

FILED

JAN 22 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  
Skagit County District Court,

NO. 89-793

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 alleging violation by Hon. Eugene C. Anderson Rules of Judicial Conduct is filed. 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.

Statement of Charges - 1

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LAW OFFICES

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1 Statement was filed in accordance with WAC 292-10-010(4) and the  
2 Commission was pursuing initial proceedings.

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

5  
6 Facts Supporting Complaint

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

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

17 3. On May 14, 1987 plaintiff's attorney noted the motion for  
18 reconsideration and attorney fees and also noted the presentation of  
19 the findings of fact and conclusions of law. Plaintiff's attorney  
20 indicated on both his note for motion and notice of presentation that  
21 he would not be making a personal appearance. On June 11, 1987  
22 defendant filed responsive briefs on the motion for reconsideration  
23 and attorneys fees and wrote a letter requesting that the Court not  
24 enter written findings of fact and conclusions of law at the June 15,  
25 1987 hearing.

Statement of Charges - 2

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

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

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

12  
13 Basis for Commission Action:

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

17 Judges should dispose promptly of business of the  
18 court.

19 Notification of Right to File Written Answer

20 In accordance with WAC 292-10-030(5) the respondent is herewith  
21 informed that he may file with the Commission a written answer to the  
22 charges within fourteen (14) days after the date of service. If  
23 respondent does not file a written answer, a general denial will be  
24

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Statement of Charges - 3

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1 entered on behalf of respondent. The Statement of Charges and Answer  
2 shall be the only pleadings required.

3  
4 DATED this 22nd day of January, 1990.

5 COMMISSION ON JUDICIAL CONDUCT OF THE  
6 STATE OF WASHINGTON

7 By

Esther Garner

8 Esther Garner, Executive Director  
9 P.O. Box 1817  
10 Olympia, Washington 98507  
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Statement of Charges - 4

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