

Judges' lawsuit likely to be settled on Monday

By Steven Friederich
Vidette Editor

MONTESANO — It's taken more than a year, but the county commissioners and the Grays Harbor Superior Court judges have finally reached a tentative settlement agreement on the lawsuit the judges filed back in December of 2011.

Of course, the commissioners have never voted on the matter in a public meeting. But that all seems ceremonial now.

The commissioners placed a special item on their afternoon agenda on Monday allowing Special Deputy Prosecutor Tom Fitzpatrick, who has represented the commissioners, to make a special presentation relating to a "Settlement Agreement between Grays Harbor County Superior Court and Grays Harbor County Board of Commissioners."

The agenda item specifically states that no public comment will be taken during the issue. However, there are specific points for "Appreciation Comments by Commissioners" as well as an invite to the "Superior Court Judges for Appreciation Comments."

As of April, the lawsuit was costing taxpayers a combined \$628,000, with the state picking up costs for Special Deputy Attorney General Scott Missall for the Superior Court judges and the county picking up the costs of Fitzpatrick for the commissioners. More recent figures aren't yet available.

The public meeting is slated for 2 p.m., Monday at the County Administration Building in Montesano and there is the regular public comment session before the settlement is expected to be approved.

The specific terms of the settlement agreement have not been discussed in public or released prior to the meeting on Monday. However, there are multiple items on the commissioners agenda on lawsuit-related issues. The county commissioners are expected to approve a reclassification of Judicial Executive Secretary Rita Zastrow to

Assistant Court Administrator, an issue that the judges insisted on in previous conversations with the commissioners. Zastrow is retiring on July 31.

The commissioners are also expected to promote Kisa Spencer from Probation III position to Director of Court Services/Probation Manager in the Juvenile Detention Center. The judges had requested that promotion take place during last year's budget talks, but the commissioners balked at the request.

Public hearings will also be set for July 8 to provide "emergency" funding to the Detention Center and the Grays Harbor Superior Court. Although the commissioners had been restoring some of the budget cuts to other departments in recent weeks, they had left the budget cuts intact for the judges.

The commissioners have had regular executive sessions for the past few weeks to talk over the settlement agreement. They were close to an agreement earlier, but then more questions came up.

The judges sued the county over budget cuts from 2012, which have since been restored. But the issues also focus on courthouse security and whether the court needs a third courtroom. Plus, the commissioners cut the court budgets again in 2013, and even though that's not part of the present lawsuit, the suit could be amended to include that aspect.

The county tried twice to settle the matter through mediation — once in June of 2012 and another time in April.

The county commissioners also tried multiple times to get the state Supreme Court to even weigh in on the issue, but each time the court decided not to hear the case.

The lawsuit even prompted the state Legislature to consider changing the law so that the state would no longer fund judges' attorney costs regarding fiscal matters.

"This bill is a response to a situation, which in my opinion is outrageous, which has gone on in Grays Harbor County in which a \$70,000 dispute has turned into a \$700,000 legal bill for outside counsel charged to the taxpayers and that is not a good way to decide appropriation amounts," state Rep. Jamie Pederson, D-Seattle, said on the floor of the House on Monday. "It is a broader principle than that. I think we have a lot of questions that, if allowed to continue, this is a precedent that could lead to more and more appropriation decisions being made in the courts and one we ought to squash."

Although separate bills passed the state Senate and the state House, a final compromise bill was never worked out before the Legislature adjourned.