

Washington Attorney General prevails in unanimous state Supreme Court ruling

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The office of Washington state Attorney General Bob Ferguson prevailed in *Maziar v. Department of Corrections*, a ruling issued today by the Washington Supreme Court. The unanimous decision found, for the first time, that the state has the right to demand a jury trial.

Corrections employee Scott Maziar was injured on a ferry ride to the McNeil Island Corrections Center. He sued the Department of Corrections and other defendants for damages arising out of the incident.

After initially requesting a jury trial, Maziar withdrew that request before the trial began. The state subsequently requested a jury, but the trial court denied the request, saying the state had no constitutional or statutory right to a jury trial. The Court of Appeals affirmed that ruling, and the Attorney General's Office then appealed to the Supreme Court.

The Supreme Court found that the state legislature, in enacting a statute stating that "any party shall have the right in an action at law, upon an issue of fact, to demand a trial by jury," had intended to grant the state a jury trial right in tort actions. Accordingly, the decision of the Court of Appeals was reversed and the case remanded for a jury trial.

"This is a great victory for the state and for the jury trial system," said Ferguson. "When the state is sued, my office works vigorously to protect taxpayer dollars. This ruling helps ensure that we are able to do that.

"I am pleased that all nine justices of the Supreme Court agreed with our argument that the legislature intended to extend this right to the state. This decision will have a positive impact well beyond the case decided today."

A copy of the decision is available [here](#).

The case was handled on behalf of the Attorney General's Office by Deputy Solicitor General Jeffrey Even, Senior Counsel Michael Lynch and Assistant Attorney General Patricia Todd