

Justice Is Everyone's Business

<http://www.everyones-business.org>

User ID: truthis Password: N33d3d

March 26, 2015

Dear Legislator:

In these post-Ferguson and Eric Garner days, this principle is more important than ever:

Not only must justice be done -- it must also appear to be done.

Please study the attached web-site print-out. It shows that we have some real problems with the appearance of justice in this state, as illustrated by the *Kok* school shooting case and our own.

The mechanisms to ensure the integrity of the courts and lawyers (who are officers of the court) are not working as they should. Too many judges and lawyers consider themselves a law unto themselves: free to lie, pass on lies, and hide conflicts of interest. Therefore "We The People" have to step in and enforce civilized standards.

We propose:

Local Ordinances. City and county councils should pass ordinances to outlaw disreputable conduct by judges and lawyers, and provide sanctions. We ask that you aid this effort as appropriate.

Criminalize Lying In Court. Washington should have a law similar to New York's Judiciary Law 487, which makes it a criminal offense for a lawyer to lie in court and provides jail time. That law should cover judges, too. Judges should also face criminal charges and jail time when they incorporate proven lies in their rulings. *Without truth, there can be no justice, and without justice, there can be no peace.*

Public oversight of our institutions is necessary to maintain "government of the people. by the people, for the people." Please also consider the following:

Public Oversight of Judges. In the *Kok* case, the trial judge was married to a lawyer in the County's legal firm. In our case, as told in our August 31, 2012 complaint to the Commission on Judicial Conduct ("CJC"), the trial judge was married to an agent of the real estate company that we had just trounced in court. In neither of those cases did the judges disclose their conflicts of interest. On October 8, 2012, the CJC told us it was not interested in our Copmplaint. (Documents available at (<http://www.everyones-business.org/#The Commission on Judicial Conduct for Washington State>). User ID and Password in header, above.)

Under current rules, 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

This rule allows the CJC to decide against "a finding of misconduct or public charges" and hide the information contained in the complaint forever. For example, our complaint against Richard D. Eadie will remain "confidential" and hidden because the CJC decided to ignore it. Under those rules:

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

Confidentiality to “protect a judge’s reputation”? A citizen’s arrest record can be freely accessed, and consumers can review complaints against real estate agents. Why should complaints against judges be kept confidential? If those complaints have been properly investigated and dismissed, there should be no problem with open records. And given the enormous level of public trust invested in judges (who are elected public servants), judges should welcome public scrutiny.

The CJC’s suggestion that a judge might retaliate against a citizen for reporting bad conduct is an indication that more public oversight is needed.

Open government brings public oversight to government activity. Yet the direct result of CJC confidentiality provisions is denial of public oversight of CJC, and hence of judges. None of us can know what behaviors the CJC is permitting, and whether the CJC is protecting particular judges and sanctioning others.

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

Public Oversight of Lawyers. On June 20, 2014 we filed a Bar Complaint on attorneys in one Washington’s largest firms and its counsel. We supported the Complaint with more than 4,000 pages of documentation. (Complaint at: <http://www.everyones-business.org/BarReport/index.html> User ID and Password above.) Clearly those lawyers had no fear of the WSBA: they did not even timely answer.

On August 16, 2014, after a threat of subpoena, the lawyers responded. (Available at: <http://www.everyones-business.org/WSBA/Joint-response-to-complaint.pdf>. User ID and Password in header.) And then the lawyers’ contempt for the WSBA and Bar rules was even more evident -- they told numerous lies (an offense in itself under Bar rules) and did not even deny 50 of the violations that we charged in our Complaint. Under standard Rules of Procedure, failure to deny an accusation is a tacit admission.

We pointed this out in our Reply of September 8, 2014. 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>. (User ID and Password in header.)

WSBA has not yet reached its decision. But a review of the WSBA website reveals that WSBA procedures are akin to CJC’s procedures: If the WSBA decides not to act on a Complaint, that Complaint remains “confidential” and unavailable for public inspection. Of course if complaints have been properly investigated and dismissed, there should be no problem with open records.

We need public oversight of the Bar. Therefore we propose that all Bar complaints, like CJC complaints, be made available for public inspection, together with records of the investigation and records of the findings. If a citizen asks for all complaints, investigations, and determinations on a particular lawyer, all such records should be identified and made available.

Please read the Introduction of our Bar Complaint -- and study the other suggestions for reform made by dozens of judges, legal scholars, and lawyers to restore faith our judicial system. And know that many others in our state see similar betrayals of the public trust; see, for example, <http://www.corruptwa.com> , <http://goldbarreporter.org/> and <https://snohomishcountycorruption.wordpress.com/>.

Sincerely,

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