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

In re the Matter of
THE HONORABLE BONNIE
CANADA-THURSTON,
King County Superior Court Commissioner

No. 4389-F-120

**STIPULATION, AGREEMENT
AND ORDER OF
ADMONISHMENT**

The Commission on Judicial Conduct and the Honorable Bonnie Canada-Thurston, of the King County Superior Court, Seattle, Washington hereby stipulate and agree as provided herein pursuant to CJCRP 23. This stipulation shall not become effective until approved by the Washington Commission on Judicial Conduct.

STIPULATED FACTS

1. The Honorable Bonnie Canada-Thurston (Respondent) was at all times discussed herein a Commissioner of the King County Superior Court, Seattle, Washington, and has been since her appointed service began in 1993.
2. On June 29, 2005, pursuant to CJCRP 17(e), the Commission sent a letter to Respondent informing her that the Commission was pursuing Initial Proceedings and asking her to respond to the allegations therein.
3. Respondent presided over hearings on the following dates:
 - a. 03-2-21663-1 SEA, July 9, 2003,
 - b. 03-3-11374-7 SEA, January 15, 2004 and January 27, 2004,
 - c. 04-3-07122-8 SEA, February 2, 2005.
4. During the course of each of these hearings, it could be perceived that Respondent displayed an intimidating, impatient, and/or harsh demeanor toward the litigants and/or counsel. Respondent and the Commission agree that if this matter

1 were to proceed to a hearing, witnesses would testify that the Respondent's tone and
2 manner was impatient or felt intimidating, and detracted from their ability to present
3 their cases. Respondent would testify that her intention was not to humiliate those
4 present or to be rude to them, but to insure compliance with court rules, to keep their
5 presentations within the limited time available, and to convey the seriousness of the
6 proceedings.

7 4. Respondent agrees, upon reviewing the hearings referenced above, her
8 manner could reasonably be perceived as intimidating or impatient, although she
9 would also testify that it has never been her intention.

10 **IMPOSITION OF SANCTION**

11 In entering this stipulation, the Commission takes into account the factors set
12 out in CJCRP 6(c).

13 **Characteristics of Respondent's Misconduct.**

14 Respondent's violations of the Code of Judicial Conduct are not isolated. The
15 misconduct occurred in the courtroom, during court proceedings, and while
16 Respondent was acting in her official capacity. By her conduct, Respondent created
17 conditions such that the parties may at times have been inhibited from fully and fairly
18 presenting their positions. In mitigation, Respondent's directives to parties and to
19 counsel were in the nature of exhortations to remain on the subject matter at hand and
20 within the time frames available to the court. There is no indication that Respondent
21 exploited her judicial capacity to satisfy personal desires.

22 **Service and Demeanor of Respondent.**

23 Respondent has been a judicial officer for 12 years and has had no prior
24 disciplinary actions. She has cooperated fully with the Commission's investigation.
25 She acknowledges that the acts occurred and that they were inappropriate. She
26 recognizes the need to change her demeanor. In that regard, Respondent began
27 taking steps, prior to the Commission contacting her, to improve her judicial
28 temperament and to avoid inappropriate behavior in the future. She has thus

1 demonstrated a sincere effort to modify her conduct. She is acknowledged by her
2 peers and by those appearing before her to be hard-working and consistently fully
3 prepared for the cases that she hears.

4 Based upon the stipulated facts, upon consideration and balancing of the
5 aggravating and mitigating factors and Respondent's desire to resolve this matter,
6 Respondent and the Commission agree that Respondent's stipulated misconduct shall
7 be sanctioned by the imposition of an admonishment. An "admonishment" is a written
8 action of the Commission of an advisory nature that cautions a respondent not to
9 engage in certain proscribed behavior. An admonishment may include a requirement
10 that the respondent follow a specified corrective course of action. Admonishment is
11 the least severe disciplinary action available to the Commission.

12 In entering this stipulation, the Commission takes into account Respondent's
13 prompt and ready cooperation during the course of these proceedings and her
14 demonstrated willingness to improve her judicial demeanor, evidenced by her having
15 sought professional assistance in addressing her tone of voice and a witness to
16 provide feedback as to her courtroom demeanor.

17 **AGREEMENT**

18 1. Based upon the foregoing stipulated facts, Respondent and the
19 Commission agree that a fact finder could reasonably find that Respondent violated
20 Canons 1, 2(A) and 3(A)(3) of the Code of Judicial Conduct by making what were
21 perceived as harsh or intimidating comments and showing impatience in her official
22 capacity.

23 2. Since being contacted by the Commission, Respondent has voluntarily
24 hired an expert at her own expense who will assist her in addressing her
25 communication style. Subject to approval by the Chair of the Commission or her
26 designate, approved training in communication style shall be completed within one
27 year from the date of filing of this agreement. Upon satisfactory completion,
28 Respondent shall file a declaration with the Commission that the training was

1 completed.

2 Standard Additional Terms of Commission Stipulation

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

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

9 5. Respondent agrees that she will promptly read and familiarize herself
10 with the Code of Judicial Conduct in its entirety.

11 6. Respondent represents that she either consulted or had an opportunity
12 to consult with counsel of her choosing regarding this stipulation and proceeding.
13 Respondent voluntarily enters into this stipulation.

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

18 
19 Honorable Bonnie Canada-Thurston 8/15/05
20 Date


21 
22 Barrie Althoff, WSBA 6121 September 2, 2005
23 Executive Director, Commission on
24 Judicial Conduct
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ORDER

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby finds that Commissioner Bonnie Canada-Thurston violated Canons 1, 2(A), and 3(A)(3) of the Code of Judicial Conduct and is hereby ADMONISHED. Respondent shall fulfill the terms of the agreement as above set forth.

Dated this 9th day of September, 2005.


Marianne Connelly, Chair
Commission on Judicial Conduct