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LICENSED IN WASHINGTON & OREGON

March 15, 2012

Commission on Judicial Conduct
Attn: Kurt Twitty
P.O. Box 1817 Olympia
Washington 98507

Dear Kurt:

Enclosed please find our response to the statement of allegations. Hard copies are in the mail. Thank you for your courtesies.

Respectfully yours,

A handwritten signature in black ink, appearing to be "J. Townsend", written over the typed name.

Josephine C. Townsend
Attorney At Law

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JCTOWNSEND@AOLCOM

COMMISSION ON JUDICIAL CONDUCT**In Re WULLE****Cause No. 6707****Response
To
Statement of Charges**

Comes now, the Honorable Judge John Wulle and responds to the additional charges as set forth in the Commission's Statement of Charges:

Alleged Violations:**1995 Canons****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.

CANON 2

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

RESPONSE TO STATEMENT
OF Charges - 1

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- (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.

CANON 3

Judges shall perform the duties of their office impartially and diligently.

The judicial duties of judges should take precedence over all other activities. Their judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

(A) Adjudicative Responsibilities.

- (2) Judges should maintain order and decorum in proceedings before them.
- 3) 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.

2011 CANONS

RULE 1.1

Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

RULE 1.2

Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

RESPONSE TO STATEMENT
OF Charges - 2

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RULE 2.8**Decorum, Demeanor, and Communication with Jurors**

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

(C) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding.

ALLEGATION: "Respondent failed to maintain order and decorum in proceedings over which he has presided and has engaged in a pattern of discourteous, impatient, and undignified behavior."

RESPONSE:**6707 A: Protection order Docket – Ruptash v. Adzhigirey**

I raised my voice in an attempt to gain compliance by Mr. Adzhigirey. He would not listen to reason, and kept arguing that the DNA testing which had been done, was not the same as the blood tests they do in Europe and he wanted a blood test. As a child, growing up in New York, the nuns would teach us to use the proper term for Russia, as the Soviet Union. I wanted to make clear to Mr. Adzhigiry, that we do things differently here, than they do in Europe. I should not

RESPONSE TO STATEMENT
OF Charges - 3

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have told him to watch CSI. I was frustrated by his lack of respect for the court, and my conduct was unacceptable. Verbal confrontations are undisciplined conduct, and show a level of impatience. I realize that regardless of my intent, my actions created the appearance that I was biased or prejudiced. This undermines the public confidence in my integrity and impartiality, regardless of my intentions.

6707B: In Re Barger

In this case, Mr. Barger, a juvenile, wanted to proceed without his counsel present. After explaining that we needed to set the matter over, to allow his counsel to appear, Mr. Barger and his mother attempted to admit to the probation violation. That is not allowed under the law.¹ A juvenile cannot waive his right to counsel, without his or her counsel being present. I was very loud and used a command voice to get his attention. In retrospect, I should have calmly explained to him that while he may wish to proceed, under the law, I would not be able to accept a plea for him on the violation because the law required that he have his attorney present. Any admission by him would be overturned if I failed to follow those procedures. Unfortunately that is not what I said, or how I said it. My outburst towards the young man and his mother most likely intimidated him and made him more angry at the system than he had been before. I should never have used the word stupid. Mr. Barger just did not know the procedures that had to be followed and my insulting him was wrong. He is not and was not stupid, and I had no right to say that to him. I lost my temper and I should not have.

6707C: In Re Brink

Mr. Brink was in contempt of court by his behavior, but I should not have lost my temper with him when he used angry words toward me. He was threatening suicide and I should have listened harder. It was not until I heard the tape a couple of times that I could make out what he

¹ In Re Gault, 387 U.S. 1 (1967)
Kent v. U.S., 383 U.S. 541 (1966)
RESPONSE TO STATEMENT
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was saying. I heard him cuss, and make a cutting motion across his throat. At the time, I believe he was threatening the court. I was surprised to learn that he was indicating that if I let him out of custody, he would hurt himself. My behavior was unwarranted and unprofessional. I was loud and angry. I did not present the demeanor that is expected of my office and of me personally. I let the situation get to me and I should not have done that. I did believe that Mr. Borge, the defense attorney had his work cut out for him in communicating with his client. I did not intend the comment to mean that I had prejudged the case. I meant that he would be someone that would be difficult to work with – and Mr. Borge is a very patient lawyer who has worked well with juveniles for many years. I was expressing my concern over the juvenile. I did not intend for my comment to express that I was bias or prejudiced against him.

6707D: State v. Hastings

Mr. Hastings shot at police officers and it was a long trial, where he was disruptive, angry, and had to be shackled. He was extremely disrespectful to the court, to witnesses, to police and custody officers. While I should not have told him to “shut up sir”, or that I would have him gagged, it was an action of impulse and frustration that I am not proud of. After the event, I was contacted by many officers who heard of me holding him in contempt. They were grateful that I did not allow Mr. Hastings to further disrupt the proceedings. His behavior had gone on for days like that – being disrespectful. That does not make my actions justified in accordance with the canons. I said bye-bye to a man that would most likely spend the rest of his life behind bars. I am not proud of myself for my behavior. I made the statement, that we knew how to handle kids like him in my neighborhood growing up in New York. Mr. Hastings was a bully and I treated him like one in the courtroom. I let him push my buttons and I pushed back. It was the wrong move to make. I had been patient. I had met with officers who were so close to losing their temper that we had meetings to discuss the fact that we would not react. We would not let it get out of control. No matter what was being said, we would hold our tempers. That was for everyone. Unfortunately, I did not take my own advice. In the end, it was me that lost my

RESPONSE TO STATEMENT
OF Charges - 5

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temper and I am sorry for that.

I am asking that the Commission consider a mitigation for my behaviors for the following mitigating factors under Rule 6(c)

(c) Mitigating/aggravating factors.[1] Whenever the commission finds grounds for discipline, it shall consider the following nonexclusive factors in determining the appropriate discipline to be ordered:

(1) Characteristics of Misconduct: *The instances speak to temperament and respectfulness toward the litigants. I tend to be very direct in my approach to disrespectful litigants. It is not the proper approach to make and I will receive counseling from a therapist to reduce my anxiety and stress level so as not to behave in this manner in the future. I have made arrangements to seek counseling with a therapist to reduce my stress, anxiety and to assist me in my personal behavior. I have also asked fellow Judge Daniel Stahnke, who is thought of as a judge with an excellent temperament, to meet with me on a weekly basis to discuss cases and our reactions to them. He has agreed to be a sounding board for me and I believe that our interaction will be very helpful to my situation.*

(A) Whether the misconduct is an isolated instance or evidence of a pattern of conduct; *There were five events brought to the Commission's attention in a 15 year span of time. In this complaint, one complaint occurred in 2009, one complaint occurred in 2010, and two complaints occurred in 2011. While I am not excusing my behavior, there was a period of time in between each event, and I believe that the stresses of the workload contributed to my lack of patience. I will make every endeavor to ensure that my behavior is not repeated.*

RESPONSE TO STATEMENT
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(B) The nature, extent, and frequency of occurrence of the acts of misconduct; *The court holds sessions and trials daily; hundreds of litigants can be seen each week. There were Five instances brought forth to the Commission where I have lost my temper, or made comments that were unworthy of my office. That being said, I have the responsibility to ensure that those that come before the court are treated with patience, respect and dignity. I really do try to do that in my court. I have attached letters of support from various attorney's who see me on a regular basis and who can attest that normally I have the right demeanor, attitude and respect for everyone. I am truly sorry for the way I behaved in the events brought forward and I will do my utmost to ensure that everyone who appears before me gets the respect they deserve.*

(C) Whether the misconduct occurred in or out of the courtroom; *In the Courtroom.*

(D) Whether the misconduct occurred in the judge's official capacity or in the judge's private life; *Official Capacity;*

(E) Whether the judge flagrantly and intentionally violated the oath of office; *The offenses alleged were not intentionally – they were meant to achieve a fair and just result. My intent was to keep control of the courtroom and not to allow the litigants to be disrespectful to the court. My behavior, however, was equally disrespectful and did not achieve the goal I was attempting. I lost my temper. While a human frailty, it is not one that is accepted or condoned in the courtroom. I accept responsibility for my actions.*

(F) The nature and extent to which the acts of misconduct have been injurious to other persons; *My behavior intimidated the litigants or provided stress relief for very tense moments in court as in the Hastings matter. I belittled the litigants before me in those tapes and it was obvious that I did not treat them respectfully as is required. I did not listen as intently as I should have for I missed important information which was being conveyed to me. Seeing the video – I recognize*

RESPONSE TO STATEMENT
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my behavior as unacceptable. I have engaged the services of my doctor and a therapist to ensure that my behavior is modified and controlled – so that I am not in a position to lose my temper on the bench.

(G) The extent to which the judge exploited the judge's official capacity to satisfy personal desires; and *not applicable.*

(H) The effect the misconduct has upon the integrity of and respect for the judiciary. *Litigants need to feel that the court hears and respects them and will deal with them fairly in any given situation. My conduct undermined their understanding of the system and the role that judges play in the courtroom. I allowed myself to be frustrated and to say things that I regret. Being a judge is demanding and stressful. I should have recognized that the long hours and heavy caseloads had affected my temperament. I should have taken steps to alleviate my stress and anxiety before it was brought to my attention. I have done so. I will continue with therapy and I will meet with my fellow judges to talk about our work. I will ensure that my behavior conforms to what is expected of my office.*

(2) Service and Demeanor of the Judge.

(A) Whether the judge has acknowledged or recognized that the acts occurred; *I have acknowledged and do acknowledge that my conduct was demeaning to the litigants. My temperament was inappropriate. I should not have allowed my exasperation to allow me to behave in that manner. I should not raise my voice in court, or call anyone names. No one should be labeled as stupid because they do not know the law or procedures. I should have held my tongue and spoken in a clear, but respectful tone in each case. I do not excuse my behavior. I do believe that therapy and counseling will help me to alleviate my stress and will allow me to be a better person – on and off the bench.*

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(B) Whether the judge has evidenced an effort to change or modify the conduct; *I will and have changed my behavior. I will not raise my voice to litigants and I will fully explain myself as much as possible so that there is no misunderstanding as to what I am trying to express or why. I will take counseling to relieve my anxiety and I will attend classes which will help me to learn patience. I will take breaks from the bench during long dockets so as to clear my head and not get frustrated. Sometimes when the dockets are long, your patience wears thin; I have learned to recognize this in myself and will take appropriate steps to remedy my behavior. I have now scheduled breaks half way through every docket. This is good for me and for my staff. It allows time to decompress before completing the docket. I have engaged in therapy and counseling. I will work on my physical and mental health on a continual basis. I will meet with another judge on a weekly basis to discuss our roles as judges.*

(C) The judge's length of service in a judicial capacity; *I have been a judge for 15 years.*

(D) Whether there has been prior disciplinary action concerning the judge; *There was one prior discipline in my 15 year career - 2007*

(E) Whether the judge cooperated with the commission investigation and proceeding; *I should have responded to the amended statement of allegations. I have been ill and seeking medical attention but that is no excuse for my failure to respond to the statement of allegations. I have fully cooperated with the Commission since receiving the statement of Charges and I apologize for my behavior. When I first sought counsel on this matter, I was advised not to make a statement. I understand the rules and have responded fully.*

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(F) The judge's compliance with an opinion by the ethics advisory committee shall be considered by the commission as evidence of good faith. *Not applicable.*

Respectfully submitted this 15th day of March 2012



Josephine C. Townsend, WSBA 31965

Attorney for Respondent



Honorable Judge John Wulle

RESPONSE TO STATEMENT
OF Charges - 10

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Thomas C. Phelan**Attorney At Law**
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March 12, 2012

Commission on Judicial Conduct
P.O. Box 1817
Olympia, WA 98507

RE: Judge John Wulle, Clark County Washington

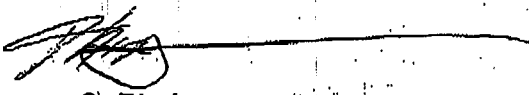
Dear Commission:

I am writing on behalf of Judge John Wulle. I have known Judge Wulle since his days in the Attorney General's Office. During that time, I have had occasion to witness him on the bench on a number of occasions and have found him to be considerate, thoughtful, and punctual. He has, in my experience, gone out of his way to be considerate of attorneys and individuals appearing in front of him, and has oftentimes gone out of his way to schedule matters for special times as the circumstances dictate.

I understand there are some allegations relative to his judicial temperament, alleging that on certain occasions he has been less than considerate of the public appearing before him. I can say that on a few occasions I have witnessed Judge Wulle act in a manner that might appear he was short on patience, or had lost his temper. Those instances have involved individuals who were questioning their need for counsel. Judge Wulle was simply trying to convince them to accept the appointment of counsel. I can understand how individuals may have viewed this as him being impatient and losing his temper with that particular person. However, in those instances, he was always quick to point out that he was simply trying to protect the rights of the person before him, and apologized to those present so as there would be no misunderstanding that he was not losing his temper, but was simply trying to help the individual before him.

Thank you for your time and consideration.

Very truly yours,


Thomas C. Phelan
Attorney at Law

TCP/srh

**Henderson**

LAW FIRM ★ PLLC

Attorneys

Paul L. Henderson
Connie Taylor Henderson

Paralegals

Tami Henderson
Michelle Merrill

COPY

March 5, 2012

State of Washington
Commission on Judicial Conduct
PO Box 1817
Olympia, WA 98507

Re: Judge John P. Wulle

Dear Members of the Commission:

I have known Judge Wulle for over 25 years. I knew him when he was an Assistant Attorney General. I have known him throughout his years on the District and Superior Court benches. We are colleagues and we are friendly but I would not characterize our relationship as a "friendship." We do not socialize beyond attendance at some of the same professional functions.

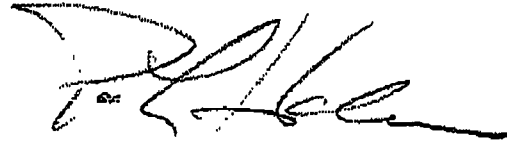
I have appeared before Judge Wulle numerous times over the years and have tried cases in his court. I have been a litigator for nearly 34 years. I know what goes on in court rooms and I believe I know what it takes to effectively run a court room.

I can say without reservation that Judge Wulle is one of the finest judges I have ever known. He is smart, he is fair, he is not afraid of hard work, and he is courteous to all parties - even in the face of rudeness and disrespect. He maintains control of his courtroom, which is necessary for any judge to insure that justice is properly served. In most cases the primary tool a judge has to maintain order in the courtroom is the power of his or her personality. My consistent observation of Judge Wulle is that he maintains order and authority without being authoritarian.

I encourage this commission to carefully consider the years of exemplary service Judge Wulle has given to the Bench, the Bar, and the citizens of Clark County. I agree that the use of the word "damn" is not appropriate in the courtroom from anyone. I've heard much worse. And, this incident does not erase the years of hard work and daily practice of courtesy, fairness and a deep commitment to the administration of justice that Judge Wulle has demonstrated throughout his career. This community would suffer if it was to lose his presence on the Bench.

I thank each of you for your commitment to this important work.

Respectfully,

A handwritten signature in black ink, appearing to read "P. L. Henderson", with a long horizontal flourish extending to the right.

Paul L. Henderson

ROBERT M. VUKANOVICH
ATTORNEY AT LAW

March 5, 2012

Commission on Judicial Conduct
PO Box 1817
Olympia, WA 98507

Re: Honorable John P. Wulle

Dear Commissioners:

Since I was not present at any of them, I cannot comment on those incidents cited by this Commission in its complaint against the Honorable Judge John P. Wulle; however, I can, and wish to, comment on Judge Wulle's demeanor and temperament whenever I have appeared before him.

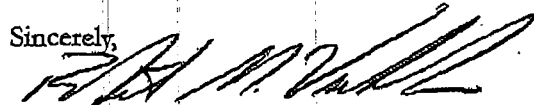
I have been practicing law for over 23 years. My practice consists of both family law and criminal law; with my criminal law practice including a contract with Clark County to represent indigent defendants in at least 96 felonies a year. Consequently, I have appeared in front of Judge Wulle numerous times, which includes first appearances, arraignments, motions, and trials. While Judge Wulle expects, and requires, respect from every defendant, I know firsthand that Judge Wulle expects no less of himself towards the defendants; and has shown respect to all of my criminal clients.

Yes, there have been incidents where Judge Wulle has raised his voice; however, it has not been out of anger and/or disrespect. In those situations where I have seen Judge Wulle raise his voice, he has done so for the protection of the defendant. Judge Wulle has even got so far as to take a break between defendants at first appearance and explain to the gallery that he did not raise his voice out of anger; but rather, he raised his voice to protect the defendant's Constitutional rights.

Typically, at first appearance a defendant will want to explain to the Judge the facts as he sees them; wherein, the Judge makes every attempt to instruct the defendant that his comments are being recorded and that the prosecutor can and will use whatever statements the defendant makes against him. Additionally, the Judge always tells the defendant that it is in his best interest to talk to his attorney before making any statements at all. Unfortunately, there are times when the defendant does not appear to understand the Judge's instructions or is so immersed in his own thoughts that he is not focused on the proceeding at hand, and it is during these times that the Judge, in order to protect the defendant, has raised his voice.

Again, while I cannot comment on those incidents that the Commission cited in its complaint, I would hope that the Commission would consider my experiences with Judge Wulle when it decides how to proceed in this matter.

Sincerely,



Robert M. Vukanovich

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March 1, 2012

Commission on Judicial Conduct
POBox 1817
Olympia, WA. 98507

RE: Judge John Wulle

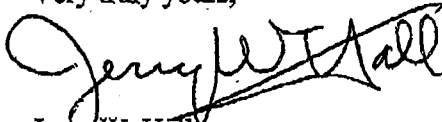
Gentlemen:

I have known Judge John Wulle for over twenty-five years and have appeared before him countless times in my career. I know him to be a very intelligent, kind and sensitive judge who is willing to listen to all sides before rendering a decision.

He is human. He makes mistakes as we all do. The position of Superior Court Judge is difficult and would cause the best of us to lose patience from time to time.

All things considered, Judge Wulle has been a credit to the bench in Clark County and we are much the better for his wise and thoughtful leadership.

Very truly yours,



Jerry W. Hall
Attorney at Law

JWH:blh

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ATTORNEY AT LAW

WILLIAM P. KITTLESON
LEGAL ASSISTANT

February 28, 2012

Commission on Judicial Conduct
P. O. Box 1817
Olympia, WA 98507

Re: Honorable John P. Wulle

I would like to submit a letter in support of Judge John P. Wulle. By way of background, I have practiced law in Vancouver, Washington, with an emphasis in criminal defense since November of 1977. The nature of our practice requires almost daily routine court appearances, and also provides many opportunities for motion practice, contested sentencings, and trial work. As a result, I have appeared before Judge Wulle over the years in countless misdemeanor and felony cases, and feel well qualified to speak to his performance on the bench.

First, with respect to temperament, Judge Wulle makes a point of respecting everyone in his courtroom. He has a good sense of humor and is always gracious. I have never seen him behave inappropriately toward anyone at any time, and believe his conduct on the bench has been exemplary.

Second, Judge Wulle is also fair to everyone in his courtroom. He is thoughtful and open-minded, and has consistently demonstrated an ability to withhold judgment until he has heard both sides of the case.

Finally, and most importantly, Judge Wulle cares about people and our community, which he has served in a judicial capacity for well over a decade. He is an asset to our bench and deserving of every consideration in the process.

Sincerely,



Steven W. Thayer

SWT:bo



1409 Franklin Street, Suite 204

Vancouver, Washington 98660

Phone: (360) 693-2421

Fax: (360) 693-2430

February 28, 2012

Josephine Townsend
211 E 11th Street, Ste. 104
Vancouver, WA 98660

RE: Judge John Wulle

Dear Ms. Townsend:

I am writing this letter in support of the Honorable Judge John Wulle. I have known Judge Wulle since he was the in the Attorney General's office. I have practice before him in both District Court and Superior Court. In my view, Judge Wulle has always demonstrated concern for the litigants and respect for the Justice System.

I feel that Judge Wulle is sensitive to my colleagues that appear before him. He will go out of his way to make sure that we understand the basis of his rulings. If there are questions he will gladly spend all the time necessary to explain those rulings.

I further believe that those that appear before him receive a fair decision in his Court. Unfortunately, there have been a couple of highly publicized incidents which, when taken out of context, paint a distorted picture of Judge Wulle.

Sincerely,



Charles H. Buckley, Jr.

Diana C. Tehrani

Attorney at Law, PLLC

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Phone 605-3200 Fax 603-2430
Diana@TehraniLaw.com

February 27, 2012

Josephine Townsend
211 East 11th Street, Ste. 104
Vancouver, WA 98660

RE: Judge John Wulle

Dear Ms. Townsend:

I am writing in support of Judge Wulle.

During my three years of practice in Clark County I have had the pleasure of appearing before Judge Wulle on numerous occasions. I've appeared many times on his motion docket, had my first evidentiary hearing in his courtroom, as well as my first bench trial.

Without fail Judge Wulle has been courteous and professional during each of my appearances. I have witnessed him going out of his way to ensure that new attorneys, or attorneys unfamiliar with his court room, are put at ease.

His motion docket runs smoothly and efficiently, and his scheduling process is easy to work with. His staff is a pleasure as well, no doubt a reflection of the positive work environment he has fostered in his department. It's a pleasure to work with Judge Wulle and I'm always delighted to see that one of my cases has been assigned to him.

Please take into account that for each disgruntled litigant or attorney who complains about their courtroom experience, there are many times that number who are pleased but silent.

Sincerely,



Diana C. Tehrani