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Padden takes on ethics issue

Senate hopeful has judicial conduct panel release findings

Thomas Clouse *The Spokesman-Review*

State Senate hopeful Mike Padden, a former Spokane County District Court judge, is trying to head off a potential campaign issue.

At Padden's request, the state Commission on Judicial Conduct has issued a statement confirming that it examined complaints about Padden's 1999 selection of a former client as the official collection agency for District Court but found nothing to support an ethics violation. The commission typically acknowledges complaints only if it imposes discipline or sanctions.

The agency, however, refused to disclose how it arrived at its conclusion or what the initial examination entailed.

Reiko Callner, executive director of the CJC, said state guidelines prohibit her from discussing those kinds of details, including whether the commission took into account that Padden no longer was serving as a judge when it decided in 2007 against opening a full investigation.

"We are obliged to do our own independent investigation and our own assessment," she said. "Confidentiality is almost absolute in dismissed cases." Virtually the only way for information about probes that don't lead to sanctions is for the judge in question to request it, Callner said.

In an interview this week, Padden said he personally asked the commission to reveal the findings from October 2007 as he challenges recently appointed state Rep. Jeff Baxter, R-Spokane Valley, for the 4th Legislative District seat that had been filled for decades by the late Bob McCaslin.

Concerns over Padden's connections to Valley Empire Collection's selection for the court contract were raised in a 2007 Spokesman-Review article. Padden served as legal counsel for the company when he was in private practice. Later, as a judge, he served as chairman of the committee that chose Valley Empire over the objection of some committee members because its fees were the second-highest of the 10 applicants for the lucrative contract.

“I self-reported it after the article ... because I was concerned,” Padden said of how the conduct commission learned of the concerns. “I didn’t feel a number of the inferences or allegations were correct.”

Asked what he believed to be incorrect in the Jan. 7, 2007, article titled “Judge’s clout cost citizens,” Padden said he hasn’t read the article in a long time and gave no specifics.

The issue essentially remained dormant until the Commission on Judicial Conduct released a statement last month, noting that it rarely releases information about investigations that don’t result in ethics violations or discipline.

“The judge was publicly associated with impropriety in his role in the selection of a collection agency that performed collections for the Spokane County District Court. Following its independent investigation, the Commission dismissed the complaint at its meeting in October 2007,” the statement reads.