

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED
OCT 2 1992

COMMISSION ON

In Re the Matter of)

Judge Pro Tem John Feutz)
Pierce County District Court No. One)
County-City Building, Room 601)
930 Tacoma Avenue S.)
Tacoma, WA 98402-2175)

No. 92-1248-F- 35

STIPULATION AND
AGREEMENT PURSUANT TO
WAC 292-12-020(6) AND
ORDER OF ADMONISHMENT

The Commission on Judicial Conduct ("Commission") and the Honorable John Feutz ("Respondent"), Judge Pro Tem of the Pierce County District Court No. One, do hereby stipulate and agree as provided herein.

The Commission on Judicial Conduct is represented in these proceedings by David Akana, counsel for the Commission, and the Honorable John Feutz represented himself.

STIPULATION

1. On December 6, 1991, the Honorable John Feutz, Judge Pro Tem of the Pierce County District Court No. One, presided over Cause No. 91-721686, James K. Morris, a single person, Plaintiff, vs. Charles Lonnie Osterholm and Jane Doe Osterholm, husband and wife, DBA Auto-Tec, Defendants, a non-jury trial. After the trial was completed, respondent took the matter under advisement. Respondent entered a judgment in the matter on March 9, 1992.

STIPULATION AND
AGREEMENT - 1

2. On December 19, 1991, respondent presided over Cause No. 91-722722, James Glenn DBA Glenn's Service Center vs. George McLaughlin and Jane Doe McLaughlin, DBA Hallis Produce Company and John Does I-III, a non-jury trial. Counsel for plaintiff filed a memorandum of law on January 8, 1992 and counsel for defendant filed a response to the memorandum on January 14, 1992. Respondent wrote a letter to both counsel on March 6, 1992 stating findings of fact and order of judgment to be submitted for signature. A stipulation and order of dismissal were signed and entered on March 24, 1992.

3. On September 3, 1991, respondent presided over Cause No. 91-719984, Curtis E. Patrick and Deanna Patrick, Plaintiffs, vs. Farmers Insurance Company, Defendant, a non-jury trial. Counsel for plaintiff filed correspondence with the court on November 1, 1991. Respondent was notified by court personnel about the need for a decision in this matter. Respondent wrote letters to both counsel on March 9, 1992 requesting that counsel for plaintiff prepare and submit findings and a judgment. Counsel responded and filed the presentment of findings and judgment on June 30, 1992. A final judgment was entered on August 3, 1992.

4. On February 7, 1992, respondent presided over Cause No. 91-943726, David E. Brauer, Plaintiff, vs. Summit Water and Supply Company, a Corporation, Defendant, a small claims matter. After the trial, respondent took the matter under advisement. On March 6, 1992 respondent directed a letter to both parties advising them of his decision.

5. On February 7, 1992, respondent presided over Cause No. 91-7902950, Gwen Pugmire vs. Washington State Patrol, a matter involving a vehicle impound. Respondent

determined that the towing was proper, but the fees were excessive, on February 7, 1992. However, on March 6, 1992, respondent found the original towing amount proper. Respondent entered that decision on March 6, 1992 and sent a letter to plaintiff.

6. The Commission and respondent stipulate that respondent failed to make timely decisions in the above-mentioned cases as required by Civil Rules for Courts of Limited Jurisdiction (CRLJ), Rule 58, which states "...if the trial is by the judge, judgment shall be entered immediately after the close of the trial, unless he reserves his decision, in which event the trial shall be continued to a day certain, but no longer than 15 days."

7. The Commission and respondent stipulate that respondent's conduct in failing to enter timely decisions as required by CRLJ 58 is in violation of Canon 3(A)(5) of the Code of Judicial Conduct which states: "Judges should dispose promptly of the business of the court."

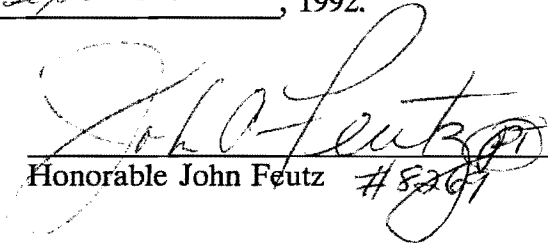
8. Respondent's delay in rendering a decision on each of the above-identified cases was caused, in part, by an involuntary, temporary, disabling condition. Although knowing of his condition, respondent nevertheless accepted and attempted to perform his duties when it was incumbent upon him to temporarily withdraw from assuming additional judicial duties.

AGREEMENT

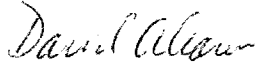
9. Respondent does hereby agree to accept an admonishment as described in RCW 2.64.055 and 2.64.010(1). Respondent accepts the Commission's determination that

his described conduct constitutes a violation of the Code of Judicial Conduct and agrees that he will not repeat the violation in the future.

DATED this 23rd day of September, 1992.



Honorable John Feutz #8267




David Akana, WSBA #5523
Counsel for Commission on Judicial Conduct

ORDER OF ADMONISHMENT

Based on the above stipulation and agreement, the Commission hereby orders and respondent is hereby admonished for violating Canon 3(A)(5) of the Code of Judicial Conduct. Respondent shall follow a corrective course of action by reviewing the provision of CRLJ 58 and govern his conduct in accordance therewith, and shall conform with the terms of the foregoing Agreement.

DATED this 2nd day of October, 1992.



Pamela T. Praeger, Chair
Commission on Judicial Conduct