

APR 19 1990

COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT OF THE STATE OF WASHINGTON

In Re the Matter of:)	
)	
HONORABLE JAMES M. MURPHY)	
Judge of the Superior Court)	No. 89-878-F-16
Spokane County Superior Court)	
W. 1116 Broadway)	STATEMENT OF CHARGES
P. O. Box 470)	
Spokane, WA 99260-0090)	
_____)	

Pursuant to authority granted in Revised Code of Washington, chapter 2.64 (Commission on Judicial Conduct) and the Washington Administrative Code, Chapter 292, and at the order of the Commission on Judicial Conduct, this Statement of Charges is filed alleging the violation by Honorable James M. Murphy of rules of judicial conduct. The background and facts of the charges are set forth in the following paragraphs:

Background

- (1) Honorable James M. Murphy is now and, at all times hereinafter mentioned was a Judge of the Superior court of the State of Washington, in and for Spokane County.
- (2) On February 16, 1990, Respondent was sent a letter from the Commission on Judicial Conduct informing Respondent a Verified Statement was filed in accordance with WAC 292-12-010(4) and the Commission was pursuing initial proceedings.
- (3) Enclosed with the above-referenced communication was a Statement of Allegations as follows:

It is alleged that Honorable James M. Murphy, Judge of the Spokane County Superior Court, by

conduct indicated below, may be in violation of Canon 2(A) of the Code of Judicial Conduct.

In Cause No. E005351, City of Spokane, Plaintiff, v. James M. Murphy, Defendant on May 20, 1989, you were cited for driving under the influence of intoxicants and speeding. This matter received wide public attention even though subsequent conviction was based on a reduced charge of negligent driving.

Facts Supporting Charges

(1) On May 20, 1989, Respondent, having consumed intoxicating liquor, was driving a vehicle on the streets of Spokane, Washington and was driving in excess of the speed limit. He was stopped by a police officer of the City of Spokane, detained and cited for driving while under the influence of intoxicants and speeding and was so charged in a case captioned City of Spokane, Plaintiff v. James M. Murphy, Defendant, being District Court Cause No. E005351. Respondent was convicted of negligent driving in said cause. All of the foregoing events received wide public attention.

Basis for Commission Action

The Commission has determined that probable cause exists for believing that Respondent has violated Canon 2(A) of the Code of Judicial Conduct (CJC) which states:

"CANON 2

Judges Should Avoid Impropriety and the Appearance of Impropriety in All Their Activities

(A) Judges should respect and comply with the law and should conduct themselves at all times in

a manner that promotes public confidence in the integrity and impartiality of the judiciary."

Notification of Right to File Written Answer

In accordance with WAC 292-12-030(5), the Respondent is herewith informed that a written answer may be filed with the Commission to the charges contained in the Statement of Charges within fourteen (14) days after the date of service. If Respondent does not file a written answer, a general denial will be entered on behalf of Respondent. The Statement of Charges and Answer shall be the only pleadings required.

DATED this 19th day of April, 1990.

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

by: Esther Garner
ESTHER GARNER
Executive Director
P. O. Box 1817
Olympia, WA 98507