

FILED
JUN 10 1992

COMMISSION ON
JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of)

HONORABLE RALPH G. TURCO)
Judge of the Tacoma Municipal Court)
County-City Building, Room 135)
930 Tacoma Avenue S.)
Tacoma, WA 98402-2181)

No. 92-1259-F -30

STATEMENT OF CHARGES

This Statement of Charges alleging violations by HON. RALPH G. TURCO of rules of judicial conduct is filed 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. The background and facts of the charges are set forth in the following paragraphs:

BACKGROUND

(1) HON. RALPH G. TURCO (Respondent herein) is now and, at all times hereinafter mentioned, was a Judge of the City of Tacoma Municipal Court in Tacoma, Washington.

(2) On April 10, 1992, Respondent was sent a letter from the Commission on Judicial Conduct informing Respondent a Verified Statement was filed in accordance with WAC 292-12-010(4) and the Commission was pursuing initial proceedings.

STATEMENT OF CHARGES - 1

THEILER
DOUGLAS
DRACHLER
& MCKEE
ATTORNEYS

206/623-0900
1613 Smith Tower
506 Second Avenue
Seattle, Washington 98104

1 (3) Enclosed with the above-referenced communication was a Statement of
2 Allegations.

3 FACTS SUPPORTING CHARGES

4 On March 9, 1992, the HON. RALPH G. TURCO presided over Cause No.
5 927094, City of Tacoma v. Anthony J. Maggerise. The defendant was present in court
6 to contest the charges. The police officer who signed the infraction was not in court.
7 After an initial discussion regarding this traffic infraction, Respondent asked the
8 defendant to produce a coin, toss it in the air and call it. Respondent then indicated
9 the defendant lost the call and imposed a fine instead of adjudicating the matter
10 according to the Justice Court Traffic Infraction Rules. Following the court's decision,
11 flippant public comments regarding the coin toss were made to members of the press
12 by Respondent and widely publicized. A certified letter from the Commission on
13 Judicial Conduct to Respondent requesting a response in initial proceedings was
14 received by Respondent. Respondent failed to present any relevant information to the
15 Commission as requested under WAC 292-12-020(3).
16

17 BASIS FOR COMMISSION ACTION

18
19 The Commission has determined that probable cause exists for believing that
20 Respondent has violated Canons 1, 2(A), 3(A)(1), 3(A)(2), 3(A)(3) and 3(A)(4) of the
21 Code of Judicial Conduct (CJC) which state:
22
23
24
25
26
27

STATEMENT OF CHARGES - 2

CANON 1

Judges Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. Judges should participate in establishing, maintaining, and enforcing, and should themselves observe 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.

CANON 2

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

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

CANON 3

Judges Should Perform the Duties of Their Office Impartially and Diligently

(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 officials, and others subject to their direction and control.

(4) Judges should accord to every person who is legally interested in a proceeding, or that person's lawyer, full right to be heard according to law, and except as authorized by law, neither initiate nor

STATEMENT OF CHARGES - 3

1 consider ex parte or other communications concerning a pending or
2 impending proceeding. Judges, however, may obtain the advice of a dis-
3 interested expert on the law applicable to a proceeding before them, by
4 amicus curiae only, if they afford the parties reasonable opportunity to
5 respond.

6 NOTIFICATION OF RIGHT TO FILE WRITTEN ANSWER

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

13 DATED this 28th day of May, 1992.

14 COMMISSION ON JUDICIAL CONDUCT
15 OF THE STATE OF WASHINGTON

16
17 By: David Akana
18 David Akana
19 Executive Director
20 P.O. Box 1817
21 Olympia, WA 98507
22
23
24
25
26
27

STATEMENT OF CHARGES - 4