
SENATE JOINT RESOLUTION 8221

State of Washington 60th Legislature 2007 Regular Session

By Senators Kline and Honeyford

Read first time 02/21/2007. Referred to Committee on Judiciary.

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

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

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

16 (2) Whenever the commission receives a complaint against a judge or
17 justice, or otherwise has reason to believe that a judge or justice
18 should be admonished, reprimanded, censured, suspended, removed, or
19 retired, the commission shall first investigate the complaint or belief

1 and then conduct initial proceedings for the purpose of determining
2 whether probable cause exists for conducting a public hearing or
3 hearings to deal with the complaint or belief. The investigation and
4 initial proceedings shall be confidential, except that all discovery
5 prior to a public hearing shall be conducted pursuant to the rules of
6 civil procedure promulgated by the Washington state supreme court. Any
7 judge or justice subject to proceedings before the commission shall be
8 entitled to obtain discovery pursuant to these rules from the
9 commission, its staff, and other persons involved in the investigation
10 or analysis leading to a determination of probable cause. Upon
11 beginning an initial proceeding, the commission shall notify the judge
12 or justice of the existence of and basis for the initial proceeding.

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

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

34 (5) Upon the recommendation of the commission, the supreme court
35 may suspend, remove, or retire a judge or justice. The office of a
36 judge or justice retired or removed by the supreme court becomes
37 vacant, and that person is ineligible for judicial office until
38 eligibility is reinstated by the supreme court. The salary of a

1 removed judge or justice shall cease. The supreme court shall specify
2 the effect upon salary when it suspends a judge or justice. The
3 supreme court may not suspend, remove, or retire a judge or justice
4 until the commission, after notice and hearing, recommends that action
5 be taken, and the supreme court conducts a hearing, after notice, to
6 review commission proceedings and findings against the judge or
7 justice.

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

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

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

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

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

36 BE IT FURTHER RESOLVED, That the secretary of state shall cause
37 notice of this constitutional amendment to be published at least four

1 times during the four weeks next preceding the election in every legal
2 newspaper in the state.

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