

Dear Family, Friends and Supporters,

July 3, 2015

I had hoped that some individuals would come to have a change of heart, and the harassment of me, as your new County Clerk, would cease. I have chosen to remain silent during this time in an attempt to uphold the dignity of the court which is one of the responsibilities I have as your County Clerk.

Unfortunately, the time has come now to realize that matters are not subsiding, yet getting worse. For those reasons I am coming forward now to let you know the truth as to the allegations that have been brought out against me, and my staff, over the last 18 months since I took this elected office.

The following are "My" Facts:

- 1) There is a very close relationship between our County Commissioners, Superior Court Judges (including their Court Consultant and Court Director), and some of the Yakima Herald Republic newspaper's management staff.
- 2) I have returned numerous calls requesting comment on the past 40 plus stories only to be "quoted" incorrectly and the positive comments made were never printed. After awhile, I learned to refrain from commenting at all.
- 3) When I took office on January 1, 2015, some of my staff informed me that they felt the office had been without any Clerk leadership for quite a few years. The Court's staff and Clerk's staff had been basically running the office during that time. The Clerk's staff were allowed to come and go as they pleased, reported to the Court Director, and had no rules to follow.
- 4) The prior Clerk of 22 years (who did not want to step down) and the court's staff, had left my staff with numerous impressions that I was going to terminate their employment on day one. As a successful private businesswoman for 34 years, I know what the serious affects are when new management makes that type of decision, and I would never make that decision for those reasons. It could shut down the business.
- 5) I have met with the Superior Court Presiding Judge, the Court's Consultant and Court Director, many times beginning with the first meeting the Court requested of me on November 20, 2014, ten days after I won election to this office. In every meeting I was "told" how my office was going to be ran, and the duties my staff would perform. When I would refuse because I felt it violated the separation of powers within our Constitution, another unfavorable story about me would be printed in the Yakima Herald Republic the next day.

- 6) I have never been given the chance to do this job. Instead, I have had to deal with being harassed by a few of my fellow elected officials. It sure would have been beneficial to have had their support and cooperation as a new elected official as the other elected officials have given me from day one.
- 7) As a newly elected official I was forced into having my staff be an "Early Adopter" and beta tester of new technology (Odyssey) which changed basically every way they previously entered all information, including finance. I was further told that the County Commissioners would not give me any additional technology staff (we have none in the Clerk's Office) to help implement this technology. The worst part was being assaulted by one of the County Commissioners through this issue to which I have accepted their apology that they meant no harm to me, and would never do it again. The possible criminal charges were then dropped.
- 8) In March of 2015, unionization of my staff was started by one of my "unhappy" employees that was married to the union secretary. This employee has since left employment with the Clerk's Office and is currently working for the Court. My staff have advised me this individual continues to be involved, and has played a huge part in the filing of ULPs (Unfair Labor Practices) by my staff.
- 9) In preparation for Odyssey GO-LIVE, and without my knowledge, one of the Court's staff "incorrectly" assigned all the beginning access levels for their Superior and Juvenile Court staff themselves, and also for all of my staff. Access was also given to Court staff to "Add and Modify" within all our confidential case types that they should not have even had access to "View". The incorrect access for my staff carried through after GO-LIVE and drastically inhibited the work my staff could perform within Odyssey until I could get it corrected.
- 10) In preparation for Odyssey GO-LIVE, and without my knowledge, one of the Court's staff "incorrectly" instructed AOC to import our existing "confidential" documents/files into Odyssey as "Sealed". This caused all those documents to be un-accessible to everyone. It took my staff until just recently to re-import the affected files correctly. This was the cause for documents showing in wrong cases, and not that my staff had entered them into Odyssey incorrectly. These were Pre-Odyssey files/documents.
- 11) While we were working with AOC to fix those files, the Court's Director gave all of their Superior and Juvenile Court staff and one of our county Technology Department staff, full access to "Sealed" files/documents. We are still currently working to fix this and secure that Confidential Information.
- 12) The "Court" Record that my staff have been recording is the word for word record of every word stated during the course of a hearing, or also called the "Verbatim Report of Proceedings" for the Court of Appeals to review when they hear the public's appeal of a lower court's decision. This is not just a record that should be "turned on and periodically checked" by the Court Reporter. The problem is

that the FTR (ForThe Record) electronic recording devices in our courtrooms malfunction at times and the records on appeal for these show "inaudible" in parts of the appeal record. It is a very important record and all efforts should be made to ensure it is accurate for the public.

- 13) CR (Court Rule-State) 80 sets out the requirements by law pertaining to those who act as Official Court Reporters. There is a training and certification process that these individuals must obtain to be accepted by the Court to take the "Court's" Record. None of my deputy clerks have received either of these at this time, and therefore are not allowable by law to be an Official Court Reporter. There is currently a proposed change to this rule from the Washington Association of Court Reporters to allow the public to pay for a live Court Reporter, approved by the Court, instead of having their cases electronically recorded. I believe this may be an indication that Court Records in other counties around the state are having similar issues with their electronic recording devices providing complete and accurate records for the public.
- 14) LAR (Local Administrative Rule) 3 is what the panel has stated I am bound by. I do not understand how a "local administrative rule" was intended to dictate how another county elected official will do their job. RCW 2.32.050 (9) refers to the Clerk in their "Ex-Officio Clerk of the Superior Court" title. It means that the Clerk will issue documents pursuant to Court orders, Collect Court ordered costs, Issue Writs, Subpoenas and Summons, and be in attendance or my deputy, to take the "Public's" record of all hearings. That is why court can't start without a deputy clerk in attendance. We are in there working for the public, not the court. LARs can't be contradictory to State Law. The clerk's duties are set by state law. I have been threatened with contempt if I don't abide by this rule and force my staff to be the Court's Reporters and also their Judicial Assistants .
- 15) The agreement regarding sharing deputy clerks in court sessions with the Court to act as their official court reporters was extended due to the fact that the Court's Director did not budget for their own staff to cover these duties during the 2016 budget process. I was made aware of the fact in October once the Preliminary Budget was set. I was told that if we did not proceed with the agreement, that all the elected officials would need to basically start all over from scratch. Due to the work that would have caused everyone, I agreed to have my staff continue to cover those duties through 2016 with the understanding that the Court would make sure to budget for staff to perform the duties in 2017.
- 16) Having been locked out of my office on weekends and before the courthouse opened during the week for the entire month of April, really slowed down our progress. I was not able to come in early, stay late or work weekends with my staff to help solve early adopter issues we were having like I had been doing up until April 1st. I did not realize that I had to have the County Commissioner's "Permission" to bring individuals into my office after hours, but that I needed to

"Inform" them of such happening. In addition to informing the County Commissioners, I also informed the County Sheriff of what I was doing. I later found out I was wrong in my understanding, I guess. The report from AOC that we presented to the Yakima Herald Republic almost 2 months ago, which showed we did not access any information that day, has never been printed to this day.

- 17) I have been working with Charles Ross, County Auditor, and Ilene Thomson, County Treasurer, and some of our staff to get the Clerk's Trust Fund reconciled in Odyssey since February of this year. We are also working with them on the revenue allocations in Odyssey. Currently we are still waiting for the Revenue Codes from AOC for Odyssey so they can be linked correctly with the County's General Ledger accounts. Once the codes are received, we will get them into the County's system and the revenues will then be distributed into appropriate areas from the County Suspense Fund where they are being held now. The revenues have been received, but a breakdown of them does not exist until the codes are received. That is why some of my Revenue to date shows as zero.
- 18) Collection of LFOs (Legal Financial Obligations) in criminal cases have doubled each month since we changed from turning them over to a collection agency and started our own office procedure to collect them on November 19, 2015. The process we use is identical to Thurston County's process that they have had in place, working great, for the last 20 plus years.
- 19) The last of our open staff positions will be filled in the next couple weeks we are anticipating at this time. The staff restructure we started in March of 2015 required hiring for the higher level positions that opened up from the lower level staff applicants already working in the office. That would then leave their positions open for other staff and so on. We are now down to the positions left which have been opened to the public. The restructure plan moved duties and staff into needed areas which worked out perfectly and has really helped the efficiency of the office.
- 20) Last week we did reach out to schedule a meeting with the Prosecutor's Office as we said we would be starting at the last Law and Justice Committee Meeting on June 23rd. The meeting with them has been scheduled this Tuesday, July 5. The other issues regarding the Sheriff's Department and Child Support Orders have been resolved. The Washington State Clerk's Association and the State DSHS staff discussed this issue at the Clerk's Summer Conference two weeks ago and agreed on a list of actual documents needed that will be sent from now on so now everyone is on the same page with the support order procedures.
- 21) I have hired a Clerk Consultant (Retired from Snohomish County) in the past couple months, which my husband and I paid for out of our pocket, to work with my staff on communication, professionalism and team building. The staff was not responding well to oral one-on-one communication with me so I have started

following up with written communication which seems to be helping open up some communication. Listening Skills was also lacking in staff's oral communications with me. The consultant gave me some information that I have started using that has already helped tremendously with communication. There are still issues with certain staff that are still dedicated to the previous Clerk and the Court who don't want to "Listen" to my directives, but I am hopeful we will be able to work that out soon.

- 22) The Court will not allow one of my deputy clerks to return to any courtroom because of some of her actions being condemned by the Court. I am not even allowed to have her in court to take the "Public" record as my responsibility to the public without her being the Court Reporter also and having received discipline that the court imposes before they will allow her to be a court clerk again. If I assign her to court sessions, I have been told the Court will hold me in contempt. The Court had previously also demeaned her in not only open court, but actually on the record, twice within one week. This is totally un-appropriate to be coming from judicial officials. Then the Court will state to everyone that we don't have enough clerks to cover the court sessions. They have put us between a rock and hard spot and continue to do so.
- 23) My staff has received extensive training and some things they have been a part of implementing. AOC realized the trouble and cost for those of us on the east side of the state when setting up training. So they created webinars that we can all watch within our own offices without traveling to Olympia. The training Ms. Dietz, State Court Administer, referred to that we did not attend last week was not training but "Testing" by the 5 counties on Odyssey. I spoke with Linda Enlow, Thurston County Clerk, because of everything that was being thrown at us from the Commissioners and Court at that time had caused me the need to stay at work. She assured me that I did not need to attend and that she and the other Odyssey Clerks would let me know what happened during the testing. I did not realize AOC was covering my overnight accommodations for that but they were notified by Linda Enlow that I would not be attending. I had even offered to reimburse them, out of my pocket and not out of the taxpayers' funds.
- 24) I have been threatened with contempt and going to jail if I don't do what the County Commissioners and Court want me to do. Therefore, I have no choice other than to prepare for this possibility by sending a Clerk's Directive to the Prosecuting Attorney. I don't believe they realize what the severity of the consequences will be. I would have no choice other than to revoke the deputization of all my deputies (staff) and they would not be able to perform my duties in my absence which would close the Clerk's Office. The Courts will not be able to hear cases without a Clerk present so the Courts will shut down. The jail will be overflowing because the Prosecutor will have no way to prosecute individuals. I would hope they know these consequences and will choose not to shut down our judicial system by such an action. I would be given no choice as I must ensure my mandated responsibilities are being met according to the law.

- 25) The most recent episode was 2 weeks ago when I was presented a 3-4 page document to sign from the Commissioners and Court. It offered to pay me approximately \$50,000.00 to resign my position. It also required that I dismiss my lawsuit in Benton County regarding the Commissioner's violations of open public meeting laws, and furthermore, that neither my husband (who was in attendance) or I, could file any further legal actions against them in the future. I refused to sign it and counter-offered to them that we enter into a "Cooperation Agreement" of some kind. They rejected the counter offer and said that I had 7 days to resign.

In summary, the problems are not specific to "Odyssey" but are due to changing everything we do in the Clerk's Office to new technology as basically a beta tester. This has required my staff to learn it just like all the other agencies need to learn to use it instead of saying the information is not in Odyssey when it is. All they need is to learn where to find the information they need in Odyssey now instead of SCOMIS. We are very pleased with Odyssey and always have been through the last 8 months and we will work with any of the other departments that need help as we go.

We are planning to implement E-Filing at the end of October or early November. It is working great in Thurston County and they are willing to give it to us to use, and any other county that would like to use it, at NO COST. We are very excited about that news and will keep you updated with our progress. Again, it will require everyone to learn to use it but it will be worth it.

I have most likely forgotten to address some issues but these are the main issues I believe. I would like the citizens of Yakima County to know that we have been and will continue to work very hard in the Clerk's Office to provide you with efficient and knowledgeable service as our number one priority always. We are right where we should be at this time in regards to the implementation of Odyssey.

My staff and I would like to thank you for the patience you have shown us through this major transition and appreciate the support you continue to give us very much.

Janelle