BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In re the matter of:	)	
	)	No. 9126-F-185
The Honorable David Meyer	)	
Former Judge of the King County	)	**CERTIFICATE OF**
District Court	)	**COMPLETION AND ORDER**
	)	

The Commission on Judicial Conduct, pursuant to CJCRP 29(b), has considered information submitted by Judge David Meyer. Based on the information considered and attached and incorporated herein, the Commission hereby certifies that Judge Meyer has satisfactorily completed the terms and conditions of Agreement section II, subsections D and E, of the Stipulation, Agreement and Order of Admonishment filed April 26, 2019.

So ordered.

Dated this 28th day of June, 2019.

Lin-Marie Nacht

Lin-Marie Nacht, Chair
Commission on Judicial Conduct

9126

CJC
P.O. Box 1817
Olympia WA

RE: CJC No. 9126

Declaration

As per section II, subsection D, of the stipulation, I have both read and familiarized myself with the Code of Judicial Conduct in its entirety. The copy I reviewed was from the 2017 Annual Report of the CJC, sent to me as part of this proceeding.

I swear or affirm that the above statement is made under penalty of perjury of the laws of the State of Washington.

Signed in Port Townsend this 10 day of May, 2019

David E. Meyer

Chambers Of
Matthew Williams
Maleng Regional Justice Center
401 North 4th Street – 3B
Kent, Washington 98032
(206) 477-1573

June 26, 2019

Reiko Callner
Commission on Judicial Conduct
P.O. Box 1817
Olympia, WA 98507
rcallner@cjc.state.wa.us

RE: Retired Judge David Meyer

Dear Ms. Callner

I am writing to submit this report of my work with Retired Judge David Meyer.

Judge Meyer was admonished on April 26, 2019 by stipulation and agreement. In re David Meyer, (CJC No. 9126-F-185). He was directed to review the Code and complete two hours of courtroom demeanor training before resuming judicial service. It is my understanding that the Commission accepted 1.5 hours of ethics training that had been completed after the incidents, but before the admonishment. He was instructed to obtain an additional 0.5 hours of training. I was contacted and asked to develop a program that would be in compliance with the remainder of his obligations under CJC No. 9126-F-185

Per our e-mail correspondence of June 5, 2019, the Commission chair pre-approved a training proposal that consisted of the following:

1) Judge Meyer and I will meet and listen to the entirety of the pro se hearing. We will stop and discuss each individual instance of him interrupting the party, and each of his inappropriate comments. During this process, we will discuss the thought process that he was having that prompted his behavior. It was estimated that this process would take a MINIMUM of 2 hours (and probably longer).
2) We will catalogue the thought processes that were driving his behavior. We will discuss strategies for him to recognize when he is having a similar thought processes, and strategies that he can utilize to avoid acting on those thought processes.
3) We will include discussion of the obligation to listen to the litigants with respect and to provide a fair and open hearing.
4) We will include discussion of the role of the judge to stay within the scope of their decision making: to avoid intruding into the privacy of litigants or trying to engage in social engineering.

Judge Meyer and I met on Monday, June 17, 2019 from 4:45pm until 7:45pm (3 hours). This meeting was held in my chambers where we could freely access the entirety of the pro se hearing that formed part of the basis for his discipline. We listened to the entirety of that hearing. We stopped the recording and hand detailed discussions concerning his thought process(es) at each instance where Judge Meyer interrupted the litigants, asked inappropriate questions, or appeared to be engaged in social engineering.

By listening to the hearing, stopping the recording, and then confronting the specific behaviors and his thought processes we were able to identify specific thought processes that affected his demeanor and effectiveness. This was not a comfortable process for Judge Meyer. Quite the opposite, it required hard work and commitment for him to stay the course, and to open his heart and mind to what he was hearing and seeing.

With respect to two of these instances, Judge Meyer shared some recent family issues. He admitted that these issues had been on his mind, and influenced his demeanor and impatience with the litigants. We discussed his perceptions and the reasons he approached the litigants with the belief that they were failing to accept responsibility for their actions. We discussed the issues of implicit and cultural bias that affected his approach to those litigants, and his lack of understanding of how they perceived him and his role during the hearing.

We also discussed the time pressures that he was under that day on that calendar. This hearing was the first of seven full order hearings. He was in a hurry to "get to the point". He conceded that he did not consider how his abrupt and demanding demeanor actually interfered with his ability to obtain information or under stand the point that the litigants were trying to present.

As we worked through the hearing we had several discussions of his duty under CJC 1.1, 1.2, and 2.2 to take a mental and emotional inventory each time he takes the bench. He now has a clearer understanding and a clearer commitment to ensure that he is in a proper state of mind before he starts a calendar. We identified strategies he can adopt to identify personal issues that might affect his ability to handle specific types of hearings. We talked about his duty to recuse himself when he realizes that he is not in the proper state of mind to serve. We also discussed how he can take such an inventory during a calendar so that he knows when to step off the bench.

We had many conversations concerning his abrasive and intrusive questioning style. We identified that this questioning style was in part due to his life experience as a defense attorney conducting cross examination. We discussed the misperception that use of cross-examination was an efficient way to quickly obtain information from the parties. Judge Meyer acknowledged that this style of questioning is not appropriate for a judicial officer under CJC Rules 2.6(A), 2.8 (A), and 2.8(B). At three points during the process, Judge Meyer appeared to have epiphanies concerning what the parties in that hearing were trying to tell him but that he did not understand at the time of the hearing because he was too focused on reaching a specific predetermined conclusion. We discussed the duty of a judicial officer to keep an open mind.

We worked through a different strategy. We practiced this strategy. This strategy involved him first explaining WHY he was asking a question, (preferably with a specific reference to the statutory factors that he was required to consider) and then using open ended questions to allow a litigant to have a full opportunity to present information on that topic. Though this exercise he appeared to learn that he obtained more information, faster, while still retaining control of the courtroom. When we worked through this practice exercise (demonstrating that he could use this strategy as a more efficient way to

obtain information for this type of hearing) he appeared excited about the results that he was able to obtain. The practice exercise also allowed him to compare his examination style during the hearing, and he appeared to have increased understanding that the style and demean he used deprived the litigants of the ability to be fairly heard.

We addressed his repeated questioning about the intimate relations between the parties. We discussed how there may be times that such issues are relevant to a proceeding before a judicial officer. We discussed how, in this hearing, his intrusive questioning on this topic without an explanation as to how it related to any decision that had been placed before him presented the appearance of a prurient interest.

When put in this context, and while actually listening to the hearing, he appeared to be mortified. He appeared to understand how is repeated and insistent questioning on their pattern of intimate relations was inappropriately intrusive. He appeared to understood that the language that he used was inappropriately blunt and demeaning. He clearly stated to me that he felt that his role as a judicial officer was to give the parties the opportunity to raise those issues if they felt they were germane, but that it was his duty to treat those issue with much more discretion and respect. We worked through strategies he could use to be able to give parties the opportunity to raise such sensitive issues, and we discussed language that he could use that would treat those issues with greater respect.

We discussed his inappropriate comments to the mother in front of her 16-year old daughter concerning his value judgments surrounding the mother's life choices. He agreed that he was attempting to engage in "Social Engineering", and initially expressed the view that he thought he was doing the mother and daughter a service. However, he was confronted with the fact that a) such behavior is completely outside the role of a judicial officer, and b) that his comments most likely had the exact opposite impact on the parties as to what he intended.

Once again, in melding this discussion with the listening of the recording, Judge Meyer appeared to be embarrassed that he engaged what he agreed was "off the rails" behavior. During this portion of our work, we discussed the issue of judicial fitness. We discussed how to identify when such thought processes are affecting his behavior. We discussed the importance of him recognizing those thought processes, and the steps he must take should those thought processes occur when and if he ever sits as a judicial officer. We discussed the importance that he does not ever repeat such behavior.

Judge Meyer concluded our work by expressing his desire to never sit on such a calendar again. He noted that the likelihood that he will ever attempt to serve in any type of judicial capacity is very small. He specifically committed that he would not accept any assignment that would involve his interaction with pro se parties in this context.

Based on our work, it appeared that Judge Meyer has obtained valuable insight into his behaviors, and it appeared that he embraced the strategies that we discussed. Based on his statements and demeanor, it appears that this intensive "moral recognition" session, while painful for him, was invaluable to him being able to learn strategies to avoid a recurrence.

Please feel free to contact me at your convenience should you wish more details.

Cordially,

Matthew W. Williams
Judge, King County Superior Court

cc: Judge David Meyer