



SENATE JOINT RESOLUTION 8207

PROPOSED CONSTITUTIONAL AMENDMENT

Official Ballot Title:

The Legislature has proposed a constitutional amendment on qualifications for service on the Commission on Judicial Conduct.

This amendment would permit one member of the Commission on Judicial Conduct to be selected by and from the judges of all courts of limited jurisdiction.

Should this constitutional amendment be:

Approved [] Rejected []

Votes cast by the 2005 Legislature on final passage:
Senate: Yeas, 46; Nays, 0.
House: Yeas, 90; Nays, 2.

Note: The Official Ballot Title and Explanatory Statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8207 begins on page 53.

Explanatory Statement

The law as it presently exists:

The Commission on Judicial Conduct consists of eleven members. Three members are judges, two members are lawyers admitted to practice in Washington, and the remaining six members are non-lawyers appointed by the Governor. Of the three members who are judges, one is selected by and from the Court of Appeals judges, one is selected by and from the Superior Court judges, and one is selected by and from the District Court judges.

District Courts are courts established in each county to hear certain types of civil and criminal cases. District Court judges are elected by the residents of the county. Cities and towns may participate in the District Court system, or they may establish separate Municipal Courts, with municipal judges elected by the residents of the city or town. Because they are not District Court judges, Municipal Court judges do not qualify under existing constitutional language to serve on the Commission on Judicial Conduct.

The effect of the proposed amendment, if it becomes law:

The proposed constitutional amendment would replace the phrase “district court judges” with the broader term “limited jurisdiction court judges.” The term “court of limited jurisdiction” includes both District Courts and Municipal Courts. The effect of this amendment would be to permit a judge of any court of limited jurisdiction that is, either a district judge or a municipal judge to be selected for one of the three judicial positions on the Commission on Judicial Conduct. The position would be filled by selection by all of the judges of all courts of limited jurisdiction. The other two judicial positions on the Commission one for a judge of the Court of Appeals and one for a Superior Court judge would not be affected by the amendment.



Statement For SJR 8207

VOTE YES –

SENATE JOINT RESOLUTION (SJR) 8207

SJR 8207 is a corrective measure amending the State Constitution to include elected municipal court judges as persons eligible to serve on the Commission on Judicial Conduct.

The Commission on Judicial Conduct was created under the Constitution to discipline judges when they violate the ethical rules set out in the Code of Judicial Conduct. Currently, the Commission membership consists of six non-lawyers appointed by the Governor, two lawyers appointed by the State Bar Association, and three judges: one judge each from the Court of Appeals, the Superior Court, and the District Court.

Municipal Court judges, like all judges, are subject to discipline for violation of the ethical rules. This amendment corrects an oversight that excludes elected municipal court judges from participating in the Commission that disciplines judges for ethical violations. Fairness requires that municipal court judges also be represented by their peers and have an opportunity to assist the Commission.

This measure would not change the number of or manner in which Commission members are selected. It only changes the Constitutional language from “district” to “limited jurisdiction” judges, thereby including municipal court judges as persons eligible to participate in the Commission.

The Legislature passed this Resolution with near unanimity (only two “no” votes), and sent it to the voters for approval as an amendment to the Constitution. This Resolution is supported by the following organizations:

Judicial Conduct Commission
Association of Washington Cities
District and Municipal Court Judges Association
Board for Judicial Administration.

Voters' Pamphlet Argument Prepared by:

ADAM KLINE, State Senator, Chair, Senate Judiciary Committee; STEPHEN L. JOHNSON, State Senator, Ranking Member, Senate Judiciary Committee; BRENDAN WILLIAMS, State Representative, Vice Chair, House Judiciary Committee; SKIP PRIEST, State Representative, Ranking Member, House Judiciary Committee; JUDITH HIGHTOWER, Judge, Seattle Municipal Court; ALICIA NAKATA, Judge, Chelan County District Court.

Statement Against SJR 8207

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against Senate Joint Resolution 8207 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.

The Office of the Secretary of State is not authorized to edit statements, nor is it responsible for their contents.

Address Confidentiality Program

If you are a victim of domestic violence, sexual assault or stalking who has chosen not to register to vote because you are afraid the perpetrator will track you down, the Office of the Secretary of State has a program that might be able to help you. The Address Confidentiality Program (ACP) works together with community domestic violence and sexual assault programs in an effort to keep crime victims a little safer. The Address Confidentiality Program provides crime victims with a substitute mailing address that can be used when the victim works with the state and local government agencies. The ACP also provides crime victims with confidential voter registration. All ACP participants must be referred to the program by a local domestic violence or sexual assault advocate who can help the victim develop a comprehensive safety plan.

Need More Information?

For more information about the ACP and the phone number of victim resources in your community, call the ACP at 360.753.2972 or visit www.secstate.wa.gov/acp.



BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 31 of the Constitution of the state of Washington to read as follows:

Article IV, section 31. (1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the ((district)) limited jurisdiction court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.

(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.

(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.

(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.

(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.

(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.

(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.

(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.

(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.