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**BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON**

In Re the Matter of)
The Honorable Tony Parise) CJC No. 7292-F-155
Commissioner,)
Whatcom County District Court) **STIPULATION, AGREEMENT
AND ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct and the Honorable Tony Parise, Commissioner of the Whatcom County District 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

A. Commissioner Tony Parise (Respondent) is now, and was at all times referred to in this document, a commissioner of the Whatcom County District Court. Respondent has served in that capacity since 2003.

B. On January 30, 2013, the Commission on Judicial Conduct received a complaint regarding Respondent's courtroom demeanor. The Commission, after conducting an independent investigation, commenced initial proceedings on June 21, 2013, by serving Respondent with a Statement of Allegations which alleged that on January 18, 2013 Respondent failed to maintain courtroom decorum; made comments that were, or that were reasonably perceived to be, undignified, discourteous and disrespectful; and set bail in an amount that reasonably appeared to be retaliatory. Respondent answered the Statement of Allegations on July 3, 2103 and admitted the allegations.

C. In a hearing on three separate cases for one defendant, Respondent referred to the defendant's charges for driving offenses as "crimes" - a characterization with which the

1 defendant took issue, arguing that a "real" crime is "breaking into somebody's house and
2 stealing shit." Respondent then said, "Oh, I wish you hadn't sworn there. Yeah. That just made
3 it a lot worse." Moments later Respondent said, "The reason you got problems here today is
4 cuz you don't show up for court and you got a huge history. Okay? That's the deal. And now
5 you got a bigger problem in addition to blowing me off by not showing up to court you're
6 swearing at me as you give your explanation." Then:

7 Defendant: "Oh, come on, that's...that's..."

8 Commissioner: "Is that bullshit? Is that bullshit?"

9 Defendant: "Okay, there we go."

10 Commissioner: "Yeah."

11 Defendant: "Yeah."

12 Commissioner: "Yeah."

13 Defendant: "You just said it!"

14 Commissioner: "You're right. I'll say it again if you want!"

15 Later in the hearing, after the defendant questioned Respondent's authority as a commissioner
16 rather than a "real judge," Respondent set bail at \$500,000 on each of the three cases, all of
17 which were misdemeanor driving offenses.

18 II. AGREEMENT

19 A. Respondent's Conduct Violated the Code of Judicial Conduct.

20 1. Based upon the foregoing stipulated facts, Respondent and the Commission
21 agree that Respondent violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.2 and 2.8)
22 of the Code of Judicial Conduct.

23 2. Rules 1.1 and 1.2 require judges to respect and comply with the law and to act
24 at all times in a manner that promotes public confidence in the independence, integrity, and
25 impartiality of the judiciary, and to avoid impropriety and the appearance of impropriety. Rule
26 2.2 requires judges to uphold and apply the law, and to perform all duties of judicial office
27 fairly and impartially. Rule 2.8 (A) states that judges shall require order and decorum in
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1 proceedings before the court and Rule 2.8 (B) states that judges shall be patient, dignified, and
2 courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with
3 whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court
4 staff, court officials, and others subject to the judge's direction and control.

5 3. While the defendant's comments to the court were inappropriate for a defendant
6 to make in court, Respondent was nonetheless obligated to maintain the decorum of the
7 proceeding and the dignity of his office. Being a judicial officer means being civil even to
8 those who are uncivil and rising above the chaos that sometimes occurs in court to set an
9 example for others. Discourteous and undignified behavior by a judge in the courtroom erodes
10 the public's confidence in the quality of justice administered by that judge. The public is more
11 likely to respect and have confidence in the integrity and fairness of a judge's decision if the
12 judge is outwardly respectful, patient and dignified. A judicial officer has an affirmative duty
13 to maintain focus on the business of the court and not, as here, to actively participate in the
14 devolution of a courtroom colloquy to the use of rude language.

15 **B. Sanction.**

16 1. In accepting this stipulation, the Commission takes into account those factors
17 listed in CJCRP 6(c). The Commission has no information indicating Respondent engaged
18 in any pattern of similar conduct that would violate the Code of Judicial Conduct. The
19 misconduct in this instance occurred in the courtroom, where Respondent created the
20 appearance that his discretionary bail ruling was based on his argument with and displeasure
21 at the defendant, rather than on the merits of the case. As a result of the bail decision, the
22 defendant was held in custody for over a week, until a different judicial officer reduced the bail
23 to an amount the defendant could post. There is no indication that the misconduct involved
24 violation of his oath of office, nor that he exploited his official capacity to satisfy personal
25 desires. Respondent has acknowledged that the acts occurred, and has been uncommonly
26 candid and open in his expression of responsibility and understanding for the concerns of the
27 Commission. He has credibly explained to the Commission the steps he has taken to ensure
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1 that the behavior will not be repeated. Respondent has served as a judicial officer for 10 years.
2 He has no previous disciplinary history. Respondent was fully cooperative with the
3 Commission investigation and proceeding.

4 2. Weighing and balancing the above factors, Respondent and the Commission
5 agree that an admonishment is the appropriate level of sanction to impose in this matter. An
6 "admonishment" is a written action of the Commission of an advisory nature that cautions a
7 respondent not to engage in certain proscribed behavior. An admonishment may include a
8 requirement that the respondent follow a specified corrective course of action. Admonishment
9 is the least severe disciplinary action available to the Commission.

10 3. Respondent agrees that he will promptly read and familiarize himself with the
11 Code of Judicial Conduct in its entirety. Respondent also agrees that he will complete training,
12 not at Commission expense, focused on demeanor and temperament, approved in advance by
13 the Commission Chair or her designate, no later than one year from the date this stipulation is
14 accepted by the Commission.

15 4. Respondent agrees that he will not repeat such conduct in the future, mindful
16 of the potential threat any repetition of his conduct poses to public confidence in the integrity
17 and impartiality of the judiciary and to the administration of justice.

18 5. Respondent agrees that by entering into this stipulation and agreement, he
19 waives his procedural rights and appeal rights in this proceeding pursuant to the Commission
20 on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State
21 Constitution.

22 6. Respondent affirms he has consulted with or has had an opportunity to consult
23 with counsel prior to entering into this stipulation.

24 7. Respondent further agrees that he will not retaliate against any person known
25 or suspected to have cooperated with the Commission, or otherwise associated with this matter.
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Anthony S. Parise
Honorable Tony Parise
Whatcom County District Court

9/3/13
Date

J. Reiko Callner
J. Reiko Callner
Executive Director
Commission on Judicial Conduct

9/10/13
Date

ORDER OF ADMONISHMENT

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Commissioner Tony Parise, admonished for ^{KMO}the violating Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.2 and 2.8 (A) and (B)) 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 4th day of October, 2013.

Kathleen O'Sullivan
Kathleen O'Sullivan, Chair
Commission on Judicial Conduct