

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED

DEC -1 1995

In Re the Matter of:

The Hon. Merle E. Wilcox
District and Municipal Courts
of Island County

NO. 94-1693-F-52

CONCURRENCE AND DISSENT

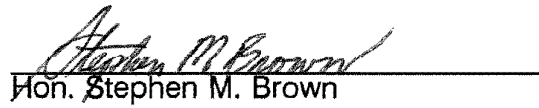
We concur in the Findings of Fact and Conclusions of Law. While we agree that an order of censure is appropriate, we would add, as a minimum, the further sanction of one month's suspension without pay. The misconduct described in these Findings significantly damages the Respondent's ability to carry out his duties. The effect of the Respondent's misconduct upon the integrity of and respect for the judiciary is profound and merits at least a suspension from the bench. Society places the highest trust in the judiciary. The courts are slowly catching up with the experiences of women and their increasing unwillingness to tolerate unwelcome, offensive conduct of a sexual nature. The misconduct towards women which is described in the Findings of Fact is intolerable. The Respondent's own expert witness, Shirley Feldman-Summers, admitted that the Respondent has "maladaptive personality traits that interfere with his interpersonal functioning."¹ She also testified that he "is very socially unskilled and clumsy in his attempts to relate to people, in particular women, ..." Further, that "Typically it doesn't appear to be of a sexual nature, but sometimes it can be interpreted that way." The Commission has interpreted it that way and the public will rely upon the Commission's interpretation.


Women, as well as men, must have confidence in the integrity of the bench. A censure with not even a suspension sends the wrong message to our citizens. At best,

¹ Tr., P. 1368, line 7

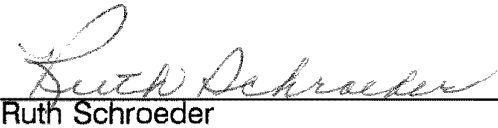
1 the public will be confused about the sanctions imposed and the standard of
2 accountability to which we hold the judiciary. A censure with at least a minimum of one
3 month's suspension without pay is the appropriate remedy and the appropriate way to
4 express our concern to other judges and to the citizens of our state.

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Dale Brighton


Hon. Stephen M. Brown

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9 Gregory R. Dallaire


Nancyhelen Hunter Fischer

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12 Ruth Schroeder