

DEC 28 2021

COMMISSION ON JUDICIAL CONDUCT

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

In Re the Matter of:

No. 10535-F-194

The Honorable Debra Burchett  
Cowlitz County District Court Judge

**ANSWER OF  
RESPONDENT**

Respondent the Honorable Debra Burchett by and through her attorney, Kevin Bank, hereby answers the Commission on Judicial Conduct’s (hereinafter “Commission”) Statement of Charges as follows. The answer is filed pursuant to Commission on Judicial Conduct Rule of Procedure (CJCRP) 20. All allegations in the Statement of Charges not expressly admitted are denied.

**ANSWERS TO PARAGRAPHS 1A THROUGH 1F OF STATEMENT OF CHARGES**

I-A. Admit.

I-B. Admit.

I-C. Respondent has insufficient information to admit or deny this paragraph as she has not received a copy of the “complaint” referenced and has no personal knowledge as to the Commission’s internal processes.

1 I-D. Respondent has insufficient information to admit or deny whether the  
2 Commission's investigation was "independent." Respondent admits that she was served with a  
3 Statement of Allegations on October 3, 2021 and that the Statement of Allegations alleged  
4 violations of the Canons and Rules listed in the Statement of Allegations.

5 I-E. Admit

6 I-F. Admit.

7 **ANSWER TO PARAGRAPHS IIA THROUGH 11D OF STATEMENT OF CHARGES**

8 II-A. Denied. Respondent did not instruct her clerk to conduct an ex-parte investigation  
9 and thus did not violate Canon 1 or Canon 2 of the Code of Judicial Conduct (CJC) and/or  
10 violate paragraph II(G) of the Stipulation and Agreement in CJC No. 9848-F-191.

11 II-B. Admit in part and deny in part. Admit to the facts as stated in the allegation. Deny  
12 that the conduct violated Cannon 1, Rules 1.1 and 1.2 and/or Canon 2, Rules 2.2, 2.3(A), 2.4(B)  
13 and 2.5(A) of the CJC.

14 II-C. Admit in part and deny in part. Admit that Respondent told the Court  
15 Administrator that her comments to the press following the public filing of the Stipulation,  
16 Agreement and Order of Reprimand in CJC 9848-F-191 were misleading and inappropriate.  
17 Deny that this gave the appearance that Judge Burchett was retaliating against the court  
18 administrator for her suspected cooperation with the Commission in that proceeding. Deny that  
19 Respondent's statements to the Court Administrator that the Court Administrator's comments to  
20 the press were misleading and inappropriate violated Canon 1, Rules 1.1 and 1.2, and/or Cannon  
21 2, Rule 2.16 (B) and/or paragraph II(F) of the Stipulation and Agreement in CJC No. 9848-F-  
22 191.  
23  
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1 II-D. Respondent has insufficient information to admit or deny this allegation.  
2 Although Respondent admits that the docket and the Small Claims Judgement Form in Case No.  
3 20S000060 show an award of \$1,232 to defendants, Judge Burchett wrote a detailed letter to the  
4 parties dated June 30, 2021 explaining her final decision in the matter, which stated that  
5 plaintiffs would receive \$2,732 and defendants zero. It is unclear why this decision is not  
6 reflected in the docket and Small Claims Judgement Form.

7 **ANSWER TO PARAGRAPH III OF STATEMENT OF CHARGES**

8 III. Respondent again denies that her actions violated the Code of Judicial Conduct.

9 **JUDGE BURCHETT'S AFFIRMATIVE DEFENSES**

10 1. The Statement of Charges lack the necessary specificity to put Respondent on notice  
11 as to why certain conduct is being charged as violative of certain vague cannons and rules, such  
12 as Canon 1, Rule 1.1 and Canon 1, Rule 1.2

13 2. Respondent may have made good faith errors of fact of law in one or more of the  
14 matters described in the paragraph II-A through II-D. Good faith errors of fact or law should not  
15 form the basis for allegations of judicial misconduct. See Cannon 2.2, Comment [3].

16 3. Respondent reserves her rights to amend this answer and to bring other defenses during  
17 these proceedings, and to assert mitigating factors, including but not limited to the mitigating  
18 factors listed in the *CJC Rules of Procedure*.

19 **ADDRESS**

20 All further pleadings, notices and other documents may be served on Respondent by  
21 serving a copy of the same on his attorney, Kevin Bank, at PO Box 61183, Seattle, WA 98141-  
22 6183 and/or [kevin@kevinbanklaw.com](mailto:kevin@kevinbanklaw.com).

1 Respectfully submitted this 28th day of December 2021

2 Kevin Bank  
3 Kevin Bank, WSBA No. 28935  
4 Attorney for Respondent

5 I, Kevin Bank, hereby certify that on this 28<sup>th</sup> day of December 2021, I caused a copy of this answer to be  
6 served via email on Michele Slotemaker at [mslotemaker@cjcs.state.wa.us](mailto:mslotemaker@cjcs.state.wa.us) and Reiko Kellner at  
7 [rcallner@cjcs.state.wa.us](mailto:rcallner@cjcs.state.wa.us).

8 Kevin Bank

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