

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In The Matter Of:)
The Honorable Adalia A. Hille,) CJC No. 6392-F-150
Adams County District Court Judge)
STIPULATION, AGREEMENT
AND
ORDER OF ADMONISHMENT

The Washington State Commission on Judicial Conduct ("Commission") and the Honorable Adalia A. Hille, Judge of the Adams County District Court in Ritzville ("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.

I. STIPULATED FACTS

1. Respondent is now, and was at all times referred to in this document, the sole judge of the Adams County District Court in Ritzville, Washington. She has served in that capacity since 1991.

2. Between February 2009 and April 2010, the Ritzville District Court's regular practice of handling requests for mitigation hearings in civil infraction matters was as follows: whenever a person cited for an infraction requested a mitigation hearing in the Ritzville District Court, the court automatically reduced the monetary penalty for the ticket without scheduling or holding an actual mitigation hearing and/or without obtaining a sworn written statement from the person cited explaining the circumstances warranting mitigation. Rather than holding mitigation hearings as requested (or reviewing sworn statements), Respondent's practice was to reduce a person's fine based solely upon

1 Respondent's review of the citation and the person's driving record.

2 3. There is no evidence to suggest the court's practice of dispensing with
3 mitigation hearings in favor of automatic reductions was implemented in bad faith or for
4 improper purposes. Respondent has explained the court's practice was designed to
5 promote judicial economy, to save individuals from the cost of traveling to the court in
6 Ritzville and to simplify court procedures.

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8 **II. AGREEMENT**

9 **A. Violation of the Code of Judicial Conduct**

10 1. Based upon the foregoing stipulated facts, Respondent and the
11 Commission agree Respondent's practice of resolving mitigation requests violated
12 Canons 1, 2(A), 3(A)(1) and 3(A)(4) of the Code of Judicial Conduct.¹

13 2. Canons 1 and 2(A) require judges to uphold the integrity of the judiciary by
14 avoiding impropriety and the appearance of impropriety and by acting at all times in a
15 manner that promotes public confidence in the integrity and impartiality of the judiciary.
16 Canons 3(A)(1) and 3(A)(4) require judges to faithfully apply the law and to provide
17 litigants their full opportunity to be heard according to the law.

18 3. Under Washington law, a person cited for committing a civil infraction is
19 entitled to explain to the court mitigating circumstances that might justify a reduction in the
20 monetary penalty imposed for the commission of that infraction.² The explanation may
21 be made to the court at a hearing, or if authorized by local court rule, through a sworn

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23 ^{1/} Canon 1 of the Code of Judicial Conduct provides, "Judges shall uphold the integrity and independence
24 of the judiciary." Canon 2 provides, "Judges should avoid impropriety and the appearance of impropriety in all
25 their activities," and Canon 2(A) specifies, "Judges should respect and comply with the law and should act at all
26 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;" Canon 3(A)(1) provides in part,
"Judges should be faithful to the law and maintain professional competence in it;" and Canon 3(A)(4) provides
in part, "Judges should accord to every person who is legally interested in a proceeding, or that person's lawyer,
full right to be heard according to law."

27 ^{2/} RCW 7.80.080, RCW 46.63.100 and IRLJ 2.4

1 written statement.

2 4. By omitting any opportunity for a person with an infraction to explain the
3 mitigating circumstances to the court, Respondent's practice was at odds with clear and
4 established law and denied those individuals who requested mitigation hearings their right
5 to be heard according to the law. Although the court's practice may have benefitted some
6 people as well as the court in terms of convenience, judges may not disregard the law for
7 the sake of expediency. Doing so undermines the public's confidence in the integrity of
8 the judicial process.

9 **B. Imposition of Sanction**

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

15 2. In determining the appropriate level of discipline to impose, the Commission
16 considers those non-exclusive factors set out in CJCRP 6(c).

17 A. Characteristics of Respondent's Misconduct. The misconduct
18 described herein was done in Respondent's official judicial capacity and affected
19 hundreds of infraction cases over the period of time the court's policy was in place. The
20 essence of the misconduct is that it disappointed the public's justifiable expectations that
21 courts will scrupulously follow the law to provide people an opportunity to explain their
22 particular circumstances in the type of hearing to which they are entitled. The violation
23 of the Code was unintentional, however. To what extent, if any, persons were injured by
24 Respondent's conduct is speculative.

25 B. Service and Demeanor of Respondent. Respondent corrected her
26 practice of handling mitigation hearing requests prior to the Commission contacting her.

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1 Her practice in this regard now fully complies with the law. Respondent promptly
2 acknowledged the Commission's concerns and has cooperated with the Commission's
3 investigation. Respondent has been a part-time judicial officer for nineteen years and has
4 had no prior disciplinary actions brought against her.

5 3. Based upon the stipulated facts, upon consideration and balancing of the
6 above factors, Respondent and the Commission agree that Respondent's stipulated
7 misconduct shall be sanctioned by the imposition of an admonishment. An
8 "admonishment" is a written action of the Commission of an advisory nature that cautions
9 a respondent not to engage in certain proscribed behavior and may include a requirement
10 that the respondent follow a specified corrective course of action. An "admonishment" is
11 the least severe disciplinary action available to the Commission.

12 4. Respondent agrees that she will not repeat such conduct in the future,
13 mindful of the potential threat any repetition of this conduct poses to public confidence in
14 the integrity and impartiality of the judiciary and to the administration of justice.

15 5. Respondent agrees that she will promptly read and familiarize herself again
16 with the Code of Judicial Conduct in its entirety and provide the Commission with
17 confirmation of this fact within one month of the date of entry of this stipulation, agreement
18 and order.

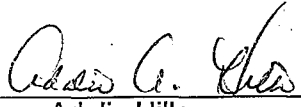
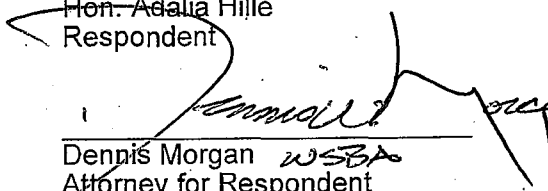

19 Standard Additional Terms and Conditions

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

24 7. Respondent further agrees that she will not retaliate against any person
25 known or suspected to have cooperated with the Commission, or otherwise associated
26 with this matter.

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8. Respondent has been represented in this proceeding by attorney Dennis Morgan. Respondent affirms she enters into this stipulation and agreement after having had an opportunity to consult with her counsel.

	<u>11.30.2010</u>
Hon. Adalia Hille Respondent	Date
	<u>11/30/2010</u>
Dennis Morgan <i>WSBA</i> Attorney for Respondent	Date
	<u>12-1-10</u>
J. Reiko Callner Executive Director of the Commission on Judicial Conduct	Date

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ORDER OF ADMONISHMENT

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Judge Adalia Hille, 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 3 day of DECEMBER, 2010



John Sleeter, Chair
Commission on Judicial Conduct