RULE 9
DECISION AND RECONSIDERATION

(a) Decision by Full Court. Hearings on the merits under these rules will ordinarily be heard by nine justices. A reference to Supreme Court Justice or Justices in these rules includes regular and pro tempore justices. A reference to the Supreme Court includes the Supreme Court as regularly constituted, and the Supreme Court with one or more justices pro tempore.

(b) Postponement of Decision. The Supreme Court may postpone Supreme Court proceedings involving a judge if there are other proceedings pending before the commission involving that same judge.

(c) Decision Imposing Discipline or Retirement. Discipline may be imposed or retirement ordered only upon the affirmative vote of at least five Supreme Court Justices. The decision of the court shall be in the form of a written opinion. The Supreme Court may impose the sanction recommended by the commission, or any other sanction that the Supreme Court deems proper.

(d) Finality of Decision. The decision of the Supreme Court becomes final 14 days after the decision is filed, unless a motion for reconsideration of the decision is earlier filed. If a timely motion for reconsideration is filed, the decision of the Supreme Court becomes final when the motion for reconsideration is denied. If the motion for reconsideration is granted, the reconsidered decision is final when filed. The Supreme Court decision is effective when final, unless otherwise provided by the Supreme Court in its decision.

(e) Motion for Reconsideration. A party seeking reconsideration of a decision must file a motion for reconsideration within 14 days after the decision of the Supreme Court has been filed. Rules of Appellate Procedure 12.4(c) through (h) are applicable to proceedings under these rules.

Comment

Section (a). The Supreme Court will ordinarily decide a judicial discipline case with a full panel of nine justices, drawing from justices pro tempore if necessary, to create a full panel. The rule does provide, however, that a decision by less than nine justices will be effective if the decision is supported by at least five justices.

Section (b). The ABA Standards recommend that the court dispose of all matters regarding the discipline of a particular judge at one time. ABA Standards Relating to Judicial Discipline and Retirement, Std. 7.6.

Section (c). The Supreme Court must approve the discipline of a judge with at least five votes. The court may impose the discipline it determines is proper.

Section (d). A party has 14 days in which to file a motion for reconsideration. If no motion is filed, the decision is final at the end of the 14-day period. If a motion is filed, the decision is final when the motion is denied or when the reconsidered decision is filed. This parallels RAP 12.4 which permits only one motion for reconsideration. This paragraph supersedes RCW 2.04.170 to the extent the statute is in conflict with this rule.

[Effective May 14, 1982]