

NEWS

Judge dismisses Island County prosecutor's lawsuit against commissioners' attorney

by [JESSIE STENSLAND](#), Whidbey News-Times Co-Editor
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A judge in Skagit County Superior Court agreed with the Island County commissioners and threw out a lawsuit the Island County prosecutor filed to stop them from using an outside land-use attorney without his consent.

Judge Brian Stiles granted the board's summary judgment motion today to dismiss Prosecutor Greg Banks lawsuit against Susan Drummond, the attorney the commissioners hired to help with the comprehensive plan amendment. The commissioners were interveners in the case.

Stiles ruled that a state statute allows the commissioners to hire the outside attorney with the approval of the presiding superior court judge,

Commissioner Helen Price Johnson was in court and immediately sent out a press release.

"This Court decision benefits all 39 Washington counties because it confirms a longstanding statute authorizing the ability of commissioners to hire outside counsel under specific circumstances, with judicial consent," she said in the statement.

"It is unfortunate that the Island County prosecutor felt compelled to bring this unnecessary lawsuit."

The judge previously sided with the commissioners when Banks filed an injunction.

But this might not be the end of the matter. Banks said Friday that his attorney, the staff attorney for the Washington Association of Prosecuting Attorneys, plans to appeal directly to the state Supreme Court.

"I've been saying all along that this legal question needs to be before the Supreme Court," he said. "I'm glad after all this delay we will be able to get this before that body."

Banks said he and his attorney feel it's likely that the high court will accept the case since it's an important issue that needs to be settled.

Commissioner Jill Johnson, however, hoped that the summary judgment would be the end of the matter and is disappointed that the prosecutor is choosing to appeal to the Supreme Court.

"We are a small county, and I don't feel it is in the best interest of our citizens to spend our time or money on pursuing court cases or legal interpretations that can be pursued by much larger counties that have much bigger budgets."

The lawsuit states that Drummond "usurped, intruded upon, and unlawfully performed the duties of the prosecuting attorney." Essentially, it argues that she took over one of the elected prosecutor's duties without his consent, which Banks argues is prohibited by the state constitution.

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