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

4 In Re the Matter of )  
5 The Honorable Fred Bonner, )  
6 Judge of the Seattle Municipal Court )  
7 )  
8 \_\_\_\_\_ )

No. 5324-F-135

**STIPULATION, AGREEMENT AND  
ORDER OF ADMONISHMENT**

9  
10 The Commission on Judicial Conduct (“Commission”) and the Honorable Fred  
11 Bonner, (“Respondent”), stipulate and agree as provided herein. This stipulation is  
12 submitted pursuant to Article IV, Section 31 of the Washington Constitution and Rule  
13 23 of the Commission’s Rules of Procedure.

14 **I. STIPULATED FACTS**

15 1. Respondent is now, and was at all times referred to in this document, a  
16 judge of the Municipal Court of Seattle. Respondent has served in that capacity for  
17 seventeen years.

18 2. Through a letter dated February 12, 2007, Respondent offered character  
19 evidence on behalf of a defendant in connection with the sentencing of that defendant  
20 in a criminal matter. Respondent provided the letter to the defendant’s attorney at the  
21 personal and informal request of the defendant. The letter was written on court  
22 stationary, addressed to the sentencing judge and signed by Respondent, who  
23 identified himself by judicial title. The letter is attached hereto as Exhibit 1.

24 3. The Commission received information concerning Respondent’s  
25 communication on March 22, 2007. Following an independent investigation into the  
26 mater, the Commission determined sufficient evidence existed to commence initial  
27 proceedings, and sent a Statement of Allegations to Respondent on April 12, 2007.

1 Respondent answered the Statement of Allegations on May 8, 2007. In his answer,  
2 Respondent acknowledged the impropriety of his conduct. He added that submitting  
3 the letter on official court stationary and identifying himself by judicial title was  
4 inadvertent.

## 5 **II. AGREEMENT**

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

7 1. By initiating communication with a sentencing judge on behalf of a person  
8 about to be sentenced as described above, Respondent violated Canons 1, 2(A) and  
9 2(B) of the Code of Judicial Conduct.

10 2. Canons 1 and 2(A) require judges to uphold the integrity and  
11 independence of the judiciary by avoiding impropriety and the appearance of  
12 impropriety and by acting at all times in a manner that promotes public confidence in  
13 the integrity and impartiality of the judiciary. Canon 2(B) more specifically provides in  
14 part, "Judges should not lend the prestige of judicial office to advance the private  
15 interests of the judge or others; . . . Judges should not testify voluntarily as character  
16 witnesses." Absent an official request, a judge may not, therefore, pursuant to Canons  
17 1, 2(A) and 2(B), voluntarily communicate with another judge as a character witness on  
18 behalf of party in a judicial proceeding. Doing so lends the prestige of judicial office for  
19 the private benefit of another, may be perceived as an implied request for favorable  
20 treatment of a party, and is considered voluntary character witness testimony.

21 3. Published ethics advisory opinions and judicial conduct case law make  
22 clear that judges may not, on their own initiative, write a letter on behalf of a criminal  
23 defendant for consideration in sentencing, even if the letter is written on plain paper and  
24 the judicial title is not used. See, e.g., Washington Ethics Advisory Opinion 92-17.

### 25 **B. Imposition of Sanction**

26 1. Based upon the stipulated facts, upon consideration and balancing of the  
27 aggravating and mitigating factors set out in CJCRP 6(c), Respondent and the  
28

1 Commission agree that Respondent's stipulated misconduct shall be sanctioned by the  
2 imposition of an admonishment. An "admonishment" is a written action of the  
3 Commission of an advisory nature that cautions a respondent not to engage in certain  
4 proscribed behavior. An admonishment may include a requirement that the respondent  
5 follow a specified corrective course of action. Admonishment is the least severe  
6 disciplinary action available to the Commission.

7 2. In entering this stipulation, the Commission takes into account that  
8 Respondent has served as a judicial officer for 17 years and had no prior disciplinary  
9 actions. He fully cooperated with the Commission's investigation and candidly  
10 acknowledged his impropriety. Moreover, it appears this was an isolated, single  
11 occurrence of misconduct, which Respondent maintains was unintentional. There is no  
12 indication the misconduct actually influenced the administration of justice or prejudiced  
13 anyone. On the other hand, the canons and relevant law proscribing the misbehavior  
14 in which Respondent engaged are clear, and his failure to abide by these clear and  
15 determined ethical standards demonstrates an unacceptable laxity toward his ethical  
16 obligations. The very nature of this misconduct undermines public confidence in the  
17 integrity and impartiality of the judiciary.

18 Standard Additional Terms and Conditions

19 3. Respondent agrees that he will not repeat such conduct in the future,  
20 mindful of the potential threat any repetition of his conduct poses to public confidence  
21 in the integrity of the judiciary and to the administration of justice.

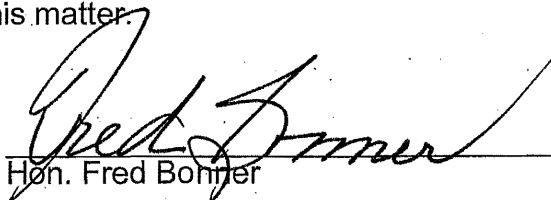
22 4. Respondent agrees he will promptly read and familiarize himself with the  
23 Code of Judicial Conduct in its entirety.


24 5. Respondent represents he either consulted or had an opportunity to  
25 consult with counsel of his choosing regarding this stipulation and proceeding.  
26 Respondent voluntarily enters into this stipulation.

27 6. Respondent agrees that by entering into this stipulation and agreement,  
28

1 he waives his procedural rights and appeal rights in this proceeding pursuant to the  
2 Commission on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the  
3 Washington State Constitution.

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

7  
8  7-18-07  
9 Hon. Fred Bonner Date

10  
11  7-24-07  
12 J. Reiko Callner Date  
13 Executive Director  
14 Commission on Judicial Conduct

15 **ORDER OF ADMONISHMENT**

16 Based on the above Stipulation and Agreement, the Commission on Judicial  
17 Conduct hereby orders Respondent, Judge Fred Bonner, admonished for the above  
18 set forth violations of the Code of Judicial Conduct. Respondent shall not engage in  
19 such conduct in the future and shall fulfill all of the terms of the Stipulation and  
20 Agreement as set forth therein.

21  
22 DATED this 3 day of August, 2007

23  
24  
25   
26 John Sleeter, Vice Chair  
27 Commission on Judicial Conduct  
28

THE MUNICIPAL COURT OF SEATTLE

Fred Bonner  
Judge



February 12, 2007

RECEIVED

FEB 20 2007

The Honorable [REDACTED]

[REDACTED]  
Seattle, WA [REDACTED]

Re: [REDACTED]

Sentencing Date February 21, 2007

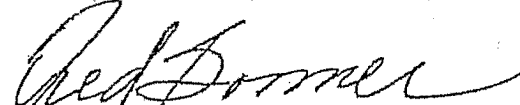
Judge [REDACTED]

I have known [REDACTED] in a professional capacity for approximately eight years. I have known him to be scrupulous, honest and caring.

[REDACTED] has worked on my vehicle on several occasions during this period of time. Although [REDACTED] has some English language deficiencies, he has a driving ambition to be successful in his adopted country. I believe that this experience that [REDACTED] has gone through has made him a better person.

He knows that he has made a serious mistake and has taken responsibility for it. After this case has culminated, I do not think that you will see [REDACTED] in your Courtroom again.

Very truly yours,

  
Fred Bonner, Judge  
Municipal Court of Seattle

FB: elh

EXHIBIT NO. 1