BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

IN RE THE MATTER OF:

The Honorable Rudolph J. Tollefson
Pierce County Superior Court
930 Tacoma Avenue S.
Tacoma, WA 98402

NO. 98-2699-F-81

STIPULATION, AGREEMENT AND ORDER OF CENSURE, AND RECOMMENDATION FOR SUSPENSION

The Commission on Judicial Conduct and the Honorable Rudolph J. Tollefson, Pierce County Superior 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, Rita L. Bender, and the Honorable Rudolph J. Tollefson is represented by his counsel Monte Hester.

STIPULATED FACTS

1. The Honorable Rudolph J. Tollefson, Respondent, was a Judge of the Pierce County District Court from 1979 through December 1996. Thereafter, as of January 1997, he has been a Judge of the Pierce County Superior Court, Tacoma, Washington.

2. Respondent stipulates that if a contested hearing were held in this matter, clear, cogent and convincing evidence would be presented sufficient to establish the facts as alleged in the Statement of Charges attached and incorporated herein.
AGREEMENT

1. Respondent agrees and stipulates that the behaviors described in item 2 above, are violations of Canons 1, 2 (A), 2 (B), 3 (A)(1,2,3,4,5 and 7), 3 (B)(1), 3 (B)(3), and 3 (D)(1) of the Code of Judicial Conduct.

2. Respondent agrees and stipulates that based upon such facts, the Commission could impose a sanction of censure and recommend to the State Supreme Court his suspension or removal from his judicial office as set forth in CICRP 6.

3. Respondent agrees and stipulates to the acceptance of a censure and to the imposition of the corrective terms and conditions set forth herein. A censure is a written action of the Commission that finds that the conduct of the respondent violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, and undermines public confidence in the administration of justice.

4. Respondent agrees and stipulates to an immediate suspension, without pay, from office with an effective date of no later than August 21, 2000, and to in fact suspend his judicial duties no later than August 21, 2000, for a period of 5 consecutive months, (153 days), without pay, upon acceptance of this Stipulation by the Commission on Judicial Conduct.

5. Respondent agrees and stipulates that the suspension and loss of pay agreed to herein will continue in effect for a full five consecutive months (153 days), even in the event that the period of time should continue into a subsequent term of office for the Respondent.

6. Respondent agrees and stipulates further that prior to any resumption of judicial duties, he shall participate in anger management therapy as approved in advance by the Presiding Officer or Chair of the Commission on Judicial Conduct.
7. Respondent agrees and stipulates that he shall attend at his own expense a course in judicial ethics as approved in advance by the Presiding Officer or Chair of the Commission on Judicial Conduct, which address the subjects of inappropriate ex-parte communications by a judge, and the judge’s obligations to ensure due process of law in both civil and criminal cases. Such course shall be completed prior to Judge Tollefson’s resumption of any judicial duties. Upon satisfactory completion, Respondent shall file a declaration and proof from the program with the Commission that the course was completed.

8. Respondent agrees and stipulates further that he shall not engage in any retaliatory conduct with regard to any person known or suspected to have cooperated with the Commission on Judicial Conduct, named as a potential witness in this matter, or otherwise associated with this matter.

9. Respondent agrees and stipulates further that he will not in the future engage in the types of behaviors which led to this proceeding.

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

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11. The Commission and Respondent acknowledge that this stipulation is a joint
recommendation to the Supreme Court and that the Supreme Court may adopt this
recommendation or a different resolution of this matter based on this stipulation.

Dated: 8/21/00

Honorable Rudolph J. Tollefson

Dated: 8/21/00

Monte Hester, WSBA 121
Attorney for Honorable Rudolph J. Tollefson

Dated: 8/21/00

Rita L. Bender, WSBA 6573
Attorney for Commission on Judicial Conduct
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NO. 98-2699-F-81
ORDER OF CENSURE AND
ACCEPTANCE OF STIPULATION AND
AGREEMENT

Based upon the annexed Stipulation and Agreement, the Commission on Judicial
Conduct hereby Orders and Judge Rudolph J. Tollefson is hereby CENSURED for
violating Canons 1, 2 (A), 2 (B), 3 (A)(1,2,3,4,5 and 7), 3 (B)(1), 3 (B)(3) and 3 (D)(1) of
the Code of Judicial Conduct. Respondent shall fulfill all of the terms of the Stipulation
and Agreement as set forth therein.

Dated this 21 day of August, 2000.

Judge Dale Ramerman, Presiding Officer,
Commission on Judicial Conduct

ORDER OF CENSURE AND ACCEPTANCE OF
STIPULATION AND AGREEMENT – 1

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