

# Missouri Lawyers Media wins open hearing ruling

## 'Sunshine heroes' need to be thanked

**W**e are nearly at the end of the legislative session, and within a few weeks we'll know if there will be a sunshine law bill passed this session. If a bill is passed, the next step will be for newspapers around the state to let the governor know you want him to sign the bill.

At this point, as we are down to the wire, it is a good time to give recognition to the three people who labor on a daily basis down in Jefferson City to protect the public's right to know in our state.

Doug Crews, your executive director, and Harry Gallagher and Heath Clarkston, our lobbyists, put in long hours working to build support for bills relating to the sunshine law.

It is a very difficult task that involves keeping ahead on bills being discussed all over the Capitol every day. It involves catching legislators and encouraging them to tell you about concerns others have raised about the bill, and then helping the legislators understand the position of Missouri Press.

It involves finding ways to make compromises while staying true to the basic principles of open government. Building compromise and support are like plugging leaks in a dike.

These guys are true sunshine heroes, and we don't thank them enough.

**B**ut while we're handing out thanks, we should mention two other sunshine heroes who need some time in the spotlight. One is our association's own Richard Gard, Jr., publisher of *Missouri Lawyers' Weekly*. He stepped up to the plate, checkbook in hand, and recently made certain that the public had a right of access to proceedings involving

lawyers.

Some time ago, the Missouri Supreme Court changed its rules relating to lawyer disciplinary hearings and records. Under the new rule, all materials filed and the entire proceeding were to be public unless a protective order were entered.

Last month, a case was pending involving a lawyer, and the chair of the disciplinary hearing panel issued a blanket protective order closing the proceeding because of concerns that some materials in the file might involve confidential matters.

*Missouri Lawyers Weekly* went to bat, asking the Supreme Court to open the hearing.

Disciplinary officials admitted in their filings

that their order was too broad, but noted they were concerned about making public matters that were otherwise sealed or confidential.

**T**he Missouri Supreme Court, in a strongly worded decision, directed that the proceedings should be open to the public under the guidelines set out in Supreme Court Rule 5.31. That rule provides that sealed records are kept sealed, that testimony relating to sealed records is not open to the public, that the disciplinary officials must evaluate carefully whether records closed to the public are closed for "good cause," and whether there is continued "good cause" to keep those records confidential, and finally, that testimony and records shall be open to the public unless there is a protective order.

It is hard for any newspaper in these times of economic belt-tightening to stand up for legal principles. Thanks Richard, for taking that stand and for



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being a sunshine hero.

Finally, I want to credit another sunshine hero. Tom Sullivan of St. Louis has been pushing for stronger sunshine laws for so long that some public bodies hate to pick up the phone when he calls. Some would use the term "gadfly" in speaking of Sullivan. He has a long history of fighting sunshine battles in St. Louis and has won several of them.

And that's why I mention Sullivan today. In late March he won another battle.

Perhaps some would disparage this victory by saying it wasn't a sunshine battle — Tom pointed out to the Missouri Ethics Commission that the St. Louis County library system failed to include proper "paid for" attribution in ads it ran to discuss a recent tax increase vote. But it was typical of the position that guides Sullivan — that the public

has a right to have access to full information, including information regarding financing public operations.

Sullivan, too, is a sunshine hero.

And every time you write about sunshine law situations in your communities, you are a sunshine hero, keeping the light burning for the public. You help citizens know how their local government is operating.

Here's hoping this year when we reach Aug. 28, the day when most bills become laws in Missouri, that there's a brighter ray of sunshine for all of us!

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