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

**FILED**  
OCT 28 2005  
COMMISSION ON JUDICIAL CONDUCT

4 In Re the Matter of: )

5 Former Judge James L. White, )  
6 Edmonds Municipal Court )

4792-F-121

7 **STIPULATION, AGREEMENT AND**  
8 **ORDER OF CENSURE**

9 The Commission on Judicial Conduct and James L. White, former Edmonds  
10 Municipal Court Judge (Respondent), do hereby stipulate and agree as provided herein.  
11 This stipulation is submitted pursuant to the Washington Constitution, Article IV, Section  
12 31 and CJCRP 23, and shall not become effective until approved by the Washington  
13 Commission on Judicial Conduct.

14 Respondent is represented by Attorney David Allen in this proceeding.

15 **STIPULATED FACTS**

- 16 1. Respondent was at all relevant times discussed herein, a part-time judge of the  
17 Edmonds Municipal Court, in Snohomish County, Washington.
- 18 2. On July 22, 2005, Respondent pled guilty in U.S. District Court in Seattle to Money  
19 Laundering, a felony, in violation of federal law, for illegally possessing  
20 approximately \$100,000 that he knew to be proceeds from the illegal distribution of  
21 drugs.
- 22 3. The felony offense of Money Laundering is punishable by imprisonment for up to  
23 20 years, a fine of up to \$250,000, and a period of supervised release of two to  
24 three years to follow imprisonment.

25 **AGGRAVATING AND MITIGATING FACTORS**

26 In accepting this stipulation, the Commission has taken into account the following  
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1 aggravating and mitigating factors<sup>1</sup>:

2 **A. Characteristics of the Misconduct:**

- 3 1. Whether the misconduct is an isolated incident or evidence of a pattern of  
4 misconduct; and whether there has been prior discipline against the judge

5 Respondent has no prior history of judicial misconduct.

- 6 2. Nature, extent, and frequency of occurrence of the acts of misconduct

7 The misconduct is a single incident, composed of multiple actions, of an extremely  
8 serious nature.

- 9 3. Whether the misconduct occurred in or out of the courtroom; and whether in  
10 the judge's official capacity or in the judge's private life

11 The misconduct occurred out of the courtroom, in Respondent's capacity as an  
12 attorney, not a judge. The Code of Judicial Conduct is applied to a judge's personal  
13 conduct when that conduct impacts the ability of the judge or others to properly discharge  
14 their official duties or where the judge's personal conduct otherwise adversely reflects on  
15 the judge's integrity or fitness for office.

- 16 4. The nature and extent to which the acts of misconduct have been injurious  
17 to other persons

18 A federal offense of money laundering reflects fiscal dishonesty, profiteering from  
19 an illegal enterprise, and is profoundly injurious to society as a whole.

- 20 5. The extent to which the judge exploited the judge's official capacity to satisfy  
21 personal desires

22 Although Respondent, as both an attorney and as a part-time judge, was in a  
23 position of trust and responsibility, there is no indication that he exploited his status as  
24 judge in committing the misconduct in question.

- 25 6. The effect the misconduct has upon the integrity of and respect for the  
26 judiciary

27 Conviction of a serious felony of this nature brings public disrepute to the bench.

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28 <sup>1</sup>CJCRP 6(c)

1 **B. Service and Demeanor of the Judge:**

2 1. Whether the judge has acknowledged or recognized that the acts occurred  
3 Respondent has acknowledged the behavior, pled guilty, and has accepted  
4 responsibility for his actions.

5 2. Whether the judge has evidenced an effort to change or modify the conduct  
6 At this writing, Respondent is pending sentencing in federal court.

7 3. The judge's length of service in a judicial capacity  
8 Respondent has been a part time judge in Edmonds Municipal Court since 2001.

9 4. Whether the judge cooperated with the commission investigation and  
10 proceeding  
11 Respondent has cooperated with the investigation and proceeding.

12 **AGREEMENT**

13 1. Based upon the foregoing stipulated facts, Respondent agrees that he  
14 violated Canons 1 and 2(A) of the Code of Judicial Conduct.<sup>2</sup>

15 2. Respondent hereby agrees to accept a censure and to the imposition of  
16 corrective terms and conditions. A censure is a written action of the Commission that finds  
17 that the conduct of the respondent violates a rule of judicial conduct, detrimentally affects  
18 the integrity of the judiciary, and undermines public confidence in the administration of  
19 justice. It is the highest level of discipline the Commission can impose.


20 3. This stipulation is accepted partly in recognition of the fact that Respondent  
21 voluntarily ceased to serve as judge for the City of Edmonds. His formal resignation as  
22 judge there was tendered and accepted on July 21, 2005.

23 4. Respondent agrees that he shall not repeat these violations in the future.

24 5. Respondent further agrees he will neither seek nor hold any judicial office,  
25 nor perform any judicial duties in the future without first securing approval from the  
26 Commission in the manner provided in CJCRP 28, or its successor or replacement rule.

27  
28 <sup>2</sup>See attachment

1 Respondent agrees that should Respondent seek any position involving judicial or quasi-  
2 judicial functions, the Commission may release information to a governmental or judicial  
3 qualifications organization pursuant to CJCRP 11, or the successor or replacement rule.

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9 Respondent James L. White

Dated: 8/19/05

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11 David Allen, Attorney for Respondent

Dated: 8/31/05

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14 Barrie Althoff  
15 Executive Director

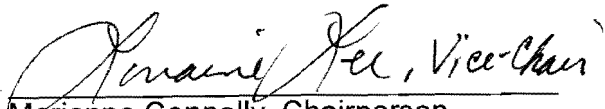
Dated: September 2 2005

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**ORDER OF CENSURE**

Based upon the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders and Judge James L. White is hereby CENSURED for violating Canons 1 and 2(A) the Code of Judicial Conduct. Respondent shall fulfill the terms of the agreement as above set forth.

DATED this 28<sup>th</sup> day of October, 2005.

*for*   
Marianne Connelly, Chairperson  
Commission on Judicial Conduct

Attachment

**CANONS 1 and 2(A)**  
**of the Code of Judicial Conduct**

**CANON 1**

**Judges shall uphold the integrity and independence of the judiciary.**

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

***Comment***

*Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depends in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.*

**CANON 2**

**Judges should avoid impropriety and the appearance of impropriety in all their activities.**

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

(B) Judges should not allow family, social, or other relationships to influence their judicial conduct or judgment. Judges should not lend the prestige of judicial office to advance the private interests of the judge or others; nor should judges convey or permit others to convey the impression that they are in a special position to influence them. Judges should not testify voluntarily as character witnesses.

***Comment***

*Maintaining the prestige of judicial office is essential to a system of government in which the judiciary functions independently of the executive and legislative branches. Respect for the judicial office facilitates the orderly conduct of legitimate judicial functions. Judges should distinguish between proper and improper use of the prestige of office in all of their activities.*

*The testimony of judges as character witnesses injects the prestige of their office into the proceeding in which they testify and may be misunderstood to be an official testimonial. This canon however, does not afford judges a privilege against testifying in response to a subpoena.*