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

In Re the Matter of:

The Honorable DeForest N. Fuller  
Chelan County Superior Court  
PO Box 880  
Wenatchee, WA 98807-0880

NO. 3273-F-89

**STIPULATION, AGREEMENT  
AND  
ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct and the Honorable DeForest N. Fuller, part-time Commissioner of the Chelan County Superior Court, stipulate and agree as follows:

This stipulation is submitted pursuant to CJCRP 23 and shall not become effective until approved by the Washington Commission on Judicial Conduct.

**STIPULATED FACTS**

1. The Honorable DeForest N. Fuller, Respondent, was at all times referred to herein a part-time Commissioner of the Chelan County Superior Court, Wenatchee, Washington and a practicing attorney in Wenatchee.

2. Respondent met at his law office with a client to discuss an action to modify child support and told him what information was needed. Respondent had heard nothing more from the client by the Spring of 1999, when Respondent's law office was burglarized and many files were destroyed, including materials relating to the client's unopened case.

3. On September 28, 1999, Respondent presided as Commissioner on a motion relating to

1 the client's 1989 marriage dissolution, No. 89-3-00378-1. The client's former wife requested  
2 entry of judgment and moved to hold the client in contempt for failing to pay child support. The  
3 client did not appear. Respondent entered a judgment and found the client in contempt in the brief  
4 proceeding.

5 4. About 15 minutes after the hearing, the client appeared and explained that he had been  
6 in the wrong courthouse. Respondent explained that if the client disagreed with the order  
7 Respondent had entered, the client could ask the Court to set aside its findings and to review the  
8 matter. The client, who did not disagree with the amount of back child support, chose not to do  
9 so.

10 5. Thereafter, the client contacted Respondent at his law office. Although the client's  
11 appearance was different, Respondent recognized him as the person with whom he had previously  
12 consulted about the dissolution action.

13 6. The client brought with him his former wife's Petition for Modification of Parenting  
14 Plan in which she requested the Court to modify child support. Respondent prepared a response  
15 to the Petition and sent the materials to the former wife. On October 29, 1999, Respondent filed a  
16 Notice of Appearance for the client.

17 7. On November 1, 1999, a hearing was conducted at which the former wife and  
18 Respondent appeared before another court commissioner. During that proceeding, the  
19 commissioner stopped the proceeding and noted that Respondent had signed the Order on  
20 Contempt and Judgment. Respondent agreed that there was potentially a violation of the Rules  
21 for Professional Conduct and the Code. The former wife did not consent to Respondent serving  
22 as a lawyer. Respondent thereafter transferred the case to another attorney and withdrew.

23 8. Respondent acknowledges not recognizing the conflict and making a mistake.

24 9. A part-time commissioner must comply with the Application section (A)(1)(b)<sup>1</sup> and

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26 <sup>1</sup>The Application section (A)(1) of the Code provides: A) Anyone, whether or not a lawyer, who is an officer of a judicial  
27 system and who performs judicial functions, including an officer such as a magistrate, court commissioner, special master or referee,  
is a judge within the meaning of this Code. All judges should comply with this Code except as provided below.

1 Canons 2(A) and 3(D)(1)(a) and (b)<sup>2</sup> of the Code of Judicial Conduct.

2 10. Upon being contacted by the Commission regarding the apparent violation of the  
3 Code, Respondent admitted and accepted responsibility for the violation. Respondent was at all  
4 times cooperative with the Commission. The instant event was an isolated occurrence.  
5 Respondent has no prior disciplinary action.

6  
7 **AGREEMENT**  
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9 1. Based upon the stipulated facts, Respondent agrees that while a part-time  
10 commissioner of the Chelan Superior Court he violated the Applications section (A)(1)(b), Canon  
11 2(A), and Canon 3(D)(1)(a) and (b) of the Code of Judicial Conduct by serving as a lawyer and a  
12 judge in the same or related proceeding.

13 2. Respondent agrees to accept a written admonishment of an advisory nature as  
14 described in RCW 2.64.010(1) and CJCRP *Terminology* and Rule 6.

15 3. Respondent agrees that he will exercise caution to avoid repeating the violation.

16 4. In accepting this stipulation, the Commission takes into account Respondent's  
17 cooperation with the Commission's investigation and his prompt acknowledgment of the violation.

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19 \_\_\_\_\_  
20 (1) A Part-Time Judge

21 (a) is not required to comply:

22 (i) except while serving as a judge, with Section 3(A)(9); and

23 (ii) at any time with Sections 5(C)(2) and (3), 5(D), 5(E), 5(F), 5(G) and 6(C).

24 (b) should not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related  
25 thereto.

26 <sup>2</sup> Canon 3(D)(1) for Disqualification provides in part: (1) Judges should disqualify themselves in a proceeding in which their  
27 impartiality might reasonably be questioned, including but not limited to instances in which:

28 (a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts  
concerning the proceeding;

(b) the judge previously served as a lawyer or was a material witness in the matter in controversy, or a lawyer with whom the  
judge previously practiced law served during such association as a lawyer concerning the matter or such lawyer has been a  
material witness concerning it; . . . .

