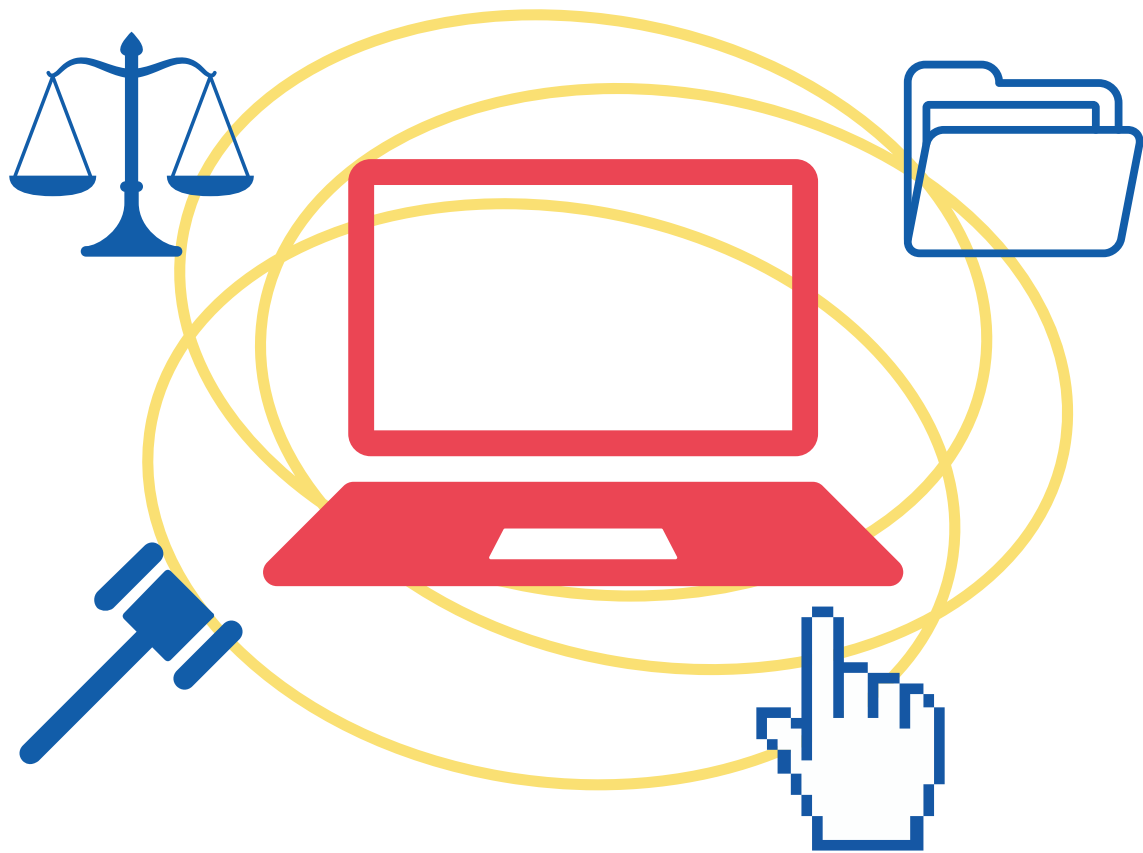


Access to State Court Documents (GR 31 and 31.1)



ACLU
Washington



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This guide provides information about Washingtonians' right to access court files under General Rules 31 and 31.1. This guide is not intended to provide legal advice. If your rights have been violated or if you seek additional information, contact our **[Information and Referral Program](#)**.

What are GR 31 and 31.1?

The duty of Washington courts to disclose information to the public is not covered by the Public Records Act (PRA). To access court records, Washingtonians should use [General Rule 31](#), and to access “administrative court records,” Washingtonians should turn to [General Rule 31.1](#).

What is the difference between court records and administrative court records?

It is important to understand what type of records you are seeking before determining whether GR 31 or GR 31.1 is applicable.

- Court records are materials related to proceedings that occurred before a judge, such as case files, dockets, calendars, documents, information filed by parties, exhibits they included, official records of a case, orders, decrees, judgments, and transcripts that were prepared by the court. A request for these materials is best submitted under GR 31.
- Administrative court records are fundamentally different. These records are files created or maintained by the court that relate “to the management, supervision, or administration of the court or judicial agency.”[1] records must be submitted under GR 31.1.

Limitations of General Rule 31 – Court Records

The information that the public can access via GR 31 is limited in the following ways:

- While the public is presumed to have access to court records, access can be restricted by federal or state law, or by local courts.
- Personal information like Social Security numbers, account information, and driver license numbers will often be redacted in GR 31 court records.
- A state agency can ask the court to prevent the public from accessing information contained in court records that is not publicly accessible. Such a request can only be approved after a court weighs multiple factors with regards to the merits of disclosure.
- Courts can decline “bulk” requests if disclosure would create an undue burden on the court and its ability to operate effectively.
- Bulk record requests “for the purpose of commercial solicitation of individuals named in the court records” are not allowed under the rule.[2]

[1] GR 31.1(i)(2).

[2] GR 31(g)(4).

Limitations of General Rule 31.1 Administrative Court Records

The information that the public can access via GR 31.1 is limited in the following ways:

- Records may be denied if it is determined that the request was made to “harass or intimidate the court or judicial agency or its employees,” if the request implicates security concerns for the court, or if fulfilling the request “may assist criminal activity.”[3]
- A person who is named in the record requested may be notified that the request has been made and such a person can participate in any independent review of the request.
- Courts fulfilling GR 31.1 requests can charge the public for the cost of “research required to locate, obtain, or prepare the records...”[4]
- The public does not have access to “Chambers Records” via GR 31.1. As such, judicial notes and documents or writings created by staff or by a judicial officer are not accessible via GR 31.1.
- Judicial ethics opinions, minutes from meetings only held by judges, evaluations of candidates for judicial office, personal identifying information, investigative requests, investigative documents submitted by attorneys, and documents related to internal judicial investigations are generally not covered by GR 31.1.
- Family court mediation files and juvenile court probation social files are also not accessible under GR 31.1.
- The Washington State Bar Association is not subject to the requirements of GR 31.1.

How do I make a request?

To make a **GR 31** request for court records, the requester must first identify the court that is holding the records. A directory of our local courts exists [here](#) and the Washington Supreme Court [Clerk’s Office](#) also accepts document requests. Once the specific court is identified, the request must be made according to that court’s specific rules. Some courts allow requests to be made online, over the phone, or by mail. All courts will allow for requests to be made in person for records that are physically kept by the court. In addition, our statewide [JIS-LINK](#) platform contains documents for active superior and municipal court records. JIS set-up can be prohibitively expensive (\$200), but it is a worthwhile platform for those who regularly rely on such records. There is no fixed form to assist with requesting court records under GR 31.

Making a GR 31.1 request is simpler: fill out and submit this official [form](#).

[3] GR 31.1(c)(7).

[4] GR 31.1(h)(1).

Can they just ignore me? How long do they have to respond?

No. Your local court must have a record request procedure published on its website and available to the public. Consult that manual before filing a request. Once a request has been submitted with the appropriate court, you can expect a prompt response.

The local court may follow up with you to clarify details surrounding the records you requested. Generally, courts and judicial agencies must respond to GR 31.1 requests within 5 business days, but courts that do not convene regularly (like courts in very rural areas) are allowed to respond within 30 days of the date the request was first received.

A response to the request must address the substance of the records you requested within the timeframe outlined by the record officer. If they cannot comply with their own timeframe, they must “provide a new good faith estimate for responding to the remainder of the request.”[5]

If the response to a GR 31.1 request deviated or is different from the original request, the court or agency must justify the deviation in writing.

If the agency or court believes that they cannot comply with the request because it is extraordinary and requires an unmanageable magnitude of work to satisfy, the court must communicate this to the requester. The court must also work with the requester to develop a more manageable scope and timeframe for the request.

Finally, an agency can deny a request if it determines that the request was meant to harass, implicates security concerns, or would help assist criminal activity.

What happens next?

If you don't like the public record officer's response, you can seek review of their actions. You have 90 days to seek an internal review of a record officer's determination. The 90-day clock starts once the requester receives the record officer's decision.

[5] GR 31.1(c)(5).

After the initial “internal” review, further “external” review of GR 31.1 decisions can take two paths: the requester who disagrees with the public record officer’s decision can seek external review by going to court, or by seeking informal review by a visiting judge or external decision maker. If this informal review does not go well, the requester can ask a court to review that decision as well.

The deadline for seeking external review is 30 days. The clock starts once the court or agency has made a final decision as part of the internal review of the record officer’s initial decision.

What if I ask the court to review a GR 31.1 decision and the court gets it wrong?

If you pursued an “external” review of the agency or court’s initial decision by taking them to court, but you don’t like the court’s final decision, you cannot sue the reviewing judge. You may sue the records officer. The rule that limits who you can sue applies to court decisions that review GR 31 and GR 31.1 determinations.[6]

A reviewing court has no obligation to disclose the requested court records or administrative records.[7] “[A]n individual judge is not personally responsible for responding to public records requests. Rather, the duty to respond to record requests and disclose records belongs to the court, which is in turn delegated to the public records officer.”[8]

Costs:

Under GR 31, while courts may charge a reasonable fee for the cost of providing physical or digital copies of records, you cannot be charged to “view court records at the courthouse.”[9] If cost is a concern, view files at the courthouse instead of paying for copies.

Similarly, under GR 31.1, you cannot be charged to view administrative records. However, you may be charged for the cost of “research required to locate, obtain, or prepare the records...”[10] As such, GR 31.1 requesters may have to pay for photocopying and scanning by a court or agency.

In addition, a court or agency can require an advanced deposit in the amount of the total cost of the request, as well as payments on an installment basis. The cost of research conducted by a court or agency responding to a GR 31.1 request cannot exceed \$30 an hour. A court or agency can require that the cost of research fees be paid before records are produced to the requester.

[6] King County v. Sorensen, 200 Wash.2d 252, 258, 516 P.3d 388 (2022).

[7] Id.

[8] Id. at 261, 516 P.3d 388.

[9] GR 31(d)(4).

[10] GR 31.1(h)(1).

Institutions that are covered by General Rule 31.1:

The following is a list of institutions (courts and agencies) that are subject to [GR 31.1](#).

- The Washington Supreme Court
- The Court of Appeals (state)
- The superior courts across the state
- The district and municipal courts across the state
- The Administrative Office of the Courts
- The Superior Court Judges' Association
- The District and Municipal Court Judges' Association
- Similar associations of judicial officers and employees
- The Washington state Office of Civil Legal Aid
- The Washington state Office of Public Defense