

They may be just,  
but how safe are  
Washington's halls  
of justice?

# Ord in the Courts

By Erik Lundegaard • Photography by Michael J. Hipple

**T**here's nothing terribly exciting about room W275 on the second floor of the King County Courthouse. Small and rectangular, the court is set up along the long side of the rectangle, thus shortening the distance between judge, litigants and spectators. The wood in the room is blond, the lighting fluorescent, the American and Washington state flags faded. Against the far wall, above the judge's bench, two windows look out on the red brick of the Morrison Hotel, in front of which seagulls—which are never more poignant than when seen from inside a courthouse or prison—often glide by.

If, however, you sit in the back right row of the spectators' gallery, just behind a plaster, octagonal column, you'll find a splintered hole in the bench leg in front of you. It is, according to courthouse security, a bullet hole. They even know the date it was put there: March 2, 1995, when Timothy Blackwell opened fire in the hallway outside room W275, killing his estranged wife, Susana, and her friends, Phoebe Dizon and Veronica Laureta Johnson. The hole is all that remains of the violence that occurred that day.

Well, not quite. The metal detectors you walked through as you entered the courthouse were rushed into use on March 3, 1995, after years of political wrangling with gun-rights advocates. The civilian weapons screeners were also hired post-Blackwell; they are supervised by the Court Protection Unit, which is a branch of the King County Sheriff's Department, and which was created in the wake of the shooting.

That summer, Chief Justice Barbara Durham convened a courthouse security summit and recommended a task force to review security issues for all courts in the state of Washington. The task force, chaired by Yakima County Prosecutor Jeffrey Sullivan, issued its final report on July 1, 1996, recommending a 12-point security program that included local security committees, screenings, duress alarms, video surveillance and uniformed officers. Counties all over the state responded. Walk-through metal detectors and X-ray machines sprung up in courthouses in Kitsap, Skagit and Spokane counties. Portable metal detectors were used in high-risk cases in Clallam, Lewis and Whatcom counties, while handheld "wands" appeared in Lincoln and Jefferson counties. Security patrols were created or strengthened, surveillance systems set up, duress alarms tested.

The Blackwell shooting was Washington's wake-up call on the issue of violence in the courtrooms.

**M**ention courtroom violence and the general public thinks of criminal defendants rearing up and attacking lawyers and judges. But a far more likely culprit is, well, the general public: divorcing couples, as in the Blackwell case, or the distraught friends and relatives of crime victims.

Criminal defendants *can* occasionally get out of hand. In the early 1990s, Pierce County Judge Waldo Stone, now retired, was attacked by a defendant who was wrestled to the ground by law enforcement officers, a judicial assistant and a

juror. Recently, Yakima Judge Michael Leavitt was in the process of arraigning a murder defendant, Jason Mejia, when Mejia suddenly grabbed the court seal and threw it at him. "It hit my nameplate," Leavitt says, "and then hit me on the corner of the arm," but it left no bruise. Mejia was quickly tackled by guards and booked on assault charges.

More common is the experience of Judge William Downing.

As a young prosecuting attorney in 1982, Downing tried the murder case of Seattle attorney Tom Neville, who had been representing a woman pro bono in a family law matter before her husband gunned him down outside his law office. Later, in October 1999, Downing, now a King County Superior Court judge, was conducting a first-degree murder trial when the sister of the victim, sitting in the spectator's gallery, attacked the defendant. "One part was sort of comical, I have to say," Downing says. "When she first came forward and jumped on the defendant, I sternly admonished the jury to ignore what was going on. Of course it was not something anyone could ignore." Downing remembers tables being overturned, water pitchers spilled. It led to a mistrial.

"Generally, people passing through the criminal system are less emotional," Downing says, "whether because they're more hardened or inured to the process. For whatever reason, they don't take it personally. . . . Family law cases are quite to the contrary. It's quite common for the judge to make enemies out of both people appearing as parties in a family law case."

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Judge William Downing not only hears about assaults in his courtroom, he sees assaults in his courtroom.



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Family Law Commissioner Bonnie Canada-Thurston agrees, saying, "The potential for violence is there in any given case." She feels she can help curb that potential, however, by keeping everyone focused on the facts. No flailing of arms, no professions of emotion. Litigants (most of whom are pro se in her court) should face the bench rather than each other. So far it seems to work. In seven years, although angry outbursts occur several times per month, she's never experienced physical violence in her courtroom. During a particularly light Friday motions calendar in December, she informs a litigant whose story was wandering, "No disrespect, but this is a yes or no question." Later, after the hearing is over, she cuts him short. "Now we're going to be *silent*."

"I try to treat everyone with respect," she says afterward. "I can be sensitive when I need to be, [but] I can be firm when I need to be, too."

"Respect" is a word that keeps coming up. "It's always worthwhile for a judge to make sure he or she is treating everyone with respect," counsels Judge Downing. "I think that helps keep the lid on things when emotions are close to boiling over."

Attorney Mark Olson, currently chairing the family law section of the Washington State Trial Lawyers Association, says, "I think everyone involved in a family law matter should show compassion or respect for the opposing views. Because a person has a reason for believing what they do."

Yet Olson has witnessed opposing attorneys insulting his clients. In one deposition, the opposing attorney actually threw documents which hit his client in the head, leading to an immediate suspension of the deposition. "Some attorneys may believe that it has some tactical advantage," Olson remarks, when asked for the rationale for such behavior. "But in my opinion it . . . only polarizes the parties further and creates intransigence."

Or worse.

**A** disturbing testament to the efficacy of courthouse metal detectors is hanging from a pegboard

on a wall in the office of Sgt. Joe Tracy of the King County Court Protection Unit. Sword canes, rounds of ammunition, *nunchaku* or nunchucks, Filipino butterfly knives, brass knuckles, Chinese throwing stars: It's an international, politically correct collection of confiscated weapons.

"And that's just a small fraction of what we've taken," Tracy says matter-of-factly.

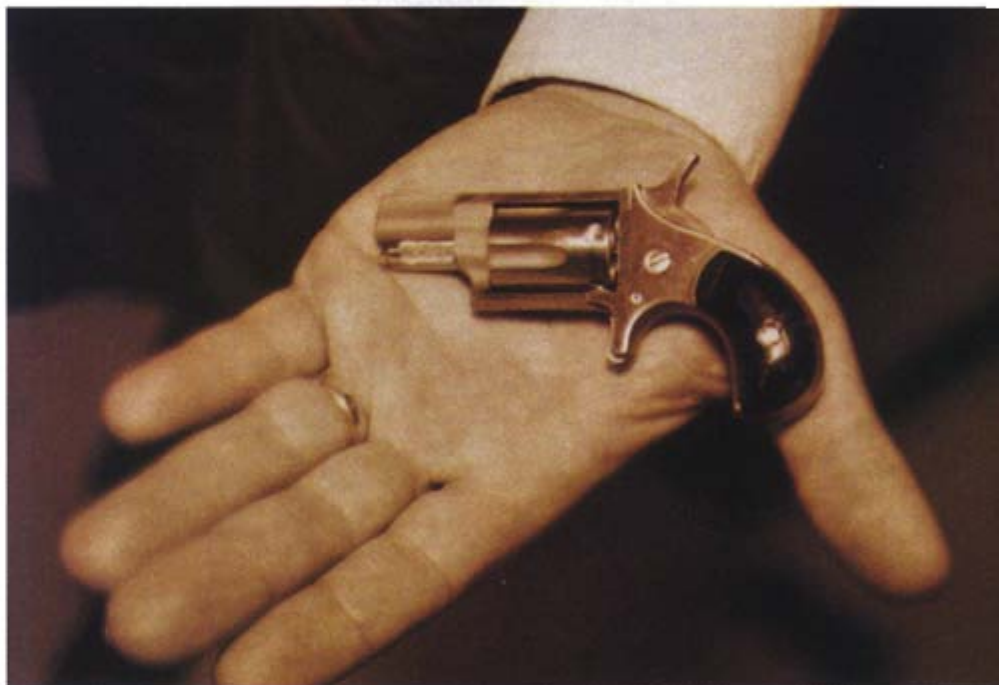
At his desk, Tracy shuffles through a sheaf of sheriff reports. Recent incidents at the King County Courthouse are few, but they include everything from impersonating a federal agent to the assault in Judge Downing's courtroom. Threats are more common, but not by much. Tracy estimates that, on average, judges receive less than one threat per month. "Generally it's a phone call," Tracy says. "Somebody's unhappy. Or we have a select population out there who know how to tie up the phones of certain judges because a civil case is pending. . . . Or when Tim Eymann's initiative—695—got repealed the judge who made the decision received a few e-mails we had to look into.

"They weren't quite threatening," Tracy says of the e-mails, choosing his words carefully. "They were . . . strong opinions."

On any given day, the King County Courthouse is a hub of activity. Besides its 50-plus courtrooms, the courthouse contains the King County Council (and staff), the prosecutor's office (and staff), administrative offices for the court and the sheriff's department, the ombuds-

man, the county auditor, a law library and, on the 10th floor, a work-release detention facility. An estimated 7,000 people pass through its doors, and metal detectors, daily.

Originally five stories when it was built in 1916, the courthouse has twice gone through major reconstruction: in the late 1920s (when six floors were added) and again in the late 1960s (when the heating, electrical, plumbing and ventilation systems were all upgraded). In the process, its main entrance on Jefferson Street—which once included a grand green-and-white marble staircase leading to the second



You could open a well-stocked gun shop with the weapons, such as this miniature Derringer, confiscated at the King County Courthouse.

floor—became a loading dock, and the main entrance shifted, less grandly, to Third Avenue.

All of which means, as Sgt. Tracy says, "The building and security apparatus don't exactly mesh, because the building wasn't designed for it."

As a result, the courthouse relies on three arms of security:

✓ Building security, which is under the Department of Construction and Facilities Management (DCFM), and which has been in existence since 1987,

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when the county took over from a private security firm. Chief Don Oliver has 33 career and 20 temporary personnel at his command. Duties include lockdown, after-hours weapons screening, internal and perimeter patrols and escorting late-working county employees to their cars.

✓ The Department of Adult and Juvenile Detention, whose 61 detention officers handle more than 30,000 bookings per year and bring in-custody defendants to and from courtrooms (see sidebar). The focus of their job is the prisoner: ensuring that the inmate doesn't harm anyone, and that no one harms the inmate. "You have to be cognizant of everything going on around you," explains Capt. Chan Manning. This can be difficult during high-profile cases when courtrooms and hallways are jammed. "I don't know if you've experienced bright camera lights," Manning says, "but they put them a foot from your face and you're blinded. You have to push them away." If possible, alternative routes to the courtroom are found.

✓ The Court Protection Unit, which was created in the wake of the Blackwell shooting and whose 70 employees include both limited-commission officers and civilian weapons screeners. Two officers are always stationed in the family law area, while others are made available in other courtrooms at the request of judges and bailiffs. "We work with the judges, who set up the game plan," Sgt. Tracy explains. "The judges say, 'This is what I'm going to tolerate and this is what I'm not going to tolerate,' and they'll issue the order and we follow the order. But it's a team effort between the judge, the bailiff and the Court Protection Unit." Tracy adds, "The courtroom is not a public forum for one to express whatever one wants. It's the venue of the judge, and the judge sets the standards. And that's what we're there for: to enforce those standards."

Although separate, these three security units work together on security issues. Courtroom duress alarms, for



Would someone actually try to smuggle a sword into court? Sgt. Joe Tracy shows the answer.

example, are connected to the Emergency Dispatch Center on the first floor, which is run by the DCFM, and their security people then contact the Court Protection Unit, which responds. Information is frequently shared. In a way, security at the King County Courthouse seems as extensive, reconstructed and jerrybuilt as the building itself, but there's no denying the improvement over six years ago, when—not counting the Department of Adult and Juvenile Detention—only six officers covered the 50-plus courtrooms, without, it should be

added, the benefit of weapons screenings at the courthouse entrance. Back then, just a month and a half before the Blackwell shooting, a *Seattle Times* editorial on courthouse security prophetically asked, "Does tragedy have to occur before the County Council takes action?" Now, many people in the law community actually feel safer *inside* the courthouse.

"Our officers are *seasoned*," says Commissioner Canada-Thurston. "They know what to look for. They're really responsive without being overly aggressive."

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**A**ttorney Mimi Castillo has every reason to feel uneasy inside the King County Courthouse. Castillo represented Susana Blackwell in her divorce proceedings and was in room W275 at the time of the shooting. If she hadn't written down some additional thoughts for her closing argument, she would have already joined the women in the hallway outside. She was, in fact, walking toward the doorway when the shooting began.

"Like firecrackers," she remembers of the sound. "Eight, nine, ten. It was just *pop, pop, pop.*"

The shooting traumatized her. She doesn't wear the same clothes she wore that day, she doesn't park in the same parking spot. Six months later she had to argue a case in the courtroom next door, which mirrors room W275, but couldn't get any words out. She began to cry.

"And that hallway still *haunts* me sometimes," she says. "I can't stand going in that hallway. I think it's only 10 feet from wall to wall. Where do you go?"

Yet these days Castillo actually feels safer inside the King County Courthouse, where an assailant can be stopped by security, rather than outside the courthouse, where she feels like a sitting duck. Often, she runs to get to her car.

A family law case a few years after the Blackwell shooting didn't help mat-

ters, and highlights a disturbing trend for people in the law community. Castillo was once again representing a wife in a divorce proceeding. (Forty percent of her caseload, she estimates, is still in the volatile family law area.) Everything appeared to go fine. But after the divorce, the husband, who had a history of abusive behavior, refused to leave the family's home, and when the wife finally took legal action, he killed her. The subsequent police investigation found a list on his computer of other people he planned to kill, including attorney Mimi Castillo. That entire summer, with the man still at large, Castillo couldn't work in her University District law office. Too dangerous, it was felt. She could only pass by at odd hours to pick up or drop off paperwork. This continued until the husband's body was found in Puyallup in August, an apparent suicide.

"It's those kind of people who concern me the most," says Spokane Judge

James Murphy, the current president of the Superior Court Judges Association. "I think we've taken great steps to secure our buildings and our courtrooms... But I concern myself more with those who carry a vendetta and are capable of carrying it out,

and work *sub rosa* in their planning."

One individual, for example, kept appearing before Judge Murphy's court, first on misdemeanor charges and then on increasingly violent felony charges. "Eventually I ran into him three times in a short period," Murphy remembers, "once at my credit union, which is about three blocks from the courthouse; once outside my courtroom; and one time I came out of the grocery store near my home and he was parked behind my car." When the police eventually arrested the individual (on other charges), they found evidence that he planned to kill several judges, including Judge Murphy. "[The police] knew he had been at my home, and they were pretty sure he had been *in* my home," Murphy says.

Asked if he feels more secure inside the courthouse these days, Murphy responds unequivocally. "Correct."

**Y**et despite the beefed-up security presence in counties such as King and Spokane, security problems persist elsewhere. The Pierce County



Mimi Castillo still shivers when approaching courtroom W275 in King County.

## Rap sheet

While there are no statistics kept for threatening incidents in courthouses around the state that aren't prosecuted, phone harassment and "paper terrorism" directed at lawyers, judges and witnesses is fairly common.

As far as convictions go, according to the Sentencing Guidelines Com-

mission, in 1999 there were six convictions in Washington state for "intimidating a judge" and 45 convictions for "intimidating a public servant or witness." Things cooled off a bit in 2000 when there were just five convictions for "intimidating a judge" and 32 convictions for "intimidating a public servant or witness."

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Courthouse, which once led the way with the installation of permanent metal detectors at its entrance in September 1994, now has severe overcrowding on its fifth floor. "Our criminal processing area . . . is really inadequate," says Pierce County Judge Thomas Felnagle. "We've got victims

on duress alarms—essentially an after-the-fact measure if weapons are involved. Garfield County has no security whatsoever. "We are a very small court," its county clerk says.

Unfortunately, since divorces and firearms are not restricted to big-city court-



TOM REESE / THE SEATTLE TIMES

Courthouse killer Timothy Blackwell

mixed with defendants mixed with defense attorneys mixed with prosecutors. The judges have to walk through the whole mess to get back to their chambers. . . . It's just a very volatile mix."

The greatest problem, though, is the disparity in security measures across the state. Since courthouse security is funded by county commissions, the smaller counties, with smaller budgets and one-judge courthouses, are less likely to spend money on any kind of security, let alone what may be the most necessary component of a safe courtroom: a metal detector and the trained personnel to staff it. Whitman and Skamania counties, for example, rely

rooms, what occurred in King County in 1995 could just as easily occur in, say, San Juan County.

"The small courts are just as vulnerable," says Judge Anne Ellington, the presiding judge at the King County Courthouse at the time of the Blackwell shooting. "There's nothing urban about what happened here." **L&P**

—Erik Lundegaard writes movie and book reviews for *The Seattle Times* and is the chief staff writer for *The Grand Salami*, a *Seattle Mariners* fan magazine. He profiled Experience Music Project museum IP lawyer Fred Silber in the December/January 2001 issue of *Law & Politics*.