

SUPREME COURT OF WASHINGTON

In the Matter of the Disciplinary Proceeding Against Judith R. Eiler, Judge of the King County District Court

236 P.3d 873 (Wash. 2010) · No. No. 200,701-5 · Decided August 5, 2010

SUMMARY

The Washington Supreme Court reviewed disciplinary proceedings against King County District Court Judge Judith R. Eiler arising from repeated rude, impatient, and demeaning courtroom conduct. The court held that clear, cogent, and convincing evidence established a violation of Canon 3(A)(3) of the Code of Judicial Conduct, but not Canons 1, 2(A), 2(B), or 3(A)(4). It affirmed censure and imposed a five-day unpaid suspension, rejecting the Commission's recommended 90-day suspension.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	J.M. Johnson; Charles W. Johnson; Tom Chambers; Christine Quinn-Brintnall; Richard P. Sanders; Barbara A. Madsen; Mary E. Fairhurst; Debra L. Stephens; Alexander
JURISDICTION	Washington
DECIDED	August 5, 2010
DOCKET	No. 200,701-5
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary proceeding transferred from the Washington State Commission on Judicial Conduct to the Washington Supreme Court after the Commission censured Judge Eiler and recommended a 90-day unpaid suspension. Judge Eiler filed a notice of contest challenging the recommended suspension.
STANDARD OF REVIEW	De novo review of the Commission's findings of fact and conclusions of law, with an independent inquiry into whether the evidence clearly and convincingly establishes misconduct and an independent determination of the appropriate sanction. The court gives considerable weight to credibility determinations and serious consideration to the Commission's recommended sanctions, but is not bound by them.
PRECEDENTIAL VALUE	published precedential opinion

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QUESTIONS PRESENTED

1. Whether clear, cogent, and convincing evidence established that Judge Eiler violated Canons 1, 2(A), 2(B), 3(A)(3), and 3(A)(4) of the Washington Code of Judicial Conduct.
2. What sanction was appropriate for the proven misconduct, including whether suspension, censure, reprimand, or removal was warranted.

HOLDINGS

1. Judge Eiler's repeated rude, impatient, demeaning, and undignified treatment of litigants and attorneys violated Canon 3(A)(3), which requires judges to be patient, dignified, and courteous in their official dealings.
2. The evidence did not clearly, cogently, and convincingly establish that Judge Eiler changed a litigant's disposition to advance her own private interests or avoid discipline; therefore, she did not violate Canon 2(B).
3. Judge Eiler's rude and discourteous behavior did not establish violations of Canon 1, Canon 2(A), or Canon 3(A)(4).
4. Censure together with a five-day suspension without pay was the appropriate sanction for Judge Eiler's repeated violation of Canon 3(A)(3).

KEY QUOTATIONS

"We find that Judge Eiler's demeanor and behavior violates only Canon 3(A)(3) of the CJC. This misconduct, combined with Judge Eiler's previous failure to change similar behavior, warrants the sanction of suspension. We order that she be suspended without pay for a lesser, five-day period." (875)

"Although each of these examples of Judge Eiler's conduct in the courtroom may appear fairly inoffensive alone, when considered cumulatively, the sum of the evidence points to another conclusion." (879)

"However, we require our judiciary to be efficient and effective without being rude, discourteous, or demeaning. The CJC demands consistently dignified conduct." (883)

FACTUAL BACKGROUND

Judge Judith Eiler served for nearly 20 years as a King County District Court judge handling a high volume of small-claims and traffic matters involving largely pro se litigants. Over several years, numerous complaints documented a recurring pattern of interrupting litigants, using angry or condescending language, belittling parties, and otherwise displaying rude, impatient, and undignified courtroom behavior. Judge Eiler had previously been reprimanded for similar conduct in 2005 and completed required corrective measures, but additional complaints and 15 documented incidents led to the present disciplinary proceeding.

PROCEDURAL HISTORY

The Commission investigated complaints concerning Judge Eiler's courtroom demeanor, held a fact-finding hearing, and found by clear, cogent, and convincing evidence that she violated Canons 1, 2(A), 3(A)(3), and 3(A)(4), while rejecting the alleged Canon 2(B) violation. The Commission imposed censure and recommended a 90-day unpaid suspension. On de novo review, the Washington Supreme Court upheld only the Canon 3(A)(3) violation, reversed the findings under Canons 1, 2(A), and 3(A)(4), affirmed censure, and imposed a five-day unpaid suspension.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceeding Against Deming, 108 Wash. 2d 82, 736 P.2d 639 (1987)
- In re Disciplinary Proceeding Against Anderson, 138 Wash. 2d 830, 981 P.2d 426 (1999)
- In re Disciplinary Proceeding Against Ritchie, 123 Wash. 2d 725, 870 P.2d 967 (1994)
- In re Kneifl, 217 Neb. 472, 351 N.W.2d 693 (1984)
- In re Disciplinary Proceeding Against Sanders, 135 Wash. 2d 175, 955 P.2d 369 (1998)
- In re Walsh, 356 S.C. 97, 587 S.E.2d 356 (2003)
- Dodds v. Commission on Judicial Performance, 12 Cal. 4th 163, 906 P.2d 1260, 48 Cal. Rptr. 2d 106 (1995)
- In re Schapiro, 845 So. 2d 170 (Fla. 2003)
- Ex parte Haymans, 767 So. 2d 1173 (Fla. 2000)
- In re Wood, 720 So. 2d 506 (Fla. 1998)
- In re Inquiry Concerning a Judge re Wright, 694 So. 2d 734 (Fla. 1997)
- In re Horan, 85 N.J. 535, 428 A.2d 911 (1981)
- In re Judicial Disciplinary Proceedings Against Michelson, 225 Wis. 2d 221, 591 N.W.2d 843 (1999)
- In re Complaint Against Lindner, 271 Neb. 323, 710 N.W.2d 866 (2006)
- In re Bowers, 721 So. 2d 875 (La. 1998)
- In re Rasmussen, 43 Cal. 3d 536, 734 P.2d 988 (1987)
- Matter of Albano, 75 N.J. 509, 384 A.2d 144 (1978)

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