

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED

FEB -2 1996

In Re the Matter of)
)
Honorable Mark C. Chow)
King County District Court)
Seattle Division)
)
_____)

No. 95-2066-F-59

COMMISSION ON JUDICIAL CONDUCT

**STIPULATION AND ORDER
OF ADMONISHMENT**

The Commission on Judicial Conduct and the Honorable Mark C. Chow, Judge of the King County District Court, Seattle Division, do hereby stipulate and agree as provided for herein. This stipulation shall not become effective until approved by the Washington Commission on Judicial Conduct.

The Commission on Judicial Conduct is represented in these proceedings by its counsel, David Akana, and the Honorable Mark C. Chow is represented by Stephen W. Hayne.

STIPULATED FACTS

1. The Honorable Mark C. Chow, Respondent herein, is now, and was at all times discussed herein, a Judge of the King County District Court, Seattle Division, Seattle, Washington.

2. On July 27, 1995, Mr. David J. Deering, the responding party in Deering v. Deering, King County Superior Court Cause No. 93-3-05954-3, attempted to serve a note for motion calendar and related documents upon the petitioner, Ms. Jody T.

Deering, at Respondent's residence. The petitioner, Jody Deering, is Respondent's sister-in-law. See Return of Service dated July 27, 1995, in No. 93-3-05954-3, attached.

3. Respondent was not present at the time of the service. However, Respondent was told that service had not been properly accomplished. On the morning of July 28, 1995, Respondent telephoned Mr. Deering's attorney concerning the issue. See Motion/Declaration For Ex Parte Restraining Order and For Order to Show Cause dated July 28, 1995, in No. 93-3-05954-3, attached.

4. Later on the morning of July 28, 1995, Respondent, who had been told that service had not been accomplished, appeared on behalf of Ms. Deering at a motion hearing before King County Superior Court Family Law Commissioner Carlos Y. Velatequi. Ms. Deering was not present. The motion hearing occurred during regular court hours, within the same courthouse that Respondent performs his full-time judicial duties. Respondent advised Commissioner Velatequi that he was not appearing as an attorney for his sister-in-law, but rather as a factual witness on the question of proper service of process. Nevertheless, Respondent personally addressed the court concerning several disputed issues, contending that his sister-in-law was not properly served; that she had not read the documents; that the children should not be placed in Mr. Deering's care pending final hearing; that he, Respondent, was willing to assume care of the children pending final hearing; and that the alleged violation of the parenting plan was no longer an issue. Such parenting plan required no further contact between Ms. Deering and Mr. Lovejoy, a boyfriend, and prohibited Ms. Deering from allowing contact between Mr. Lovejoy and the children. Respondent

informed the court that Mr. Lovejoy was currently in jail and thus not a threat to Ms. Deering or the children.

Commissioner Velatequi found proper service and considered leaving the children in Mr. Deering's custody until a full hearing could be held on Monday, July 31, 1995. Respondent asked the commissioner instead to schedule the hearing for later that afternoon, and stated that he could secure Jody Deering's presence. The commissioner agreed. Respondent did not appear at the afternoon hearing.

5. Respondent has not previously been disciplined by the Commission for any violation of the Code of Judicial Conduct.

AGREEMENT

1. Based upon the foregoing stipulated facts, Respondent agrees that while serving in his capacity as Judge of the King County District Court, Seattle Division, he did violate Canons 1, 2(B), 3(A)(7) and 5(F)¹ of the Code of Judicial Conduct.

¹ The Code of Judicial Conduct provides in pertinent part:

CANON 1

JUDGES SHALL 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.

2. Respondent agrees that his conduct harms public confidence in the integrity and impartiality of the judiciary, and agrees that he shall exercise caution not to repeat such conduct in the future.

3. Respondent agrees that he will attend and participate in, at his own expense, the course "Ethics for Judges," scheduled for November 20-22, 1996, at the National Judicial College, Reno, Nevada. In the alternative, Respondent may

CANON 2

**JUDGES SHOULD AVOID IMPROPRIETY AND
THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES**

....

(B) Judges should not allow family, social, or other relationships to influence their judicial conduct or judgment. Judges should not lend the prestige of judicial office to advance the private interests of the judge or others; nor should judges convey or permit others to convey the impression that they are in a special position to influence them. Judges should not testify voluntarily as character witnesses.

CANON 3

**JUDGES SHALL PERFORM THE DUTIES OF
THEIR OFFICE IMPARTIALLY AND DILIGENTLY**

....

(7) Judges shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. This section does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This section does not apply to proceedings in which the judge is a litigant in a personal capacity.

CANON 5

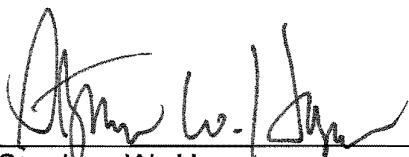
**JUDGES SHALL REGULATE THEIR EXTRAJUDICIAL ACTIVITIES
TO MINIMIZE THE RISK OF CONFLICT WITH THEIR JUDICIAL DUTIES**

(F) Practice of Law.

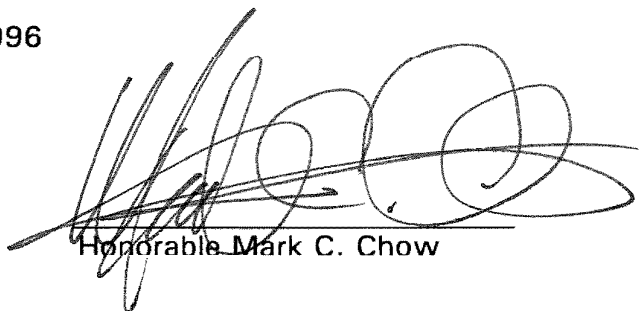
Judges shall not practice law. Notwithstanding this prohibition, judges may act pro se and may, without compensation, give legal advice to and draft or review documents for members of their families.

substitute a suitable educational offering pertinent to the violations set forth above, subject to the advance approval of the Commission. Respondent shall certify his attendance at either educational offering to the Commission.

DATED this 21 day of January, 1996



Stephen W. Hayne
Counsel for Respondent



Honorable Mark C. Chow



David Akana
Counsel for Commission on
Judicial Conduct

ORDER OF ADMONISHMENT

Based upon the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders, and Respondent is hereby admonished, for the above set forth violations of the Code of Judicial Conduct.

DATED this 2 day of Feb., 1996.



Ruth Schroeder, Chair,
Commission on Judicial Conduct