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OCT 28 2005
COMMISSION ON JUDICIAL CONDUCT

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**BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON**

In re the matter of:)
The Honorable Timothy P. Ryan,)
Judge of the Snohomish)
County District Court)
_____)

CJC No. 4292-F-118

**STIPULATION, AGREEMENT
AND ORDER OF REPRIMAND**

The Commission on Judicial Conduct and Timothy P. Ryan, Judge of the Snohomish County District Court, stipulate and agree as provided herein. This stipulation is submitted pursuant to Article IV, Section 31 of the Washington Constitution and Rule 23 of the Commission's Rules of Procedure and shall not become effective until approved by the Washington Commission on Judicial Conduct. The Commission on Judicial Conduct is represented in these proceedings by Disciplinary Counsel Steven A. Reisler. Judge Ryan is represented by Attorney Kurt M. Bulmer.

I. STIPULATED FACTS

1. Judge Timothy P. Ryan (Respondent) is now, and was at all times referred to in this document, a judge of the Snohomish County District Court. He has served in that capacity since 1993.
2. The Snohomish County District Court is ordinarily open to the public for business from 8:30 a.m. to 4:30 p.m., Monday through Friday of each week.
3. From September 1993 until June 2004, when Respondent was contacted by the Commission concerning this matter, Respondent performed wedding ceremonies at the Snohomish County District Courthouse during the week at 8:30 a.m., during the noon hour and at 4 p.m.
4. Respondent states he was compensated for most, but not all, of the weddings

1 he solemnized at the courthouse, and when compensated he charged between \$25 to \$50 for
2 performing those ceremonies. Payment was usually in cash and received in Respondent's
3 chambers.

4 5. Respondent states that he kept a running tally of the monies received for
5 solemnizing marriages for tax purposes, but has not retained those tallies. Respondent did not
6 record when or from whom the money was received for performing weddings.

7 6. The wedding ceremonies over which Respondent officiated did not interfere
8 with the normal operations of the court or with Respondent's ability to fulfill his official
9 judicial duties.

10 11 **II. AGREEMENT**

12 **A. Respondent's Conduct Violated the Code of Judicial Conduct.**

13 1. Based upon the foregoing stipulated facts, Respondent agrees he violated
14 Canons 1, 2(A) and 5(C)(8) the Code of Judicial Conduct by performing wedding ceremonies
15 for compensation during regular court hours.

16 2. Judicial officers are authorized to solemnize marriages pursuant to RCW
17 26.04.050, and Canon 5(C)(8) allows judges to "accept compensation and reimbursement of
18 expenses for the solemnization of marriages, performed outside of regular court hours."
19 "Regular court hours," as that phrase is used in Canon 5(C)(8), is defined by reference to the
20 regular hours the courthouse in which the judge serves is open to the public for business. A
21 judge may not receive compensation for solemnizing marriages during those hours.
22 Respondent acknowledges regularly scheduling and performing weddings for pay at 8:30 a.m.,
23 during the noon hour and at 4 p.m., hours when the Snohomish County District Court is
24 typically open to the public for business. This conduct violates Canon 5(C)(8) and Canons 1
25 and 2(A).¹

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1/ Canons 1 and 2(A) require judges to uphold the integrity of the judiciary by avoiding impropriety
28 and the appearance of impropriety and by acting at all times in a manner that promotes public confidence
in the integrity and impartiality of the judiciary.

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3. Respondent states he believed his conduct was permitted because he solemnized marriages for pay only when he was not actively engaged in presiding over court hearings – he performed the ceremonies before or after his regularly scheduled calendars or during the noon hour. Respondent thus reasoned that the ceremonies were conducted outside of “regular court hours.” While the Canons do not expressly define “regular court hours,” Respondent now agrees that the reasonable interpretation of “regular court hours” is when the courthouse in which the judge serves is open to the public for business. Respondent agrees his prior reasoning failed to take into account the appearance of impropriety caused by, and the policy reasons against, accepting compensation for conducting weddings during regular court hours. A judge should not receive compensation for solemnizing marriages during the court’s normal business hours because the judge is already compensated, or is perceived by the public as already compensated, for that period of time in the form of the judge’s salary. A judge should not receive private compensation for an extra-judicial activity when the judge is on duty doing the public’s business for which the judge is being paid with public funds. In addition, there is a reasonable expectation that public courthouse facilities will not be used for the private financial benefit of a judge during the hours the court is open to the public, and that judicial officers (and their courtrooms) will be available for official judicial activities, such as hearing emergency or unscheduled matters, while the court is open for business.

B. Imposition of Sanction

1. The sanction imposed by the Commission must be commensurate to the level of Respondent’s culpability, sufficient to restore and maintain the public’s confidence in the integrity of the judiciary, and sufficient to deter similar acts of misconduct in the future. In determining the appropriate level of discipline to impose, the Commission must consider the non-exclusive factors set out in Rule 6(c) of its Rules of Procedure.

2. In mitigation, Respondent has been a judicial officer for more than twelve years and has had no prior disciplinary actions. He has acknowledged the acts occurred and, upon

1 being contacted by the Commission, he discontinued his practice of performing wedding
2 ceremonies during regular court hours. No individuals were injured by Respondent's
3 impropriety and his actions did not interfere with official court business or prejudice the actual
4 administration of justice. Respondent maintains his actions were the result of an honest, but
5 mistaken, interpretation of the meaning of "regular court hours."

6 3. In aggravation, Respondent's misconduct was not an isolated occurrence. He
7 engaged in a regular practice that for an eleven-year period violated the Code of Judicial
8 Conduct. Respondent's misconduct resulted in personal financial gain.² The impropriety took
9 place in Respondent's official capacity, not his private life, and involved the use of court
10 facilities. Respondent states that he believed the meaning of "regular court hours" was
11 ambiguous, but he did not seek clarification or guidance from other sources despite his
12 perception of ambiguity in the Code. It was incumbent on Respondent to seek such
13 clarification since he stood to benefit financially from the behavior in question. Respondent's
14 authority to solemnize marriages derives from his status as a judge. Respondent's system of
15 accounting for the compensation he received for solemnizing marriages, or lack thereof, erodes
16 public confidence in the judiciary. Judicial integrity and a judge's duty to avoid the appearance
17 of impropriety require judges to scrupulously observe high standards of conduct when it comes
18 to their financial dealings, particularly when those dealings directly relate to their judicial
19 position. Finally, although Respondent has cooperated with the Commission's investigation,
20 his failure to maintain and/or retain meaningful documentation relating to the weddings he
21 solemnized has made difficult the Commission's ability to precisely evaluate his conduct.

22 4. Based upon the stipulated facts, upon consideration and balancing of the above
23 factors, Respondent and the Commission agree that Respondent's stipulated misconduct shall
24 be sanctioned by the imposition of a reprimand. A "reprimand" is a written action of the

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26 2/ During the one period of time that can be documented, from January through July of 2004, Respondent
27 scheduled at least 51 weddings during regular court hours, which would have earned him between \$1,250 to
\$2,500 during that period of time.

1 Commission that requires a respondent to appear personally before the Commission and that
2 finds that the conduct of the respondent is a violation of the Code of Judicial Conduct, but does
3 not require censure or a recommendation to the supreme court that the respondent be suspended
4 or removed. A reprimand shall include a requirement that the respondent follow a specified
5 corrective course of action. Reprimand is the intermediate level of disciplinary action available
6 to the Commission.

7 5. Respondent agrees that he will not repeat such conduct in the future, mindful
8 of the potential threat any repetition of his conduct poses to public confidence in the integrity
9 and impartiality of the judiciary and to the administration of justice.

10 6. Respondent agrees he will promptly read and familiarize himself with the Code
11 of Judicial Conduct in its entirety.

12 7. Respondent agrees he will complete a course on judicial ethics at his expense
13 approved in advance by the Commission's Chair or her/his designee and provide proof of
14 completion of the course within one year of the date this stipulation is entered.

15 8. Respondent agrees that in the future he will maintain and retain an accurate
16 account of all money he receives for solemnizing marriages, including, at a minimum,
17 appropriate records that will record from whom he receives money, for what purpose, when
18 the money is received, and the amount of money that is received.

19 Standard Additional Terms and Conditions

20 9. Respondent agrees that by entering into this stipulation and agreement, he
21 waives his procedural rights and appeal rights in this proceeding pursuant to the Commission
22 on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State
23 Constitution.

24 10. Respondent further agrees that he will not retaliate against any person known

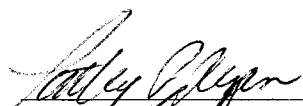
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28 **STIPULATION, AGREEMENT AND ORDER OF REPRIMAND - 5**

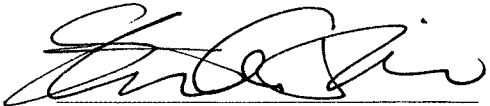
1 or suspected to have cooperated with the Commission, or otherwise associated with this matter.

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4 Hon. Timothy P. Ryan

August 1, 2005
Date

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7 Kurt M. Bulmer
Attorney for Judge Ryan

August 4/2005
Date

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9 
10 Steven A. Reisler
11 Disciplinary Counsel for
12 Commission on Judicial Conduct

8.9.05
Date

13 **ORDER OF REPRIMAND**

14 Based on the above Stipulation and Agreement, the Commission on Judicial Conduct
15 hereby orders Respondent, Judge Timothy P. Ryan, reprimanded for the above set forth
16 violations of the Code of Judicial Conduct. Respondent shall not engage in such conduct in
17 the future and shall fulfill all of the terms of the Stipulation and Agreement as set forth therein.

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19 DATED this 28 day of October, 2005

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23 for Marianne Connelly, Chair
24 Commission on Judicial Conduct