

FILED
APR 7 1995

COMMISSION ON
JUDICIAL CONDUCT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of:)	
)	
HONORABLE CARMEL C. MACKIN,)	NO. 94-1677
Commissioner)	
Mason County District Court)	STIPULATION AND ORDER
4th & Alder Streets)	OF CLOSURE
P.O. Box 0)	
Shelton, WA 98584-0090)	
)	

Pursuant to WAC 292-12-020(6), the Commission on Judicial Conduct and Carmel C. Mackin, former Mason County District Court Commissioner and Judge Pro Tempore of the Mason County District Court, do hereby stipulate and agree as provided herein.

The Commission is represented in these proceedings by attorney Curtis M. Janhunen, and Respondent Ms. Mackin is represented by her attorney James K. Sells.

STIPULATION

I.

At all relevant times herein Respondent Carmel C. Mackin was a District Court Commissioner or Judge Pro Tempore of the Mason County District Court. At the present time she is no longer serving in either capacity.

II.

On or about January 23, 1994, Respondent was arrested for Driving While Under the Influence of Intoxicating Liquor.

BROWN LEWIS JANHUNEN & SPENCER

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SEATTLE FIRST NATIONAL BANK BUILDING
SUITE 501
101 EAST MARKET STREET
POST OFFICE BOX 1805
ABERDEEN, WASHINGTON 98520
(206) 533-1600 OR 532-1860

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

III.

On or about February 1, 1995, Respondent was found guilty by a jury of the charge of Driving While Intoxicated. She has given notice of her intent to appeal that conviction.

IV.

On or about March 31, 1994, Respondent was arrested a second time for Driving While Intoxicated, and has pled not guilty. The trial of this charge is pending in Thurston County District Court at this time.

V.

A hearing before the Commission is scheduled to take place on February 24, 1995.

VI.

Based upon the foregoing recitals, Respondent stipulates that the conduct she is accused of violates Canons I and II(A) of the Code of Judicial Conduct. Respondent stipulates that the Commission could find violations of Canons I and II(A) and impose disciplinary sanctions upon her.

VII.

Respondent agrees and stipulates that she will neither seek nor serve in any judicial office in the State of Washington unless and until:

1. She has completed an alcohol evaluation; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

2. She has received prior approval of the Commission on
Judicial Conduct.

VIII.

In exchange for Respondent's agreement and stipulation as
provided above, the Commission agrees to accept the agreement
and stipulation and to close this investigation and proceeding
without a hearing.

IX.

RESERVATION OF RIGHTS UNDER CERTAIN CONDITIONS

The Commission and Respondent agree that they intend, by
this Stipulation, to bring this matter to a conclusion. This
Stipulation shall not become effective until approved by the
Washington Commission on Judicial Conduct. If this Stipulation
is not accepted, the proceedings will proceed as though the
Stipulation was not entered into.

DATED: _____

McCLUSKEY, SELLS, RYAN, UPTEGRAFT
& DECKER
Attorneys for Respondent Mackin

By 
_____ JAMES K. SELLS, WSB #6040


_____ CARMEL C. MACKIN, Respondent

BROWN LEWIS JANHUNEN & SPENCER
Attorneys for the Commission on
Judicial Conduct

By 
_____ CURTIS M. JANHUNEN, WSB #4168

BROWN LEWIS JANHUNEN & SPENCER
A PROFESSIONAL SERVICE COOPERATION
ATTORNEYS AT LAW
SEATTLE FIRST NATIONAL BANK BUILDING
SUITE 501
101 EAST MARKET STREET
POST OFFICE BOX 1806
ABERDEEN, WASHINGTON 98520
(206) 533-1600 OR 532-1960

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

ORDER OF CLOSURE

BASED UPON the Stipulation and agreement of Respondent, Carmel C. Mackin, set forth herein, the Commission hereby ORDERS closure of this proceeding and investigation without a hearing.

DATED: *APRIL* February 7, 1995.



~~RUTH SCHROEDER, Chair~~
Commission on Judicial Conduct
G. DOUGLAS FERGUSON, Vice Chair