

FILED
APR 26 2019
COMMISSION ON JUDICIAL CONDUCT

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

In Re the Matter of)	
)	
The Honorable David Meyer)	CJC No. 9126-F-185
Former Judge of the King County)	
District Court)	STIPULATION, AGREEMENT
_____)	AND ORDER OF ADMONISHMENT

The Commission on Judicial Conduct ("Commission") and King County District Court Judge David Meyer ("Respondent") stipulate and agree as provided herein. This stipulation is submitted pursuant to Article IV, Section 31 of the Washington Constitution and Rule 23 of the Commission's Rules of Procedure and shall not become effective until approved by the Washington Commission on Judicial Conduct.

The Commission has been represented in these proceedings by its Executive Director, J. Reiko Callner, and Respondent has represented himself.

I. STIPULATED FACTS

A. Respondent was at all times referred to in this document a judge of the King County District Court. Respondent served in that capacity for eight years, having been first elected to the bench in 2010. Unrelated to this proceeding, Respondent retired from the bench effective January 6, 2019.

B. On the morning of August 17, 2018, Respondent presided over a calendar which included the two hearings for Anti-Harassment Orders that are the subject of this stipulation. During the course of the two hearings at issue here, Respondent was unnecessarily confrontational, unreasonably limited the litigants' presentations of their respective cases, criticized a domestic violence survivor for her choice in relationships, and laughed at a response of the lawyer who was present for one of the hearings. (Excerpts from the audio recordings of the proceedings in question

are attached as Exhibit A.)

C. The Commission received a complaint regarding this matter on September 17, 2018. Following a confidential preliminary investigation, the Commission initiated disciplinary proceedings by serving Respondent with a Statement of Allegations on October 17, 2018. The Statement of Allegations alleged his conduct during the hearings at issue violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.3, 2.6(A) and 2.8(A) and (B)) of the Code of Judicial Conduct.

D. Respondent timely answered the Statement of Allegations by letter dated November 21, 2018. In his answer, Respondent agreed with the Commission's allegations that he was "intemperate and intimidating" and also described his conduct as "brusque, harsh, discourteous, impatient and sarcastic." Respondent indicated that he believed this was a one-time lapse in appropriate demeanor and also noted that it occurred during what he described as a long and difficult calendar.

II. AGREEMENT

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

1. Respondent agrees his conduct described above violates Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.6(A), 2.8(A) and (B)) of the Code of Judicial Conduct. Rules 1.1 and 1.2 require judges to uphold the integrity of the judiciary by avoiding impropriety and the appearance of impropriety and by acting at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary.¹ Rule 2.6(A) requires that a judge allow litigants and attorneys the right to be heard according to law and Rule 2.8(A) and (B) require

¹ Canon 1 of the Code of Judicial Conduct states that a judge shall uphold and promote the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. Rule 1.1 specifies, "A judge shall comply with the law, including the Code of Judicial Conduct." Rule 1.2 provides, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

judges maintain appropriate courtroom decorum and be patient, dignified and courteous to all persons with whom they deal in their official capacity.²

2. Repeatedly interrupting litigants, preventing them from presenting their case, ignoring their responses, telling a litigant that she must have no respect for herself because of who she dates and shaming her in front of her teenage daughter, and openly laughing in response to a lawyer's factual assertions violate the above listed Code provisions.

B. Imposition of Sanction

1. The sanction imposed by the Commission must be commensurate to the level of Respondent's culpability and must be sufficient to restore and maintain the dignity and honor of the judicial position. The sanction should also seek to protect the public by assuring that Respondent and other judges will refrain from similar acts of misconduct in the future.

2. In determining the appropriate level of discipline to impose, the Commission considers the factors set out in CJCRP 6(c).

a. Characteristics of Respondent's Misconduct. The misconduct occurred in the courtroom, during court proceedings, and while Respondent was acting in his official capacity. Respondent believes that this was an isolated incident, and the Commission's investigation did not reveal additional instances of improper demeanor. However, injudicious demeanor is considered serious misconduct. As the Commission has noted in prior cases, appropriate judicial demeanor plays an important role in the public's perception of justice. The public is more likely to respect and have confidence in the integrity and fairness of a judge's decision if the judge is outwardly respectful, patient and dignified. Because of the power disparity between a judge and others in the courtroom, demeaning a litigant or an attorney is an abuse of judicial power.

b. Service and Demeanor of Respondent. Respondent was a judicial

² Canon 2 expresses that "a judge should perform the duties of judicial office impartially, competently, and diligently." Rule 2.8 (A) provides, "A judge shall require order and decorum in proceedings before the court." Rule 2.8(B) states, "A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials and others subject to the judge's direction and control."

officer for over eight years and has no prior disciplinary history. The type of hearing at issue here is regarded as one of the most challenging to face judicial officers in courts of limited jurisdiction in terms of courtroom management. Nonetheless, a judge has the responsibility to be patient, dignified and courteous. Respondent has fully cooperated with the Commission's investigation and proceedings and, as evidenced by this agreement, has accepted that his conduct was inappropriate. Further, Respondent is no longer a regular sitting judge, and his future judicial service, if any, is conditioned on satisfying remedial conditions outlined below.

C. Based upon the stipulated facts, upon consideration and balancing of the factors set out in CJCRP 6(c), Respondent and the Commission agree that Respondent's stipulated misconduct shall be sanctioned by the imposition of an admonishment. An "admonishment" is a written action of the Commission that cautions a respondent not to engage in certain proscribed behavior. An admonishment may include a requirement that the respondent follow a specified corrective course of action. Admonishment is the least severe disciplinary action the commission can issue.

D. Respondent agrees that he will read and familiarize himself with the Code of Judicial Conduct in its entirety and provide written confirmation of that fact within 30 days of entry of this stipulation.

E. Prior to resuming any pro tem or other judicial service, Respondent shall show proof of completion of at least two hours of training in appropriate courtroom demeanor, not at Commission expense. This training must be approved in advance by the Commission Chair or her designate.

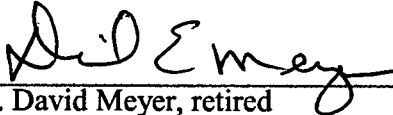
F. Respondent agrees that he will not repeat such conduct in the future, mindful of the potential threat any repetition of his conduct poses to public confidence in the integrity and impartiality of the judiciary and to the administration of justice.

G. Respondent has represented himself in these proceedings. He affirms he has had an opportunity to consult with an attorney and voluntarily chooses to represent himself in this matter and enter into this agreement.

H. Standard Additional Terms and Conditions

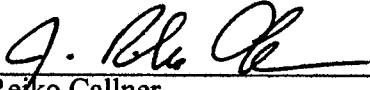
1. By entering into this stipulation and agreement, Respondent waives his procedural rights and appeal rights in this proceeding pursuant to the Commission on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State Constitution.

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



Hon. David Meyer, retired
Respondent

4/15/19
Date



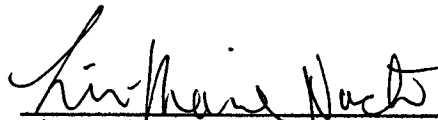
J. Reiko Callner,
Executive Director
Commission on Judicial Conduct

4/17/19
Date

ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent David Meyer Admonished for violating Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.6(A), 2.8(A) and (B)) of the Code of Judicial Conduct. Respondent shall not engage in such conduct in the future and shall fulfill the terms of the agreement as set forth above.

DATED this 26th day of April, 2019.



Lin-Marie Nacht, Chair
Commission on Judicial Conduct