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December 20, 2012

The Honorable Justice Charles W. Johnson
Rules Committee Chair
Washington Supreme Court
Temple of Justice
PO Box 929
Olympia, WA 98504

Re: Additional Comments on Proposed Rule GR 31.1, Access to Administrative Records

Dear Justice Johnson:

The Washington State Office of Public Defense (OPD) appreciates the opportunity to comment on proposed Court Rule GR 31.1, regarding public access to judicial branch administrative records. As the Court continues to discuss Proposed Rule GR 31.1, OPD respectfully requests that you consider the following amendment to Exemption 6 of the proposed rule:

(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing and ~~payment~~ payment records that do not contain confidential information are not exempt.

After further reviewing the Proposed Rule, OPD believes the above-suggested amendment more appropriately tracks with case law as well as the government's interest in ensuring fiscal transparency and accountability for expenditure of public funds.

Thank you for considering OPD's request. On behalf of OPD I urge the Court to adopt GR 31.1 with the amendment to section (1)(6) as requested above.

Sincerely,

Sophia Byrd McSherry, Deputy Director
on behalf of Joanne Moore, Director

cc: Justices of the Washington Supreme Court