

HOUSE BILL 1238

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Heavey, Fuhrman, Jacobsen, Winsley, D. Sommers, Paris, Bowman, Miller, Vance, Wynne, Moyer and Anderson.

Read first time January 23, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to a code of ethics for industrial appeals judges;  
2 adding a new section to chapter 51.52 RCW; and adding a new section to  
3 chapter 42.18 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.52 RCW  
6 to read as follows:

7 (1) The legislature finds that adherence to ethical standards  
8 protects the integrity and conduct of free government and promotes  
9 public confidence in governmental actions. The legislature furthers  
10 finds that a code of ethics for industrial appeals judges,  
11 supplementing the code of ethics that applies to all state employees,  
12 is necessary to eliminate conflicts of interest and improve the  
13 administration of this chapter. Therefore, all persons employed as  
14 industrial appeals judges under this chapter shall observe and be  
15 governed by the standards of conduct contained in this section.

1 (2) Industrial appeals judges shall conduct themselves at all times  
2 in a manner that promotes public confidence in the integrity and  
3 impartiality of the board and hearing process.

4 (3) Industrial appeals judges shall:

5 (a) Maintain professional competence in industrial insurance law  
6 and the rules of the board;

7 (b) Maintain order and decorum in proceedings before the board;

8 (c) Be patient and courteous to those persons who participate in  
9 proceedings before the board and others with whom they deal in their  
10 official capacity; and

11 (d) Dispose promptly of matters heard by the industrial appeals  
12 judge.

13 (4) An industrial appeals judge shall not participate in a  
14 proceeding before the board where his or her impartiality might  
15 reasonably be questioned, including but not limited to proceedings in  
16 which:

17 (a) The industrial appeals judge has a personal bias or prejudice  
18 concerning a party or a party's representative;

19 (b) The industrial appeals judge has personal knowledge of disputed  
20 evidentiary facts concerning the proceedings;

21 (c) The industrial appeals judge, or the judge's spouse or minor  
22 child, is a party to the proceeding;

23 (d) The industrial appeals judge knows that, as an individual or as  
24 a fiduciary, the judge has a substantial interest in the outcome of the  
25 proceeding, or that the judge's spouse or minor child has a substantial  
26 interest in the outcome of the proceeding.

27 (5) Except as authorized by law, industrial appeals judges shall  
28 not initiate or consider ex parte or other private communications  
29 concerning a matter pending before the board unless the communications

1 are at the same time provided to all other persons interested in the  
2 matter.

3 (6) Industrial appeals judges shall abstain from public comment  
4 about matters pending before the board, except for public statements in  
5 the course of their official duties.

6 (7) Industrial appeals judges shall not directly or indirectly  
7 solicit or accept any gift or gratuity from a person or party involved  
8 in a matter pending before the board.

9 (8) A person who has been employed by the board as an industrial  
10 appeals judge shall not thereafter appear in a contested case before  
11 the board on behalf of any party until the expiration of one year  
12 following the industrial appeals judge's termination of employment with  
13 the board.

14 (9) The board may dismiss, suspend, or take such other action as  
15 may be appropriate upon making a finding that an industrial appeals  
16 judge has violated this section. Any action taken under this  
17 subsection with respect to an industrial appeals judge covered by  
18 chapter 41.06 RCW shall comply with chapter 41.06 RCW.

19 (10) In case of any conflict between the provisions of this section  
20 and the provisions of chapter 42.18 RCW, the provisions of this section  
21 shall apply.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.18 RCW  
23 to read as follows:

24 In case of any conflict between the provisions of this chapter and  
25 the provisions of section 1 of this act, the provisions of section 1 of  
26 this act shall apply with respect to industrial appeals judges under  
27 chapter 51.52 RCW.