

1                                    **BEFORE THE COMMISSION ON JUDICIAL CONDUCT**  
2                                    **OF THE STATE OF WASHINGTON**

**FILED**  
**DEC - 3 1999**  
COMMISSION ON JUDICIAL CONDUCT

3  
4 In Re the Matter of )

5 Honorable Albert M. Raines )  
6 Des Moines Municipal Court )  
7 21630 11<sup>th</sup> Avenue South )  
8 Des Moines, WA 98198-6327 )

No. 98-2810-F-72

**COMMISSION DECISION**

9            Following the filing of a Statement of Charges alleging that Judge Albert M. Raines  
10 violated the Code of Judicial Conduct, the Commission held a fact-finding hearing on  
11 October 18, 1999. Members of the Commission present as fact-finders were Sherry  
12 Appleton, Honorable Stephen E. Brown, Vivian Caver, Antonio P. Cube, Sr., Gregory R.  
13 Dallaire, Honorable Michael E. Donohue, Margo Keller, Connie Michener, Honorable  
14 John A. Schultheis, K. Collins Sprague and Todd Whitrock.

15            Judge Albert M. Raines (Respondent) was present and represented by his attorney,  
16 Anne M. Bremner. Disciplinary Counsel was Charles Ehlert.

17            The Commission has carefully considered the testimony of the witnesses, the  
18 exhibits admitted, and the argument of counsel. The Commission finds by clear, cogent  
19 and convincing evidence the following:

20  
21                                    **FINDINGS OF FACT**

- 22 1.    That Respondent was appointed a part-time judge of the Des Moines Municipal  
23 Court, Des Moines, Washington in March, 1998.
- 24 2.    On June 10, 1998, while presiding as judge of the Des Moines Municipal Court,  
25 Respondent was handed a note by a court employee requesting an urgent, short  
26 recess on behalf of an attorney during a busy court session. Respondent allowed  
27 a short break but did not leave the bench. When the attorney returned, the court  
28 employee returned the note, at Respondent's direction, with Respondent's

- 1 response written on it. The response was the words "NO!" and "FOR THE NEXT  
2 TIME" and a drawing of a man "giving the finger." (Exhibit No. 1)
- 3 3. The court employee appeared upset by having to deliver the note. The attorney  
4 thought that Respondent was disrespectful to her and embarrassed her in front of  
5 the court staff.
- 6 4. Respondent meant the note to be a "joke between friends." Respondent agrees the  
7 passing of the note was inappropriate but was also an isolated incident of poor  
8 judgment. Respondent also agrees that the note was disrespectful and offensive,  
9 though he had not intended it to be. He is remorseful about the incident.

### 11 CONCLUSIONS

- 12 1. Respondent violated Canon 1 by failing to personally observe high standards of  
13 judicial conduct and by diminishing public confidence in the judiciary.
- 14 2. Respondent violated Canon 2(A) by failing to respect the law and not acting at all  
15 times in a manner that promotes public confidence in the integrity and impartiality  
16 of the judiciary.
- 17 3. Respondent violated Canon 3(A)(2) by failing to maintain order and decorum in  
18 proceedings before him.
- 19 4. Respondent violated Canon 3(A)(3) by failing to be dignified and courteous to  
20 lawyers and others with whom he was dealing in their official capacity.

21 The following mitigating factors were considered by the Commission before  
22 determining the appropriate discipline to be imposed:

- 23 1. The incident appears to be an isolated incident.
- 24 2. The judge had been on the bench about three months prior to the incident.
- 25 3. There had been no prior public disciplinary action concerning the judge.
- 26 4. The judge cooperated with the Commission investigation and proceeding.

27 From these Conclusions the Commission enters this

28

ORDER

Based upon the above Findings of Fact and Conclusions, the Commission finds that the Respondent violated Canons 1, 2(A), 3(A)(2) and 3(A)(3) of the Code of Judicial Conduct. The Commission further finds under the Code that the violation was isolated.

The Commission hereby advises and cautions Respondent not to engage in the above described, or similar, behavior in the future.

The Commission orders this proceeding closed.

DATED this 3RD day of DECEMBER, 1999.

See attached  
Sherry Appleton

Margo T. Keller  
Margo Keller

See attached  
Hon. Stephen E. Brown

Connie Michener  
Connie Michener

See attached  
Vivian Caver

Hon. John A. Schultheis  
Hon. John A. Schultheis

See attached  
Antonio P. Cube, Sr.

See attached  
K. Collins Sprague

See attached  
Gregory R. Dallaire

See attached  
Todd Whitrock

Michael E. Donohue  
Hon. Michael E. Donohue