BEFORE THE COMMISSION ON JUDICIAL CONDUCT

OF THE STATE OF WASHINGTON

In Re the Matter of: The Honorable Timothy P. Ryan Former Judge of the Snohomish County District Court	CJC No. 7150-F-156 **STIPULATION, AGREEMENT AND ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct and Timothy P. Ryan, retired Snohomish County District Court Judge, do hereby stipulate and agree as provided for herein. This stipulation is entered pursuant to Rule 23 of the Commission on Judicial Conduct Rules of Procedure.

The Commission is represented in these proceedings by its Executive Director, J. Reiko Callner, and former Judge Ryan is representing himself.

I. STIPULATED FACTS

1. Former Judge Timothy P. Ryan ("Respondent") was at all times discussed herein a judge of the Snohomish County District Court. Prior to retiring on December 31, 2012, Respondent had served as a district court judge for 19 years.

2. On August 29, 2012, while still a judicial officer, Respondent was driving in Snohomish County, was stopped by a Washington State Trooper and subsequently arrested on suspicion of Driving Under the Influence. During the initial interaction with the law enforcement officer and not in response to any question, Respondent identified himself as a judge, mentioning several times that he had been with another judge earlier in the evening. He was cooperative with the process throughout, but declined to provide a breath sample while at the police station, and the case was referred to a prosecutor to determine whether to file a charge of DUI. No charges were filed.

3. Respondent acknowledged the foregoing facts when he was contacted by the Commission in this matter. He was at all times cooperative with the Commission, and admitted that it was inappropriate to mention his judicial position to a law enforcement officer in this

context. Respondent further acknowledged that his conduct "embarrassed [himself] and the judiciary." As a direct result of this incident, and prior to contact from the Commission, Respondent chose to resign his judicial office, believing this incident would tarnish his effectiveness as a district court judge, the level of court where DUI cases are most frequently heard.

II. AGREEMENT

1. Jurisdiction. The Commission has jurisdiction in this matter. The Commission has continuing jurisdiction over former judges regarding allegations of misconduct occurring during service as a judge. CJCRP 2(b).

2. Grounds for discipline.

A. Canon 1, Rules 1.1 and 1.2 of the Code of Judicial Conduct express the overarching principles of the Code of Judicial Conduct that judges should uphold the integrity and independence of the judiciary by observing high standards of ethical conduct and by avoiding impropriety and the appearance of impropriety in all their activities. More specifically, Rule 1.3 of Code of Judicial Conduct states: "A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so." Comments to each Rule provide guidance in interpreting the Rule. Particularly instructive here is Comment 1 to Rule 1.3, which provides in part, "It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials." Respondent's references to himself as a judge during the traffic encounter created, at a minimum, the appearance that he was attempting to use the prestige of office to gain favorable treatment.

B. Based upon the above stipulated facts, Respondent agrees that his gratuitous self-identification as a judge to a law enforcement officer during a traffic stop violated Canon 1, Rules 1.1, 1.2 and 1.3 of the Code of Judicial Conduct

3. Sanction.

A. In accepting this stipulation, the Commission takes into account those factors

listed in CJCRP 6(c). The stipulated conduct appears to be an isolated incident. The misconduct in this instance occurred outside the courtroom, in Respondent's private life. There is no indication that the misconduct involved violation of his oath of office. The nature of the misconduct was to use Respondent's status as a judge to attempt to influence a law enforcement officer, thereby exploiting his judicial office. While there is no basis to find his acts have been injurious to any persons, the conduct undermines public respect for the judiciary. Respondent has acknowledged his actions were inappropriate. Respondent has served as a judge for 19 years and was previously reprimanded by the Commission for unrelated conduct in CJC 4292-F-118. Respondent was fully cooperative with the Commission investigation and proceeding.

B. Weighing and balancing the above factors, and the fact that Respondent independently chose to retire from judicial office, Respondent and the Commission agree that a written admonishment as described in RCW 2.64.010(1) and the CJCRP is the appropriate level of sanction to impose in this matter. Respondent has been unrepresented in these proceedings. He affirms that he has had an opportunity to consult with an attorney and voluntarily chooses to represent himself in this matter. He further affirms that he voluntarily enters into this agreement.

Timothy P. Ryan
Respondent

3-7-2013
Date

J. Reiko Callner
Executive Director
Commission on Judicial Conduct

3-13-13
Date

ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Timothy P. Ryan ADMONISHED for violating Canon 1, Rules 1.1, 1.2 and 1.3 of the Code of Judicial Conduct.

DATED this 10 day of May, 2013.

Joseph G. Bell, Vice-Chair
Commission on Judicial Conduct