

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

FILED  
DEC - 3 1999  
COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of:

The Honorable Martin P. Mittet  
Port Orchard Municipal Court  
736 Prospect Street  
Port Orchard, Washington 98366

No. 98-2793-F-79

STIPULATION, AGREEMENT AND  
ORDER OF CENSURE

The Commission on Judicial Conduct and the Honorable Martin P. Mittet, Port Orchard Municipal Court Judge, do hereby stipulate and agree as provided for herein. This stipulation is submitted pursuant to the Washington Constitution, Article IV, Section 31 and CJCRP 23, and 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, Curtis M. Janhunen, and the Honorable Martin P. Mittet is represented by his attorney, Kurt M. Bulmer.

**STIPULATED FACTS**

1. The Honorable Martin P. Mittet, Respondent herein, was at all times discussed herein, a Judge of the Port Orchard Municipal Court, Port Orchard, Washington.
2. If a contested hearing were held in this matter, evidence would be presented to establish:
  - 2.1 Respondent had a court staff person check public information on the "Judicial Information System" (JIS) computer for purposes which were not related to the business of the court.
  - 2.2 Respondent initiated contact with the media while the case of City of Port Orchard v. Schramm was pending before him. The defendant in the case had called the emergency 911 system as a means of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

political protest. Respondent states he was motivated by the concern that publicity about that would lead others to copy the behavior, which would impair the efficient use of the 911 system. Respondent agrees that, regardless of his motivation, it was inappropriate for him to contact the media in this fashion.

2.3 In chambers, Respondent engaged in shouting and the use of profanities directed at a public defender, in the presence of others.

2.4 On multiple occasions, Respondent signaled his staff to go off the record. He did so without informing one or both parties that he was doing so.

2.5 On March 24, 1999, Respondent directed court staff to delete specific court docket entries, leaving an incomplete docket record during the appeal period in the case of City of Port Orchard v. Schramm. On April 1, 1999, prior to the appeal period running, respondent directed that "Immediately upon the occurrence of a disposition in the Schramm case" the deleted docket entries were to be re-inserted. On July 15, 1999, following the expiration of the appeal period of the Schramm case, the respondent directed court staff to re-insert "the original March 24<sup>th</sup> docket back into the record."

**AGREEMENT**

1. Based upon the foregoing stipulated facts, Respondent agrees that while serving in his capacity as Judge of the Port Orchard Municipal Court, he did violate Canons 1, 2(A), 2(B), 3(A)(3), 3(A)(4), 3(A)(7), and 3(B)(1) of the Code of Judicial Conduct.

2. Respondent agrees that his conduct detrimentally affects the integrity of the judiciary and undermines public confidence in the administration of justice,

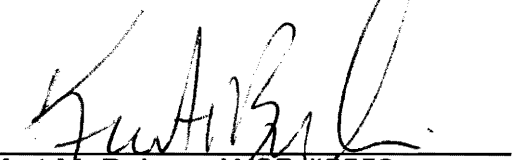
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

and warrants the discipline of CENSURE.

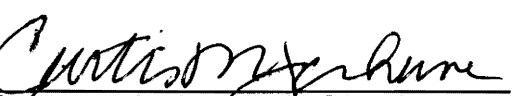
3. Upon acceptance of this stipulation, Respondent agrees to tender his resignation from his judicial office effective at the discretion of the City but no later than 60 days from tender of said resignation. The resignation shall be in the form of the letter attached herein as Exhibit A.
4. Respondent further agrees to withdraw the State Bar complaint filed by him on or about April 12, 1999, against the attorney referenced above in stipulated fact item 2.3.
5. Respondent further agrees that after the effective date of his resignation, he shall not seek nor hold any judicial office, nor perform any judicial duties in the future without first securing approval from the Commission in the manner provided in CJCRP 28, or its successor or replacement rule. Respondent further agrees that should Respondent seek any position involving judicial or quasi-judicial functions, the Commission may release information to a governmental or judicial qualifications organization pursuant to CJCRP 11, or the successor or replacement rule.

  
 \_\_\_\_\_  
 Honorable Martin P. Mittet

Dated: 11/12/99

  
 \_\_\_\_\_  
 Kurt M. Bulmer, WSB #5559  
 Counsel for Respondent

Dated: 11/9/99

  
 \_\_\_\_\_  
 Curtis M. Janhunen, WSB #4168  
 Attorney for Commission on  
 Judicial Conduct

Dated: 11/22/99

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER OF CENSURE AND ACCEPTANCE OF RESIGNATION**

Based upon the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders, and Respondent is hereby CENSURED, for the above set forth violations of the Code of Judicial Conduct, and the Commission hereby accepts Respondent's resignation from office.

DATED this 3RD day of DECEMBER, 1999.

  
Gregory F. Dallaire, Chair  
Commission on Judicial Conduct