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COMMISSION ON
JUDICIAL CONDUCT

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BEFORE THE COMMISSION OF JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In re the Matter of:)	
)	NO. 90-953-F-20
Honorable Janice Niemi,)	
Pro tempore Judge of the)	AMENDED STATEMENT
Superior Court of King County.)	OF CHARGES
)	
)	

Pursuant to authority granted in Revised Code of Washington, chapter 2.64 (Commission on Judicial Conduct) and the Washington Administrative Code, Chapter 292, and at the order of the Commission on Judicial Conduct, this Amended Statement of Charges is filed alleging the violation by HONORABLE JANICE NIEMI of a rule of judicial conduct. The original Statement of Charges filed September 13, 1990 is amended pursuant to WAC 292-12-090. The background and facts of the charges are set forth in the following paragraphs:

Background

1. Honorable Janice Niemi, Respondent herein, was serving as a pro tempore judge of King County Superior Court during the months of January, 1990 through September, 1990.

AMENDED STATEMENT OF CHARGES - 1

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- 1 2. Respondent herein is a Senator from Legislative District 43
2 in the Washington State Legislature and held that position
3 while serving as a judge pro tempore.
- 4 3. On August 13, 1990, Respondent was sent a letter from the
5 Commission on Judicial Conduct informing Respondent that a
6 Verified Statement was filed in accordance with WAC 292-12-
7 010(4) and that the Commission was pursuing initial
8 proceedings.
- 9 4. Enclosed with the above-referenced communication was a
10 Statement of Allegations.
- 11 5. Ethics Advisory Committee Opinion 86-10 issued July 14, 1986
12 responded to the question, "Is it proper for a member of the
13 Washington State Legislature to sit as a pro tempore judge?",
14 by answer, "No, it is not proper for a member of the
15 Washington State Legislature to sit as a pro tempore judge as
16 CJC 7(A) political activities are not among those CJC
17 provisions from which compliance requirements are removed for
18 pro tempore judges in CJC Preamble 1(B)(1).

19 Facts supporting Charges

- 20 1. Though not limited to this time period nor intimating total
21 inclusiveness, from January 3, 1990 through September 4, 1990,
22 Respondent served as pro tempore judge on 62 separate days
23 involving at least 26 different cases in the King County
24 Superior Court.
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AMENDED STATEMENT OF CHARGES - 2

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1 Basis for Commission Action

2 The Commission has determined that probable cause exists for
3 believing that Respondent has violated Canons 1, 2(A), 7(A)(1),
4 7(A)(3) and 7(A)(4) of the Code of Judicial Conduct which state:

5 **CANON 1**

6
7 **Judges Should Uphold the Integrity and
Independence of the Judiciary**

8 An independent and honorable judiciary is in-
9 dispensable to justice in our society. Judges should
10 participate in establishing, maintaining, and enforcing,
11 and should themselves observe, high standards of conduct
12 so that the integrity and independence of this judiciary
13 may be preserved. The provisions of the code should be
14 construed and applied to further that objective.

15 **CANON 2**

16 **Judges Should Avoid Impropriety and the Appearance
17 of Impropriety in All Their Activities**

18 (A) Judges should respect and comply with the law
19 and should conduct themselves at all times in a manner
20 that promotes public confidence in the integrity and
21 impartiality of the judiciary.

22 **CANON 7**

23 **Judges Should Refrain From Political Activity
24 Inappropriate to Their Judicial Office**

25 (A)(1) Judges or candidates for election to
political office should not:

(a) act as leaders or hold any office in a political
organization;

. . . .

(A)(3) Judges shall resign their office when they
become candidates either in a party primary or in a
general election for a nonjudicial office, except that
they may continue to hold their judicial office while

1 being a candidate for election to or serving as a
2 delegate in a state constitutional convention, if they
3 are otherwise permitted by law to do so.

4 (A)(4) Judges should not engage in any other
5 political activity except on behalf of measures to
6 improve the law, the legal system, or the administration
7 of justice.

8 DATED this 23rd day of October, 1990.

9 COMMISSION ON JUDICIAL CONDUCT
10 OF THE STATE OF WASHINGTON

11 

12 ESTHER GARNER
13 Executive Director
14 P.O. Box 1817
15 Olympia, WA 98507