

Statement of E. Ross Farr

I swear under penalty of perjury the following facts are true to the best of my recollection:

I am submitting this statement pursuant to a subpoena I received from the Commission on Judicial Conduct. I was contacted by an investigator for the Commission, and I did not seek the Commission out. I am an attorney, and work as an associate in a general practice law firm in Seattle. Prior to this employment, I worked from August 2002 to August 2003 as a law clerk for Washington State Supreme Court Justice Charles Johnson.

While a law clerk at the Supreme Court, I attended a tour of the Washington State Special Commitment Center (SCC) on January 27, 2003 with other people affiliated with the State Supreme Court. My recollection is that I first learned of the opportunity for the trip through an email or memorandum from Justice Sanders' chambers to the rest of the court, inviting other justices and law clerks to attend. I had not previously gone on an institutional visit. Originally, several justices and law clerks planned to see the institution. Some letters between Justice Sanders and a group of residents of the SCC (the African American Collective (AAC)) circulated among chambers regarding the visit.

At some point I learned that some of the justices had concerns about the visit. I do not recall the specific reasons for their concerns. I began to receive word via email or memoranda that other justices and law clerks had decided not to go on the trip. I asked Justice Johnson whether he still felt it was appropriate for me to go, and he said it was fine. I also spoke with other law clerks about the trip. One who had been at the court for three years or so told me that the court occasionally goes on institutional visits, because it is healthy for the court to see and be familiar with state institutions. I was interested in going and so, with my justice's permission, I went.

After the visit, I did not talk with Justice Johnson about what happened at the SCC. When I got back, Justice Johnson did not happen to be in his chambers. Shortly afterward, I became aware that someone who had been involved in organizing the trip, presumably our DSHS guide, raised concerns. I do not recall exactly who raised concerns or how I became aware of them. In light of these concerns, my instinct was to discuss the trip with my judge. I recall asking Justice Johnson if he wanted to hear about the trip, and quickly and unequivocally said he did not. I realized that my talking with him about the trip might compromise his ability to sit on the case.

Even though I did not share with him any information about the trip, Justice Johnson asked me speak with a staff attorney at the court who the court consults on ethical issues. I believe Justice Johnson asked her for an opinion on whether he should recuse from cases pending before the court related to the SCC, based on my visit. The staff attorney called and spoke with me about the trip and I described what I remembered about the visit to the SCC. I understand that the staff attorney concluded that there was not a concern for Justice Johnson's continued participation on cases before the court related to the SCC.

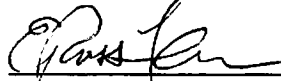
As for the trip itself, all the participants met at a DSHS building at Steilacoom. Before we boarded the ferry at Steilacoom, we were met by someone from DSHS, who talked to us about what to expect. I do not recall this person's name. On the island, we were taken by van to the future site of the SCC (which, I understand, is now open). We also got walked through various parts of the SCC, including a transitional unit. After the van tour, we went back into the prison and saw the secure portions of the SCC. We went to the woodshop and saw the residents' woodworking projects. I do not remember if we spoke with residents there, but a resident may have talked with us about his woodworking.

In the locked part of the SCC we were shown two different sections. Residents were all around, and we were occasionally introduced to them. As I recall, a group of residents, the AAC, had wanted to set up a meeting with us. Someone had made prior arrangements for us to meet with them in a small conference room in one of the secure units. We sat in chairs in a circle in the conference room. There may have been eight or nine residents. I do not recall the exact number of residents or their names.

I remember Justice Sanders asking the residents about their backgrounds. He told them at the outset "I can't talk about your case or your legal issues or I'd have to recuse myself from your cases." He said he just wanted to hear about their backgrounds and to get to know them a little. The residents we met with had obviously prepared an agenda for our meeting and had ready a list of things to talk about. They had very specific complaints about the conditions of their confinement. For example, they said inmates in the prison who prepared their food were tampering with it. Despite Justice Sanders' admonition, the conversation soon involved issues about why they were confined in the SCC and how they felt about it. During this part of the conversation, I believe Justice Sanders asked the residents whether they believed they could control their sexual urges.

Eventually, there was a natural break, and the DSHS employee who was our guide told us the ferry we were scheduled to take was leaving soon. Justice Sanders said he would like to stay and speak further with residents. I, however, decided that I would leave on the scheduled ferry. I was becoming uncomfortable with the conversation because it was beginning to touch on legal issues in the case then before the court involving SCC residents.

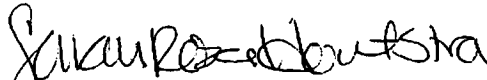
As I was leaving, other residents were ready to come into the conference room. I remember seeing a resident with a big piece of butcher paper with writing on it, which he was trying to give to Justice Sanders. It seemed to me that the residents were under the impression they could petition us with grievances. I do not believe anyone in our party encouraged this, but I did not stay to see what transpired and so do not know how Justice Sanders handled this situation. This confirmed to me that it was time to go, and I left for the ferry with two other law clerks. The rest of our party stayed.



E. Ross Farr

June 1, 2004

Date



Signed and sworn before me this
1 day of June, 2004.

Notary Public, in and for the State of Washington,
residing at Seattle. My commission
expires 11/1/06.