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Date: 5/9/2013 5:19:28 PM
Subject: FW: Your Recent Comments in the Seattle TIimes

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Deborah D. Fleck

From: Christopher Hupy [amakirkland@hotmail.com]

Sent: Thursday, May 09, 2013 5:50 PM

To: McDermott, Richard

Cc: Fleck, Deborah; Craighead, Susan; Chief Justice Barbara Madsen / Washington Supreme Court; Senator Mike Padden (R) / Judiciary Committee; Rep. Jamie Pedersen (D) / House Judiciary Committee; Senator Michael Carrell (R) / Judiciary Committee; Senator Adam Kline (D) / Judiciary Committee

Subject: Your Recent Comments in the Seattle TIimes

Judge McDermott,

I assume you are aware I called foul on "your" subordinate Judge Deb Fleck on this issue just days ago, now where do you think you get the authority to continue to perpetrate these false and misleading statements?

Updated Thursday, May 9, 2013 at 07:19 AM

Guest: Lawmakers should not undercut judiciary in funding lawsuit

By Richard F. McDermott
Special to The Times

As the state Legislature returns for its special session, judges urge legislators not to pass a bill that would remove the obligation of the attorney general to represent a court in any lawsuit related to funding the judicial branch. In some cases, the only alternative would be to shut the courthouse doors.

We believe that courts are the ultimate check and balance on the legislative and executive branches of government and that the judiciary is the lynchpin that holds democracy together, ultimately protecting the rights of all of our citizens.

If House Bill 2024 is passed, the ability to obtain adequate funding for our justice system will be severely challenged. The bill removes the requirement that the state attorney general represent state officers, including superior-court judges, in any case where funding is an issue at the county or state level.

This bill is in response to a lawsuit by the three Grays Harbor Superior Court judges against the county after county commissioners cut the court's budget to the bone. The cuts last year were so severe that court funding would have run out in November.

The judges were faced with shutting the courthouse doors, not allowed by the Washington Constitution, or trying to get funding restored through a lawsuit.

For years, the judges had waited patiently for courthouse security to protect the public. Just four months after the suit was filed, the worst happened. A deputy county sheriff was shot and stabbed and the judge who rushed to her aid was also stabbed. Fortunately no lives were lost.

Twenty years ago, a third judge was approved for Grays Harbor County, but the county has stalled on its promise to provide a courtroom.

Only when circumstances became so dire that the courthouse doors literally would close did the judges finally sue. While they were at it, they included courthouse security and the third courtroom in this rare lawsuit.

The Legislature holds what is called the “power of the purse.” But that power is not exclusive. When the executive and legislative branches fail to provide “reasonable and necessary” funding for the courts, the law provides that the judicial branch can use its “inherent power” to require funding. Otherwise, the two branches writing the budget could cripple the judicial branch. **As I interject here, your contention is that if your (being the actors who have infected the Court) financial demands are not met you will simply take the money you want, how about giving up some of the perks like the \$100k a year lobbyist Tom Parker which you have no right to employ anyway, how about NOT extorting so called "dues" for a non existent entity (The Association of the Superior Court Judges of the State of Washington)**

The delicate balance between branches of government has worked so well that the only case prior to the Grays Harbor lawsuit was 127 years ago when the judge needed candles for the courtroom and fodder for his horse. There is no urgency to pass this bill. **Really??? You call \$384,000 in wasted taxpayer money urgent, Dick you could have dipped into the huge cash reserves held in some "secret" bank account and covered the \$59,000 the suit was filed over don't you think?**

The Grays Harbor lawsuit costs are high because the attorney general hired private lawyers to represent the judges, rather than handling the case “in house.” **How about some accountability here Dick? Your business partner Judges filed the law suit, your business partner Judges ran the legal bill up to where it is today, why was a Grays Harbor law firm not retained? we know why as the County could have possibly defended against that.** The bill supporters want to cut off funding for this lawsuit. But taking sides through legislation in a pending case will likely lead to further costly litigation.

Legislators should ask just how many suits involve the Attorney General’s Office hiring outside firms and at what expense? **I know of one lawsuit in particular from thurston County in which you were a party and the Judgement was \$450,000! money that should have been returned to the State of Washington, the perfect analogy to that case (Barbara Jo Fulton) is prosecuting someone for stealing money from a Drug Dealer and then not prosecuting the Drug Dealer.** One way to cut costs is to use more frequently a “conflict wall” within its own office. The Rules of Professional Conduct, which govern how attorneys act, provide for it. This avoids hiring expensive private lawyers, saving significant resources.

Lawmakers say that this bill does not preclude judges from bringing a lawsuit — it just prevents taxpayers from covering the cost. But it puts our judges to a Hobson’s choice: Shut down the courthouse when funding runs out, or personally hire attorneys to keep the doors open.

Legislators say judges should just ask attorneys to represent them for free. But that violates Washington’s Code of Judicial Conduct and ignores the statute that says no government employee can solicit, directly or indirectly, gifts or favors that reasonably would be expected to influence the person. **How did you pay for Sax Rodgers? hum? I remember the "Secret" Bank Account.**

Another worthy question here, why did you have to sue Barbara Jo Fulton anyway? Why were you PERSONALLY not held accountable for the Gross Failure to Train and Supervise? likely because you think you are so above reproach because you are a appointed Judge.

Nobody would want to come into court knowing that the opposing attorney had done the judges a favor by giving them free legal services. **Nor would somebody want to go to Court knowing the Judicial Officer had discussed the hearing and outcome of the hearing with opposing counsel before the hearing even took place, or that the Presiding Judge had instructed the lower Judge be engage in such conduct. Well you and I and quite a few others know I am talking about you Judge Dick along with Judge Doerty with free taxpayer funded legal counsel provided by the King County Prosecutor Dan Satterberg, have you taken accountability for this act Judge Dick? no but what you did do was instruct halfwit Judge Susan Craighead to further deny my rights.**

A far better approach would be for legislators, the Attorney General’s Office and superior-court judges to report back to the Legislature later this year on creative cost-containment solutions. Before upsetting the delicate balance of power in Washington’s government, we should pause and seek a safer alternative. **Safer alternative? Safer for the citizens rights? Safer for the Taxpayers? You hypocritical pompous ass please step down from the bench in shame.**

Richard F. McDermott is presiding judge of King County Superior Court.

I will conclude by saying your words are virtually identical to those of Judge Deb Fleck and knowing that the "Spring Judicial Conference" was just held it is a safe conclusion these legislative activities were discussed, possibly voted on, by all of the Superior Court Judges in this State and that would include Thurston County Superior Court Judge H. Chris Wickham who coincidentally is the same Judge ruling on the Grays Harbor case, conflict of interest? Not if you are a Judge and want the case ruled on in a predictable manner.

With all respect due,