

# Superior Court of the State of Washington For Thurston County

**Paula Casey, Judge**  
*Department No. 1*  
**Thomas McPhee, Judge**  
*Department No. 2*  
**Christine A. Pomeroy, Judge**  
*Department No. 3*  
**Gary R. Tabor, Judge**  
*Department No. 4*



**Chris Wickham, Judge**  
*Department No. 5*  
**Anne Hirsch, Judge**  
*Department No. 6*  
**Carol Murphy, Judge**  
*Department No. 7*  
**Lisa L. Sutton, Judge**  
*Department No. 8*

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December 26, 2012

Chief Justice Barbara Madsen  
C/O: Denise Foster, Supreme Court Clerk  
P.O. Box 40929  
Olympia, Washington 98504-0929

Sent via email to [Denise.Foster@courts.wa.gov](mailto:Denise.Foster@courts.wa.gov)

Re: Proposed Revised GR 31.1

Dear Chief Justice Madsen,

The Thurston County Superior Court judges welcome your invitation to comment on proposed GR 31.1. The Thurston County Superior Court judges strongly support open and transparent courts and court processes. The Supreme Court already has improved the proposed rule since its initial draft. We offer the following additional comments about the revised version of proposed GR 31.1.

Implementation of this proposed rule will require a significant expenditure of time and resources. Our court will need to train staff and will need to address our antiquated business practices and e-mail system. Additional staff time will be needed to respond to requests and resolve disputes. The Thurston County Commissioners and other Thurston County departments will need to be involved in these changes. As the Supreme Court is fully aware, our court and other Washington courts have been impacted greatly by the recession, resulting in reduced staff and financial resources. This proposed rule will increase our court's responsibilities without any corresponding funding source.

When the economic crisis first appeared, this County took proactive measures to cut 12.5 percent of our staff in 2008. Those cuts have not been restored. Currently, the priority for Thurston County has been to open a new jail in 2013, requiring the county to redirect budgets and staff and recognize the increased maintenance costs to operate this new jail from 2013 forward. Recently, Thurston County revised its projected revenue and expenditures for 2012 through 2016. This projection showed recurring deficits in the Thurston County's anticipated revenue between now and 2016. By 2013, Thurston County would have current level expenditures exceeding its projected revenue. As a result, the county has advised the court that we will face another 10 percent budget cut next year.

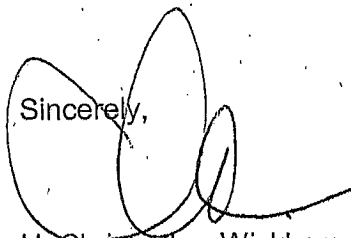
This court's proposed 2013 budget included a staff person to address and update outdated business processes essential for efficient and modern court operations. We made this request after the National Center for State Courts reviewed our business practices and suggested the change. This request was not funded. Given the dire state of the county's projected revenue in the near term and anticipated cuts in State budgets for courts, it will be challenging for our court to provide required services.

Our court reviewed the recent public records requests that we received and a number of issues became apparent. Given the county's records retention system and old e-mail system, the county would need to revise its current records retention schedule and train staff on this system. We would also need to train staff on public records compliance and designate a staff member to handle these requests. Unfortunately, Thurston County's systems are outdated and archaic, and a system-wide change would be necessary to move forward. Only in this way would the county be able to locate potentially responsive records without incurring great time and expense. Our court will enter 2013 with greater challenges than ever before regarding access to justice.

What would be most helpful to courts such as ours is time to implement this new rule. That time can be used to train staff and develop systems for responding to public records requests. We would also appreciate the ability to charge research and copying costs before the project is final. In the context of PRA litigation, we see many situations in which a person requests records but then never picks up the documents or pays for the work that is involved in responding.

Thank you for this additional opportunity to comment. We appreciate the ability to voice our concerns regarding this important issue.

Sincerely,



H. Christopher Wickham  
Presiding Judge  
Thurston County Superior Court