

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

FILED
APR - 6 2001
COMMISSION ON JUDICIAL CONDUCT

3
4 In Re the Matter of:)

5 The Honorable Philip Borst)
6 Lincoln County Superior Court)
7 PO Box 396)
8 Davenport, WA 99122)

NO. 3350 -F-88

**STIPULATION, AGREEMENT
AND
ORDER OF ADMONISHMENT**

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10 The Commission on Judicial Conduct and the Honorable Philip W. Borst, Lincoln County
11 Superior Court Judge, stipulate and agree as follows:

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

14 **STIPULATED FACTS**

15 1. The Honorable Philip W. Borst, Respondent, was at all times discussed herein a judge
16 of the Lincoln County Superior Court, Davenport, Washington.

17 2. On November 10, 1999, Respondent presided over a summary judgment motion
18 hearing as a visiting judge in Douglas County Superior Court, in a civil case (No. 98-2-00285-6).
19 Respondent did not make a decision on the motion until September 18, 2000, more than ten
20 months after the hearing date. The time to make this decision substantially exceeded that
21 established by RCW 2.08.240 and Washington State Constitution Article IV, Section 20. Such
22 conduct involving delay violated Canons 1, 2(A), and 3(A)(6) of the Code of Judicial Conduct.
23 Canon 3(A)(6) states: "Judges should dispose promptly of the business of the court."

24 3. Upon being contacted by the Commission regarding the apparent violation of the Code,
25 Respondent admitted and accepted responsibility for the delay. He identified new procedures
26 which he initiated to prevent any recurrence.

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28 **STIPULATION, AGREEMENT AND
ORDER OF ADMONISHMENT - 1**

1 4. Respondent was at all times cooperative with the Commission and did not engage in
2 the proscribed behavior with bad intent. He acknowledged the delay which violated the Code and
3 has taken measures to avoid future recurrences. The instant event was an isolated occurrence.
4 Respondent has had no prior disciplinary action.
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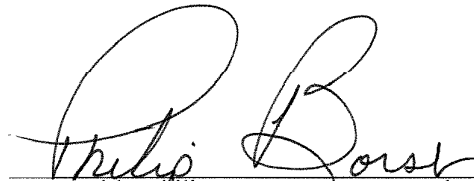
6 **AGREEMENT**

7 1. Based upon the stipulated facts, Respondent agrees that while a judge of the Superior
8 Court of Lincoln County he violated Canons 1, 2(A), and 3(A)(6) of the Code of Judicial
9 Conduct.

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


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

13 4. In accepting this stipulation, the Commission takes into account Respondent's
14 cooperation with the Commission's investigation and his prompt acknowledgment of the
15 Commission's concerns and his efforts to correct the problem he created.

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Honorable Philip W. Borst, Respondent

March 12, 2001
Date

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David Akana, Counsel
Commission on Judicial Conduct

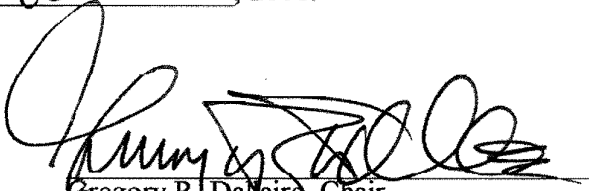
March 14, 2001
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ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders, and Judge Philip W. Borst, Respondent, is hereby ADMONISHED for violating Canon 3(A)(6) of the Code of Judicial Conduct. Respondent shall exercise caution to avoid repeating the violation in the future.

DATED this 6TH day of APRIL, 2001.



Gregory R. Dallaire, Chair
Commission on Judicial Conduct