

Justice is Everyone's Business
<http://www.everyones-business.org>
User ID: truthis Password: N33d3d

March 8, 2015

Dear Advocate of Open Government:

We have some problems in the judiciary -- a branch of our government. We believe "Open Government" and sunlight is needed. Please review the enclosed print-out. You will need the User ID and Password (given above) to access the site and its links.

Right now, it is too easy for insiders to use the judicial system to benefit themselves and their friends. Our experiences with the judicial system revealed these flaws to us:

Situation 1: On August 31, 2012, we filed a complaint with the Commission on Judicial Conduct (CJC). <http://www.everyones-business.org/#The Commission on Judicial Conduct for Washington State>
But on October 8, 2012, the CJC told us it was not interested.

Under present rules, the CJC can easily hide the most egregious problems. The CJC web site tells us that the CJC does an initial screening of a compliant, and:

... Complaints not resulting in a finding of misconduct or public charges remain [confidential under Washington law](http://www.cjc.state.wa.us/search/search_disclaimer.htm). http://www.cjc.state.wa.us/search/search_disclaimer.htm

So CJC can do an initial screening, decide against "a finding of misconduct or public charges" and hide the information contained in the complaint ("bury the bodies") forever. The CJC informs us:

Commission proceedings are confidential, including the fact that there is a complaint or investigation, as provided in [Article IV, Section 31](#) of the Washington State Constitution, [RCW 2.64](#) and Commission on Judicial Conduct Rules of Procedure ([CJCRP](#)). Any person violating rules of confidentiality is subject to contempt proceedings in superior court.

Confidentiality is intended to encourage complainants to express their concerns without fear of reprisal and to protect a judge's reputation and the integrity of the judicial process from unsubstantiated allegations.
http://www.cjc.state.wa.us/Disc_function/confidentiality.htm

Secrecy to "protect a judge's reputation"? A citizen's arrest record can freely accessed, and consumers can review complaints against real estate agents filed with the Department of Licensing. Why should complaints against judges (public servants) be buried in secrecy? If those complaints have been properly investigated and dismissed, there should be no problem in open records. And given the enormous level of public trust invested in judges, judges should not fear public scrutiny.

The CJC's own admission that a judge might retaliate against a citizen for reporting bad conduct is quite an indictment of the character of judges. It is an indication that more, not less, oversight is needed.

Open government brings public oversight of government activity. Yet the direct result of CJC secrecy provisions is denial of public oversight. None of us truly knows what behaviors the CJC is permitting, and whether the CJC is protecting particular judges. Our laws must be changed.

Proposed Remedy 1: We propose that complaints received by the CJC, records of CJC investigations, and records of CJC determinations should be available upon request by Washingtonians. If a citizen asks for all complaints, investigations, and determinations concerning a particular judge, all such records should be made available.

Now let us turn attention to another situation:

Situation 2:

On June 20, 2014 we filed a Bar Complaint on attorneys in one of the states' largest firms and the legal representatives of that firm. We supported the Complaint with more than 4,000 pages of documentation. <http://www.everyones-business.org/BarReport/index.html>. (We enclose a synopsis of that Complaint.) Clearly these lawyers had *no fear whatsoever* that they would be sanctioned by the Bar or they would not have engaged in such conduct.

On August 16, 2014, after a warning that they missed the deadline for a response to our Bar Complaint and being threatened by subpoena, the lawyers responded: <http://www.everyones-business.org/WSBA/Joint-response-to-complaint.pdf>.

When the lawyers responded, their contempt for the WSBA and Bar rules was even more manifest -- they told numerous lies (an offense in itself under Bar rules) and did not even deny 50 of the violations of the Rules of Professional Conduct that we charged in our Complaint.

On September 8, 2014, we replied to the dishonest response. The Introduction to our Reply can be found here: <http://www.everyones-business.org/BarReport/Reply/Reply-intro.html> . The body of our Reply can be found here: <http://www.everyones-business.org/BarReport/Reply/Reply-body.html>. Under standard Rules of Procedure, failure to deny an accusation is a tacit admission.

A review of the WSBA website reveals that if the Bar receives a Complaint but decides not to act upon it, that Complaint remains "confidential" and unavailable to the public. That is, the Bar can use the same mechanism available to the CJC to "bury the bodies."

Proposed Remedy 2: We propose that *all* Bar complaints be made available for public inspection, together with records of the Bar's investigation and records of the Bar's finding. If a citizen asks for *all* complaints, investigations, and determinations on a particular lawyer, all such records should be made available. And in these days of electronic storage, keeping such records in perpetuity should not be a problem.

True, many other reforms are necessary before the practice of law can be redeemed in the eyes of the public. When you read the Introduction of our Bar Complaint, you will learn that many distinguished legal scholars, lawyers, and judges lament the corruption of ethics and sense of public service among practitioners. These experts have proposed solutions which we endorse.

In these post-Ferguson and Eric Garner days, the public MUST have confidence in the judiciary.

Sincerely,

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