

# HOUSE BILL REPORT

## HJR 4205

---

---

### As Passed House:

March 5, 2003

**Brief Description:** Changing the membership of the commission on judicial conduct.

**Sponsors:** By Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase.

### Brief History:

#### Committee Activity:

Judiciary: 2/4/03, 2/13/03 [DP].

#### Floor Activity:

Passed House: 3/5/03, 97-0.

### Brief Summary of Bill

- Changes a reference to "district" court judges to "limited jurisdiction" court judges in the constitutional provision describing the membership of the Commission on Judicial Conduct.

---

## HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

**Staff:** Bill Perry (786-7123).

### Background:

In 1980 the voters approved a constitutional amendment that created the "Judicial Qualifications Commission" (Commission). In 1981 chapter 2.64 RCW was enacted to implement the constitutional provision. In 1986 and 1987, the constitutional provision and the implementing statute were amended. Among other things the amendments changed the name of the Commission to the "Commission on Judicial Conduct."

The Commission handles complaints about judges who may have violated the rules of judicial conduct. The Commission is authorized to receive complaints, conduct investigations, hold hearings, impose certain types of discipline and make other

disciplinary recommendations to the Supreme Court. The Constitution provides that the Commission is to handle complaints against any "judge or justice."

Both the constitutional provision and the implementing statute provide that the Commission consists of 11 persons: one judge selected by and from the court of appeals judges; one judge selected by and from the superior court judges; one judge selected by and from the district court judges; two attorneys selected by the bar association; and six lay persons selected by the Governor with Senate confirmation.

The reference to "district court" judges in the constitutional provision on Commission membership has caused some concern. Prior to the amendment creating the Commission on Judicial Conduct, the only use of the term "district" courts in the State Constitution was a reference to the federal territorial courts. More recent amendments to the Constitution have used the term "district" court with respect to the State Commission on Public Official Salaries and with respect to establishing concurrent jurisdiction between superior and district courts. However, at the time the Constitution was adopted, courts below the level of superior courts were referred to either as "inferior" courts or "justices of the peace." In modern statutory usage, the term "courts of limited jurisdiction" is often used to cover all courts below the level of the superior courts.

---

**Summary of Bill:**

The reference to "district" court is changed to "limited jurisdiction" court in the constitutional provision describing the membership of the Commission.

The joint resolution takes effect upon voter approval at the next general election.

---

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Testimony For:** The bill addresses a matter of simple equity and fairness. Municipal judges are under the purview of the Commission and should have representation on it. More than one-fifth of the judges in the state are municipal judges.

**Testimony Against:** None.

**Testified:** Representative Lantz, prime sponsor; Melanie Stewart, Municipal and District Court Judges Association; Doug Haake, Office of the Administrator for the Courts; and Peter Lukevich.