

2017 Report on Activities

Bench-Bar-Press Liaison Committee (Fire Brigade)

Having stepped into the oversize shoes (and Fire Brigade Chief helmet) of long time Committee Chair Bill Downing upon his recent retirement, it seemed prudent to thoroughly review his seventeen years of annual reports before setting about to write this one. Daunted somewhat by Judge Downing's occasional quips in French and Spanish, his references to Jack Kerouac, and his seemingly endless trove of fire-related metaphors, I'll go with more of a Dagnet, just-the-facts approach in this report.

There were only a handful of Fire Brigade call-outs in the first 9 months of 2017.

The fatal shooting of Che Taylor by Seattle Police Officers, and the Inquest proceedings that followed engendered intense community interest. Along with it, came some unfortunate rulings from the judge and this writer's first Fire Brigade calls. Citing the need to preserve courtroom decorum the judge ordered all cell phones, laptops and pads to be turned off while in the courtroom. Noting that testifying in court can be stressful, the judge allowed witnesses who didn't wish to be filmed to have their faces shielded in news coverage.

After some discussion between the Fire Brigade and the judge, the order regarding cell phones, laptops and pads was relaxed somewhat, but the media were still not permitted to record the proceedings, and witnesses were still given the opportunity to opt out of having their faces filmed, without there being a GR 16 individual, particularized basis articulated for each.

The Seattle Times coverage of the inquest included criticism of the judge's media rulings saying they "called into question the openness and credibility of a fact-finding proceeding intended to foster public trust." The Seattle Times Editorial Board ran an editorial with similar criticism.

A Judge reached out to the Fire Brigade after receiving a request from a reporter to bring a photographer into a Mental Health Court calendar to photograph a defendant who was pleading guilty to harassment, reduced from malicious harassment for making threats to a mosque. The judge had been told the defense attorney planned to object. The judge had familiarized himself with GR16 and wanted to provide open media access while being sensitive to the needs of the particular Mental Health Court defendant. The fact that the reporter made the request in advance gave the judge the opportunity to think through the issues and competing interests and make the decision to allow it.

The remaining Fire Brigade calls mostly involved situations in which judges had limited the ability to photograph or video record defendants' faces in court. One involved limits placed by the judge on where the media was permitted to install its audio recording equipment, which resulted in not being able to hear and record anything the judge said during the hearing. Another involved a judge who was asked, but did not allow the media representative to be heard on objections to the judge's order placing limits on photographs.

In each case the Fire Brigade made contact with the judge and discussed the specific situation each had faced. In a couple cases, newer judges simply hadn't been sufficiently familiar with the provisions of GR 16 and were grateful for additional education on the topic. In some, the judge felt there had been a proper basis for the limitations ordered and intended to do a better job articulating the reasons behind the rulings in the future. In most, the media requests for access were made at the last minute and the judge felt pressed for time and the need to move ahead with the hearing without delay.

Beyond our Jurisdiction

The U.S. Supreme Court continues to ban cameras in the Supreme Court. The Washington Times reported that on September 21, 2017 Justice Sonia Sotomayor articulated her fear that cameras inside the Supreme Court would distort the justices' behavior and hurt the Court's role in government. Speaking at a civics education conference, Democracy at a Crossroads, Sotomayor said "cameras change the institution, and education is not unimportant, but it's not the answer for ensuring that there is actually a discussion going on that can be looked at by others in writing". Opining that members of Congress began to engage with each other differently once cameras began to broadcast congressional action, Sotomayor labeled the presence of cameras an "intrusion on the process" and not worth it.

This is unlikely to be the last word on the subject.

Proactive Measures

In February 2017 a representative of the Fire Brigade once again spoke about its function at the statewide orientation program for new judges.

In April Justice Mary Yu and Retired Judge Bill Downing presented a program on open courts to Superior Court Judges at their annual spring conference.

All in all, I'd say it's been a somewhat typical year for the Fire Brigade.

Respectfully Submitted,



Barbara Linde, Chair

October 12, 2017