

Superior Court of the State of Washington for Snohomish County

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COURT ADMINISTRATOR
SUPERIOR AND JUVENILE COURT
RICHARD E. CARLSON

February 23, 2006

Mike Cooper, Chair
Snohomish County Charter Review Commission

RE: Snohomish County Clerk

Dear Members of the Charter Review Commission:

As you may be aware, the Snohomish County Superior Court bench has for some time questioned the need for the Superior Court Clerk to be a separately elected entity under the county charter. Snohomish County is the only *Home Rule Charter* county with an elected County Clerk. In the four other *Home Rule Charter* counties, the Clerk of the Court is appointed. In support of the court's concerns, we offer the following:

- **The Superior Court and the Superior Court Clerk are closely related functionally, and it no longer makes sense to separate them organizationally. The current organization is a vestige of a bygone era when Superior Court Judges “rode circuit”, and access to court records required a local contact such as the Clerk’s office could provide. Consolidation of the County Clerk’s office into the Superior Court offers greater operational and budgetary efficiency.**

Discussion: The primary function of the elected clerk of the Superior Court is to serve and support the Superior Court and those using the court by receiving and processing court documents, assisting in court proceedings, maintaining court files, and records, and receipting and disbursing funds (paraphrase of clerk’s office description and related statute). In essence, the clerk is the Court’s accountant and record keeper. We see no reason why these functions should be administered independently of the court.

On a daily basis, the operations of the clerk and superior court are intertwined to the point that maintaining them as separate entities no longer makes sense:

1.) Courtroom clerks spend their time in courtrooms on a daily basis, taking direction from, and providing support to the Judge, and yet they are not court employees.

2.) *The administration of the jury system is split between the clerk and the court: the clerk summons jurors, and the court assigns, orients, and pays them.*

3.) *Courthouse facilitators report to the clerk, but provide assistance and information to people moving through the family court process.*

4.) *Because of the current situation, each budget request for a new judicial officer contains separate proposals from the Superior Court, and the clerk.*

5.) *Frequently, the court must “negotiate” with the clerk the “how’s and whys” of the court’s need for access to court records.*

6.) *The clerk’s office prepares the calendars for the court, but is not administratively responsible to the court for that function.*

These are but a few examples of current practices made necessary by the bifurcation of the court and the clerk. It is our belief that these would be better addressed through a system wherein the clerk was appointed by, and served at the pleasure of the Superior Court judges.

- **For unity of purpose and direction, the essential administrative and ministerial functions of record keeping and accounting can and should be directed by the court.**

Discussion: Communication and decision making with regard to the court’s records is unnecessarily complicated by having to work through another elected official. In addition, the Superior Court promulgates many of the rules that govern the records maintained by the clerk, but does not direct the implementation of those rules. This is inconsistent with every other level of court in the state.

Recent legislative changes with regard to the collection of legal financial obligations provide but one example of the unnecessary complexity resulting from coordinating effort between two separate organizations.

- **For internal administrative efficiency, there should be no duplication of internal support functions that currently exists: payroll, personnel, purchasing, planning, budgeting, and financial management, research and advisory services, facilities management, jury management, cases scheduling, and calendar management, and technology management.**

Discussion: The adoption of General Rule 29 by Washington’s Supreme Court in 2002 clearly place responsibility for administration of the court’s personnel, fiscal, and operational functions under the direction of the Presiding Judge. The clerk’s office functions are an important aspect of that mandate.

Greater efficiency in administrative functions could be achieved by moving the clerk’s

functions under the Superior Court. Superior Court already has successful experience in this area through the administrative consolidation of its Superior and Juvenile Court support functions. In that effort, separate budgeting, personnel, technology, planning, and other business functions were combined into a single unit supporting both organizations. The Superior Court is now comprised of 237 FTE, and beyond its in-court responsibilities, administers a wide variety of programs. These include its highly successful drug courts, juvenile detention and probation, family court, juvenile indigent defense, and a host of other programs. It successfully administers multiple funding sources, and large numbers of contracts. In short, it is a professional, administratively sophisticated organization that is fully capable of managing the current responsibilities of the clerk's office, and enhancing the coordination of effort and service to the people of Snohomish County.

Recommendations: At its annual planning and operations retreat on February 11, 2006, the bench adopted the following recommendation:

It is the unanimous recommendation of the Snohomish County Superior Court that the elected position of County Clerk, established by the charter, be eliminated, and that the Clerk be appointed by, and serve at the pleasure of the Superior Court Judges. In addition, that all functions of the Clerk's office and the staff who perform them be placed under the administrative direction of the Superior Court.

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Judge Ronald L. Castleberry _____

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