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Editorials

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Editorial: Open-court issues in the spotlight with state Supreme Court ruling

The state Supreme Court waded into sticky questions of privacy in the digital age, and ruled wisely.

Seattle Times Editorial



THE Supreme Court, in a ruling on Thursday, barely avoided doing serious harm to the state’s constitutional mandate for open courts. Had the court gone the other way, the most basic part of court record — litigants’ names — could have effectively been thrown under a cloak of secrecy.

The case involved an eviction case with sympathetic defendants. Although Ignacio Encarnación and Norma Karla Farias were current on the rent at their Burien apartment, and had a valid yearlong lease, they were sued for eviction by new landlords who demanded they go month-to-month.

The case eventually resolved amicably, and the new landlords provide a good reference. But Encarnación’s and Farias’s digital fingerprint now includes an eviction, and they struggled to find a new apartment.

To put the case behind them, they petitioned to have their initials substituted for their full names in SCOMIS, the state’s searchable database of court cases. King County Superior Court Judge James Cayce agreed, and put court openness in peril.

His ruling put the couple’s privacy interest above Article I, Section 10 of the state Constitution, which mandates that “justice in all cases shall be administered openly ...” By wiping the names from the file, Cayce allowed the court to perpetuate the false impression that no such case existed.

Supreme Court Justice Susan Owens, writing for three other justices, found that the court record index — with the parties’ names — is fundamentally protected by the constitutional mandate “except in the most unusual circumstances.” The eviction, even a wrongful one, didn’t rise to that level. Justice Barbara Madsen concurred, providing a 5-4 majority.

Justice Steven Gonzales, writing in dissent, channeled Seattle’s liberal ethos, accusing Owens of “rebalancing the facts from our ivory tower” to tip the scales of justice in favor of landlords.

This case rested on an enormous slippery slope. There would be no reason a corporation, a troubled doctor or a pedophile couldn't wipe clean their court histories as well. Convince a judge, and justice in Washington wouldn't be administered openly.

One of the heroes in this case was King County Superior Court Clerk Barbara Miner, who objected to Cayce's ruling and pressed it to the high court. But it's not the end of these sticky questions about privacy, digital records and court secrecy.

The Supreme Court is also considering a rule change, General Rule 15, that would allow other records to be more easily sealed or wiped from the public docket, including criminal cases that don't end in conviction.

These questions are better left to the Legislature, where interests of privacy, business and open government can be argued in the full sunlight. The shelf life and accuracy of rental history records raise important policy questions.

The Supreme Court ruled wisely in this case, but it shouldn't confuse itself with the final arbiter of transparency.

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