

Clark County judge charged with rude courtroom behavior

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By **James Mayer, The Oregonian**



Judge John Wulle

The teenager didn't want a lawyer and tried to admit to the probation violation that landed him in Clark County Juvenile Court.

"I'm not going to let him fly solo and practice law when he hasn't even finished high school," **Superior Court** Judge John Wulle told the boy's mother. "If you're too stupid to know that what I'm trying to do is protect you, then let me spell it out for you," Wulle said to the teenager, his voice rising. "I'm trying to protect you, your rights and your freedoms. So step one is that I bring you back with an attorney, then we talk."

The March 2011 incident is one of four courtroom outbursts by the judge over the past three years that led the **Washington State Commission on Judicial Conduct** to charge him with engaging in "a pattern of discourteous, impatient and undignified behavior."

The commission will hold a hearing on the charges Aug. 27 in Vancouver.

Wulle is up for re-election in the Aug. 7 primary.

Wulle, a 15-year veteran of the court, denies that he violated the code of judicial conduct, but acknowledged in a response to the charges that his behavior was inappropriate.

"I tend to be very direct in my approach to disrespectful litigants," Wulle wrote. "It is not the proper approach to make and I will receive counseling from a therapist to reduce my anxiety and stress level so as not to behave in this manner in the future."

In the case of the "stupid" comment, the judge said juveniles are not allowed to waive their right to an attorney without the attorney present.

"I was very loud and used a command voice to get his attention," Wulle wrote. He should have calmly explained the situation, he said.

"My outburst toward the young man and his mother most likely intimidated him and made him more angry at the system than he had been before. I should never have used the word 'stupid.'"

After the August hearing, the 11-member commission will issue a written ruling at a later date. If found guilty, Wulle could face admonishment, basically a written scolding; or reprimand, a scolding that the judge has to hear in person; or censure, which can include a recommendation to the Washington Supreme Court that the judge be suspended or removed from the bench.

The commission receives 250 to 300 complaints against judges every year — most of them from people who lost in court, according to J. Reiko Callner, the commission's executive director.

The overwhelming majority of complaints are dismissed. About two or three each year rise to the level of a formal charge.

Wulle has filed several motions seeking to limit the commission's actions, including excluding Callner and her staff from further involvement in the case, banning commission members who served in the investigative phase of the case from sitting on the hearing panel, and delaying the hearing until the commission complies with Wulle's freedom of information request for email traffic dealing with the case.

In a declaration filed with the commission, King County Superior Judge Michael Heavey supported Wulle's motions, arguing that the charges against him are politically motivated, aimed at defeating Wulle in the Aug. 7 election.

Heavey wrote that Callner and "co-conspirators despise Judge Wulle for his previous disciplined conduct and they stalk him like a pack of jackals going after a wounded antelope."

Wulle has been in hot water with the commission before.

In 2007, he was censured following a conference in Los Angeles where witnesses said he made demeaning remarks about African Americans, gays and Jews.

The current charges also involve a well-publicized outburst at the 2009 sentencing of Matthew Hastings for shooting at police officers. Hastings became

angry, and Wulle shouted at him, "Shut your damn mouth, son."

In Wulle's response to the charges, he said Hastings had been disrespectful throughout the trial.

"Mr. Hastings was a bully and I treated him like one in the courtroom," he said. "I let him push my buttons and I pushed back. It was the wrong move to make."

In another incident, a defendant made a slicing movement across his throat, and the judge took it as a threat and found him in contempt. Later he realized that the man was threatening to kill himself, not threatening him.

In a hearing for a civil protection order, Wulle told a man using a Russian interpreter, "This is not the Soviet Union."

Wulle said he understood his action created an appearance that he was prejudiced.

Callner said angry outbursts from a judge can create significant ethical problems. For one thing, they can create the impression that the judge is biased.

"Judges have a basic obligation to promote confidence in the integrity and independence of the judiciary," Callner said.

When a judge is angry or rude, the other people in the courtroom can't respond in kind, out of fear of losing their case, she said.

"The stakes are pretty high. That makes it bullying," Callner said.

Wulle submitted several letters of support from lawyers who have appeared before him.

"In those situations where I have seen Judge Wulle raise his voice, he has done so for the protection of the defendant," wrote Robert Vukanovich, a Vancouver defense attorney.

"I can say without reservation that Judge Wulle is one of the finest judges I have ever known," wrote Paul L. Henderson of Vancouver. "He is smart, he is fair, he is not afraid of hard work, and he is courteous to all parties — even in the face of rudeness and disrespect."

--James Mayer