

To: The Washington Coalition for Open Government Board
From: Michele L. Earl-Hubbard
Date: May 12, 2006
Re: Annual President's Report

Dear Directors and Members,

As I look back over the past fiscal year, I am proud of the accomplishments the Coalition has made. I believe the organization is becoming known as a well-informed and influential advocate for open government in this state. Our membership and our board have grown larger and more diverse. Our messages have reached hundreds of Washingtonians, and our work has benefited thousands more. Summarized below are just a few of memorable events from this past fiscal year:

Outreach and Membership Committee:

We held four community forums in four cities, reaching more than 360 people. (Forums were held in Port Angeles (5/19), Walla Walla (7/21), Wenatchee (10/6), and Tacoma (4/19).

On March 13, 2006, we presented a Sunshine Week event at KOMO Studios in Seattle broadcasting both a national panel regarding open government issues on the national front as well as a local panel regarding Washington issues. The event has been broadcast 6 times on TVW and has led to numerous emails and contacts from members of the public.

We had a booth at the annual Washington State Library Association conferences two years in a row -- in Spokane last year and most recently in Tacoma -- reaching all of the state's librarians -- individuals who are often the first place citizens go when trying to obtain access to their government.

WCOG has produced several print Public Service Announcements regarding the Coalition, which have been submitted to newspapers throughout the state. WCOG also produced and distributed a videotape Public Service Announcement to television stations throughout the state.

Our directors and officers are frequently contacted and quoted by journalists in stories dealing with open government issues, and members of the public are finding their way to the Coalition and seeking its advice for their own open government battles.

Because of the growth of citizen requests to the board and various board members, this past year WCOG created a citizen helpline to allow for email exchanges between members of the public and a task force of board members to respond to their requests. WCOG also created a members listserv to allow WCOG members to email each other seeking guidance and

suggestions for a particular open government matter or to keep each other informed regarding particular problems. The use of both communication devices has grown exponential with time.

Affiliations:

The Coalition joined as an affiliated member the Washington Newspaper Publishers Association and the Washington State Library Association. The Washington State Bar Association Bench Bar Press Committee appointed a liaison to WCOG, the Honorable Barbara Linde, from the King County District Court.

Government Committee:

Earlier this year, the board met separately with Attorney General Robert McKenna (11/8) and Governor Christine Gregoire (10/28) to discuss open government concerns and proposals for their administrations.

Our members have testified before the state legislature several times at the invitation of legislators regarding bills affecting the public's access to information. We have provided research and resource materials to the committees considering the bills both prior to and after the hearings.

As a research project stemming from issues raised in legislative hearings, I made Public Disclosure Act requests to several cities and counties as well as every aspect of state government for records showing the requests agencies have denied based on "attorney client privilege" both prior to the state Supreme Court's decision in *Hangartner v. Seattle* and since. The Coalition is analyzing the responses and will be preparing a White Paper to the Legislature with the results in the future.

Legal Committee:

The Coalition has recruited monitors from our volunteer attorney panel to monitor each of the three appellate circuit courts and the state Supreme Court to advise the legal committee of cases with open government issues where a friend of the court or amicus brief should be considered. This past fiscal year, the Coalition filed amicus briefs in four cases before the state Supreme Court and in two cases before the lower appellate courts dealing with public records. (WCOG filed amicus briefs before the state Supreme Court in *Connor v. Spokane*, *Koenig v. Des Moines*, *Lindeman v. Kelso School District* and *Miller v. Sound Transit*. WCOG filed amicus briefs before the Division 2 Court of Appeals in *Storedahl Properties v. Clark County* and the Division 3 Court of Appeals in *Cowles Publishing v. Spokane School District*.) The Coalition's attorneys were granted time at oral argument before the state Supreme Court in two cases: *Koenig* and *Lindeman*.

The Legal Committee has been researching the approach of the other 49 states to confidentiality, or lack of confidentiality, of communications between government attorneys and government employees. It will publish a White Paper with its findings in the coming fiscal year. The Legal Committee is also preparing a conversion chart to show the new citations for the public records law which will move to a new section of the law in July 2006.

Awards:

The Coalition presented its first annual James Madison Award to retired Chief Justice James Anderson on September 19, 2005, at a well-attended free event at the Seattle Public Library.

Conclusion:

The Coalition has had a busy year and accomplished much through its activities. I look forward to another productive year as your President and a member of the Coalition for Open Government.

Very truly yours,

A handwritten signature in cursive script that reads "Michele L. Earl-Hubbard".

Michele Earl-Hubbard
President
Washington Coalition for Open Government