

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

IN RE THE MATTER OF )

Honorable John G. Ritchie )  
King County District Court )  
Seattle Division )  
E-326 King County Courthouse )  
516 Third Avenue )  
Seattle, WA 98104-3273 )

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No. 91-1110-F-33

**CONCURRING AND  
DISSENTING OPINION**

We concur with the findings of misconduct and the order of censure. We would recommend, however, censure with suspension rather than censure with removal from office for the reasons set forth below.

There is no dispute that Judge Ritchie's misconduct is serious. In recognition thereof the Commission, in a unanimous decision, has ordered censure--the most severe sanction it is authorized to impose. However, even though the findings reflect a pattern of conduct, this is a first finding of misconduct and, in fact, the only public complaint resulting in public discipline. Normally, a judicial disciplinary body does not recommend imposition of the most severe penalty available without a showing that nothing less will suffice in order to ensure adequate punishment and protect the integrity of the judiciary.

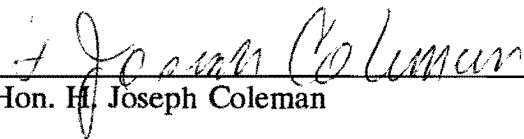
Counsel for the Commission did not address the issue of sanctions in presenting the Commission's case to the hearing panel. It was only after the panel issued its report and Judge Ritchie publicly commented that he did not agree with the panel's conclusions that

Commission counsel moved for reconsideration and argued that removal was the only appropriate penalty in view of respondent's comment. Respondent's comment is troubling, but it adds nothing to the record that was not apparent throughout the proceedings and it was consistent with his defense that he was entitled to partial reimbursement because he had conducted some judicial business on those trips. Moreover, respondent's refusal to publicly concede that his conduct was wrong is not the equivalent of declaring that he will disregard the Commission's censure with respect to his future behavior. Judge Ritchie should be given the opportunity to demonstrate that he can conduct himself in accord with the Code of Judicial Conduct. Without question, if there is a future finding of misconduct, he should be removed from office. In the meantime, however, his 15 years of judicial service and the favorable reputation he has earned in the performance of his judicial duties are factors that should be taken into account in determining whether his judicial career should be terminated. This is admittedly a close and difficult question. However, removal is appropriate only when there is no other reasonable alternative. Prior to the most recent arguments before the Commission, which were submitted in writing and considered at the regularly scheduled June meeting, the Commission's tentative proposed majority decision was to order censure with the added sanctions recommended by the hearing panel. Four members tentatively voted for censure with suspension and one member voted for removal. These votes were made a part of the public record. Commissioners were certainly not bound by those tentative votes. This division, however, reflects that removal was not the favored disposition at that time. Without any additional material in the record, sudden adoption of a recommendation for removal seems extreme. As we have already indicated, if the Commission receives new complaints and finds additional misconduct following a

public hearing, removal would clearly be proper and in fact mandated.

In conclusion, we agree that censure alone does not adequately address the seriousness of the misconduct. In addition to censure and the corrective action ordered, we would recommend suspension for a period of 60 to 90 days without pay with the added recommendation that respondent be required to reimburse the County for the expense of a pro tem judge to fulfill his duties during the period of any suspension imposed by the Supreme Court.

This approach imposes significant punishment for the misconduct and should be sufficient to deter future misconduct while at the same time taking into account Judge Ritchie's reputation as a judge, his length of service, and the absence of any previous discipline.

  
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Hon. H. Joseph Coleman

  
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Hon. Thomas E. Kelly