

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

FILED

DEC - 8 2003

COMMISSION ON JUDICIAL CONDUCT

3
4 In Re the Matter of
5 The Honorable Randal B. Fritzler,
6 Clark County District Court

No. 3933-F-106

STATEMENT OF CHARGES

7
8 **I. BACKGROUND**

9 The Honorable Randal B. Fritzler ("Respondent") is now, and was at all times
10 referred to in this document, a judge of the Clark County District Court. On August 9,
11 1996, the Commission on Judicial Conduct filed an Order of Censure against
12 Respondent, determining that he violated Canons 1, 2(A), 3(B)(1) and 3(D)(1)(a) of the
13 Code of Judicial Conduct when he engaged in a consensual sexual relationship with
14 a court employee while continuing to preside over matters in which the employee's
15 spouse was the attorney of record. Additionally, the relationship disrupted the
16 administration of the court.

17 On September 29, 2002, the Commission received a complaint against
18 Respondent, alleging he was engaging in unfair behavior toward court employees
19 based on an inappropriate intimate personal relationship with another court employee.
20 While investigation of the September 29, 2002 complaint was ongoing, the
21 Commission received additional complaints on February 11, 2003, February 24, 2003,
22 and September 11, 2003. Investigation of the above-referenced complaints resulted
23 in the present charges.

24 On August 18, 2003, Respondent was sent a letter informing him that the
25 Commission was commencing initial proceedings against him. A Statement of
26 Allegations was enclosed and a response was invited. Respondent's response to the
27 Statement of Allegations was dated September 28, 2003. Based on the response, the
28

1 Commission staff engaged in further investigation, and the Commission sent
2 Respondent an Amended Statement of Allegations on October 8, 2003. Respondent
3 requested and was granted an extension of time to respond to the Amended
4 Statement of Allegations. His response to the Amended Statement of Allegations
5 dated November 16, 2003, was received by the Commission on November 18, 2003.
6 Respondent supplemented his response by letter dated December 1, 2003.

7 **II. CONDUCT GIVING RISE TO CHARGES**

8 Respondent is charged with violating Canons 1, 2(A), 2(B), 3(A)(3), 3(B)(1) and
9 3(B)(3) of the Code of Judicial Conduct. It is charged that his conduct also created the
10 appearance of impropriety in violation of CJC Canon 2. Respondent engaged in a
11 personal, dating relationship with a Clark County District Court employee whom he first
12 met when he was an instructor and she was a student at Clark County Community
13 College in 1990 and 1991. She was hired as a paid employee of the court in March
14 of 2001. Since the time of her hiring to the present, rumors of Respondent's close
15 personal relationship with this employee and apparent favoritism based on that
16 relationship have disrupted the orderly administration of the court workplace and
17 adversely affected morale for court employees, administrators, and fellow judicial
18 officers.

19 In the course of Respondent's relationship with the court employee he secretly
20 stayed with her in locations in and outside Washington State, staying in hotel rooms
21 with her in at least five locations over the past two years, and had intimate physical
22 contact with her. Respondent engaged in this intimate relationship even though he
23 was warned by fellow judges and others that there was an appearance of impropriety
24 and favoritism in his relationship with her that was destructive to the reputation of the
25 court and the smooth operation of the administration of its employees. This
26 relationship with the court employee specifically violated one of the terms of the above-
27 referenced Order of the Commission on Judicial Conduct in CJC No. 95-2136-F-61
28 (August 1996).

1 The impropriety is commonly discussed among court employees and also
2 among attorneys and other legal professionals who interact with the Clark County
3 District Court, all of which can lead to, or has led to, a loss of respect for that court.

4 **III. BASIS FOR COMMISSION ACTION**

5 On December 5, 2003, the Commission determined that probable cause exists
6 to believe that Respondent has violated Canons 1, 2(A), 2(B), 3(A)(3) 3(B)(1) and
7 3(B)(3) of the Code of Judicial Conduct (CJC). These sections of the Code state:

9 **CANON 1**

10 **Judges shall uphold the integrity and 11 independence of the judiciary.**

12 An independent and honorable judiciary is indispensable to justice
13 in our society. Judges should participate in establishing, maintaining and
14 enforcing high standards of judicial conduct, and shall personally
observe those standards so that the integrity and independence of the
judiciary will be preserved. The provisions of this Code are to be
construed and applied to further that objective.

15 **CANON 2**

16 **Judges should avoid impropriety and the appearance of impropriety 17 in all their activities.**

18 (A) Judges should respect and comply with the law and should
19 act at all times in a manner that promotes public confidence in the
integrity and impartiality of the judiciary.

20 (B) Judges should not allow family, social, or other relationships to
21 influence their judicial conduct or judgment. Judges should not lend the
22 prestige of judicial office to advance the private interests of the judge or others;
nor should judges convey or permit others to convey the impression that they
are in a special position to influence them. Judges should not testify voluntarily
as character witnesses.

23 **CANON 3**

24 **Judges shall perform the duties of their office 25 impartially and diligently.**

26 (A) **Adjudicative Responsibilities.**

27 . . .
28

1 (3) Judges should be patient, dignified and courteous to
2 litigants, jurors, witnesses, lawyers and others with whom judges
3 deal in their official capacity, and should require similar conduct
of lawyers, and of the staff, court officials and others subject to
their direction and control.

4 ...

5 **(B) Administrative Responsibilities.**

6 (1) Judges should diligently discharge their administrative
7 responsibilities, maintain professional competence in judicial
administration and facilitate the performance of the administrative
responsibilities of other judges and court officials.

8 ...

9 (3) Judges should not make unnecessary appointments. They
10 should exercise their power of appointment only on the basis of merit,
11 avoiding nepotism and favoritism. They should not approve
compensation of appointees beyond the fair value of services rendered.

12 **IV. RIGHT TO FILE A WRITTEN ANSWER**

13 In accordance with CJCRP 20, Respondent may file a written answer to this
14 Statement of Charges with the Commission and serve a copy on disciplinary counsel
15 within twenty-one (21) days after the date of service of the Statement of Charges. As
16 provided by CJCRP 21(a), failure to timely answer shall constitute an admission of the
17 factual allegations. In the event Respondent fails to answer within the prescribed time,
18 the Statement of Charges shall be deemed admitted. The Commission shall proceed
19 to determine the appropriate discipline.

20
21 DATED this 5th day of November, 2003.

22
23 COMMISSION ON JUDICIAL CONDUCT
24 OF THE STATE OF WASHINGTON

25 
26 Barrie Althoff
27 Executive Director
28 P.O. Box 1817
Olympia, WA 98507