

FILED

AUG -8 1995

COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of)
Honorable Ralph G. Turco,)
Tacoma Municipal Court)
930 Tacoma Avenue South)
Tacoma, WA 98402)

No. 94-1853-F-54
STATEMENT OF
CHARGES

This Statement of Charges is filed alleging violation by the Honorable Ralph G. Turco of the Code of Judicial Conduct pursuant to the authority granted in Article IV, Section 31 of the Washington Constitution, Chapter 2.64 RCW and Chapters 292-08 and 292-12 WAC, and at the order of the Commission on Judicial Conduct, the Commission having determined that Probable Cause exists to believe that:

I. BACKGROUND

The Honorable Ralph G. Turco ("Respondent") is now and has been a judge of the Tacoma Municipal Court, Tacoma, Pierce County, Washington. On March 2, 1995, Respondent was sent a letter from the Commission on Judicial Conduct informing counsel for Respondent that a Verified Statement had been filed in accordance with WAC 292-12-010(4) and that the Commission was pursuing initial proceedings. A Statement of Allegations was enclosed. At the same time, the Commission invited a response. Respondent replied to the Statement of Allegations on March 22, 1995.

4. On July 22, 1992, Respondent agreed to accept a censure for violating Canons 1, 2(A), 3(A)(1), 3(A)(2), 3(A)(3) and 3(A)(4) for deciding a municipal court traffic case on the basis of a coin toss. Respondent agreed not to repeat this conduct, and to govern his future conduct in accordance with the Code of Judicial Conduct.

III. CHARGES

The Commission has determined that probable cause exists for believing that Respondent has violated Canons 1, 2(A), and 3(A)(3) of the Code of Judicial Conduct. The Commission now charges Respondent for violating those Canons. These Canons provide, in pertinent part:

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

1 The judicial duties of a judge take precedence over all
2 other activities. The judge's judicial duties include
3 all the duties of office prescribed by law. In the
performance of these duties, the following standards
apply:

4 (A) Adjudicative Responsibilities.

5

6 (3) Judges should be patient, dignified, and
7 courteous to litigants, jurors, witnesses, lawyers,
and others with whom judges deal in their official
8 capacity, and should require similar conduct of
lawyers, and of the staff, court officials, and
9 others subject to their direction and control.

10 IV. NEW CODE OF JUDICIAL CONDUCT

11 On June 8, 1995, the Washington Supreme Court adopted
12 amendments to the Code of Judicial Conduct. Respondent's actions
13 occurred prior to the Supreme Court's adoption of the amendments to
14 the Code of Judicial Conduct. The first paragraph of the Preamble
15 of the Amended Code of Judicial Conduct, as adopted on June 8,
16 1995, states:

17 Our legal system is based on the principle that an
18 independent, fair and competent judiciary will interpret
and apply the laws that govern us. The role of the
19 judiciary is central to American concepts of justice and
the rule of law. Intrinsic to all sections of this Code
20 are the precepts that judges, individually and
collectively, must respect and honor the judicial office
21 as a public trust and strive to enhance and maintain
confidence in our legal system. The judge is an arbiter
22 of facts and law for the resolution of disputes and a
highly visible symbol of government under the rule of
law.

23 The Commission has determined that probable cause also exists
24 to believe that Respondent's actions and words described above
25 would constitute a violation of Canons 1, 2(A), 3(A)(3) and 3(A)(5)
26

1 of the Code of Judicial Conduct, as amended and adopted on June 8,
2 1995. These amended Canons provide, in pertinent part:

3 **CANON 1**

4 **Judges Shall Uphold the Integrity and**
5 **Independence of the Judiciary**

6 An independent and honorable judiciary is indispensable
7 to justice in our society. Judges should participate in
8 establishing, maintaining, and enforcing, high standards
9 of judicial conduct, and shall personally observe those
standards so that the integrity and independence of the
judiciary will be preserved. The provisions of this Code
are to be construed and applied to further that
objective.

10 **CANON 2**

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

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

15 **CANON 3**

16 **Judges Shall Perform the Duties of Their**
17 **Office Impartially and Diligently**

18

19 (A) Adjudicative Responsibilities.

20

21 (3) Judges should be patient, dignified, and
22 courteous to litigants, jurors, witnesses,
23 lawyers, and others with whom judges deal in
24 their official capacity, and should require
similar conduct of lawyers, and of the staff,
court officials, and others subject to their
direction and control.

25

26 (5) Judges shall perform judicial duties
27 without bias or prejudice.

1 V. NOTIFICATION OF RIGHT TO FILE WRITTEN ANSWER

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

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10 DATED this 8th day of August, 1995.

11 COMMISSION ON JUDICIAL CONDUCT
12 OF THE STATE OF WASHINGTON

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14 _____
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