

FILED
AUG 16 1991

COMMISSION ON
JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In re the Matter of)	
)	
BRIAN PAUL COUGHENOUR, Judge pro tem)	NO. 91-1063 -F-24
Clallam County District Court One)	
223 E. 4th Street)	STATEMENT OF CHARGES
Port Angeles, Washington 98362-3098)	
)	
)	

Pursuant to authority granted in Revised Code of Washington, chapter 2.64 (Commission on Judicial Conduct) and the Washington Administrative Code, Chapter 292, and at the order of the Commission on Judicial Conduct, this Statement of Charges alleging the violation by Brian Paul Coughenour of rules of judicial conduct is filed. The background and facts of the charges are set forth in the following paragraphs:

Background:

1. Brian Paul Coughenour ("Respondent") at all times material herein was a pro tem judge of the Clallam County District Court One.

2. On May 28, 1991, Respondent was sent a letter from the Commission on Judicial Conduct informing him that a Verified

1 Statement was filed in accordance with WAC 292-12-010(4) and the
2 Commission was pursuing initial proceedings.

3 3. Enclosed with the above-referenced communication was a
4 Statement of Allegations as follows:

5 It is alleged that the Honorable Brian
6 Coughenour, Pro Tem Judge of the Clallam County District
7 Court One, by conduct indicated below, may be in
8 violation of Canon 2(A) of the Code of Judicial Conduct.

9 1. In Cause No. 1-5493-90, State
10 of Washington, Plaintiff, v. Brian P.
11 Coughenour, Defendant, on August 17,
12 1990, you were cited for driving while
13 under the influence of intoxicating
14 liquor and/or drugs.

15 2. In Cause No. 1-5495-90, State
16 of Washington, Plaintiff v. Brian P.
17 Coughenour, Defendant, on August 17,
18 1990, you were cited for unlawful
19 possession of marijuana under 40 grams.

20 3. Both these citations received
21 wide public attention during a period
22 of time you were serving on the bench.

23 Facts Supporting Charges:

24 1. On August 17, 1990, Respondent, having consumed
25 intoxicating liquor and/or drugs, was driving his vehicle on the
public streets of Port Angeles, Washington. Respondent was charged
with driving while under the influence of intoxicating liquor
and/or drugs and unlawful possession of marijuana under 40 grams in
Clallam County District One, cause number 5493-90 and 5495-90,
captioned State of Washington v. Brian Paul Coughenour. On October

1 30, 1990, an order of deferred prosecution was entered. All of the
2 foregoing events received wide public attention.

3 The Commission has determined that probable cause exists for
4 believing that Respondent has violated Canon 2(A) of the Code of
5 Judicial Conduct (CJC) which states:

6 **CANON 2**

7 **Judges Should Avoid Impropriety and the**
8 **Appearance of Impropriety in All Their Activities**

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

13 Notification of Right to File Written Answer:

14 In accordance with WAC 292-12-030(5), the Respondent is
15 herewith informed that a written answer may be filed with the
16 Commission to the charges contained in the Statement of Charges
17 within twenty-one (21) days after the date of service. If
18 Respondent does not file a written answer, a general denial will be
19 entered on behalf of Respondent. The Statement of Charges and
20 Answer shall be the only pleadings required.

21 DATED this 16th day of August, 1991.

22 COMMISSION ON JUDICIAL CONDUCT
23 OF THE STATE OF WASHINGTON

24 By: Esther Garner

25 ESTHER GARNER
Executive Director
P.O. Box 1817
Olympia, WA 98507