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## Editorials

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### **Editorial: State Supreme Court should not allow sealing of court records**

The state Supreme Court should recognize proposed new rules governing sealing of court records for what they are: radical expansion of court secrecy.

Seattle Times Editorial



THE Washington state Supreme Court has been asked to consider a radical change in rules governing secrecy of court records. If justices sign off on this proposal, records of criminal proceedings might vanish from public view without a trace, and corporations could more easily sweep away a paper trail of malfeasance.

To say it's a bad idea is a gross understatement.

At issue is General Rule 15, which governs the sealing of court records. The changes, proposed by a judicial subcommittee, are described as an update to reflect recent Supreme Court rulings, but they are much more than that.

Attorney Eric Stahl, who submitted comments for the Washington Coalition for Open Government and two newspaper

groups, described the proposal as “an overreaching attempt to rewrite” long-established rules.

The proposal erodes Article 1, Section 10 of the state Constitution, which mandates that “justice in all cases shall be administered openly ...”

Proposed changes could ease the sealing of records obtained during the investigative phase of litigation, when secrets are uncovered. People with an interest in “nondisclosure” are invited to intervene.

Watering down these rules virtually ensures that moneyed interests would seek to tuck embarrassing facts in sealed files. Read the 2006 Seattle Times series “Your Courts, Their Secrets” documenting wholesale sealing of cases involving medical malpractice, incompetence by police, sexual abuse of minors and financial exploitation of the elderly.

Also being considered is an unprecedented expansion of secrecy in criminal cases. Criminal charges that do not end in a conviction would be virtually wiped clean from court indexes — a “disappearing docket,” as one commenter said.

That means that an acquittal — think O.J. Simpson’s murder trial — would be treated like a gubernatorial pardon, or the vacation of a conviction after a felon showed years of rehabilitation and clean behavior. The Washington Association of Prosecuting Attorneys, in comments submitted to the court, calls this “likely unconstitutional.”

The state Supreme Court should recognize proposed changes to GR 15 as a radical rewrite of court secrecy. At the very least, the court should call a public hearing. Better, it should summarily reject the proposed changes.

If it does not, citizens should take note of how the court votes. Four justices are up for election this fall. Are they for open courts, or are they for more secrecy?

*Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Ryan Blethen, Sharon Pian Chan, Lance Dickie, Jonathan Martin, Erik Smith, Thanh Tan, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).*



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