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JUDICIAL QUALIFICATIONS  
COMMISSION

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION

STATE OF WASHINGTON

In The Matter of the Complaint Against: )  
FRED R. STAPLES, ) NO. 84-320-F-7  
Superior Court Judge for Benton- ) FINAL DECISION  
Franklin Counties )  
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A fact-finding hearing was held pursuant to Judicial Qualifications Commission rules (JQCR) as ordered by the Judicial Qualifications Commission (Commission) on April 12, 1985. The Commission's decision was thereafter entered on June 5, 1985. On this same date, the Commission sent the Honorable Fred R. Staples (Respondent) a proposal for admonishment by certified mail. On June 6, 1985, the Commission sent Respondent a copy of the Commission's Decision and a copy of the transcript of said hearing. On June 13, 1985, Respondent rejected the Commission's proposal for admonishment as shown by his letter of said date.

The Commission at its regularly scheduled meeting on June 14, 1985 confirmed its decision dated June 5, 1985, rejected Respondent's offer to admit an exhibit into evidence and concluded a final decision be entered recommending to the Supreme Court that Respondent be admonished. Thereafter, the Commission's decision will be served upon Respondent pursuant to Rule 16(c) of JQCR.

The Commission, having heard and considered the testimony of Respondent and having reviewed the records and files herein and having considered the arguments of Respondent and counsel, finds by clear, cogent and convincing evidence the following:

FINDINGS OF FACT

I.

Respondent is now and at all times mentioned herein was a Judge of the Superior Court for Benton-Franklin Counties, Washington.

II.

On August 30, 1984, after receipt of a written Complaint, the Commission wrote a letter to Respondent advising him of alleged violations of the Code of Judicial Conduct through his activities with an organization called Citizens for Cost Effective County Government which were alleged to be political. Respondent replied to those allegations by letter dated September 24, 1984 in which Respondent denied his efforts to remove the county seat of Benton County from Prosser to Kennewick were violative of any ethical consideration.

III.

On November 19, 1984, Respondent was sent a letter from the Commission informing him the Commission was proceeding with a preliminary investigation upon filing of a verified statement in accordance with Commission Rule 5(d). A statement of allegations was also enclosed. Respondent had previously been sent a copy of Commission Rules and Rule 6 was noted to Respondent.

IV.

Respondent replied to the Commission letter of November 1, 1984 by letter dated November 26, 1984. Respondent admitted the facts set forth in the statement of allegations except as explained in that letter and denied Respondent violated Canon 7 or any other Canon of Judicial Conduct.

V.

Respondent, a Judge and candidate for reelection to judicial office, assumed a leadership position in attempting to move the Benton County seat from Prosser to Kennewick. Respondent made speeches in support of the county seat movement.

VI.

The organization formed to finance the drive to move the county seat of Benton County from Prosser to Kennewick was known as Citizens for Cost Effective County Government and was a political organization.

VII.

Benton County had previously established the Benton County Justice Center in Kennewick. The Washington Supreme Court has authorized the conduct of court sessions at said facility. Thus, removal of the county seat to Kennewick to authorize court sessions was not a measure to improve the law, the legal system or the administration of justice.

VIII.

Respondent, as a leader of said political organization, was well-intentioned, sincere and intended for the benefit of

Benton County.

Based upon the foregoing Findings of Fact, the Commission makes the following:

CONCLUSIONS

I.

Respondent's activities were on behalf of a political organization whose purpose was to effect a move of the county seat of Benton County from Prosser to Kennewick and therefore was not devoted to the improvement of the law, the legal system or the administration of justice.

II.

Respondent's conduct constituted a violation of the Code of Judicial Conduct, Canon 7(A) (1) (a) and (b) and was not excused under Canon 7(A) (4).

Canon 7

(A) Political Conduct in General.

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a nonjudicial candidate for public office.

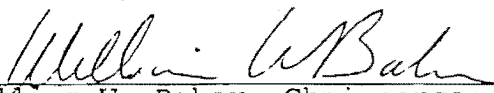
(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

RECOMMENDATION

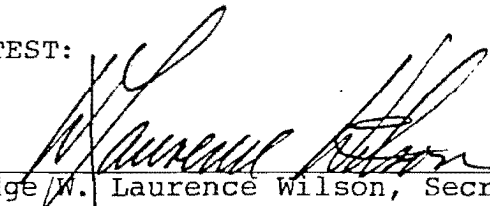
Based upon the foregoing Findings of Fact and Conclusions, the Commission hereby determines that Respondent violated Canon

7(A) (1) (a) and (b). The Commission recommends that Respondent be admonished.

DATED this 2nd day of July, 1985.

  
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William W. Baker, Chairperson

ATTEST:

  
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Judge W. Laurence Wilson, Secretary