

FILED
JUN 7 2002
COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

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In Re the Matter of)
Carolyn Lake, Former Judge)
Lakewood Municipal Court)
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No. 3365-F-98

**STIPULATION, AGREEMENT
AND AGREED ORDER OF
ADMONISHMENT**

The Commission on Judicial Conduct and Carolyn Lake, former Judge of the Lakewood Municipal Court, Lakewood, Washington do hereby stipulate and agree as provided for herein pursuant to CJCRP 23. This stipulation shall not become effective until approved by the Washington Commission on Judicial Conduct.

STIPULATED FACTS

1. Carolyn Lake (Respondent) was appointed as part-time judge of the Lakewood Municipal Court, Lakewood, Washington from May of 1998, and served until her resignation on October 2, 2000.

2. The Commission commenced an investigation pursuant to its constitutional authority based information concerning the conduct of Respondent, including Respondent's self report to the Commission of her having been charged with driving while under the influence in 2000. Such conduct, if established, would support a determination that Respondent has violated the Code of Judicial Conduct. Respondent does not dispute that the Commission, if it can establish violations of the Code, can take appropriate action under Article IV, Section 31 of the Washington Constitution.

3. On May 11, 2001, Respondent was found guilty by a jury of one count of DUI. The incident leading to the charge occurred during her tenure as part time judge for the City of Lakewood. The matter currently is on appeal. Respondent and the Commission agree that Respondent did not seek to exploit her judicial position in any way related to this

1 incident.

2 4. In a consolidated case involving multiple infraction charges against a
3 corporate defendant, Respondent granted a defense motion to dismiss in September of
4 1999. Defense then moved for attorney's fees, and the Court set a briefing schedule. The
5 parties completed briefing and supplemental briefing on that issue by December 21, 1999.

6 On February 16, 2000, defense counsel wrote to the court, requesting a decision be
7 rendered. By October 2, 2000, when Respondent resigned her judicial position, she still
8 had not ruled on the attorney fee issue.

9 5. Respondent's position is that she did not rule on the matter because the
10 complete set of the briefs was not presented to her nor was the matter noted or calendared
11 for hearing by the Court staff or attorneys and the court file was lost. Respondent took no
12 action to *sua sponte* note the matter for hearing, but did direct staff to locate the entire file.
13 Respondent's position is that Lakewood Court has a history of misplaced files which
14 predates and postdates Respondent's tenure as judge due to its high volume and the City
15 of Lakewood's decision to operate as a part-time court. Respondent's position is that she
16 attempted to address this issue by altering administrative practices in the Court, but did not
17 fully succeed.

18 6. In entering this stipulation, the Commission takes into account Respondent's
19 self report of the DUI charge, her voluntary resignation from the Bench, and her
20 cooperation with the Commission proceeding and her statements of willingness to improve
21 her judicial conduct.

22 AGREEMENT

23 1. Based upon the foregoing stipulated facts, Respondent and the Commission
24 agree that if a contested hearing were held on this matter, even though she would offer
25 evidence to contradict the allegations made against her, the Commission could find that
26 Respondent violated Canons 1, 2(A), 3(A)(1), and 3(A)(6) of the Code of Judicial Conduct

27 **STIPULATION, AGREEMENT AND ORDER - 2**

1 and these findings could merit the sanction of admonishment for a sitting judge.


2 2. Respondent has enrolled and agrees to attend at her own expense the
3 National Judicial College course of "Decision-making" in 2002. Upon satisfactory
4 completion, Respondent shall file a declaration with the Commission that the course was
5 completed.

6 3. Respondent agrees and stipulates that she will refrain from seeking or
7 serving in any judicial office in the State of Washington until the Commission files a
8 certificate of completion of the above-referenced course under CJCRP 29(b).

9 **Standard Additional Terms of Commission Stipulation**


10 4. Respondent further agrees that she will not retaliate against any person
11 known or suspected to have cooperated with the Commission, or otherwise associated with
12 this matter.

13 5. Respondent agrees that by entering into this stipulation and agreement she
14 hereby *waives* her procedural rights and appeal rights pursuant to the Commission on
15 Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State
16 Constitution in this proceeding.

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18 _____
Carolyn Lake


5/1/02

Date

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20 _____
John Strait
21 Counsel for Respondent, WSBA

5/1/02

Date

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23 _____
Steven Reisler
24 Disciplinary Counsel, WSBA
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5.3.02

Date

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ORDER

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Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders and Judge Carolyn Lake is hereby ADMONISHED for violating Canons 1, 2(A), 3(A)(1) and 3(A)6 of the Code of Judicial Conduct. Respondent shall fulfill the terms of the agreement as above set forth.

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Dated this 7th day of JUNE, 2002.

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Margo Keller, Chair. K. COLLINS SPRIGGLE, VICE CHAIR
Commission on Judicial Conduct