

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED
JUL 14 1999

COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of)
)
Honorable Albert M. Raines, Judge)
Des Moines Municipal Court)
21630 11th Avenue S.)
Des Moines, WA 98198-6317)
_____)

No. 98-2810-F-72

STATEMENT OF CHARGES

I. BACKGROUND

The Honorable Albert M. Raines (Respondent), was at all times discussed herein a judge of the Des Moines Municipal Court, Des Moines, Washington.

II. FACTS SUPPORTING CHARGES

1. Respondent was appointed a full-time judge of the Des Moines Municipal Court, Des Moines, Washington in March, 1998.
2. On June 10, 1998, while presiding as judge of the Des Moines Municipal Court, Respondent was handed a note by a court employee requesting an urgent, short recess on behalf of an attorney during a busy court session. Respondent allowed a short break but did not leave the bench. When the attorney returned, the court employee returned the note, at the judge's direction, with the judge's response written on it. The response was the words "NO!" and "FOR THE NEXT TIME" and drawing of a man "giving the finger." See Exhibit A.
3. The court employee appeared upset by having to deliver the note. The attorney felt that Respondent was disrespectful to her and embarrassed her in front of court staff.

III. BASIS FOR COMMISSION ACTION

1. On February 17, 1999, pursuant to CJCRP 17(e), the Commission sent a certified letter to Respondent informing him that the Commission was pursuing Initial Proceedings. Enclosed with the letter was a Statement of Allegations.
2. On March 12, 1999, Respondent formally responded to the Statement of Allegations.
3. On June 4, 1999, the Commission determined that probable cause exists to believe that Respondent has violated Canons 1, 2(A), 3(A)(2) and 3(A)(3) of the Code of Judicial Conduct (CJC) which state:

CANON 1

Judges shall uphold the integrity and independence of the judiciary.

An independent and honorable judiciary is indispensable to justice in our society. Judges should participate in establishing, maintaining and enforcing high standards of judicial conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

Comment

Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depends in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.

CANON 2

Judges should avoid impropriety and the appearance of impropriety in all their activities.

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

CANON 3

Judges shall perform the duties of their office impartially and diligently.

The judicial duties of judges should take precedence over all other activities. Their judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

(A) Adjudicative Responsibilities.

- (2) Judges should maintain order and decorum in proceedings before them.
- (3) Judges should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom judges deal in their official capacity, and should require similar conduct of lawyers, and of the staff, court officials and others subject to their direction and control.

Comment

The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose of the business of the court. Courts can be efficient and businesslike while being patient and deliberate.

V. PROCEDURE FOR RESPONDENT TO ANSWER STATEMENT OF CHARGES

In accordance with CJCRP 20(a), Respondent shall file a written answer to this Statement of Charges with the Commission within twenty-one (21) days after the date of service. As provided by CJCRP 21(a), failure to timely answer shall constitute an admission of the factual allegations.

DATED this 14th day of July, 1999.

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON



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