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AUG 6 1993

COMMISSION ON  
JUDICIAL CONDUCT

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BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

In Re the Matter of	)	No. 92-1260-F-39
	)	
Honorable Jerry J. Moberg	)	STIPULATION AND AGREEMENT
Grant County Superior Court	)	PURSUANT TO WAC
Division and 'C' Streets NW	)	292-12-020(6) AND ORDER
P.O. Box 37	)	OF ADMONISHMENT
Ephrata, WA 98823-0037	)	
	)	
	)	

The Commission on Judicial Conduct and the Honorable Jerry J. Moberg, formerly of the Grant County Superior Court, do hereby stipulate and agree as provided for herein. This stipulation shall not become effective until approved by the Washington Commission on Judicial Conduct.

The Commission on Judicial Conduct is represented in these proceedings by its special counsel, Peter D. Byrnes and Paul R. Taylor of Byrnes & Keller, and the Honorable Jerry J. Moberg is representing himself.

**A. RECITALS**

1. On June 10, 1991, Respondent entered into a contract with Central Washington University, a public university, to teach a class in the School of Professional Studies. Pursuant to the contract, Respondent was to receive compensation of \$2,000.

1 At the time Respondent entered into the contract, Ethics Advisory  
2 Committee Opinion No. 89-1 (February 1, 1989) advised that a full-  
3 time judge could accept compensation for teaching classes at a  
4 university. Before commencing teaching, a new opinion was issued  
5 advising that superior court judges were prohibited from accepting  
6 compensation for teaching at public universities. Ethics Advisory  
7 Committee Opinion No. 91-21 (June 24, 1991). Respondent was  
8 advised of, and read, Opinion No. 91-21 after agreeing to teach  
9 the class but before commencing teaching at Central Washington  
10 University. Nevertheless, Respondent accepted compensation in the  
11 amount of \$2,000 for teaching the class. Respondent adjusted his  
12 courtroom hours to accommodate his teaching schedule.

13 2. In 1992, while sitting as an elected Superior Court  
14 Judge in Grant County, Washington, but after announcing his  
15 pending resignation as a judge, Respondent had discussions with  
16 persons concerning possible representation of those persons upon  
17 his return to private practice.

18 3. On July 2, 1992, Respondent was served, by  
19 certified mail, with a Statement of Allegations.

#### 20 **B. STIPULATION**

21 1. Based upon the foregoing recitals, Respondent  
22 stipulates that while serving in his capacity as Superior Court  
23 Judge of Grant County, Washington, he violated Canons 1, 2(A),  
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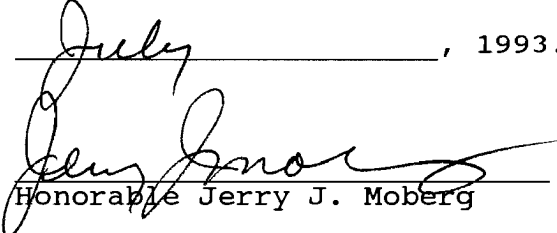
25 STIPULATION AND AGREEMENT - 2  
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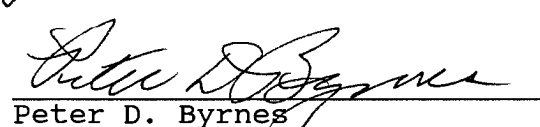
1 2(B) and 5(A) of the Code of Judicial Conduct, and Article IV,  
2 Section 15 of the Washington State Constitution.

3 2. Respondent does hereby agree to accept an  
4 Admonishment as described in RCW 2.64.055 and 2.64.010(1).  
5 Respondent accepts the Commission's determination that his  
6 actions, as described herein, constitute a violation of the Code  
7 of Judicial Conduct, and agrees that:

- 8 a. Respondent shall make restitution to Central  
9 Washington University in the amount of \$2,000  
10 within 30 days of the approval of this Stipulation  
11 by the Commission;
- 12 b. Respondent shall not serve as a judge pro tem in  
13 any court in the state of Washington for four years  
14 following the approval of this Stipulation;
- 15 c. In the event that Respondent should, during the  
16 five year period following the approval of this  
17 Stipulation by the Commission, seek election or  
18 appointment to a full-time position on the bench of  
19 any court of the state of Washington, he shall  
20 first advise the Commission of his intention and  
21 represent to the Commission, in writing, that he  
22 has read, and is familiar with, the provision of  
23 the Code of Judicial Conduct and all Washington  
24 Ethics Advisory Opinions.

17 DATED this 22 day of July, 1993.

19   
20 Honorable Jerry J. Moberg

21   
22 Peter D. Byrnes  
23 Paul R. Taylor  
24 Counsel for Commission on  
25 Judicial Conduct

26 STIPULATION AND AGREEMENT - 3

ORDER OF ADMONISHMENT

1  
2 Based upon the above Stipulation and Agreement, the  
3 Commission on Judicial Conduct hereby orders and Respondent is  
4 hereby admonished for the above set forth violations of the Code  
5 of Judicial Conduct.

6 DATED this 6 day of August, 1993.

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8 Pamela T. Praeger  
9 Pamela T. Praeger, Chair  
10 Commission on Judicial Conduct  
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STIPULATION AND AGREEMENT - 4