

June 17, 2013

Re: Proposed General Rule 31.1

The Court, in *Federal Way v. Koenig*, found itself exempt from the Public Records Act, basing its ruling on the fact that Washington's judiciary is not explicitly labeled an "agency." Now the term "agency" is a foundational platform of Proposed General Rule 31.1, a rule written, essentially, to extrapolate on the Court's decision in *Koenig*. I guess the citizens of Washington will in time come to the deeper understanding that the real meaning of *Koenig* is that judicial agencies are not Washington agencies?

In all fairness, I know the individuals who have worked on Proposed General Rule 31.1 have put in a lot of work and have tried, at least within a certain context, to codify the availability to the public of certain types of court records. However, if indeed the Court's intention is for transparency to be the overriding principle of the proposed rule, I have a question: What would the Court do if I requested the names of all committee members and all written committee communications around the drafting of Proposed General Rule 31.1? Would the Court's position be that special groups of Washington citizens may meet in conclaves and draft court rules that govern the citizens of Washington? Would the Court's position be that communications around Proposed General Rule 31.1, once again, a rule governing Washington citizens, are to be kept from the citizens of Washington?

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