

NO. 84758-4

415 21-6

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

LANCE W. BURTON, Pro Se, Petitioner

v.

HONORABLE SUPERIOR COURT JUDGE ROBERT L. HARRIS and
MARY JO HARRIS, husband and wife, and their marital community,
THE BOARD OF CLARK COUNTY COMMISSIONERS (BETTY SUE
MORRIS, MARC BOLDT and STEVE STUART), for and on behalf of
CLARK COUNTY, Respondents

Cowlitz County Superior Court No. 10-2-00211-2, Skamania County
Superior Court No. 09-2-00161-0 and Clark County Superior No. 08-2-
09112-4

RESPONSIVE BRIEF OF CLARK COUNTY

Attorneys for Respondent:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

CHRISTOPHER HORNE #12557
Senior Deputy Prosecuting Attorney

Clark County Prosecuting Attorney
Civil Division
PO Box 5000
Vancouver WA 98666-5000
Telephone (360) 397-2478

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I. INTRODUCTION

Lance Burton (hereinafter “Petitioner”) first sued Clark County based on certain platting conditions of approval. Burton v. Clark County, 91 Wn.App. 505, 958 P.2d 343 (1998). Following the court’s decision, the County resolved its issues with Petitioner.

Unsatisfied with the outcome, Petitioner commenced an action against his attorney, Mark Erikson. That suit was dismissed by the Honorable Robert Harris, following motions for summary judgment.

Petitioner sought review of Judge Harris’ decision in both the Court of Appeals and this Court. *See*, Burton v. Erikson, No. 32087-8-II (2005) and Burton v. Erikson, *rev. den.*, at 157 Wn.2d 1020 (2006), respectively.

Most recently, Petitioner filed an action against Judge Harris and the Clark County Board of Commissioners for not supervising this judge. Petitioner’s suit raises many of the same issues already litigated and resolved in the Court of Appeals and the Supreme Court.

II. STATEMENT OF THE CASE

A. Procedural Posture.

Procedurally, this case took some unexpected turns for both Petitioner and Respondent Clark County. Petitioner sought a change of

venue from Clark County as he wanted to depose other judges. Also, due to the nature of the action, a suit against a sitting superior court judge, judges from Skamania and Klickitat counties, recused themselves. In fact, Respondent's motion for summary judgment was filed in October, 2009 and scheduled for hearing in November, 2009¹. Ultimately, the motion was unable to be considered by the court until May, 2010.

Despite the procedural irregularities of the case, the lawsuit against Judge Harris could be reduced to two single issues. Whether Judge Harris was absolutely immune from suit for his actions from the bench and whether Clark County has any supervisory authority over, and hence, a duty to supervise Superior Court Judge Harris.

B. Statement of the Facts.

Petitioner has failed to provide an adequate record for this Court's review. He has designated only three documents, Clerk's Sub-No. 22, 25, and 31. No complaint, answer, or even a transcript is designated.

Furthermore, Petitioner has appended to its brief non-designated but certified documents. Clark County objects to consideration of these documents, absent a demonstration that they were filed with and available

¹ CP: *See*, Respondent's motion, memorandum and citation in support of summary judgment. The court will note that when the records were transferred from Skamania to Cowlitz County, the 700+ pages of the record from Skamania County were listed as a single clerk's document, Clerk's Document No. 1.

for consideration by the Superior Court below.² To the extent that the records are certified by Cowlitz County Superior Court, Clark County defers to the Court as to the propriety of considering these documents.³

In the interest of providing this Court with a minimally adequate record, Clark County has designated a portion of the records below. As Petitioner has not objected to any of the facts contained in Clark County's memorandum in support of its motion for summary judgment, Clark County will present them as verities for the Court's consideration.

On December 26, 2008, Lance W. Burton (Plaintiff) filed suit in Clark County Superior Court against the Honorable Robert L. Harris⁴, the marital community of Robert L. Harris and Mary Jo Harris, and the Clark County Board of County Commissioners. The voluminous complaint alleged several causes of action purporting to be violations of 42 USC § 1983. The alleged "causes of action" beginning at page 24 of the complaint are as follows:

1. Violation of the First Amendment to the US Constitution and Art. I § 4 of the Washington Constitution against Judge Harris, Mary Jo Harris and Marital Community for not allowing Plaintiff to present evidence;

² For example, Exhibits 1 and 2 to Petitioner's brief are filings from federal court and lack any indicia of a filing in superior court.

³ Certainly, it is easier for this Court and Respondent to be assured of the integrity of the documents if sent to the court from the Cowlitz County Clerk.

⁴ Judge Harris retired at the end of 2009.

2. Violation of the First Amendment of the US Constitution and Art. I, § 5 of the Washington Constitution against Judge Harris, Mary Jo Harris and Marital Community also for not allowing Plaintiff to present evidence;
3. Violation of the Fifth Amendment to the US Constitution and Art I, § 3 of the Washington Constitution against Judge Harris, Mary Jo Harris and Marital Community for not following Federal Bankruptcy Law;
4. Violation of the Fourteenth Amendment to the US Constitution against Judge Harris, Mary Jo Harris and Marital Community for Judge Harris' not ruling on post dismissal motions;
5. Abuse of Process against Judge Harris, Mary Jo Harris and Marital Community for not ruling on post dismissal motions and writing a letter to Plaintiff;
6. Violation of the Seventh Amendment of the US Constitution and Art. I, § 21 of the Washington Constitution against Judge Harris, Mary Jo Harris and Marital Community for not allowing a jury trial and not ruling on post dismissal motions;
7. Criminal Fraud against Judge Harris, Mary Jo Harris and Marital Community for writing a letter to Plaintiff;
8. Mail Fraud against Judge Harris, Mary Jo Harris and Marital Community for sending the letter via US Postal Service;
9. Negligent misrepresentation against Judge Harris, Mary Jo Harris and Marital Community for Judge Harris' not deciding on post dismissal motions and remaining in his position as Superior Court Judge after the "forfeiture," according to Plaintiff's theory;
11. *(Plaintiff Skips #10)* Negligence/Failure of Clark County Board of County Commissioners against Board of County

Commissioners for not supervising Superior Court rule-making;

12. Intentional infliction of Emotional Distress against Judge Harris, Mary Jo Harris and Marital Community for alleged resulting emotional distress arising from all of the above.

Defendants have a counterclaim for Malicious Prosecution.

Underlying these manifold claims is Judge Harris' dismissal of Plaintiff's malpractice lawsuit against his former attorney. *Complaint*, ¶ 22. Plaintiff filed that suit against his former attorney in 2003. *Complaint*, ¶ 21. On June 1, 2004, Judge Harris dismissed that lawsuit on a statute of limitations issue. *CP 1, Declaration of Bernard Veljacic in support of motion for summary judgment(hereinafter "Veljacic declaration")*, *Exh. A*. Plaintiff's counsel, at the time, filed a motion for reconsideration under CR 59 on June 10, 2004. *CP 1, Veljacic Declaration, Exh. B*. On June 22, 2004, Judge Harris denied the motion for reconsideration. *CP 1, Veljacic Declaration, Exh. C*. Final Judgment was entered on the case on July 1, 2004. *CP 1, Veljacic Declaration, Exh. G*. Plaintiff appealed; the dismissal was affirmed with mandate issuing on September 14, 2006. *Complaint*, ¶ 46, *Exh. 12*. While the appeal was pending, on May 18, 2005, Plaintiff, now pro se, filed a purported motion to vacate judgment under CR 60. *Complaint*, ¶ 36. At the hearing on the CR 60 motion, Judge Harris reserved on the issue and advised that the

motion could be renewed after the Court of Appeals reached a decision, stating “it is reserved and can be renewed.” *Complaint, Exh. 10, p. 2.* Plaintiff filed a purported CR 59 motion on September 25, 2006. *Complaint at ¶ 47.*

Plaintiff seeks monetary damages. *Complaint, ¶ 79, 84, 94, 103115, 131, 144, 149, 165, 176, 196, 202.*

The Defendants advised Plaintiff of the baseless nature of his lawsuit via letter (*CP 1, Veljacic, Exh. D*), yet Plaintiff continued prosecution of his suit, including service of discovery requests on September 4, 2009. A motion for summary judgment on the malicious prosecution counterclaim is forthcoming.

III. ARGUMENT

A. Standard of Review.

1. Summary Judgment. Summary judgment is properly granted when the pleadings, affidavits, depositions and admissions on file demonstrate that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Berger v. Sonneland, 144 Wn.2d 91, 102, 26 P.3d 257 (2001). The evidence and inferences are viewed in a light most favorable to the non-moving party. Cartog ex rel S.A.H. v. City of Seattle, 138 Wn.2d 265, 275, 979 P.2d 400 (1999). A material fact is upon which the outcome of the litigation depends. Doe v.

Dept. of Transportation, 85 Wn.App. 143, 147, 931 P.2d 196 (1997).

Mere unsupported conclusory allegations and argumentative assertions will not defeat a motion for summary judgment. Vacova Co. v. Farrell, 62 Wn.App. 386, 395, 814 P.2d 255 (1991).

A defending party may move from summary judgment without any supporting affidavits or similar materials negating the opponent's claim.

Cellotex Corp. v. Katret, 477 U.S. 317, 323, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986). Similarly, CR 56(b) states, in pertinent part:

A party against whom a claim . . . is asserted . . . may move **with or without supporting affidavits for summary judgment** in his favor as to all or any part thereof.

CR 56(b) (*emphasis added*).

The burden on a defendant moving for summary judgment may be discharged by "showing," that is, pointing out to the court, that there is an absence of evidence to support plaintiff's case. Cellotex at 325. If the moving party is a defendant and meets the initial showing, then the inquiry shifts to the party with the burden of proof at trial, the plaintiff. Young v. Key Pharmaceuticals, Inc., 112 Wn.2d 216, 225, 770 P.2d 182 (1989). If, at this point, the plaintiff fails to make a showing sufficient to establish each of the elements essential to the party's case and on which the party will bear the burden of proof at trial, then the trial court should grant the motion. Young, (*citing, Cellotex Corp.*, 477 U.S. at 322.)

2. Duty to Perfect Record. The party seeking appellate review bears the burden of providing an adequate record to allow the court to review the issues. Stevens County v. Loon Lake Prop. Owners Ass'n., 146 Wn.App. 124, 131, 187 P.3d 846 (2008), and RAP 9.2(b). If a party, with the burden of providing an adequate record, fails to meet that burden, the trial court's decision must stand. *Id.*

B. Disqualification of Judges.

Petitioner has made numerous constitutional challenges to the disqualification by several superior court judges in the instant lawsuit. Petitioner has made various claims of denial of due process to alleging conspiracy. Additionally, Petitioner has claimed that it has a constitutional right to have this matter tried before a retired judge, Thomas Lodge.⁵

Petitioner has failed to show how it is harmed, much less constitutionally harmed, by the transfer of this matter from Clark County to Skamania⁶ and, ultimately, to Cowlitz County. Certainly, it is true that these transfers occurred at no fault of Clark County; Clark County, itself, was seeking a speedy resolution and had a motion, memorandum and declaration in support of summary judgment filed and pending.

⁵ For the record, Thomas Lodge, WSBA #1071, is neither an active judge nor even an active attorney as of the date of this brief.

⁶ In fact, Petitioner sought the change of venue from Clark County and stipulated to the first transfer.

Petitioner's failure to provide any legal authority in support of its argument warrants a rejection of the issue. Specifically, in Olivine v. United Capital Insurance, 105 Wn.App. 194, 202, 19 P.3d 1089 (2001), the court held that "An appellate court will not consider an assignment of error unsupported by citation of authority." *See also*, RAP 10.3(a)(5). Pro se litigants, like attorneys, are required to follow the rules on appeal and are obligated to cite to legal authority. State Farm Mutual Auto Insurance Co. v. Avery, 114 Wn.App. 299, 310, 57 P.3d 300 (2002). Therefore, this Court should reject Petitioner's generalized claim of a violation of due process based on the transfer of venue caused by the recusal of judges, presumably familiar with Judge Robert Harris. Moreover, a review of the decisions interpreting RCW 2.2A.030 reveals that courts have found error in judges failing to disqualify themselves, but no decision was found in which the court concluded that it was error for a trial judge to disqualify himself.

C. Affidavit of Prejudice.

Petitioner has made generalized references to its filing of an affidavit of prejudice, pursuant to RCW 4.12.050. Petitioner has not, however, perfected this issue for review by this Court. Petitioner, again, has failed to designate the necessary documents for this Court to review the issue. Further, Petitioner has failed to provide a transcript of the

proceedings. Petitioner has failed to show that it timely brought this to the Court's attention or that a citation was filed to bring this matter officially before the Court. Finally, Petitioner has failed to demonstrate that the affidavit of prejudice was filed prior to any discretionary ruling by Superior Court Judge Stephen Warning.

As noted earlier, the appellate courts have made it clear that a party seeking appellate review has the burden to provide an adequate record to review the issues; the trial court's decision must stand if this burden is not met. Stevens County v. Loon Lake Prop. Owners Ass'n., 146 Wn.App. 124, 131, 187 P.3d 846 (2008). *See also*, RAP 9.2(b). Without an adequate record, this Court can do no more than speculate whether Judge Warning erred in finding absolute immunity on behalf of Judge Robert Harris. Therefore, Clark County urges this Court to reject Petitioner's assignment of error and affirm the trial court's decision for lack of an appropriate record for review.

D. Absolute Immunity of Robert Harris.

At the heart of this litigation, is the liability of Judge Harris for his legal determinations in the lawsuit between Petitioner and Mark Erikson. As the petition by Lance Burton before this Court makes clear, Judge Harris dismissed Petitioner's lawsuit against his lawyer due to a failure to

comply with the statute of limitations. *See, Burton v. Erikson*, Supreme Ct. No. 78054-4 (2005), *rev. den.* at 157 Wn.2d 1020 (2006).

Our jurisprudence has long recognized that "a general principle of the highest importance to the proper administration of justice (is) that a judicial officer (should) be free to act upon his own convictions, without apprehension of personal consequences to himself." *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 347, 20 L.Ed. 646 (1872). The breadth of judicial immunity is circumscribed by two longstanding rules:

(a) The immunity covers only those acts which are "judicial" in nature (*Stump v. Sparkman*, 435 U.S. 349, 360-364, 98 S. Ct. 1099, 1106-1108, 55 L. Ed. 2d 331 (1978)); and

(b) "[A] judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he acted in the 'clear absence of all jurisdiction.'" *Id.* at 356-57, 98 S.Ct. at 1104-05. *See, Gregory v. Thompson*, 500 F.2d 59, 62 (9th Cir. 1974).

1. Judicial Act.

As the United States Supreme Court stated in *Stump v. Sparkman*, 435 U.S. 349, 98 S.Ct. 1099, 55 L.Ed.2d 331 (1978), the factors determining whether an act by a judge is a "judicial" one relate to the nature of the act itself, *i.e.*, whether it is a function normally performed by

a judge and to the expectations of the parties, i.e., whether they dealt with the judge in his judicial capacity.⁷ Sparkman, 435 U.S. at 361.

The Ninth Circuit has:

. . . identified the following factors as relevant to the determination of whether a particular act is judicial in nature: (1) the precise act is a normal judicial function; (2) the events occurred in the judge's chambers; (3) the controversy centered around a case then pending before the judge; and (4) the events at issue arose directly and immediately out of a confrontation with the judge in his or her official capacity.

Duvall v. County of Kitsap, 260 F.3d 1124, 1133 (9th Cir. 2001), *citing*,

Meek v. County of Riverside, 183 F.3d 962, 967 (9th Cir. 1999).

Disagreement with the action taken by the judge, however, does not justify depriving that judge of his immunity. Despite the unfairness to litigants that sometimes results, the doctrine of judicial immunity is thought to be in the best interests of the proper administration of justice . . . [*for it allows*] a judicial officer, in exercising the authority vested in him [*to*] be free to act upon his own convictions, without apprehension of personal consequences to himself.

Sparkman, 435 U.S. at 361, *quoting*, Bradley v. Fisher, 13 Wall., at 347.

The acts that Plaintiff complains of are: (a) a judicial decision to dismiss a case; and (b) the lack of a decision on one motion that was not renewed by Plaintiff and another motion that was untimely. (*Complaint, Exhibits 8 and 13*). These are protected judicial acts.

⁷ As opposed to “administrative, legislative and executive functions that judges may on occasion be assigned to perform.” Duvall v. County of Kitsap, 260 F.3d 1124, 1133 (9th Cir. 2001).

Plaintiff dealt with Judge Harris, in his official capacities in a courtroom while he was acting as a Superior Court Judge. Judge Harris considered the motion to dismiss, which was dispositive of the controversies between two parties, and did not respond to two of three post-dismissal motions, one of which was not renewed and the other which was not timely before the court. Judge Harris' presiding over such a controversy and his non-decision on improper motions are normal judicial functions. *See, Duvall, supra*, at 1133. The consideration of the pleadings occurred in the courtroom and chambers. The controversy complained of by the Plaintiff centers around the case that was pending before Judge Harris. The events in the complaint arose directly and immediately out of a confrontation with the Judge acting in his official capacity.

The acts are judicial in nature.

2. Jurisdiction of Superior Court.

Only when a judge has acted in the "clear absence of all jurisdiction" will s/he be subject to liability. Stump v. Sparkman, 435 U.S. 349, 98 S.Ct. 1099, 55 L.Ed 331 (1978). A clear absence of all jurisdiction means a clear lack of all subject matter jurisdiction. Bradley v. Fisher, 80 U.S. (13 Wall.) at 351-352. *See also, Rankin v. Howard*, 633 F.2d 844, 848-49 (9th Cir. 1980) ("a judge who acts in the clear and

complete absence of personal jurisdiction loses his judicial immunity"), *cert. denied*, 451 U.S. 939, 101 S.Ct. 2020, 68 L.Ed. 2d 326 (1981).

Acting in the clear absence of jurisdiction is different from acting in excess of jurisdiction. O'Neil v. City of Lake Oswego, 642 F.2d 367 (9th Cir. 1981).

The U. S. Supreme Court has illustrated the distinction between an act in the clear absence of jurisdiction and an act in excess of jurisdiction by stating:

If a probate judge, with jurisdiction over only wills and estates, should try a criminal case, he would be acting in the clear absence of jurisdiction and would not be immune from liability for his action; on the other hand, if a judge of a criminal court should convict a defendant of a nonexistent crime, he would merely be acting in excess of his jurisdiction and would be immune.

Stump v. Sparkman, 435 U.S. at 357, n.7. O'Neil, *supra*, further illustrates this point. In O'Neil, the plaintiff was convicted of contempt by a judge pro tempore. Under applicable state law, the judge was not permitted to find a defendant guilty of contempt committed outside the court's immediate view in the absence of an affidavit outlining the facts of the contempt. The contempt in O'Neil was, in fact, outside the judge's immediate view and there existed no affidavit outlining the facts of the contempt. The judge convicted and O'Neil sued. The Ninth Circuit ruled that, rather than acting in the clear absence of all jurisdiction, the judge

acted in excess of his jurisdiction. The Ninth Circuit used the parlance of

Sparkman to explain:

[The judge's] action in convicting O'Neil of contempt, an offense within his court's jurisdiction, although without the requisite papers to confer jurisdiction over this particular commission of the offense, is more analogous to a criminal court convicting for a nonexistent offense than to a probate court hearing a criminal case. It is the sort of "grave procedural error" that does not pierce the cloak of immunity.

O'Neil, 642 F.2d at 369, *citing to Sparkman, supra*, at 359.

Judge Harris is a Washington State Superior Court Judge. The Superior Court of Washington has original subject matter jurisdiction over malpractice proceedings. Revised Code of Washington 2.08.010 states:

The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, **and in all other cases in which the demand or the value of the property in controversy amounts to three hundred dollars**, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce and for annulment of marriage, and for such special cases and proceedings as are not otherwise provided for; and **shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court**, and shall have the power of naturalization and to issue papers therefore. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition and writs of habeas corpus on petition by or on

behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued on legal holidays and nonjudicial days.

RCW 2.08.010, 1955 c. 38 § 3 (*emphasis added*). Being a court of general jurisdiction, the authority of a superior court is presumed until contrary affirmation appears. Munch v. McLaren, 9 Wn. 676, 38 P. 205 (1894). Clearly, superior courts in the State of Washington are courts of original jurisdiction and, as such, they have jurisdiction over malpractice actions. Indeed, Plaintiff recognized this when he filed the underlying malpractice suit in Superior Court. Therefore, original subject matter jurisdiction existed in the matters complained of by Plaintiff, while Judge Harris acted as a judge of the Washington State Superior Court for Clark County.

Consistent with O'Neil, the jurisdiction of the Superior Court of Washington for Clark County, to which Plaintiff availed himself via his malpractice lawsuit, remains intact. Because subject matter jurisdiction over the action existed, Judge Harris' dismissal of the lawsuit and subsequent non-decision on post-dismissal motions by counsel were within the realm of protected activities. If Plaintiff, as he does, merely disagrees with the decision reached by Judge Harris or the absence of a decision as to Plaintiff's improper motions, the same does not pierce the cloak of immunity. Plaintiff's remedy is to be sought in the Washington

State Court of Appeals, which Plaintiff pursued. Plaintiff's remedy is not to file a frivolous lawsuit in order to harass a judge; it is exactly this situation for which Absolute Judicial Immunity exists. Plaintiff's Causes of Action Nos. 5, 7 and 8 should be dismissed.

E. Liability of Clark County.

Petitioner claims that the Clark County Board of Commissioners is somehow liable for the actions of the Superior Court. Petitioner has cited RCW 34.05, RCW 4.08.120 and Clark County Code 1.02.100⁸ as authority. With or without a review of these authorities, it is clear that the Board of County Commissioners has no supervisory authority, nor duty to supervise the judicial branch. *Wash. Const. art. IV*. Even the legislature is prohibited under the "separation of powers" doctrine from usurping the power of the judiciary. *State v. Hunt*, 75 Wash.App. 795, 805, 880 P.2d 96 (1994).

Petitioner has failed to cite any applicable authority in support of its claim. This Court should reject this unsupported claim⁹ as frivolous.

IV. CONCLUSION

Clark County respectfully requests this Court to deny review and/or affirm the dismissal of this action by the trial court.

⁸ See attached *Appendix A*.

⁹ *Stevens County v. Loon Lake Prop. Owners Ass'n*, 146 Wash.App. at 131.

Respectfully submitted this 20th day of September, 2010.

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

By: 
CHRISTOPHER HORNE, WSBA#12557
Senior Deputy Prosecuting Attorney
Of Attorneys for Respondent Clark County

APPENDIX A

**1.02.100 Codification and revision of laws—Scope of revision.**

Subject to such general policies as may be promulgated by the Board of County Commissioners and to the general supervision of the Board, the code reviser shall:

- (1) Codify for consolidation into the Clark County Code all resolutions, ordinances and other official documents of a general and permanent nature heretofore or hereafter enacted by the Board of County Commissioners and assign permanent numbers to all new titles, chapters, and sections so added to the code.
- (2) Edit and revise such official documents for such consolidation, to the extent deemed necessary or desirable and without changing the meaning of any such resolutions or ordinances, in the following respects only:
 - (a) Make capitalization uniform with that followed generally in the Revised Code of Washington.
 - (b) Make chapter or section division and subdivision designations uniform with that followed in the Revised Code of Washington.
 - (c) Substitute for the term “this resolution”, “this ordinance”, or the like document where necessary, the term “section”, “part”, “code”, “chapter”, or “title”, or reference to specific section, chapter, or title numbers, as the case may require.
 - (d) Substitute for reference to a section of a “resolution”, and “ordinance”, or similar document the proper code section number for reference.
 - (e) Substitute for “as provided in the preceding section” and other phrases of similar import, the proper code section number references.
 - (f) Substitute the proper calendar date for “effective date of this resolution or ordinance”, date of passage of this resolution or ordinance, and other phrases of similar importance.
 - (g) Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words or figures.
 - (h) Rearrange any misplaced statutory material, incorporate any omitted statutory material, correct manifest errors in spelling and manifest clerical or typographical errors, or errors by way of additions or omissions.
 - (i) Correct manifest errors in references, by title, chapter, or section number, to other resolutions or ordinances.
 - (j) Correct manifest errors or omissions in numbering or renumbering sections of the code.
 - (k) Divide long sections into two or more sections to conform to such logical arrangement of subject matter as may most generally be followed in the code when to do so will not change the meaning or effect of such sections.
 - (l) Change the wording of section captions, if any, and provide captions to new titles, chapters and sections.
 - (m) Strike provisions manifestly obsolete.
- (3) Create new code titles, chapters, and sections of the Clark County Code, or otherwise revise the title, chapter and sectional organization of the code, all as may be required from time to time to effectuate the orderly and logical arrangement of the provisions of the code. Such new titles, chapters, sections, and organizational revisions shall have the same force and effect as the titles, chapters, sections and organizational revisions originally designated and recognized in the Clark County Code. (Sec. 11, Ord. No. 1976-09-57)