

FILED  
NOV 30 2000  
COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

In Re the Matter of:

The Honorable George W. Colby  
Yakima County District Court  
128 N. 2nd Street  
Yakima, Washington 98901-2614,

NO. 2511-F-85

STIPULATION, AGREEMENT AND ORDER  
OF CENSURE

The Commission on Judicial Conduct and the Honorable George W. Colby, Yakima County District 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.

**STIPULATION**

1. The Honorable George W. Colby, Respondent, was at all times discussed herein, a Judge of the Yakima County District Court, Yakima, Washington.

The parties stipulate as follows regarding the Statement of Charges, incorporated herein by reference:

a. That the Respondent's conduct in Statement of Charges II occurred and violated Canons 1, 2(a) and 3(a)(1) of the Code of Judicial Conduct;

b. That the Respondent's conduct in Statement of Charges III.i occurred and violated Canons 1 and 2 of the Code of Judicial Conduct;

c. That the Respondent's conduct in Statement of Charges IV.ii occurred and violated Canons 1, 2(a), 3((a)(1), 3(a)(5) and 3(d)(1)(a) of the Code of Judicial Conduct.

2. Respondent understands that if a contested hearing were held in this matter, evidence would be presented by the Commission in support of charges that Respondent improperly used or brought alcohol on to the premises of the Yakima County Courthouse, and that he presided over cases in

1 which he had a conflict of interest. The Respondent further understands that the Commission  
2 would introduce evidence that would support allegations that in some of these cases, the  
3 Respondent engaged in a pattern or practice of engaging in ex parte contacts with defendants or  
4 counsel or others on defendants' behalf; that he engaged in a pattern or practice of imposing  
5 conditions and penalties, or failing to impose conditions and sentences, fully in accordance with  
6 the law; that he entered unenforceable orders in some cases that he failed to diligently discharge  
7 administrative, or facilitate the performance of administrative responsibilities of other judges and  
8 court officials.

- 9  
10 3. Except as set forth in paragraph 1 above, Respondent denies these charges and would contest  
11 them in the event of a contested hearing; however, Respondent acknowledges that the  
12 Commission could substantiate these matters by clear, cogent, and convincing evidence.
- 13 4. Both Respondent and the Commission on Judicial Conduct understand that a contested hearing  
14 on the above-referenced matters would be lengthy and costly to both parties and both costly and  
15 disruptive to the court system.
- 16 5. This stipulation is offered by the parties partly in consideration of Respondent's contention that,  
17 in regard to many of the matters charged, he was not motivated by self-interest or malice, but  
18 intended to be helpful.

19  
20 **AGREEMENT**

- 21 1. Based upon the foregoing, Respondent agrees that were the above charges proven, they would  
22 show conduct that detrimentally affected the integrity of the judiciary and undermined public  
23 confidence in the administration of justice. Respondent agrees that, should the charges be  
24 proven, the Commission could impose the discipline of CENSURE and recommend to the  
25 Supreme Court that he be removed from judicial office.
- 26 2. Upon acceptance of this stipulation, Respondent agrees to tender his resignation from his judicial  
27 office effective no later than November 30, 2000. Respondent's resignation is attached hereto as  
28 Exhibit A. Respondent agrees to accept the discipline of censure. Upon approval of this

1 stipulation by the Commission, disciplinary counsel shall withdraw his summary judgment  
2 motions.

3 3. Respondent further agrees that after the effective date of his resignation, he shall not seek nor  
4 hold any judicial office, nor perform any judicial duties in the future without first securing  
5 approval from the Commission in the manner provided in CJCRP 28, or its successor or  
6 replacement rule. Respondent agrees that should Respondent seek any position involving  
7 judicial or quasi-judicial functions, the Commission may release information to a governmental  
8 or judicial qualifications organization pursuant to CJCRP 11, or the successor or replacement  
9 rule.

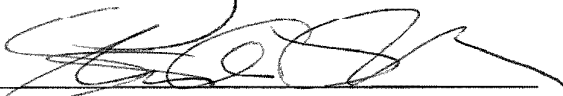
10 4. Respondent agrees and stipulates further that by entering into this Stipulation he hereby waives  
11 any procedural appeal rights pursuant to the Commission on Judicial Conduct Rules of  
12 Procedure and Article IV, Section 31 of the Washington State Constitution in this proceeding.

13  
14   
15 \_\_\_\_\_  
16 Honorable George W. Colby

Dated: 11/27/2000

17 Rick Kimbrough, WSBA #5230

18  
19 \_\_\_\_\_  
20 Dated: 11-27-00

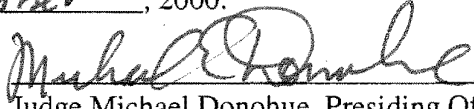
21  
22   
23 \_\_\_\_\_  
24 Steven A. Reisler, WSBA #9384  
25 Attorney for Commission on  
26 Judicial Conduct

Dated: 11-27-00

27  
28  
**ORDER OF CENSURE AND ACCEPTANCE OF RESIGNATION**

Based upon the above Stipulation and Agreement, the Commission on Judicial Conduct  
accepts Respondent's resignation from office, and hereby orders that Judge George W. Colby is  
CENSURED for violations of the Code of Judicial Conduct above described..

1 DATED this 30 day of November, 2000.

2 

3 Judge Michael Donohue, Presiding Officer  
4 Commission on Judicial Conduct

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

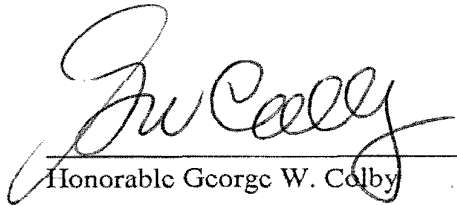
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**LETTER OF RESIGNATION**  
"Exhibit A"

TO: County of Yakima and the State of Washington

I hereby resign, contingent upon acceptance of the attached stipulation Commission on Judicial Conduct Case No. 2511-F-85, as a judge of the Yakima District Court, Washington, effective November 30, 2000.

Date: 11/27/2000

  
\_\_\_\_\_  
Honorable George W. Colby