

A JUDICIARY WITH A PLAN FOR ITS FUTURE

STATE OF THE COURT 2006

Chairman Bunney, members of the Pierce County Council, I am Stephanie Arend, Presiding Judge of the Pierce County Superior Court. Thank you for inviting me here today to present the State of the Court address for 2006.

Last year, Judge Orlando told you that what the citizens of Pierce County want is a court—a judiciary—as good as its promise. I want you and the citizens of Pierce County to know that Superior Court has been actively working on becoming just that—a court as good as its promise. Two questions come to mind. First, what is our promise and second, what are we doing to achieve it?

Our promise to the citizens of Pierce County is to fulfill our mission of actively managing the business of the court so as to provide for fair, prompt and efficient resolution of disputes; to provide due process and individual justice in each case; and, to maintain independence and parity as an equal branch of government.

In other words, to become a court as good as its promise, we must not just provide the basic functions of the justice system. The Court must also provide for special circumstances and anticipated needs. That means that we will have courtrooms that are not only open to the public, but that are accessible. We must do everything we can to ensure that there are no barriers to full participation in our legal system. No language barriers. No physical barriers. No socio-economic barriers. No barriers of any kind. And we must be sure everyone feels safe when they walk through the courtroom doors. Whether a juror, a litigant, a lawyer, or a spectator, the people who walk into our courtrooms should feel that they are treated fairly and with respect.

And how do we become a Court as good as its promise? How does any organization achieve its mission? By developing a comprehensive strategic plan with clearly articulated goals and action steps. And that is precisely what Superior Court has been working on.

Over the last few years, the Court developed a strategic plan to assist the court and its judges in their continuing efforts to improve adjudication and the administration of justice. The Strategic Plan is a tool by which the Court can review and measure its progress against clearly articulated goals, identify strengths and areas for improvement, assess resource allocation and alternative funding sources, and timely respond to changes in the environment in which the Court operates.

We have become a Judiciary with a plan for its future.

One of the goals of the Court is to ensure that we have sufficient resources to meet our other goals. As you know, the judicial branch is not a County department. It is a co-equal branch of government that depends on you, the legislative branch, for the resources necessary for operation.

However, we also recognize that the County cannot bear the full costs of the Court system. That is why the Pierce County Superior Court judges supported state legislation to shift some of the financial burden for Courts from the County to the State. One of the byproducts of that effort was the creation of the Trial Court Improvement Funds. These funds are intended to be used for the benefit of both Superior Court and District Court, ideally for projects that the Courts are not currently undertaking. You will hear more from us in the near future on how we think those funds should be used.

Our most valuable resource is the people who work for Superior Court. In 2005, the County Council, upon recommendation from the County Executive, passed a supplemental budget authorizing the 22nd department for Superior Court. We thank you and John Ladenburg for creating and funding this additional department. And we thank Governor Gregoire for appointing John Hickman to this position. Judge Hickman was in private practice in Pierce County for nearly 30 years before joining the bench. For about 8 of those years he was a partner of Franklin Dacca, now District Court Judge Dacca. He had a general practice which included civil litigation, family law, and criminal law. He served as a pro tem commissioner and judge for many years. Judge Hickman is well respected, particularly for his integrity. We are pleased to have Judge Hickman on the Superior Court.

Early 2006 saw another significant change in the composition of Pierce County Superior Court with the appointment of Susan Keers Serko to Department 14.

Judge Susan Keers Serko practiced for 20 years in Tacoma, starting in 1982, 15 years with Rush, Hannula, Harkins & Kyler. Her practice included Plaintiff and Defense work in the areas of tort litigation, employment discrimination and family law. For the past 4 years, Judge Serko was an Administrative Law Judge working on public assistance due process hearings, child support matters, and licensing issues. Her swearing in ceremony will be this Friday, February 10, at 4:00 pm in Courtroom 100 and you are all invited to come and meet the newest member of our bench. I'm sure you will be as pleased with the Governor's choice as we are.

As excited as we are to have Judge Serko join our bench, we are saddened about the retirement of Judge Bruce Cohoe. Judge Cohoe was appointed by Governor Booth Gardner to the new Pierce County Superior Court department #14 effective April 1, 1987. During his 19 years on the bench, he never faced an opponent in re-election. He loved being a judge. His judicial

decisions were sound and well reasoned; his temperament was even; he was a hard worker on and off the bench. He was the consummate judge, respected by the lawyers and litigants (even those who lost) who appeared in his court as well as by his peers on this bench and throughout the state and nation. He was a pioneer in the creation of our adult Drug Court. Judge Cohoe will most certainly be missed.

We now have 28 judicial officers—22 judges and 6 (soon to be 7) Commissioners. Of course our human resources also include our judicial assistants, court reporters, our Court Administrator Andra Motyka, our deputy Court Administrator Steve Saynisch, our Juvenile Court Administrator Shelly Malua and the rest of our administration staff. We are currently in the process of analyzing the organization of that staff and anticipate making some changes in the next couple of years in administration. You will hear more from us in the upcoming months as our plan begins to take shape.

With the addition of additional judicial officers comes the need for additional courtrooms. Before the Council authorized the 22nd department, we had 4 fewer courtrooms than judges. But I told you that if you gave us the additional judge we would find a place to hold court. And we did.

With the cooperation of the Executive Branch, through Kevin Stock, the Court Clerk, we converted Room 107 to a courtroom for *ex parte* hearings. During these first few months of operation it has been ably presided over by Commissioner Mary Dicke. In the past, *ex parte* hearings were held at the beginning or end of the Commissioners already overflowing dockets. Lawyers were complaining that they could not get their matters heard. Some of the lawyers decided to simply bypass the Commissioners altogether and were interrupting the Judges' dockets for *ex parte* matters. Although it has only been operating since the beginning of the year, already we are hearing positive responses. Unfortunately, we had to take a person out of Administration to provide an in-court clerk for this courtroom. This has worked a severe hardship on our already under-staffed administration, but we believe it is the right thing to do in the short term. We look forward to the Council's funding of our 7th Commissioner and in-court clerk so that we can return that staff person to Administration.

Just as we found a courtroom to accommodate the addition of the 22nd department, so we will find a place to hold court when you fund our 7th Commissioner.

These, of course, will be temporary courtrooms, just until the construction of our new courtrooms on the 3rd and 4th floors of the County-City building is complete. Construction of our courtrooms is proceeding. We have already approved mock-ups of the benches. And we are taking extra precautions to do

everything we can within our resources to make sure the physical space enhances our ability to fulfill our mission.

We acknowledge that we have an obligation to be good stewards of the public's funds and that our Courts should operate as efficiently as possible. When people talk about efficiency and the Courts, they are usually talking about how many cases are processed and resolved in a particular time period. So let me talk about the numbers for a moment.

Total filings of new cases in 2005 were 35,721 (6,475 criminal; 24,384 Civil; 4,862 juvenile (civil and offender)). Overall filings were up slightly from 2004, with the biggest increase in criminal filings -- up by nearly 400 cases. And while we resolved 33,365 cases in 2005, our backlog of pending cases continues to rise. By the end of 2005, our pending criminal backlog was 1,980 cases, an increase of nearly 250 cases over the same time a year earlier.

Courts are efficient only so long as they can provide timely, quality justice, fairly and impartially. When a criminal case is over 270 days old, we have very real concerns about the timeliness and quality of justice. Over time, witnesses move away and memories fade, making it more and more difficult for justice to be served. By late spring of 2005, we had about 118 criminal cases that were over 270 days old. And while this group of cases may be small, Superior Court judges, in conjunction with our justice partners in the Prosecutor's office and the Department of Assigned Counsel embarked on a concentrated effort to resolve these cases so that justice would not be denied. Through our efforts, more than half of the cases were resolved. We will continue to look for new ways of addressing the pending caseload—both the criminal backlog as well as the civil backlog.

In 2005, under the leadership of Judge Tom Larkin and Judge Frank Cuthbertson, juvenile court continued its efforts to reduce juvenile detention. The average monthly population was 124 in 2003, 89 in 2004, and 85 in 2005. This decrease has not resulted in an increase in juvenile crime. The Court also worked with outside providers to open a Youth Assessment and Resource Center, now located at the Peoples Center, and also opened the evening reporting program. Both of these programs are part of the long-term plan to reduce detention and to assist children and families in need.

In 2006, under the leadership of Judge James Orlando, Judge John McCarthy, and Judge Ron Culpepper, we will continue to work to refine the detention process and seek further reductions. We expect to see an increase in 2006 of dependency filings and have received a grant to create a project called "Parent to Parent" which will use parents who successfully resolved their dependency cases to assist new parents in the dependency system.

We hope to be able to resolve more dependency cases in 2006 through terminations and adoptions, but continue to face roadblocks due to inadequate and inconsistent State funding for services and programs.

We accomplished many of our goals in Family Court in 2005 under the leadership of Judge Kitty-Ann van Doorninck. We made great strides towards getting and retaining qualified GAL's. Two significant changes improved the quality of services the GAL's provide: a new application and training process which mandates job shadowing and mentoring before being put on the registry for their own case; and, we developed a panel of experienced family law attorneys to act as an Advisory Panel for all GALs.

We produced a video entitled "Pierce County Superior Court, How to File for a Protection Order." The video has been widely disseminated throughout Pierce County to domestic violence shelters, other service agencies, and libraries.

Family Court continued managing and often resolving high conflict custody matters. 75 percent of the relocation trials that were referred to Family Court were resolved within 90 days.

The goals for Family Court in 2006 include: monitoring and refining "Impact on Children" curriculum, which is a mandatory class for people involved in custody disputes; the expansion of Family Court to include all cases involving children; and, developing a system that provides for the same judicial officer to hear all issues regarding a given case.

We also believe we have a very important obligation to help educate the public about the court system. To fulfill our goal of public outreach and education, Superior Court, in collaboration with the Tacoma Pierce County Bar Association and in celebration of Law Day, participated in a month-long project aimed at educating young people on the American jury system and preparing them to serve as jurors when they become adults. In this project, students sat as jurors on mock cases and experienced an abbreviated version of what it is like to serve on a jury.

This year's law day theme is "Liberty Under the Law; Separate Branches, Balanced Powers." If a member of the Court or the legal community approaches you to participate in one of the many law day activities this year, I do hope you will say yes.

What I've just covered is a very brief overview of what we have been doing and what lies ahead for Pierce County Superior Court. Whether we can accomplish what we have undertaken depends, in part, on the continuing collaboration of our three branches of government. In that regard, acknowledging and endorsing the separation of powers, I also commend to you

what former United States Chief Justice Charles Evans Hughes said to Congress on its 150th anniversary, “[I]n the great enterprise of making democracy workable we are all partners.”

Pierce County Superior Court IS a Judiciary with a plan for its future. With your help, Pierce County Superior Court will also be a Court as good as its promise.

Thank you.