

**FILED**  
DEC - 8 2017  
COMMISSION ON JUDICIAL CONDUCT

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

In Re the Matter of:

The Honorable Mary Elizabeth Dingley  
Judge of the Snohomish County  
Superior Court

CJC No. 8710-F-176

**STIPULATION, AGREEMENT  
AND ORDER OF REPRIMAND**

The Commission on Judicial Conduct and Judge Mary Elizabeth Dingley stipulate and agree as follows. This stipulation is entered pursuant to Article IV, Section 31(7) of the Washington Constitution and 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 Judge Dingley is represented by Attorney Cassandra Stamm.

**I. STIPULATED FACTS**

A. Judge Mary Elizabeth Dingley (“Respondent”) is now, and was at all times referred to in this document, a judge of the Snohomish County Superior Court. Respondent has served in that capacity since 2012.

B. On Saturday, August 26, 2017, at approximately 6:30 p.m., Respondent was arrested for driving under the influence of alcohol and/or drugs (DUI) following investigation of her involvement in a single-car, non-injury accident on I-405 in King County. According to the arresting officer’s report, Respondent, while driving home after wine tasting in Woodinville, lost control of her car when she swerved to avoid another vehicle that had cut her off. Respondent’s vehicle skidded across two lanes of I-405, struck the cement barrier dividing the direction of travel on the freeway and came to rest in the left shoulder facing on-coming traffic. A breath test administered after Respondent’s arrest showed her breath alcohol content (BAC) to be .122 /.115.

The legal limit is .08. Respondent was cooperative and apologetic with the officer throughout the encounter and made no mention of her judicial status, even when he asked her why she seemed familiar with the DUI process.

C. At Respondent's first court appearance – an arraignment hearing in King County District Court on September 14, 2017 – she pleaded guilty to DUI as charged. Respondent was sentenced on November 1, 2017, to serve one day in jail, to pay fines, costs and assessments totaling \$1,350, to not drive without an ignition interlock system installed in her vehicle, and to complete alcohol and drug information school and a DUI victim's panel. The sentence imposed was a typical standard sentence for a first time DUI offender. Respondent promptly satisfied all terms of her sentence, and was open, contrite and honest with professional and personal associates about the incident.

D. By letter dated September 20, 2017, Respondent contacted the Commission on Judicial Conduct through her attorney to report her arrest and guilty plea. Respondent remained consistently forthcoming with information to the Commission as the case proceeded.

## **II. AGREEMENT**

### **A. Respondent's Conduct Violated the Code of Judicial Conduct**

1. Based upon the above stipulated facts, Respondent agrees that she violated Canon 1, Rules 1.1 and 1.2, of the Code of Judicial Conduct.

2. Rule 1.1 Code of Judicial Conduct requires judges to "comply with the law, including the Code of Judicial Conduct." Rule 1.2 requires judges 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."

3. Respondent agrees that she violated the foregoing Code provisions by committing the criminal offense of driving under the influence of alcohol and/or drugs.

## **B. Imposition of Sanction**

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

(a) **Characteristics of the Misconduct.** Driving under the influence is a serious offense that can result in great bodily injury. It is reasonable for the public to expect that judges will comply with the criminal laws they enforce upon others. Respondent's actions undermine public respect for the judiciary as a whole. This is, however, an isolated incident. Respondent has no prior judicial misconduct history. The misconduct occurred outside the courtroom, in Respondent's private life, and she scrupulously avoided mention of her judicial status, avoiding even the appearance of abusing the prestige of judicial office.

(b) **Service and Demeanor of the Judge.** Respondent has acknowledged the acts occurred and expressed remorse immediately, apologizing to both the officer and to the public. By entering into this agreement and having pleaded guilty to the underlying criminal charge of DUI, she has accepted responsibility for her conduct and has evidenced an effort to avoid repeating the behavior that led to this disciplinary action. She promptly self-reported this incident, and has fully cooperated with the Commission throughout these proceedings. The judge has served on the bench for five years and has an excellent reputation as a fair and conscientious judicial officer. She is actively engaged in the community in multiple philanthropic endeavors and, with her pursuit of athletic accomplishments, is a positive role model for cancer survivors.

2. The Commission's cases in recent years sanctioning judges convicted of similar offenses, who have not already resigned or agreed to step down from the bench, have generally resulted in the sanction of reprimand. In those cases, the Commission has noted that

additional aggravating factors, such as an abuse of judicial office, could result in a higher sanction. No such additional aggravating factors are present here. As noted, Respondent's conduct following the incident has been completely appropriate – she has taken full responsibility for the underlying offense and in this disciplinary proceeding without reservation. Accordingly, weighing and balancing the above factors, Respondent and the Commission agree that Respondent's stipulated misconduct shall be sanctioned by the imposition of a Reprimand. A Reprimand is a written action of the Commission that requires a judge to appear personally before the Commission and finds that the conduct of the Respondent is a violation of the Code of Judicial Conduct. It requires that the judge follow a specified corrective course of conduct. Reprimand is an intermediate level of discipline the Commission can issue.

3. Respondent agrees she will strictly comply with all the terms of her probation in King County District Court Cause No. 7Z0995050, and promptly provide proof of compliance to the Commission.

4. Respondent agrees to complete the following remedial measures.

(a) Public Presentations. In further pursuit of the goal of regaining the trust and confidence of the public, within three years from the date hereof, Respondent shall participate, and provide proof thereof to the Commission, as a speaker in no less than three public appearances on matters related to her stipulated misconduct, presented either to community organizations or to Washington judicial associations. The venue of the presentations must be approved in advance by the Chair of the Commission and the content of the presentation approved afterward in order for Respondent to receive credit for these presentations.

(b) Respondent agrees she will promptly read and familiarize herself with the Code of Judicial Conduct in its entirety, and will submit a sworn statement or declaration to the Commission within 30 days of entry of this agreement.

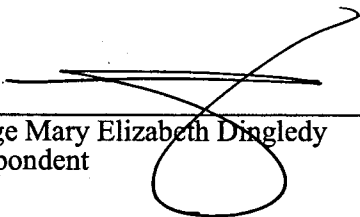
**C. Standard Additional Terms of Commission Stipulation**

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


2. Respondent agrees she will not repeat such conduct in the future, mindful of the potential threat any repetition of her conduct poses to public confidence in the integrity and impartiality of the judiciary and to the administration of justice.

3. Respondent is represented in these proceedings. She affirms she enters into this stipulation after consultation with her counsel.


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

  
\_\_\_\_\_  
Judge Mary Elizabeth Dingley  
Respondent

11/27/17  
Date

  
\_\_\_\_\_  
Cassandra L. Stamm  
Counsel for Respondent

11.28.17  
Date

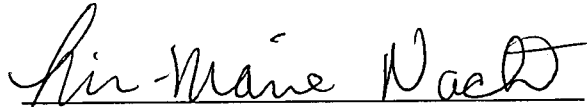
  
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J. Reiko Callner  
Executive Director  
Commission on Judicial Conduct

11-30-17  
Date

**ORDER OF REPRIMAND**

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent, Judge Mary Elizabeth Dingley, REPRIMANDED 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 8<sup>th</sup> day of December, 2017.



Lin-Marie Nacht, Vice-Chair  
Commission on Judicial Conduct