

Bond Case Briefs

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DECLARATORY JUDGMENT - WASHINGTON

Lewis County v. State

Court of Appeals of Washington, Division 2 - December 17, 2013 - P.3d - 2013 WL 6630911

County brought declaratory judgment action against the state, seeking declaration that state, rather than county, would bear financial liability in future civil actions against county arising out of official acts of officers and employees of judicial branch, including county Superior Court judges, commissioners, and juvenile court and detention staff.

The County alleged that from time to time, parties bring proceedings against it claiming money damages and other relief due to acts of the Judicial Branch. In the past, the County was liable for such money damages, and the County sought a declaration that all future successful similar disputes be the State's financial responsibility. The County alleged that this case presented a question of great public importance to each of Washington's counties and to all people of Washington. The State responded that the County's case did not present a justiciable claim under the UDJA and alleged that the trial court lacked jurisdiction to hear the case.

State filed motion to dismiss for lack of subject matter jurisdiction. The Superior Court granted motion. County appealed.

The Court of Appeals held that:

- County failed to demonstrate actual, present, and existing dispute with state over financial liability in civil actions against county involving judicial branch employees, as required to establish justiciable controversy;
- County failed to demonstrate direct and substantial interest in its dispute with state over financial liability in civil actions against county involving judicial branch employees, as required to establish a justiciable controversy; and
- County was not entitled to declaratory judgment under major public importance exception to prohibition against advisory opinions, as county's financial dispute with state was not matter of major public importance.