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To: Data Dissemination Committee (DDC)
Attn: Stephanie Happold
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Heritage Family Law, PLLC (HFL) hereby officially appeals its request denying access to JABS. We appeal this decision based on the Washington General Rules and need.

General Rules

Washington General Rule 31(D)(1) states that "(t)he public shall have access to all court records except as restricted by federal law, state law…"

The Distribution of Court Records Test

Under section F(1), "A public purpose agency may request court records. . . . In order to grant such requests, the Court or the Administrator for the Courts must: A Consider: (i) the extent to which access will result in efficiencies in the operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate; (iii) the extent to which access will result in efficiencies in other parts of the justice system; and (iv) the risks created by permitting the access."

Heritage Family law is a for profit law firm which provides private legal services to individuals. Under Prong (i) & (iii), HFL's access to JABS would not result in any inefficiencies in the judiciary. HFL, like many family law firms, already receives physical copies of criminal records upon request. Access to JABS would not contribute to judiciary inefficiencies, but would rather alleviate them and create time for court clerks.

Under prongs (ii) & (iv), the release of confidential information is still highly protected and the risk of the spread is negligible, because only HFLs' attorneys are requesting access to JABS. Washington Attorneys are admitted through the Washington Supreme Court. Attorneys are regulated by Court rules, State rules, and National and Local rules of Professional Conduct (RPCs). Attorneys' endure a state background checks, which are more in depth than the same state law enforcement officers. Attorneys therefore present less of a risk than court personnel or law enforcement officers. Attorneys would be the exact class the legislature would approve. Highly regulated and duty bound by Washington.

Washington Attorneys are officers of the Court

Gen Rule 31(F)(2) Courts, court employees, clerks and clerk employees, and the Commission on Judicial Conduct may access and use court records only for the purpose of conducting official court business.

As previously stated above, Washington Attorneys are admitted through the Washington Supreme Court. What was not mentioned above is that Attorneys are also the gate keepers. Washington attorneys give the oaths to police officers and court personnel. Washington attorneys also regulate who may have such information. Attorneys therefore work for Washington Courts. This is no clearer than when Attorneys are

admitted to Washington Bar as Officers of Washington Courts. Attorneys must also abide by court rules and proscribed conduct to Courts. Attorneys thus have an upmost duty to Courts and the information within them.

Need

HFL needs access for public policy reasons. Family law attorney's work in an area of law with significant criminal crossover (I in fact was a criminal defense attorney). These areas cross from contempt of court for back Child Support, suspended licenses for not paying child support, protection Orders, domestic violence restraining orders, Welfare proceedings, child in need of aid cases, criminal records as it pertains to the "best interest of the child," and one of the most important functions, warrant checks (for our clients). *Courts' want family law attorneys to have this information and often encourage it*. This is likely due to the State's placed importance on the "Best interest of the child." The state has an extreme interest in the children of Washington, so Courts' typically provide all criminal background information to attorneys freely upon request. In some cases, court proceedings are delayed until attorneys have reviewed particular information. Cases are then set over or clerks have to take time to print off such records etc. This leads to issues of efficiency and not convenience.

Conclusion

The regulation of confidential information is extremely important to the Washington Legislature & Courts. Rules and mandates are therefore necessary to its protection. Attorneys in general, are the class of individuals which the legislature would deem low risk, given their position within Washington's society. Family Law attorneys specifically provide a more unique need for such confidential information. Given the importance of such information, in proceedings which affect the best interest if the child, access is of the upmost importance. Lack of information directly adversely affects judicial efficiency. HFL's attorneys therefore request access to JABS.

HFL is willing to sign any confidentiality or privacy agreement and additionally is willing to modify any application to conform to DDCs requirements for access.

Respectfully,

Heritage Family Law,