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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

MATTHEW H. RICHARDSON,

Respondent,

v.

MIKE SIEGEL,

Intervenor/Appellant.

BRIEF OF RESPONDENT

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ORIGINAL

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A. SUMMARY OF THE ARGUMENT

Over approximately the last fifteen years, Matthew Richardson was a school security officer, a school teacher, a coach, an elected member of a city council, and a candidate for state senate. Unknown to students, parents, and voters, however, was the fact that Richardson had been convicted of a crime against two very young girls, committed when he was a teenager. The fact of his conviction, the nature of the crime, and all detail of the court proceedings were completely hidden from public view by an order of the trial court sealing the court file and erasing any sign of the case from the superior court docket. As questions were raised about Richardson's performance as a teacher or his fitness for elected office, the information contained in the King County Superior Court file was unknown and unavailable to most members of the public. Under modern standards for sealing court records, the file would have been available.

This case illustrates the importance of open court records and raises a number of issues – both procedural and substantive – about the way this court file was sealed and the appellate review of that decision. The State respectfully asks this Court to address these issues to provide guidance to litigants and trial courts.

First, although this file was originally sealed pursuant to a repealed version of General Rule (GR) 15, the procedures and standards used to

evaluate a motion to unseal the file are the present standards, not the former standards. The State respectfully asks this Court to adopt the approach taken by the Court of Appeals, Division One, for dealing with motions to unseal a file that was sealed under former rules, or was sealed improperly.

Second, the sealing order is substantively flawed because application of constitutional standards would not permit sealing this file, much less erasing all trace on the docket. Richardson cannot identify an interest that trumps the public's interest in openness because there is no constitutional or common law privacy interest in criminal conduct. Sealing a court case in its entirety forever robs the public of any ability to assess that information or to evaluate whether it was properly handled by the courts. These considerations should be addressed by this Court's opinion to ensure a meaningful application of the Ishikawa¹ factors on remand, and to illustrate for future courts how the analysis should be conducted.

Third, to enforce open court principles, it should be easier to obtain appellate review when a trial court closes proceedings or seals a file. Although there is some merit to Siegel's argument that direct review should be available when sought by an intervenor long after the criminal

¹ Seattle Times Co. v. Ishikawa, 97 Wn.2d 30, 640 P.2d 716 (1982).

case is concluded, the State does believe that direct review should be available in active criminal cases. Rather, the State argues that RAP 2.3 should expressly allow an appellate court to grant discretionary review where a court closure has occurred, but the appellate court should also be free to deny review based on prudential concerns inherent in interlocutory review.

Fourth, this case reveals a schism between constitutional open courts doctrine and legislative policies designed to ameliorate the stigma of prior convictions, especially in this modern information age. The constitutional doctrine requires openness, whereas statutes tell a former defendant that he can say -- falsely, albeit legally -- that he has not been convicted of a crime. The constitutional mandate is to presume openness and to balance a defendant's asserted interests against the public's presumed right. Given those presumptions, the public's interest in openness should generally prevail and the statutory authorizations to ameliorate the effect of a conviction must be evaluated in that light.

Finally, the State agrees with Siegel that there is no authority to appoint counsel at public expense to a person who wants a trial court record sealed, unless that person is otherwise entitled to appointed counsel.

B. ISSUES

1. When a court is asked to unseal a court file that was sealed under a repealed procedure, should the party advocating closure be required to meet the present standards for sealing records?

2. Does the constitutional mandate for open court records generally override statutory policies that seek to make conviction data more difficult to access such that the public's interest in Richardson's conviction is not outweighed by his asserted interests?

3. Should appellate review be more readily available, either by direct review or by discretionary review, when a court seals documents?

4. Was Richardson properly denied the appointment of counsel at public expense?

C. FACTS

The State accepts the statement of facts as set forth by Appellant Siegel.

D. ARGUMENT

The general cases and principles governing Const. article I, section 10 of the Washington State Constitution and the First Amendment of the United States Constitution are fully addressed by Siegel in his opening brief. Br. of App. at 14-23. In the interest of brevity, those principles will not be restated here. Instead, this brief will address from the State's

perspective some of the procedural and substantive deficiencies in the trial court's order denying the motion to unseal, and other arguments that arise from the circumstances of this case. It should be noted at the outset, however, that because the proceedings in Richardson's criminal case were long-ago terminated, Richardson's right to trial is not at issue, so the analysis in this case is controlled by article I, section 10 ("Justice shall be administered openly..."), rather than article I, section 22 ("the accused shall have the right ... to a speedy and public trial ...").

1. THE TRIAL COURT'S ORDER IS PROCEDURALLY DEFICIENT SINCE IT DOES NOT ADDRESS CONSTITUTIONAL STANDARDS OR THE REQUIREMENTS OF GR 15.

Siegel argues that the trial court erred in numerous respects by failing to follow established procedures in GR 15 and by failing to conduct the constitutionally-required Ishikawa analysis. Br. of App. at 33-36. The State agrees with Siegel's arguments and asks this Court to expressly adopt the reasoning of the Court of Appeals, Division One, that a motion to unseal a file that was sealed under former GR 15 must meet constitutional standards and the standards in the existing rule.

GR 15(e)(2) provides that "a sealed court record in a criminal case shall be ordered unsealed only upon proof of compelling circumstances." The burden to justify unsealing appears to be on the person seeking to

unseal the file. Although it may be appropriate to place the burden on the moving party where the trial court's original order complied with the modern version of GR 15 and the Ishikawa factors, the trial court's original 2002 order in this case appears not to have met the requirements of either GR 15 or Ishikawa. In light of the strong presumption of openness, a person deprived of access to court records should not be forced to shoulder the burden to show "compelling circumstances" to unseal a case that was improperly sealed in the first place.

The State respectfully asks this Court to adopt the reasoning of the Court of Appeals on this point.

Applying the current rule to an order entered before its adoption presents several difficulties. The unsealing provision of the current rule clearly contemplates that the sealing order was entered in compliance with the current rule. But former GR 15 did not require findings, did not address redaction, and did not prohibit sealing based only upon the parties' agreement.

* * *

We conclude that when a party moves to unseal records that were sealed under the former rule and the original sealing order does not conform to the current rule, it is not appropriate to apply the current standard for unsealing. Rather, the proponent of unsealing should be permitted to show that under the standards of the new rule, the original order was unjustified or overbroad.

In re Marriage of R.E., 144 Wn. App. 393, 402-03, 183 P.3d 339 (2008).

The Court of Appeals correctly recognized that this standard would comport with this Court's pronouncements.

[A]ny records that were filed with the court in anticipation of a court decision ... should be sealed *or continue to be sealed* only when the court determines ... that there is a compelling interest which overrides the public's right to the open administration of justice.”

In re Marriage of R.E., 144 Wn. App. at 403, 183 P.3d 339 (2008)

(quoting Rufer v. Abbott Laboratories, 154 Wn.2d 530, 549, 114 P.3d 1182 (2005) (emphasis added)).

There is nothing in this record to suggest that the trial court ever balanced the Ishikawa factors before sealing Richardson's file, and the court clearly could not have applied in 2002 the current standards of GR 15 which were promulgated in 2006.

As Siegel correctly argues, Richardson's motion to unseal fails on a number of points. Br. of App. at 33-36. First, GR 15(c)(2) requires that the trial court enter "written findings that the specific sealing or redaction is justified by identified compelling privacy or safety concerns that outweigh the public interest in the court record." The findings must be filed and available for public review. GR 15(c)(5)(C), (c)(4). No findings of fact and conclusion of law were entered or filed for public inspection; the court entered a single-sentence order. CP 107.

Second, there is no indication that the court considered redaction of the file instead of wholesale sealing of the file and docket. Failure to consider redaction violates GR 15(c)(3).

Third, the trial court's sealing order was, itself, sealed. This is in plain violation of GR 15(c)(5).

Fourth, the court violated GR 15 by erasing any other sign of the court case. Once a criminal case has been vacated and sealed, "the information in the public court indices shall be limited to the case number, case type . . . and the notation 'vacated.'" GR 15(d). Under the court's order, the case number, the case type, and the notation of "vacated" were not available.

Finally, although it is unclear whether the victims had an opportunity to give input before the 2002 sealing order was entered, it appears that the victims are in full agreement with motion to unseal. CP 34-37, 44.

For all these reasons, the court's order does not comply with the appropriate standards and must be reversed.

2. THE CONSTITUTION REQUIRES THAT COURT RECORDS OF A CRIMINAL CONVICTION BE SEALED ONLY RARELY; LEGISLATIVE POLICY CANNOT SUBVERT THAT MANDATE.

There is some tension between the constitutionally-based open courts doctrine and policy-based directives in statutes designed to limit the availability of criminal conviction data. This tension appears to be causing confusion in trial courts as to how and when to seal records of

prior convictions. The State respectfully asks this Court alleviate this tension by clarifying that the constitutional analysis controls and that statutory policies regarding vacating convictions can influence a close case, but that generally the public's interest in openness must prevail.

The tension between constitutional doctrine and statutory authority can be described as follows. The purpose of article I, section 10 is to ensure that court proceedings and records remain open; hence, the constitutional doctrine provides that court records should be only seldom sealed. Dreiling v. Jain, 151 Wn.2d 900, 93 P.3d 861 (2004); Rufer v. Abbott Laboratories, 154 Wn.2d 530, 114 P.3d 1182 (2005).

At the same time, however, in order to reduce the stigma of a conviction, statutes allow defendants with a vacated conviction to lawfully say that the conviction never occurred. RCW 9.94A.640(3). But, if a defendant tells a potential employer that he has no criminal conviction, and the employer discovers the vacated conviction pursuant to a check of court records, the defendant appears to have lied to the employer. Thus, rather than alleviating stigma, the statute can actually worsen an offender's position vis-a-vis future employers. To avoid this situation, courts are asked with increasing frequency to seal court records, and courts are often unsure what weight to give to the somewhat conflicting constitutional and statutory principles. Some courts seem to believe that to effectuate

statutory policy they have a duty to bury the prior conviction by sealing the file and the docket so that no one can ever tell a case existed.²

The State respectfully suggests that such reasoning subverts the constitutional mandate to the statute. A court faced with a motion to seal court records should analyze the motion using the Ishikawa factors; statutes or rules that are inconsistent with article I, section 10 must be disregarded to the extent they undermine the principles of openness. In re D.F.F., 172 Wn.2d 37, 256 P.3d 357 (2011) (statute and court rule are subordinate to the constitution); State v. Waldon, 148 Wn. App. 952, 202 P.3d 325 (2009) (court rule must incorporate constitutional test). If a defendant has been statutorily discharged³ from his obligations imposed by a conviction, and if the conviction was vacated,⁴ a trial court may consider these facts in the weighing process, GR 15(c)(2)(C), but a vacated conviction is not a trump card that automatically must lead to

² Because the report of proceedings from the 2002 sealing hearing is not available and because the court did not enter written findings on the 2010 motion to unseal, the trial court's intent in this case is unclear. It seems logical to infer, however, that the court intended that nobody know about this criminal case, or the court would not have taken the additional step of sealing the docket.

³ Discharge releases a defendant from most obligations imposed by a conviction and has the effect of restoring civil rights. RCW 9.94A.637. Discharge is not, however, a finding of rehabilitation. RCW 9.94A.637(5).

⁴ Vacation of a conviction removes the conviction from criminal history, releases the defendant from all penalties and disabilities resulting from the offense, and allows the offender to say he has never been convicted. RCW 9.94A.640(3).

sealing of a court record, and it certainly does not authorize the court to seal the docket as well as the file.

Article I, section 10 requires consideration of these factors before a court record may be sealed or redacted:

1. The proponent of . . . sealing must make some showing of . . . a serious and imminent threat to some . . . important interest. The burden of persuading the court that access must be restricted to prevent a serious and imminent threat to an important interest shall be on the proponent . . .

2. Anyone present when the . . . sealing motion is made must be given an opportunity to object . . .

3. The court, the proponents and the objectors should carefully analyze whether the requested method for curtailing access would be both the least restrictive means available and effective in protecting the interests threatened. . . . If the endangered interests do not include the defendant's Sixth Amendment rights, that burden rests with the proponents.

4. The court must weigh the competing interests of the defendant and the public . . . Its consideration of these issues should be articulated in its findings and conclusions, which should be as specific as possible rather than conclusory.

5. The order must be no broader in its application or duration than necessary to serve its purpose. . . . If the order involves sealing of records, it shall apply for a specific time period with a burden on the proponent to come before the court at a time specified to justify continued sealing.

Seattle Times Co. v. Ishikawa, 97 Wn.2d at 37-39 (quotation marks and citations omitted).

Although many cases have discussed the need for conducting an Ishikawa analysis, few appellate decisions actually explain how the analysis is to be applied. The State respectfully asks this Court to take this opportunity to explain the analysis in the context of this case.

The first and fourth factors are most pertinent to the substantive balancing that the trial court must undertake. In this case, the defendant's interest pales in comparison to the public interest in openness, and should not justify any sealing of the record, much less a sealing of the entire docket.

First, the fact that Richardson pled guilty to a crime against a child is not a private matter. This Court recently explored the definition of privacy in the context of the Public Records Act and noted that the Act defined privacy as it has been defined in the Washington common law. Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 428 n.3, 259 P.3d 190 (2011). The right to privacy described in the Restatement (Second) of Torts § 652D, at 383 (1977) was said to be the common law right. Hearst Corp. v. Hoppe, 90 Wn.2d 123, 127, 580 P.2d 246 (1978). That standard is described in comment b to § 652D of the Restatement:

Every individual has some phases of his life and his activities and some facts about himself that he does not expose to the public eye, but keeps entirely to himself or at

most reveals only to his family or to close personal friends. Sexual relations, for example, are normally entirely private matters, as are family quarrels, many unpleasant or disgraceful or humiliating illnesses, most intimate personal letters, most details of a man's life in his home, and some of his past history that he would rather forget. When these intimate details of his life are spread before the public gaze in a manner highly offensive to the ordinary reasonable man, there is an actionable invasion of his privacy, unless the matter is one of legitimate public interest.

Still, not all sensitive or embarrassing matters are private. Several justices of this Court recently observed, in discussing *allegations* of misconduct rather than criminal convictions, that behavior is not "private" simply because it is sexual and/or distasteful. Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d at 428 n.3 (Madsen, J. concurring/dissenting). The justices observed that the fact that an allegation concerns *sexual* misconduct does not mean that personal privacy is at stake because, otherwise, all sexual offenses would involve the offenders' personal privacy. *Id.* Clearly, the commission of a crime is not a private matter. Thus, misconduct against a child that resulted in a criminal conviction is not private information subject to constitutional protection.

Federal circuit courts of appeal have consistently held that disclosure of expunged convictions is not a due process violation because there is no constitutional right to privacy in criminal conduct. Willan v.

Columbia County, 280 F.3d 1160 (7th Cir. 2002) (record of mayoral candidate's past conviction for felony burglary was public record and disclosure did not violate candidate's right of privacy); Nilson v. Layton City, 45 F.3d 369, 372 (10th Cir. 1995) ("An expungement order does not privatize criminal activity.").

Moreover, Richardson's decision to seek public office elevates the public's interest in his past behavior.

It seems almost too obvious for argument that the candidate who enters the public arena voluntarily presents or thrusts himself forth as a subject of public interest and scrutiny. While there are many intimate details which may be beyond the scope of legitimate public interest, information which clearly and directly bears upon the qualifications and the fitness of those who seek and hold public office is unquestionably in the public domain.

Fritz v. Gorton, 83 Wn.2d 275, 294-95, 517 P.2d 911 (1974). See also Monitor Patriot Co. v. Roy, 401 U.S. 265, 277, 91 S. Ct. 621, 628, 28 L. Ed. 2d 35 (1971) ("... a charge of criminal conduct, no matter how remote in time or place, can never be irrelevant to an official's or a candidate's fitness for office. . .").

Finally, it should be noted that this court has already held that the identity of *victims* of sexual assault is presumptively public information. Allied Daily Newspapers of Washington v. Eikenberry, 121 Wn.2d 205, 848 P.2d 1258 (1993) (statute that prohibited release of information

identifying child victims of sexual assault to the public or press in the course of judicial proceedings or in any court records was unconstitutional).

We adhere to the constitutional principle that it is the right of the people to access open courts where they may freely observe the administration of civil and criminal justice. Openness of courts is essential to the courts' ability to maintain public confidence in the fairness and honesty of the judicial branch of government as being the ultimate protector of liberty, property, and constitutional integrity.

Eikenberry, at 211. If the identities of child sexual assault victims are presumed public, then surely the offender's identity is public, too, and the legislature cannot direct courts to seal records about past offenders without weighing the substantial impact sealing might have on the public in any given case.

To justify sealing his conviction, Richardson must establish a "serious and imminent threat to some . . . important interest." If the fact of his prior conviction is not inherently private, then Richardson has a relatively weak assertion of personal interest. Since the public is presumed to always have a strong interest in access to court records, Richardson's interest here is insufficient to tilt the balance in favor of closure, even if the conviction was previously vacated.

Moreover, the public interest in knowing is even stronger under these circumstances. At the time Richardson first asked to seal the court

file it appears he had applied for or was already working for the Kent School District as a security officer. Given that such a position could place him in a position of power over children, the public had a right to know that he had offended against young children in the past. And, as Richardson moved into teaching and coaching positions, the public's interest – and the interest of parents, students, and educators – became even stronger.⁵ Once he sought public office, there was no conceivable reason to leave the file sealed.

A final observation about the basic policy of preserving open court records is perhaps warranted. The legislative practice of making prior conviction data less available by expunging convictions has existed for some time and in varying degrees across different states. See Michael D. Mayfield, *Revisiting Expungement: Concealing Information in the Information Age*, 1997 Utah L.R. 1057, 1059 (1997) (noting differences between Oregon, Wyoming and Oklahoma). Expunging court records involves a tradeoff between assisting offenders to fully reenter society and keeping information secret that may bear on the public's well-being or safety. *Id.* at 1061-66.

⁵ Media reports suggest some controversy over Richardson as a teacher. <http://www.theolympian.com/2010/08/27/1349401/records-show-reprimand.html> (last accessed 6/9/12). The record on appeal is silent as to whether any such accusations were brought to the trial court's attention in 2002 or in 2010, or whether a final determination was made as to the substance of the allegations.

Although there is value to offenders in expunging criminal history information, there are difficulties, too, especially with the proliferation of data in the information age. There is the moral criticism that expungement institutionalizes dishonesty and thereby breeds mistrust among the public when it is discovered that someone who claims – pursuant to statute – that he has never been convicted of a crime was, actually, convicted of a crime. Id. at 1066.

This difficulty is also a very real practical problem in the modern world now that court records are so readily available in digital format, and now that old news reports, blogs, You-Tube, and social media can spread damaging information and ensure that it remains publicly available. Information used to be dropped from public view after a period of months or years. It simply did not matter if a person said – pursuant to a statutory authorization – that they had never been convicted of a crime because few people would discover otherwise. Id. at 1069.

Moreover, expungement places the public at risk to the extent that it prevents individuals or licensing boards from knowing who they are entrusting their business to, or who they are inviting into their profession. Id. 1069-70.⁶

⁶ Most bar associations deem it necessary to ask applicants to disclose whether they have ever been convicted of a crime, even if the conviction was vacated or expunged. See e.g. APR 24.2 (focusing on past *conduct* rather than simply past convictions). It is clear that

Thus, the benefits of "expungement" are sometimes over-stated both as to its effect on the defendant and its effect on society, especially in the modern information age. Under our constitution, the relevancy of a prior conviction is to be judged by the public, not *a priori* by an order of the superior court. These concerns militate against eroding the traditional openness of court records simply to accommodate an arguably outdated statutory preference.

For these reasons, this Court should hold that the substantive balancing of the first and fourth Ishikawa factors should generally favor openness, and that the record in this case cannot justify sealing of Richardson's prior criminal conviction.

3. APPELLATE REVIEW SHOULD BE MORE
READILY AVAILABLE WHEN A COURT SEALS
PRESUMPTIVELY OPEN RECORDS.

Siegel argues that, as an intervenor, he should have a right of direct review when a trial court closes a proceeding or seals a document, because such orders are "final judgments" under RAP 2.2(a) or "decisions determining an action" under RAP 2.2(a)(3). Br. of App. at 42-45. The State agrees that there is merit to Siegel's argument insofar as it applies to intervenors who challenge a trial court ruling in a criminal case after the

this requirement is important, but is difficult to understand why a small business owner should be deprived of similar information when hiring someone to handle business funds.

criminal case has been completed. At that point, the only active issue in the case is the motion to unseal the record. And, after all, if Siegel had brought an independent action to demand openness, he would have been able to appeal the superior court's ruling denying, for example, a motion for a writ of mandamus or prohibition. Thus, when the criminal case is long-ago terminated, the court's ruling does appear to determine the only active part of the action, and direct review might be appropriate.

On the other hand, it is not true that any ruling sealing a record or closing a proceeding is a "final judgment" or a "decision determining an action" especially when the underlying criminal action is active. For instance, a *party* to the proceedings could just as well raise the claim on appeal from the final judgment in the case, after all trial court litigation has concluded. And, there are numerous difficulties with direct interlocutory review.

In general, however, the State agrees that to ensure that trial courts are assiduously and correctly applying open court principles, appellate review should be readily available. Arguably, review is presently too difficult to obtain. Under RAP 2.3(b), an aggrieved party must show clear or probable error. As long as a trial court conducts an Ishikawa analysis and applies GR 15, appellate review is only for an abuse of the trial court's discretion. Rufer v. Abbott Laboratories, 154 Wn.2d at 540 ("We review

a trial court's decision to seal or unseal records for abuse of discretion, but if that decision is based on an improper legal rule, we remand to the trial court to apply the correct rule"). Thus, to obtain discretionary review under RAP 2.3(b), a party aggrieved by a sealing order must show that the trial court clearly or probably abused its discretion.

This is a difficult hurdle to clear. Because the open administration of justice is so important to our court system, review should be more readily available under the rules of appellate procedure when a court grants closure. It does not follow, however, that review should be more readily available when a court refuses to seal, because a refusal to seal is consistent with the constitutional presumption, whereas an order sealing goes against the constitutional grain.

The circumstances of this case are illustrative. Sealing Richardson's court files likely harmed the ability of parents, students, school officials, and the voting public to make informed decisions about important matters. Richardson was accused of inappropriate behavior against students but his criminal background was not available for consideration. He ran for public office but voters were blocked from knowing about his criminal past. Even if the trial court had applied the Ishikawa factors and sealed the file in whole or in part, it may have been

difficult to establish in a motion for discretionary review that the trial court clearly or probably erred.

Review of closure or sealing orders would be enhanced if the rules of appellate procedure expressly provided that the appellate court should more generously grant review if the trial court has sealed a proceeding or document. This could be accomplished by, for example, an amendment to RAP 2.3(b) that allowed review of sealing orders where there was possible error instead of probable error. Or, RAP 2.3(b) could be amended to provide that review should be presumed appropriate if a proceeding or record was sealed below. Amendments of that sort would recognize the heightened interest of the courts and the public in preserving openness, but would still permit the appellate court the discretion to deny review in cases where the closure was clearly warranted or where the consequences of closure are insignificant. In addition, it would preserve flexibility for appellate courts to balance a litigant's interest in review against the practical concerns inherent in interlocutory review.⁷

In sum, the State does not oppose a holding that an intervenor in a concluded criminal case may appeal a sealing order as a matter of right, but the State recommends that this holding be limited to intervenors in

⁷ "Interlocutory review is disfavored." See Minehart v. Morning Star Boys Ranch, Inc., 156 Wn. App. 457, 462, 232 P.3d 591, review denied, 169 Wn.2d 1029 (2010); Diaz v. Washington State Migrant Council, 165 Wn. App. 59, 84, 265 P.3d 956 (2011).

concluded cases, as contrasted with *parties* who seek review, and as contrasted with attempts to obtain *interlocutory* review. Finally, the State recommends that the rules of appellate procedure be amended through the normal rulemaking process rather than by judicial opinion.

4. RICHARDSON SHOULD NOT HAVE BEEN APPOINTED COUNSEL AT PUBLIC EXPENSE TO KEEP THIS FILE CONCEALED FROM THE PUBLIC.

The State agrees with Siegel's analysis on this question. Br. of App. at 45-49. Richardson's sole interest at this point is in keeping court records from public view. His liberty is not at stake and the sealed or unsealed status of his prior conviction will not affect calculation of his offender score in a future case. Thus, there is no constitutional or statutory basis to expend public funds in defense of his argument.

DATED this 16th day of June, 2012.

Respectfully submitted,

DANIEL T. SATTERBERG
King County Prosecuting Attorney

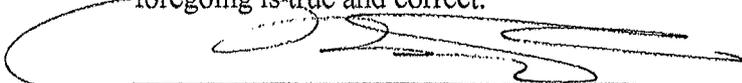
By: 

JAMES M. WHISMAN, WSBA #19109
Senior Deputy Prosecuting Attorney
Attorneys for Respondent
Office WSBA #91002

Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to the attorneys for petitioner, Michele Lynn Earl-Hubbard @ Michele@alliedlawgroup.com and Christopher Roslaniec @ chrisroslaniec@hotmail.com, containing a copy of the Brief of Respondent, in STATE V. MATTHEW RICHARDSON, Cause No. 85665-6-, in the Supreme Court, for the State of Washington.

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



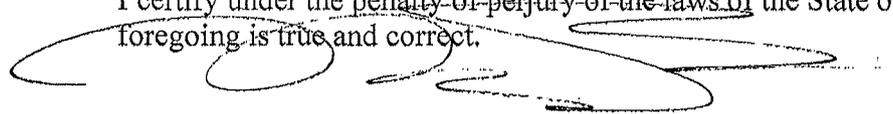
Name
Done in Seattle, Washington

08/11/12

Date

Today I deposited in the mail of the United States of America, a properly stamped and addressed envelope directed to Respondent Matthew Richardson 14807 Rivergrove Drive East, Sumner, WA 98390, containing a copy of the Brief of Respondent, in STATE V. MATTHEW RICHARDSON, Cause No. 85665-6-, in the Supreme Court, for the State of Washington.

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



06/11/12

Name
Done in Seattle, Washington

Date

OFFICE RECEPTIONIST, CLERK

To: Ly, Bora
Cc: Whisman, Jim; 'Michele@alliedlawgroup.com'; 'chrisroslaniec@hotmail.com'
Subject: RE: State of Washington v. Matthew H. Richardson, Supreme Court No. Case # 85665-6

Rec. 6-12-12

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Ly, Bora [<mailto:Bora.Ly@kingcounty.gov>]
Sent: Monday, June 11, 2012 5:01 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Whisman, Jim; 'Michele@alliedlawgroup.com'; 'chrisroslaniec@hotmail.com'
Subject: State of Washington v. Matthew H. Richardson, Supreme Court No. Case # 85665-6

Dear Supreme Court Clerk,

Attached is the Brief of Respondent in the above-titled case. Please advise me if there are any difficulties with this electronic filing.

Sincerely yours,

Bora Ly
Paralegal
Criminal Division, Appellate Unit
King County Prosecutor's Office
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104
Phone: 206-296-9489
Fax: 206-205-0924
E-Mail: bora.ly@kingcounty.gov

For

James Whisman
Senior Deputy Prosecuting Attorney
Attorney for the Respondent