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NEFAC MEETING JUNE 13, 2025

MASSASCHUSETTS

- ☐ **Public Records.** Only 12 percent of legislators said they believe they should be subject to the Mass. Public Records law according to a Boston Globe survey.
- ☐ **Hybrid Public Meetings.** House Bill 3299, “An Act to modernize Participation in Public Meetings,” filed by State Rep. Antonio Cabral would make hybrid meeting access a requirement rather than just an option. There are issues on implementation costs and technical challenges.
- ☐ **Search Warrants.** New England First Amendment Coalition (NEFAC) has written to Chief Justice Brieger that while SJC Rule 1:11 addresses the disposal of court records and papers, the rule does not specify a retention period for search warrants or applications for warrants. While courts traditionally retain search warrants indefinitely, there is consideration of a retention timeframe. Presently information on search warrants is not on an index for reporters or the public to locate, and without a docket number, clerks are hesitant to search for requested records. The issue on the importance of search warrants noted that of accused rapist Alvin Campbell, Jr., brother of A.G. Andrea Campbell.
- ☐ **Secret Eviction Records.** The Trial Court has launched the “Eviction Sealing Guided Interview, a free online tool that guides individuals through the

process of completing and electronically filing a petition to seal eviction records.

- Reporter's Privilege. The New Yorker magazine is trying to stop one of its reporters from being forced to turn over notes from an interview with Patrick Clancy, husband of Duxbury murder suspect Lindsay Clancy. New York Shield Law avoided this summons.
- Juvenile Court. In a limited but important ruling, the SJC granted a request by a journalist for access to audio recordings of Juvenile court hearings for use in a documentary examining child welfare and foster care systems. Usually, these cases are impounded.
- Emails In Towns. Appeals Court ruled some emails between the Concord Select Board and the Town manager were protected under the attorney client privilege even though no lawyer included on the emails. Only 4 of the 14 emails privileged.²⁶ Page decision in *Kay, et al. v. Town of Concord.*"
- Confidential Reporter Privileges. The Karen Read trial. Commonwealth Motion for all audio recordings, interviews notes, emails, text messages, and voice mails in possession of reporter Gretchen Voss of Boston Magazine. Initially ruled they were to be turned over but then reconsidered citing potential harm to the free flow of information.
- Subpoenaed Cases. NEFAC intern found from 2014 to the present that 19 reported cases of subpoenas to reporters in Massachusetts. Three turned over materials.
- Open Meetings. Town of Andover School Committee has three open meeting violations the past several months.
- Advertising/Circulation. Junk Fee Rules regarding automatic renewal programs. Issue may affect advertising renewals and circulation subscription agreements. March 3, 2025, by Atty. Gen. Andrea Joy Campbell effective September 2, 2025, under Unfair and Deceptive Fees Rule 11 modeled after the new FTC rule. Recurring charges and uncancellation policies.

NATIONAL

- RCFP New Guide. Can you publish information illegally obtained by a third party? National security issues? *A Journalist's Guide to Reporting on Information Illegally Obtained by a Third Party*. Focusing on *Bartnicki v. Vopper*, the U.S. Supreme Court 2001 ruling that the First Amendment generally protects journalists who publish information of public concern that was acquitted illegally by others.
- Leak Investigation. Justice Department to issue subpoenas, search warrants, court orders, and compel testimony from reporters in probes of federal government employees intentionally leaking sensitive information to the media. But (1) must be approved by DOJ leadership (2) advance notice to reporters and (3) narrowly tailored and not interfere with “potentially protected materials.”