

February 24, 2022

Honorable Charles W. Johnson, Co-Chair
Honorable Mary I. Yu, Co-Chair
Washington State Supreme Court Rules Committee
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

VIA EMAIL ONLY TO: supreme@courts.wa.gov

Re: Proposed Amendment to GR 23 Certification of Professional Guardians

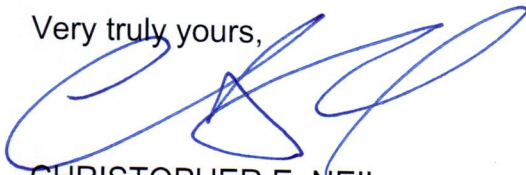
Dear Justices Johnson and Yu:

I write to supplement my earlier letter supporting the amendment to GR 23, which in part, would limit the CPGC Board practice of "closed-door" Executive Session meetings.

The CPGC Board met this morning to discuss the GR 23 proposal in a "closed-door" Executive Session meeting. The Board justified their closed-door discussion explaining they received a letter from their AAG, who was not present and did not participate in today's discussion. The Board then moved and voted to oppose the GR 23 proposal without discussion, in public.

Clearly, the Board needs closed meetings for some matters, such as discussions about the private affairs of CPGC applicants, proposed disciplinary matters and with their AAG about litigation. The GR 23 proposal accounts for these needs. Public trust in public agencies erode when discussions amongst board members occur in private. Unlike the WSBA¹, the CPGC Board was created by statute², is a public agency and should be subject to the OPMA.

Very truly yours,


CHRISTOPHER E. NEIL
Director

Enc: GR23 History

¹ Beauregard v. WSBA, 197 Wn.2d 67, 2021

² See Washington Laws of 1997, Chapter 312 ESHB 1771

GR 23 HISTORY

In 2008 the CPG Board asked the Supreme Court to limit the number of guardians on the board. This request was included with other technical changes to GR 23. In the 7 ½ page request there was just one sentence addressing the 1/3rd restriction:

The proposed amendment also provides that no more than one-third of the Board membership shall be practicing professional guardians so that Board members are drawn from wide areas of expertise related to the work of the Board and the Board avoids the appearance of guardians having undue influence over the regulatory process.

https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=126

In 2008, the Supreme Court received comments from 22 people about the CPG Board's request. Of the comments received: 20 people specifically *opposed* the 1/3rd restriction, one person *supported* the 1/3rd restriction, and one person commented on other matters not mentioning the 1/3rd restriction.

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February 24, 2022

Attached please find comments in support of the proposed amendment to GR 23.

Chris Neil | Director
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