

FILED

JAN 23 2002

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

In Re the Matter of:

Honorable Peter Lukevich
Tukwila Municipal Court
6200 Southcenter Blvd.
Tukwila, WA 98188-2544

CJC No. 3514-F-96

STATEMENT OF CHARGES

I. BACKGROUND

The Honorable Peter Lukevich ("Respondent") is now, and was at all times referred to in this document, Judge of the Tukwila Municipal Court. On February 12, 2001, a complaint was filed with the Commission on Judicial Conduct that led to the current charges. On August 17, 2001, the Commission sent Respondent a letter informing him that the Commission was reviewing a complaint against him and inviting a response. Respondent replied on October 4, 2001. On October 8, 2001, the Commission sent Respondent a letter informing him that it had determined to commence initial proceedings against him. A Statement of Allegations was enclosed and a response was invited. Respondent requested, and was granted, an extension of time to respond to the Statement of Allegations, and he submitted his response on December 21, 2001.

II. CONDUCT GIVING RISE TO CHARGES

On or about May 11, 1998, Respondent received, directly or indirectly, an ex parte communication made outside the courtroom by the victim in *Tukwila v. Donald Lockwood*, CR0024397. Respondent failed to disclose to the parties in a timely manner that there had been an ex parte communication, and he then considered that

1 communication when imposing sentence on Mr. Lockwood.

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4 **III. BASIS FOR COMMISSION ACTION**

5 The Commission has determined that probable cause exists to believe that
6 Respondent has violated Canons 1, 2(A) and 3(A)(4) of the Code of Judicial Conduct
7 (CJC) which state:

8 **CANON 1**

9 **Judges shall uphold the integrity and**
10 **independence of the judiciary.**

11 An independent and honorable judiciary is indispensable to justice in our
12 society. Judges should participate in establishing, maintaining and enforcing high
13 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.

14 ***Comment***

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

23 **CANON 2**

24 **Judges should avoid impropriety and the appearance**
25 **of impropriety in all their activities.**

26 **(A)** Judges should respect and comply with the law and should act at all
27 times in a manner that promotes public confidence in the integrity and impartiality of
28 the judiciary.

29 **CANON 3**

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

32 The judicial duties of judges should take precedence over all other activities.
33 Their judicial duties include all the duties of office prescribed by law. In the

1 performance of these duties, the following standards apply:

2 (A) **Adjudicative Responsibilities.**

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4 (4) Judges should . . . neither initiate nor consider ex parte or other
communications concerning a pending or impending proceeding.

5 **IV. RIGHT TO FILE A WRITTEN ANSWER**

6 In accordance with CJCRP 20, Respondent shall file a written answer to this
7 Statement of Charges with the Commission and serve a copy on disciplinary counsel
8 within twenty-one (21) days after the date of service of the Statement of Charges. As
9 provided by CJCRP 21(a), failure to timely answer shall constitute an admission of the
10 factual allegations. In the event Respondent fails to answer within the prescribed time,
11 the Statement of Charges shall be deemed admitted. The Commission shall proceed to
12 determine the appropriate discipline.
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16 DATED this 23^d day of January, 2002.

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19 COMMISSION ON JUDICIAL CONDUCT
20 OF THE STATE OF WASHINGTON

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22 _____
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24 Executive Director
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