

FILED

JUN 01 1990

COMMISSION ON  
JUDICIAL CONDUCT

BEFORE THE COMMISSION OF JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

In re the Matter of )  
HON. MICHAEL F. MOYNIHAN, ) NO. 89-865-F-18  
Judge of the Superior )  
Court of Whatcom County ) STIPULATION AND AGREEMENT  
Pursuant to WAC 292-12-020(6)  
AND ORDER OF ADMONISHMENT

Pursuant to WAC 292-12-020(6) of the Commission on Judicial Conduct Rules as revised and adopted on December 5, 1989 ("CJCR"). The Commission on Judicial Conduct ("Commission") and Honorable Michael F. Moynihan, ("Respondent"), Judge of the Superior Court of Whatcom County, Bellingham, Washington, do hereby stipulate and agree as provided for herein. The Commission has been represented in these proceedings by David D. Hoff of Riddell, Williams, Bullitt & Walkinshaw and the Respondent appeared without counsel.

STIPULATION

1. Respondent hereby stipulates that while serving in his capacity as a Superior Court Judge of Whatcom County, in Bellingham, Washington, he had an ex parte phone communication regarding his approval of a settlement with the guardian ad litem for the minor child

STIPULATION, AGREEMENT  
AND ORDER OF ADMONISHMENT - 1

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1 Atheana Buckley in Buckley v. Snapper Power Equipment Co., Whatcom  
2 County Superior Court Cases 88-2-00619-5 and 87-2-00784-3.

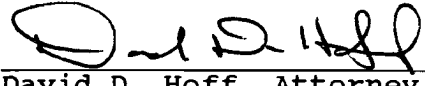
3 2. The Commission finds that Respondent's conduct described  
4 above was a violation of the Code of Judicial Conduct and even though  
5 Judge Moynihan thought he was acting in the best interests of the minor  
6 child, does constitute a violation of Canons 2(A) and 3(A)(4) of the  
7 Code of Judicial Conduct. Accordingly, pursuant to RCW 2.64.055 and  
8 2.64.010(1), the Commission cautions Judge Moynihan not to continue  
9 the conduct described in Paragraph 1 above.

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11  
12 AGREEMENT

13 3. Respondent does hereby agree to accept admonishment as  
14 described in RCW 2.64.010(1) and further agrees that he will not repeat  
15 the violation in the future.

16 DATED this 22 day of MAY, 1990.

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19   
20 Michael F. Moynihan  
21 Respondent

22   
23 David D. Hoff, Attorney for the  
24 Commission on Judicial Conduct  
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STIPULATION, AGREEMENT  
AND ORDER OF ADMONISHMENT - 2  
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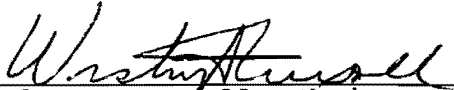
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ORDER OF ADMONISHMENT

4. Based upon the stipulation and agreement of Respondent set forth herein, the Commission hereby orders and Respondent is hereby admonished for violation of Canons 2(A) and 3(A)(4) of the Code of Judicial Conduct.

DATED this 15<sup>th</sup> day of June, 1990.

  
Wesley A. Nuxoll, Chairman  
Commission on Judicial Conduct

STIPULATION, AGREEMENT  
AND ORDER OF ADMONISHMENT - 3  
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