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

In Re the Matter of

The Honorable David Ruzumna,
Judge Pro Tempore of the King County
District Court

CJC No. 11424-F-210

**CONCURRING, IN PART,
DISSENTING, IN PART**

I concur with much of the Commission’s recitation of the facts and its overall decision that Respondent violated the Code. I agree that the facts support concluding that Respondent violated Canon 1, Rules 1.1 and 1.2. And I agree with the ultimate sanction chosen by the Commission. I disagree, however, that Respondent’s conduct violated Rule 1.3.

The Commission has determined that Respondent’s conduct violated Rule 1.3 because he “presented the accoutrements of judicial status” to the parking lot attendant “over and over” while he maintained his belief that was entitled to a parking discount. The Commission appears critical of Respondent’s belief he was entitled to the discount (suggesting that he failed to choose to “address anyone in the court system with actual knowledge” of his entitlement), but the Commission appears to stop short of concluding that Respondent subjectively *knew* he was not entitled to the discount. This is prudent because I do not believe that Disciplinary Counsel proved by clear, cogent, and convincing evidence that Respondent *knew* he was not so entitled. I have some doubts about the reasonableness (and veracity) of Respondent’s belief. But clear, cogent, and convincing evidence is a high standard of proof to meet, and the evidence was somewhat disputed about how clearly Respondent should have known he was not entitled to

1 discounted parking—this disputed evidence comes most notably by the testimony from Judge
2 Hirakawa (who claimed unequivocally that pro tem judges do receive discounted parking).

3 Notwithstanding that it was not proved that Respondent *knew* he was not entitled to the
4 discount, the Commission still finds that he violated Rule 1.3 by presenting the accoutrements
5 of judicial office for the discount when he was not *in fact* entitled to the discount. This, according
6 to the Commission, constituted “abuse” of the prestige of judicial office. While I appreciate the
7 Commission’s reading of Rule 1.3, I respectfully disagree.

8 Rule 1.3 is relatively straightforward; it provides,

9 A judge shall not abuse the prestige of judicial office to advance the personal or
10 economic interests of the judge or others, or allow others to do so.

11 The Commission reads this language broadly, concluding that Respondent’s use of
12 judicial accoutrements, especially the falsified Judge Robertson letter, was “abuse” even when
13 he may have believed he was entitled to the discount as a county employee and even when the
14 judicial accoutrements were the only evidence he had to establish that employment. This is not
15 an unreasonable conclusion on the part of the majority. To be sure, reasonable minds could
16 construe the Respondent’s use of the falsified letter as an “abuse” of Judge Robertson’s judicial
17 office and, thus, arguably falling within the language of Rule 1.3.

18 But I view Rule 1.3 a little more narrowly; I conclude the Rule is designed to proscribe
19 a slightly different type of misconduct, rooted in a narrower meaning of the word “abuse.” From
20 reading the Rule in conjunction with ‘Comment 1,’ I conclude the Rule is intended to focus on
21 the misuse of judicial power and prestige typically to receive benefits *outside* of their judicial
22 employment and to which the judge *knows* they are not entitled. The Comment [1] reads,

23 COMMENT

24 [1] It is improper for a judge to use or attempt to use his or her position to gain
25 personal advantage or deferential treatment of any kind. For example, it would be
26 improper for a judge to allude to [their] judicial status to gain favorable treatment
in encounters with traffic officials. Similarly, a judge must not use judicial
letterhead to gain an advantage in conducting [their] personal business.

1 Both examples used in the Comment illustrate a specific type of conduct; that is, conduct
2 purposely calculated to use the power of the judicial office to receive something of value outside
3 of their judicial role and to which the judge knows is undeserved. The Comment’s examples of
4 deliberately demanding (or at least expecting) favoritism during a traffic stop or seeking to
5 receive undeserved benefits in personal business because of a wholly unrelated status of judicial
6 office fit this narrow description.

7 Moreover, this specific type of misconduct has a high degree of egregiousness because
8 it involves a deliberate decision by the judge to attempt to obtain a personal benefit through the
9 misuse of the inherent power and prestige of judicial office. That the judge understands the
10 benefit is undeserved and outside of their judicial role makes the ethical violation worse. Rule
11 1.3 appears to target this specific misconduct and its high degree of culpability.

12 Here, Respondent testified that he thought he was entitled to discounted parking as a
13 county employee (solely through his role as pro tempore judge), and that, rather than attempting
14 to gain influence with the attendant through the display of judicial prestige, he was merely trying
15 to show he was a judge solely to establish his status as a county employee. In my view, using
16 judicial accoutrements under these very specific facts is outside the scope of the specific
17 misconduct sanctioned by Rule 1.3.

18 The absence of the inherent power and prestige of the judicial role is critical to this
19 conclusion. Indeed, the result would be different if it were proven that in addition to using his
20 judicial role to establish his employment, Respondent also intended to apply undue pressure on
21 the parking attendant. The Commission appears to believe that this type of undue pressure
22 occurred here, speculating that because the parking attendant was described as an “African-
23 American” whose first language was not English, Respondent appeared to be intentionally
24 pressuring the “least powerful person in the scenario” in order to achieve his goals. But I
25 disagree that this conclusion is established by the evidence (either in the motivation by
26 Respondent or in the effect on the attendant). Thus, because it was not proven that Respondent

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was attempting to obtain a benefit that was unrelated to his judicial role by leveraging judicial power and prestige, I believe the Rule is inapplicable.

Although Respondent’s conduct did not violate Rule 1.3, there is little doubt that his conduct in falsifying a document with Judge Robertson’s signature stamp and his untruthful, repeated statements (and testimony) about it were ethical violations worthy of a significant sanction. But his conduct is more appropriately addressed as violations of Rules 1.1 and 1.2.

Respectfully, I concur, in part, and dissent, in part.

DATED this 19th day of March, 2025.

Erik Price

Erik Price

CERTIFICATE *of* SIGNATURE

REF. NUMBER
FBS5S-JNEDF-R2AOA-IAHYA

DOCUMENT COMPLETED BY ALL PARTIES ON
19 MAR 2025 21:23:00 UTC

SIGNER

ERIK PRICE

EMAIL
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TIMESTAMP

SENT
19 MAR 2025 21:17:50 UTC
VIEWED
19 MAR 2025 21:21:06 UTC
SIGNED
19 MAR 2025 21:23:00 UTC

SIGNATURE

Erik Price

IP ADDRESS
206.194.133.42

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OLYMPIA, UNITED STATES

RECIPIENT VERIFICATION

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