

1 I certify, under penalty of perjury under the
2 laws of the State of Washington, that a copy
3 of this document was (1) placed with ABC Legal
4 Messengers for hand delivery; ~~(2) mailed first
5 class postage prepaid to:~~

Peter O. Byrnes, Paul R. Taylor

on the 6th day of October, 1992.

SIGNED: Dendy L. Kilmer

FILED

OCT 7 1992

COMMISSION ON

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of:) NO. 91-1110
The Honorable John G. Ritchie,)
RESPONSE TO STATEMENT
OF CHARGES
)

I. Counter-Statement of Background of Proceedings

1. This matter commenced ostensibly sometime in 1991 (based upon the numbering of the Complaint). Judge John G. Ritchie is a District Court Judge with the Seattle District Court since 1978. He has been consistently ranked by the Seattle/King County Bar Association ratings as one of the top District Court judges during this tenure on the bench.

2. Judge Ritchie was sent a letter by the Commission on Judicial Conduct, on February 19, 1992, informing him that he was the subject of a Commission investigation. Judge Ritchie was further advised that a Verified Statement had been filed as required by WAC 292-12-010(4). In fact, a complaint had only been filed and signed by one individual (Ms. Deborah M. Oskey) relative to two allegations against Judge Ritchie concerning judicial

1 demeanor. This complaint is dated May 17, 1991. The remaining
2 five allegations were apparently not supported by a signed
3 complaint, because none have been produced. In fact, the
4 "Statement of Allegations" simply attaches conclusionary
5 allegations. All of this is contrary to the provisions of WAC
6 292-12-010. Judge Ritchie has repeatedly requested all notes,
7 statements and other materials from the Commission, but said
8 requests have been repeatedly denied. (See Exhibit Nos. 1 and 2,
9 attached hereto.)

10 3. Following the oral and written notification to Judge
11 Ritchie and the service of the Statement of Allegations, the Court
12 Administrator for the Seattle District Justice Court, Ms. Cathy
13 M. Grindle, was served on March 10, 1992 with a public disclosure
14 request. This public disclosure request mirrored much of the
15 information contained in the Statement of Allegations. Thus,
16 within twenty (20) days of the filing of the Statement of
17 Allegations against Judge Ritchie, some person or persons had,
18 contrary to the provisions of RCW 2.64.110 and WAC 292-12-010, et
19 seq, leaked the information to the media. Following the
20 referenced disclosure request by Steve Goldsmith from The Seattle
21 Post-Intelligencer, another inquiry was made by Mr. Duff Wilson
22 of The Seattle Times, on June 29, 1992, and again on July 7, 1992.

23 When the first request occurred, Judge Ritchie advised Ms.
24 Sally Carter-Dubois of the fact that he had been directly
25 requested by the news media to produce documents, and that he was
26 being jeopardized because of this breach of confidentiality and

1 leak of information to the news media. As a last resort, because
2 of the position in which Judge Ritchie found himself, he granted
3 an interview to Steven Goldsmith and, ultimately, to Duff Wilson
4 in order to protect himself. The reporters, Goldsmith and Wilson,
5 have refused to divulge who leaked the matter to them, but
6 obviously it was someone who had access to the details concerning
7 the allegations which had been served upon Judge Ritchie, as well
8 as the details of some of the background information which gave
9 rise to those allegations. This breach has seriously compromised,
10 if not invalidated, these entire proceedings.

11 4. Following the filing of the Statement of Allegations,
12 Judge Ritchie cooperated extensively and fully with the
13 investigator and attorneys for the Commission. Voluminous
14 documents were produced for review and, in fact, Judge Ritchie,
15 although not required to do so at this stage of the proceedings,
16 consented to the taking of his deposition, including production
17 of documents to the attorneys for the Commission. His deposition
18 was commenced on July 28, 1992. At this deposition, Judge Ritchie
19 produced, per subpoena, copies of all of his real estate records
20 which, together with other testimony, clearly refuted any claim
21 that he worked on any of his rental properties.

22 5. As a result of this investigation, it became patently
23 clear that the assertions which had been made by person or persons
24 still unknown to Judge Ritchie were not supported by evidence and,
25 as a result of that, an Amended Statement of Allegations was sent
26 to Judge Ritchie. Among other things, this amendment deleted any

1 claims regarding rental property. Like the original Statement of
2 Allegations, this amendment was unsupported by any verified
3 written statements or documents to support the charges.

4 6. Thereafter, on September 16, 1992, the Statement of
5 Allegations to which this response is directed was filed with the
6 Commission.

7
8 II. General Response to Assertions of
9 Improper Claims for Travel Reimbursement

10 1. This response will begin with a general statement and
11 then will address each of the years individually in much the same
12 form as drafted by the attorneys for the Commission. By way of
13 an overview, there is a general policy among the Judges
14 Association that encourages judicial education, continuing
15 training and the learning of new and varied techniques in order
16 to assist judges in the discharge of their duties. This stated
17 policy is included in the Minutes of the Meeting of the King
18 County District Court Judges of June 26, 1992. These educational
19 endeavors are similar to and analogous to the Bar Association's
20 requirements for continuing legal education.

21 2. Since taking the bench in 1978, Judge Ritchie would
22 generally take one opportunity each year to continue at least some
23 aspect of an educational or training program. Historically, the
24 District Court budget has included a line item for education and
25 travel. The usage of the funds is completely discretionary with
26 each judge. In the past, there have also been occasions where a

1 judge would shift funds from one line item to another so that they
2 might be used for education and travel expenses in connection
3 therewith.

4 3. During the first years on the bench, Judge Ritchie used
5 travel and education monies for attendance at the National
6 Judicial College or the fall conference of the American Judge's
7 Association. These programs were useful. However, one of the
8 more important aspects of these meetings involved the interaction
9 of judges from other parts of the country. Judge Ritchie learned
10 different approaches to such things as sentencing, incarceration,
11 courtroom procedures and other things which he felt assisted him
12 in becoming a better and more effective judge. Each state has
13 different approaches and varying practices to similar problems,
14 and those were found to be interesting. As will be reflected in
15 the specifics hereinafter discussed, Judge Ritchie did conduct
16 judicial business in each of the years which are discussed in the
17 Statement of Allegations. It is important to recognize that for
18 each of the years in question, the budget amount which was
19 available for travel and education was really insufficient to
20 cover necessary expenses to any conference of significance. It
21 was a practice that some of these additional expenditures to cover
22 travel and education would be allocated from other items such as
23 pro tem funds. In addition, Judge Ritchie expended his own funds
24 to make up for any additional expenses.

25 4. It should be kept in mind that the focus of this hearing
26 is and must be whether or not judicial business was conducted on

1 the trips for which Judge Ritchie sought reimbursement. It will
2 be conceded that there are certain inaccuracies on the face of
3 some of the disbursement vouchers, which the evidence will show
4 were, in most instances, prepared by others. There was no effort
5 to hide the expenditures or the receipts to support those
6 expenditures. There was never any intention to mislead or to
7 secrete any of these expenses. To our knowledge, no one claims
8 to have been misled.

9 5. Lastly, as will be demonstrated, Judge Ritchie stayed
10 whenever possible in the least expensive accommodations. He took
11 advantage of the least expensive air fares available. The records
12 will show that there were a minimum number of requests for
13 reimbursement for meals, and in many cases, there was no request
14 for reimbursement. There has never been a request for
15 reimbursement for taxi fares, even those types of expenses, like
16 meals, were incurred. The least expensive vehicles were rented,
17 when that was required, and there has always been an attempt to
18 pro-rate any expenses between personal and judicial business.

19
20 III. Response to Specific Allegations

21 1. 1986 Trip to Montego Bay, Jamaica. This was a
22 conference sponsored by the California Trial Lawyers Association
23 (a counterpart to the Washington State Trial Lawyers Association),
24 and is attended by lawyers, judges and legislators. It was held
25 at a resort named Sandals, which is one of the more expensive
26 hotels in the area. It would have cost approximately \$2,000.00

1 to cover the conference and stay at that resort. Because of a
2 limitation on funds, Judge Ritchie inquired about waiver of a
3 conference fee, which was granted. He also located less expensive
4 lodging, and commuted from that location to the conference. Judge
5 Ritchie secured a package trip, which included air fare and
6 lodging for only \$527.00. He attended the conference and took a
7 taxi from his motel to the site of the conference each day, which
8 consisted of seminars in the mornings, and meetings and group
9 discussions in the afternoons. Judge Ritchie sought no
10 reimbursement for taxi fares or meals during his entire stay.
11 There is no issue that Judge Ritchie was on judicially-related
12 business, or that he attended the seminar.

13 2. 1987 Trip. Judge Ritchie planned in 1987 to visit
14 various courts in Pinellas County, Florida, and at the same time,
15 attending a continuing legal education seminar sponsored by the
16 Florida State Bar Association. Judge Ritchie had met Judge Karl
17 Grube, one of the County judges in Pinellas County, Florida, at
18 an American Judges Association conference in 1985. Judge Grube
19 had been one of his instructors at the National Judicial College.
20 Judge Ritchie discussed the possibility of his visiting courts in
21 Pinellas County, and observing some of the methods they used which
22 might be different from King County. Judge Ritchie had previously
23 vacationed in Florida, and had visited with Judge Grube on a
24 social basis. He was also acquainted with Judge Claire Luten, who
25 serves in the Circuit Court in Pinellas County. Judge Luten had
26 been a classmate of Judge Ritchie's. Judge Ritchie contacted both

1 Judge Grube and Luten, and arranged to meet with them at their
2 respective courts in addition to his making arrangements with the
3 Florida Bar Association to attend one of their continuing legal
4 education programs. During the trip, Judge Ritchie met with
5 judges on various occasions, shared information with them,
6 observed court proceedings, and met with a local attorney. He
7 spent time at both traffic courts in Pinellas County and Sarasota
8 County. None of the documents support the assertion or contention
9 that Judge Ritchie claimed the seminar began on October 14th and
10 ended on October 20th. This is a clear mischaracterization or
11 exaggeration of facts contained in the documents. The amount of
12 the requested reimbursement by Judge Ritchie is as set forth in
13 the documents attached to the voucher. Again, there is no
14 evidence to support any claim that Judge Ritchie did not, in fact,
15 attend the seminar and/or that he did not meet with Judge Luten
16 and Judge Grube during this time period for the purposes claimed.

17 3. 1988 Trip to Florida. In 1988, Judge Ritchie arranged
18 for an educational trip to Pinellas County to meet with local
19 judges and attorneys, and to attend a continuing legal education
20 sponsored by the Florida State Bar Association. On July 6, 1988,
21 Judge Ritchie inquired of the Florida Bar about continuing legal
22 education programs. He also wrote to Judge Grube after this time
23 to arrange for meetings with him. Judge Ritchie was advised there
24 was a program on Sexual Harassment, which he chose to attend. He
25 made reservations to stay in a local motel. On September 3, 1988,
26 Judge Ritchie forwarded his check to the Florida Bar Association

1 for the Sexual Harassment seminar. Sometime near the end of
2 September, but in any event, after September 18, 1988, Judge
3 Ritchie had his check returned with his original letter, with the
4 notation, "This seminar has been cancelled. We are sorry for any
5 inconvenience it may have caused you." The airline tickets had
6 been purchased and were non-refundable, or were only refundable
7 at a substantial discount. Because Judge Ritchie had also
8 intended to meet with some local judges and visit other courts,
9 he simply modified his schedule and spent time meeting with those
10 courts and individuals. When Judge Ritchie returned, he brought
11 with him forms and written materials as a result of his meetings,
12 which will be confirmed by witnesses. Again, there is no evidence
13 or allegation that Judge Ritchie did not engage in judicially-
14 related matters while he was in Florida in 1988 for his trip. The
15 vouchers and other back-up data do not, in any way, mislead and
16 in fact, clearly indicate that he was there for purposes of
17 "study." Importantly, the charge made in the pleadings that Judge
18 Ritchie knew two months prior to his departure that the CLE had
19 been cancelled is clearly erroneous and not supported by any
20 documentary evidence. In fact, the check and the letter, which
21 were previously submitted to the attorneys for the Commission,
22 refute this claim.

23 4. 1989 Trip to Florida. Initially, it should be pointed
24 out that here again is a clear mischaracterization of the facts.
25 It is placed in quotes in the charge, using capital letters that
26 Judge Ritchie was in Florida "Florida Courts of limited

1 jurisdiction." If one reads the attached exhibit, it clearly
2 states under the heading "Organization Visited -- Florida courts
3 of limited jurisdiction, Tampa, Florida." It further indicates
4 that he is there to share information regarding court practices
5 and learn from their experiences. Nothing in that document
6 suggests or asserts that there was any "formal" meeting, nor has
7 Judge Ritchie claimed as much. For the allegation to be made that
8 the voucher suggests a formal conference is blatantly wrong and
9 prejudicial. The testimony will show that the focus of this trip
10 was the area of small claims. In Seattle, the jurisdiction of
11 small claims has continually increased, and currently was up to
12 \$2,500.00. All of these cases were heard in District Court on a
13 regular basis. The evidence will show that in Seattle, the number
14 of small claims filings has dramatically increased over the last
15 few years in conjunction with the raising of the jurisdictional
16 limits. They include all kinds of types of claims from medical
17 bills, tenant disputes, etc. On this trip, Judge Ritchie met with
18 court personnel in Florida to determine how they resolve these
19 types of cases, and whether there is alternative dispute
20 resolutions which make sense in order to unclog the courts and
21 more efficiently handle these problems. One of the people that
22 Judge Ritchie met with are members of the Better Business Bureau
23 and the Dispute Resolution Center, which is used extensively as
24 an alternative to the courts. The evidence will show that Judge
25 Ritchie, while on the bench here in Seattle, had met with
26 representatives of the Seattle Better Business Bureau in an effort

1 to do the same thing locally. The evidence will also show that
2 when Judge Ritchie returned, he brought back forms, copies of
3 statutes, brochures on small claims and other written
4 informational materials to be shared with staff and other judges.
5 The evidence will also show that Judge Ritchie was on the
6 committee which was formed to re-write the small claims brochures
7 made available to the public and advise as to the procedures
8 necessary to present a case. The evidence will also show that
9 Judge Ritchie has been invited as a speaker to a number of
10 programs sponsored by the Courts to both clerical staff through
11 the District Courts, as well as local CLE programs, specifically
12 including small claims. Again, clearly, there is nothing in any
13 of the submittals by Judge Ritchie which would mislead or in any
14 way attempt to represent that he was attending a formal
15 conference. To the contrary, it appears quite clear that he was
16 there to share ideas and to explore alternatives from the Court
17 of another jurisdiction. Further, it will be noted that Judge
18 Ritchie sought no reimbursement for meals or auto rental.

19 5. 1990. In 1990, Judge Ritchie participated in hearings
20 held in his court relative to sentencing and incarceration. These
21 hearings related primarily to mandatory sentencing, and the
22 overcrowding of jails for nonviolent misdemeanors. Judge Ritchie
23 arranged that year to fly to Florida and meet and confer with
24 judges, Assistant State Attorneys and representatives of the
25 Office of Public Defense. In addition, the evidence will show
26 that he visited numerous detention facilities. These meetings

1 took place in both Hillsborough County and Pinellas County. He
2 met with both public and private program personnel in Tampa
3 (Hillsborough County), Florida, St. Petersburg and Clearwater,
4 where there is an extensive criminal complex. He also met with
5 people from work release programs, special drug programs,
6 community service programs, probation and supervision, as well as
7 courtroom security personnel. The evidence will show that the
8 check for the trip to Florida was written almost two months prior
9 to the trip. This is consistent with Judge Ritchie's practice of
10 attempting to obtain tickets, albeit non-refundable, well in
11 advance in order to take advantage of the lowest possible cost.
12 At the time of making those arrangements, Judge Ritchie had
13 planned to attend a CLE program sponsored by the Florida Bar
14 Association, as he had done in the past. That plan did not
15 materialize, but Judge Ritchie did go forward with his meetings
16 as previously indicated. The automobile rental was a subcompact
17 at the lowest possible rate, and was rented on a weekly rate
18 rather than a daily rate, as it is less expensive. The room
19 rental was again at the same facility used by the judge before
20 with one of the least expensive rental rates in the area. The
21 evidence will show that at no time did Judge Ritchie ever advise
22 the Court Administrator that he was attending a formal conference
23 or a continuing legal education program. It should be noted that
24 as with all of these vouchers, they are filled out by the Court
25 Administrator, who attempts to "fill in the blanks" for the
26 various judges. In fact, evidence will be presented which will

1 clearly demonstrate that, as with other judges, there are
2 discrepancies on dates and the wording of some of the language
3 concerning the purpose of a certain trip, none of which is meant
4 to mislead, but is simply the assumptions of the person filling
5 out the forms. The essence and significance of these vouchers is
6 that the expenses are accurate and that judicial business was
7 being conducted when those expenses were incurred.

8 6. 1991 Trip to Arizona. In 1991, Judge Ritchie was
9 President and a member of the Board of Directors of the Washington
10 Center for Law Related Education. This Board meets on a regular
11 basis. The group is subsidized by the Washington State Bar
12 Association, and meets at their offices. The members are made up
13 of judges, lawyers, educators and others who are interested in
14 law-related education. The Washington adjunct had planned a
15 state-wide conference for over two years, and was attempting to
16 receive grants to put on the conference. Judge Ritchie was on the
17 Planning Committee, whose job it was to formalize and coordinate
18 the planning and subject matter for the conference.

19 The Arizona Center for Law Related Education is one of the
20 most highly regarded resource centers in the country, and
21 maintains an extensive library, catalogue information and other
22 facilities for this type of work. The Center is located in
23 Phoenix. The evidence will show that Judge Ritchie had been in
24 contact with the director and staff for over a year. In fact,
25 some of the personal long distance telephone calls for which he
26 is being castigated are to that center. Judge Ritchie made

1 arrangements in advance to meet with staff from the Arizona
2 Center. He met with the staff on two separate days, discussing
3 conference options, content and scheduling. He obtained a large
4 number of pamphlets and other written material, which he reviewed
5 and studied while in Arizona and used upon his return. Much of
6 this information was then shared and discussed with members of the
7 Committee here in Seattle, along with his proposed format and
8 program for the Washington Center for Law Related Education
9 Conference, which was scheduled for March of 1992. That
10 conference was, in fact, held in March of 1992, and was attended
11 by more than 100 educators, lawyers and judges. Judith Billings,
12 Washington State Superintendent of Public Instruction, was the
13 welcoming speaker, and Judge Ritchie was the noon speaker. At
14 this point, it should be pointed out that the characterization of
15 this trip as set forth in the Statement of Charges is again
16 misleading. It is asserted that the purpose of the trip was for
17 a " 'conference' on 'law related education'." It was then
18 asserted that there was no such conference. A review of the
19 voucher shows that it is quoted differently than as written on the
20 voucher. The voucher, in fact, says under organization to be
21 visited "Center for Law Related Education -- Phoenix, Arizona."
22 Under the hearing purpose of trip, it says "conference -- law
23 related education." As indicated above, and as will be testified
24 to, Judge Ritchie did have conferences with people from the
25 Center. It is correct that Judge Ritchie stayed in a condominium
26 which he owned at the time. It should be noted that he did not

1 ask for reimbursement for any room or meals, and simply asked for
2 reimbursement for a portion of auto rental and his airfare. The
3 evidence will show that in addition to meeting with members from
4 the Center for Law Related Education, he also toured the Maricopa
5 County Courthouse; he visited the Maricopa County Office of Public
6 Defense; and returned with various forms, brochures and other
7 written material which he deemed would be helpful to him as a
8 judge. As with other trips, a variety of these forms were given
9 to the investigator for the Commission. Again, as with the other
10 trips, it is undisputed that Judge Ritchie did engage in judicial
11 business while on the trip. Apparently the reason for this
12 charge, as with the others, is the judgment that someone other
13 than Judge Ritchie is more competent and qualified to determine
14 what is sufficient judicial business to warrant a request for
15 partial reimbursement from the County.

16 7. Use of King County Phones for Long Distance Calls.

17 Judge Ritchie acknowledged and does acknowledge that between the
18 years 1988 and 1992, there have been some personal telephone calls
19 made by him from his chambers. During this five year period,
20 Judge Ritchie was never asked to identify nor given a billing for
21 any of the telephone calls. Contrary to the assertion in the
22 Statement of Charges, Judge Ritchie read an article in May or
23 June, which triggered in his mind that the issue of his personal
24 use of the telephone may be raised by the Commission. At that
25 time, Judge Ritchie wrote a check to the county for \$125.00, which
26 he believed would be substantially more than any possible total

1 for telephone calls during this time period. He also requested
2 a copy of the records from the Court Administrator in an effort
3 to be certain that the County had been correctly reimbursed.
4 Judge Ritchie not only paid for his own personal calls, but he
5 paid for calls that he believed may have been made by others for
6 whom he felt responsible. It should be noted that the courtrooms
7 are often open and the making of long distance telephone calls is
8 relatively easy. The evidence will show there have been
9 telephones stolen and a variety of other problems with security
10 in the courts, even to this date.

11 The exhibit which is part of the Statement of Charges does
12 not include either the dates of calls or to whom the calls were
13 made, or the amount of the charges. Judge Ritchie acknowledges
14 some calls were personal in nature, but there are others which are
15 judicial business. A specific example is the call to Tallahassee,
16 Florida, which Judge Ritchie believes is a call to the Florida Bar
17 Association requesting information on educational programs.
18 Lacking additional information and background data, Judge Ritchie
19 believes that the extent of any personal calls over the five year
20 period would be less than \$60.00. Most of these telephone
21 charges, it is believed, are \$1.00 or less, thereby explaining how
22 they are something that could be easily overlooked. It should
23 also be noted that the investigators were aware of, and the
24 evidence will be provided at the hearing, wherein Judge Ritchie
25 in 1983 advised the then Court Administrator that he would be
26 making personal calls and desired to be billed for those calls.

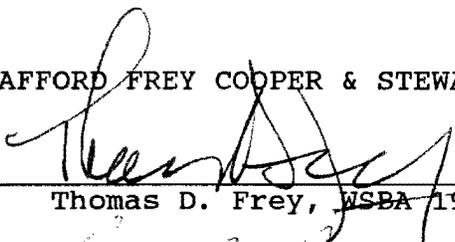
1 It is also significant to note that this charge was not an item
2 contained in the original Statement of Allegations filed in
3 February, but was added in the amendment in August of 1992, well
4 after Judge Ritchie had voluntarily addressed the matter.

5 8. Use of Postage Stamps Supplied by King County. Judge
6 Ritchie has testified and will testify that he never intentionally
7 used County postage for any personal correspondence. He will
8 testify that he has kept his supply of stamps separate from any
9 of those supplied to him by the County. Further, there is no
10 testimony by any of the court personnel that they saw Judge
11 Ritchie using county stamps for personal mailings. The sole basis
12 for this claim is apparently that Judge Ritchie never kept a log
13 of his stamp usage, and that over a period of approximately
14 fourteen months, he used \$332.00 of stamps. If one uses work
15 days/month (Judge Ritchie was at the courthouse at least six and
16 sometimes seven days a week), this would be less than \$1.00 per
17 work day in postage usage. Judge Ritchie will testify that
18 following this allegation, he did attempt for approximately a
19 month to keep some rough records of the postage that he used.
20 This record usage is consistent with the amount of postage used
21 over the prior 13 to 14 month period in question. The record of
22 this was made available to counsel for the Commission, and was at
23 all times open to him for inspection. At the time of the initial
24 allegation, Judge Ritchie requested to meet with the investigator
25 for the Commission for purposes of inventorying the stamps in his
26 possession, as well as to confirm that one roll of 500 stamps had

1 been stolen from his office. That theft was reported, and the
2 stamps were ultimately replaced. This invitation was declined.

3 Dated this 6th day of October, 1992.

4
5 STAFFORD FREY COOPER & STEWART

6 By 
7 Thomas D. Frey, WSBA 1908

8 By 
9 Anne M. Bremner, WSBA 13269
10 Of Attorneys for The Honorable
11 John G. Ritchie

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
wlk.TDF.388

STAFFORD FREY COOPER & STEWART

ATTORNEYS

500 WATERMARK TOWER
88 SPRING STREET
SEATTLE, WASHINGTON 98104-1095
(206) 623-9900
FACSIMILE: (206) 624-6885

ANNE M. BREMNER
H. LEE COOK
KURT DENKE
HENRY K. HAMILTON
KENNETH HOBBS
MARCUS B. NASH
CHRISTOPHER A. RYCEWICZ
JEFFREY B. WILKINSON
JAMES T. YAND

RONALD SCOTT BEMIS
ROMNEY R. BRAIN
JOHN BUDDLONG
HOWARD W. CARSMAN
JOHN G. COOPER
A. RICHARD DYKSTRA
THOMAS M. FITZPATRICK
THOMAS D. FRET
ARNOLD L. GRAY
STEPHEN P. LARSON
DIANE GEIGER LIBBY
WILLIAM L. NEAL
JAN D. SOKOL
SHANNON STAFFORD, P.S.
JOHN SPENCER STEWART
PHILLIP L. THOM
JAMES P. WAGNER

OF COUNSEL
DAVID E. HARTMAN

PORTLAND OFFICE
1700 BENJAMIN FRANKLIN PLAZA
ONE S.W. COLUMBIA
PORTLAND, OREGON 97258-2097
(503) 221-0899
FACSIMILE: (503) 223-3706

WASHINGTON BAR
1 OREGON BAR
2 ALASKA BAR
3 OREGON-WASHINGTON BAR
4 ALASKA-WASHINGTON BAR
5 CALIFORNIA-WASHINGTON BAR
6 IDAHO-OREGON BAR
7 ILLINOIS-WASHINGTON BAR
8 PENNSYLVANIA-NEW JERSEY-
WASHINGTON BAR

September 30, 1992

Mr. Peter D. Byrnes
Byrnes & Keller
Attorneys At Law
1000 Second Avenue
Suite 3800
Seattle, Washington 98104

Re: Honorable John Ritchie
Commission on Judicial Conduct
Commission File No. 91-1110
Our File No. 6259/14070

Dear Mr. Byrnes:

We mailed to your office on September 22, 1992 our Request for Disclosure, pursuant to WAC 292-12-080(1). We anticipate your compliance with this request within the seven (7) days provided for in the rule.

Independent of the foregoing Request for Disclosure, the Commission and/or its counsel is obligated by WAC 292-12-030 to serve upon the judge (or his counsel) within seven (7) days of the filing of the Statement of Charges, ". . . any material or information within the Commission's knowledge which tends to negate the Statement of Charges." We have not yet received any such information, or, in the alternative, a notification/verification from the Commission that none exists. We are requesting compliance with this section of the Code immediately.

Additionally, we have repeatedly asked for copies of the verified statement(s), without which the initial investigation could not have been commenced. That request has been repeatedly refused without explanation or comment.

As we have expressed on several occasions, Judge Ritchie is entitled to know all information in the possession of the

EXHIBIT 1

Mr. Peter D. Byrnes
Byrnes & Keller
Attorneys At Law
September 30, 1992
Page 2

Commission or its attorneys which relate to the charges against him. Judge Ritchie, ". . . is entitled to no less procedural due process than one accused of a crime." In Re Deming, 108 Wn.2d 82, at 103; 736 P.2d 639 (1987); U.S. Constitution Amendments 5, 6, 14, Const. Art. 1 §22 (amend. 10), 4 §31 (amend. 71). We deem the refusal to give us this information a violation of the judge's inherent Constitutional rights. It is our view that the information in the possession of you and/or the Commission relative to the charges filed against our client is, by analogy, similar to the Brady Rule requirements. Brady v. Maryland, 373 U.S. 83, 10 Law.Ed.2d 215, 83 S.Ct. 1194 (1963). In fact, our Supreme Court, in the Deming case, stated specifically at page 99 relative to this information as follows:

. . . it is improper to place within the discretion of the Commission the decision as to whether or not the Judge complained against should be informed as to the identity of the individuals making the verified statement. While complaints against a judge may not charge criminal violations, they strike at his or her reputation, livelihood and raison d'etre. A Judge should be informed of his accusers in order that he or she may know the source and nature of the complaint and be able to answer it with comprehension.

Because of the failure to be supplied with this information, we will not be able to adequately apprise you of the names and addresses of witnesses or the other matters sought in your Request for Discovery.

Very truly yours,

STAFFORD FREY COOPER & STEWART



Thomas D. Frey

wlk/TDF.13

cc: The Honorable John Ritchie
Commission on Judicial Conduct

STAFFORD FREY COOPER & STEWART

ATTORNEYS

500 WATERMARK TOWER
88 SPRING STREET
SEATTLE, WASHINGTON 98104-1095
(206) 623-9900
FACSIMILE: (206) 624-6885

PORTLAND OFFICE

1700 BENJAMIN FRANKLIN PLAZA
ONE S.W. COLUMBIA
PORTLAND, OREGON 97258-2097
(503) 221-0699
FACSIMILE: (503) 223-5706

ANNE M. BREMNER
H. LEE COOK
KURT DENKE
HENRY K. HAMILTON
KENNETH HOBBS
MARCUS B. NASH
CHRISTOPHER A. RYCEWICZ
JEFFREY B. WILKINSON
JAMES T. YAND

WASHINGTON BAR
1 OREGON BAR
2 ALASKA BAR
3 OREGON-WASHINGTON BAR
4 ALASKA-WASHINGTON BAR
5 CALIFORNIA-WASHINGTON BAR
6 IDAHO-OREGON BAR
7 ILLINOIS-WASHINGTON BAR
8 PENNSYLVANIA-NEW JERSEY-
WASHINGTON BAR

RONALD SCOTT BEMIS
ROMNEY R. BRAIN
JOHN BUDLONG
HOWARD W. CARSMAN
JOHN G. COOPER
A. RICHARD DYKSTRA
THOMAS M. FITZPATRICK
THOMAS D. FREY
ARNOLD L. GRAY
STEPHEN P. LARSON
DIANE GEIGER LIBBY
WILLIAM L. NEAL
JAN D. SKOL
SHANNON STAFFORD, P.S.
JOHN SPENCER STEWART
PHILLIP L. THOM
JAMES P. WAGNER

OF COUNSEL
DAVID E. HARTMAN

October 2, 1992

Mr. Peter D. Byrnes
Byrnes & Keller
Attorneys At Law
1000 Second Avenue
Suite 3800
Seattle, Washington 98104

Via Hand Delivery

Re: Honorable John Ritchie
Commission on Judicial Conduct
Commission File No. 91-1110
Our File No. 6259/14070

Dear Mr. Byrnes:

While we acknowledge receipt of certain documents forwarded to our office in response to our Request for Disclosure pursuant to WAC 292-12-080(1), we do not believe that you have fully complied with the WAC provisions that require disclosure of ". . . any material or information within the Commission's knowledge which tends to negate the Statement of Charges." Indeed, we believe that we are entitled to your entire file, with certain exceptions, which will be delineated below. Therefore, we would formally request that you forward all materials contained in your file at this time.

As Tom Frey pointed out to you, we deem the refusal to give us all information in your file to be a violation of Judge Ritchie's inherent constitutional rights. Judge Ritchie ". . . is entitled to no less procedural due process than one accused of a crime." In Re Deming, 108 Wn.2d 82 at 103; 736 P.2d 639 (1987); U.S. Constitution Amendments 5, 6, 14, Const. Art. 1 §22 (amend. 10), 4 §31 (amend. 71). Brady v. Maryland, 373 U.S. 83, 10 Law.Ed.2d 215, 83 S.Ct. 1194 (1963) does apply by analogy, and its holding is applicable in the instant proceedings.

EXHIBIT 2

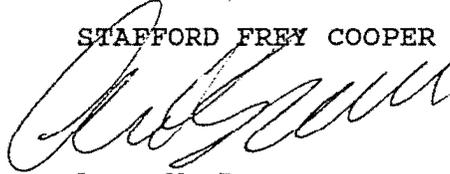
Mr. Peter D. Byrnes
Byrnes & Keller
Attorneys At Law
October 2, 1992
Page 2

It is our view that the only matters that could be arguably exempt from disclosure would be those pertaining to "thought processes" and opinions held by yourself or others in your employ. See, Dever v. Fowler, 63 Wn.App. 35, 816 P.2d 1237 (1991).

We will look forward to your response in harmony with the above. As to the latter matters that might arguably be exempt from disclosure, we will be seeking in camera review before the Commission so that the determination of relevancy can be independently made.

Very truly yours,

STAFFORD FREY COOPER & STEWART



Anne M. Bremner

wlk/AMB.45

cc: The Honorable John Ritchie
Commission on Judicial Conduct