

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED

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COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of)
)
Honorable Edward B. Ross, Judge)
Whatcom County District Court)
311 Grand Avenue)
Bellingham, WA 98225-4007)
_____)

No. 98-2915-F-75

STATEMENT OF CHARGES

I. BACKGROUND

The Honorable Edward B. Ross (Respondent), was at all times discussed herein a judge of the Whatcom County District Court, Bellingham, Washington.

II. FACTS SUPPORTING CHARGES

1. On August 27, 1998, Respondent presided over hearings in Whatcom County District Court. At the conclusion of court business, a supervisor in the public defender's office approached the bench with a new attorney in the office, Laura Smith, to reintroduce her to Respondent as a permanent employee of the office.

2. During the course of conversation with Ms. Smith and the other attorneys present, Respondent learned that Ms. Smith had attended Tulane Law School as had Jim Hulbert, a deputy prosecutor who was also present. In the presence of the various attorneys, Respondent asked Mr. Hulbert: "Is she one of the babes you bagged in law school?" or words to the same effect with a sexual connotation.

3. Attorneys from Ms. Smith's office spoke to Respondent about the inappropriateness of making such offensive remarks. Notwithstanding, on September 30, 1998, during a luncheon with the district court probation department, Respondent repeated to those present a "rumor" that Ms. Smith had slept with the director of the

public defender's office in order to be hired.

III. BASIS FOR COMMISSION ACTION

1. On February 23, 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 22, 1999, Respondent formally responded to the Statement of Allegations.

3. On July 2, 1999, the Commission determined that probable cause exists to believe that Respondent has violated Canons 1, 2(A) 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.

....

- (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.

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 6th day of July, 1999.

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON



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