

FILED
OCT 7 1994

COMMISSION ON
JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

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4 In Re the Matter of:)
5)
6 Thornton B. Hatter) CJC No. 93-1445-F-46
7 Judge Pro Tem, Jefferson)
8 County District Court) COMMISSION DECISION
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9 A Fact Finding hearing was held pursuant to Commission on
10 Judicial Conduct rules as ordered by the Commission on Judicial
11 Conduct ("Commission") on August 4, 1994. Members of the
12 Commission present were G. Douglas Ferguson (presiding), Judge
13 Donald H. Thompson, Ruth Schroeder, Nancyhelen Hunter Fischer, K.
14 Collins Sprague, Anthony Thein, Judie Fortier, and Dr. Dianne Welsh
15 Bleck. After the August 4 hearing concluded, the record of the
16 proceeding was provided to those members who were not present. Of
17 those members, the Honorable H. Joseph Coleman and the Honorable
18 Susan Dubuisson read the record which included the exhibits and
19 transcript of the testimony. Member Margo Keller did not
20 participate.

21 Respondent Judge Pro Tem Thornton B. Hatter appeared pro se.
22 The Commission was represented by Byrnes & Keller and Paul R.
23 Taylor.

24 Respondent moved to dismiss the charges for lack of personal
25 and subject matter jurisdiction. The basis for the motion is
26 Respondent's assertion that the Commission had no authority to act
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1 as to the dates in question. Respondent asserts that he was not
2 actually serving as a judge. He further asserts that he was not
3 qualified to act as a judge because he did not give an oath of
4 office. The evidence adduced at the hearing, and particularly
5 Exhibit No. 1, clearly shows that Respondent was a judge pro tem
6 for at least the period commencing on December 18, 1991 and ending
7 on August 12, 1992. See Finding of Fact No. 2. Service as a judge
8 pro tem during this period establishes Commission jurisdiction to
9 bring Statement of Charges for an incident that allegedly occurred
10 on July 30, 1992. The incidents alleged on or about May 28, 1985
11 and in mid-April, 1991, occurred before Respondent performed
12 judicial functions. These earlier incidents do not support charges
13 of violations of the Code of Judicial Conduct because Respondent
14 was not yet a judge. However, these incidents may be considered
15 for relevant probative value. RCW 2.64.057. Respondent's motion
16 to dismiss is denied with respect to the incident occurring on or
17 about July 30, 1992. Respondent's motion to dismiss is granted
18 with respect to charges for violations of the Code of Judicial
19 Conduct for incidents occurring on or about May 28, 1985 and in
20 mid-April, 1991. Findings concerning these incidents will be made
21 only for probative value and determining sanctions, where relevant,
22 and not to independently support charges under the Code.

23 Witnesses were sworn and heard; exhibits were admitted;
24 parties gave arguments.

25 Having heard or read the evidence, and having considered the
26 arguments of the parties, the Commission finds by clear, cogent and
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1 convincing evidence the following:

2 FINDINGS OF FACT

3 1. Thornton Basil Hatter, Respondent herein, is an attorney
4 at law in the state of Washington and has been an attorney since
5 1982. He has maintained a general law practice in Port Townsend
6 (Port Hadlock), Jefferson County, Washington since 1989. He
7 maintains a residence in Lake Forest Park, King County, Washington.

8 2. Commencing on December 18, 1991 until August 12, 1992
9 Respondent was available to perform, and did occasionally perform,
10 judicial functions as a judge pro tem of the Jefferson County
11 District Court.

12 Respondent alleges that he was not a judge pro tem in August,
13 1992. Contrary to Respondent's contention, the sixth page of
14 Exhibit No. 1 shows that Respondent was the judge pro tem on August
15 12, 1992 for Jefferson District Court Cause No. 14387. In that
16 matter, Respondent appointed a public defender. The Jefferson
17 County District Court records are not impeached by any credible
18 evidence. Respondent was, and is, available to perform judicial
19 functions.

20 The "T.W." Incident

21 3. On or about July 30, 1992, at about 10:30 p.m.,
22 Respondent picked up a minor male (T.W.), 12 years of age, who was
23 hitchhiking on the Lynnwood southbound on-ramp to Interstate 5.
24 Respondent and T.W. engaged in a conversation from which Respondent
25 concluded that T.W. "was younger than he looked, or he might have
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1 had mental health problems."¹ Respondent formed an impression that
2 T.W. was "naive."²

3 4. In response to Respondent's question about where he was
4 going, T.W. said "Spokane." After commenting on T.W.'s inadequate
5 clothes (windbreaker and nylon shorts), Respondent asked T.W. if he
6 knew it was illegal to hitchhike on the freeway. T.W. said he was
7 going to Spokane. Respondent said "I'm not going quite that far."
8 Respondent said that he lived a few exits down the road. T.W.
9 asked if Respondent would help him. Respondent offered to take the
10 youth to the University District exit where there would be more
11 cars. T.W. asked to be taken to Spokane to which Respondent said
12 "No, I have to go to work in the morning." Respondent offered to
13 take T.W. to the University District, to which T.W. said no. T.W.
14 asked to be taken to Eastgate, which is an area in Bellevue along
15 I-90, and Respondent said, "No, the U-District at the farthest."
16 In response to T.W.'s repeated requests to be taken to Spokane,
17 Respondent said no. Respondent said, "Look, best I can do is to
18 take you either to the U-District, because it's getting late, or
19 you can spend the night at my house. I live two blocks off the
20 freeway. You can start again from there in the morning."³

21 5. From his professional experience as a former deputy
22 prosecuting attorney, juvenile division, in King County, Respondent
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24 1 Tr. page 50.

25 2 Tr. page 50. See Tr. page 68.

26 3 Tr. pages 47-51.

1 "was very familiar with all the resources"⁴ available to children
2 in King County, and through Child Protective Services.

3 6. Respondent brought the youth to his residence. No one
4 else was there at the time. Before opening the door, T.W. asked
5 about videos. As they entered, T.W. saw the video player and some
6 of the video cassettes. There were some adult video cassettes,
7 including "Bad Boys Dormitory," enclosed in a case near the player.
8 Respondent told T.W. that he would not be interested in those
9 videos. Ostensibly to distract T.W. from the videos, Respondent
10 showed T.W. all the bedrooms, including his own, and the exits in
11 the house. He then made T.W. a sandwich. Respondent allowed T.W.
12 to choose to sleep on the living room or in an empty bedroom. T.W.
13 chose the sofa near the TV. Respondent went to his own bedroom.
14 Soon thereafter Respondent heard an adult video being played too
15 loudly. He went to the living room to turn down the volume and
16 observed T.W. sitting on the sofa appearing to masturbate.
17 Respondent left the room but continued to permit the youth to view
18 the sexually explicit adult videotapes.

19 Later, at 2 or 3 a.m., T.W. came naked to Respondent's bed and
20 caressed Respondent. In his bed, T.W. asked Respondent if he
21 wanted to engage in anal intercourse. Respondent said he declined,
22 getting up saying, "I don't have any rubbers." Respondent
23 testified that he told T.W. to leave the room. He testified he
24 knew he had a "definite problem."⁵ Respondent testified he was

25 4 Tr. page 51, line 11.

26 5 Tr. page 63, line 6.

1 aware of possible allegations about sex and thus was concerned
2 about how to say no.

3 7. At about 6 a.m., Respondent took T.W. to a service road
4 along Eastgate in the Bellevue area. Respondent testified he had
5 a busy schedule and did not have "much time to tarry with him
6 [T.W.]." He provided a sign to T.W. that said "Spokane". On the
7 way to Eastgate Respondent said to T.W., "Boy, you don't seem as
8 naive to me as the night before."⁶ Respondent advised T.W. about
9 safe sex and warned T.W., "don't put cum in your mouth; don't take
10 men's cum in your mouth." Respondent dropped off T.W., wearing the
11 same clothes, near the freeway with the cardboard sign and his
12 business card.

13 The "T.B." Incident

14 8. At 3 a.m. on a Friday or Saturday in May, 1985,
15 Respondent was driving around the Aurora Village Mall on Highway
16 99. He picked up a "shaggy-haired," "scrawny" minor male (T.B.)
17 who "smelled a little bit", about 14 years of age, who was
18 hitchhiking along Highway 99.⁷ Respondent and T.B. drove around
19 and talked until daylight. Respondent learned that T.B. was
20 homeless. In the course of speaking with T.B., Respondent learned
21 that T.B. had, on that evening, contemplated soliciting sex in
22 exchange for money. Respondent took T.B. to his home to talk,
23 including talk about sex. Respondent made no effort to call the
24 police or to contact Child Protective Services. Respondent thought

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26 ⁶ Tr. page 68, lines 18-19.

27 ⁷ Tr. pages 72 and 78.

1 that T.B. was looking for someone to take care of him, a "sugar
2 daddy." Respondent told T.B., "Sounds to me like you're looking
3 for someone to take care of you, and I'm not going to be the
4 someone."⁸ Respondent dropped off T.B. at the Aurora Village Mall
5 at 10 a.m. the next morning and gave T.B. his home telephone number
6 "if he needed a place to take a shower because he smelled."⁹

7 9. On or about the evening of May 28, 1985, Respondent drove
8 to the Aurora Village Mall at about 9:30 p.m. and, by
9 prearrangement, met T.B. T.B. entered Respondent's car after which
10 they drove to a restaurant in Snohomish County where Respondent
11 purchased a meal for him. Respondent and T.B. then drove around
12 for some time. T.B. showed Respondent where his parents lived and
13 the school he had last attended. At about midnight, Respondent
14 finally stopped on a dead end road near some gasoline storage tanks
15 at Richmond Beach. Respondent left the car to relieve himself. He
16 got back in the car then drove back out a short way and stopped.
17 Respondent parked the car and, after more talking, T.B. removed his
18 shirt and Respondent massaged T.B.'s naked back. Respondent
19 testified he thought it was possible that T.B. may have been
20 masturbating, but did not observe it. Their activity was
21 interrupted when a police car pulled up. Respondent testified that
22 he might have been worried about how their activity might appear to
23 others.¹⁰

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25 ⁸ Tr. page 77, lines 20-22.

26 ⁹ Tr page 78.

27 ¹⁰ Tr. pages 91.

1 10. Respondent, in his direct testimony, testified that there
2 was no testimony in the criminal trial, State v. Hatter, by T.B.
3 about his masturbating, or about any explicit sexual contact
4 between himself and T.B. As brought out in cross examination, the
5 record discloses otherwise.¹¹

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7 ¹¹ For example, the transcript of the March 31, 1993 testimony of Timothy Allen Bean in State v. Hatter, King County Superior Court Cause No. 92-1-06556-4 (CJC Exhibit No. 4, pp 17-19) states in part:

8 Q. Okay. What happened when you went to this area?
 A. We pulled off to the side, he kind of reclined my seat back, he took his shoes off, started rubbing my stomach and jacking me off.
9 Q. Well, what were you wearing?
 A. My clothes.
10 Q. And were you wearing a shirt? Pants?
 A. I was wearing pants and a shirt.
11 Q. Well, how was it that he started jacking you off?
 A. Well, he helped me unbutton my pants and pushed them down a little ways.
12 Q. Okay. What about your shirt? Where was your shirt?
 A. Kind of up towards my neck.
 Q. So what part of your body was exposed?
 A. My stomach and my private area.
13 Q. Okay. Whose idea was it to be jacked off?
 A. His idea.
14 Q. What was he using to jack you off with?
 A. His hands.
15 Q. What position were you in in the car?
 A. I was sitting on the backside.
16 Q. You said the seat was reclined?
 A. Correct.
 Q. Were you on your stomach?
17 A. No.
 Q. Were you ever on your stomach at all?
 A. No.
18 Q. Answer yes or no, please.
 A. No.
19 Q. Was his seat reclined?
 A. Not as much as mine was.
20 Q. Okay. How long do you think his hand was on your penis?
 A. For about 20 minutes, then he saw some flashlights around the car.
21 Q. Okay. You saw some flashlights around the car?
 A. Correct.
 Q. When you saw the flashlights, do you remember him saying anything?
22 A. He was saying, "Oh, shit."
 Q. Okay.
23 A. And I said, "Oh, shit."
 Q. You both said, "Oh, shit"?
 A. Correct.
24 Q. What position were you in when you saw the flashlights?
 A. I was sitting up real fast.
25 Q. Okay. But I mean right before you saw the flashlights, what position were you in?
 A. I was reclined back.
26 Q. You mean on your stomach, your side or your back?
 A. On my back.

1 11. Respondent believes that the circumstances of his being
2 parked on a dead end road around midnight, under a light, massaging
3 the naked back of a homeless minor, created no appearance of
4 impropriety.¹²

5 The "J.G." Incident

6 12. In mid-April, 1991, Respondent drove from Seattle,
7 Washington to the residence of an individual's (J.G.) mother in
8 Hillsboro, Oregon. Respondent was "very angry" with J.G., because
9 J.G. owed Respondent \$750 for rent and bail.

10 From J.G.'s mother, Respondent learned that J.G. was staying
11 outside Beaverton, Oregon. While there, Respondent talked with
12 J.G. over the telephone. Respondent lied to J.G. saying "[J.G.],
13 something has happened to [your son]. You need to go back to
14 Seattle." Respondent told J.G. something to the effect that J.G.'s
15 son had been seriously hurt in an automobile accident. However,
16 J.G.'s mother then told J.G. that there was nothing wrong with his
17 son. Respondent told J.G. that he would be taken into custody by
18 Oregon police pursuant to warrants Respondent believed to be
19 outstanding on J.G. and it would take J.G. a month in custody to
20 get back to Port Townsend, or that J.G. could ride back with
21 Respondent to Washington state and do his time immediately.

22 13. Respondent was accompanied on the trip by a person
23 selected by Respondent for his large size (6 feet, 5 inches, 235
24 pounds) and intimidating, imposing appearance. After J.G. entered
25 Respondent's car, Respondent displayed a stun gun for the purpose

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¹² Tr. pages 91, 110-111.
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1 of intimidating him, and as a part of a plan to "mentally
2 terrorize" him. Also as a means of accomplishing this purpose, a
3 set of handcuffs was displayed in the car. During the trip,
4 Respondent and his companion laughed at J.G., and did not answer
5 his questions to heighten J.G.'s anxiety.

6 14. Upon returning to Seattle, by prearrangement, Respondent
7 picked up another person whose presence was calculated to raise
8 J.G.'s uncertainty of what was going to happen. The four drove to
9 Respondent's home. While there, Respondent made statements
10 intended to instill a fear in J.G. that Respondent and the others
11 would cause him harm. For example, Respondent said to another
12 companion, "Is the room ready?"

13 Thereafter, J.G. managed to get access to Respondent's
14 telephone and call the 911 emergency number. J.G. said that there
15 was a warrant for his arrest and to come pick him up, following
16 which the police intervened.

17 15. Respondent acknowledges that his conduct with respect to
18 J.G. would have been improper had he been a judge.

19 16. Any Conclusion which should be deemed a Finding of Fact
20 is hereby adopted as such.

21 CONCLUSIONS

22 Jurisdiction

23 1. The Commission has jurisdiction over Respondent. RCW
24 2.64.010(4) includes judges pro tempore in the term "judge or
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1 justice."¹³ The preamble to the Code of Judicial Conduct states:

2 Anyone, whether or not a lawyer, who is an
3 officer of a judicial system performing judicial
4 functions, including an officer such as a referee
5 in bankruptcy, special master, court commissioner,
6 or magistrate, is a judge for the purpose of this
7 code. All judges should comply with this code
8 except as provided below.

9

10 (B) Judges Pro Tempore. Judges pro tempore
11 are persons who are appointed to act temporarily as
12 judges.

13 (1) While acting as such, judges pro tempore
14 are not required to comply with Canon 5(C)(2),
15 (C)(3), (D), (E), (F), and (G), and Canon 6(C).

16 (2) Persons who have been judges pro tempore
17 should not act as lawyers in a proceeding in which
18 they have served as judges or in any other
19 proceeding related thereto.

20 RCW 2.64.057 provides guidance on past behavior of a person
21 who was, or is now a judge:

22 The commission is authorized to investigate
23 and consider for probative value any conduct that
24 may have occurred prior to, on, or after December
25 4, 1980, by a person who was, or is now, a judge or
26 justice when such conduct relates to a complaint
27 filed with the commission against the same judge or
28 justice.

29 The provision authorizes the Commission to investigate and consider
30 for probative value any conduct by a judge or former judge, when
31 such conduct relates to a complaint against such judge filed with

32 ¹³ RCW 2.64.010 provides:

33 (4) "Judge or justice" includes justices of the supreme court, judges of the court of
34 appeals, judges of the superior courts, judges of any court organized under Titles 3 or 35 RCW, judges
35 pro tempore, court commissioners, and magistrates.

36

37 This chapter shall apply to any judge or justice, regardless of whether the judge or justice
38 serves full time or part time, and regardless of whether the judge or justice is admitted to practice law
39 in this state.

40 (Emphasis added.)

1 the Commission. The incidents in question occurred both before and
2 after Respondent was a judge.

3 2. With respect to the 1992 "T.W." incident (Findings 3
4 through 7), Respondent violated the Code of Judicial Conduct,
5 Canons 1 and 2(A).¹⁴ Respondent's behavior and conduct with a
6 minor male gives an appearance of impropriety in his activities.
7 Respondent's behavior and conduct detrimentally affects the
8 integrity of the judiciary and undermines public confidence in the
9 administration of justice. Such behavior and conduct do not meet
10 the high standards of conduct required of a judge in the state of
11 Washington.

12 3. (a) With respect to the 1985 "T.B." incident (Findings
13 8 through 11), before Respondent performed any judicial functions,
14 he engaged in a course of conduct with a minor male described in
15 the Findings that bears directly and adversely upon his fitness for
16 office.

17 (b) With respect to the 1991 "J.G." incident (Findings 12

18 _____
19 ¹⁴ The Code of Judicial Conduct provides in part:

20 **CANON 1**

21 **Judges Should Uphold the Integrity and
Independence of the Judiciary**

22 An independent and honorable judiciary is indispensable to justice in our society. Judges
23 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.

24 **CANON 2**

25 **Judges Should Avoid Impropriety and the Appearance
of Impropriety in All Their Activities**

26 (A) Judges should respect and comply with the law and should conduct themselves at
27 all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

1 through 15), before Respondent performed any judicial functions, he
2 engaged in conduct described in the Findings that bears directly
3 and adversely upon his fitness for office.

4
5 Sanctions

6 4. In determining whether to impose a particular sanction,
7 it is necessary to weigh mitigating and aggravating factors, if
8 any, to arrive at an appropriate discipline in cases involving
9 violations of the Code of Judicial Conduct. To guide the
10 Commission's identification and interpretation of mitigating and
11 aggravating circumstances, the Commission relied upon criteria set
12 forth by the Washington State Supreme Court in In re Deming, 108
13 Wn.2d 82 (1987):

14 To determine the appropriate sanction, we
15 consider the following nonexclusive factors:
16 (a) whether the misconduct is an isolated
17 instance or evidence a pattern of conduct; (b)
18 the nature, extent and frequency of occurrence
19 of the acts of misconduct; (c) whether the
20 misconduct occurred in or out of the
21 courtroom; (d) whether the misconduct occurred
22 in the judge's official capacity or in his
23 private life; (e) whether the judge has
24 acknowledged or recognized that the acts
25 occurred; (f) whether the judge has evidenced
26 an effort to change or modify his conduct; (g)
27 the length of service on the bench; (h)
28 whether there have been prior complaints about
this judge; (i) the effect the misconduct has
upon the integrity of and respect for the
judiciary; and (j) the extent to which the
judge exploited his position to satisfy his
personal desires.

In re Deming at pp. 119-120.

5. The Commission concludes:

(a) Isolated Instances or Pattern of Misconduct.

1 Respondent's misconduct is not an isolated event but part of a
2 pattern of conduct. Respondent engaged in three incidents of
3 conduct involving individuals in vulnerable positions that bear on
4 his fitness to perform judicial functions. Two of the three events
5 occurred before Respondent began to perform judicial functions and,
6 for that reason, do not support charges of violations of the Code
7 of Judicial Conduct. Two of the three events involved, at a
8 minimum, an appearance of inappropriate contact with minors.
9 Respondent's conduct which violated the Code of Judicial Conduct,
10 the T.W. incident, is a part of a pattern of conduct in which
11 Respondent controlled the circumstances and location, whether at
12 his home or in his car.

13 (b) Nature, Extent and Frequency of Misconduct. Respondent's
14 misconduct with T.W. was serious, involving appearing to take
15 advantage of a "naive" twelve-year old in circumstances where the
16 child was vulnerable. When first encountering T.W., Respondent
17 learned that T.W. wanted to go to Spokane. After being refused,
18 T.W. then asked to be taken to Eastgate, which was farther than
19 Respondent was willing to go that night. Respondent offered T.W.
20 a place to stay, at Respondent's house, just two blocks from the
21 freeway. At the house, Respondent demonstrated, from his own
22 version of the events, an absence of ability to supervise the youth
23 although he possessed full knowledge of resources available in the
24 county. T.W. appeared to have the run of the house over
25 Respondent's ineffective objection, or with his tacit approval.
26 Respondent's statement to T.W. that he did not have any rubbers as
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1 an excuse not to engage in anal intercourse was inappropriate to a
2 "naive" boy. The next morning, when Respondent was in a hurry, he
3 nonetheless took T.W. to Eastgate, a location he refused to take
4 T.W. to a few hours earlier. To facilitate T.W.'s hitchhiking, an
5 illegal activity as he had explained to T.W. the night before, T.W.
6 was given a cardboard sign and Respondent's business card. The
7 foregoing described conduct was not isolated. The two other
8 incidences (T.B. and J.G.) show a similar pattern of conduct in
9 which Respondent took advantage of others who were in a
10 subordinate, vulnerable position. Respondent's expressed purpose
11 of collecting a debt from J.G. was wholly lost in the exaction of
12 his notion of "justice".

13 (c) Misconduct Manifested in the Courtroom. Respondent's
14 misconduct occurred outside the courtroom.

15 (d) Misconduct in Official Capacity or Private Life.
16 Respondent's misconduct occurred in his private life.

17 (e) Acknowledgement of Misconduct. With regard to the T.W.
18 incident, Respondent does not acknowledge misconduct or the
19 appearance of misconduct. Respondent's present refusal to
20 acknowledge the appearance of any impropriety must be discounted in
21 light of his admitted awareness and concern at the time for
22 potential allegations of sexual contact with minors. Other
23 independent evidence is probative concerning Respondent's
24 appreciation of his conduct. Respondent testified that he might
25 have been worried about how it would appear to be with a shirtless
26 T.B. in a parked car. These concerns for appearances imply an
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1 acknowledgement of what constitutes proper and improper conduct.
2 Finally, Respondent acknowledges that his conduct with J.G. would
3 not be appropriate for a judge.

4 (f) Effort to Change or Modify Behavior. There is no
5 evidence that Respondent has made or will make any effort to change
6 or modify his conduct.

7 (g) Length of Service on the Bench. Respondent has served in
8 his capacity as District Court Judge Pro Tem for Jefferson County
9 from December 18, 1991 until August 12, 1992. There is nothing to
10 prevent Respondent from resuming such a position, or another
11 position as a judge in the judiciary.

12 (h) Prior Complaints. There have been no complaints
13 resulting in public statement of charges by the Commission
14 concerning Respondent.

15 (i) Effect of Misconduct on Judiciary. Respondent's behavior
16 toward T.W. does not contribute to the independence and honor of
17 the judiciary. Respondent did not behave in a manner that observed
18 high standards of conduct nor in a manner that showed respect for
19 the law. Respondent's conduct detrimentally affects the integrity
20 of the judiciary and undermines public confidence in the
21 administration of justice.

22 (j) Extent of Exploitation of Position. There is no evidence
23 in this case that Respondent has used his judicial position to
24 exploit or satisfy his personal desires.

25 6. The Findings show that Respondent has engaged in a
26 pattern of conduct which is particularly opprobrious in light of
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1 the high standards of behavior expected from a judge. Respondent's
2 conduct, in its best view, manifests an absence of judgment.
3 Respondent's testimony to issues concerning his service as a judge
4 pro tem and the testimony at his criminal trial about his alleged
5 sexual contact with T.B. was evasive, unresponsive, or untrue. We
6 conclude that his conduct violated the Code of Judicial Conduct,
7 detrimentally affects the integrity of the judiciary, and
8 undermines public confidence in the administration of justice. The
9 nature of Respondent's violations, after considering the
10 aggravating and mitigating factors, compel the conclusion that
11 Respondent should be censured and disqualified from serving as a
12 judicial officer.

13 7. Any Finding of Fact which should be deemed a Conclusion
14 of Law is hereby adopted as such.

15 /////

1 ORDER OF CENSURE

2 Based upon the foregoing Findings of Fact and Conclusions, the
3 Commission determines that Respondent violated Canons 1 and 2(A) of
4 the Code of Judicial Conduct, and hereby **CENSURES** Respondent.

5 RECOMMENDATION

6 Using the criteria stated in Conclusion 4, and considering the
7 Findings and Conclusions, it is the opinion of the Commission on
8 Judicial Conduct that Respondent has demonstrated an absence of the
9 personal and professional qualities which are necessary to hold
10 judicial office.

11 Therefore, the Commission recommends to the Supreme Court that
12 Thornton B. Hatter be disqualified from serving in any judicial
13 office.

14 DATED this 7th day of October, 1994.

15 COMMISSION ON JUDICIAL CONDUCT

16 
17 G. Douglas Ferguson, Presiding


Ruth Schroeder, Chair

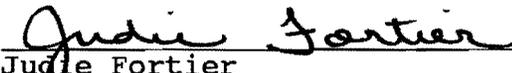
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19 Hon. Donald H. Thompson


Nancy Helen Hunter Fischer

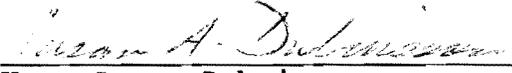
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Judie Fortier

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25 Hon. H. Joseph Coleman


Hon. Susan Dubuisson