

WASHINGTON COURT RULES

General Rule 29: Presiding Judge in Superior Court District and Limited Jurisdiction Court District--Excerpts

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(f) Duties and Authority. The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

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- (5) Supervise the daily operation of the court including:
 - (a) All personnel assigned to perform court functions; and
 - (b) All personnel employed under the judicial branch of government including but not limited to working conditions, hiring, discipline, and termination decisions except wages, or benefits directly related to wages; and
 - (c) The court administrator, or equivalent employee, who shall report directly to the Presiding Judge.

COMMENTARY

The trial courts must maintain control of the working conditions for their employees. For some courts this includes control over some wage-related benefits such as vacation time. While the executive branch maintains control of wage issues, the courts must assert their control in all other areas of employee relations.

With respect to the function of the court clerk, generally the courts of limited jurisdiction have direct responsibility for the administration of their clerk's office as well as the supervision of the court clerks who work in the courtroom. ...

- (6) Supervise the court's accounts and auditing the procurement and disbursement of appropriations and preparation of the judicial district's annual budget request;
- (7) Appoint standing and special committees of judicial officers necessary for the proper performance of the duties of the judicial district;
- (8) Promulgate local rules as a majority of the judges may approve or as the Supreme Court shall direct;
- (9) Supervise the preparation and filing of reports required by statute and court rule;

(10) Act as the official spokesperson for the court in all matters with the executive or legislative branches of state and local government and the community unless the Presiding Judge shall designate another judge to serve in this capacity;

COMMENTARY

This provision recognizes the Presiding Judge as the official spokesperson for the court. It is not the intent of this provision to preclude other judges from speaking to community groups or executive or legislative branches of state or local government.

(11) Preside at meetings of the judicial officers of the district;

(12) Determine the qualifications of and establish a training program for pro tem judges and pro tem court commissioners; and

(13) Perform other duties as may be assigned by statute or court rule. ...

COMMENTARY

The proposed rule also addresses the duties and general responsibilities of the presiding judge. The language in subsection (d), (e), (f) and (g) was intended to be broad in order that the presiding judge may carry out his/her responsibilities. There has been some comment that individual courts should have the ability to change the “duties and general responsibilities” subsections by local rule. While our committee has not had an opportunity to discuss this fully, this approach has a number of difficulties:

- It would create many “Presiding Judge Rules” all of which are different
- It could subject some municipal and district court judges to pressure from their executive and/or legislative authority to relinquish authority over areas such as budget and personnel
- It would impede the ability of the BJA through AOC to offer consistent training to incoming presiding judges

GR 29

Code Of Judicial Conduct—Excerpts (These are rules that the Commission on Judicial Conduct will enforce in proceedings on a complaint against a judge)

Rule 2.3. Bias, Prejudice, and Harassment.

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

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Rule 2.4. External Influences on Judicial Conduct.

(A) A judge shall not be swayed by public clamor, or fear of criticism.

(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or authorize others to convey the impression that any person or organization is in a position to influence the judge.

COMMENT

[1] Judges shall decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family.

Rule 2.5. Competence, Diligence, and Cooperation.

(A) A judge shall perform judicial and administrative duties, competently and diligently.

(B) A judge shall cooperate with other judges and court officials in the administration of court business.

COMMENT

[1] Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.

[2] In accordance with GR 29, a judge should seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities.

[3] Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.

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Rule 2.8. Decorum, Demeanor, and Communication with Jurors.

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

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Rule 2.12. Supervisory Duties.

(A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act with fidelity and in a diligent manner consistent with the judge's obligations under this Code.

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COMMENT

[1] A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the Code if undertaken by the judge.

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Rule 2.13. Administrative Appointments.

(A) In making administrative appointments, a judge:

(1) shall exercise the power of appointment impartially* and on the basis of merit; and

(2) shall avoid nepotism and unnecessary appointments.

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Commission on Judicial Conduct Rules of Procedure

PREAMBLE

The regulation of judicial conduct is critical to preserving the integrity of the judiciary and enhancing public confidence in the judicial system. Such regulation should provide a fair and reasonable process for the handling of complaints and inquiries about members of the judiciary concerning their conduct and ability to perform judicial duties.

These rules are adopted pursuant to Washington State Constitution, Article IV, Section 31. The rules balance a number of competing interests: The public interest that complaints against judges are given serious consideration and that judges are held to high standards of behavior; the rights of judges to fair treatment in the disposition of complaints against them; the interest of judges and complainants in the confidentiality of complaints; the public interest in encouraging participation in the disciplinary process by protecting complainants and witnesses from retribution or harassment; and the interest of the judges and the public in having judicial disciplinary complaints resolved promptly and accurately.

All proceedings before the commission on judicial conduct involving judges as defined in these rules shall proceed exclusively under the rules set forth in this chapter.

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RULE 17. SCREENING AND INVESTIGATION

- (a) **General.** An investigative officer employed by the commission will conduct the investigation aided by disciplinary counsel if deemed appropriate by the commission.

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