

2013 Report on Activities

Bench-Bar-Press Liaison Committee (Fire Brigade)

In the annals of Fire Brigade history, the year 2013 will be logged as reflecting a continuation of several previously noted trends. These include a reduction in the overall number of calls, a rightward shift in the ratio of press/judiciary callers and an increased focus on non-traditional media.

In recent years, the interest of open justice in Washington has gotten a big boost from the clarity of the new GR 16 and GR 15 and a heightened judicial sensitivity to both the public's right of access (article 1, section 10) and the right of the accused to a public trial (article 1, section 22). Meanwhile, the evolution of the means by which news is gathered and disseminated has undeniably impacted the relationship between the press and the courts. The combined effect of these forces has produced the three trends described above and which are traceable through the 15 Fire Brigade Annual Reports filed by the undersigned.

Those once predictable spark-inducing frictions between the working press and the courts (blanket camera bans, hearings conducted in chambers, files inexplicably sealed) no longer provide the routine business of the Fire Brigade as they did in former times. Instead, the Brigade is increasingly engaged in responding to various courts' calls for assistance in adopting best practices for dealing with matters like cameras at preliminary appearances, videotaping by non-press interest groups and the sealing of conviction records.

One significant example of such an inquiry was prompted by a judge's commendable desire to facilitate a reporter and photographer doing a piece on the chronic bed shortage for the involuntarily committed mentally ill. The result – thanks in part to that judge's cooperation – was an important and effective news story told with insight and sensitivity.

Noteworthy media-requested activities this year included assistance with the timing (never the substance) of a court's review of

a Public Records Act case and some after-the-fact judicial education on application of the reporter shield law. The latter situation involved a motion for change of venue in an aggravated murder case. At a hearing on the motion, the judge allowed defense counsel, with no prior notice, to call to the stand a local reporter who was in the gallery. Her testimony established the facts that, yes, an aggravated murder case is newsworthy and, yes, if it went to trial she would expect to provide detailed coverage. There were neither surprises sprung nor secrets probed but, although there may have been no harm, the breach of protocol was most certainly a foul.

One unusual role for the Brigade this year was in helping two local authors to get cooperation and quotes from judges involved in court cases about which the authors are writing books. It is hoped that this will add value to their product, benefit each individual and better inform the public.

For the statistical record, Fire Brigade activities this year involved courts located in King, Pierce, Snohomish, Kitsap, Mason and Kittitas Counties.

Respectfully submitted,

William L. Downing

William L. Downing, Chair