

APR 19 2024

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

In Re the Matter of:

The Honorable Jennifer Cruz  
Issaquah Municipal Court  
Part-Time Judge

NO. 11705-F-211

**STIPULATION, AGREEMENT**  
**AND ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct (“Commission”) and Jennifer Cruz, Part-time Judge of the Issaquah Municipal Court, stipulate and agree as provided herein. This stipulation is submitted pursuant to Article IV, Section 31 of the Washington Constitution and Rule 23 of the Commission’s Rules of Procedure. The Commission has been represented in these proceedings by its Executive Director, J. Reiko Callner, and Part-time Judge Cruz is represented by Attorney Kevin Bank.

**I. STIPULATED FACTS**

A. On December 4, 2023, Jennifer Cruz (Respondent) served as a Judge Pro Tem of the Issaquah Municipal Court. Respondent regularly served as a pro tem judge in several courts, mainly in municipal courts in King County, since 2015<sup>1</sup>.

B. Respondent self-reported to the Commission an incident that took place on December 4, 2023, at the Issaquah Municipal Court. The incident involved a brief exchange of words between Respondent and a defendant during an arraignment hearing on charges of Vehicle Trespass and Criminal Trespass. The hearing was conducted remotely, with the defendant appearing virtually from jail. Respondent announced the defendant’s case, and the public defender assisting the defendant indicated that the defendant did not want the public defender to represent

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<sup>1</sup> When serving in a judicial capacity, Respondent was usually referred to at her workplace as a “judge pro tem,” but given the frequency of her service, she is defined as a “part-time judge” under the Code of Judicial Conduct. See Code of Judicial Conduct, Application and Terminology Sections. Part-time judges are not required to comply with certain provisions of the Code, but the incident that is the subject of this Stipulation does not implicate those provisions.

him. During the course of the hearing, the defendant used profanity in most of his comments and responses. The public defender indicated the matter could be set over to the next day for the new attorney, but the defendant objected to a continuance. Respondent said she was going to set the matter over to the next day, based on the behavior she had seen from the defendant. The following exchange then took place:

Defendant:	It's like we've done that for the last three f**king dates, let's not keep doing that.
Respondent:	Well, sir ...
Defendant:	And you refused last time. What they did was a shut off and they wouldn't reconnect it.
Respondent:	Okay, sir ...
Defendant:	No, listen up and listen to what the f**k I have to ...
Respondent:	No, no, f**k you then. Okay, no.
Defendant:	F**k you, bitch, what's up?

C. After the above exchange, Respondent promptly recused herself from the case. Audio versions of Issaquah Municipal Court hearings are available to the public on the court's website. The incident became the subject of conversation in the local legal community.

D. Respondent promptly verbally self-reported this incident to the Commission and then filed a written complaint, which was received on December 19, 2023.

E. Following an independent, confidential investigation, the Commission initiated disciplinary proceedings against Respondent pursuant to CJCRP 17(c)(3) by serving her with a Statement of Allegations on February 15, 2024. The Statement of Allegations alleged Respondent may have violated Canon 1, Rules 1.1 and 1.2, and Canon 2, Rule 2.8(A) & (B) of the Code of Judicial Conduct by directing a profane comment at a defendant.

F. Respondent provided a written response to the Statement of Allegations. Respondent admits that she violated the Code by directing a profane comment at a defendant in court. Respondent explained that she was deeply sorry for her conduct and took full responsibility for her actions. Respondent wrote that at the time of the incident, she was engaged in a full-time non-judicial position and multiple pro-tem judicial positions. Respondent also indicates on the day of the

incident, she overscheduled herself and was handling two calendars in two different courts, one on zoom and one in person. Respondent realizes she represented the Court in an inappropriate manner. Respondent said her behavior was completely out of character for her and that she had not engaged in such language in court before or after the incident. Respondent has availed herself of resources to address these issues, as described below.

## **II. AGREEMENT**

### **A. Respondent Violated the Code of Judicial Conduct**

1. Respondent agrees she violated Canon 1, Rules 1.1 and 1.2, and Canon 2, Rule 2.8(A) & (B) in that she directed a profane comment at a defendant during a hearing over which she was presiding.

2. Canon 1 expresses the overarching principles of the Code of Judicial Conduct: because judges represent the administration of justice and the rule of law, to preserve public confidence in our legal system, they must avoid impropriety and the appearance of impropriety and act in a manner that is always above reproach. Specifically, Rule 1.1 provides, "A judge shall comply with the law, including the Code of Judicial Conduct." Rule 1.2 provides, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

3. Canon 2 addresses duties of judicial office. Rule 2.8(A) provides, "A judge shall require order and decorum in proceedings before the court." Rule 2.8(B) requires that "A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control."

4. Respondent agrees that her profane comment directed at a defendant during a court proceeding violated the above rules by failing to comport with the standards of decorum a judicial officer is expected to not only require from others, but also by which to abide for themselves. Furthermore, by acting improperly toward a defendant, Respondent's actions could reasonably undermine public confidence in her impartiality, fairness, and objectivity.

## **B. Imposition of Sanction**

1. The sanction imposed by the Commission must be commensurate to the level of Respondent's culpability, sufficient to restore and maintain the public's confidence in the integrity of the judiciary, and sufficient to deter similar acts of misconduct in the future.

2. In determining the appropriate level of discipline to impose, the Commission takes into account those factors listed in CJCRP 6(c).

(a.) Characteristics of Misconduct. This was an isolated incident. Respondent's action was inappropriate and spontaneous, but there is no basis to believe she intentionally or flagrantly violated her oath of office. However, this action took place in the courtroom and had an effect on the integrity of and respect for the judiciary, both upon the defendant and others present, as well as people in the community who became aware of the incident. Profanity has no place in a court proceeding, least of all when used by a judge who has an affirmative duty to maintain order. As this Commission has previously emphasized, being a judicial officer means being civil even to those who are uncivil and rising above the chaos that sometimes occurs in court to set an example for others. Discourteous and undignified behavior by a judge in the courtroom erodes the public's confidence in the quality of justice administered by that judge. A judicial officer has an affirmative duty to maintain focus on the business of the court and not, as here, to participate in the devolution of a courtroom exchange with a defendant to use rude language. (See, e.g., *In re Parise* CJC No. 7292-F-155 (2013) and *In re Wilson*, CJC No. 8662-F-178 (2018).)

(b.) Service and Demeanor of the Judge. Respondent has been cooperative with the Commission in this proceeding and has no prior public discipline history. The Commission acknowledges that Respondent not only promptly self-reported this incident, but has also unequivocally taken responsibility for her impropriety and has indicated remorse for her action. Following this incident, Respondent shared with the Commission information regarding stressful issues of a personal nature that she was experiencing at the time that contributed to her acting inappropriately on this occasion. Further, Respondent provided documentation to the Commission that she voluntarily, at her own expense, participated in continuing multiple legal education courses

focused on judicial demeanor, dealing with challenging litigants, and managing stress. The courses included one specifically focused on managing stress and “burnout.”

3. Based upon the stipulated facts and upon weighing the factors in CJCRP 6(c), Respondent and the Commission agree that an “admonishment” as defined in RCW 2.64.010 and in the Terminology section of the CJCRP is the appropriate level of sanction to impose in this matter. An admonishment is a written action of the Commission of an advisory nature that cautions a respondent judge not to engage in certain proscribed behavior. Admonishment is the least severe disciplinary action the Commission can issue. In this instance, an admonishment may help to alert other judges to the risks of unguarded comments damaging public confidence in the impartiality, integrity and independence of the judiciary.

4. Respondent agrees she will promptly read and familiarize herself with the Code of Judicial Conduct in its entirety and will submit a sworn statement or declaration to the Commission indicating she has done so within 30 days of entry of this agreement.

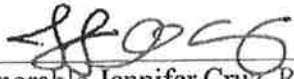
5. Respondent has shown proof of completion of the courses described above. Therefore, Respondent will not be required to complete further training or counseling.

6. Respondent agrees she will not repeat such conduct in the future, mindful of the potential threat any repetition of her conduct poses to public confidence in the integrity and impartiality of the judiciary and to the administration of justice.

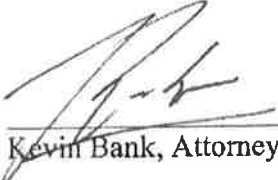
7. Respondent has represented herself initially in these proceedings and later retained Kevin Bank as her attorney. She affirms that she enters into this agreement sincerely and in good faith, after having had an opportunity to consult with her attorney.

8. Respondent further agrees she will not retaliate, or appear to retaliate, against any person known or suspected to have cooperated with the Commission, or otherwise associated with this matter.

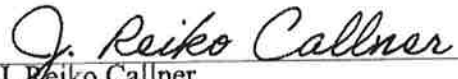
9. Respondent agrees that by entering into this stipulation and agreement, she hereby waives her procedural rights and appeal rights pursuant to the Commission on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State Constitution in this proceeding.

  
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Honorable Jennifer Cruz, Respondent

4/17/24  
Date

  
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Kevin Bank, Attorney for Respondent

4/17/24  
Date

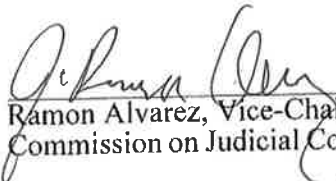
  
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J. Reiko Callner  
Executive Director  
Commission on Judicial Conduct

April 17, 2024  
Date

**ORDER OF ADMONISHMENT**

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Jennifer Cruz, ADMONISHED for the above set forth violations of the Code of Judicial Conduct. Respondent shall fulfill all the terms of the Stipulation and Agreement as set forth therein.

DATED this 19 day of April, 2024.

  
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Ramon Alvarez, Vice-Chair  
Commission on Judicial Conduct