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OCT 28 2005
COMMISSION ON JUDICIAL CONDUCT

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

In The Matter Of:
The Honorable Judy Rae Jasprica,
Pierce County District Court Judge

CJC No. 4558-F-124

**STIPULATION, AGREEMENT
AND ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct ("Commission") and the Honorable Judy Rae Jasprica, Judge of the Pierce County District Court ("Respondent"), stipulate and agree as provided herein. This stipulation is submitted pursuant to Article IV, Section 31 of the Washington Constitution and Rule 23 of the Commission's Rules of Procedure and shall not become effective until approved by the Washington Commission on Judicial Conduct. Judge Jasprica has been represented in these proceedings by Attorney J. Richard Creatura.

I. STIPULATED FACTS

1. Respondent is now, and was at all times referred to in this document, a judge of the Pierce County District Court. Respondent has served in that capacity since 1997. From 1995 until she became a judge in 1997, Respondent served as a commissioner for the Pierce County District Court.

2. On June 22, 2005, the Commission sent a certified letter to Respondent informing her that the Commission was pursuing initial disciplinary proceedings against her pursuant to Commission on Judicial Conduct Rule of Procedure (CJCRP) 17(d). Enclosed with the letter was a Statement of Allegations alleging Respondent violated Canons 1, 2(A) and 3(A)(3) of the Code of Judicial Conduct by displaying a pattern of intemperate, impatient and/or intimidating behavior toward persons with

1 whom Respondent dealt in her official capacity, including court personnel, attorneys
2 and a litigant. The Statement of Allegations specifically identified two instances where
3 Respondent was alleged to have yelled in anger at court employees. The Statement
4 of Allegations also identified a court proceeding in which Respondent yelled at a non-
5 compliant criminal defendant and told him to "shut up."

6 3. Respondent answered the Statement of Allegations on August 19, 2005.
7 Respondent acknowledges having had an angry disagreement with a court employee
8 about administrative matters as referenced in the Statement of Allegations. She
9 represents that she believed that incident was a private matter, satisfactorily resolved,
10 and that despite it, her relationship with the employee has remained professional.
11 Respondent states she does not recall the specific conversation with the second court
12 employee where it is alleged she responded in a loud and angry manner, but does
13 recall an incident where she was terse in her comments to that individual.
14 Respondent further acknowledges having yelled at a criminal defendant and insisted
15 that he "shut up." Respondent maintains, however, that her actions were designed
16 to control a difficult and potentially dangerous situation.

17 4. Respondent and the Commission agree that if this matter were to
18 proceed to a hearing, a fact-finder may reasonably conclude that Respondent, in her
19 official capacity, has displayed intemperate behavior. Both parties agree, in lieu of
20 litigating the matter, to address the issues of concern to the Commission in the
21 manner described herein.

22 23 **II. AGREEMENT**

24 1. Based upon the foregoing stipulated facts, Respondent and the
25 Commission agree Respondent violated Canons 1, 2(A) and 3(A)(3) of the Code of
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1 Judicial Conduct.¹

2 2. Canons 1 and 2(A) require judges to uphold the integrity of the judiciary
3 by avoiding impropriety and the appearance of impropriety and by acting at all times
4 in a manner that promotes public confidence in the integrity and impartiality of the
5 judiciary. Discourteous and intolerant behavior by a judge in the judge's official
6 capacity erodes the public's confidence in the integrity of the judicial system.

7 3. Canon 3(A)(3) requires judges to be patient, dignified and courteous to
8 all persons with whom judges deal in their official capacity. Respondent has
9 explained that frustration over staffing and other administrative concerns led to the
10 behavior referenced herein. Canon 3(A)(3) imposes a duty on Respondent as a
11 judicial officer, however, to exercise restraint in the manner in which she manifests her
12 anger or frustration. Moreover, while judges must control their courtrooms to minimize
13 disruption of court proceedings, they must do so consistent with the requirements of
14 the Code of Judicial Conduct.

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16 **Imposition of Sanction**

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

23 2. In entering this stipulation, the Commission takes into account the

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1/ Canon 1 of the Code of Judicial Conduct provides, "Judges shall uphold the integrity and independence
26 of the judiciary." Canon 2 provides, "Judges should avoid impropriety and the appearance of impropriety in all
27 their activities." and Canon 2(A) specifies, "Judges should respect and comply with the law and should act at all
28 times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 3
provides, "Judges shall perform the duties of their office impartially and diligently;" and Canon 3(A)(3) specifies,
"Judges should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom
judges deal in their official capacity, and should require similar conduct of lawyers, and of the staff, court officials
and others subject to their direction and control."

1 factors set out in CJCRP 6(c).

2 A. Characteristics of Respondent's Misconduct. Respondent has
3 stipulated to more than one incident giving rise to this stipulation and agreement. Her
4 actions, therefore, were not isolated. On the other hand, they do not evidence a
5 regular pattern of conduct. Respondent asserts, and the Commission's independent
6 investigation has shown, Respondent generally maintains an appropriate and
7 professional demeanor. On the occasions in question, however, Respondent's
8 intemperate behavior created an atmosphere of apprehension in the courthouse. The
9 violations of the Code of Judicial Conduct described herein occurred while
10 Respondent was acting in her official capacity and thus constitutes an abuse of
11 judicial authority. In mitigation, Respondent did not intentionally transgress the Code
12 of Judicial Conduct. Her consistent position has been that her conduct was motivated
13 by a sincere desire to improve the administration of justice in her courtroom and in the
14 courthouse.

15 B. Service and Demeanor of Respondent. Respondent has been
16 a judicial officer for over ten years and has had no prior disciplinary actions brought
17 against her. She is generally regarded as being a highly competent, professional and
18 dedicated jurist. She has cooperated with the Commission's investigation.
19 Respondent acknowledges her actions could be perceived as inappropriate. She has
20 expressed remorse for offending – even if inadvertently – those who she considers
21 friends and professional associates. She represents that she will be much more
22 conscious of her impact on the people with whom she interacts in her official capacity
23 and will take particular care so that others do not perceive her actions or language to
24 be discourteous.

25 3. Based upon the stipulated facts, upon consideration and balancing of
26 the aggravating and mitigating factors and Respondent's desire to resolve this matter,
27 Respondent and the Commission agree that Respondent's stipulated misconduct
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1 shall be sanctioned by the imposition of an admonishment. An "admonishment" is a
2 written action of the Commission of an advisory nature that cautions a respondent not
3 to engage in certain proscribed behavior and may include a requirement that the
4 respondent follow a specified corrective course of action. An "admonishment" is the
5 least severe disciplinary action available to the Commission.

6 4. Respondent, prior to reaching this agreement, attended a three-day
7 class on communication style, sponsored by Pierce County, in an attempt to gain
8 additional knowledge to assist her in the future. Respondent has also registered for,
9 and will be attending, a class on judicial ethics at the National Judicial College, which
10 will be held in late October 2005. Respondent shall provide proof to the Commission
11 of such attendance within thirty days of completion of the program. These actions are
12 accepted as an indication that Respondent has shown she takes these matters
13 seriously and has already taken steps to ensure that such behavior will not be
14 repeated.²

15 5. Respondent agrees that she will not repeat such conduct in the future,
16 mindful of the potential threat any repetition of her conduct poses to public confidence
17 in the integrity and impartiality of the judiciary and to the administration of justice.

18 6. Respondent agrees that she will promptly read and familiarize herself
19 again with the Code of Judicial Conduct in its entirety.

20 Standard Additional Terms and Conditions

21 7. Respondent agrees that by entering into this stipulation and agreement,
22 she waives her procedural rights and appeal rights in this proceeding pursuant to the
23 Commission on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the
24 Washington State Constitution.

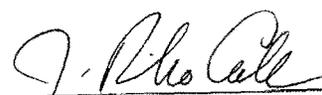
25 8. Respondent further agrees that she will not retaliate against any person

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27 ^{2/} Respondent understands that if this, or any other aspect of the stipulated agreement, is rejected by the
28 Commission then the entire agreement shall be deemed withdrawn and cannot be used by or against Respondent
in any proceedings, as provided in CJCRP 23(a).

1 known or suspected to have cooperated with the Commission, or otherwise
2 associated with this matter.

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5 Honorable Judy Rae Jaspica 10/21/05
6 Date

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8 J. Richard Creatura #29295 10/21/05
9 Attorney for Respondent Date

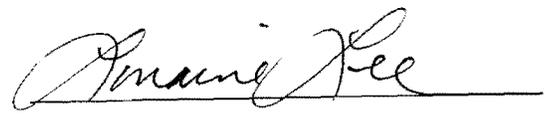
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11 J. Reiko Caliner 10/27/05
12 Executive Director of the Date
13 Commission on Judicial Conduct

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ORDER OF ADMONISHMENT

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Judy Rae Jasprica, admonished 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 28th day of October, 2005



Lorraine Lee, Vice-Chair
Commission on Judicial Conduct