

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED
APR 15 2009
COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of

The Honorable Michael Hecht,
Judge of the Pierce County Superior Court

No. 5863-F-142

STATEMENT OF CHARGES

I. BACKGROUND

Judge Michael Hecht ("Respondent") is a Pierce County Superior Court Judge, having been sworn to that position on January 12, 2009. On February 27, 2009, the Commission on Judicial Conduct ("Commission") commenced initial disciplinary proceedings against Respondent, by serving him with a Statement of Allegations. Respondent submitted a response to the Statement of Allegations on March 17, 2009. At its April 10, 2009 meeting, the Commission found probable cause exists to believe Respondent violated the Code of Judicial Conduct and authorized the issuance of this Statement of Charges.

II. CONDUCT GIVING RISE TO CHARGES

Respondent is charged with violating Canons 1 and 2(A) and 7(B)(1)(a) of the Code of Judicial Conduct by engaging in illegal or otherwise indecorous and inappropriate behavior; to wit: patronizing prostitutes; harassing or threatening persons whom he believed were discussing his interactions with and payment of prostitutes; using racist language in public conversation; and engaging in unfair campaign conduct.

The foregoing charges are based upon, but not limited to, the following conduct.

Respondent is charged with paying Joseph H for performing sexual acts with Respondent on a number of occasions between 1997 and 2001. Some of these acts

occurred when Mr. H was a minor. Respondent sought out Mr. H in downtown Tacoma, and took him to Respondent's law office, where the sexual activity took place.

Respondent is also charged with paying Joseph P for performing sexual acts on Respondent on several occasions during 2007 and 2008. Respondent sought out Mr. P in the downtown Tacoma area known as "Antique Row" and took him to Respondent's law office, where the sexual activity occurred. After each sexual engagement, Respondent paid Mr. H or Mr. P in cash.

Respondent is also charged with threatening behavior directed at Mr. H and Albert Milliken, in late August, 2008, after Respondent came to believe that the two men were talking to others about Respondent's conduct with young male prostitutes.

Respondent is also charged with paying John M for performing sexual acts with Respondent on a number of occasions between 2000 and 2002. Respondent sought out Mr. M, also in the downtown Tacoma area known as "Antique Row" and took him to Respondent's law office, where the sexual activity occurred. After the sexual activity, Respondent paid Mr. M in cash.

Respondent is also charged with providing legal services in exchange for sexual activity with Bryan C on one occasion in 1996. Respondent met Mr. C in downtown Tacoma, and later met with him at his law office to discuss a legal issue. After agreeing to assist Mr. C, Respondent requested Mr. C perform a sexual act on Respondent, which Mr. C refused. Mr. C ultimately performed a different sexual act on Respondent, and Respondent later attended to Mr. C's legal issue.

Respondent is also charged with repeatedly using the term "nigger" in conversation with Milo Lick, John Paterno and Guy Shepard (on or about the summer of 2007).

Respondent is also charged with stealing his opponent's campaign signs during the 2008 judicial campaign.

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III. BASIS FOR COMMISSION ACTION

On April 10, 2009, the Commission determined that probable cause exists to believe that Respondent has violated Canons 1, 2(A) and 7(B)(1) of the Code of Judicial Conduct. These sections of the Code 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.

...

Comment

Maintaining the prestige of judicial office is essential to a system of government in which the judiciary functions independently of the executive and legislative branches. Respect for the judicial office facilitates the orderly conduct of legitimate judicial functions. Judges should distinguish between proper and improper use of the prestige of office in all of their activities.

The testimony of judges as character witness injects the prestige of their office into the proceeding in which they testify and may be misunderstood to be an official testimonial. This canon however, does not afford judges a privilege against testifying in response to a subpoena.

CANON 7

Judges shall refrain from political activity inappropriate to their judicial office.

(B)(1)(a) Candidates, including an incumbent judge, for a judicial office should maintain the dignity appropriate to judicial office, and should encourage members of their families to adhere to the same stands of political conduct that apply to them.

As to each of these Canon violations, the Commission's Rules of Procedure (CJCRP) provide that: "The Commission has jurisdiction over judges regarding allegations of misconduct occurring prior to or during service as a judge and regarding allegations of incapacity during service as a judge." CJCRP 2(b)(1).

IV. RIGHT TO FILE A WRITTEN ANSWER

In accordance with CJCRP 20(a), Respondent shall file a written answer to this Statement of Charges with the Commission and serve a copy on disciplinary counsel Rita Bender, 1301 Fifth Avenue, Suite 3401, Seattle, Washington, 98101, within twenty-one (21) days after the date of service of the Statement of Charges. Pursuant to CJCRP 21(a), failure to answer the written charges shall constitute an admission of the factual allegations.

DATED this 14th day of April 2009.

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON



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