

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED
AUG 17 1993

COMMISSION ON
JUDICIAL CONDUCT

In Re the Matter of:

Honorable Michael F. Moynihan
Whatcom County Superior Court
311 Grand Avenue
Bellingham, WA 98225-4038

No. 92-1427-F-40

STATEMENT OF CHARGES

This Statement of Charges is filed alleging various violations by the Honorable Michael F. Moynihan of the Code of Judicial Conduct pursuant to authority granted in Revised Code of Washington, Chapter 2.64 and Washington Administrative Code, Chapter 292, and at the order of the Commission on Judicial Conduct. The charges are set forth in the following paragraphs.

(1) Honorable Michael F. Moynihan (Respondent herein) is now and, at all times hereinafter mentioned was a Judge of Whatcom County Superior Court in Bellingham, Washington.

(2) On June 8, 1993 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.

(4) It is alleged that on December 9, 1992, Judge Michael F. Moynihan authored a letter and affidavit on behalf of a minor of no relation addressed to the American

Schools of Correspondence. The judge represented himself as a sitting Superior Court Judge when he signed both the letter and affidavit. In addition, the letter Judge Moynihan authored provided the minor with legal representation.

The Commission has determined that probable cause exists for believing that Respondent has violated Canons 1, 2(B) and 5(F) of the Code of Judicial Conduct (CJC) which state:

CANON 1

Judges Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. Judges should participate in establishing, maintaining, and enforcing, and should themselves observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this code should be construed and applied to further that objective.

CANON 2

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

...

(B) Judges should not allow their families, social, or other relationships to influence their judicial conduct or judgment. Judge should not lend the prestige of their office to advance the private interests of others; nor should judges convey or permit others to convey the impression that they are in a special position to influence them. Judges should not testify voluntarily as a character witness.

CANON 5

Judges Should Regulate Their Extrajudicial Activities to Minimize the Risk of Conflict with Their Judicial Duties

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(F) Practice of Law. Judges should not practice law.

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 twenty-one (21) 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 17th day of August, 1993.

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

By: David Akana
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