

Diocesan Statement on CT Supreme Court Ruling on the Rosado Case (May 22, 2009)

**Statement of the Diocese of Bridgeport
on the decision
of the Connecticut Supreme Court regarding
*Rosado v. Bridgeport Roman Catholic Diocesan Corporation***

BRIDGEPORT, Friday, May 22, 2009 — Upon learning of today's decision of the Connecticut Supreme Court regarding *Rosado v. Bridgeport Roman Catholic Diocesan Corp.*, the Roman Catholic Diocese of Bridgeport issued the following statement:

Summary Statement of the Diocese of Bridgeport

We are deeply disappointed that the Connecticut Supreme Court has failed to uphold the Diocese's right to a fair adjudication of its claim by an impartial judge – a right that is fundamental to any legal proceeding.

- Shortly after Judge Alander received this case, he was appointed chairman of a Judicial Committee reviewing the issue of press access to court records **whose stated purpose was to provide more accessibility to court records and proceedings**. Creating a further conflict, one of the members of this committee who was collaborating with Judge Alander **was a reporter from the *Hartford Courant*, who was a party in the case against the Diocese**.
- As Justice William Sullivan notes in his dissenting opinion, "A person of ordinary intelligence and experience would have reason to question Judge Alander's impartiality in the present case..."

Also lost in today's decision is the fact that, during the litigation claims of the 1990's, the victims' and their attorneys had access to the records in question under seal. In 2001, the claims were settled, and the court records, including documents under seal, were set to follow the standard procedure for all claims settled before trial and be destroyed.

- The majority rationale for the presumptive public access to judicial documents is to "provide the public with a more complete understanding of the judicial system and a better perception of its fairness." However, as Justice Sullivan says in his dissent, the *Hartford Courant* and *New York Times* had "...reported extensively on the underlying cases from the time that the first action was brought in early January 1993 through the date that they were settled, that they knew about the sealing orders, and they never sought to intervene in the cases for the purpose of challenging the sealing orders while the cases were active ..."

"This belies any suggestion that the intervenors are seeking access to the sealed files in order to provide a more complete understanding of the judicial process," Justice Sullivan concludes.

We are, therefore, currently reviewing our options in response to this decision.