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Judge says 'we're comfortable' with collections arrangement

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Some local attorneys are questioning the legality of a decision by Spokane County District Court to impose new fees on defendants who already worked out arrangements with judges.

Tim Durkop, a local consumer advocate attorney, said he believes the deal to allow PAR Acceptance Corp. to change those fees appears to be a breach of contract.

"The customers already have a deal with the court," Durkop said. "They are rewriting an existing agreement. And it's unlawful, in my opinion."

Judges had been allowing offenders to pay as little as \$25 a month toward debts that can range into the thousands of dollars.

But when District Court signed the contract in December to hire PAR, it included more than 13,000 existing time-payment agreements.

"You can't go screwing with the consumer who has already agreed to the payment arrangement," Durkop said.

Had the court imposed the PAR fees on new cases only, Durkop said he would have no problem with the arrangement.

"Then people can make an informed choice at that point," he said. "But you can't come back and say you owe another \$5 (per month), because it wasn't bargained for. That wasn't the deal. You can't just add new fees and say it's OK."

Spokane County District Court Judge Vance Peterson said he had Jim Emacio, the county's chief deputy civil prosecutor, review the contract before it was put into place. He disagrees with Durkop's view of the legal questions.

"We ran it through our attorney, the issue was addressed and we were comfortable with the response," Peterson said. "What people are paying in Spokane is not any more than what they would be paying in Seattle or Tacoma. These folks are paying for criminal charges."

Defense attorney Frank Malone said the new system tends to punish even those people who have complied with sentences.

"What's obviously unfair is that they are sending people who were on time with their payments to (PAR) that will charge them more money," Malone said. "So they are breaking the deal they had with them."