
SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

v.

MATTHEW H. RICHARDSON,
Respondent,

v.

MIKE SIEGEL,
Intervenor/Petitioner.

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

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The American Civil Liberties Union of Washington (“ACLU-WA”) respectfully moves, pursuant to RAP 10.1(e) and 10.6, to file a brief as *Amicus Curiae* regarding the standards to be applied when considering unsealing of court records. In support of this motion, the ACLU-WA offers the following information:

I. IDENTITY AND INTEREST OF AMICUS

The ACLU-WA is a statewide, nonpartisan, nonprofit organization of over 20,000 members, dedicated to the preservation of civil liberties, including privacy. The ACLU-WA strongly supports the constitutional requirement that court proceedings generally should be open to the public. It also recognizes the competing civil liberties interests—privacy, public oversight of government, and the right to fully participate in society—involved in access to court records. The ACLU-WA has participated in numerous cases involving access to public records (including court records) as *amicus curiae*, as counsel to parties, and as a party itself. The ACLU-WA also has participated in legislative and rule-making procedures surrounding access to a wide variety of public records.

II. FAMILIARITY WITH ISSUES

Amicus has obtained copies of, and is familiar with, the briefing submitted by the parties to this Court, the opinion of the lower court and the proceedings below. *Amicus* is familiar with the scope of the argument presented by the parties and will not unduly repeat arguments raised by any of the parties.

III. ISSUES TO BE ADDRESSED BY *AMICUS*

- 1) The appropriate standard under which to evaluate an unsealing motion for records sealed prior to adoption of current GR 15.
- 2) Whether a limited intervenor may appeal a decision denying unsealing as a matter of right.

IV. WHY *AMICUS* BRIEFING WILL ASSIST THE COURT

The Court's decision on the issues in this case could significantly impact many thousands of Washingtonians—all those who either have convictions that have been vacated, or who are eligible (or may become eligible) for vacation. It will also significantly impact those attempting to unseal records that were sealed under prior versions of GR 15. A fully informed decision is essential, and the additional argument provided by the ACLU-WA *amicus* brief will be helpful to the Court. RAP 10.6(a).

Amicus is uniquely positioned to discuss the effect of dissemination of court records on individual privacy interests. As the brief explains, the ACLU-WA's Criminal Records Project has served over 150 individuals who have been denied employment and housing on account of criminal history. All of these individuals would be impacted by a categorical or sweeping ruling on sealing court records in vacated cases, and the ACLU-WA is well-positioned to represent their interests.

Amicus briefing is likely to be especially useful in this case, as one party has not been represented in proceedings before the Court, and has filed no brief. The State and Intervenor Siegel largely agree with each

other. The Court will therefore benefit from *amicus* briefing providing a different perspective—as demonstrated by the Court’s solicitation earlier this year of *amicus* participation by the ACLU-WA and other organizations.

V. CONCLUSION

For the foregoing reasons, the ACLU-WA respectfully requests that the Court grant leave to file the attached *amicus* brief.

Respectfully submitted this 4th day of September 2012.

ACLU OF WASHINGTON FOUNDATION

By



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