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FEB 23 1989

COMMISSION ON
JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In re the Matter of)
HONORABLE AUGUST F. HAHN, Judge) NO. 88-672-F-12
South District Court, Pacific County) FORMAL COMPLAINT
Long Beach, Washington 98631)

Pursuant to authority granted in Revised Code of Washington, Chapter 2.64 (Judicial Qualifications Commission) and the Commission on Judicial Conduct Rules, adopted April 3, 1987, and at the order of Commission on Judicial Conduct, this Formal Complaint alleging violations by Honorable August F. Hahn of the Code of Judicial Conduct is filed. The background and facts of the Complaint are set forth in the following paragraphs:

Background

1. Honorable August F. Hahn (respondent herein) was, at the time the acts hereinafter mentioned were perpetrated, a judge of South District Court in Pacific County, Washington.

2. On November 7, 1988, respondent was sent a letter from the Commission on Judicial Conduct notifying respondent of the initial proceedings and the nature of the charges pursuant to CJC 6(b).

FORMAL COMPLAINT - 1
cjcafh.cpl.2189.13

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1 3. Enclosed with the above-referenced communication was a
2 statement of allegations.

3 Facts Supporting Complaint.

4 1. Respondent has presided over cases involving persons whom
5 he previously represented as an attorney. Some of those persons
6 include the following: Donald Oman, John Bock, Brenda Berrier,
7 Argie M. Cope, Davey Andrews and Steven Moravec.

8 2. Respondent has made statements from the bench in fish and
9 game cases which give rise to questions regarding his partiality.
10 An example of these comments is the following: "more than
11 reasonable doubt is needed in fish and game cases because license
12 revocation is possible."

13 3. Respondent engaged in Ex Parte communication with the
14 arresting officer in the case of Darlene Annette Crew by
15 telephoning the officer at his home and stating "we want to get
16 her."

17 4. A defendant by the name of Audrey Gooden was arrested for
18 driving while intoxicated. Upon her arrest, she insisted on
19 calling respondent, despite the officer's efforts to inform Ms.
20 Gooden that respondent was the judge so he could not be her
21 attorney. After the conversation with Ms. Gooden, respondent
22 talked with the officer and told him to cite Ms. Gooden into his
23 court.

24 5. Respondent habitually dismisses cases or reduces fines or
25 charges at arraignment, without motions and without contacting the

1 arresting officer or prosecuting attorney. The following
2 defendants are examples: Donna Armstrong, Edmond L. Jones, Orin W.
3 Laughton, David B. Lawler, George D. Bailey, Stanley R. Bennett,
4 Michael C. Welter, Robert L. Reed, Dwight L. Roberts, Scott Parker,
5 John Kosa, Raymond Holland, Wayne Holland, David R. Frank, Kristine
6 Hoffman, Michael Pence, and Mark Lope.

7 6. Respondent has shown a pattern of discourteous,
8 undignified and impatient behavior in his court. The following are
9 examples:

10 A. One women accused of theft was told after the trial that
11 respondent felt she didn't take the money but that her mother did.
12 However, since she was the person on trial, he would have to find
13 her guilty.

14 B. A defendant named Eddy Freshly was told he was "lower than
15 a South Bend Cambodian"; and

16 C. To a woman charged with third degree theft, he yelled
17 "you're a thief, you'll always be a thief".

18 The results of these and other verbal attacks in the court
19 room have resulted in individuals refusing to appear in his court.

20 Basis for Commission Action.

21 The Commission has determined that probable cause exists for
22 believing that respondent has violated canons 1, 2, 3(A), and
23 3(C)1(a) and (b) of the Code of Judicial Conduct (CJC) which state
24 as follows:
25

1
2 CANON 1 JUDGES SHOULD UPHOLD THE INTEGRITY AND
INDEPENDENCE OF THE JUDICIARY

3 An independent and honorable judiciary is
4 indispensable to justice in our society. Judges
5 should participate in establishing, maintaining,
6 and enforcing, and should themselves observe,
7 high standards of conduct so that the integrity
and independence of the judiciary may be
preserved. The provisions of this code should
be construed and applied to further that
objective.

8
9 CANON 2 JUDGES SHOULD AVOID IMPROPRIETY AND THE
10 APPEARANCE OF IMPROPRIETY IN ALL THEIR
ACTIVITIES

11 (A) Judges should respect and comply with
12 the law and should conduct themselves at all
13 times in a manner that promotes public
confidence in the integrity and impartiality of
the judiciary.

14 (B) Judges should not allow their
15 families, social, or other relationships to
16 influence their judicial conduct or judgment.
17 Judges should not lend to the prestige of their
18 office to advance the private interests of
others; nor should judges convey or permit
others to convey the impression that they are in
a special position to influence them. Judges
should not testify voluntarily as character
witnesses.

19
20 CANON 3 JUDGES SHOULD PERFORM THE DUTIES OF
21 THEIR OFFICE IMPARTIALLY AND DILIGENTLY

22 The judicial duties of a judge take precedence
23 over all other activities. The judge's judicial
24 duties include all the duties of office
prescribed by law. In the performance of these
duties, the following standards apply:

25 (A) Adjudicative Responsibilities.

(1) Judges should be faithful to
the law and maintain professional
competence in it. Judges should be

unswayed by partisan interests, public clamor, or fear of criticism.

(2) Judges should maintain order and decorum in proceedings before them.

(3) Judges should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom judges deal in their official capacity, and should require similar conduct of lawyers, and of the staff, court official, and others subject to their direction and control.

• • •

(C) Disqualification.

(1) Judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) the judge served as lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

Notification of Right to File Written Answer.

In accordance with CJC 7, the respondent is herewith informed that he may file with the Commission a written answer to the charges contained in Formal Complaint within fourteen (14) days after the date of service. If respondent does not file a written

1 answer, a general denial with be entered on behalf of respondent.
2 The Complaint and Answer shall be the only pleadings required.

3 DATED this 23rd day of February, 1989.

4 COMMISSION ON JUDICIAL CONDUCT OF
5 THE STATE OF WASHINGTON

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