

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

FILED

APR -3 1998

COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of )

Honorable Kelly M. Seidlitz, )  
Judge Pro Tempore )  
\_\_\_\_\_ )

No. 97-2646-F-68

**STATEMENT OF CHARGES**

**I. BACKGROUND**

The Honorable Kelly M. Seidlitz (Respondent), was at all times discussed herein a judge pro tempore of the Pierce County District Court No. One in Tacoma, Washington.

**II. FACTS SUPPORTING CHARGES**

1. Respondent was suspended from the practice of law for nonpayment of dues by order of the Washington Supreme Court effective June 6, 1997.
2. Respondent served as a judge pro tempore in Pierce County District Court No. 1 on June 6, 11, 13, 16, 17, 18, 19, 20 and 23, 1997.
3. Respondent was not lawfully eligible to serve as a judge pro tempore during this period. See RCW 3.34.060 and RCW 3.34.130.
4. Respondent was reinstated to the active practice of law effective June 24, 1997.

**III. BASIS FOR COMMISSION ACTION**

1. On February 26, 1998, pursuant to CJCRP 17(e), the Commission sent a certified letter to Respondent informing him that the Commission was pursuing Initial Proceedings. Enclosed with the letter was a Statement of Allegations.

2. The Commission's certified letter of February 26, 1998 was returned as unclaimed by the U.S. Postal Service, and received at Commission offices on March 16, 1998.

3. On March 6, 1998, the Commission personally served a letter dated March 5, 1998 upon Respondent. Enclosed with the letter was a Statement of Allegations.

4. The Commission did not receive a response within twenty-one days after the service of notice to Respondent. Pursuant to CJCRP 17(e)(2), proceedings will not be delayed if there is no response.

5. The Commission has determined that probable cause exists to believe that Respondent has violated Canons 1, 2(A) and 3(A)(1) of the Code of Judicial Conduct (CJC) which state:

#### **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.

#### ***Comment***

*Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depends in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.*

## **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.

## **CANON 3**

**Judges shall perform the duties of their office  
impartially and diligently.**

The judicial duties of judges should take precedence over all other activities. Their judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

(A) **Adjudicative Responsibilities.**

(1) Judges should be faithful to the law and maintain professional competence in it. Judges should be unswayed by partisan interests, public clamor or fear of criticism.

### **V. PROCEDURE FOR RESPONDENT TO ANSWER STATEMENT OF CHARGES**

In accordance with CJCRP 20(a), Respondent shall file a written answer to this Statement of Charges with the Commission within twenty-one (21) days after the date of service. As provided by CJCRP 21(a), failure to timely answer shall constitute an admission of the factual allegations.

DATED this 3<sup>d</sup> day of April, 1998.

**COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON**



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