

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

In re the Matter of:

The Honorable Scott D. Gallina  
Former Judge of the Asotin, Garfield, and  
Columbia Counties Superior Courts

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NO. 9422-F-200

**STIPULATION, AGREEMENT  
AND ORDER OF CENSURE**

The Commission on Judicial Conduct and Scott D. Gallina, former judge of the Asotin, Garfield, and Columbia Counties Superior Courts, 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 Reiko Callner and Former Judge Gallina has represented himself.

**I. STIPULATED FACTS**

A. Former Judge Scott Gallina (“Respondent”) was the sole judge of the Asotin, Garfield, and Columbia Counties Superior Courts. Respondent was appointed to his position in 2014, won election in 2016, and did not file for re-election in 2020.

B. The Commission first learned of the allegations detailed herein in April of 2019. On April 10, 2019, Respondent was arrested on charges of 2nd Degree Rape, 2nd Degree Assault and Indecent Liberties. He called the Commission on April 11, 2019, to report his arrest on these felony charges. He went on administrative leave and has not served as a judge after that date. The Commission received additional complaints following media accounts of the arrest and charges.

C. On April 4, 2022, Respondent pled guilty to reduced charges of Assault in the Third Degree with Sexual Motivation and Assault in the Fourth Degree with Sexual Motivation in Asotin County Superior Court Case No. 19-1-00066-02. The conduct giving rise to the charges occurred while Respondent was a judicial officer, and the victims of the conduct were court employees. At the time the plea was made, the prosecution explained, in a statement to the court, that they agreed to accept a plea to reduced charges in light of the Respondent's lack of criminal history; the fact that the plea would result in a prison sentence; that Respondent will be required to register as a sex offender for ten years; and to spare the victims from having to testify at a trial.

## **II. AGREEMENT**

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

1. Based upon the above stipulated facts, Respondent agrees that he violated Canon 1, Rules 1.1, 1.2, and 1.3, and Canon 2, Rule 2.3 of the Code of Judicial Conduct.

2. Rule 1.1 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." Rule 1.3 provides, "A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others." Rule 2.3(B) states that: "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so."

3. Respondent agrees that he violated Canon 1, Rules 1.1, 1.2, and 1.3, and Canon 2, Rule 2.3(B) of the Code of Judicial Conduct by committing the criminal offenses of Assault in the Third Degree with Sexual Motivation and Assault in the Fourth Degree with Sexual Motivation against his own subordinate court staff.

## **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. The misconduct here constituted an ongoing pattern of conduct which was egregious, and criminally victimized and harmed members of the judge's own staff. It took place at the courthouse while Respondent and victims were working in their official capacities. The misconduct inflicted severe and lasting harm and betrayed the trust of the victims who were directly subordinate to Respondent. Respondent exploited his judicial office to satisfy his personal desires and grievously damaged the public's respect for the judiciary.

(b) Service and Demeanor of the Judge. As evidenced by his guilty plea and this stipulation, Respondent has acknowledged that the acts occurred. Respondent has no disciplinary history and fully cooperated with the Commission in this matter.

2. Respondent agrees that, after considering the factors above, a censure is the appropriate level of sanction. A "censure" is a written action of the Commission that requires Respondent to appear personally before the Commission and that finds that Respondent's conduct violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, and undermines public confidence in the administration of justice. A censure is the most severe disciplinary action the Commission can issue. A censure may include a recommendation to the state supreme court for suspension or removal. Because Respondent is no longer a judicial officer, the parties agree no such recommendation is warranted.

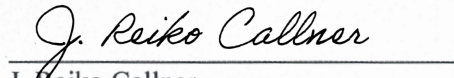
3. Respondent further agrees that following the execution of the Stipulation, he shall not seek nor serve in any position performing judicial functions. He shall abide by all the terms and conditions of the criminal court sentence.

4. Respondent has represented himself in this disciplinary proceeding. He affirms he enters into this stipulation after having an opportunity to consult with counsel.

5. Respondent agrees that by entering into this stipulation and agreement, he hereby waives his 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.

  
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Scott Gallina  
Respondent

7/6/22  
Date

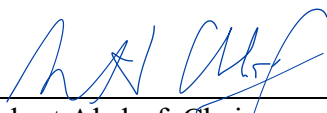
  
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J. Reiko Callner  
Executive Director  
Commission on Judicial Conduct

July 6, 2022  
Date

## **ORDER**

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Scott Gallina, Censured for violating violated Canon 1, Rules 1.1, 1.2, and 1.3, and Canon 2, Rule 2.3 of the Code of Judicial Conduct. Respondent shall fulfill the terms of the agreement as set forth above.

DATED this 9<sup>th</sup> day of September, 2022.

  
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Robert Alsdorf, Chair  
Commission on Judicial Conduct