No. 88283-5

(COA No. 67970-8-I)

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

MARTIN RINGHOFER

Appellant,

v.

LINDA K. RIDGE, in her official capacity as
Deputy Chief Administrative Officer of
the King County Superior Court

Respondent.

PETITION FOR REVIEW

Richard M. Stephens
WSBA No. 21776
Samuel A. Rodabough
WSBA No. 35347
GROEN STEPHENS & KLINGE LLP
10900 NE 8th Street, Suite 1325
Bellevue, WA 98004

Telephone: (425) 453-6206

Garrett Roe
Michael Hethmon (Pro Hac Vice)
Immigration Reform Law Institute
25 Massachusetts Ave., NW, Ste. 335
Washington, DC 20001

Telephone: (202) 742-1823

Attorneys for Petitioner Martin Ringhofer

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Rules

Constitutional Provisions

> **Our founders did not countenance secret justice… [O]perations of the courts...are matters of utmost public concern.**

Dreiling v. Jain, 151 Wn.2d 900, 908, 93 P.3d 861 (2004) (citing *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829, 839, 98 S.Ct. 1535 (1978)).

INTRODUCTION

By design, certain constitutional, statutory, and other legal authorities guarantee and safeguard the open administration of our justice system. *See, e.g.*, Const., art. I, §10 ("Justice in all cases shall be administered openly, and without unnecessary delay."). This Petition finds its genesis in a request to King County ("County") under the Public Records Act ("PRA"), chapter 42.56 RCW, for access to certain court records by Petitioner Martin Ringhofer ("Ringhofer"). Specifically, Ringhofer requested access to a limited subset of information provided by disqualified jurors in responding to the King County Superior Court's Juror Qualification Form. Clerk's Papers ("CP") 37, 96.

Respondent denied Ringhofer's PRA Request, concluding that (1) the PRA does not apply to the judiciary, and (2) disclosure was prohibited by RCW 2.36.072(4), GR 18(d), and 31(k). CP 40, 99. Ringhofer subsequently filed suit seeking access to the records. CP 1. Rather than seeking disclosure under the PRA, however, Ringhofer asserted the well-established constitutional and common law right of the public to access court records as a

basis for mandating disclosure. *Id.* Under relevant case law, the preeminence of this constitutional right requires that the person seeking to deny access to court records must rebut the public's presumptive right in favor of access by presenting facts showing a compelling need for secrecy.

In response to Ringhofer's lawsuit the County "[did] not dispute that there is a strong presumption in favor of access to court records." CP 134. However, Respondent claimed the presumption did not apply to Ringhofer because the records in question **were not court records**—a position seemingly incongruous with the County's earlier decision to deny the PRA Request. *Id.* Clearly, the requested records cannot simultaneously be both court records (*i.e.*, not subject to disclosure under the PRA) and non-court records (*i.e.*, not subject to the constitutional right of the public to access court records). Nonetheless, both the trial court and Court of Appeals agreed with Respondent that the records were not subject to disclosure.

This Petition presents issues of first impression concerning whether a state statute and court rules, specifically RCW 2.36.072 (4), GR 18(d), and/or GR 31(k), may be applied to deprive a member of the public of the presumptive constitutional right of access to court records without the Court first requiring the person seeking to deny access to rebut this presumptive right by presenting facts justifying denial. Ringhofer respectfully requests

that the Court grant this Petition and resolve the issues of first impression raised herein.

IDENTITY OF PETITIONER

The Petitioner is Martin Ringhofer ("Ringhofer"), a concerned citizen and registered voter in King County. Ringhofer was designated as the plaintiff in proceedings before the King County Superior Court and as the appellant for the subsequent appeal to the Court of Appeals.

COURT OF APPEALS DECISION

Ringhofer seeks review of a published decision, specifically *Ringhofer v. Ridge*, No. 67970-8-I, entered by the Court of Appeals, Division One, on December 10, 2012 ("Decision"). In conformance with RAP 13.4(c)(9), a copy of the Decision is attached hereto as Appendix A.

ISSUES PRESENTED FOR REVIEW

1. Whether records routinely collected, reviewed, and maintained by a court in determining juror eligibility constitute "court records" for purposes of the First and Sixth Amendments to the United States Constitution and/or Article I, Section 10 of the Washington Constitution?

2. Whether the application of RCW 2.36.072(4), GR 18(d), and GR 31(k), which may be construed to limit access to such court records, must yield to the First and Sixth Amendments to the United States Constitution and/or Article I, Section 10 of the Washington Constitution?

3. Whether a court may deny access to such records, without first requiring that the person seeking to deny access rebut the public's presumptive right in favor of access by presenting facts showing a compelling need for secrecy?

In conformance with RAP 13.4(c)(9), a copy of the constitutional provisions, statutes, and court rules referenced in the above issue statement are attached hereto as Appendix B.

STATEMENT OF THE CASE

A. Background Facts

On October 16, 2010, Ringhofer submitted a request for public records to King County Superior Court. CP 37, 96. The PRA Request was directed to the Deputy Chief Administrative Officer of the King County Courts ("Respondent"). CP 37, 96.

The PRA Request sought access to a limited subset of information provided by disqualified jurors in responding to the King County Superior Court's Juror Qualification Form. CP 37, 96. Specifically, the PRA Request sought the following records:

> [T]he names and addresses of non-juror[1] information who were disqualified for jury service…for the time period ranging from January 1, 2008 to December 31, 2009, for any of the five reasons listed… in RCW 2.36.070.[2]"

---

[1] As used by Ringhofer, the term "non-juror" refers to all individuals who were potential jurors, but who were not summoned to appear on a jury because they were disqualified pursuant to RCW 2.36.070.

[2] RCW 2.36.070 states in its entirety as follows:

> "A person shall be competent to serve as a juror in the state of Washington unless that person:

CP 37, 96. The PRA Request did not seek sensitive information regarding the disqualified jurors, such as social security numbers, driver's license numbers, or telephone numbers. CP 37, 96. Nor did the PRA Request require the redaction of potentially thousands of original Juror Qualification Forms. CP 37, 96. Instead, it merely sought information regarding disqualified jurors that is routinely collected, reviewed, maintained, and entered into a database as part of the County's jury selection process. CP 42, 101 (database summary of requested information provided by Respondent).

Ringhofer's PRA Request facilitated judicial transparency and the administration of justice by monitoring the evasion of jury service via fraudulent self-disqualification on the Juror Qualification Form. CP 85. The PRA Request also expressly stated that Ringhofer was "concerned about unauthorized individuals influencing statewide elections," and that he "want[ed] to use the non-juror information to educate the public on voting enforcement issues." CP 37, 96. In other

---

(1) Is less than eighteen years of age;
(2) Is not a citizen of the United States;
(3) Is not a resident of the county in which he or she has been summoned to serve;
(4) Is not able to communicate in the English language; or
(5) Has been convicted of a felony and has not had his or her civil rights restored."

RCW 2.36.070; *see also* App. B.

words, the limited information sought regarding disqualified jurors could also be cross-checked against the state voter registration database to determine whether ineligible, non-citizen, non-resident, or felon (with non-restored rights) voters, were nevertheless registered to vote in King County. CP 84-89. Any discrepancies could then be reported to the Secretary of State and other responsible local officials for further action, if necessary. *Id.*

On October 25, 2010, Respondent denied Ringhofer's PRA Request, correctly observing that, under relevant jurisprudence, the PRA does not apply to the judicial branch. CP 40, 99. Instead, Respondent indicated that access to such information was governed by RCW 2.36.072(4), GR 18(d), and GR 31(k), which Respondent concluded prevented disclosure of the requested information. CP 40, 99. The Respondent did, however, provide a spreadsheet summary of the total number of persons from January 1, 2008 to December 31, 2009, who sought disqualification from jury duty due to the five statutory grounds provided by RCW 2.36.070. CP 42, 101.

B. Superior Court Decision

On November 22, 2010, Ringhofer filed a Complaint with the King County Superior Court seeking access to the requested records. CP 1. Rather than seeking disclosure under the PRA, however, Ringhofer asserted the well-established constitutional and common law right of the public to

access court records as a basis for mandating disclosure. *Id.* Specifically, the Complaint alleged causes of action for (1) a writ of mandate pursuant to RCW 7.16.150, (2) declaratory and injunctive relief pursuant to RCW 7.24.010, and (3) access to the disqualified juror information under a GR 31 petition. CP 5-7. Ringhofer and Respondent subsequently filed cross-motions for summary judgment. CP 17-28; CP 63-83. On May 10, 2011, the King County Superior Court denied Ringhofer's motion and granted Respondent's motion. CP 166, 173. The court did not require Respondent to rebut the public's presumptive right in favor of access by presenting facts showing a compelling need for secrecy. Ringhofer filed a timely appeal.

C. Court of Appeals Decision

On December 10, 2012, the Court of Appeals, Division One, issued a published decision. *See* App. A (Decision). The Court first concluded that disclosure of the information was precluded by the plain language of RCW 2.36.072(4) and GR 18(d). *Id.* at 7. Second, the Court concluded that RCW 2.36.072(4) and GR 18(d) were not inconsistent with the presumptive constitutional right of access to court records under article I, section 10, because the information requested by Ringhofer "does not implicate the purpose of article I, section 10." *Id.* at 10. Ringhofer now files this Petition for Review.

ARGUMENT

I.

THE PETITION SATISFIES THE REVIEW CRITERIA IN RAP 13.4(b)

The considerations governing acceptance of this Petition are as follows:

> A petition for review will be accepted by the Supreme Court only:
>
> (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
>
> (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or
>
> (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
>
> (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b). This Petition satisfies each of the above considerations, with particular emphasis on subsections (3) and (4), which involve constitutional questions and issues of substantial public interest.

This Petition presents significant questions of federal and state constitutional law. Specifically, Ringhofer asserts that RCW 2.36.072(4), GR 18(d), and GR 31(k), as applied by the Court of Appeals to limit access to certain court records, conflict with, and must yield to, the First and Sixth Amendments of the U.S. Constitution, Article I, Section 10 of the Washington Constitution, and related common law, which provide a presumption in favor of access to court records. As a result, Ringhofer was

deprived of his constitutional rights when the superior court denied access to the requested information, without first requiring that the Respondent to rebut the public's presumptive right in favor of access by presenting facts showing a compelling need for secrecy.

A. RCW 2.36.072(4), GR 18(d), and GR 31(k) May Be Construed to Limit the Public's Access to Information Regarding Disqualified Jurors.

Both statutory law and court rules purport to restrict the public's access to information regarding disqualified jurors. Specifically, RCW 2.36.072(4) states in relevant part as follows:

> ...Information provided to the court for preliminary determination of statutory qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose, except that the court, or designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

RCW 2.36.072(4); s*ee also* App. B. This statutory language is nearly replicated verbatim in GR 18(d), which states in relevant part as follows:

> [i]nformation so provided to the court for preliminary determination of qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose.

GR 18(d); *see also* GR 31(k) (both in Appendix B).

Although these authorities are not models of clarity, Ringhofer contends that they only limit the "use" of the information, and not its disclosure. Likewise, any such limitation on use applies to the court, and not

the public. Nonetheless, the superior court and trial court determined otherwise. *See* App. A, at 7 (Decision) ("The plain language of RCW 2.36.072(4)...precludes the use of the juror disqualification information by Ringhofer.").

B. RCW 2.36.072(4), GR 18(d), and GR 31(k) Conflict With the First and Sixth Amendments to the U.S. Constitution, Article I, Section 10 of the Washington Constitution and Related Common Law.

If RCW 2.36.072(4), GR 18(d), and GR 31(k) are construed to deny Ringhofer's access to information regarding disqualified jurors, these authorities conflict with, and must necessarily yield to, the First and Sixth Amendments of the U.S. Constitution, Article I, Section 10 of the Washington Constitution, and related common law. In particular, each of these authorities provide a rebuttable presumption in favor of access to court records.

1. Information Regarding Disqualified Jurors that is Routinely Collected, Reviewed and Maintained by the Court as Part of the Jury Selection Process Constitutes a Court Record.

In order to fully understand the constitutional issues raised by this Petition, it is first necessary to correctly identify the records requested by Ringhofer. In particular, "court records" are necessarily subject to the constitutional and open court provisions contained in the First and Sixth

Amendments to the U.S. Constitution, Article I, Section 10 of the Washington Constitution, and related common law.[3]

According to relevant jurisprudence, article I, section 10, "provides the public a right of access to court documents as well as a right of physical access to courtroom proceedings." *Bennett v. Britton*, No. 84903-0 (Wash. Jan. 10, 2013)(citing *Dreiling*, 151 Wn.2d at 908-09). Although this Court has not provided a comprehensive analysis of what constitutes a "court record," it has been clarified that, at a minimum, "once material becomes part

---

[3] For purposes of this constitutional inquiry, the definition of what constitutes a "court record" is necessarily not limited by GR 31. Nonetheless, GR 31(c)(4) provides a broad, non-exclusive list of what constitute a "court record":

> "Court record" **includes, but is not limited to:** (i) Any document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding, and (ii) Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by the court that is related to a judicial proceeding. **Court record does not include** data maintained by or for a judge pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency or other entity to which the court has access but which is not entered into the record.

GR 31(c)(4) (emphasis added). As indicated, a "court record" includes anything maintained by the court "in connection with" or "related to" a judicial proceeding or any information in a case management system related to a judicial proceeding.[3] This clearly would encompass pre-trial information regarding disqualified jurors.

of the administration of justice, article I, section 10 requires disclosure unless a party shows a more compelling need for secrecy than good cause." *Bennett*, slip op, at 2.

The records requested by Ringhofer are not only court records, but they also bear directly on the administration of justice. Specifically, mailed jury-selection questionnaires, or information derived from them, clearly implicates the administration of justice. In *Duren v. Missouri*, 439 U.S. 357, 99 S.Ct. 664, 58 L.Ed.2d 579 (1979), for example, the United States Supreme Court held that a mailed jury-selection questionnaire was the cause of a systemic failure to obtain jury venires representing a fair cross-section of the community, thereby unconstitutionally interfering with a criminal defendant's rights. *Id.* at 357.

Indeed, the jury summons is merely one link in the chain of procedures and court decisions necessary for impaneling a fair and impartial jury. *See, e.g.*, RCW 2.36.095. In King County, the superior court mails potential jurors a Juror Qualification Form. Potential jurors may respond by circling a reason for disqualification pursuant to RCW 2.36.072(4) (if one or more apply) and must also make note of any new address. *See* Br. of Resp't, App. A. As such, the Juror Qualification Form is used to screen potential jurors, which may directly influence any subsequent trial. *See Duren*, 439 U.S., at 357.

The superior court is solely responsible for processing the jury summonses, maintaining potential juror information, and processing responses (or lack thereof) from potential jurors. Thus, for example, it is not surprising that Respondent readily provided Ringhofer with a spreadsheet summary of the total numbers of persons from January 1, 2008 to December 31, 2009, who sought disqualification from jury duty due to the five statutory grounds provided by RCW 2.36.070. CP 42, 101. In short, the records Ringhofer sought are clearly court records.

Additionally, Washington courts have traditionally employed an expansive view of what constitutes a "court record." *See State v. Mendez,* 157 Wn. App. 565, 580-82, 238 P.3d 517 (2010) (concluding that the billing records of publicly-appointed counsel for criminal defendants constituted "court records" subject to disclosure); *see also Yakima County v. Yakima Herald-Republic*, 170 Wn.2d 775, 795, 246 P.3d 768 (2011) (declining to apply the PRA to the judiciary, but recognizing that disclosure of documents is governed by court rules mandating broad disclosure).

In particular, the *Mendez* court refused to apply the narrow interpretation that "unless a document is submitted to a trial judge for consideration in a dispositive motion, it is not subject to the commands of article I, section 10." *Id.* at 580. Instead, documents are "court records" because they are maintained by the judiciary and relate to judicial

proceedings regardless of how they may be used. Respondent cannot have it both ways. Clearly, the requested records cannot simultaneously be both court records (*i.e.*, not subject to disclosure under the PRA) and non-court records (*i.e.*, not subject to the constitutional right of the public to access court records).

2. There Is a Federal and State Constitutional Presumption in Favor of Access to Court Records, Including Basic Information Regarding Disqualified Jurors

a. U.S. Constitution, First Amendment

For obvious reasons, the Juror Qualification Form shares many similarities with a jury questionnaire. Washington Courts have recognized that "jury questionnaires are **presumptively open** under the First Amendment." *State v. Coleman*, 151 Wn. App. 614, 619 n.6, 214 P.3d 158 (2009) (emphasis added). Indeed, the **entire** jury selection process is presumptively open to the public. *Id.* at 620. Likewise, "[t]he guaranty of open criminal proceedings extends to jury selection" and is important to the criminal justice system. *Id.*

Critical for purposes of this Petition, the First Amendment qualified right of access to juror names, addresses, and questionnaires may only be overcome by an "overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest." *State ex rel. Beacon Journal Publ'g Co. v. Bond*, 98 Ohio St. 3d

146, 151 (citing *Press-Enterprise Co. v. Superior Court,* 464 U.S. 501, 510, 104 S.Ct. 819, 78 L.Ed.2d 629 (1984) (holding that the jury list was subject to public disclosure because there were no findings rebutting the presumption of openness).

The superior court did not require Respondent to present any facts rebutting the presumption of disclosure of the records requested by Ringhofer. Presumably, the superior court believed the presentation of such facts was unnecessary in light of its strict interpretation of RCW 2.36.072(4), GR 18(d), and 31(k). Nor did Respondent make any such effort to allege an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest. The only evidence submitted in response to summary judgment was a declaration from Respondent's attorney attaching limited documents. CP 29.

Ringhofer does not seek information such as social security numbers, driver's license numbers, telephone numbers, and other sensitive information typically the subject of court inquiries under article I, section 10, including orders to seal records. Instead, Ringhofer merely seeks names and addresses of disqualified jurors, including the statutory reasons for their disqualification, and the dates of their disqualification. This information is not of the nature that they would lead to public embarrassment or harm if disclosed to the public, unlike personal information that could be used for

scandalous or libelous purposes or trade secrets that could harm a litigant's competitive standing. This information is also limited in scope and is less intrusive than what is typically elicited in a juror questionnaire or *voir dire*.

b. U.S. Constitution, Sixth Amendment

The U.S. Supreme Court has also held that the Sixth Amendment right to a public trial can be invoked by members of the public, *e.g.*, the media, under the First Amendment. *Presley v. Georgia*, 558 U.S. 209, 130 S.Ct. 721, 175 L.Ed.2d 675, 679 (2010). For example, *voir dire* information is presumptively open to the public. *Id.* at 723-24. Washington court's had strictly adhered to *Presley*. *See State v. Paumier*, 155 Wn. App. 673, 685, 230 P.3d 212, *aff'd* _ Wn.2d _, 288 P.3d 1126 (2012) (holding that trial court violated public's right to an open proceeding after failing to consider alternatives to closure and did not make appropriate findings before excluding the public); *see also Coleman*, 151 Wn. App. at 619-620 (finding that the trial court violated the public's right to an open proceeding when it closed a portion of *voir dire*).

Again, the superior court did not consider reasonable alternatives to non-disclosure or make appropriate findings explaining why closure was necessary before preventing Ringhofer's access to the court records.

c. Washington Constitution, Article I, Section 10

The Washington Constitution expressly guarantees that "[j]ustice in

all cases shall be administered openly, and without unnecessary delay." Const., art. I, §10. This section "clearly establishes a right of access to court proceedings." *Seattle Times Co. v. Ishikawa,* 97 Wn.2d 30, 36, 640 P.2d 716 (1982). Indeed, "[t]he public trial right extends beyond the taking of a witness's testimony at trial…[and] extends to pretrial proceedings." *State v. Easterling*, 157 Wn.2d 167, 174, 137 P.3d 825 (2006). Further, Article I, Section 10 gives the public and press a right to open and accessible court proceedings. *State v. Vega*, 144 Wn. App. 914, 916-17, 184 P.3d 677 (2008).

Ringhofer recognizes that the public's right of access is not absolute and may be limited to protect other interests. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 580-82, 100 S. Ct. 2814, 65 L. Ed. 2d 973 (1980); *see also In re Lewis*, 51 Wn.2d 193, 198-200, 316 P.2d 907 (1957) (juvenile proceedings are not constitutionally required to be open in order to protect the child from notoriety and its ill effects). However, Respondent has never provided any evidence to justify withholding pre-trial information regarding disqualified jurors.

d. Constitutionally-Based Common Law Principles

Finally, both the United States Supreme Court and this Court have recognized a common law right to inspect court records, based on the importance of a citizen's desire to keep a watchful eye on the workings of public agencies and a publisher's intention to publish information concerning

the operation of government. *Nast v. Michaels,* 107 Wn.2d 300, 303-304, 730P.2d 54 (1986) ("The public has a common law right of access to court case files.") (citing *Nixon v. Warner Communications, Inc*., 435 U.S. 589, 597, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978)). Prior cases had also recognized the dual constitutional and common law underpinnings of these rights. *See Cowles Pub. Co. v. Murphy*, 96 Wn.2d 584, 588, 637 P.2d 966 (1981); *Federated Publications, Inc. v. Kurtz,* 94 Wn.2d 51, 57, 615 P.2d 440 (1980).

Ringhofer does not dispute that the State Legislature may alter the common law. However, where possible, this Court must interpret statutes to be consistent with common law principles. Under this constitutionally-based common law, a party seeking to overcome the presumption in favor of access to court records must articulate a "compelling reason supported by specific factual findings" that outweigh the general history of public access to court records. *Foltz v. State Farm Mut. Auto. Ins. Co.,* 331 F.3d 1122, 1135 (9th Cir. 2003).

The United States Supreme Court lists as examples of compelling reasons for not allowing disclosure of judicial records, instances when the court records or documents might become a vehicle for improper purposes, such as gratifying private spite or promoting public scandal through the publication of the painful and disgusting details of a divorce case, or to serve as reservoirs of libelous statements for press consumption, or as sources of

business information that might harm a litigant's competitive standing. *Nixon*, 435 U.S. at 598.

The interpretations of RCW 2.36.072(4), GR 18(d), and GR 31(k) by both the superior court and Court of Appeals unconstitutionally restrict Ringhofer's access and proposed use of the non-juror records. Ringhofer contends that these authorities cannot be used to unlawfully prohibit public access to pre-trial information provided by disqualified jurors.

C. The Petition Involves Issues of Substantial Public Interest, Including Promoting Improvement of the Judicial System and Jury Selection Process

Respondent's Brief to the Court of Appeals implied that Ringhofer did not seek the disclosure of the records for a reason involving the monitoring or improvement of the judicial system or jury selection process. Resp. Br. at 23-25. This conclusion ignores the record in this case. Appellant has argued in his original Complaint and pleadings for summary judgment that the release of the requested juror qualification information will encourage judicial transparency and the integrity of the juror selection process. CP 2, 64, 111.

By its very nature, monitoring juror qualification responses by comparing them with the state voter database would yield information that might prove valuable to the court if people are falsely disqualifying themselves to evade jury service. Only through the effective screening of

potential jurors are fair and impartial juries impaneled. Regardless of Ringhofer's plan to cross-check disputed jurors with voter rolls, these issues are of substantial public interest, warranting review by this Court.

CONCLUSION

This Petition presents issues of first impression regarding the constitutionally-protected rights of persons to seek access to information regarding disqualified jurors. Restrictive application of RCW 2.36.072(4), GR 18(d), and/or GR31(k), without first requiring the challenger to rebut the constitutional and common law presumptions in favor of public access, would contravene well-established law. Ringhofer respectfully requests that the Court grant this Petition and resolve the issues raised herein.

RESPECTFULLY submitted this 16th day of January, 2013.

GROEN STEPHENS & KLINGE LLP

By: _____

Richard M. Stephens, WSBA #21776
Samuel A. Rodabough, WSBA #35347
10900 NE 8th Street, Suite 1325
Bellevue, WA 98004
(425) 453-6206

Garrett Roe
Michael Hethmon (Pro Hac Vice)
Immigration Reform Law Institute
25 Massachusetts Avenue, NW, Suite 335
Washington, DC 20001
(202) 742-1823

Attorneys for Petitioner Martin Ringhofer

Appendix A

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

MARTIN RINGHOFER, Appellant, v. LINDA K. RIDGE, in her official capacity as Deputy Chief Administrative Officer of the King County Superior Court, Respondent.	)	DIVISION ONE No. 67970-8-I PUBLISHED OPINION FILED: December 10, 2012

Dwyer, J. — Washington state superior courts are required by statute to preliminarily determine the statutory qualification of persons summoned for jury service. Accordingly, as part of its juror summons mailing, King County Superior Court requests that persons summoned indicate whether they are disqualified from jury service based upon one or more of the statutory disqualification factors. A person who indicates that he or she does not meet the statutory qualifications is excused from appearing in response to the summons.

Martin Ringhofer sought from the superior court access to this juror disqualification information, including the name and address of each disqualified person and the reason indicated for disqualification. Ringhofer sought this information in order to cross-check the list of disqualified persons against voter

registration records, as the statutory qualifications for jury service overlap with voter registration requirements. By so doing, he sought to determine whether individuals unqualified to vote are nevertheless registered to do so. Linda Ridge, deputy chief administrative officer of the superior court, denied Ringhofer's request. Ringhofer then filed a complaint in the superior court seeking an order requiring the disclosure of the juror disqualification information. The trial court dismissed his complaint on summary judgment.

Ringhofer asserts on appeal that both General Rule (GR) 31 and article I, section 10 of the Washington State Constitution require disclosure of the requested information. However, RCW 2.36.072(4) restricts the use of the juror disqualification information to that of the superior court in preliminarily determining qualification for jury service of persons summoned. Accordingly, only if this statute is determined to be unconstitutional can the information be used for any other purpose. Because Ringhofer has not shown that RCW 2.36.072(4) contravenes the public's article I, section 10 right to open courts, we hold that he is not entitled to access the juror disqualification information. Thus, we affirm.

I

On October 16, 2010, Ringhofer requested from King County Superior Court a list of persons disqualified from jury service in that county during 2008 and 2009 based upon the statutory qualifications set forth in RCW 2.36.070.[1]

[1] RCW 2.36.070 provides:

Specifically, he requested the name and address of each summoned person who had indicated that he or she was not qualified for jury service, as well as "the individual's stated reasons for self-disqualification." According to his request, Ringhofer sought this "non-juror information," as he referred to it, due to his concern "about unauthorized individuals influencing statewide elections." Ringhofer stated that he wanted to use this information to "educate the public on voting enforcement issues." He continued:

> Disclosure of the information is in the public interest because it will significantly contribute to public understanding of the operations and activities of the government, in regards to voter enforcement. The data should be released to promote government transparency, so that it can be use [sic] to educate the public about the real concern of unauthorized voting.

Ridge responded to Ringhofer, denying his request. Ridge advised Ringhofer that GR 18(d)[2] and RCW 2.36.072[3] restrict the use of the requested

---

A person shall be competent to serve as a juror in the state of Washington unless that person:
(1) Is less than eighteen years of age;
(2) Is not a citizen of the United States;
(3) Is not a resident of the county in which he or she has been summoned to serve;
(4) Is not able to communicate in the English language; or
(5) Has been convicted of a felony and has not had his or her civil rights restored.

[2] GR 18(d) provides:
Each court, after consultation with the county auditor and county clerk of its jurisdiction, shall establish a means to preliminarily determine by written declaration signed under penalty of perjury by each person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to the person's appearance at the court to which the person is summoned to serve. *Information so provided to the court for preliminary determination of qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose. Provided*, that the court, or its designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.
(Emphasis added.)

[3] Like GR 18(d), RCW 2.36.072(4) requires that the

information. She informed him that, for this reason, "the court is unable to provide you with the individualized names, addresses, and associated reasons for disqualification or excuse from service."

On November 30, 2010, Ringhofer filed a "Petition for Writ of Mandate[,] Complaint for Declaratory Relief and Petition under GR 31" against Ridge. Noting that "[d]isqualification from jury duty overlaps to some degree with disqualification from the right to vote," Ringhofer asserted that he had determined that, in other counties, "significant numbers of disqualified voters nevertheless were registered to vote."[4] Thus, Ringhofer explained, he sought the "non-juror information" in order to "cross-check non-juror names" with the county's voter registration list in order to determine the number of eligible persons who are not qualified to vote but who are, nevertheless, registered to vote in King County. Ringhofer asserted that he sought "access to the court's records in the interest of ensuring government and judicial transparency, as well as the integrity of the juror selection and voter registration processes." He sought an order compelling the superior court to disclose the requested information and a declaration that he was legally entitled to access these "court

---

> [i]nformation provided to the court for preliminary determination of statutory qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose, except that the court, or designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

[4] Ringhofer stated in his complaint that Douglas County Prosecutor Steve M. Clem and Pacific County Clerk Virginia Leech provided him with the requested juror disqualification information for those counties. Based upon the discussion at oral argument in this court, it appears that no notice was given to those persons whose information was disclosed. Although we question the propriety of such disclosure, particularly without notice, we are not called upon to address that question here.

records."

Both Ridge and Ringhofer thereafter moved for summary judgment. Ridge sought dismissal of Ringhofer's complaint, asserting that GR 18(d) and RCW 2.36.072(4) precluded Ringhofer's proposed receipt and use of the requested information. She additionally contended that article I, section 10 of our state constitution[5] did not compel disclosure. Conversely, Ringhofer asserted that "the constitutional and common law right of the public to access court records" mandated disclosure of the juror disqualification information. On May 12, 2011, the trial court issued an order granting Ridge's motion for summary judgment and denying Ringhofer's motion for summary judgment, thus dismissing Ringhofer's complaint.

Ringhofer appeals.

II

Ringhofer asserts on appeal that GR 31[6] and article I, section 10 of our state constitution require disclosure of the juror disqualification information. He contends that such information constitutes a "court record" pursuant to GR 31 and, thus, is required to be accessible to the public. However, our legislature has determined that the juror disqualification information sought by Ringhofer may be used only by the courts in preliminarily determining the eligibility for jury

[5] "Justice in all cases shall be administered openly, and without unnecessary delay." Wash. Const. art. I, § 10.

[6] GR 31 provides for public access to court records, as defined by that rule. See GR 31(c)(4) (defining "court record"). Specifically, it states that "[t]he public shall have access to all court records except as restricted by federal law, state law, court rule, court order, or case law." GR 31(d)(1).

service of those persons summoned for such service. Accordingly, unless Ringhofer demonstrates that this statute is constitutionally infirm, the trial court correctly determined that Ringhofer is not entitled to such information.

The relevant statute requires that the trial courts in our state "establish a means to preliminarily determine by a written or electronic declaration signed under penalty of perjury by the person summoned," the qualifications for jury service set forth in RCW 2.36.070. RCW 2.36.072(1). Accordingly, King County Superior Court includes with its juror summons mailing a "Juror Qualification Form," requesting that each person summoned certify under penalty of perjury whether he or she is qualified to serve. The form requires the person summoned to indicate which, if any, of the statutory qualifications the person does not meet. "Upon receipt by the summoning court of a written declaration stating that a declarant does not meet the qualifications set forth in RCW 2.36.070, that declarant shall be excused from appearing in response to the summons." RCW 2.36.072(4).

In addition to requiring that state courts preliminarily determine prospective juror eligibility, RCW 2.36.072(4) restricts the use of the juror disqualification information received by the courts from those persons summoned. See also GR 18(d). Such information "may only be used for the term such person is summoned and *may not be used for any other purpose*, except that the court, or designee, may report a change of address or

nondelivery of summons of persons summoned for jury duty to the county auditor." RCW 2.36.072(4) (emphasis added); see also GR 18(d). Because the language of the statute is unambiguous, we need not engage in statutory interpretation; rather, we derive the statute's meaning from its plain language. Johnson v. Recreational Equip., Inc., 159 Wn. App. 939, 946, 247 P.3d 18, review denied, 172 Wn.2d 1007 (2011). The plain language of RCW 2.36.072(4) clearly indicates that our legislature intended to limit the use of juror disqualification information to preliminarily determining whether persons summoned for jury service meet the statutory qualifications for serving. This necessarily precludes the use of that information for any other purpose.[7] Accordingly, the statute precludes the use of the juror disqualification information by Ringhofer for his professed—or any other—purpose.

Ringhofer additionally asserts, however, that article I, section 10 mandates disclosure of the juror disqualification information. Were this so, RCW 2.36.072(4), in precluding the use of that information for any purpose other than preliminary determination of juror eligibility by the court, would violate our state constitution and could not be applied to deny Ringhofer's request for disclosure of the juror disqualification information. Thus, we must determine whether the public's constitutional right to open courts is implicated here.

[7] We need not address Ringhofer's contention that the juror disqualification information constitutes a "court record" pursuant to GR 31(c)(4) and, thus, is required to be made accessible to the public. The rule provides that "[t]he public shall have access to all court records *except as restricted by* federal law, *state law*, court rule, court order, or case law." GR 31(d)(1) (emphasis added). RCW 2.36.072(4) clearly restricts public access to the juror disqualification information.

Article 1, section 10 of the Washington State Constitution provides that "[j]ustice in all cases shall be administered openly, and without unnecessary delay." Wash. Const. art. I, § 10. "This mandate 'guarantees the public and the press a right of access to judicial proceedings and court documents in both civil and criminal cases.'" Hundtofte v. Encarnación, 169 Wn. App. 498, 506-07, 280 P.3d 513 (2012) (quoting Dreiling v. Jain, 151 Wn.2d 900, 908, 93 P.3d 861 (2004)). However, "not every occurrence or event related to court proceedings falls within the access to the courts provision." Tacoma News, Inc. v. Cayce, 172 Wn.2d 58, 66, 256 P.3d 1179 (2011).

Rather, Washington courts have determined that, when the core concern of article I, section 10 is not implicated, our constitution does not mandate public access to the requested court documents. Cayce, 172 Wn.2d at 66-72; Rufer v. Abbott Labs., 154 Wn.2d 530, 548-50, 114 P.3d 1182 (2005); Dreiling, 151 Wn.2d at 908-10; Bennett v. Smith Bunday Berman Britton, PS, 156 Wn. App. 293, 304-08, 234 P.3d 236 (2010), petition for review granted, 170 Wn.2d 1020 (2011). This "core concern," we recently held, "is to guarantee the public's right to observe 'the operations of the courts and the judicial conduct of judges.'" Bennett, 156 Wn. App. at 306 (quoting Dreiling, 151 Wn.2d at 908). Indeed, our Supreme Court has determined that, where "information does not become part of the court's decision-making process, article I, section 10 does not speak to its disclosure." Dreiling, 151 Wn.2d at 910 (noting that "mere discovery" does not

implicate the open courts provision).

Applying this rule, our Supreme Court in Cayce denied to the public access to the deposition of a material witness in a criminal trial. 172 Wn.2d at 60-61. The deposition, taken to preserve the witness's testimony, was never used in connection with the trial; nor was it submitted in connection with any motion. Cayce, 172 Wn.2d at 62, 70. The Supreme Court noted that it had previously "distinguished 'mere discovery' from documents obtained through discovery that are filed with a court in anticipation of a court decision." Cayce, 172 Wn.2d at 67. Because, there, the deposition was neither filed with the court nor used during trial, the court determined that article I, section 10 was not applicable and, thus, disclosure of the deposition was not constitutionally required. Cayce, 172 Wn.2d at 66-71. The court held that, "unless the depositions become part of the judicial decision making process, as we have recognized, article 1, section 10 has no application." Cayce, 172 Wn.2d at 71.

Here, we do not address the application of article 1, section 10 to depositions. Nevertheless, our Supreme Court's holding in Cayce is of consequence. There, the court determined that, because the purpose of the open courts provision—to ensure the public's trust and confidence in our judicial system—was not implicated, the public was not entitled to disclosure of the deposition. Cayce, 172 Wn.2d at 67, 71. Here, the juror disqualification information requested by Ringhofer is even further attenuated from the core

concern of article 1, section 10. The juror disqualification information does not come before the court as part of a judicial proceeding; rather, the information is solely used to preliminarily determine the eligibility of summoned persons to serve on a future jury. Such information does not implicate "the public's right to observe 'the operations of the courts and the judicial conduct of judges.'" Bennett, 156 Wn. App. at 306 (quoting Dreiling, 151 Wn.2d at 908). Accordingly, article I, section 10 does not mandate its disclosure.

Statutes are presumed to be constitutional, and "[t]he challenger bears the burden of showing the statute is unconstitutional beyond a reasonable doubt." City of Bothell v. Barnhart, 172 Wn.2d 223, 229, 257 P.3d 648 (2011). Here, Ringhofer must demonstrate that RCW 2.36.072(4), which precludes public access to the juror disqualification information that he seeks, violates our state's constitutional guarantee to open courts. Because the information sought by Ringhofer does not implicate the purpose of article I, section 10, he cannot do so. Accordingly, the trial court properly dismissed Ringhofer's complaint seeking an order requiring disclosure of the juror disqualification information.[8]

[8] Ringhofer additionally asserts that both the First Amendment to the United States Constitution and the common law mandate disclosure of the juror disqualification information. However, as with the right provided by article I, section 10, the First Amendment right to open judicial proceedings "is not all inclusive." Cayce, 172 Wn.2d at 72. Moreover, the First Amendment cases to which Ringhofer cites are inapposite. No First Amendment claim is properly stated herein.

Additionally, our state is governed by the common law only to the extent that the common law is not inconsistent with state law. Potter v. Wash. State Patrol, 165 Wn.2d 67, 76, 196 P.3d 691 (2008). "The legislature has the power to supersede, abrogate, or modify the common law." Potter, 165 Wn.2d at 76. See also State v. Mays, 57 Wash. 540, 542-43, 107 P. 363 (1910) (stating that "the common law prevails in this state except as modified by statute"). Here, even if the common law did require disclosure of the juror disqualification information, RCW 2.36.072(4) unarguably supersedes any such requirement. Accordingly, we determine that

Affirmed.

We concur:

neither the First Amendment nor the common law was violated by the superior court's denial of Ringhofer's request.

Appendix B

U.S. Const. amend. I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. amend. VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Wash. Const., Art. I, § 10

Administration of Justice.

Justice in all cases shall be administered openly, and without unnecessary delay.

RCW 2.36.070

Qualification of juror.

A person shall be competent to serve as a juror in the state of Washington unless that person:

(1) Is less than eighteen years of age;

(2) Is not a citizen of the United States;

(3) Is not a resident of the county in which he or she has been summoned to serve;

(4) Is not able to communicate in the English language; or

(5) Has been convicted of a felony and has not had his or her civil rights restored.

[1988 c 188 § 7; 1975 1st ex.s. c 203 § 1; 1971 ex.s. c 292 § 3; 1911 c 57 § 1; RRS § 94. Prior: 1909 c 73 § 1.]

RCW 2.36.072

Determination of juror qualification — Written or electronic declaration.

(1) Each court shall establish a means to preliminarily determine by a written or electronic declaration signed under penalty of perjury by the person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to their appearance at the court to which they are summoned to serve.

(2) An electronic signature may be used in lieu of a written signature.

(3) "Electronic signature" means an electric sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(4) Upon receipt by the summoning court of a written declaration stating that a declarant does not meet the qualifications set forth in RCW 2.36.070, that declarant shall be excused from appearing in response to the summons. If a person summoned to appear for jury duty fails to sign and return a declaration of his or her qualifications to serve as a juror prior to appearing in response to a summons and is later determined to be unqualified for one of the reasons set forth in RCW 2.36.070, that person shall not be entitled to any compensation as provided in RCW 2.36.150. Information provided to the court for preliminary determination of statutory qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose, except that the court, or designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

[2009 c 330 § 1; 1993 c 408 § 9.]

GR 18 (Redacted)

JURY SOURCE LIST

(a) Effective Date. Effective September 1, 1994, all prospective jurors shall be identified using the jury source list as herein provided.

(b) Jury Source List. “Jury source list” means the list of all registered voters of a county, merged with a list of licensed drivers and identicard holders who reside in that county. The list shall specify each person's first and last name, middle initial, date of birth, gender and residence address. When legally available for jury selection use, each such list shall also specify each person's Social Security number.

(c) Order of the Supreme Court. The jury source list shall be created utilizing the methodology and standards set forth by Supreme Court order and by Laws of 1993, ch. 408, subsection 1.

(d) Juror Qualification Confirmation. Each court, after consultation with the county auditor and county clerk of its jurisdiction, shall establish a means to preliminarily determine by written declaration signed under penalty of perjury by each person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to the person's appearance at the court to which the person is summoned to serve. Information so provided to the court for preliminary determination of qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose. Provided, that the court, or its designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

GR 31

ACCESS TO COURT RECORDS

(a) Policy and Purpose. It is the policy of the courts to facilitate access to court records as provided by Article I, Section 10 of the Washington State Constitution. Access to court records is not absolute and shall be consistent with reasonable expectations of personal privacy as provided by article 1, Section 7 of the Washington State Constitution and shall not unduly burden the business of the courts.

(b) Scope. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record or the method of storage of the court record. Administrative records are not within the scope of this rule. Court records are further governed by GR 22.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a court record.

(2) "Administrative record" means any record pertaining to the management, supervision or administration of the judicial branch, including any court, board, or committee appointed by or under the direction of any court or other entity within the judicial branch, or the office of any county clerk.

(3) "Bulk distribution" means distribution of all, or a significant subset, of the information in court records, as is and without modification.

(4) "Court record" includes, but is not limited to: (i) Any document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding, and (ii) Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by the court that is related to a judicial proceeding. Court record does not include data maintained by or for a judge pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency

or other entity to which the court has access but which is not entered into the record.

(5) "Criminal justice agencies" are government agencies that perform criminal justice functions pursuant to statute or executive order and that allocate a substantial part of their annual budget to those functions.

(6) "Dissemination contract" means an agreement between a court record provider and any person or entity, except a Washington State court (Supreme Court, court of appeals, superior court, district court or municipal court), that is provided court records. The essential elements of a dissemination contract shall be promulgated by the JIS Committee.

(7) "Judicial Information System (JIS) Committee" is the committee with oversight of the statewide judicial information system. The judicial information system is the automated, centralized, statewide information system that serves the state courts.

(8) "Judge" means a judicial officer as defined in the Code of Judicial Conduct (CJC) Application of the Code of Judicial Conduct Section (A).

(9) "Public" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency, however constituted, or any other organization or group of persons, however organized.

(10)"Public purpose agency" means governmental agencies included in the definition of "agency" in RCW 42.17.020 and other non-profit organizations whose principal function is to provide services to the public.

(d) Access.

(1) The public shall have access to all court records except as restricted by federal law, state law, court rule, court order, or case law.

(2) Each court by action of a majority of the judges may from time to time make and amend local rules governing access to court records not inconsistent with this rule.

(3) A fee may not be charged to view court records at the courthouse.

(e) Personal Identifiers Omitted or Redacted from Court Records

(1) Except as otherwise provided in GR 22, parties shall not include, and if present shall redact, the following personal identifiers from all documents filed with the court, whether filed electronically or in paper, unless necessary or otherwise ordered by the Court.

(A) Social Security Numbers. If the Social Security Number of an individual must be included in a document, only the last four digits of that number shall be used.

(B) Financial Account Numbers. If financial account numbers are relevant, only the last four digits shall be recited in the document.

(C) Driver's License Numbers.

(2) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court or the Clerk will not review each pleading for compliance with this rule. If a pleading is filed without redaction, the opposing party or identified person may move the Court to order redaction. The court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

COMMENT

This rule does not require any party, attorney, clerk, or judicial officer to redact information from a court record that was filed prior to the adoption of this rule.

(f) Distribution of Court Records Not Publicly Accessible

(1) A public purpose agency may request court records not publicly accessible for scholarly, governmental, or research purposes where the identification of specific individuals is ancillary to the purpose of the inquiry. In order to grant such requests, the court or the Administrator for the Courts must:

(A) Consider: (i) the extent to which access will result in efficiencies in the operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate; (iii) the extent to which access will result in efficiencies in other parts of the justice system; and (iv) the risks created by permitting the access.

(B) Determine, in its discretion, that filling the request will not violate this rule.

(C) Determine the minimum access to restricted court records necessary for the purpose is provided to the requestor.

(D) Assure that prior to the release of court records under section (f) (1), the requestor has executed a dissemination contract that includes terms and conditions which: (i) require the requester to specify provisions for the secure protection of any data that is confidential; (ii) prohibit the disclosure of data in any form which identifies an individual; (iii) prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose; and (iv) maintain a log of any distribution of court records which will be open and available for audit by the court or the Administrator of the Courts. Any audit should verify that the court records are being appropriately used and in a manner consistent with this rule.

(2) Courts, court employees, clerks and clerk employees, and the Commission on Judicial Conduct may access and use court records only for the purpose of conducting official court business.

(3) Criminal justice agencies may request court records not publicly accessible.

(A) The provider of court records shall approve the access level and permitted use for classes of criminal justice agencies including, but not limited to, law enforcement, prosecutors, and corrections. An agency that is not included in a class may request access.

(B) Agencies requesting access under this section of the rule shall identify the court records requested and the proposed use for the court records.

(C) Access by criminal justice agencies shall be governed by a dissemination contract. The contract shall: (i) specify the data to which access is granted; (ii) specify the uses which the agency will make of the

data; and (iii) include the agency's agreement that its employees will access the data only for the uses specified.

(g) Bulk Distribution of Court Records

(1) A dissemination contract and disclaimer approved by the JIS Committee for JIS records or a dissemination contract and disclaimer approved by the court clerk for local records must accompany all bulk distribution of court records.

(2) A request for bulk distribution of court records may be denied if providing the information will create an undue burden on court or court clerk operations because of the amount of equipment, materials, staff time, computer time or other resources required to satisfy the request.

(3) The use of court records, distributed in bulk form, for the purpose of commercial solicitation of individuals named in the court records is prohibited.

(h) Appeals. Appeals of denials of access to JIS records maintained at state level shall be governed by the rules and policies established by the JIS Committee.

(i) Notice. The Administrator for the Courts shall develop a method to notify the public of access to court records and the restrictions on access.

(j) Access to Juror Information. Individual juror information, other than name, is presumed to be private. After the conclusion of a jury trial, the attorney for a party, or party pro se, or member of the public, may petition the trial court for access to individual juror information under the control of court. Upon a showing of good cause, the court may permit the petitioner to have access to relevant information. The court may require that juror information not be disclosed to other persons.

(k) Access to Master Jury Source List. Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons.

[Adopted effective October 26, 2004; amended effective January 3, 2006.]

DECLARATION OF SERVICE

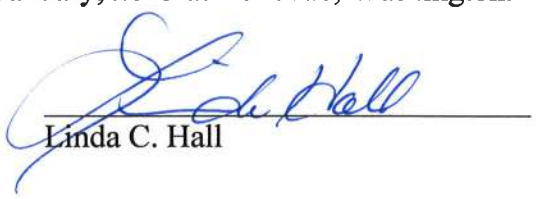
I, Linda C. Hall, declare as follows pursuant to GR 13 and RCW 9A.72.085:

I am an employee of Groen Stephens & Klinge LLP, and I am competent to be a witness herein. On January 16, 2013, I caused the foregoing document to be served on the following persons via the following means:

Thomas W. Kuffel King County Prosecuting Attorney, Civil Division King County Admin. Bldg. 500 4th Ave., Ste. 900 Seattle, WA 98104	☐ Hand Delivery via Messenger ☒ First Class U.S. Mail ☐ Federal Express Overnight ☒ E-Mail: thomas.kuffel@kingcounty.gov ☐ Other _____
Jeffrey T. Even Office of the Attorney General P.O. Box 40100 Olympia, WA 98504	☐ Hand Delivery via Messenger ☒ First Class U.S. Mail ☐ Federal Express Overnight ☒ E-Mail: jeffe@atg.wa.gov ☐ Other _____
Michael Hethmon and Garrett R. Roe Immigration Reform Law Institute 25 Massachusetts Avenue, NW, Suite 335 Washington, DC 20001	☐ Hand Delivery via Messenger ☒ First Class U.S. Mail ☐ Federal Express Overnight ☒ E-Mail: mhethmon@irli.org ☐ Other _____

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 16th day of January, 2013 at Bellevue, Washington.



Linda C. Hall