was instrumental in gaining public access to the so called super-sealed cases that have been hidden from public scrutiny for years.

Replacing Valvo as president of CCFol is Morgan McGinley, just retired editorial page editor of The Day of New London. The other officers elected Thursday are:

-- Vice President Tom Appleby, news director at TV News 12

-- Vice President and Legislative Chairman Chris Powell, managing editor of the Journal Inquirer of Manchester.

-- Treasurer Mitchell Pearlman, retired state Fol Commission executive director

-- Secretary Thomas Scheffey, senior writer at the Connecticut Law Tribune.

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