

FOR IMMEDIATE RELEASE

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JUDICIAL CONDUCT COMMISSION BEGINS PUBLIC DISCIPLINARY PROCEEDINGS
AGAINST JUSTICE RICHARD B. SANDERS

The Commission on Judicial Conduct has begun public disciplinary proceedings against Washington Supreme Court Justice Richard B. Sanders. The Commission's Statement of Charges, dated April 5, 2004, alleges that Justice Sanders violated Canons 1, 2, and 3(A)(4) of the Code of Judicial Conduct by engaging in ex parte communications and creating an appearance of impropriety in violation of that Code.

The Commission recognizes the appropriateness of institutional visits by judges and its Statement of Charges is not premised on the mere fact of such a visit. Rather, the Statement of Charges alleges that on January 27, 2003, Justice Sanders improperly communicated with residents of the Special Commitment Center on McNeil Island, Washington (a facility for people committed as sexually violent predators pursuant to RCW 71.09), some of whom then had cases pending in the Washington Supreme Court or had cases impending, in that their appeals were being processed in the state court system and likely to be reviewed by the Washington Supreme Court. The Statement alleges that Justice Sanders' discussions included topics at issue in those pending and impending cases, and that he asked residents individually to relate their criminal histories and acts that led to their detentions, their treatment issues, and their

thoughts on the issue of volitional control over sexually violent behavior. The discussions with residents were not merely incidental to a facility visit, but were in Justice Sanders' words, "one of the highlights" of the visit, and Justice Sanders delayed his scheduled departure from the facility to continue those discussions. The Statement also alleges that Justice Sanders took no steps either before or after the visit to advise lawyers for any of the parties about his discussions with residents, and that he accepted documents from residents with cases then pending in the appellate court system, but did not provide lawyers involved in those cases with information about or access to these documents until requested by an assistant attorney general to do so.

A judge has 21 days to file an answer after being served with a Statement of Charges. The Commission conducts a public hearing on the charges unless there is a stipulation. If the Commission finds a violation of the Code of Judicial Conduct, it may admonish, reprimand or censure the judge, or may censure the judge with a recommendation to the Supreme Court that the Court suspend or remove the judge from office.

The Commission's Statement of Charges in this matter is a public document and is available at the Commission's web site, <http://www.cjc.state.wa.us>.

The Commission is an independent agency of the judicial branch of government created under the Washington Constitution to assure the integrity and independence of the judiciary. Its members are appointed by the Governor, judicial associations, and the Washington State Bar Association.

Attachment: Statement of Charges

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