

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of

The Honorable Kathleen E. Hitchcock,
Judge of the Granger Municipal Court

CJC No. 7377-F-160

STATEMENT OF CHARGES

Pursuant to authority granted in Article IV, Section 31 of the Washington State Constitution, the Revised Code of Washington, Chapter 2.64, and the Commission on Judicial Conduct Rules of Procedure ("CJCRP"), 17(d)(4)(C), the Commission on Judicial Conduct orders this Statement of Charges filed alleging violations of the Code of Judicial Conduct by Judge Kathleen Hitchcock.

I. BACKGROUND

1. Judge Kathleen Hitchcock ("Respondent") is currently a part-time judge of the Granger Municipal Court. At all times referred to in this document, Respondent served as a part-time judge of the Granger and Wapato Municipal Courts.

2. On July 24, 2013, following a routine traffic stop south of Yakima on I-82, Respondent was arrested on suspicion of driving under the influence of alcohol and/or drugs. Her arrest generated considerable local publicity. On July 29, 2013, Respondent contacted the Commission and reported she had been arrested for DUI.

3. On August 16, 2013, Respondent was arraigned in Yakima County District Court on one count of DUI. That criminal matter remains pending, with pretrial hearings having been set over several times.

4. Following an independent investigation, the Commission initiated disciplinary proceedings against Respondent pursuant to CJCRP 17(c)(3) by serving her with a Statement of Allegations on October 8, 2013. The Statement of Allegations

1 alleged that Respondent may have violated Canon 1, Rules 1.1, 1.2 and 1.3, of the
2 Code of Judicial Conduct on July 24, 2013, by driving under the influence of alcohol
3 and/or drugs in violation of state law, by being untruthful to the arresting officer and by
4 citing her judicial status in an apparent attempt to influence a law enforcement officer.

5 5. Respondent submitted a written response to the Statement of Allegations
6 on December 5, 2013. That same day, attorney Gregory L. Scott filed notice that he
7 was representing Respondent in this matter.

8 6. At its executive session on July 11, 2014, the Commission on Judicial
9 Conduct made a finding that probable cause exists to believe that the Respondent
10 violated Canon 1, Rules 1.1, 1.2 and 1.3 of the Code of Judicial Conduct.

11 12 **II. CONDUCT GIVING RISE TO CHARGES**

13 According to police reports and an on-dash mobile video recording, on July 24,
14 2013, at approximately 8:00 a.m., Respondent was stopped by a state patrol officer
15 for speeding south of Yakima on I-82 between the towns of Zillah and Granger. This
16 routine traffic stop ultimately resulted in Respondent's arrest for DUI after the officer
17 observed Respondent showing signs of being intoxicated. (The officer noted
18 Respondent smelled heavily of alcohol, had blood shot eyes and a flushed face, and
19 swayed side to side.) Although she initially denied drinking at all because of medical
20 issues, Respondent eventually also acknowledged drinking two margaritas the night
21 before and taking a half of a hydrocodone pill at 4:30 a.m. that morning. After
22 Respondent's arrest, a breath test was administered at approximately 9:00 a.m., with
23 Respondent's BAC registering at .250 and .248. During the contact with the state
24 trooper, Respondent volunteered the information that she was a judge in three
25 separate statements.

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1 among judges and lawyers, support professionalism within the judiciary and
2 the legal profession, and promote access to justice for all.

3 [5] Actual improprieties include violations of law, court rules, or provisions
4 of this Code. The test for appearance of impropriety is whether the conduct
5 would create in reasonable minds a perception that the judge violated this
6 Code or engaged in other conduct that reflects adversely on the judge's
7 honesty, impartiality, temperament, or fitness to serve as a judge.

8

9 **RULE 1.3**

10 ***Avoiding Abuse of the Prestige of Judicial Office***

11 A judge shall not abuse the prestige of judicial office to advance the personal
12 or economic interests of the judge or others, or allow others to do so.

13 **COMMENT**

14 [1] It is improper for a judge to use or attempt to use his or her position
15 to gain personal advantage or deferential treatment of any kind. For
16 example, it would be improper for a judge to allude to his or her judicial
17 status to gain favorable treatment in encounters with traffic officials.
18 Similarly, a judge must not use judicial letterhead to gain an advantage in
19 conducting his or her personal business.


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21 By driving under the influence of alcohol and/or drugs in violation of state law,
22 by being untruthful to the arresting officer in claiming not to have consumed any
23 alcohol that morning or the preceding night due to her medical condition and by citing
24 her status as a judicial officer in an apparent attempt to influence a law enforcement
25 official, Respondent violated the foregoing Code provisions.

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

2 In accordance with CJCRP 20 and 21, Respondent may file a written answer
3 to this Statement of Charges with the Commission within twenty-one (21) days after
4 the date of service of the Statement of Charges; failure to answer the formal charges
5 shall constitute an admission of the factual allegations therein and the Statement of
6 Charges will be deemed admitted.

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9 DATED this 15th day of July 2014.

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12 COMMISSION ON JUDICIAL CONDUCT
13 OF THE STATE OF WASHINGTON

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