

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

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In Re the Matter of:)	CJC No. 7711-F-164
The Honorable Holly J. Johnson,)	STIPULATION, AGREEMENT AND ORDER OF CENSURE
Part-Time Judge of the)	
King County District Court)	
and Federal Way Municipal Court)	

The Commission on Judicial Conduct and Holly J. Johnson, Part-Time Judge of the King County District Court and Federal Way Municipal Court, 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.

I. STIPULATED FACTS

1. Holly J. Johnson ("Respondent") previously served as a judge pro tempore¹ for the King County District Court and Federal Way Municipal Court. Relevant to this stipulation, Ms. Johnson served in those capacities between March 9 and December 14 of 2013.

2. On June 24, 2014, the Employment Security Department's Office of Special Investigations issued a "Determination Notice" concluding that Ms. Johnson had, 20 times between March 9, 2013 and December 14, 2013, under-reported the income she earned as a judge and thereby collected unemployment benefits to which she was not entitled. The "Notice" indicated that the Department determined Respondent knowingly withheld material facts to obtain benefits to which she was not entitled and was at fault in causing the overpayment, which is considered fraud pursuant to RCW 50.20.070. That finding was affirmed on December 18,

^{1/} Ms. Johnson was appointed as a judge pro tempore by the two jurisdictions. For purposes of this proceeding, however, the Code of Judicial Conduct defines a pro tem judge as one who serves in fewer than twelve cases or dockets annually, counted cumulatively without regard to jurisdiction, and without regard to statutory or other definitions of a pro tempore judge. (See, 2011 Code of Judicial Conduct Terminology Section.) Because Ms. Johnson served in excess of eleven times annually, she is considered under the Code to be a part-time judge.

1 2014, in an “Order on Remand (Affirming Previous Order Due to Appellant’s Default)” issued
2 by Administrative Law Judge Gina T. Margitan in the matter of State of Washington Office of
3 Administrative Hearings for the Employment Security Department, Docket No. 072014-01554-
4 R1.

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6 **II. AGREEMENT**

7 **A. Respondent’s Conduct Violated the Code of Judicial Conduct**

8 Respondent agrees that if this matter were to proceed to a hearing the
9 Commission could find based up the foregoing stipulated facts that Respondent violated Canon
10 1, Rules 1.1 and 1.2, of the Code of Judicial Conduct. Rules 1.1 and 1.2 of the Code of Judicial
11 Conduct express the overarching principles of the Code: that because of the special position
12 judges hold in our society and their central role in preserving the principles of justice and the
13 rule of law, their conduct must at all times be above reproach in order to preserve public
14 confidence in our legal system. Thus, Rule 1.1 requires judges to “comply with the law,
15 including the Code of Judicial Conduct,” and Rule 1.2 requires judges to “act at all times in a
16 manner that promotes public confidence in the independence, integrity, and impartiality of the
17 judiciary, and [to] avoid impropriety and the appearance of impropriety.”

18 **B. Imposition of Sanction**

19 1. The sanction imposed by the Commission must be commensurate to the level
20 of Respondent’s culpability, sufficient to restore and maintain the public’s confidence in the
21 integrity of the judiciary, and sufficient to deter similar acts of misconduct in the future.

22 2. In determining the appropriate level of discipline to impose, the Commission
23 takes into account those factors listed in CJCRP 6(c). Respondent has not admitted committing
24 fraud, but has acknowledged the finding of the Employment Security Department. The
25 misconduct is a pattern that took place over the course of several months and involved
26 Respondent falsely reporting the income she had earned during 20 weeks working as a part-time
27 judge. Misconduct involving false reporting or similar dishonesty has historically been viewed
28 with the utmost seriousness by the Commission and by the State Supreme Court. (See, *In re*

1 *Ritchie*, 123 Wn.2d 725 (1994) and *In re Anderson*, 138 Wn.2d 830 (1999)). The misconduct
2 occurred outside the courtroom, in Respondent's private life, although it involved her reporting
3 obligation for services as a judicial officer. There is no evidence that Respondent flagrantly and
4 intentionally violated the oath of office nor exploited her official capacity to satisfy personal
5 desires. The nature of the misconduct is fiscal dishonesty and brings disrepute to the judiciary.
6 Respondent has pledged to properly report her income in the future. Ms. Johnson has served
7 as a pro-tem judge for many years and has no prior disciplinary actions against her and has
8 minimally cooperated with the Commission's investigation and proceeding.

9 3. Respondent hereby agrees to accept a censure and to the imposition of corrective
10 terms and conditions. A censure is a written action of the Commission that finds that the
11 conduct of the respondent violates a rule of judicial conduct, detrimentally affects the integrity
12 of the judiciary, and undermines public confidence in the administration of justice. It is the
13 highest level of discipline the Commission can impose.

14 4. Respondent agrees that she shall not seek nor hold any judicial office, nor
15 perform any judicial duties in the future without first securing approval from the Commission
16 in the manner provided in CJCRP 28, or its successor or replacement rule. Because of this, the
17 Commission shall not impose remedial or corrective measures. Respondent agrees that should
18 Respondent seek any position involving judicial or quasi-judicial functions, the Commission
19 may release information to a governmental or judicial qualifications organization pursuant to
20 CJCRP 11, or the successor or replacement rule.

21 5. Respondent further agrees she will not retaliate, or appear to retaliate, against any
22 person known or suspected to have cooperated with the Commission, or otherwise associated
23 with this matter.

24 6. Respondent affirms that she has consulted with, or has had the opportunity to
25 consult with, counsel prior to entering this stipulation.

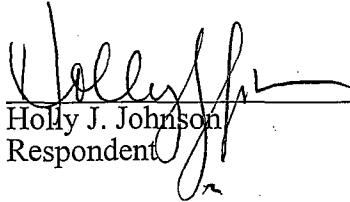
26 7. Respondent agrees that by entering into this stipulation and agreement, she
27 hereby waives her procedural rights and appeal rights pursuant to the Commission on Judicial
28 Conduct Rules of Procedure and Article IV, Section 31 of the Washington State Constitution

1 in this proceeding.

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Holly J. Johnson
Respondent

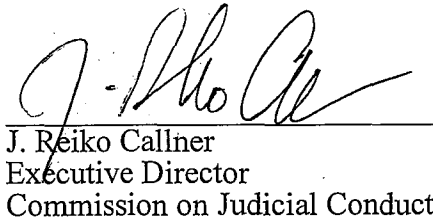
4/24/2015
Date

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J. Reiko Callner
Executive Director
Commission on Judicial Conduct

4-27-15
Date

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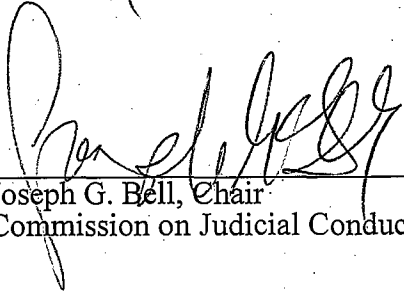
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ORDER OF CENSURE

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Holly J. Johnson CENSURED for violating Canon 1, Rules 1.1 and 1.2, 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 1 day of March, 2015.



Joseph G. Bell, Chair
Commission on Judicial Conduct