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Re: Removal of Judge Anderson
SSCR 8406

To: Members of the Legislature and Journalists

This memo is to apprise you of some additional reasons why I strongly believe that the Legislature should use its dormant power under Const. Art. IV, Sec. 9, to remove Judge Grant L. Anderson from his judicial office. The attached material demonstrates that members of the state's judicial branch profoundly tend to defend their colleagues and to cover-up evidence of their misconduct rather than to act responsibly and objectively when presented with evidence of a judicial colleague's misconduct.

Attached is my Motion to Unseal Court Record that I filed 3/12/99 in the Court of Appeals, Div. II (Tacoma), seeking to unseal 59 pages documenting Judge Anderson's misconduct that I filed there 4/26/96. Those pages were relevant to the issue before the Appeals Court three years ago when I appealed a Pierce County Superior Court order summarily disqualifying me for allegedly unprofessional conduct—namely, did I have a reasonable basis for seeking Judge Anderson's recusal for cause from the cases of my then client, Don Barovic. From the moment that I filed those 59 pages on 4/26/96, *they should have been and remained publicly accessible records*, but Court of Appeals Commissioner Donald G. Meath, of his own initiative, ordered those 59 pages "sealed" from the public seven days later, on 5/3/96. Commissioner Meath's spontaneous, unilateral action violated applicable court rules governing the sealing of court records, and can only be interpreted as an action by one member of the judiciary to come to the aid of another jurist.

Today, I appeared before Commissioner Meath to argue this Motion for the unsealing of those 59 pages. I was opposed only by Judge Anderson's attorney, Kurt Bulmer. We both presented our arguments. Commissioner Meath then granted Mr. Bulmer's oral request for time to prepare a brief, and time for me to prepare a response to his brief, and for a subsequent hearing on the Motion. At that point, I withdrew my motion, as I feel that my limited, volunteered, public-interest time is better spent appealing to responsible leaders and members of the legislature than appealing to the clubbish members of the judicial fraternity.

Please take the time to review these materials and to consider my view that the members of the judicial branch, including those on the Commission on Judicial Conduct, share an unwritten but very real "mutual defense pact" that impairs their ability to responsibly and objectively address evidence of misconduct by their peers.

Very truly yours,

Douglas A. Schafer