

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED
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COMMISSION ON
JUDICIAL CONDUCT

In Re the Matter of)	
)	
HONORABLE MICHAEL F. MOYNIHAN,)	No. 92-1427-F-40
Judge)	
Whatcom County Superior Court)	STIPULATION AND AGREEMENT
311 Grand Avenue)	AND ORDER OF ADMONISHMENT
Bellingham, WA 98225-4038)	

The Commission on Judicial Conduct and the Honorable Michael F. Moynihan of the Whatcom 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 counsel, David Akana, and the Honorable Michael F. Moynihan, Respondent, represented himself.

A. RECITALS

1. On December 9, 1992, Respondent wrote a letter and affidavit on behalf of a child living in the Moynihan family home, a minor of no relation, addressed to the American Schools of Correspondence, Chicago, Illinois. Respondent represented himself as a Superior Court judge in both the letter and affidavit. The letter and affidavit were entitled "In The Superior Court of the State of Washington for Whatcom County." Additionally, the letterhead exhibited Respondent's official address and telephone number.

2. Ethics Advisory Committee Opinion No. 86-15 (October 17, 1986) advised that it would not be proper for a judge to use

official stationery for personal business matters since it could give the appearance of exploiting the judicial position, or to use official stationery to correspond with another court on behalf of a family member as it could lend the prestige of the office to advance the private interests of the family member. It would be proper for a judge to have personal stationery which bears the title "judge" so long as it could not be confused with the judge's official stationery and is not used to exploit the judicial office. The personal stationery should omit the judge's official address.

3. In the letter dated December 9, 1992, Respondent provided the minor with legal representation.

4. On June 8, 1993, Respondent was sent, by certified mail, a Verified Statement and Statement of Allegations. Respondent was informed that the Commission was pursuing initial proceedings.

5. On June 1, 1990, Respondent was admonished by the Commission on Judicial Conduct for an ex parte communication. See CJC No. 89-865-F-18.

B. STIPULATION

1. Based upon the foregoing recitals, Respondent stipulates that while serving in his capacity as Superior Court Judge of Whatcom County, Washington, he did violate Canons 1, 2(B), and 5(F) of the Code of Judicial Conduct.

2. 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 violations of the Code of Judicial Conduct, and agrees not to engage in such conduct in the future.

DATED this _____ day of _____, 1993.

Honorable Michael F. Moynihan

David Akana, WSB No. 5523
Counsel for Commission on
Judicial Conduct

ORDER OF ADMONISHMENT

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

DATED this 1 day of October, 1993.

Pamela T. Praeger
Pamela T. Praeger, Chair
Commission on Judicial Conduct