

BRENNAN
CENTER
FOR JUSTICE

at New York University School of Law



Justice at Stake
c a m p a i g n

October 4, 2010

The Honorable Barbara Madsen
Chief Justice
Washington State Supreme Court
415 12th Ave. SW
PO Box 40929
Olympia, WA 98504-0929

Re: New Washington State Code of Judicial Conduct

Dear Chief Justice Madsen:

We write on behalf of the Brennan Center for Justice at the N.Y.U. School of Law and the Justice at Stake Campaign both to applaud and to thank the Washington State Supreme Court for the revisions to the Washington State Code of Judicial Conduct that it adopted last month.

Nationally, spending on judicial elections has soared to unprecedented levels. More than ever, the public needs to be assured that special interests cannot buy favorable treatment from the courts. By strengthening its recusal rules, Washington's court system has sent a powerful and positive message that its courts should not be bought.

We are particularly pleased with the Court's decision to preserve in Rule 1.2 the "appearance of impropriety" standard, which is used in 47 other states and which we believe plays a vital role in promoting public confidence in the judiciary. We are also pleased to see that the Court addressed concerns arising from elevated spending on judicial campaigns. Although we would have preferred a mandatory rule under which judges "shall recuse" when financial support to their election campaigns raises questions about their impartiality – rather than a permissive one under which judges "may" recuse themselves – we remain confident that the judges will seek to apply Rule 2.11(D) faithfully and fairly.

Again, we are grateful and impressed by the Court's willingness to consider and adopt these important reforms. We believe these changes are an important step in protecting the public trust in our court system, and we are optimistic that Washington will continue to build on its track record of ensuring the independence and impartiality of its judiciary.

Respectfully,



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