

2008 Report on Activities

Bench-Bar-Press Liaison Committee (Fire Brigade)

In September of 2008, together with Ralph Alldredge, Vice President of the California Newspaper Publishers Association, the undersigned was pleased to finally ascend Desolation Peak in the North Cascades. The object was a pilgrimage to the fire lookout cabin occupied by Jack Kerouac for the summer of 1956 (after his stints covering sports for the Lowell Sun and the Columbia Daily Spectator but before the lightning strike of literary success).

Although this trek may not have been as life-changing as reading Kerouac's novels forty years earlier, it does invite a pleasing extension of the Fire Brigade metaphor. I can now vividly picture Deborah Horne, Ed White, Bob Thronsen, Jim Neff, Rowland Thompson and others atop their own peaks, all vigilant for that telltale wisp of smoke that might foretell an incipient incendiary event. "Grab the dang bucket" comes scratchily over the shortwave radio and the Brigade lurches into action.

The Fire Brigade bell was clanged this year by, or on behalf of, The Tri-Cities Herald, The Goldendale Sentinel, The Skagit Valley Herald, The Seattle Times, The Seattle Post-Intelligencer, KING-TV, KIRO-TV and KOMO-TV, Washington Newspaper Publishers Association, Allied Daily Newspapers and a handful of judges. Geographically (and alphabetically), the calls related to actions in the Superior and District Courts of Asotin, Benton, Franklin, King, Kitsap, Klickitat, Pierce, Skagit, Snohomish, Thurston and Yakima Counties.

Cameras in Court

Despite occasional sparks, no flames leapt up in the vicinity of those two much-discussed issues of recent years – the great hallway-shackles-photography compromise and the court's blind date with camera toting non-traditional media. As to the former, the uneasy truce is holding although it is uncertain if it can outlast the solid old courthouses that have made it necessary. As to the latter, the Fire Brigade has been developing suggested criteria for trial judges to employ to see that their discretion is applied in a way that serves principle, consistency and decorum.

A novel photography issue arose in connection with an administrative hearing in an attorney discipline case. Though non-judicial, these are open proceedings that often take place in cramped conference rooms. Pursuant to a broad rule stating "the hearing examiner may make any ruling that appears necessary and appropriate to insure a fair and orderly proceeding" (ELC 10.1(c)),

news cameras were excluded. It would seem that, at least by analogy, the “best practice” might be to follow the approach of General Rule 16 on “courtroom photography”, at least to the extent of providing an on-the-record explanation for the limitations that will frequently be necessary.

Access

Without doubt, the saddest news of 2008 was the passing of Judge Kip Stiliz, always a respected friend of the bench, the bar and the press and, in that way, a champion of the public’s interest in access to their courts. Kip was an invaluable Deputy Chief of the Fire Brigade for many years. The humor that was always in his voice and the wisdom that was always in his words will be sorely missed. Kip’s successor will be called upon to continue his good work in making District and Municipal Court paperwork accessible (e.g., search warrants and booking information) and in helping those courts address the modernization of their filing systems (e.g., what to do with police reports in deferred prosecutions).

On the amusing end of the scale, this year saw the first attempt in many years to get a judge to condition each news reporter’s attendance at a high profile trial on the signing of a sworn promise that “I agree to follow the Bench-Bar-Press Guidelines of 1974.” Never mind that those “Guidelines” have long since been re-labeled as “Principles and Considerations” and amended to specify that any attempt to impose them as mandatory would be entirely contrary to the Committee’s intentions and goals. Fortunately, the assigned trial judge was hip to all this and hastily sent the moving party on the road.

Proactive Measures

In February, a representative of the Fire Brigade once again spoke about its function at the statewide orientation program for all new Washington judges. A new tradition was launched with the distribution of laminated Fire Brigade cards with contact information as well as outlines of the crucial things to be kept in mind when dealing with cameras in court and requests to seal court documents.

In addition, the undersigned was invited to speak about the activities of the Washington Fire Brigade at an April conference held at the Reynolds Center for Courts and the Media in Reno, Nevada. The audience was judges and court officials from several western states.

Respectfully submitted,

William L. Downing

William L. Downing, Chair