

SUPREME COURT OF THE STATE OF WASHINGTON

Verduzco v. King County

No. 103749-0 (Wash. June 11, 2026) · No. No. 103749-0 · Decided June 11, 2026

SUMMARY

The Washington Supreme Court considers whether a jury instruction combining Washington Pattern Jury Instruction definitions of adverse employment action for discrimination and retaliation claims under the Washington Law Against Discrimination was misleading. The court holds that the instruction was ambiguous and potentially misleading because it did not distinguish how the two definitions applied to the separate claims. However, the court concludes that King County failed to demonstrate prejudice, reverses, and remands to the Court of Appeals for consideration of remaining appellate issues.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Montoya-Lewis, J.
JURISDICTION	Supreme Court of Washington
DECIDED	June 11, 2026
DOCKET	No. 103749-0
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	King County appealed a jury verdict finding retaliation under the Washington Law Against Discrimination after the trial court gave a combined jury instruction defining adverse employment action for discrimination and retaliation claims. The Court of Appeals reversed and remanded for a new trial on the retaliation claim. The Washington Supreme Court granted review.
STANDARD OF REVIEW	Jury instructions are reviewed de novo for errors of law; absent legal error, the specific language of instructions is reviewed for abuse of discretion. An instruction is sufficient when it permits counsel to argue their theory, is not misleading, and correctly informs the jury of the applicable law. A misleading instruction is reversible only if prejudicial, and prejudice must be demonstrated rather than presumed unless the instruction contains a clear misstatement of law.
PRECEDENTIAL VALUE	published and precedential

PARTIES

King County, Washington v. Reynaldo S. Verduzco

TOPICS

retaliation

employment discrimination

jury instructions

standard of review

appellate procedure

PRACTICE AREAS

employment law

civil rights

appellate procedure

jury instructions

QUESTIONS PRESENTED

1. Whether the trial court's combined jury instruction reciting the Washington Pattern Jury Instructions' definitions of adverse employment action for discrimination and retaliation claims was misleading.
2. Whether any error in the instruction constituted reversible error when King County did not demonstrate prejudice.
3. Whether the Supreme Court should define adverse employment action under the WLAD in this case.

HOLDINGS

1. A jury instruction that combines the pattern definitions of adverse employment action for WLAD discrimination and retaliation claims without explaining how each definition applies to each claim is ambiguous and potentially misleading.
2. The potentially misleading instruction did not constitute reversible error because King County, the challenging party, failed to demonstrate prejudice.
3. The court declined to define adverse employment action under the WLAD because the parties did not ask it to resolve that legal question.

KEY QUOTATIONS

“Jury instructions are sufficient when they allow counsel to argue their theory of the case, are not misleading, and when read as a whole properly inform the trier of fact of the applicable law.” (10)

“Without differentiating between the discrimination and retaliation claims, each sentence in the instruction could be read as alternative conceptions of “adverse” or as criteria that must be satisfied comprehensively.” (12)

“Rather than prejudicing the county, instruction 8 seems to have benefited it.” (15)

FACTUAL BACKGROUND

Reynaldo Verduzco, a Latino employee of King County's Department of Natural Resources and Parks who uses hearing aids, complained about bias and racism in workplace hiring and management practices. After several tense workplace incidents and complaints, the County issued letters of expectations, gave him a poor performance review, placed him on paid administrative leave for five months, suspended him without pay for five days, and reassigned him to a position with less responsibility. A jury found that the County did not

discriminate against Verduzco based on race, ethnicity, or disability, but did retaliate against him for protected activity.

PROCEDURAL HISTORY

Verduzco sued King County for race, ethnicity, and disability discrimination and retaliation under the WLAD. After a jury rejected the discrimination claims but found retaliation, King County appealed. The Court of Appeals held the combined instruction erroneous and remanded for a new trial on retaliation. The Supreme Court held the instruction potentially misleading but concluded King County failed to demonstrate prejudice, and remanded to the Court of Appeals to address the remaining appellate issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeals must address the additional appellate issues raised by the parties. The Supreme Court declined to assess attorney fees at this time.

CASES CITED

- State v. Zamora, 199 Wn.2d 698, 704 n.6, 512 P.3d 512 (2022)
- Peña-Rodriguez v. Colorado, 580 U.S. 206, 214, 137 S. Ct. 855, 197 L. Ed. 2d 107 (2017)
- Cornwell v. Microsoft Corp., 192 Wn.2d 403, 411, 430 P.3d 229 (2018)
- Currier v. Northland Servs., Inc., 182 Wn. App. 733, 742, 332 P.3d 1006 (2014)
- Wilmot v. Kaiser Alum. & Chem. Corp., 118 Wn.2d 46, 68, 821 P.2d 18 (1991)
- State v. Carson, 184 Wn.2d 207, 224 n.11, 357 P.3d 1064 (2015)
- Burlington N. & Santa Fe Ry. Co. v. White, 548 U.S. 53, 67-68, 126 S. Ct. 2405, 165 L. Ed. 2d 345 (2006)
- Boyd v. State, 187 Wn. App. 1, 14-15, 349 P.3d 864 (2015)
- Joyce v. Dep't of Corr., 155 Wn.2d 306, 323, 119 P.3d 825 (2005)
- Douglas v. Freeman, 117 Wn.2d 242, 256, 814 P.2d 1160 (1991)
- Bodin v. City of Stanwood, 130 Wn.2d 726, 732, 927 P.2d 240 (1996)
- Anfinson v. FedEx Ground Package Sys., Inc., 174 Wn.2d 851, 860, 874-76, 281 P.3d 289 (2012)
- Keller v. City of Spokane, 146 Wn.2d 237, 249-50, 44 P.3d 845 (2002)
- Jin Zhu v. N. Cent. Educ. Serv. Dist.—ESD 171, 189 Wn.2d 607, 613, 615, 404 P.3d 504 (2017)
- Kumar v. Gate Gourmet, Inc., 180 Wn.2d 481, 491, 325 P.3d 193 (2014)
- Grimwood v. Univ. of Puget Sound, Inc., 110 Wn.2d 355, 361-62, 753 P.2d 517 (1988)
- Lake Hills Invs., LLC v. Rushforth Constr. Co., 198 Wn.2d 209, 224-26, 227, 494 P.3d 410 (2021)
- Alonso v. Qwest Commc'ns Co., 178 Wn. App. 734, 747, 315 P.3d 610 (2013)
- Tyner v. Dep't of Soc. & Health Servs., 137 Wn. App. 545, 564-65, 154 P.3d 920 (2007)
- Griffin v. W. RS, Inc., 143 Wn.2d 81, 91, 18 P.3d 558 (2001)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-washington-supreme-court-of-the-state-of-washington/2026/verduzco-v-king-county-nvtrigpw>