



November 30, 2011

The Honorable Charles W. Johnson, Chair
Supreme Court Rules Committee
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Proposed Adoption of GR 31A, Access to Administrative Records

Dear Justice Johnson:

Having reviewed the proposed GR 31A and having received comment from various staff at the Administrative Office of the Courts, please accept the following comments on the proposed General Rule 31A for consideration by the Court:

The proposed rule at (c) (4) exempts the records of the Certified Professional Guardianship (CPGB) Board indicating those records are governed by GR 23. GR 23 (c) (2) (xi) provides that the Board may adopt regulations regarding the disclosure of records in the Board's possession, which the Board has done in CPGB Administrative Regulation 003. To provide for consistency and ease of public understanding, it would appear to make more sense to include the various exemptions and restrictions on CPGB records, primarily grievance and discipline records, within the list of exemptions contained in GR 31A (e) (1) (B). Further, this would allow the appropriate extension of those same restrictions to parallel records regarding grievances and disciplinary actions involving certified and registered court interpreters, which I would recommend.

It is not clear in reading GR 31A (e) (3) (B) which timelines, if any, apply to either the "Further Review" or "Alternative Review" under (e) (3) (B) (3) and (4) respectively. I would suggest including language in both of these sections providing that the requesting person must seek the review within 30 days of being notified of the completion of their records request.

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GR 31A (g) (2) provides for charging fees for responses which contain photocopied or scanned records. However, given that records may be contained and provided in various paper and electronic formats, it would be better if this section were more generic in its description. As an alternative to the current language, I would propose:

(2) A fee may be charged for the ~~photocopying or scanning~~ creation of copies of judicial records. The fees shall cover the material expenses of the medium on which the copies are produced and the expense of preparing the copies. If another court rule or statute specifies the amount of the fee for a particular type of record, that rule or statute shall control. Otherwise, the amount of the fee may not exceed the amount that is authorized in the Public Records Act, Chapter 42.56 RCW.

Sincerely,

//s// Provided Electronically

Jeff Hall
State Court Administrator