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District judges' schedules difficult to track

Lineups aren't sent to other offices

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An effort to prevent political use of information about their daily duties seems to have backfired on Spokane County District Court judges.

Instead, they handed critics an opportunity to accuse them of being secretive.

"What do they have to hide?" asked attorney Timothy Note, who is running against Judge Debra Hayes in the Nov. 2 general election.

Note has raised questions during his campaign about how many days district judges actually work.

The judges decided at their Oct. 6 weekly meeting to quit distributing daily lineup sheets that indicate which judges are presiding over which dockets.

The sheets are no longer being sent to 50 or 60 recipients, including probation and sheriff's employees, and even bailiffs. Instead, a single copy is placed at the front desk of the judges' administrative office.

What's more, judges decided the documents eventually should be shredded.

Several judges who talked about the decision agreed that the lineup sheets are not a valid record of whether a judge is at work.

The sheets don't specify whether a judge is away on court business or just taking time off. They also don't show whether a trial ended early, freeing up a judge's time.

"The purpose of the lineup sheet was to locate the judges, to list the particular dockets they were doing and the judicial assistants assigned to them," Presiding Judge Vance Peterson said. "It was not to monitor attendance."

However, minutes of the judges' Oct. 6 meeting suggest they think the lineup sheets have some record-keeping value.

The judges agreed to keep one year's lineup sheets for three months into the following year "for any payroll adjustments." State law requires District Court judges' pay to be docked if temporary judges have to fill in for them more than 30 days a year for reasons not excused by law.

Peterson said little money is available this year to hire fill-in judges, and the regular judges are filling in for one another.

State law allows all district judges – who are paid \$141,700 a year – 30 vacation days. Any continuing education or teaching stints do not count against their vacation time.

Peterson declined to provide details of the decision, but several judges said the action was by consensus. Judges Patti Connolly Walker and Gregory Tripp weren't present.

Judge John Cooney said Judge Richard White argued against the proposal, and he and Peterson agreed with White.

"None of us were really strongly objecting to it," Cooney said. "Those (weekly luncheon) meetings aren't always the best."

Peterson, White, Cooney, Walker and Hayes responded to a Spokesman-Review request for comment.

They said the lineup information and more-detailed accounts of their activities are computerized. Also, they said they keep their own records and generally are prepared to release them.

"My life is an open book as far as I am concerned," Cooney said.

Note said he made a public records request to determine how many days off each judge has taken and his request was denied.

Hayes said she released her sick-leave information Sept. 15 in response to a public records request by Note supporter Dan Lambert. Court Administrator Virginia Rockwood told Lambert the disclosure was voluntary because courts are exempt from the state Public Records Act.

That exemption was carved out by state Supreme Court decisions.

"I think it's shocking and appalling that an entire branch of government has exempted itself from the Public Records Act," Note said. "We are simply asking, 'Are the judges at work?' That's a very basic question."

Lambert gave the newspaper a copy of a chart he received, showing dates and reasons for Hayes' 50 days of leave in 2009. Reasons included time with her family on the first anniversary of her son's death and hospitalizations.

Hayes said she suffered pneumonia and coughed so hard she broke a rib, and a car crash later re-fractured the rib.

Lambert asked only for information on 2009, but Hayes said she took about a month of leave in 2008 when her son, Joe, died.

"I am very disappointed that anybody would use a family tragedy for political gain," Hayes said.

She said all of the time off was covered by leave time she accumulated as a deputy prosecutor and judge. County employees accrue one sick day a month.

"That sick time was built up because, quite frankly, I don't get sick very often," Hayes said, adding that she hasn't taken any leave this year.

Hayes said she thinks questions about her attendance are a red herring to cover defense attorneys' objections to her introduction of a rule to get tough on drunken drivers.

She said the rule, adopted last spring by a bare majority of District Court judges, gives police discretion to require drunken-driving suspects to remain in jail up to 48 hours for a bail hearing before a judge.

Hayes said the rule extends a policy that already applies to felony and domestic violence suspects.

Previously, any drunken-driving suspect with \$50 for a bond fee could get out of jail immediately, she said.
