

FILED

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

AUG 15 2003
COMMISSION ON JUDICIAL CONDUCT

In Re the Matter of

Justice Bobbe J. Bridge,
Washington State Supreme Court

No. 4050-F-106

**STIPULATION, AGREEMENT
AND ORDER OF
REPRIMAND**

The Commission on Judicial Conduct and Justice Bobbe J. Bridge, State Supreme Court Justice, do hereby stipulate and agree as provided for herein, pursuant to Rule 23 of the Commission's Rules of Procedure. This stipulation shall not become effective until approved by the Washington Commission on Judicial Conduct.

I. STIPULATED FACTS

1. Bobbe J. Bridge (Respondent) was appointed as a Justice of the Washington State Supreme Court in 1999, won a contested election in 2000, and, after being re-elected in an uncontested election in 2002, was sworn in on January 10, 2003. She has served in that capacity since that time. She served for ten years as a King County Superior Court judge immediately prior to her appointment to the Supreme Court.

2. Pursuant to its constitutional authority, the Commission commenced an investigation based on information, including Respondent's self-report to the Commission, of Respondent's arrest on February 28, 2003 on the charges of driving while under the influence of alcohol and hit and run of an unattended vehicle. Respondent was witnessed striking a parked vehicle while she was driving her vehicle at a slow rate of speed, and continuing to drive, at one point operating her vehicle in the oncoming lane and forcing another vehicle to swerve out of its lane and up onto the curb to avoid a collision. The witness to this incident used his vehicle to block Respondent's vehicle. The witness turned off the engine of Respondent's vehicle, asking Respondent if she was aware she had struck a car and almost caused another

1 accident. She stated she had not been aware. She remained until police arrived. The
2 police officers investigated at the scene and arrested Respondent for driving under the
3 influence and hit and run of an unattended vehicle. She submitted to a blood alcohol
4 content test with results of 0.21 and 0.22. The legal limit for blood alcohol content
5 while operating a motor vehicle in this state is 0.08.

6 3. In Seattle Municipal Court on March 26, 2003, the charge of hit and run
7 of an unattended vehicle was dismissed on agreement of the parties, and Respondent
8 entered into a deferred prosecution pursuant to RCW 10.05 on the charge of driving
9 under the influence of alcohol.

10 In a deferred prosecution, a defendant admits that the offense took place, but
11 alleges that the conduct was the result of alcoholism, drug addiction, or mental health
12 issues for which the defendant is in need of treatment, else the offense is likely to
13 recur. This disposition is not available to a person who sincerely believes she is
14 innocent of the crime charged or who does not suffer from one of the above-listed
15 issues. The defendant further agrees not to contest the facts in the case, should the
16 deferral be revoked, but agrees instead a trial of the matter would simply consist of the
17 judge reading the police reports and other documents filed in the case, and making a
18 finding of guilty or not guilty based on those materials alone.

19 In this instance, Justice Bridge's petition to the Seattle Municipal Court alleged
20 that the wrongful conduct charged was the result of "situational alcohol abuse caused
21 by mental health issues of anxiety and depression for which she needs treatment and,
22 unless treated, the probability of future reoccurrence is great." She is obliged to
23 comply with the terms set forth by the court in accepting her petition, including
24 completion of a two year treatment plan to address the mental health and alcohol
25 issues. She remains under the jurisdiction of the Seattle Municipal Court until March
26 26, 2008, whereupon, if the conditions have all been satisfied, the charge of driving
27 under the influence of alcohol will be dismissed.

28 4. Respondent's position regarding the charge of hit-and-run of an

1 unattended vehicle is that because of her level of intoxication, she was not actually
2 aware of the fact that she had struck and damaged a parked vehicle, so she did not
3 have the legal intent to leave the scene of an accident without leaving the information
4 required by law after an accident. The prosecutors for the City of Seattle accept that
5 legal position. Consistent with their standard protocol when a defendant seeks a
6 deferred prosecution on a driving under the influence with such a legal position on the
7 second charge, the prosecutors did not oppose a motion to dismiss the hit-and-run
8 charge. The judge in Respondent's case accepted the unopposed motion to dismiss
9 the hit-and-run charge and did in fact dismiss that charge. Respondent has accepted
10 responsibility for the accident, however, by having her attorney contact the owner of
11 the damaged vehicle and has reimbursed him fully for his financial losses.

12 5. The incident of driving under the influence of alcohol and hit-and-run of
13 an unattended vehicle, and the resultant criminal charges against Respondent led to
14 heavy media coverage and a high volume of unsolicited input to the Commission by
15 members of the public from many walks of life, reflecting an unusually high level of
16 public concern. The Commission has also received many statements of support for
17 Respondent, emphasizing her otherwise exemplary professional and personal career.

18 **II. AGGRAVATING AND MITIGATING FACTORS**

19 In accepting this stipulation, the Commission takes into account the following
20 aggravating and mitigating factors:

21 **A. Aggravating factors:**

- 22 1. Nature of the misconduct; extent to which the acts have been injurious
23 to other persons

24 Driving under the influence is a criminal offense that is acknowledged to carry
25 great risk of death, personal injury, and property loss. Actual property loss resulted
26 from Respondent's act of misconduct, and the witness to the incident described driving
27 by Respondent that could have caused a head-on collision but for the active avoidance
28 of such a collision by another driver. No actual bodily injury did occur, however.

1 2. The effect the misconduct has upon the integrity of and respect for the
2 judiciary

3 Although historically the offense of driving under the influence of alcohol was not
4 widely perceived by the public as particularly reprehensible, that perception has changed
5 greatly. The public is very conscious of the potentially devastating consequences of
6 driving under the influence of alcohol, and the legislature and judiciary have responded
7 by increasing the consequences for this offense. The Commission takes into
8 consideration the evolution of societal concern in considering this case. A State
9 Supreme Court Justice is expected by the public to be a model citizen. Driving under
10 the influence of alcohol, and hit and run of an unattended vehicle, regardless of whether
11 or not they constitute or are charged as a crime, are perceived by many as self-
12 indulgent, callous to the safety of the person and property of others and to the law, and
13 irresponsible. That such conduct could be engaged in by any citizen, and that citizens
14 are regularly warned and exhorted through a variety of means to avoid such conduct,
15 adds to the sense of disappointment that a member of Washington's highest court
16 engaged in such conduct. The widespread expressions of disillusionment and anger
17 from the public emphasize the extent to which respect for the judiciary has been
18 damaged.

19 **B. Mitigating Factors**

20 1. The misconduct was an isolated instance

21 Respondent has no prior criminal history and the incident appears to be at great
22 odds with her normal exemplary standard of personal behavior. The Commission has
23 received testimonials and documented confirmation that Respondent's contributions to
24 the community and to the judiciary hitherto are considerable.

25 2. The incident happened out of the courtroom; not in the justice's official
26 capacity

27 The incident happened outside the context of Respondent's judicial role, in the
28 evening after a function not associated with the court. There is no indication that alcohol

1 has been an issue in the justice's professional life.

2 3. Whether the judge exploited her official capacity to satisfy personal
3 desires

4 The justice did not exploit, nor attempt to exploit, her official capacity in any way.

5 4. Whether the judge has acknowledged or recognized that the acts
6 occurred

7 Respondent has been promptly and consistently forthright that she committed the
8 acts, that they were reprehensible and has accepted responsibility for them.

9 5. Whether the justice has evidenced an effort to change or modify the
10 conduct

11 Respondent articulated the need to examine her alcohol use. She immediately
12 ceased her use of alcohol, and within 26 days of the incident she obtained a drug and
13 alcohol and mental health evaluation. She has expressed eagerness and motivation to
14 comply with the recommendations contained in the evaluation and the order of the court.
15 Respondent has been in compliance with all court orders since the day of her arrest.
16 She is also in full compliance with her treatment program.

17 6. Length of service in a judicial capacity

18 Respondent has served in a judicial capacity for over twelve years. With the
19 exception of the matter under consideration, her record as a judge and justice has been
20 exemplary, both in terms of judicial service and in service to the community at large.

21 7. Whether there has been prior disciplinary action concerning the justice

22 There has been no prior disciplinary action concerning Respondent.

23 8. Whether the justice cooperated with the commission investigation and
24 proceeding.

25 Respondent has expressed understanding and support for the need for a
26 disciplinary system and has cooperated fully with the Commission investigation and
27 proceeding. She has publicly acknowledged her need to regain and earn again the trust
28 and respect of the public.

1 **III. AGREEMENT**

2 1. Based upon the foregoing stipulated facts, Respondent and the
3 Commission agree that Respondent's commission of the facts comprising the gross
4 misdemeanor offense of driving under the influence of alcohol, and her commission of
5 the facts comprising the hitting an unattended vehicle and leaving without notifying the
6 owner thereof of the damage (even though such latter conduct was not, under the
7 circumstances, resolved as a crime), absent aggravating factors, constitute violations
8 of Canons 1 and 2(A) of the Code of Judicial Conduct.

9 Canon 1 requires judges to maintain and enforce high standards of judicial
10 conduct, and personally observe those standards, so that the integrity and
11 independence of the judiciary will be preserved. Respondent's conduct has violated
12 Canon 1 and has diminished public confidence in the judiciary and has thereby done
13 injury to the system of government under law.

14 Canon 2(A) requires judges to respect and comply with the law and to act at all
15 times in a manner that promotes public confidence in the integrity and impartiality of the
16 judiciary. Maintaining the prestige of judicial office is essential to a system of
17 government in which the judiciary functions independently of the executive and
18 legislative branches. Respondent's failure to respect and comply with the law and to act
19 at all times in a manner that promotes public confidence in the integrity and impartiality
20 of the judiciary has violated Canon 2(A) and has done injury to the prestige of judicial
21 office.

22 2. Pursuant to the Commission's Rules of Procedure, the sanction imposed
23 by the Commission should be appropriate to the level of culpability and should be
24 sufficient to restore and maintain the dignity and honor of the judicial position and to
25 protect the public by assuring that the judge will refrain from acts of misconduct in the
26 future. The disciplinary sanction should also be consistent with sanctions recently
27 imposed on others similarly situated for similar misconduct.

28 Based upon the stipulated facts, upon consideration and balancing of the

1 aggravating and mitigating factors, and upon consideration of legal precedent in the
2 State of Washington and in other United States jurisdictions, and upon Respondent's
3 desire to resolve the matter, Respondent and the Commission agree that Respondent's
4 stipulated misconduct shall be sanctioned by the imposition of a reprimand and of
5 corrective measures. The Commission and Respondent agree that were this matter
6 litigated, the discipline imposed, if any, might vary from that agreed to herein. By
7 imposing the sanction of reprimand the Commission finds, and Respondent agrees, that
8 Respondent's conduct has violated the Code of Judicial Conduct, has by virtue of her
9 high status in the judiciary detrimentally affected the integrity of the judiciary, and has
10 undermined public confidence in the administration of justice. Given the clear public
11 policy against driving under the influence of alcohol, and given the deep public concern
12 that a justice of Washington's highest court, sworn to uphold the law, would engage in
13 such misconduct, some members of the public have called for Respondent's suspension
14 or removal from office for Respondent's stipulated misconduct. The Commission
15 desires to make it clear how seriously it regards the misconduct by a judge of driving
16 under the influence of alcohol, and has increased the sanction in this matter from
17 previous matters. Imposition of a yet higher sanction, however, is unsupported by legal
18 precedent for judges similarly situated, and accordingly is not appropriate under the facts
19 of this matter. Were there prior or multiple acts of misconduct, or more serious property
20 damage, or personal injury, or abuse of judicial office, or other aggravating factors, a
21 higher sanction might be warranted.

22 3. Respondent agrees and stipulates to the acceptance of a reprimand and
23 to comply with the following corrective terms and conditions:

24 a. *Compliance with Municipal Court Terms and Conditions.*
25 Respondent shall comply with all of the terms and conditions set
26 forth in the "Findings of Fact, Conclusions of Law and Order
27 Granting Deferred Prosecution," dated March 26, 2003, in *City of*
28 *Seattle v. Bobbe J. Bridge*, City of Seattle Cause No. 422355, and

1 provide proof to the Commission of Respondent's satisfactory
2 ongoing compliance with the treatment program set out therein,
3 and with the other terms and conditions imposed by the Seattle
4 Municipal Court. These terms and conditions include, but are not
5 limited to, the requirements, more fully set forth in the foregoing
6 specified document, that Respondent:

- 7 • Satisfactorily complete the two-year treatment program filed
8 with the court.
- 9 • Follow all conditions of said treatment program until modified
10 by the court and that Respondent shall not change treatment
11 agencies without prior approval of the court.
- 12 • Maintain total abstinence from alcohol and non-prescribed
13 drugs.
- 14 • Have no criminal violations of law and no alcohol-related
15 infractions.
- 16 • Do not drive without a valid license and proof of insurance.
- 17 • Submit to an alcohol test of blood or breath upon the request
18 of a law enforcement officer who has reasonable grounds to
19 believe that Respondent was driving or was in actual physical
20 control of a motor vehicle while under the influence of
21 intoxicating liquor or drugs.
- 22 • Submit to a urinalysis or breath analysis upon demand of the
23 treatment agency or probation.
- 24 • Appear in Seattle Municipal Court at any time requested by that
25 court throughout the period of the deferred prosecution.
- 26 • Pay all fees and costs associated with the court case.
- 27 • Attend a DUI Victim's Impact Panel within 90 days of March 26,
28 2003.
- For a period of one year following any period of revocation or
suspension, drive only a motor vehicle equipped with a
functioning ignition interlock device and comply with the court's
ignition interlock order within thirty days of March 26, 2003.
Respondent's one year period began to run on April 25, 2003.

21 b. *Recusal from Conduct-Related Matters.*

22 Respondent believes that she can as a judge and justice hear fairly
23 and without bias, prejudice or conflict, matters involving legal
24 charges of driving under the influence of alcohol and/or charges of
25 hit and run. Respondent acknowledges, however, that Canon 2 of
26 the Code of Judicial Conduct requires judges not only to avoid
27 impropriety, but also to avoid the appearance of impropriety, in all
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1 their activities, and that her hearing of such cases, even if not itself
2 improper, may to the public have the appearance of impropriety.
3 Accordingly, Respondent agrees that upon timely request of a
4 party appearing before the court once a matter is set, she will
5 recuse herself voluntarily as a judge or justice from hearing or
6 participating in matters involving legal charges of driving under the
7 influence of alcohol and/or charges of hit and run for the two-year
8 duration of the time period Respondent is under the jurisdiction of
9 the Seattle Municipal Court with active obligations to that court.
10 This recusal agreement does not apply to cases which were heard
11 and voted on by the court prior to the incident on February 28,
12 2003. The Commission acknowledges that Respondent's advance
13 voluntary agreement to recuse herself is not otherwise legally
14 compelled, and does not imply that Respondent might in fact fail
15 to exercise appropriate discretion in deciding whether to recuse
16 from hearing specific cases, but is agreed to by her in
17 acknowledgment of the concerns of the public, in sensitivity to
18 suspicions of either a double standard or undue leniency, and to
19 help reestablish the public confidence in the integrity and
20 impartiality of the judiciary which Respondent's conduct has
21 impaired.

- 22 c. *Public Presentations.* In further pursuit of the goal of regaining the
23 trust and confidence of the public for her personal standards and
24 for judicial integrity, within three years from the date hereof,
25 Respondent shall participate, and provide proof thereof to the
26 Commission, as a speaker (i) in no less than three public
27 appearances approved in advance by the acting chair of the
28 Commission, or the acting chair's designate, and (ii) on judicial

ethics matters related to her stipulated misconduct, in at least two educational programs presented to Washington judicial associations.


Standard Additional Terms of Commission Stipulation

4. Respondent agrees that by entering into this stipulation and agreement she hereby waives, in this proceeding, 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.

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

Bobbe J. Bridge
Bobbe J. Bridge

Date 6/18/03


Jeffery P. Robinson,
Counsel for Respondent, WSBA #11950

Date 6/18/03

Barrie Althoff, Executive Director,
Commission on Judicial Conduct

Date _____

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FINDING AND ORDER

Based upon the above stipulation and agreement, the Commission on Judicial Conduct

(1) finds that the conduct, as described in the above stipulation and agreement, of Justice Bobbe J. Bridge violated rules of the Code of Judicial Conduct, and

(2) orders Justice Bobbe J. Bridge

(A) to appear personally before the Commission;

(B) to fulfill the corrective terms and conditions of the stipulation and agreement as above set forth; and

(C) to be, and Justice Bobbe J. Bridge hereby is, **REPRIMANDED** for violating Canons 1 and 2(A) of the Code of Judicial Conduct.

Dated this 15 day of August, 2003.


Acting Chair, Commission on Judicial Conduct