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COMMISSION ON  
JUDICIAL CONDUCT

BEFORE THE COMMISSION OF JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

In re the Matter of )  
HONORABLE JAMES C. KAISER, Judge ) NO. 86-515-F-10  
Northeast District Court ) FORMAL COMPLAINT  
Redmond, Washington 98073 )  
\_\_\_\_\_ )

Pursuant to authority granted in Revised Code of Washington, Chapter 2.64 (Judicial Qualifications Commission) and the Judicial Qualifications Commission Rules (JQCR), adopted October 14, 1981, and revised effective September 1, 1984, and at the order of the Commission on Judicial Conduct (formerly Judicial Qualifications Commission), this Formal Complaint alleging violations by Honorable James C. Kaiser of the Code of Judicial Conduct is filed. The background and facts of the Complaint are set forth in the following paragraphs.

Background

1. Honorable James C. Kaiser (respondent herein) is now and at the time of the acts hereinafter mentioned, was a judge of Northeast District Court, Redmond, Washington.

1           2.    On December 5, 1986, respondent was sent a letter from the  
2 Commission on Judicial Conduct (then Judicial Qualifications  
3 Commission) informing him a Verified Statement was filed in  
4 accordance with JQCR 5(d) and the Commission was proceeding with a  
5 preliminary investigation.

6           3.    Enclosed with the above-referenced communication was a  
7 Statement of Allegations.

8 Facts Supporting Complaint

9           In the fall of 1986, respondent engaged in a campaign for  
10 re-election to his position at Northeast District Court. In the  
11 course of his re-election campaign, respondent disseminated  
12 publicly the following campaign literature:

13           1.    An advertisement which appeared October 29, 1986, in  
14 the following newspapers: The Northshore Citizen; the Samamish  
15 Valley News; and the Kirkland Courier Review stating that  
16 respondent was "toughest on drunk driving" and stating further  
17 "Judge Kaiser's opponent, Will Roarty, receives the majority of his  
18 financial contributions from drunk driving defense attorneys.  
19 These lawyers do not want a tough, no-nonsense judge like Judge  
20 Kaiser."

21           2.    On November 2, 1986, an advertisement was run in the  
22 Bellevue Journal American stating "Will Roarty is supported by  
23 D.W.I. defense attorneys--THERE MUST BE A REASON."

24           3.    On a sample ballot mailed to voters prior to the  
25 election, the following is stated: "Judge Kaiser is 'tough' on  
26  
27

1 drunk driving . . ." "Will Roarty, the opponent, receives the  
2 majority of his financial support from drunk driving defense  
3 attorneys, whose primary interests are getting their clients off."

4 4. A letter addressed "Dear Voter" was hand delivered to  
5 prospective voters by respondent and others working on his behalf  
6 while "doorbelling" prior to the election. The letter stated

7 My opponent, Will Roarty, has received the  
8 majority of his financial contributions from  
9 drunk driving defense attorneys. This is the  
10 only group involved with the Northeast District  
11 Court not supporting my reelection.

12 The point is clear, I am a tough,  
13 no-nonsense judge and this group of attorneys  
14 wants to prevent my reelection.

15 5. Donna Belin and Val Roney signing as campaign  
16 co-chairpeople of the committee to reelect respondent mailed a  
17 letter to Democratic precinct committee persons within the voting  
18 area stating in part as follows:

19 Bearing in mind the non-partisan position a judge  
20 must maintain while on the bench, it may be  
21 useful for you to know that Judge Kaiser's family  
22 have been life-long democrats. Indeed, Judge  
23 Kaiser has doorbelled for democrats in the past  
24 . . .

25 Basis for Commission Action

26 The Commission has determined that probable cause exists for  
27 believing that respondent has violated Canons 1, 2(A)(B),  
3(A)(1)(6), 7(A)(2)(B)(1)(a)(b)(c)(d) which state as follows:

CANON 1--A JUDGE SHOULD UPHOLD THE INTEGRITY AND  
INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is  
indispensable to justice in our society. A judge  
should participate in establishing, maintaining,

1 and enforcing, and should himself observe high  
2 standards of conduct so that the integrity and  
3 independence of the judiciary may be preserved.  
The provisions of this code should be construed  
and applied to further that objective.

4 CANON 2--A JUDGE SHOULD AVOID IMPROPRIETY AND THE  
5 APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES

6 (A) A judge should respect and comply with the  
7 law and should conduct himself at all times in a  
8 manner that promotes public confidence in the  
9 integrity and impartiality of the judiciary.

10 (B) A judge should not allow his family, social,  
11 or other relationships to influence his judicial  
12 conduct or judgment. He should not lend the  
13 prestige of his office to advance the private  
14 interests of others; nor should he convey or  
15 permit others to convey the impression that they  
16 are in a special position to influence him. He  
17 should not testify voluntarily as a character  
18 witness.

19 CANON 3--A JUDGE SHOULD PERFORM THE DUTIES OF HIS  
20 OFFICE IMPARTIALLY AND DILIGENTLY

21 (A) Adjudicative Responsibilities.

22 (1) A judge should be faithful to the law  
23 and maintain professional competence in it. He  
24 should be unwayed by partisan interest, public  
25 clamor, or fear of criticism.

26 (6) A judge should abstain from public  
27 comment about a pending or impending proceeding  
in any court, and should require similar  
abstention on the part of court personnel subject  
to his direction and control. This canon does  
not prohibit judges from making public statements  
in the course of their official duties or from  
explaining for public information the procedures  
of the court.

CANON 7--A JUDGE SHOULD REFRAIN FROM POLITICAL  
ACTIVITY INAPPROPRIATE TO HIS JUDICIAL OFFICE

(A) Political Conduct in General

(2) A judge holding an office filled by  
public election between competing candidates for  
such office, may attend political gatherings and

1 speak to such gatherings on his own behalf or  
2 ~~that~~ of another judicial candidate. The judge or  
3 candidate shall not identify himself as a member  
4 of a political party, and he shall not contribute  
5 to a political party or organization.

6 (B) Campaign Conduct

7 (1) A candidate, including an incumbent  
8 judge, for a judicial office that is filled  
9 either by public election between competing  
10 candidates or on the basis of a merit system  
11 election:

12 (a) should maintain the dignity  
13 appropriate to judicial office, and should  
14 encourage members of his family to adhere to the  
15 same standards of political conduct that apply to  
16 him;

17 (b) should prohibit public officials  
18 or employees subject to his direction or control  
19 from doing for him what he is prohibited from  
20 doing under this canon; and except to the extent  
21 authorized under Canon 7(B)(2) or (B)(3), he  
22 should not allow any other person to do for him  
23 what he is prohibited from doing under this canon;

24 (c) should not make pledges or  
25 promises of conduct in office other than the  
26 faithful and impartial performance of the duties  
27 of the office; announce his views on disputed  
legal or political issues; or misrepresent his  
identity, qualifications, present position, or  
other fact;

(d) should not permit false,  
misleading, or deceptive campaign advertising to  
be published or broadcast in behalf of his  
candidacy.

18 Notification of Right to File Written Answer

19 In accordance with JQCR 7, the respondent is herewith informed  
20 that he may file with the Commission a written answer to the  
21 charges contained in the Complaint within fourteen (14) days after  
22 the date of service. If respondent does not file a written Answer,  
23

1 a general denial will be entered on behalf of respondent. The  
2 Complaint and Answer shall be the only pleadings required.

3 DATED this 13th day of <sup>-March</sup> ~~February~~, 1987.

4 COMMISSION ON JUDICIAL CONDUCT OF THE  
5 STATE OF WASHINGTON

6 By Esther Garner

7 ESTHER GARNER  
8 Executive Director  
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