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Superior Court Judges' Association

November 20, 2018

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Honorable Charles W. Johnson
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Dear Justice Johnson,

The Superior Court Judges' Association would like the Rules Committee to accept a friendly amendment to the original Code of Judicial Conduct Rule 2.9(A)(1) amendment proposal concerning Ex Parte Communication. We believe the language should be changed slightly to make it clear that subparagraphs (a) and (b) under 2.9(A)(1) apply throughout paragraph 2.9(A)(1).

The following phrasing more accurately captures our intent as compared to the original submission:

- (1) When circumstances require and subject to the limitations in paragraphs (A)(1)(a) and (A)(1)(b), ex parte communication is permitted: for scheduling, administrative or emergency purposes if the communication does not address substantive matters; pursuant to a written policy or rule for a mental health court, drug court or other therapeutic court; and, in criminal and civil matters, to make decisions on such matters as an individual's risk and needs, pretrial release, bail, placement, dispositions, and supervision. Such ex parte communication is permitted only if:

(a) Etc.

Please let me know if the Rules Committee requires any additional information regarding this friendly amendment.

Sincerely,

Blaine G. Gibson, President
Superior Court Judges' Association

cc: SCJA Board of Trustees
Ms. Crissy Anderson
Ms. Shannon Hinchcliffe

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