



Superior Court of the State of Washington
for the County of Spokane

Department No. 6

Salvatore J. Cozza

Judge

1116 W. Broadway
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April 7, 2016

Rule Comments
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

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WASHINGTON STATE
SUPREME COURT

Re: Proposed CrR 8.10 & CrRLJ 8.13- Post Trial Contact with Jurors

To: Justices of the Washington Supreme Court

I would respectively like to submit some comments as to why adoption of CrR 8.10 and CrRLJ 8.13 should be rejected. It is my opinion that these proposed rules are counter-productive and based on some incorrect premises that I will outline here:

1. The proposed rules assume that the court and lawyers can and should restrict information post-trial to any member of the public, including jurors. We increasingly live in an age of information that is available from multiple sources. It is naïve to believe that information about trial rulings can be closed off from inspection.
2. The proposed rules run counter to the spirit of GR15, 30, and 31.1, which values transparency and opening the workings of the courts to the public.
3. The proposed rules have the potential to foster cynicism and distrust among the public and former jurors. The “hidden” information can have a negative effect on jurors when they learn that information has been hidden from them by a branch of the government. It is far better that the courts and lawyers use post-trial conversations with jurors as a teaching opportunity where the rulings can be explained accurately instead of learning from the media where it may be reported sensationally or inaccurately. I have found that jurors are completely able to understand such things as the need for Miranda warnings etc. Jurors are smarter than these rules give them credit for.
4. This pair of rules can open a “Pandora’s Box.” The same “logic” can be used in civil cases. For example, we routinely restrict information about insurance coverage and settlements involving third parties. One can certainly argue that jurors should somehow be shielded from such information post-trial.

In summary, I think that the proposed rules give far too little credit to our citizenry and our jurors. We should be far past the day when we might assume that "government knows best" what the public should know.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. F. Cozza". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Judge Salvatore F. Cozza