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## **ACLU OF RI POSITION: SUPPORT IN PART**

### **TESTIMONY ON 26-S 2938, RELATING TO COURTS AND CIVIL PROCEDURE -- JUDICIAL SELECTION May 28, 2026**

The ACLU of Rhode Island has no position on a few provisions in this bill, but we wish to express our strong support for two of them, both designed to promote greater transparency in the Judicial Nominating Commission's activities. Specifically, we support language on Page 3, lines 13-17, which would give members of the public the opportunity to register to speak at a public hearing of the Commission up to 48 hours in advance of the meeting, and another section that would require their meetings to be livestreamed and archived. [Page 4, lines 4-5]

The ACLU of Rhode Island has long had an interest in strengthening public access to government meetings and encouraging the widest reasonable opportunities for the public to participate in those meetings, and these amendments serve that basic goal.

As for the first provision, it is an essential amendment in light of the Commission's current practice of requiring individuals who wish to testify at these important hearings to register at least *two weeks* in advance. We are not aware of any other state or local public body with a vested interest in receiving public comment that has established such a restrictive policy regarding advance notice. Nor do we believe there is a compelling rationale for imposing this lengthy advance notice requirement. It can only impede the Commission from receiving all the public comment it should be interested in obtaining when considering the weighty matter of recommending judicial nominees.

The Commission has justified the lengthy advance notice requirement by citing logistics and limited resources. While we are sympathetic to that concern, many other committees of much less importance manage to arrange for public participation without imposing such an exacting obligation on potential commenters.

We also understand the Commission's interest in having an orderly process for taking public comment at these meetings. If it does not already do so, the Commission clearly has the ability and the right put a time limit on individual commenters. But a complete bar on speaking for individuals who missed such an incredibly strict deadline is simply inappropriate. After all, it is simply too easy to envision interested individuals not learning about the hearing, or not deciding to speak, until after that two week deadline has passed.

As for the livestreaming requirement, this is a transparency tool that many major public bodies provide, even at the municipal level. The Commission has one of the most solemn assignments of any public body – deciding which individuals will be given life tenure to the state’s courts – and the discussions leading to those decisions deserve to be widely accessible.

We therefore urge passage of the bill with these two amendments addressing the Commission’s openness to the public. Thank you for your consideration of our views.