

FILED
APR 7 2006
COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of:) CJC No. 4411-F-127
The Honorable Stephen E. Moore,)
Judge of the Lynnwood Municipal Court)
STIPULATION, AGREEMENT
AND ORDER OF
ADMONISHMENT

The Commission on Judicial Conduct and Stephen E. Moore, Judge of the Lynnwood Municipal Court, 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.

I. STIPULATED FACTS

1. Judge Stephen E. Moore (Respondent) is now, and was at all times referred to in this document, a judge of the Lynnwood Municipal Court. Respondent has served in that capacity since January 1, 2001. From 1989 until his appointment to the Lynnwood Municipal Court bench, Respondent worked exclusively as a judge pro tempore in numerous district and municipal courts in Snohomish and King counties.

2. As the Lynnwood Municipal Court Judge, Respondent presided over hearings in three cases in which he displayed an impatient, undignified and/or discourteous demeanor.¹ In one case, Respondent used inappropriate humor, making light of a defendant's personal circumstances during a hearing, and was overly critical of the same defendant for attempting to appeal her sentence in a subsequent hearing. In another case, Respondent reprimanded a defendant's mother (an alleged victim of domestic violence) in an unreasonably abrupt, loud

^{1/} The cases are: C-00026905 (hearing dates 2/14/02 and 2/6/03); C-00034433 (hearing date 3/16/04) and C-00026576 (hearing date 3/16/04).

1 and harsh manner for interrupting a proceeding. In a third case, Respondent made comments
2 that were mocking and dismissive of concerns expressed by a defendant's mother and
3 girlfriend.

4 5 **II. AGREEMENT**

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

7 1. Respondent agrees his conduct during the foregoing hearings violated Canons
8 1, 2(A) and 3(A)(3) the Code of Judicial Conduct.

9 2. Canons 1 and 2(A) require judges to uphold the integrity of the judiciary by
10 avoiding impropriety and the appearance of impropriety and by acting at all times in a manner
11 that promotes public confidence in the integrity and impartiality of the judiciary. Discourteous
12 and intolerant behavior by a judge in the courtroom erodes the public's confidence in the
13 quality of justice administered by the judge. Canon 3(A)(3) requires judges to be patient,
14 dignified and courteous to all persons with whom they deal in their official capacity.
15 Respondent violated this basic requirement by engaging in impatient and discourteous behavior
16 in the manner described above.

17 **B. Imposition of Sanction.**

18 1. The sanction imposed by the Commission must be commensurate to the level
19 of Respondent's culpability, sufficient to restore and maintain the public's confidence in the
20 integrity of the judiciary, and sufficient to deter similar acts of misconduct in the future.

21 2. In determining the appropriate level of discipline to impose, the Commission
22 considers the aggravating and mitigating factors set out in Rule 6(c) of its Rules of Procedure.

23 a. Characteristics of the Misconduct.

24 Respondent's violations of the Code of Judicial Conduct occurred in the courtroom,
25 during court proceedings, and while Respondent was acting in his official capacity. The
26 violations tend to undermine the public's respect for the judicial system. Respondent's
27 transgressions were not isolated occurrences, but neither do four instances of inappropriate
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1 demeanor over several years demonstrate a pattern or practice of misconduct. There is no
2 indication that Respondent exploited his judicial position to satisfy personal desires.
3 Respondent maintains, and the Commission accepts, that the acts complained of in this matter,
4 while thoughtless, were not intentional departures from the high standard of judicial conduct
5 which may properly be expected from Respondent or any judge.

6 b. Service and Demeanor of Respondent.

7 Respondent has cooperated fully with the Commission's investigation. He
8 acknowledges that the acts occurred. Immediately upon having them brought to his attention
9 by the Commission, Respondent acknowledged that they were inappropriate and that they
10 violated the Code of Judicial Conduct. Respondent has been a judicial officer for 17 years and
11 has had no prior disciplinary actions against him. He has served on numerous bar and judicial
12 committees devoted to the improvement of the legal profession. He has expressed sincere,
13 genuine and appropriate remorse for his impropriety. He has demonstrated a sincere effort to
14 modify his conduct. Since being contacted by the Commission, Respondent has recognized
15 the need to change certain behaviors, and in that regard, he has consulted with professionals
16 in behavioral dynamics in an effort to improve his judicial temperament to avoid repeating the
17 problematic behavior identified in these proceedings.

18 3. Based upon the stipulated facts, upon consideration and balancing of the above
19 factors, Respondent and the Commission agree that Respondent's stipulated misconduct shall
20 be sanctioned by the imposition of an admonishment. An "admonishment" is a written action
21 of the Commission of an advisory nature that cautions a respondent not to engage in certain
22 proscribed behavior. An admonishment may include a requirement that the respondent follow
23 a specified corrective course of action. Admonishment is the least severe disciplinary action
24 available to the Commission.

25 4. Subject to approval by the Chairperson of the Commission, or his or her
26 designate, Respondent agrees to engage in training with a professional in behavioral dynamics
27 and to complete that training to the satisfaction of the professional, and to provide proof of
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1 completeness to the Commission within one year from the date this stipulation is entered.

2 Standard Additional Terms of Commission Stipulation


3 5. Respondent further agrees he will not retaliate against any person known or
4 suspected to have cooperated with the Commission, or otherwise associated with this matter.

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


8 7. Respondent agrees he will promptly re-read and familiarize himself with the
9 Code of Judicial Conduct in its entirety.

10 8. Respondent represents he either consulted or had an opportunity to consult with
11 counsel of his choosing regarding this stipulation and proceeding. Respondent voluntarily
12 enters into this stipulation.

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

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19 
20 Hon. Stephen E. Moore

31 MARCH 06
Date

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23 J. Reiko Callner
24 Executive Director
25 Commission on Judicial Conduct

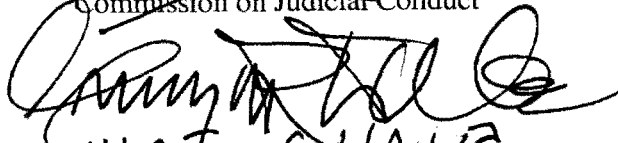
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2 **ORDER OF ADMONISHMENT**
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4 Based on the above Stipulation and Agreement, the Commission on Judicial Conduct
5 hereby orders Respondent, Judge Stephen E. Moore, admonished for the above set forth
6 violations of the Code of Judicial Conduct. Respondent shall not engage in such conduct in
7 the future and shall fulfill all of the terms of the Stipulation and Agreement as set forth therein.
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9 DATED this 7TH day of APRIL, 2006
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12 ~~Marianne Connelly, Chair~~
13 ~~Commission on Judicial Conduct~~

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15 VICE-CHAIR
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