

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

FILED  
JUL 14 2017  
COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of: )  
 ) CJC No. 8345-F-173  
The Honorable Henry A. Rawson )  
Judge of the Okanogan County )  
Superior Court )  
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The Commission on Judicial Conduct and Henry A. Rawson, Okanogan County Superior 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 has been represented in these proceedings by its Executive Director, J. Reiko Callner, and Judge Rawson represented himself.

**I. STIPULATED FACTS**

A. Judge Henry Rawson (“Respondent”) was at all times discussed herein a judge of the Okanogan County Superior Court. Respondent has served in that capacity since 2013.

B. In Okanogan County Superior Court Case No. 14-2-00526-3, a motion for reconsideration (of a denial of summary judgment) was filed on February 19, 2016. The motion was to be decided without oral argument and no further briefing was filed by either party. By letters dated March 29, April 28, July 8, August 12 and October 10, 2016, Respondent was reminded that the parties were awaiting a decision. Respondent issued a decision on January 9, 2017.

C. In Okanogan County Superior Court Case No. 15-2-00283-1, a bench trial concluded January 11, 2016. Respondent did not issue a ruling at that time, but took the matter under advisement and did not issue a ruling until April 10, 2017.

D. In Okanogan County Superior Court Case No. 15-3-00109-0, the bench trial ended September 14, 2016, and additional briefing was filed September 26, 2016. Respondent took the

matter under advisement and did not issue a ruling until April 10, 2017.

E. On October 19, 2016, the Commission received a complaint concerning Respondent's failure to issue a timely decision. Following an independent investigation, the Commission commenced disciplinary proceedings on March 22, 2017, by serving Respondent with a Statement of Allegations. The Statement of Allegations alleged Respondent failed to enter timely decisions in the cases listed above and thereby violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5(A)) of the Code of Judicial Conduct.

F. Respondent answered the Statement of Allegations by letter dated April 11, 2017, and admitted that he had failed to timely issue decisions in the three matters listed. Respondent also volunteered that in an additional case, Okanogan County Superior Court Case No.14-1-00252-0, he failed to timely rule on a motion to suppress.

G. Respondent issued decisions in the matters described in C and D on April 10, 2017, after being contacted by the Commission. Respondent affirms that he is now up to date in all his assigned cases and the Commission's investigation brought no additional delays to light.

H. The time it took Respondent to issue decisions in the above matters exceeded the limits established by RCW 2.08.240 and the Washington State Constitution, Article 4, Section 20, which require a decision be issued within ninety days from final submission to the court.<sup>1</sup>

## II. AGREEMENT

### A. *Grounds for discipline.*

1. Based upon the above stipulated facts, Respondent agrees that his failure to

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<sup>1</sup> The WA Const., art. IV, § 20 provides, "Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof; Provided, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a hearing."

RCW 2.08.240 uses nearly identical language and provides, "Every case submitted to a judge of a superior court for his or her decision shall be decided by him or her within ninety days from the submission thereof: PROVIDED, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he or she is to decide shall commence at the time the cause is submitted upon such rehearing, and upon willful failure of any such judge so to do, he or she shall be deemed to have forfeited his or her office."

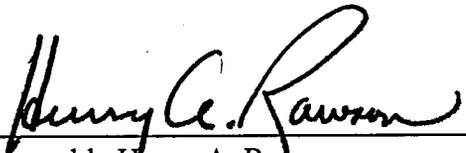
timely decide the cases listed above violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5(A)) of the Code of Judicial Conduct.

2. Rules 1.1 and 1.2 require judges to respect and comply with the law and to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and to avoid impropriety and the appearance of impropriety. Rule 2.5(A) requires that “A judge shall perform judicial and administrative duties competently and diligently.” Comment 3 to Rule 2.5(A) states that: “Prompt disposition of the court’s business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.” The Commission has referred to the time limits established under the Washington Constitution and RCW 2.08.240 when applying the Code of Judicial Conduct in cases involving decisional delay.

*B. Sanction.*

1. In accepting this stipulation, the Commission takes into account those factors listed in CJCRP 6(c). The nature of this type of misconduct – decisional delay – is inherently problematic because it potentially deprives litigants of timely justice, which often cannot be remedied through the appellate process. Issuing timely decisions is a core function for any judicial officer. Accordingly, the Commission consistently enforces Canon 2, Rule 2.5(A). In mitigation, Respondent has no history of discipline and was fully cooperative with the Commission investigation and proceeding. He promptly resolved all outstanding matters when contacted by the Commission. He has expressed an understanding of the impact of the delays on the litigants and his regret for that impact, and stated his intention to avoid repetition of this conduct. His coworkers and the attorneys who appear before him describe his reputation as a hard worker and a dedicated jurist. Through this proceeding, Respondent has come to the understanding that family issues of a personal nature affected his ability to keep up with his workload more than he had realized, and he has taken measures to address those issues.

2. Weighing and balancing the above factors, Respondent and the Commission agree that an admonishment is the appropriate level of sanction to impose in this matter. An "admonishment" is a written action of the Commission of an advisory nature that cautions a respondent not to engage in certain proscribed behavior. Admonishment is the least severe disciplinary action available to the Commission. 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 and enter into this agreement. Respondent further affirms that he will not repeat such conduct in the future.

  
Honorable Henry A. Rayson  
Okanogan County Superior Court

June 12, 2017  
Date

  
J. Reiko Callner  
Executive Director  
Commission on Judicial Conduct

July 5, 2017  
Date

**ORDER OF ADMONISHMENT**

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Henry A. Rawson ADMONISHED for violating Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5(A)) of the Code of Judicial Conduct.

DATED this 14<sup>th</sup> day of July, 2017.



Richard Carlson, Chair  
Commission on Judicial Conduct