



Introduction

This pamphlet offers some guidelines as to your responsibilities as an employee of the judicial branch should you be contacted during an investigation by the Washington State Commission on Judicial Conduct.

It also provides a brief description of the purposes and procedures of Washington's Commission on Judicial Conduct.

Background of the Commission on Judicial Conduct

The Commission was established in 1980 by amendment of the Washington State Constitution as an independent agency of the judicial branch. Its principal purpose is to investigate allegations of a judge's misconduct or disability. Its members include six non-lawyer citizens, three judges and two lawyers.

Jurisdiction

The Commission has jurisdiction over all state judges--justices of the Supreme Court; judges of the Court of Appeals; superior, district, and municipal court judges; all pro tem and part-time judges. The Commission has jurisdiction over some court employees under RCW 42.52.

Commission Authority

The Commission acts in response to complaints and has the authority to impose admonishment, reprimand, or censure. The Commission may recommend to the Supreme Court the suspension or removal of a judge. If the Commission finds that a judge is disabled, it may recommend to the Supreme Court that the judge be retired.

During an investigation, the Commission may administer oaths, issue subpoenas, require that records and documents be presented for examination, and summon witnesses.

Guidelines for Court Employees

The law requires you to respond to questions asked by the Commission. If a subpoena has been issued, you must respond. If you fail to respond, the Commission may seek an order for your appearance from the appropriate superior court. If you fail to abide by such an order, you may be found in contempt of court. It is important that judicial branch employees cooperate with Commission investigations regardless of their working or personal relationship with a judge.

Any person may submit a complaint to the Commission. Anonymous complaints are also investigated. Many cases can be completed without ever revealing the identity of the complainant to the judge.

The Duty of Confidentiality

To protect those involved from unwarranted criticism or retaliation and to aid the investigation, the law requires that all preliminary investigations be confidential.

It is important that court employees understand they may not tell a judge or anyone else that they have spoken to a Commission on Judicial Conduct investigator - or even that an investigation is being conducted.

The Constitution and Commission rules also state that you cannot divulge:

- the name of the judge about whom an inquiry is being made
- that a complaint has been made
- that you have given a statement to the Commission

However, you MAY tell anyone about the facts underlying the event being investigated.

Confidentiality rules CEASE after the complaint has been dismissed or after the Commission files a public statement of charges against the judge or otherwise closes the proceeding.

Failure to preserve the confidentiality of the investigation may result in contempt sanctions in the appropriate superior court.

If you are contacted by an investigator and you want to verify their identity, please call (360) 753-4585



The Commission's Investigation Process STAGE I - PRELIMINARY Investigation

After a complaint has been made, a Commission investigator conducts an investigation and reports the results to the Commission. After this initial review, the Commission may dismiss the complaint, continue the investigation, or authorize initial proceedings. The vast majority of complaints submitted to the Commission are investigated and dismissed without further action, and without the judge being notified of the complaint. The most typical contact a court employee will have with a Commission investigator is a request for tapes or court documents.

STAGE II - INITIAL PROCEEDINGS

Where there is a basis to proceed, the Commission will send the judge a statement of allegations. The judge is given 21 days to respond. After the period for response has passed, the Commission will determine if probable cause exists that the judge has violated a rule of judicial conduct and, if so, will file a Statement of Charges. Alternatively, the Commission may dismiss the case, stay the proceeding and/or order further investigation.

STAGE III - STATEMENT OF CHARGES

After the Commission issues an official public Statement of Charges, the judge in question has 21 days to answer. Failure to respond is deemed an admission of the facts and the Commission shall proceed to determine the appropriate discipline. The Commission will hold a public "fact-finding" hearing at which the Commission's Disciplinary Counsel must prove a violation by clear, cogent and convincing evidence. The judge may appear at this hearing, with or without counsel, to defend against the allegations made.

After deliberations, the Commission will announce its decision at a public session. It may decide to dismiss the charges entirely, or if it is found that a violation has occurred, the Commission may admonish, reprimand or censure the judge. If the Commission recommends suspension or removal, it must file its decision and recommendation with the Supreme Court, which will make the ultimate decisions.

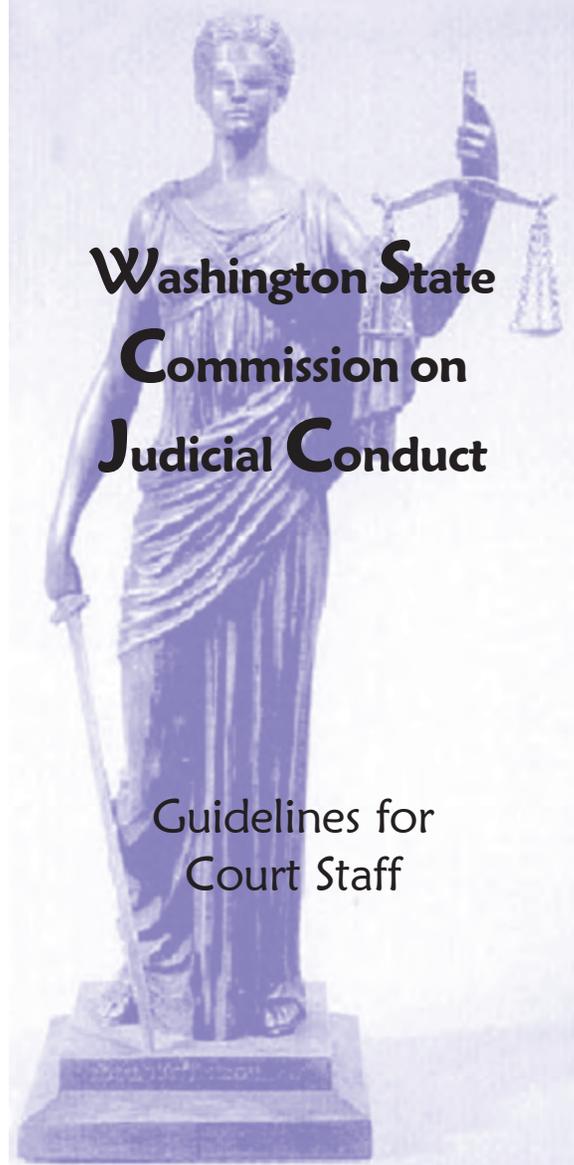
At any stage of a proceeding, a case may be concluded by a public stipulation. All disciplinary actions by the Commission must be public.

Important Note

The foregoing summary is intended to familiarize court staff about the Commission, its proceedings, and its confidentiality requirements. The obligations imposed upon you by law can be reviewed in the following citations: Washington Constitution, Article IV, Section 31; Chapter 2.64 RCW; and Commission on Judicial Conduct Rules of Procedure (CJCRP). Annual reports published by the Commission are available for download from our web site or can be mailed upon request.

**If you have any questions,
please contact us:**

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Washington State Commission on Judicial Conduct

Guidelines for Court Staff
