

FILED

DEC -1 1995

COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

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In re the Matter of)	
)	NO. 94-1853-F- 54
HON. RALPH G. TURCO)	
Judge)	STIPULATION PURSUANT
Tacoma Municipal Court)	TO WAC 292-12-020(6)
Tacoma, Washington 98402)	AND WRITTEN ADMONISHMENT
)	
)	

The Commission on Judicial Conduct and the Honorable Ralph G. Turco, Judge of the Tacoma Municipal Court, do hereby stipulate and agree as provided for herein.

The Commission on Judicial Conduct is represented in these proceedings by Steven A. Reisler of Ogden Murphy Wallace, P.L.L.C., and the Honorable Ralph G. Turco is represented by Kurt M. Bulmer.

STIPULATION

1. On July 19, 1994, Respondent conducted a bench trial in City of Tacoma v. David Niswanger, Docket No. B32847. Respondent found the defendant guilty of assaulting his wife in the fourth degree. In the course of rendering his decision, Respondent stated to the defendant "...you didn't need to bite her. Maybe you needed to boot her in the rear end, but you didn't need to bite her..."

2. On June 2, 1994, Respondent conducted a bench trial in City of Tacoma v. Desmond Payne, Docket No. B33820. Respondent found the defendant guilty of assaulting his wife in the fourth degree while forcibly removing her from an apartment where controlled substances were being used. In the course of rendering his decision, Respondent stated to the defendant "fifty years ago

1 I suppose they would have given you an award rather than... what
2 we're doing now."

3 3. On January 12, 1995, Respondent called the case of City
4 of Tacoma v. Eric Michael Fitzsimmons, Dockets Nos. B52579, B52580,
5 B52581 and B52582, which was set for a jury trial. Mr. Fitzsimmons
6 was charged with four violations of a domestic violence no contact
7 order. At the time the case was called, the victim-witness had not
8 appeared. In a colloquy with the city attorney about dismissing
9 the cases, Respondent stated, "my opinion is is [sic] that the
10 police do 95% of the work when they separate the parties, so that
11 takes care of 95% of the problem. You know, all we're doing is
12 slapping someone after the police have remedied the situation.
13 But, so be it. So I mean there's nothing to get excited about
14 dismissing these cases."

15 4. Respondent stipulates that while serving in his capacity
16 as Municipal Court Judge of Tacoma, Washington, he did make
17 injudicious comments described in paragraphs 1 and 2, above,
18 contrary to Canons 1, 2(A), and 3(A)(3) of the Code of Judicial
19 Conduct. These Code sections provide:

20 **CANON 1**

21 **Judges Should Uphold The Integrity and**
22 **Independence of the Judiciary**

23 An independent and honorable judiciary is
24 indispensable to justice in our society.
25 Judges should participate in establishing,
26 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.

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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

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

(A) Adjudicative Responsibilities.

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(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.

5. Respondent further understands that his statements described in paragraph No. 3, above, could be misconstrued by some as Respondent's disrespect for Washington's domestic violence laws and lack of concern for victims of domestic violence, which disrespect or lack of concern Respondent did not intend.

6. 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)

1 for deciding a municipal court traffic case on the basis of a coin
2 toss, which conduct Respondent agreed not to repeat in the future.

3 AGREEMENT

4 7. Respondent does hereby agree to accept a written
5 admonishment of an advisory nature as described in RCW 2.64 and WAC
6 292-08-030(1).

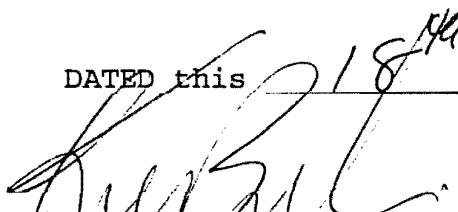
7 8. Respondent further agrees that his choice of language
8 described above requires that he follow a specified corrective
9 course of conduct.

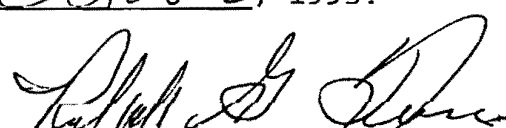
10 9. Respondent agrees that he will in the future endeavor to
11 express himself from the bench in a manner which promotes, and does
12 not undermine public confidence in the administration of justice.


13 10. Respondent furthermore agrees that he will at all times
14 henceforth speak carefully and judiciously from the bench, mindful
15 of the fact that inappropriate words and conduct can affect the
16 integrity of the judiciary and the administration of justice.

17 11. Respondent states that he intended no harm or disrespect
18 by his words described in this stipulation.

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20 DATED this 18th day of October, 1995.

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23 Kurt M. Bulmez, WSBA #5559
Attorney for Respondent

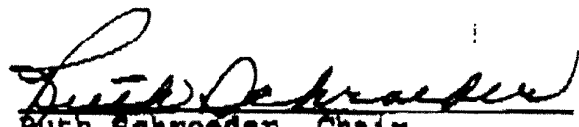
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26 The Honorable Ralph G. Turco

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29 Steven A. Reisler, WSBA #9384
30 Attorney for Commission on
Judicial Conduct

WRITTEN ADVISORY ORDER OF ADMONISHMENT

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2 Based on the foregoing Stipulation and Agreement set forth
3 herein, the Commission hereby orders and Respondent is hereby
4 Admonished for using language which can be construed as violating
5 Canons 1, 2 and 3 of the Code of Judicial Conduct and is cautioned
6 not to do so in the future. Respondent shall follow the corrective
7 course of action described in paragraphs 9 and 10, above, and to
8 govern his future conduct in accordance therewith. Respondent
9 shall, furthermore, at the earliest opportunity, attend and submit
10 to the commission proof of his attendance at a 1 day class in
11 cultural diversity and/or gender bias training offered by the
12 Minority and Justice Commission or the Gender and Justice
13 Commission, both of which commissions are administered under the
14 auspices of the Washington Supreme Court. In the alternative,
15 Respondent may attend and certify his attendance at a similar
16 program relevant to the issues of this admonishment, for which
17 Respondent shall seek prior approval of the chair of the Commission
18 on Judicial Conduct.

19 DATED this 4th day of December, 1995.

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22 Ruth Schroeder, Chair
23 Commission on Judicial Conduct
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