

FILED
DEC - 5 2014
COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of:)
) CJC No. 7485-F-162
The Honorable Jeffrey D. Goodwin)
Judge of the Snohomish County)
District Court, South Division) **STIPULATION, AGREEMENT AND**
) **ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct and Judge Jeffrey D. Goodwin, 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 and shall not become effective until approved by the Commission.

The Commission has been represented in these proceedings by its Executive Director, J. Reiko Callner, and Judge Goodwin has been represented by Cassandra L. Stamm.

I. STIPULATED FACTS

1. Judge Jeffrey D. Goodwin ("Respondent") is currently a judge of the Snohomish County District Court, South Division, a position he has held since 2004.

2. In late 2013, the Snohomish County District Court referred a personnel matter involving Respondent to the county Human Resources Department. The Human Resources Department concluded its investigation of the concern in early 2014, finding no violation of county policy.

3. The HR investigation should have been kept confidential. By January 2014, following the conclusion of the investigation, Respondent had come to believe two district court administrators had breached the required confidentiality. In hindsight, Respondent recognizes he may have been mistaken regarding the origin of the breach of confidentiality.

4. On Tuesday, January 21, 2014, Respondent summoned the two court administrators to a private meeting in his chambers to discuss with them what he perceived to be their failure to

1 take appropriate care to ensure confidentiality. At that time, Respondent was angry and he
2 expressed his frustration in an impatient and discourteous manner. Respondent told the
3 administrators that, as a result of their actions, he could not support them or their projects in the
4 future.¹ Respondent recalls making these statements in the context of explaining that he intended
5 to recuse himself from voting on their projects in the future – that is that he would neither support
6 nor oppose matters involving them in the future. The administrators experienced the meeting as a
7 confrontation rather than a discussion, and felt concerned about their ongoing ability to continue to
8 effectively work at the courthouse, even though they had performed their duties according to county
9 human resource policy. Respondent acknowledges that whatever his intended message, his
10 comments during this meeting could have reasonably been construed to be threatening, intimidating
11 and retaliatory in nature.

12 5. Respondent now realizes in hindsight he may have been mistaken regarding the fact
13 and/or origin of any breach of confidentiality. He acknowledges that both employees are competent
14 and have good reputations for professionalism.

15 6. Since being contacted by the Commission, Respondent has interacted with the
16 administrators in a cordial and collegial manner.

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18 **II. AGREEMENT**

19 1. Based upon the above stipulated facts, Respondent agrees that he violated Canon 1,
20 Rules 1.1 and 1.2; as well as Canon 2, Rule 2.8 (B), of the Code of Judicial Conduct. Canon 1
21 requires that a judge avoid impropriety as well as the appearance of impropriety. Rule 1.1 dictates
22 that a judge shall comply with the Code of Judicial Conduct. Rule 1.2 provides:

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

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1/ In the Snohomish County District Court, official court business is conducted by a majority vote of the eight district court judges.

1 Rule 2.8 (B) specifies:

2 A judge shall be patient, dignified, and courteous to... court staff, court officials, and
3 others with whom the judge deals in an official capacity. . . .

4 2. Respondent agrees that he violated the foregoing Code provisions by speaking in a
5 way that was impatient, and discourteous during his private meeting with two administrators on
6 January 21, 2014. While Respondent has not engaged in any retaliatory acts, his demeanor and
7 comments could reasonably have been interpreted as threatening, intimidating, and/or retaliatory.

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9 **III. IMPOSITION OF SANCTION**

10 1. The sanction imposed by the Commission must be commensurate to the level of
11 Respondent's culpability, sufficient to restore and maintain the public's confidence in the integrity
12 of the judiciary, and sufficient to deter similar acts of misconduct in the future. In determining the
13 appropriate level of discipline to impose, the Commission takes into account those non-exclusive
14 factors listed in CJCRP 6(c).

15 (a) In determining the proper sanction, the Commission considers whether the
16 misconduct is an isolated instance or evidences a pattern of conduct. This is an isolated incident.
17 Respondent generally had enjoyed a collegial and professional relationship with court staff.

18 (b) The Commission next considers the nature, extent, and frequency of occurrence of
19 the acts of misconduct. This is an isolated incident and Respondent has not engaged in any
20 retaliatory acts. Although Respondent's frustration upon learning of a possible confidentiality
21 breach was understandable, his response was misplaced and inappropriate. His demeanor and
22 comments could reasonably have been interpreted as threatening retaliation against court employees
23 for actions they were required to take in the course of fulfilling their job responsibilities. Further,
24 though the reason for Respondent's actions was a perceived lack of confidentiality, Respondent now
25 realizes he had no objective basis to conclude either administrator acted improperly.

26 (c) The Commission also considers whether the misconduct occurred in or out of the
27 courtroom and in the judge's official capacity or his private life. Respondent's actions did not occur
28 in the courtroom but they did involve Respondent's professional judicial capacity rather than his

1 private life.

2 (d) The Commission considers whether the judge has acknowledged or recognized that
3 the acts occurred and whether the judge has evidenced an effort to change or modify his conduct.
4 Respondent has fully cooperated with the Commission throughout these proceedings. Respondent
5 has stated that he wishes he had been more courteous and patient during the meeting with the court
6 administrators. Through the manner Respondent has comported himself in these proceedings (his
7 cooperation and recognition of the Commission's concerns), Respondent has given the Commission
8 reasonable assurances that he will take no future action that is, or that could be perceived to be,
9 threatening, intimidating, and/or retaliatory in nature.

10 (e) The Commission takes into account the length of service on the bench and whether
11 there have been prior complaints about the judge. Respondent has been a judicial officer for 10
12 years and has had no prior disciplinary actions brought against him.

13 (f) Finally, the Commission looks to the effect the misconduct has upon the integrity of
14 and respect for the judiciary. Respondent's conduct took place during a relatively brief private
15 meeting with two court administrators. Respondent has not engaged in any retaliatory acts. Still,
16 Respondent's statements and demeanor during this meeting were impatient and discourteous and
17 in fact could have been construed as threatening, intimidating, and/or retaliatory in nature.
18 Consequently, his actions caused these subordinate court employees to fear their jobs were in
19 jeopardy and/or undermined their ability to continue to effectively perform their job responsibilities.

20 2. Weighing and balancing the above factors, Respondent and the Commission agree
21 that Respondent's stipulated misconduct shall be sanctioned by the imposition of an
22 "admonishment." An "admonishment" is a written action of the Commission of an advisory nature
23 that cautions a respondent not to engage in certain proscribed behavior. An "admonishment" may
24 include a requirement that the respondent follow a specified corrective course of action.
25 "Admonishment" is the least severe disciplinary action the commission can issue.

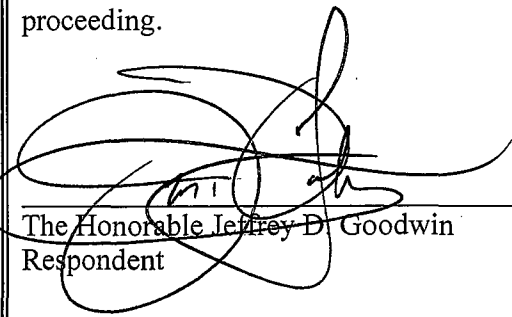
26 3. Respondent agrees he will promptly read and familiarize himself with the Code of
27 Judicial Conduct in its entirety.

28 4. Respondent further agrees he will not retaliate, or appear to retaliate, against any

1 person known or suspected to have cooperated with the Commission, or otherwise associated with
2 this matter.


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

6 6. Respondent agrees that by entering into this stipulation and agreement, he hereby
7 waives his procedural rights and appeal rights pursuant to the Commission on Judicial Conduct
8 Rules of Procedure and Article IV, Section 31 of the Washington State Constitution in this
9 proceeding.

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14 The Honorable Jeffrey D. Goodwin
15 Respondent


27 NOV 2014

Date

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18 Cassandra L. Stamm, WSBA No. 29265
19 Counsel for Respondent

11.24.14

Date

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22 J. Reiko Callner
23 Executive Director
24 Commission on Judicial Conduct

11.25.14

Date

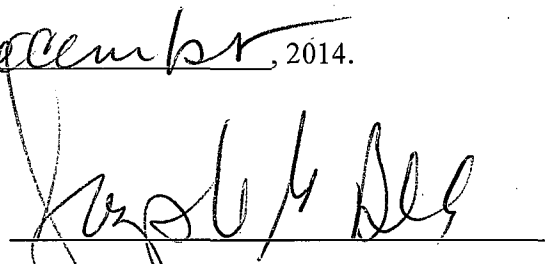
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ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Jeffrey D. Goodwin ADMONISHED for violating Canon 1, Rules 1.1 and 1.2 and Canon 2, Rule 2.8 (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 5 day of December, 2014.



Joseph G. Bell, Chair
Commission on Judicial Conduct