

SENATE BILL REPORT

SCR 8404

As Reported By Senate Committee On:
Judiciary, February 28, 2003

Brief Description: Creating a joint select committee on judicial conduct.

Sponsors: Senators Honeyford and Schmidt.

Brief History:

Committee Activity: Judiciary: 2/26/03, 2/28/03 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson, Kline and Roach.

Staff: Jinnah Rose-McFadden (786-7421)

Background: The Washington State Constitution creates the Commission on Judicial Conduct, an independent agency of the judicial branch, authorized to investigate complaints filed against state judges and justices, hold public hearings on the alleged misconduct, and impose disciplinary action where warranted.

Concerns have been raised that the commission's authority to investigate complaints is overly broad. Additionally, there is no limit placed on the amount of time that may elapse between the filing of a charge and the date of a public hearing.

Summary of Bill: A joint select committee on judicial conduct is established to review the Commission on Judicial Conduct. The joint committee evaluates the following issues: (a) the conduct of investigations and hearings; (b) the timeliness and scope of investigations and processes; (c) the rules of evidence used during hearings; and (d) the application of judicial conduct rules to part-time judges.

The joint select committee consists of nine members: (1) one member from each of the caucuses of the Senate, as appointed by the President of the Senate; (2) one member from each of the caucuses of the House of Representatives, as appointed by the Speaker of the House of Representatives; (3) one justice of the Washington State Supreme Court or Court of Appeals; (4) one superior court judge, selected by the Superior Court Judges Association; (5) one district or municipal court judge, selected by the Washington State District and Municipal Court Judges Association; and (6) two lawyers admitted to practice in the state of Washington, selected by the Washington State Bar Association.

The joint select committee's findings and conclusions are reported to the Legislature at the 2004 Regular Session.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: None.

Testimony Against: There is no secrecy regarding the commission. All of the rules governing the commission, including rules of evidence and standards of proof, are printed on the commission's website, as well as in the commission's annual report.

The primary rules that the commission works with are the Rules of Judicial Conduct. These rules are written and adopted by the Washington State Supreme Court.

Testified: CON: Judges Harold D. Clarke, Spokane District Court Judge, Commission on Judicial Conduct.