

FILED

FEB 08 1990

COMMISSION ON
JUDICIAL CONDUCT

BEFORE THE COMMISSION OF JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In re the Matter of)
Eugene C. Anderson, Judge) NO. 89-793-F-15
Skagit County District Court,) AMENDED
STATEMENT OF CHARGES

Pursuant to the authority granted in the Revised Code of Washington, Chapter 2.64 (Commission on Judicial Conduct) and the Washington Administrative Code, Chapter 292-12, and at the order of the Commission on Judicial Conduct, this formal statement of charges is filed alleging violation by Hon. Eugene C. Anderson of the Rules of Judicial Conduct. The background and facts of the complaint are set forth in the following paragraphs:

Background:

1. Hon. Eugene C. Anderson, respondent, is now and at all times relevant to this complaint, was a judge of the District Court of Skagit County.

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1 2. On December 19, 1989, respondent was sent a letter from the
2 Commission on Judicial Conduct informing him that a Verified
3 Statement was filed in accordance with WAC 292-10-010(4) and the
4 Commission was pursuing initial proceedings.

5 3. Enclosed with the above referenced communication was a
6 statement of allegations.

7
8 Facts Supporting Complaint

9 1. In Skagit County Cause No. CV 86-905, Water Damage
10 Restorers, Inc. v. Oman, a trial was held before Judge Eugene C.
11 Anderson on March 17, 1987. A judgment was entered denying both
12 plaintiff's claim and the defendant's counterclaim.

13 2. On March 26, 1987 plaintiff filed a motion for
14 reconsideration. Defendant responded to the motion on April 14,
15 1987. Additional pleadings were filed on the motion on April 22,
16 1987. The motion was heard by Judge Eugene C. Anderson on May 4,
17 1987. The Judge did not rule on the motion at this time and allowed
18 each party to file additional briefs on the subject.

19 3. On May 14, 1987 plaintiff's attorney noted the motion for
20 reconsideration and attorney fees and also noted the presentation of
21 the findings of fact and conclusions of law. Plaintiff's attorney
22 indicated on both his note for motion and notice of presentation that
23 he would not be making a personal appearance. On June 11, 1987
24 defendant filed responsive briefs on the motion for reconsideration
25 and attorneys fees and wrote a letter requesting that the Court not

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1 enter written findings of fact and conclusions of law at the June 15,
2 1987 hearing.

3 4. On June 15, 1987 no decision was entered on the motion for
4 reconsideration.

5 5. On November 23, 1987, August 4, 1988 and November 4, 1988
6 Plaintiff's attorney, Ralph I. Freese, wrote letters to Judge
7 Anderson inquiring about the status of his decision on this motion
8 and requesting the Court to deliver its ruling. Mr. Freese further
9 inquired about the cause for the delay. Judge Anderson did not
10 respond to any of these letters.

11 6. On December 11, 1989, Judge Anderson heard oral argument on
12 the motion for reconsideration and has issued a written decision in
13 the case.

14
15 Basis for Commission Action:

16 The Commission has determined that probable cause exists for
17 believing respondent has violated Canon 3(A)(5) of the Code of
18 Judicial Conduct (CJC) which states:

19 Judges should dispose promptly of business of the
20 court.

21 Notification of Right to File Written Answer

22 In accordance with WAC 292-10-030(5) the respondent is herewith
23 informed that he may file with the Commission a written answer to the
24 charges within fourteen (14) days after the date of service. If
25

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1 respondent does not file a written answer, a general denial will be
2 entered on behalf of respondent. The Statement of Charges and Answer
3 shall be the only pleadings required.

4
5 DATED this 8th day of February, 1990.

6 COMMISSION ON JUDICIAL CONDUCT OF THE
7 STATE OF WASHINGTON

8 By Esther Garner
9 Esther Garner, Executive Director
10 P.O. Box 1817
11 Olympia, Washington 98507
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