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COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of:)
)
Commissioner Wm. Fred Aronow)
Spokane County Superior Court)
1116 W. Broadway Avenue)
Spokane, WA 99260-0350)

No. 97-2632-F-74

STIPULATION, AGREEMENT AND
ORDER OF ADMONISHMENT

The Commission on Judicial Conduct and the Honorable Wm. Fred Aronow, Spokane County Superior Court Commissioner, do hereby stipulate and agree as provided for herein. This stipulation is submitted pursuant to CJCRP 23 and Washington Constitution, Article IV, Section 31, and shall not become effective until approved by the Washington Commission on Judicial Conduct.

The Commission on Judicial Conduct is represented in these proceedings by its counsel, Herman Wacker, and the Honorable Wm. Fred Aronow represented himself.

STIPULATED FACTS

1. The Honorable Wm. Fred Aronow, Respondent herein, was at all times discussed herein a Commissioner of the Spokane County Superior Court, Spokane, Washington.
2. Respondent assumed the position of court commissioner of the Spokane Superior Court in December, 1995.
3. Respondent was placed on probation by the Court from January 1997 through July 31, 1997 for issues concerning his temperament, engaging excessively in military reserve business, tardiness and conduct toward a female employee.

4. If a contested hearing were held in this matter, witnesses would testify to the following:

- 4.1. Respondent made frequent comments to a female employee to the effect of "I know what an old man like that would want with a young chick like you," and referred to her husband as a "dirty old man."
- 4.2. Respondent would inquire what exactly this same female employee and her husband did during lunch; would ask if they "had a quickie in the parking lot."
- 4.3. Respondent referred to another female employee as "Foxy," "Foxy Lady," "sexy," or "hey baby."

5. Respondent was placed under supervision of a judge and was required to take sexual harassment training, directed not to conduct military business on court time, and to correct his tardiness.

6. If a contested hearing were held in this matter, a witness would testify that subsequent to the actions taken by the court as described in Paragraph 5. above, Respondent made the following inappropriate comments towards her:

- 6.1 After her husband returned from a hunting trip, Respondent asked if her husband had "showered before he jumped your bones."
- 6.2. Respondent inquired how the same female employee was doing after an auto accident. He asked her to make a list of things she could and couldn't do, "if you know what I mean." Respondent admits making the statement, but denies that it was intended by him as sexually suggestive. The female employee would testify that the statement was made in a sexually suggestive manner.

7. On November 5, 1997, Respondent was notified that a formal hostile work environment complaint was received by the Court and the Human Resources Department. In a letter to Respondent, following an investigation by the Human Resources Department and a meeting with Respondent, the Judges of the Superior Court believed Respondent made inappropriate comments which were offensive to the complainant. The Court expressed further concern about Respondent's lack of awareness of the gravity and significance of the style and content of his interpersonal staff relations and behaviors, particularly involving references to the personal lives or physical characteristics of any staff member or coworker. The following sanctions were applied:

- 7.1. Suspension without pay from December 1, 1997 through December 31, 1997.
- 7.2. Prior to January 1, 1998, presentment to the Presiding Judge of a plan for professional training and/or counseling in the areas of (a) appropriate employment relationships and behavior and (b) personal recognition and accountability. This program was at Respondent's expense and failure to successfully complete the court-approved plan would result in dismissal.
- 7.3. A three month period of probation continuing through April 1, 1998.
- 7.4. Accelerating his rotation to the Juvenile Court Commissioner assignment to January 1, 1998 through the end of that rotation in October, 1998 rather than the normal rotation which would have commenced April 1, 1998.
- 7.5. No retaliatory action taken or attempted by words or conduct at any time against the complainant or any courthouse employee named in the investigation report.
- 7.6. No contact with the complainant through the end of the Juvenile Court

Commissioner rotation unless initiated by the Presiding Judge.

8. Respondent has successfully completed the court-ordered sanctions and complied with the sanction described in paragraph 7.5 above, to the date of this stipulation. There have been no further complaints about Respondent's conduct toward female employees. According to providers of the counseling program conducted pursuant to the court's order, the commissioner has evidenced a positive effort to change or modify his conduct. The commissioner has cooperated with the commission investigation and proceeding.

AGREEMENT

1. Based upon the foregoing stipulated facts, Respondent agrees that if a contested hearing were held in this matter, even though he would offer evidence to contradict the testimony described in Paragraphs 4 and 6 above, a factfinder could reasonably find that while a commissioner of the Spokane Superior Court, he did violate Canons 1, 2(A), and 3(B)(1) of the Code of Judicial Conduct by making inappropriate and offensive comments. To avoid the risk of an adverse finding at a contested hearing and the possibility of harsher discipline, Respondent has agreed not to contest the allegations against him.


2. Respondent and the Commission agree that the Judges of the Spokane Superior Court took sufficient corrective action as described above. Considering the sanctions already imposed by the Court and Respondent's subsequent conduct, he should be cautioned that future inappropriate comments and conduct will have serious consequences.

3. Respondent agrees to accept a written admonishment of an advisory nature as described in RCW 2.64.010(1) and CJCRP Terminology and Rule 6.

4. Respondent agrees to that he will exercise caution to avoid repeating the violations in the future.


5. Respondent agrees that if in the future he is found to have committed violations of the Code of Judicial Conduct, the violations set forth in this stipulation shall be deemed as conclusively decided and are not subject to being contested or reopened.

6. The violations set forth in this stipulation may be taken into account in any future proceeding against Respondent alleging violations of the Code of Judicial Conduct.



Honorable Wm. Fred Aronow, Respondent

June 2, 1999 @ Spokane
Date



Herman Wacker, Counsel
Commission on Judicial Conduct

June 14, 1999
Date

ORDER

Based upon the above stipulation and agreement, the Commissioner on Judicial Conduct hereby orders, and Commissioner ~~Wm.~~ Fred Aronow, Respondent, is hereby ADMONISHED for violating Canons 1, 2(A) and 3(B)(1) of the Code of Judicial Conduct. Respondent shall exercise caution to avoid repeating the violation in the future.

DATED this ____ day of _____, 1999.

Gregory R. Dallaire, Chair
Commission on Judicial Conduct


5. Respondent agrees that if in the future he is found to have committed violations of the Code of Judicial Conduct, the violations set forth in this stipulation shall be deemed as conclusively decided and are not subject to being contested or reopened.

6. The violations set forth in this stipulation may be taken into account in any future proceeding against Respondent alleging violations of the Code of Judicial Conduct.



Honorable Wm. Fred Aronow, Respondent

Date June 2, 1999 @ Spokane



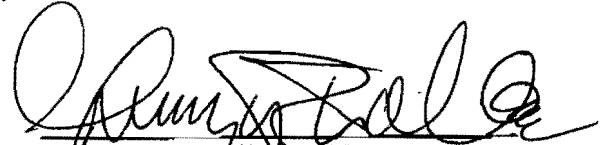
Herman Wacker, Counsel
Commission on Judicial Conduct

Date June 17, 1999

ORDER

Based upon the above stipulation and agreement, the Commissioner on Judicial Conduct hereby orders, and Commissioner Wm. Fred Aronow, Respondent, is hereby ADMONISHED for violating Canons 1, 2(A) and 3(B)(1) of the Code of Judicial Conduct. Respondent shall exercise caution to avoid repeating the violation in the future.

DATED this 4th day of JUNE, 1999.



Gregory R. Dallaire, Chair
Commission on Judicial Conduct