

FILED
APR 30 2012
COMMISSION ON JUDICIAL CONDUCT

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In Re WULLE

Cause No. 6707

AMENDED ANSWER

Comes now, The Honorable Judge Wulle and files this amended answer to the charges

MOTION TO AMEND ANSWER

Comes now the Respondent, Judge John Wulle and moves to amend his answer. Civil Rule 15 allows a party to amend a pleading by leave of court and "leave shall be freely given when justice so requires". Judge Wulle seeks to amend his answer to admit or deny specific allegations which he failed to do in his first Answer. *In re Deming* 108 Wn.2d 82 (1987) provides that a respondent judge is entitled to all the rights of a criminal defendant. A criminal defendant can not be denied the constitutional right to assert a defense, which this amended Answer seeks to do. Justice requires that Judge Wulle be allowed to defend himself.

AMENDED ANSWER - 1

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Regarding the 1995 -2010 Code of Judicial Conduct:

1. Judge Wulle denies he violated Canon 1 of the 1995 Code.. Judge Wulle denies any lack of integrity (fairness, honesty, etc.) and lack of independence (freedom from influence or control). See *In re Eiler*, 169 Wn.2d 340, 236 P.3d 873 (Wash. 2010).
2. Judge Wulle denies he violated Canon 2(A) of the 1995 Code. Judge Wulle denies any impropriety (conduct that violates court rules) and appearance of impropriety. Judge Wulle asserts that he never acted with impropriety or gave the appearance of impropriety. Judge Wulle denies that he did not act with integrity (honesty, fairness, probity,) and denies he did not act with impartiality (absence of bias or prejudice). Judge Wulle at all times acted without bias or prejudice and was honest and fair. See *In re Eiler*, 169 Wn.2d 340, 236 P.3d 873 (Wash. 2010).
3. Judge Wulle denies he violated Canon 3(A)(2) of the 1995 Code. Judge Wulle asserts that he has at all times performed the duties of his office with impartiality (absence of bias or prejudice) and diligence. Judge Wulle asserts that he has at all times maintained decorum. See *In re Eiler*, 169 Wn.2d 340, 236 P.3d 873 (Wash. 2010).
4. Judge Wulle denies he violated Canon 3(A)(3). Said Canon is aspirational using the aspirational word "should". Judge Wulle denies that the he was not patient, dignified and courteous. Judge Wulle asserts the defense that any discourteous conduct was provoked. See *In re Eiler*, *In re LaSalata*, *In re Hurtado*, all cases where the discourteous conduct was unprovoked)

Regarding the 2011 Code:

5. Judge Wulle denies he violated Canon 1 or Rule 1.1 of the 2011 Code. Judge Wulle denies that he violated the law. Judge Wulle denies he did not act with independence (freedom from influence or control), integrity (honesty, probity, fairness), and impartiality (absence of bias or

AMENDED ANSWER - 2

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prejudice). See *In re Eiler*, 169 Wn.2d 340, 236 P.3d 873 (Wash. 2010).

6. Judge Wulle denies he violated Rule 1.2 of the 2011 Code. Judge Wulle denies any impropriety (conduct that violates the law, this code, or court rules) and the appearance of impropriety. Judge Wulle denies any lack of independence (freedom of influence, control), denies any lack of integrity (honesty, fairness), and denies any lack of impartiality (bias or prejudice); and therefore denies any lack of public confidence in his independence, integrity, or impartiality. See *In re Eiler*, 169 Wn.2d 340, 236 P.3d 873 (Wash. 2010).

7. Judge Wulle denies he has violated Rule 2.8 (A) of the 2011 Code. Judge Wulle denies that he has not maintained order and decorum in his court. See *In re Eiler*, 169 Wn.2d 340, 236 P.3d 873 (Wash. 2010).

8. Judge Wulle denies he has violated Rule 2.8(B) of the 2011 Code. Judge Wulle denies that he has not been patient, dignified and courteous to all. In all allegations Judge Wulle was courteous, dignified and patient. If there was any discourteous conduct he asserts the defense that he was provoked. (see *In re Eiler*, *In Re Hurtado*, and *In Re LaSalata*, etc where conduct was unprovoked.)

Signed this 27th day of April 2012

s/Josephine C. Townsend

Josephine C. Townsend, WSBA 31965

Attorney for Respondent