

# THE MUNICIPAL COURT OF SEATTLE

**Kimi Kondo**  
Presiding Judge



February 6, 2012

Justice Charles Johnson  
Washington State Supreme Court  
Temple of Justice  
P. O. Box 4029  
Olympia, WA 98504-0929

Re: GR 31A

Dear Justice Johnson,

The judges of the Seattle Municipal Court support the DMCJA position relative to the proposed GR 31A. We concur that the definition of Court Records should be amended in section GR 31(c)(4). Judges often exchange ideas and perspectives on applicable laws with bench colleagues in other courts. Without a clear definition and assurance that this type of communication is not subject to disclosure as a court record, senior judges may be less than forthcoming in offering advice and counsel to newer members of the bench.

Many of us act as mentor judges. If candid discussion cannot take place, younger members of the bench won't have the benefit of learning from experienced colleagues. Additionally, on emergent issues on subjects such as driving under the influence statutes, licensing provisions, and legal challenges to other ordinances or statutes, feedback between judicial officers is invaluable. Whether reviewing memoranda, participating in the judicial listserv, or sharing ideas, a free flow of ideas would be inhibited under the current definition of chambers record.

We urge the Supreme Court to protect this type of work product and communication from disclosure. Judges must not be constrained from seeking advice from other judges. The chilling effect of potential disclosure will adversely affect the integrity and quality of judicial decision making.

The Seattle Municipal Court appreciates that the rule does not require redaction of personal identifier information from a court record filed prior to adoption of the rule. Currently we require the prosecutor's office to redact this information prior to placing documents in court files. This appears to be working well.

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We appreciate the opportunity to comment on this rule and urge adoption of GR31A with the amendment to the definition of 'court records' as proposed by the DMCJA.

Sincerely,



Presiding Judge  
C. Kimi Kondo

c: Chief Justice Barbara Madsen  
Justice Tom Chambers  
Justice Mary Fairhurst  
Justice Steve Gonzalez  
Justice James Johnson  
Justice Susan Owens  
Justice Debra Stephens  
Justice Charlie Wiggins  
Seattle Municipal Court Judges  
Yolande E. Williams, Court Administrator