

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED
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COMMISSION ON
JUDICIAL CONDUCT

In Re the Matter of:)
)
HONORABLE JANICE NIEMI)
Pro Tem Judge) No. 90-953-F-20
King County Superior Court)
C-903 King County Courthouse) STATEMENT OF CHARGES
516 Third Avenue)
Seattle, Washington 98104)
_____)

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 Statement of Charges is filed alleging the violation by HONORABLE JANICE NIEMI of rules of judicial conduct. 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 3, 1990 through September 4, 1990.
2. Respondent herein is a Senator from Legislative District 43 in the Washington State Legislature and held that position while serving as a judge pro tempore.
3. On August 13, 1990, Respondent was sent a letter from the Commission on Judicial Conduct informing Respondent a Verified Statement was filed in accordance with WAC 292-12-010(4) and the Commission was pursuing initial proceedings.

4. Enclosed with the above-referenced communication was a Statement of Allegations.
5. Ethics Advisory Committee Opinion 86-10 issued July 14, 1986 responded to the question, "Is it proper for a member of the Washington State Legislature to sit as a pro tempore judge?", by answer, "No, it is not proper for a member of the Washington State Legislature to sit as a pro tempore judge as CJC Canon 7(A) political activities are not among those CJC provisions from which compliance requirements are removed for pro tempore judges in CJC Preamble 1(B)(1)."

Facts Supporting Charges

1. Though not limited to this time period nor intimating total inclusiveness, specifically from January 3, 1990 through September 4, 1990, Respondent served as pro tempore judge on 62 separate days involving at least 26 different cases in the King County Superior Court.

Basis for Commission Action

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

"CANON 1

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

An independent and honorable judiciary is indispensable to justice in our society. Judges should participate in establishing, maintaining, and enforcing, and should themselves observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of the code should be construed and applied to further that objective."

"CANON 2

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

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

"CANON 7

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

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

Notification of Right to File Written Answer

In accordance with WAC 292-12-030(5), the Respondent is herewith informed that a written answer may be filed with the Commission to the charges contained in the Statement of Charges within twenty-one (21) days after the date of service. If Respondent does not file a written answer, a general denial will be entered on behalf of Respondent. The Statement of Charges and Answer shall be the only pleadings required.

DATED this 13th day of September, 1990.

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

by: Esther Garner
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