

THE COMMISSION ON JUDICIAL CONDUCT
FOR THE STATE OF WASHINGTON

FILED

MAR -5 1998

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

No. 97-2451-F-66

COMMISSION DECISION

COMMISSION ON JUDICIAL CONDUCT

Following the filing of a Statement of Charges alleging that Tacoma Municipal Court Judge Ralph G. Turco had violated the Code of Judicial Conduct, the Commission held a fact-finding hearing on February 9, 1998. Members of the Commission present as fact finders were: Dale Brighton, Wanda Briggs, Vivian Caver, Hon. H. Joseph Coleman, Gregory R. Dallaire, Hon. David S. Edwards, Hon. William E. Howard (presiding), Margo Keller, and Connie Michener.

Judge Ralph G. Turco (Respondent) was present and represented by his attorney Kurt Bulmer. Disciplinary Counsel was Curtis M. Janhunen.

The Commission has carefully considered the testimony of the witnesses, the exhibits admitted, and the argument of counsel. The Commission finds by clear, cogent and convincing evidence the following:

FINDINGS OF FACT

1. That Respondent was admitted to the Bar in the State of Washington in 1961. That Respondent was elected judge of the Tacoma Municipal Court in 1991.
2. Pursuant to a stipulation in CJC 92-1259-F-30, on October 2, 1992, the Commission censured Respondent for violating Canons 1, 2(A), 3(A)(1), 3(A)(2), 3(A)(3), and 3(A)(4)

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for deciding a municipal court traffic case on the basis of a coin toss. Such conduct was found to detrimentally affect the integrity of the judiciary and to undermine public confidence in the administration of justice. (See attachment 1.)

3. Pursuant to a stipulation in CJC 94-1853-F-54, on December 1, 1995, the Commission admonished Respondent for making injudicious comments in regard to two domestic violence matters, as well as statements that Respondent agreed could be misconstrued as disrespect for domestic violence laws and a lack of concern for domestic violence victims. (See attachment 2.)
4. One requirement imposed as a part of the Commission admonishment in CJC 94-1853-F-54, was that Respondent attend a class in cultural diversity and/or gender bias training. As an alternative, Respondent was authorized to attend a similar program relevant to the issues of the admonishment, i.e., domestic violence.
5. Seven days after Respondent had been admonished by the Commission for making injudicious comments in regard to domestic violence matters, Friday, December 8, 1995, Respondent and his wife attended a dinner and play at Wells Hall at Christ Episcopal Church, 310 North "K" Street, Tacoma, Washington.
6. Upon entering the church hall, Respondent and his wife exchanged words in argument. After saying: "No one speaks to me like that and gets by with it," Respondent intentionally shoved or pushed his wife, causing her to fall to the floor. After knocking her down, Respondent walked away making no effort to assist or apologize. This act of Respondent was offensive and humiliating to his wife.
7. Respondent's act of intentionally knocking his wife down constituted an assault. This assault

took place in a public setting in the presence of two witnesses. Both witnesses testified at the hearing that Respondent's acts were intentional.

8. Respondent's testimony characterizing the contact and fall as accidental was not credible.
9. One eyewitness to the assault testified that he was shocked by the incident, and that he was surprised to learn that Respondent was a judge. Later this witness expressed reluctance to become involved because he feared the Respondent, as a judge, could cause problems for himself, his family or his employment.

Having made its Findings of Fact, the Commission now makes the following conclusions:

CONCLUSIONS

1. Respondent's act of shoving or pushing his wife on December 8, 1995, constituted an assault, a violation of the criminal law.
2. Respondent violated Canon 2(A) by failing to comply with the law and by failing to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
3. Respondent violated Canon 1 by failing to personally observe high standards of judicial conduct.
4. Respondent's act detrimentally affects the integrity of the judiciary and undermines the public confidence in the administration of justice.
5. Pursuant to Commission on Judicial Conduct Rule 6 (C), factors which mitigate or aggravate are to be considered in determining appropriate discipline. The following mitigating factor was considered important in determining discipline: That the conduct did not occur in the courtroom.

The following aggravating factors were considered important in determining discipline: (1)

That this incident occurred in a public setting. (2) That Respondent expressed no remorse for his assault. (3) That the judge has evidenced no effort to modify or change his conduct. (4) That this disciplinary action is the third public disciplinary action concerning Respondent for violations occurring within a period of four years. (5) That Respondent has previously been required to undergo additional training. And (6) the repeated misconduct of Respondent reflects adversely upon the integrity of and respect for the judiciary.

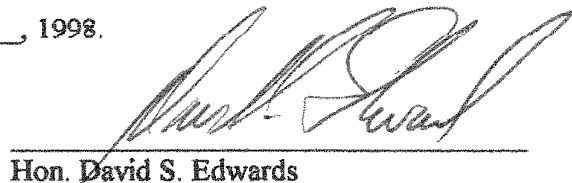
From these conclusions, the Commission enters this

ORDER

Based upon the foregoing Findings and Conclusions, the Commission orders that the Respondent be disciplined by censure and recommends to the Washington State Supreme Court that Respondent be removed from office.

Dated this 5th day of March, 1998.

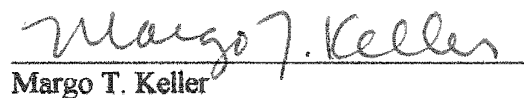

Dale Brighton


Hon. David S. Edwards

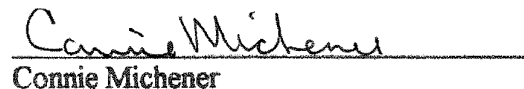

Wanda Briggs

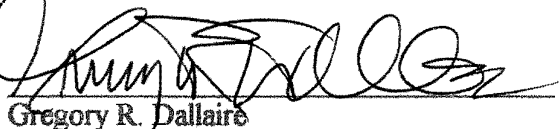

Hon. William E. Howard


Vivian Caver


Margo T. Keller


Hon. H. Joseph Coleman


Connie Michener


Gregory R. Dallaire