

## Tom Goldsmith

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**From:** Tom Goldsmith <TTGsmith@TGandA.com>  
**Sent:** Monday, December 31, 2012 3:12 PM  
**To:** Denise.Foster@courts.wa.gov  
**Cc:** 'Neidhardt, Rick'  
**Subject:** RE: GR 31.1 and professional guardianships

Ms. Foster;

Would you please post this e-mail with the Supreme Court's GR 31.1 public comments.

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Honorable Chief Justice Madsen;

Mr. Neidhardt was kind enough to send me information in the e-mail forwarded below, describing how the currently proposed text of section (L)(12) of the draft GR 31.1 regarding public disclosure of complaints against professional guardians was arrived at.

I must say, I'm a bit surprised that the level of this discussion was not higher, either from the Certified Professional Guardianship Board (CPBG) side or on the part of the Supreme Court. Also that more-diversified views were apparently not represented.

Most importantly however, I'm disappointed that we have yet to hear or see detailed arguments to justify the "exceptional" non-disclosure policies, apparently based on the special nature of the professional guardian's tasks and skills, that the CPGB seeks to continue. Especially since over the past year I and others have outlined very specific concerns and objections.

It seems to me, that unless there is a **truly more-open "collaborative" and public-concerns oriented discussion** of this requested exception, it will not be easy to reach workable or mutually beneficial proposals. That is, solutions that can meet the long-term needs of both the professional communities, and the so-vulnerable elderly and incapacitated individuals served.

Also, please find attached a "sketch" I've prepared, in an effort to help answer for myself, a recent question from one of our community's most-respected professional guardians and guardianship attorneys, who expressed doubt that the Health Department's UDA based

complaint-handling system may be better than the current CPGB system.

I hope you will agree, that this single page makes clear the differences in openness between two existing systems, where the UDA's modern-technology-based approach to full disclosure has for over two decades been tested in its ability to serve the needs and interests of an inquiring public.



Thank you in advance for any thoughts you may have on the need for a meaningful dialog, and the underlying need to look closely at alternative approaches to public disclosure of issues surrounding professional performance.

Tom Goldsmith

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**From:** Neidhardt, Rick [<mailto:rick.neidhardt@courts.wa.gov>]  
**Sent:** Friday, December 21, 2012 1:16 PM  
**To:** [TTGsmith@TGandA.com](mailto:TTGsmith@TGandA.com)  
**Subject:** GR 31.1

To Tom Goldsmith,

I was unable to get in touch with Chief Justice Madsen.

In her absence, I can tell you that I had one meeting with staff from the CPG Board about GR 31.1. The meeting was with Shirley Bondon and Carol Smith. The purpose of the meeting was for me to get more information about the CPG Board's records access regulations and policies. As a result of that meeting, language was developed to expand upon the CPG Board's regulations, adding the sentence about investigative records being open to access once a Board-approved complaint for discipline is filed. The Supreme Court later approved this language for inclusion in GR 31.1.

Other than this one meeting, I did not have any meetings with CPG Board staff or members.

I hope this gives you the information that you need.

Rick Neidhardt  
Administrative Office of the Courts  
360-357-2125

# Compare

Complaint Status:	CPGB		UDA	
	Discoverable *	Inspectible ** ‡	Discoverable *	Inspectible **
<i>At time of submission</i>	no	‡	yes	no
<i>Initial assessment complete</i>	no	‡	yes	yes
<i>Closed without investigation</i>	no	‡	yes	yes
<i>Authorized for investigation</i>	no	‡	yes	yes
<i>Investigation complete</i>	no	‡	yes	yes
<i>Closed without action</i>	no	‡	yes	yes
<i>Statement of charges</i>	no	‡	yes	yes
<i>Complainant appeal</i>	Appeal not allowed		Appeal not allowed ?	
<i>Respondent professional appeal</i>	no	‡	Appeal not allowed ?	
<i>Sanction(s) finalized</i>	yes	yes	yes	yes

\* Discoverable = Can learn status with a phone call to Service Center  
 \*\* Inspectible = Can request case file through a written Public Records Request

Cient's personal information is redacted in both CPGB and UDA case files. Professional guardian's name is also redacted for CPGB files, while Doctor, Nurse, Social Worker names are disclosed both by telephone and in provided documents.

Standardized Assessment, and Case Disposition Worksheets, together with a central data base, are used by the Health Systems Quality Assurance group to administer and track each UDA complaint.

‡ CPGB case files, prior to final determination of discipline, are discoverable only with a public records request. "Dismissed grievances shall be disclosed ... [with] identifying information about the ... professional guardian and/or agency redacted. A request for dismissed grievances shall cover a specified time period of not less than 12 months."

Past CPGB Annual Reports have provided summary information on dismissed complaints (also called "grievances") with varried format and content, beginning in 2005.

Please note that details refelected in this chart may need to be modified, as the CPGB and UDA systems are studied more closely. (TTG 30 Dec 2012)