

My name is Craig Keller, a resident of King County.

I'd like to address the juror summons, which is one class of public record whose access suffers from hazy definition within the General Rules. Under GR 31 "Definitions" juror summons may reasonably be considered an "administrative record." As argued in *Ringhofer v. Ridge*, juror summons do not pertain to "a judicial proceeding." And the summons of an excused juror clearly does not pertain to a judicial proceeding. Therefore juror summons could reasonably be confused with public records "pertaining to... the administration of the judicial branch" (GR 31 (c)(2)). But, whether defined as a "court" or an "administrative" record, juror summons should be open to public access.

Within the Working Group Report Appendix B. 22. "Master List of Judicial Records (Long Version, with Initial Categorization)" juror summons are listed as

"Presumptively disclosed. Juror names are open to public access under GR 31. General summons information is not confidential"

The public's access to juror summons has also been commented upon within the public testimony. Therefore I propose that public access to juror summons be clarified for the benefit of the public and court staff within a revised GR 31.

Indeed, juror summons is one class of public record whose access is routinely denied by Washington court staff. Sworn juror summons are now used in many states (Florida, Georgia and Pennsylvania) to investigate perjury within elections. Such was the investigation initiated by Washington State resident Martin Ringhofer and documented in *Ringhofer v. Ridge*, now pending before the Court of Appeals. Mr. Ringhofer's petition for public records became necessary after the Superior Court for the County of King refused access to non-juror summons records.

Court records should be open to the public unless there are compelling reasons for hiding them from public view. King County's rejection of access to the juror summons ~~has~~ ignored the balancing test and presented no compelling reason that they should remain hidden.

On Wednesday February 1st Presiding Judge Richard McDermott delivered to your Court testimony that derided Mr. Ringhofer's petition. Judge McDermott seemed to take exception to Mr. Ringhofer's recourse through the courts and that his petition named the very court officer, who, in her official capacity, issued the rejection of Mr. Ringhofer's request for public records. The judge's implications that Mr. Ringhofer lacks a right to petition his government and that he sought to harass the clerk of the Court are, of course, unworthy of coloring this Board's improvements to GR 31. To this very day of February 6, 2012, the King County Court may remedy their violation of Constitutionally protected access by opening non-juror summons to Mr. Ringhofer, to the press and to all the public.

For these reasons, and as a supporter of Constitutional access to court and administrative records, I thank the Board for Judicial Administration and its Working Group for their labors in modernizing public access to the highest of Constitutional standards.

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Submitted by Craig Keller in public testimony to the Supreme Court of Washington on this Sixth day of February, in the Year of our Lord 2012.

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