WASHINGTON
COURTS

June 18, 2019

TO: Judge Jay Leach and the Data Dissemination Committee Members

FROM: John Bell, AOC JEB

RE: Letter from MDRC

Attached please find a letter from Bret Barden of the MDRC[1]. Mr. Barden is requesting a language change to our section 14.1 of our data share agreement. The language currently reads:

14. RESEARCHER must:

14.1 Provide AOC with a copy of any report generated from this research project 60 days prior to publication with the opportunity for AOC to object to the use of its data in the report; however, any objection must be reasonable and rationally based. If such objection is made the data and any related findings shall be removed from the report.

This language allows us to review the final report and object to referring to Washington court data in a researcher's report if our objections are "reasonably and rationally based."

MRDC is asking us to limit our objections to confidentiality protections of the participants. See attached letter from MDRC. AOC opposes adding any limitations to this section of the contract. If we agreed to such limitations, AOC or the courts could not object to anything besides the confidentiality protections of participants in MDRC's report, even if our objection was reasonable or rationally based (i.e. misinterpretation or misuse of the provided data). The current language is necessary to protect AOC and the courts interests. It would be very difficult to list objective criteria for our objections as we cannot predict how the data will be used or interpreted by the requester.

AOC also disagrees with Mr. Barden's claim that the current language affects MDRC's independence. MRDC can always litigate/contest the reasonableness or rationale of our objection. Furthermore, making this change for MRDC would set a bad precedent for future requests of a similar nature. The current language in section 14.1 was reviewed and approved by this Committee and should not be changed or limited to objections regarding confidentiality.

[1] Founded in 1974 as the Manpower Demonstration Research Corporation, "*MDRC*" became the official name of the organization in 2003.

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