

**SUPERIOR COURT
OF THE
STATE OF WASHINGTON
FOR PIERCE COUNTY**

THOMAS P. LARKIN, JUDGE
Julie Ratley, *Judicial Assistant*
DEPARTMENT 3
(253) 798-7576

534 COUNTY-CITY BUILDING
930 TACOMA AVENUE SOUTH
TACOMA, WA 98402-2108

Councilmember Dick Muri
Chair, Pierce County Performance Audit Committee
930 Tacoma Avenue South, Room 1046
Tacoma, WA 98406

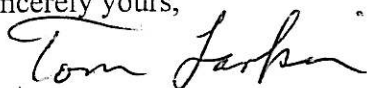
Dear Councilmember Muri:

Enclosed is the Superior Court's response to the issues raised by the Performance Audit Committee as required in the 2006 budget proviso.

I have also enclosed a copy of the Feasibility Plan that was submitted in March of 2006 for your convenience. I have referred to the Feasibility Plan in our response.

On behalf of the Superior Court, I want to thank you for your support in the past. I look forward to working with you in the future in order that we may provide efficient, effective and excellent service to the citizens of Pierce County.

Sincerely yours,



Tom Larkin, Presiding Judge

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April 30, 2007

MEMO

**SUPERIOR COURT'S RESPONSE TO ISSUES RAISED BY THE
PERFORMANCE AUDIT COMMITTEE CONCERNING COURT REPORTERS**

Background

A proviso in the 2006 budget requested a Feasibility Plan from the Superior Court concerning the use of Court Reporters. The Plan, dated March 14, 2006, was prepared by the Presiding Judge Stephanie Arend. The Plan included a careful and detailed history and analysis of court reporter related matters. Subsequent to the Plan being presented to the Pierce County Council, the Performance Audit Committee prepared a Planning Study in which the Superior Court was asked to respond to four questions. The Court agreed to consider the request and report back by April 30, 2007.

Context

The Court applauds and joins in the Council's continuing quest to be good stewards of the public's money. The Court's 22 independently elected officials also recognize their need to be good managers and employers. The Court commits to continuing to be diligent in managing their Court Reporters, as well as their other staff. Finally, the Court recognizes the separate branches of government, while independent of each other, must still work cooperatively. To that end, over the years the Court has made a major concession and taken a major step to advance these goals.

First, as pointed out in the Feasibility Plan in 1981, with great reluctance, each judge agreed to reduce their staff from three employees to two. This has provided a continuing and increasing challenge as the Judges' workload and administrative duties have increased greatly over the last few years. The Judges are unanimous that less than two full-time employees would severely hamper each Judge in carrying out his or her duties and the administration of justice.

Secondly, the Court created the position of Managing Court Reporter. This has increased efficiency and provided a way to achieve cost savings. The Court's Executive Committee and the Presiding Judge exercise continuing oversight with regard to the Managing Court Reporter.

In preparation of this response to the Performance Audit Committee, all of the Judges and Court Reporters were able to give input. We reviewed each of the Judicial assignments to see which, if any, would be suitable to electronic recording of proceedings. This included the CD courts, Remann Hall and Drug Court. We also reviewed which of our proceedings were most likely to be appealed and those in which the attorneys most often request transcripts. After a complete review of the work we perform and a thorough discussion, we concluded that the Feasibility Plan explains in depth many of the considerations as well as challenges surrounding the issue of Court Reporters. We strongly encourage a thorough reading of the Plan.

Specific Responses to The Performance Audit Committee's Questions

Question #1: How the Court proposes to reorganize court reporting services to increase the utilization of staff court reporters and reduce the use of pro tem court reporters?

Answer: The Court does not plan to reorganize its current format. Reorganization would inevitably result in a reduction of the Judge's staff below the necessary two full-time employees. Further, proper Judicial supervision and responsibility for a Court Reporter would be diminished if the Judge and Reporter were separated. This would decrease efficiency rather than enhance it. That said, we believe that more efficiencies and savings can be realized by increased oversight of both individual Reporters by their Judge and increased oversight of the Managing Court Reporter by the Executive Committee and the Presiding Judge. The Performance Audit Committee has been helpful in stressing the need to reduce the pro tem reporter budget. The Court will make every effort to do so.

Question #2: Which specific types of proceedings should have a live Court Reporter?

Answer: Those proceedings where the record will be reviewed by the Court of Appeals or the Supreme Court. Judges are responsible for what goes on in the court and what is reported to reviewing courts. Indeed, Judges are often evaluated by the results of appeals. For this reason, the Judges agreed that the work of Court Commissioners can be recorded electronically. This is because Court Commissioners' orders are temporary orders and these orders can be reviewed by a Superior Court Judge. The Court installed Court Smart for this purpose. We recognize that at times emergencies may arise and there may not be enough Reporters to handle every matter being heard. At those times, the Court would use electronic recording, if available, in the setting where the matter is least likely to require review by a higher court.

Question #3: Which new courtrooms and which current courtroom should be wired or outfitted with electronic recording equipment?

Answer: Any courtroom occupied by a Court Commissioner. Beyond that, the matter becomes one of cost/benefit. Currently, the plan is for the CD courtrooms to be wired.

Question #4: Are there any related topics the court wishes to address:

Answer: None, other than to say the Court appreciates the Council's continued willingness to partnership with the Court in many areas. For example, the Court and the Performance Audit Committee are currently involved in a joint, comprehensive review of our criminal management system. The Justice Management Institute (JMI) has been hired to lend their expertise to the process. We know that mutual respect and cooperation between the branches of government is expected by the public and currently practiced in Pierce County.

Sincerely,



Thomas P. Larkin, Presiding Judge
Pierce County Superior Court