

Initiative Measure No. 650

filed March 31, 2014

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-2840.1/14

ATTY/TYPIST: AA:lcl

BRIEF DESCRIPTION:

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AN ACT Relating to privilege from suit; creating a new section; and repealing RCW 2.64.080.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** Washington state regulatory agencies of the judicial branch are failing citizens in the most egregious and blatant way. Washington state citizens file approximately three thousand complaints a year against attorneys who commit such atrocities as fraud, theft, elder abuse when appointed as guardians, use of children as bargaining tools to fatten the wallets of attorneys in custody battles, and other heinous and unacceptable behavior. When such conduct is brought to the attention of the Washington state bar association, almost every complaint is dismissed without an investigation regardless how heinous the allegations.

Washington state citizens also file hundreds of complaints against judges with the commission on judicial conduct for similar misconduct. As with the Washington state bar association, the commission on judicial conduct dismisses nearly every grievance filed.

In the case filed in Kitsap superior court, *William Scheidler v J. Reiko Callner*, the executive director of the Washington state commission on judicial conduct and Felice Congalton, the associate director of the Washington state bar association, were charged with "official misconduct - a violation of RCW 9A.80.010," "Failure of duty by public officer - a misdemeanor under RCW 42.20.100," "False reporting - a violation of RCW 42.20.040," and other violations of law. However, the case was dismissed on motion by Judge Jennifer Forbes on the fact Felice Congalton and J. Reiko Callner have absolute immunity.

All judges are regulated by the commission on judicial conduct. If J. Reiko Callner has absolute immunity from civil and criminal actions by virtue of her power, it clearly places a judge in a conflict position - in other words, any judge would be foolish to let a case go to a jury if J. Reiko Callner is immune from suit. Such immunity poses a threat to the judge if any judge would be so inclined to rule against these individuals who can retaliate without consequence.

Citizens are oppressed by RCW 2.64.080. There is no constitutional support for the absolute privilege granted by RCW 2.64.080. Rather, the opposite is mandated by our Constitution which states in Article I, section 1 that "governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights." Thus, RCW 2.64.080 must be repealed.

NEW SECTION. **Sec. 2.** RCW 2.64.080 (Privilege from suit) and 1981 c 268 s 9 are each repealed.