

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Ralph J. Lombardi and Andrew J.  
Melechinsky,

Complainants

Report of Hearing Officer

against

Docket #FIC79-181

Judiciary Committee of the General  
Assembly of the State of Connecticut;  
and the Rules Committee of the  
Judicial Department of the State of  
Connecticut,

February 7, 1980

Respondents

The above captioned matter was heard as a contested case on November 13, 1979, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined by §1-18a(a), G.S.
2. By letter dated March 16, 1978, the complainants sought access to information kept by the judiciary committee relating to the qualifications of nominees for appointment to the bench.
3. On April 3, 1978, the respondent judiciary committee denied access to the requested documents.
4. From such denial, the complainants filed a notice of appeal, dated April 3, 1978, which was received by this Commission on April 6, 1978.
5. The subject matter sought in this appeal concerns a three-page questionnaire which the judiciary committee prepares and provides, for completion, to nominees for appointment to the bench. A blank questionnaire was admitted into evidence and marked Respondent's Exhibit 1.
6. At hearing, the complainants limited their request to completed questionnaires concerning the following three Superior Court judges: Judge Howard J. Moraghan, Judge Roman J. Lexton, and Judge Joseph F. Morelli.
7. The respondents seek to withhold information contained in six of the form's twenty-one questions.

8. Such questions, which number 3, 13, 14, 15, 18 and 19, ask for the submission of the following information:

- a) the nominee's marital status;
- b) the nature and disposition of any complaints filed against the nominee with a grievance committee;
- c) the details of any reprimands given to the nominee by any court, judge or grievance committee;
- d) the details of any claims or suits for malpractice against the nominee;
- e) the nominee's years of military service, rank, duties, type of discharge or disability rating, if any;
- f) the nominee's present physical condition.

9. Such information is found to constitute personnel or medical files and similar files within the meaning of §1-19(b)(2), G.S.

10. The sole question to be decided therefore is whether or not disclosure of the information outlined in paragraph 8 above would constitute an invasion of personal privacy.

11. The burden of proving an exception to compulsory disclosure is upon the public agency claiming the same.

12. There is no evidence concerning whether the aforesaid three judges gave affirmative or completed responses to questions 3, 13, 14, 15, 18 and 19.

13. In any event, judges, as public officials, do not have a right to privacy with respect to matters which relate to the conduct of the public's business and to which the public therefore has a legitimate interest.

14. It must be presumed that the judiciary committee seeks responses to such questions because such responses, if any, bear upon the qualifications of judicial nominees for appointment to the bench.

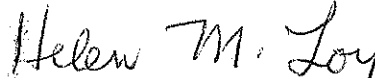
15. The public has a legitimate interest with respect to the qualifications of judges.

16. It is therefore concluded that disclosure of the completed questionnaires would not result in an invasion of personal privacy.

17. It is further concluded that the completed questionnaires, with respect to all three judges, constitute public records within the meaning of §§1-18a(d), 1-15, and 1-19, G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The judiciary committee shall, within two weeks of the notice of final decision hereof, provide the complainants with access to, or copies of, the questionnaires which were completed by the judges identified in Finding #6 hereinabove.



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Commissioner Helen M. Loy  
as Hearing Officer

Approved by order of the Freedom of Information Commission on February 27, 1980.



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Leslie Ann McGuire  
Clerk of the Commission