

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
FOR THE STATE OF WASHINGTON

FILED
SEP 10 1996

COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of)	
)	No. 94-1693-AF-62
The Honorable Merle E. Wilcox)	
Municipal and District Courts)	STATEMENT OF CHARGES
of Island County)	
4114 400th Avenue W.)	
Oak Harbor, WA 98277-2988)	
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I. BACKGROUND

The Honorable Merle E. Wilcox ("Respondent") is now and has been since 1982 a Judge of the Municipal and District Courts of Island County.

On August 9, 1996, Respondent was sent a letter from the Commission on Judicial Conduct informing him that a Verified Statement was filed in accordance with WAC 292-12-010(4) and the Commission was pursuing initial proceedings. A Statement of Allegations was enclosed, and a response was invited. Respondent responded to the Statement of Allegations on September 5, 1996.

II. FACTS SUPPORTING CHARGES

1. In the matter before the Commission on Judicial Conduct, In Re Wilcox, 94-1693-F-52, Commission Decision filed December 1, 1995, Respondent failed to comply with corrective actions enumerated as Paragraph Nos. 1 and 2 of the Order of Censure.

2. In the matter before the Commission on Judicial Conduct, In Re Wilcox, 94-1693-F-52, Amended Order for Medical Examination dated August 9, 1996, pursuant to the Order of Censure, Respondent

failed to comply with the Commission Order and directives therein.

3. Respondent's actions to date, and inactions, and actions taken on Respondent's behalf, are not consistent with a good faith effort to comply with the corrective actions as enumerated in the Order of Censure.

III. BASIS FOR COMMISSION ACTION

The Commission has determined that probable cause exists for believing that Respondent has violated the terms of the Order of Censure dated December 1, 1995, which sets forth a specified course of corrective action as mandated in RCW 2.64.010(2).

The Commission has further determined that probable cause exists for believing that Respondent has violated Canons 1 and 2(A) of the Code of Judicial Conduct, which state:

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 high standards 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.

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 act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

IV. NOTIFICATION OF RIGHT TO FILE A WRITTEN ANSWER

In accordance with WAC 292-12-030(5), Respondent is herewith informed that a written answer may be filed with the Commission to

the charges contained in the Statement of Charges within twenty-one (21) days after the date of service. If Respondent does not file a written answer, a general denial will be entered on his behalf. The Statement of Charges and Answer shall be the only pleading required.

DATED this 10th day of September, 1996.

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

By: David Akana
David Akana
Executive Director
P.O. Box 1817
Olympia, WA 98507