

## MEMORANDUM

**TO: Justice Debra Stephens, Chair  
Bench-Bar-Press Committee**

**FROM: Judge Judith H. Ramseyer  
Fire Brigade Chief, Bench-Bar-Press Committee**

**DATE: January 2, 2023**

**RE: Fire Brigade Annual Report, 2021 & 2022**

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In the past two years, the composition of the Fire Brigade has changed due to the retirement of several Superior Court Judges. In 2021, Judge David Kurtz (Snohomish County) and Judge Leslie Allan (Chelan County) retired. At its April 2021 conference, SCJA elected Judge Richard Okrent (Snohomish County) and Judge Kristin Richardson (King County) to the Fire Brigade. Judge John Ruhl (King County) retired in 2022, and Judge Robert Jourdan (Chelan County) was elected to fill his seat on the Fire Brigade. Judge Judith Ramseyer (King County) continues in the role of Chief of the Fire Brigade.

### **2021**

**February 2021** – Judge Ramseyer conducted a virtual session on court-media relations at the Judicial College.

**March 2021** - The Fire Brigade was contacted to help negotiate protection of the residential addresses of judicial officers in response to a public records request by The Seattle Times to the Department of Retirement Services (DRS). Due in part to time constraints before production was required, DRS did not withhold this information, but The Seattle Times understood concerns raised by judicial officers. It agreed to use the information for internal purposes, as it had in years past, and not to further disclose it.

**March 2021** – The Fire Brigade consulted with the Presiding Judge of the Clark County District Court and leadership of the District and Municipal Court Judges’ Association (DMCJA) when a Clark County District Court judge was heard making inappropriate comments on a “hot mic”. With the assistance of Rowland Thompson, Executive Director of Allied Daily Newspapers of Washington, court and DMCJA leadership contributed to news reporting over the incident and issued public statements denouncing the comments and rejecting the sentiments they conveyed. The Fire Brigade facilitated introductions between court and media representatives and offered background information to promote journalistic accuracy.

**June 2021** – A Bellingham Municipal Court judge and DMCJA leadership asked the Fire

Brigade to help navigate a public dispute over court administration and separation of power between the Municipal Court and Bellingham's Mayor. Consultation was ongoing. The matter eventually was resolved favorably for the court in February 2022.

**August 2021** – The Fire Brigade consulted with King County Superior Court regarding the broadcast of a news story criticizing a pretrial release decision made by a judge who imposed conditions of release but ordered a lower bail amount than sought by the prosecuting attorney. The prosecuting attorney requested reconsideration and increased bail from a second judge, who imposed additional release conditions but did not revise the bail amount. The defendant had not violated the law while released from pretrial detention; the report's message was not that a judge had endangered the public. Instead, the report focused on the judge, including photographs of her before she became a judge. The judge who made the initial release decision felt the story, which it was learned the Prosecuting Attorney's office had provided to the media outlet, was intended as a form of intimidation toward her - a woman and a person of color – as well as the bench as a whole. Communications between the court and the reporter were conducted. Discussion with the Prosecuting Attorney was recommended.

## **2022**

**Late 2021 – March 2022** – Judge Ramseyer worked closely with the AOC Education Committee to convert the in-person court-media training that has been provided at the Judicial College to one of AOC's first e-learning modules now available to all judicial officers on demand. The e-learning module contains legal authority and tools to help judicial officers work through issues related to open courts and court-media relations. All judicial officers – new and veteran – should understand these principles and be comfortable communicating with the media, especially as the definition of "media" and the environments in which courts operate continue to evolve.

**April 2022** – Media representatives and justice system professionals contacted the Fire Brigade communicating concerns over amendments to court rules GR 31 and CrR 2.1 approved for implementation. Several organizations had raised concerns during a comment period that the rule amendments were inoperable and possibly unlawful, but when the rules were slated for implementation without revision the urgency to intercede became acute. The Fire Brigade initiated contact with the Supreme Court to communicate concerns raised by ten professional organizations. Since that time, it has continued to work with this coalition of media and justice system partners to provide information to the Supreme Court Rules Committee about legal and operational requirements with which the rules conflict. In November 2022, this coalition submitted a GR 9 rule proposal asking that amendments to GR 31 and CrR 2.1, currently suspended, be repealed for work to proceed on new amendments. The Fire Brigade and the coalition of professional organizations continue to be open and available to work with the Supreme Court Rules Committee and amendment proponents to craft new rules that effectively promote the intended objectives.

**April 2022** – The Fire Brigade consulted with King County Superior Court regarding media coverage and responses to a situation involving two juveniles facing King County charges who were released from pretrial detention on electronic home monitoring. While on release status,

they are alleged to have robbed and killed a salesperson in Pierce County. No substantive results were achieved. Consequently, the public, journalistic values, and the judge involved suffered from inaccurate and inflammatory reporting. This intense and tragic situation illustrates how important it is for courts to prepare for and develop trusting relationships with media representatives before crises arise. With preparation, this serious situation offered an opportunity to educate the public about how judges and courts function, including limitations and fallibility.

This theme of concern about targeted or inaccurate reporting about courts and the reluctance of judicial officers to discuss court issues with the media is raised regularly with the Fire Brigade. Court representatives want the public to understand and trust in their courts but feel insecure or constrained by the Code of Judicial Conduct from making public statements. Some jurisdictions are frustrated by their inability to respond to what is perceived as targeting by other public entities to deflect from their own roles and responsibilities in the justice system. Additionally, the reality of media outlets has changed with on-line and 24/7 reporting. Accordingly, the Fire Brigade is excited to work with the BBP Committee and media representatives to develop educational programs designed to educate judicial officers and media representatives about respective demands and challenges, as well as to proactively facilitate trust and working relationships in local communities. The first program is planned for May 2023. Post-COVID revival of the BBP Committee renews opportunities for this important and ongoing work.