

FILED

AUG 21 2000

COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of:

The Honorable Peter M. Lukevich, Judge
Tukwila Municipal Court
6200 Southcenter Boulevard
Tukwila, Washington 98188

No. 3037-F-86

ANSWER TO STATEMENT OF
CHARGES

COMES NOW the Honorable Peter M. Lukevich, Judge of Tukwila Municipal Court,
and in Answer to the Commission's Statement of Charges, hereby answers as follows:

I. The Honorable Peter L. Lukevich admits that at all times discussed herein he was a
judge with the Tukwila Municipal Court, Tukwila, Washington.

II. In response to Paragraph 2 of Facts Supporting Charges, Judge Lukevich admits
that he presided over the following hearings:

A. City of Tukwila v. Jackie Dempere, Case Number CR0023205 and CR
0027909, hearings held on January 12, 1999 and February 16, 1999.

B. City of Tukwila v. Ricardo Curry, Case Number CR0024931, status hearings
on January 6, 1999 and February 3, 1999.

C. City of Tukwila v. Lonnie Sylvan, Case Number CR0027407, status hearing
on May 25, 1999.

Any other different or other allegation contained in Paragraph 2 of Facts Supporting
Charges, are specifically denied.

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1 III. In response to paragraph 3 of Facts Supporting Charges, Judge Lukevich admits
2 that he met with Greg Hoover, former attorney for defendant Jackie Dempere, in chambers.
3 Any other different or other allegations contained in paragraph 3 of Facts Supporting
4 Charges, is specifically denied.
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6 **The following addendum supplements Judge Lukevich's answer:**

7 1. Summary of Position

8 At most Judge Lukevich may be accused of having a loud voice. His courtroom
9 demeanor demands respect for the justice system and he holds all parties appearing
10 before him to a high standard. Judge Lukevich explains complicated court rules and
11 procedures to pro se litigants to convey the seriousness of the proceedings. Judge
12 Lukevich's conduct in the relevant hearings involving defendants Dempere, Curry and
13 Sylvan was firm and direct. His conduct with defendants Dempere, Curry, Sylvan, and
14 attorney Hoover certainly does not rise to a violation of the Code of Judicial Conduct.
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16 2. Background on Judge Lukevich

17 Judge Lukevich graduated from University of Puget Sound School of Law in 1989.
18 From 1989 to 1998, he was an attorney with a practice in criminal and general litigation with
19 the law firm of Trickey and Applewick. Judge Lukevich was appointed to the bench on
20 January 1, 1998. In 1999, his court conducted more than 20,000 hearings.
21

22 Judge Lukevich is actively involved with associations dedicated to professional
23 development. Judge Lukevich is a member of the Municipal and District Court Judges
24 Association and current chairperson on the legislature committee. He currently serves as
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1 an instructor with the State of Washington Judicial College. Judge Lukevich was the co-
2 chairman of the Seattle School District Title 9 – Affirmative Action Committee.

3 Judge Lukevich's dedication to his community is reflected in his extensive
4 involvement with community development. He is active on the Seattle School District
5 Athletic School Levy committee and a member of the Seattle Parks Department, Pro-Park
6 2000 Committee. He has been on many citizen group and task force committees. He is on
7 the Board of Directors and has been past president of the Lake City Chamber of
8 Commerce. He has been a youth athletic coach for 22 years for kids ages 6 to 15 for the
9 North Seattle Baseball Association and Richmond Junior Football.
10

11 In addition, Judge Lukevich takes pride in his appointment as a judge and has never
12 received any complaints concerning his conduct as a judge.
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14 3. Response to Allegations

15 Judge Lukevich promotes judicial efficiency in his courtroom and encourages all
16 parties appearing before him to keep case schedules and to be prepared for court
17 sessions. He uses a strong tone to ensure that defendants respect the court and
18 understand the seriousness of the proceedings. The trial transcripts in the hearings below
19 demonstrate his interests in judicial efficiency.
20

21 A. Dempere Hearings

22 Jackie Dempere appeared before Judge Lukevich for two pretrial hearings on
23 January 12, 1999 and February 16, 1999.

24 On January 12, 1999, Jackie Dempere appeared in front of Judge Lukevich with her
25 attorney, James Kovak in case number 23205. Judge Lukevich spoke respectfully and
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1 courteously to Mr. Kovac. Judge Lukevich explained to Mr. Kovac that he would not accept
2 any more delay tactics by Ms. Dempere. Nothing in the hearing transcripts or tapes
3 indicate otherwise. At the most, Judge Lukevich used a scolding tone to convey the
4 seriousness of the proceeding.

5
6 On February 16, 1999, Ms. Dempere appeared before Judge Lukevich on case
7 number 23205. By this time, Mr. Kovac had withdrawn as attorney. Ms. Dempere
8 represented to the Judge Lukevich that she had retained a new attorney who was not
9 physically present and had not provided a valid notice of appearance.

10 Judge Lukevich is straight forward at all times during the hearing. Ms. Dempere
11 presented the court with an improper discovery form and a notice of appearance with the
12 wrong case number. Judge Lukevich reminded Ms. Dempere that court proceedings and
13 rules required proper forms and format and that Ms. Dempere's forms would be
14 unacceptable. Nothing in the hearing transcript or tapes indicate that Judge Lukevich was
15 anything but direct and firm with Ms. Dempere to encourage judicial efficiency and to
16 ensure that Ms. Dempere complied with court rules.

17
18 B. Curry Hearings

19 On January 6, 1999, Ricardo Curry appeared pro se before Judge Lukevich on a
20 pre-trial hearing. Curry represented to the court that he was prepared for trial. Judge
21 Lukevich explained to Curry that specific actions were required to be ready for trial. After
22 Curry indicated that he may need an attorney, Judge Lukevich granted Curry additional
23 time to seek the advice of an attorney. Judge Lukevich did not use inappropriate words or
24 interrupt Curry even when Curry repeatedly failed to answer Judge Lukevich's questions.
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1 Curry returned on February 3, 1999. Curry admitted to Judge Lukevich that he did
2 not retain an attorney as he had earlier represented to the court. Judge Lukevich explained
3 the risks of appearing pro se. Judge Lukevich explained, in a firm tone, the expectations of
4 the court. At all times Judge Lukevich tried to convey the seriousness of proceeding
5 without an attorney.
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7 C. Sylvan Hearing

8 On May 25, 1999, Lonnie Sylvan appeared before Judge Lukevich to discuss an
9 untimely affidavit of prejudice. Not audible on the tape transcripts or not described in the
10 written transcripts, Sylvan clearly acted angry and made disrespectful gestures toward the
11 court. Sylvan repeatedly grimaced and rolled his eyes in response to Judge Lukevich's
12 questions and failed to answer Judge Lukevich's questions. Judge Lukevich attempted to
13 be direct and firm to maintain proper courtroom demeanor. Judge Lukevich never intended
14 to humiliate, demean or act rudely towards Sylvan. The hearing with Sylvan did not result
15 in any harm toward Sylvan's case because on June 3, 1999, Judge Lukevich recused
16 himself.
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18 D. Contact with Hoover

19 On February 16, 1999, Judge Lukevich summoned Gregory Hoover to his
20 chambers. Greg Hoover previously represented Jackie Dempere but had withdrawn at the
21 time of the February 16th meeting. During the conversation, Judge Lukevich does not recall
22 discussing any procedural aspect or any substantive matter related to Dempere's pending
23 case. The purpose of the meeting with Mr. Hoover was to convey Judge Lukevich's
24 appreciation for having conducted himself in a professional and courteous fashion. As Mr.
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1 Hoover no longer represented Jackie Dempere, this meeting did not constitute ex parte
2 contact. The Prosecutor did not object to the meeting. The contact did not effect the case.

3 4. Standard for Sanctions

4 In Discipline of Ritchie, 123 Wn.2d 725, 731, 870 P.2d 967 (1994), the Court set
5 forth the following criteria for assessing whether a disciplinary sanction is warranted:

- 6 (a) whether the misconduct is an isolated instance or evidenced a pattern of conduct;
7 (b) the nature, extent and frequency of occurrence of the acts of misconduct;
8 (c) whether the misconduct occurred in or out of the courtroom;
9 (d) whether the misconduct occurred in the judge's official capacity or in his private life;
10 (e) whether the judge has acknowledged or recognized that the acts occurred;
11 (f) whether the judge has evidenced an effort to change or modify his conduct;
12 (g) the length of service on the bench;
13 (h) whether there have been prior complaints about this judge;
14 (i) the effect the misconduct has upon the integrity of and respect for the judiciary; and
15 (j) the extent to which the judge exploited his position to satisfy his personal desires.

16 An application of such criteria demonstrates that no formal sanction is warranted here.

- 17 • Judge Lukevich has no other complaints of inappropriate conduct.
18 • Judge Lukevich's conduct with defendants Dempere, Curry, Sylvan and attorney
19 Hoover do not indicate inappropriate conduct or demeanor. At most, Judge
20 Lukevich's voice was loud and firm.

21 IV. Affirmative Defenses

22 Judge Lukevich further asserts the following Affirmative Defenses:
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1. Lack of jurisdiction over the subject matter;
2. Lack of jurisdiction over the person;
3. Improper venue;
4. Insufficiency of process;
5. Insufficiency of service of process;
6. Failure to state a claim upon which relief may be granted; and
7. Failure to join a party under Rule 19.

DATED this 17th day of August, 2000.

STAFFORD FREY COOPER

By *Kim Tean for Anne Bremner*
Anne M. Bremner, WSBA # 13269
on Behalf of Judge Peter Lukevich

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