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COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

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In Re the Matter of: )  
The Honorable Marianne Walters, )  
Commissioner )  
Jefferson County Superior Court )  
PO Box 1220 )  
Port Townsend, WA 98368 )

No. 3473-F-90

STIPULATION, AGREEMENT  
AND  
ORDER OF ADMONISHMENT

The Commission on Judicial Conduct and the Honorable Marianne Walters, part-time Commissioner of the Jefferson 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 Marianne Walters, Respondent, was at all times referred to herein a part-time Commissioner of the Jefferson County Superior Court, Port Townsend, Washington. Respondent is not an attorney.

2. Respondent has been a visible member of a political party. In the 2000 elections, Respondent publicly endorsed both Republican and Democrat candidates (Mark Beaufait, Michelle Sandoval, and Glen Huntingford) for the nonjudicial position of County Commissioner. Respondent identified herself as a member of a political party in the advertisement for Glen Huntingford.

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

<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 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) A Part-Time Judge  
(a) is not required to comply:  
(i) except while serving as a judge, with Section 3(A)(9); and

1 Canons 1, 2(A) and 7(A)(1)(b) and (e) of the Code of Judicial Conduct.<sup>2</sup>

2 5. Upon being contacted by the Commission, Respondent promptly admitted publicly  
3 endorsing candidates for County Commissioner, which is a nonjudicial public office. She admitted  
4 identifying herself as a member of a political party, explaining she has, in the past, done so openly  
5 in conjunction with her responsibilities as County Clerk, which is a partisan, elected position.  
6 When the relevant sections were drawn to her attention in conjunction with her status as part-time  
7 court commissioner, Respondent admitted and accepted responsibility for violating the Code.  
8 Respondent was at all times cooperative with the Commission, and explained she had not intended  
9 to violate any Code provision. Respondent has no prior disciplinary action.

10 6. Respondent provided information about her background. She served as Court  
11 Administrator for twenty-eight years. As a Democrat candidate, she has been elected six times  
12 unopposed for the nonjudicial position of County Clerk and has served in that capacity for twenty-  
13 two years. She served as part-time Superior Court Commissioner since her appointment twenty-  
14 six years ago. For much of the time, Respondent has served in a “triple” capacity for Jefferson  
15 County.

16 7. Respondent agreed to refrain in the future from endorsing any nonjudicial candidates.  
17

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

19 (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  
20 thereto.

21 <sup>2</sup> CANON 1 - JUDGES SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

22 An independent and honorable judiciary is indispensable to justice in our society. Judges should participate in establishing, maintaining,  
23 and enforcing high standards of judicial conduct and shall personally observe those standards so that the integrity and independence of  
24 the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

23 CANON 2 - JUDGES SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES

24 (A) Judges should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity  
25 and impartiality of the judiciary.

25 CANON 7 - JUDGES SHALL REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO THEIR JUDICIAL OFFICE

26 (A) Political Conduct in General.

26 (1) Judges or candidates for election to judicial office should shall not:

27 . . . . .

27 (b) make speeches for a political organization or nonjudicial candidate or publicly endorse a nonjudicial candidate for public office;

28 . . . . .

(e) identify themselves as members of a political party, except as necessary to vote in an election; . . .

1 **AGREEMENT**

2 1. Based upon the stipulated facts, Respondent agrees that while a part-time  
3 commissioner of the Jefferson Superior Court she violated the Applications section (A)(1)(b),  
4 Canons 1, 2(A) and 7(A)(1)(b) and (e) of the Code of Judicial Conduct by endorsing candidates  
5 for nonjudicial public office and by identifying herself as a member of a political party in a political  
6 advertisement.

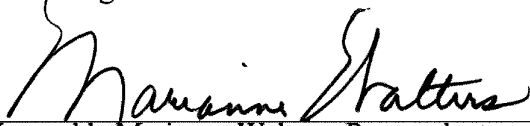
7 2. Respondent agrees to accept a written admonishment of an advisory nature as  
8 described in RCW 2.64.010(1) and CJCRP *Terminology* and Rule 6.

9 3. Respondent agrees that she will exercise caution to avoid repeating the violation.


10 4. In accepting this stipulation, the Commission takes into account Respondent's  
11 cooperation with the Commission's investigation and her prompt acknowledgment of the  
12 violations.

13 5. Respondent states that she has either consulted or had an opportunity to consult with  
14 counsel of her choosing regarding this stipulation and proceeding. Respondent voluntarily enters  
15 into this stipulation.

16 6. Respondent agrees that by entering into this Stipulation and Agreement she hereby  
17 waives her procedural rights and appeal rights pursuant to the Commission on Judicial Conduct  
18 Rules of Procedure and Article IV, Section 31 of the Washington State Constitution in this  
19 proceeding.

20   
21 \_\_\_\_\_  
22 Honorable Marianne Walters, Respondent

7-3-01  
\_\_\_\_\_  
Date

23   
24 \_\_\_\_\_  
25 David Akana, Counsel  
26 Commission on Judicial Conduct

7-2-01  
\_\_\_\_\_  
Date

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**ORDER OF ADMONISHMENT**

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby ORDERS, and Commissioner Marianne Walters, Respondent, is hereby ADMONISHED for violating Applications section (A)(1)(b), Canons 1, 2(A) and 7(A)(1)(b) and (e) of the Code of Judicial Conduct. Respondent shall exercise caution to avoid repeating the violation in the future

DATED this 3<sup>rd</sup> day of August, 2001.



Margo T. Keller, Chair  
Commission on Judicial Conduct