

Our judicial disclosure laws are better than most

The Olympian

January 3, 2014 Updated 34 minutes ago



The Temple of Justice is where the Washington State Supreme Court convenes in Olympia. (TONY OVERMAN/Staff photographer)

TONY OVERMAN — The Olympian

Of all the decisions voters make on Election Day, one of their most difficult task is selecting candidates for state Supreme Court positions. Judicial performance is difficult to determine from outside the courtroom or without inside knowledge of the legal profession.

State public disclosure laws attempt to provide citizens with the financial information to determine if justices are free of conflicts of interest. A fair judicial system requires objectivity, and justices who rule with dispassion and disinterest.

Fortunately, the state of Washington has adequate financial disclosure laws for justices on its highest court and attaches strong enforcement measures to them.

A recent survey of state financial disclosure rules conducted by The Center of Public Integrity rated Washington third best in the nation, behind California and Maryland. However, all three fell woefully short of the standards set for federal judges.

Washington got top points, equal to their federal peers, for accountability and accessibility. Justices' financial disclosure statements are publicly available from the Public Disclosure Commission, and the range of penalties for failing to disclose include criminal charges. The center gave Washington credit for requiring more detailed investment information than other states, but marked us down for not demanding justices to report investment transactions. California requires its Supreme Court justices to report the date every investment was acquired and disposed.

The exact date when a justice purchases or sells real estate or company shares might be a critical factor in determining whether justices should recuse themselves. Parties in such cases should have access to that information.

State law prohibits our top justices from accepting any gift worth more than \$50, but there is no requirement of justices to report any gifts they or their family members receive. It's better for the public to have too much information than not enough, and the center rightly marks down Washington for failing to require the reporting of gift or reimbursement information.

Washington didn't receive much of a grade for its top-three score. The center gave us a "D" rating.

Five other states merited "Ds," and only the top two warranted "C" ratings. The federal disclosure rules managed a "B." The center slapped an "F" on forty-two states and the District of Columbia.

No one will accuse the center of grade inflation.

We take these national rating systems with a grain of salt because such broad statistical analyses often overlook contextual relevance. But in this case, the center has identified areas of improvement in judicial transparency.

It's something for the Legislature to consider.

Read more here: <http://www.theolympian.com/2014/01/03/2913013/our-judicial-disclosure-laws-are.html#storylink=cpy>