

Supreme Court decision probably allows judges' lawsuit to move closer to trial

By Steven Friederich

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OLYMPIA —The Washington state Supreme Court has denied a motion that would have disqualified all sitting superior court judges from hearing the case involving the Grays Harbor Superior Court judges and the Grays Harbor County commissioners.

Issues revolve around budgeting authority and whether the commissioners have the authority to dictate judicial budget cuts. The judges assert that commissioners overstepped their authority and failed to respond to spending needs for courtroom security and other operational issues.

An attorney for the county commissioners had argued that sitting superior court judges have an inherent conflict of interest from hearing the case, which was filed in Thurston County Superior Court.

Judge Chris Wickham told both parties over the summer he tried to find another judge to hear the case, but couldn't find any takers. Wickham issued a special certification, allowing the parties to appeal his decision directly to the state Supreme Court. Judge Wickham had suggested former state Supreme Court Justice Gerry Alexander as a pro tem judge, but not all the parties would agree to the appointment. The Thurston County Superior Court administrator contacted various courts to find a pro-tem judge but was not successful. District court judges were also not interested.

The county commissioners in November had authorized their attorney to file the special appeal.

An order signed by Chief Justice Barbara Madsen notes that she and judges Susan Owens, James Johnson, Charles Wiggins and Sheryl Gordon McCloud considered the case on March 5 and decided to deny the petitioner's motion for discretionary review.

The decision will likely put the question to rest and allows the case to move forward in Thurston County Superior Court.

At this point, Wickham has a signed order with both sides agreeing to delaying all of the lawsuit proceedings pending the state Supreme Court's decision on the disqualification issue or April 1, whichever comes first.

Both sides have been in settlement talks for months, but the state Supreme Court's decision could mean a settlement could come soon.