

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)

No. 91-1110-F-33

**CONCURRING AND
DISSENTING OPINION**

I concur with the majority's findings of misconduct, order of censure and the ordered corrective action, however, I must dissent from the majority's recommendation that Judge Ritchie be removed from office and I would recommend that the sanctions be limited to an order of censure and the ordered corrective action.

The reasons for my dissent in part are best stated in the well reasoned concurring and dissenting opinion of the Honorable H. Joseph Coleman and the Honorable Thomas Kelly. I would, however, make a few additional comments in support of my position.

I served as the presiding officer in this case and both parties engaged in extensive pre-trial discovery. I was required to rule on several motions regarding the extent and scope of discovery and although the parties vigorously opposed each other I believe Judge Ritchie and his counsel made a good faith effort to comply in full with the discovery ordered and throughout the discovery process in no way attempted to mislead or withhold discoverable evidence from commission counsel. Based upon my review of the record, the deposition of Judge Ritchie and the documents brought by Judge Ritchie to his deposition, it is my belief that Judge Ritchie did not knowingly misrepresent his relationship and the length of that

relationship with Judge Carl Grube of Florida. This may appear to be a minor point, in light of Judge Ritchie's violations of the Code of Judicial Conduct, but the implication that throughout the course of these proceedings he was less than honest and forthright, which I believe was a factor in the majority's decision to recommend removal, is not, in my opinion, supported by the weight of the evidence.

I agree with the majority's decision to censure which by definition is the most serious violation of the Code of Judicial Conduct that we as a commission can find, however, in recommending removal the majority in my opinion does not give sufficient weight to the following:

- 1) This is the first finding of misconduct against Judge Ritchie.
- 2) Judge Ritchie has received no prior discipline for any violation of the Code of Judicial Conduct by the Commission.
- 3) He has served on the District Court Bench for more than 15 years with a good reputation and has received high ratings from practicing lawyers.
- 4) He has volunteered his time in the furtherance of law related education outside his courtroom.

These mitigating circumstances, although not in any way diminishing the violations committed should afford Judge Ritchie, as Judges Coleman and Kelly put it, "the opportunity to demonstrate that he can conduct himself in accord with the Code of Judicial Conduct".

Perhaps it is the only way in fairness to both the public and a Judge accused of misconduct that we as a commission proceed in the manner prescribed by the WAC provisions in Chapter 292-12. However, I must admit that I am troubled by the evolution of the Commission's final decision in this case. The fact finding hearing in this case was held

on January 25, 26 and 27, 1993 before a five member Commission panel of which I was a member and presiding officer. The panel listened carefully to the testimony, appropriately weighed all the evidence presented and with that evidence freshly before it unanimously recommended that the Commission censure Judge Ritchie and require him to take corrective action in line with what the majority has ordered but recommended against suspension or removal. Subsequently, at the Commission's May meeting the majority of the Commission tentatively voted to censure Judge Ritchie and order corrective action again without recommending suspension or removal. Now, without further evidence on the record the majority of the Commission members are recommending that Judge Ritchie be removed from office.

I have tremendous respect for the members of this Commission and by this dissent I am not in any way making light of the seriousness of the violations of the Judicial Code of Conduct committed by Judge Ritchie, but I do not believe that Judge Ritchie should be removed from office. Removal is the most severe and harsh form of punishment and requires reinstatement of eligibility to hold judicial office again. Based upon the totality of the evidence in this case, it is my opinion that the factors which we are to consider require us to not only punish Judge Ritchie but give him the opportunity to adhere to the Code of Judicial Conduct and redeem himself.

DATED this 6th day of August, 1993.



Daniel L. Hannula