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

In re the Matter of HON. STEPHEN M. GADDIS Commissioner, King County Superior Court	}	STIPULATION, AGREEMENT AND ORDER OF REPRIMAND CJC No. 3855-F-114
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The Commission on Judicial Conduct and the Honorable Stephen M. Gaddis, Commissioner of the King County Superior Court, stipulate and agree as provided herein. This stipulation is submitted pursuant to the Washington Constitution, Article IV, Section 31 and Rule 23 of the Commission's Rules of Procedure and shall not become effective until approved by the Washington Commission on Judicial Conduct.

The Commission has been represented in these proceedings by Disciplinary Counsel Colleen Kinerk. Commissioner Gaddis has been represented by Attorney Patrick C. Sheldon.

I. STIPULATED FACTS

A. Background

1. Commissioner Stephen M. Gaddis (Respondent) is now, and was at all times referred to in this document, a King County Superior Court Commissioner. Respondent has served in that capacity since 1980.

2. The Commission on Judicial Conduct commenced an investigation concerning Respondent pursuant to its constitutional authority. The Commission first contacted Respondent by serving on him a Statement of Allegations on February 14, 2004. After considering his February 26, 2004 response, the Commission served Respondent with an Amended Statement of Allegations on April 7, 2004. Respondent answered the Amended Statement of Allegations on May 7, 2004.

1 **B. Conduct Giving Rise to Charges of Misconduct**

2 1. At all relevant times herein, Respondent was assigned to the Ex-Parte
3 and Probate Department of the King County Superior Court. His duties included, but
4 were not limited to, the authorization of expenditures of funds from trusts maintained
5 for the benefit of incompetent beneficiaries in guardianship proceedings, approval of
6 guardianship plans, sometimes among complex groups with interrelated interests.

7 2. On two occasions, Respondent accepted four Seattle Mariners baseball
8 tickets from an attorney who regularly appeared before Respondent. Cumulatively,
9 those tickets had a face value of \$232.00. Respondent did not reimburse the attorney
10 for the baseball tickets. The Respondent's position has been that the tickets were a
11 form of compensation for working on a manual for which the attorney was
12 responsible. At a dinner scheduled for work-related purposes, Respondent also
13 allowed this attorney to purchase dinner for him and another person, the bill for which
14 totaled \$287.27. Respondent bought a meal for this attorney on at least one occasion.
15 According to Respondent, he perceived at the time these were professional contacts
16 in the course of preparing Continuing Education materials or ordinary social
17 interaction, even though the attorney regularly depended on Respondent's exercise
18 of discretion in approving his petitions for fees and other requests in multiple cases.

19 3. Over the course of approximately two years, Respondent and his wife
20 developed a personal social relationship with the executive director and manager of
21 a guardianship agency whose interests were frequently before Respondent. They
22 were guests at each others' houses, treated each other to lunches and dinners, and
23 exchanged birthday gifts. They accompanied each other to sporting and cultural
24 events. They contemplated vacationing together. In addition, Respondent provided
25 the executive director with guidance on how to advance her career, including helping
26 her develop and draft a prospective business plan. Despite this ongoing and
27 significant social relationship, Respondent did not disqualify himself from hearing
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1 matters (including petitions for fees and approval of guardianship reports) involving
2 this person or the agency for which she worked.

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5 II. AGREEMENT

6 A. Respondent's Conduct Violated the Code of Judicial Conduct

7 1. Based upon the foregoing stipulated facts, Respondent and the
8 Commission agree that if a contested hearing were held on this matter, the
9 Commission could find by clear, cogent and convincing evidence that Respondent
10 violated Canons 1, 2(A), 3(A)(5), 3(D)(1) and 5(C)(5) of the Code of Judicial Conduct
11 and that these findings merit a disciplinary sanction for a sitting judge.¹

12 2. The overarching principle of the Code of Judicial Conduct is to maintain
13 the reality of judicial integrity and impartiality, as well as the appearance of that reality.
14 To that end, judges are required to disqualify themselves from a proceeding in which
15 their impartiality might reasonably be questioned. Moreover, the Code prohibits, with
16 some exceptions, a judge from accepting loans, gifts or favors from parties or other
17 persons whose interests have come, or are likely to come, before the judge. This is
18 so because a judge's receipt of gifts and gratuities from attorneys or litigants who
19 appear before the judge may give rise to the appearance of favoritism or partiality and
20 consequently undermine the public's confidence in the integrity of the judicial system.

21 3. While there is no evidence that either individual referenced herein

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23 1/ Canon 1 of the Code of Judicial Conduct provides, "Judges shall uphold the integrity and
24 independence of the judiciary." Canon 2 provides, "Judges should avoid impropriety and the appearance of
25 impropriety in all their activities," and Canon 2(A) specifies, "Judges should respect and comply with the law
26 and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the
27 judiciary." Canon 3 provides, "Judges shall perform the duties of their office impartially and diligently;" Canon
28 3(A)(5) specifies, "Judges shall perform judicial duties without bias or prejudice," and Canon 3(D)(1) specifies
in part, "Judges should disqualify themselves in a proceeding in which their impartiality might reasonably be
questioned" Canon 5 provides, "Judges shall regulate their extrajudicial activities to minimize the risk
of conflict with their judicial duties," and Canon 5(C)(5) specifies in pertinent part, "Judges should not accept,
and should urge members of their families residing in their households not to accept a gift, bequest, favor or
loan from anyone except . . . [they] may accept ordinary social hospitality . . . [or] any other gift, bequest, favor
or loan only if the donor is not a party or other person whose interests have come or are likely to come before
the judge"

1 expected or received preferential treatment from Respondent, by accepting gifts and
2 favors, and privately socializing, in the manner described herein with persons who
3 appeared (and were likely to continue to appear) before him, Respondent created, at
4 a minimum, an appearance of impropriety: his conduct created a reasonable
5 perception of partiality and legitimate concerns about whether these individuals were
6 in a special position to influence Respondent.

7 4. Public confidence in the integrity and impartiality of the judiciary is
8 undermined when a judge's conduct creates the perception that judicial decisions will
9 be based on considerations other than merit, regardless of whether the perceived bias
10 or partiality exists.

11 **B. Imposition of Sanction**

12 1. The sanction imposed by the Commission must be commensurate to
13 the level of Respondent's culpability and must be sufficient to restore and maintain
14 the dignity and honor of the judicial position. The sanction should also seek to protect
15 the public by assuring that Respondent and other judges will refrain from similar acts
16 of misconduct in the future.

17 2. In entering this stipulation, the Commission takes into account several
18 pertinent factors relating to the nature of Respondent's misconduct and to the manner
19 in which he has responded to this disciplinary action.

20 A. Aggravating factors include:

21 (1) This was a pattern of misconduct, extending over the
22 period of at least two years.

23 (2) The misconduct occurred in Respondent's official capacity.
24 While the behavior occurred primarily outside the courtroom in Respondent's private
25 life, the conduct was improper as it related to his official duties.

26 (3) Although Respondent failed to recognize it at the time, the
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1 impropriety involved exploitation of Respondent's judicial position for personal benefit.

2 Respondent received the gifts, favors and friendship as a result of his official position.

3 (4) Respondent's misconduct had a clear negative effect upon
4 the integrity of and respect for the judiciary. Respondent's personal involvement with
5 the individuals referenced herein was relatively well-known among practitioners and
6 litigants in the Ex Parte Department of the King County Superior Court.

7 B. Mitigating factors include:

8 (1) Respondent has acknowledged, after being contacted by
9 the Commission, that viewed objectively, his actions created an impression of undue
10 familiarity and favor with people regularly appearing before him in his judicial capacity.
11 He has explained that the ongoing requirement of judicial officers to oversee
12 guardianship proceedings in the ex parte department, and the extent to which he
13 volunteered his time teaching, mentoring, and otherwise contributing to the practice
14 of this area of law clouded his perception of appropriate boundaries between him as
15 a judicial officer and those who interacted with him as such. Respondent states with
16 the benefit of hindsight, that he would not consider such a level of interaction
17 appropriate at this point and he will not repeat the behavior.

18 (2) Since the time of the actions at issue, Respondent has
19 transferred from the ex parte department and no longer presides over cases of that
20 nature. Further, following a long career as a judicial officer, Respondent anticipates
21 retiring from the court in the near future.

22 (3) Respondent has been a judicial officer for 24 years and
23 has had no prior disciplinary actions. He has served on numerous bar and judicial
24 committees devoted to the improvement of the law and is widely recognized as being
25 instrumental to the development of the current state of guardianship law.

26 (4) Respondent cooperated with the Commission's
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1 investigation. He has shown sincere remorse for his actions and recognition of the
2 impropriety of his conduct. He has demonstrated an effort to change or modify his
3 conduct, and transferred to a different department within the King County Superior
4 Court.

5 3. Based upon the stipulated facts, upon consideration and balancing of
6 the aggravating and mitigating factors and Respondent's desire to resolve this matter,
7 Respondent and the Commission agree that Respondent's stipulated misconduct
8 shall be sanctioned by the imposition of a reprimand. A reprimand is a written action
9 of the Commission that requires a respondent to appear personally before the
10 Commission and that finds that the conduct of the respondent is a violation of the
11 Code of Judicial Conduct which does not require censure or a recommendation to the
12 supreme court that the respondent be suspended or removed. A reprimand includes
13 a requirement that the respondent follow a specified corrective course of action.
14 Reprimand is the intermediate level of disciplinary action available to the Commission.

15 4. Respondent agrees that he will participate in ethics training, approved
16 in advance by the Commission Chair or her designate, at the National Judicial
17 College, accredited law school or judicial seminar, or a similar institution or program
18 no later than one year from the date this stipulation is accepted by the Commission.
19 Respondent agrees he will complete such training at his own expense and will certify
20 the completion of such training in writing within one year from the date this stipulation
21 is accepted by the Commission. The parties note that within the last 12 months
22 Respondent has participated in both a judicial ethics CLE program and the 2004
23 Spring Judicial Conference which addressed ethical issues confronting the bench.
24 Respondent may submit information regarding these programs to the Commission to
25 determine whether either or both programs may fulfill the ethics training obligation
26 required by this paragraph.

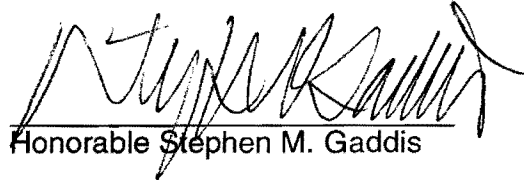
1 5. Respondent agrees that he will not repeat such conduct in the future,
2 mindful of the potential threat any repetition of his conduct poses to public confidence
3 in the integrity and impartiality of the judiciary and to the administration of justice.

4 6. Respondent agrees that he will promptly read and familiarize himself
5 with the Code of Judicial Conduct in its entirety.

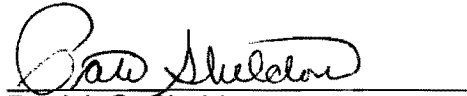
6 7. Respondent agrees that by entering into this stipulation and agreement,
7 he waives his procedural rights and appeal rights in this proceeding pursuant to the
8 Commission on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the
9 Washington State Constitution.

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

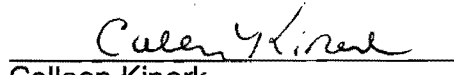
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Honorable Stephen M. Gaddis

11/15/04
Date


Patrick C. Sheldon
Attorney for Respondent

November 19, 2004
Date


Colleen Kinerk
Disciplinary Counsel for the
Commission on Judicial Conduct

11/22/04
Date

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ORDER OF REPRIMAND

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Stephen M. Gaddis, reprimanded for the above set forth violations of the Code of Judicial Conduct. Respondent shall not engage in such conduct in the future and shall fulfill all of the terms of the Stipulation and Agreement as set forth therein.

DATED this _____ day of _____, 2004

Marianne Connelly, Chair
Commission on Judicial Conduct