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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

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MARTIN RINGHOFER, )  
 )  
 Petitioner, )  
 )  
 vs. ) Cause No. 10-2-41119-4  
 )  
 LINDA K. RIDGE, in her ) REPORTER'S TRANSCRIPT  
 official capacity as Deputy )  
 Chief Administrative )  
 Officer, )  
 )  
 Respondent. )

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VERBATIM REPORT OF PROCEEDINGS

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THE HONORABLE RONALD L. CASTLEBERRY  
Department No. 9  
Snohomish County Courthouse  
May 10, 2011

A P P E A R A N C E S

For the Petitioner: RICHARD STEPHENS  
Attorney at Law

For the Respondent: THOMAS KUFFEL  
Attorney at Law

1                   EVERETT, WASHINGTON, TUESDAY, MAY 10, 2011

2                   AFTERNOON SESSION

3                   --oo0oo--

4  
5           THE COURT: Good afternoon. I want to preliminarily  
6           thank counsel for accommodating the court in terms of  
7           setting off the oral decision to this time. I also want  
8           to commend counsel in terms of the briefing and the  
9           argument that was presented to the court in terms of  
10          addressing the issues before the court.

01:34

02:08

11          Obviously I've had a chance to review all of the  
12          materials that have been presented to the court, and I  
13          have taken those into consideration and have reviewed the  
14          memorandums and reviewed the cases and the statutes and  
15          the court rules that have been cited by counsel.

02:08

16          There are no disputed facts in this case. The  
17          petitioner seeks from the respondent the names, the  
18          addresses, and the date and the reasons for preliminary  
19          disqualification of all persons responding to a jury  
20          summons in King County Superior Court from January 1, 2009  
21          through December 31, 2009.

02:09

22          Respondent has provided the names and addresses of  
23          those persons who have been so summonsed, but has declined  
24          to give the identification of those persons who were  
25          disqualified and has declined to give reasons for the

02:09

1 preliminary disqualification.

2 In his petition before the court, the petitioner  
3 asserts that if this information which jurors have been  
4 declined is disclosed to him, he will be able to determine  
5 the number of persons who are registered to vote in King 02:10  
6 County who are in fact ineligible to so vote. He does not  
7 seek this information pursuant to the Public Disclosure  
8 Act. Rather he asserts both a common law and a  
9 constitutional right to this information.

10 Respondent maintains that both the applicable statute 02:10  
11 and the court rules preclude the discovery of this  
12 information and it is not required to be disclosed by  
13 either the common law or by the constitutional provisions  
14 that are applicable as asserted by the petitioner.

15 The respondent furthermore asserts that the information 02:11  
16 that is being sought is unconnected to any judicial  
17 proceeding or record and, therefore, is not within any  
18 constitutional provisions requiring disclosure.

19 As I indicated, both parties seek summary judgment from  
20 this court. And, as I've indicated, there are no disputed 02:11  
21 facts and both agree that this can be decided as a matter  
22 of law.

23 The procedure for the creation and the maintenance of a  
24 master jury list is as set forth in the respondent's  
25 memorandum, in particular at Page 2 of that memorandum, 02:12

1 and I will not repeat it in this oral argument, but will  
2 by reference herein incorporate it as if it were fully set  
3 forth.

4 Needless to say, from that master list there is a  
5 preliminary determination of statutory disqualifications, 02:12  
6 which includes whether the person that has been summonsed  
7 is not a U.S. citizen. Obviously that is one of the  
8 grounds for disqualifications, and this preliminary  
9 disqualification is based upon the self-report of the  
10 individuals responding. 02:13

11 Both RCW 2.36.072(4) and Court Rule GR 18(d) limit the  
12 use of the information so obtained from prospective  
13 jurors. Both of them contain the language: "Information  
14 so provided to the court for preliminary determination of  
15 qualification for jury duty may only be used for the term 02:14  
16 such person is summonsed and may not be used for any other  
17 purpose."

18 The petitioner asserts that to the extent that either  
19 the court rule or the statute preclude the discovery of  
20 the requested material, that the court rule and the 02:14  
21 statute are in conflict with Article I, Section 10 of the  
22 Washington constitution. That article states: "Justice  
23 in all cases shall be administered openly and without  
24 unnecessary delay."

25 The requested data is not a court record or a court 02:15

1 document as even commonly understood or is as defined in  
2 GR 22. It is not information that pertains to any pending  
3 litigation or to a particular case, or to a particular  
4 judicial matter. This stands in stark contrast to the  
5 rationale that was set forth in the *Coleman* case and the 02:16  
6 other cases that dealt with juror information gathered in  
7 a particular pending litigation. Even if the matter were  
8 such that the court could allow discovery of the  
9 information, the court still has authority to exercise  
10 discretion. Even the *Nast* case, N-A-S-T, recognizes that 02:17  
11 the common law right to inspect, in that case actual court  
12 files, was not absolute, but was left to judicial  
13 discretion.

14 In this particular case, both the statute and the  
15 applicable court rule clearly prohibit the disclosure of 02:17  
16 the requested information. As I've said, the petitioner  
17 does not seek this disclosure for any reason involving the  
18 monitoring or the improvement of the judicial system or  
19 the jury selection process, but rather he seeks it for the  
20 stated reason that he hopes to determine if persons are 02:18  
21 voting illegally in King County, and then he will use that  
22 information to help persuade elected officials and the  
23 like to change the voting methodologies.

24 As laudable as it may be, this present disclosure  
25 request is contrary to the express statement found in the 02:19

1 statute and the court rule. As I said earlier, both the  
2 court rule and the statutes say that it may be used only  
3 for a certain term and may not be used for any other  
4 purpose.

5 In addition, GR 31(k) indicates that the master jury 02:19  
6 source information, other than the name and address, is  
7 presumed to be private. The state legislature in 2008 and  
8 2009 declined to expand the restrictions on the uses of  
9 the preliminary jury qualification information, and did  
10 not pass legislation that would have required courts to 02:20  
11 send this information on to the county auditors or to the  
12 secretary of state, et cetera.

13 Statutes are presumed to be constitutional. This court  
14 would determine that the statute in this case is not in  
15 conflict with the Washington constitution. As I've 02:21  
16 mentioned, the requested data is not related to any case  
17 or judicial proceeding and, therefore, there is no  
18 conflict with the constitutional provision that has been  
19 relied upon by the petitioner.

20 Therefore, the court will deny the petition and will 02:21  
21 grant summary judgment to the respondent.

22 That concludes my remarks. I do note that the  
23 petitioner had proposed an order. It appears to be  
24 appropriate given my remarks, and unless there is some  
25 other particular issue that the petitioner has with the 02:22

1 form of the order, I would sign the proposed order.

2 MR. KUFFEL: This is Tom Kuffel representing the  
3 respondent, Your Honor. I did submit a proposed order  
4 that would grant my client's summary judgment motion.  
5 There was also an order proposed by Mr. Stephens that had  
6 he prevailed would have granted his client's --

02:22

7 THE COURT: Obviously I'm granting the order in terms  
8 of the respondent.

9 MR. KUFFEL: Correct.

10 THE COURT: So I will --

02:22

11 MR. KUFFEL: I like my order.

12 THE COURT: I'll sign that order unless there is a  
13 particular objection to it.

14 MR. STEPHENS: No. If I remember right, it lists  
15 everything correctly.

02:22

16 THE COURT: Do you have the original of that?

17 MR. KUFFEL: I believe I do, Your Honor.

18 THE COURT: Why doesn't counsel look it over, give it  
19 to my law clerk, and I'll sign the original.

20 MR. KUFFEL: Okay.

02:23

21 THE COURT: Unless there is anything else, that will  
22 conclude this matter. Court will be in recess.

23 (Proceedings concluded.)

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