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GRIEVANCE AGAINST A LAWYER



Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

GENERAL INSTRUCTIONS

- Read our information sheet [Lawyer Discipline in Washington](#) before you complete this form, particularly the section about consenting to disclosure of your grievance to the lawyer.
- If you have a disability or need assistance with filing a grievance, call us at (206) 727-8207. We will take reasonable steps to accommodate you.
- Please note that this form is only for new grievances. *If you have already filed a grievance, do not use this form to send us additional information.* Mail any additional information to the address above.
- If you provide an email address, you will receive a confirmation email upon submitting your grievance. *We will communicate with you by letter after we review your grievance.*

INFORMATION ABOUT YOU

Delia, Harold F.
Last Name, First Name, Middle Initial

128 North 2nd Street
Address

Address Line 2

Yakima, WA 98901
City, State, and Zip Code

United States
Country

(509) 574-1805
Phone Number

██████████
Alternate Address

Alternate Address Line 2

Yakima, WA 98901
Alternate City, State, and Zip Code

United States
Alternate Country

██████████
Alternate Phone Number

haroldd@co.yakima.wa.us

INFORMATION ABOUT THE LAWYER

Hagarty, James
Last Name, First Name

128 North 2nd Street
Address

Address Line 2

Yakima, WA 98901
City, State, and Zip Code

United States
Country

(509)574-1210
Phone Number

14034
Bar Number (if known)

Email Address

INFORMATION ABOUT YOUR GRIEVANCE

Describe your relationship to the lawyer who is the subject of your grievance:
Other: Court Consultant Yakima Courts

Is there a court case related to your grievance?

Yes

If yes, what is the case name and file number?

St of Washington vs. Adrian Mendez #13-1-00795-4 St of Washington vs. Luis Gomez-Monges #13-1-00805-5 St of Washington vs. Daniel Blizzard #13-1-01329-6 St of Washington vs. Jill Taylor #13-1-01343-1

Explain your grievance in **your own words**. Give all important dates, times, places, and court file numbers. You may attach additional materials by using the file upload feature below.

The conduct complained of is a letter authored by James Hagarty, the elected prosecuting attorney for Yakima County. The letter was delivered by private courier to Judge Elofson, as presiding judge. It is an ex parte contact with a direct effect on pending cases.

This complaint addresses the conduct of the elected prosecutor for Yakima County, James Hagarty. His conduct specifically involved and effected four co-defendant murder trials. The trial was scheduled to begin on June 2, 2014. The trial judge was scheduled to deliver her opinion on several serious pretrial issues on May 28, 2014.

On May 23, 2014, the attached letter was delivered to the presiding judge. The letter invited the presiding judge to confer with Judge Reukauf and encourage her to recuse voluntarily. Or, barring her voluntary recusal, she should be removed from the case.

Mr. Hagarty has taken no active role in any of the pretrial issues in the cases at issue.

As the letter from Mr. Hagarty addressed a pending case, the letter was disseminated to the deputy prosecutor assigned to the case and to each of the defense attorneys. None of the issues raised in the letter have been previously raised by any attorney involved in the case and offered for discussion in open court. At no time, has any lawyer or party involved in the cases(s) filed an affidavit of prejudice, nor has there been a request for Judge Reukauf to recuse herself.

As a result of the letter, the defense attorneys have moved for dismissal of the murder charges based on prosecutorial misconduct. Consequently, the trial date has been delayed, which effects the speedy trial rights of the defendants. The work and focus of the trial attorneys has shifted from the prosecution and defense of the crimes alleged to the effort by Prosecutor Hagarty to influence the course of the case. As a result, of his ex parte contact the trial court will be required to conduct evidentiary hearings as to prosecutorial misconduct. The letter has caused undue publicity to be focused on each of the cases which could impact each defendant's ability to have their case heard by a fair and impartial jury. This letter has had a direct impact and cost on the administration of justice, the rights of each of the defendants, and potentially impacts public safety. It is, at a minimum, an attack on the integrity of the judicial system.

This was not an ex parte communication by the deputy prosecutor assigned to the case but a personal letter by Prosecutor Hagarty. The letter is an attempt by the elected prosecutor to embarrass or effect Judge Reukauf's decision making in the four pending cases. This ex parte letter has no legal or ethical purpose.

Attached Files:

Your files have been successfully uploaded.

AFFIRMATION

I affirm that the information I am providing is true and accurate to the best of my knowledge. I have read [Lawyer Discipline in Washington](#) and I understand that all information that I submit can be disclosed to the lawyer.