

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

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In Re the Matter of:)	
)	CJC No. 7365-F-159
The Honorable Victoria M. Seitz)	
Judge, King County District Court)	STIPULATION, AGREEMENT
)	AND ORDER OF ADMONISHMENT

The Commission on Judicial Conduct and the Honorable Victoria Seitz, Judge of the King County District Court, stipulate and agree as provided herein. This stipulation is submitted pursuant to Article IV, Section 31 of the Washington Constitution and Rule 23 of the Commission's Rules of Procedure and shall not become effective until approved by the Washington Commission on Judicial Conduct. Judge Seitz has been represented in these proceedings by attorneys Anne Bremner and Jason D. Anderson.

I. STIPULATED FACTS

A. Judge Victoria Seitz (Respondent) is now, and was at all times referred to in this document, a judge of the King County District Court. Respondent has served in that capacity since 1991.

B. Respondent, through counsel, wrote to the Commission on July 8, 2013, disclosing that she had engaged in the conduct described in this document. The Commission subsequently received another complaint about the same conduct. The Commission independently investigated the issues raised in Respondent's letter and subsequent complaint and formally served Respondent with a Statement of Allegations on October 17, 2013, alleging that on April 26, 2013, Respondent may have violated the Code of Judicial Conduct by encouraging and accepting guilty pleas in twelve criminal cases without a written plea and in exchange for a promised sentence. Respondent timely answered the Statement of Allegations

1 on November 12, 2013, admitting the alleged conduct and now voluntarily enters into this
2 stipulation.

3 C. On the afternoon of April 26, 2013, Respondent presided over a full arraignment
4 docket. At the outset of the calendar, she announced that, because of the large number of cases
5 that day, she would allow anyone charged with Driving While License Suspended in the Third
6 Degree to plead guilty, without a written plea form, and the sentence would be \$248 or 25 hours
7 of community service. She also implied¹ that if they did not plead that day, the sentence may
8 not be made available at a later time by any judge. In court, the attorney representing the State
9 and the attorney-of-the-day advising the pro se defendants at arraignment (who was present at
10 the request of King County District Court to the Office of Public Defense) objected to
11 proceeding in this fashion, noting to Respondent that CrRLJ 4.2² requires written guilty plea
12 forms. Twelve defendants took advantage of the judge's unilateral offer to resolve their cases.
13 The State formally objected each time and the defense attorney of the day announced in each
14 instance that the defendants were entering these pleas against their advice.

15 II. AGREEMENT

16 A. Respondent's Conduct Violated the Code of Judicial Conduct.

17 1. Based upon the foregoing stipulated facts, Respondent and the Commission
18 agree that Respondent violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.2, 2.6(A),
19 2.6(B), and 2.10(B)) of the Code of Judicial Conduct.

20 2. Rules 1.1 and 1.2 require judges to respect and comply with the law and to act
21 at all times in a manner that promotes public confidence in the independence, integrity, and
22 impartiality of the judiciary, and to avoid impropriety and the appearance of impropriety. Rule
23

24 1) Respondent said: "Not all judges feel the same way. They look at your driver's record. They decide, you
25 know, what the appropriate sentence would be. The prosecutor has input. But, all I am saying today is I'm doing
26 this calendar and that if you wish to get it over with today, giving up all of your rights, except your right to be
represented by an attorney, then that is what the sentence will be."

27 2) Criminal Rules for Courts of Limited Jurisdiction, Rule 4.2(g) requires that a written plea form be filed upon
28 a plea of guilty. The failure to utilize written plea forms has previously been found to be ethical misconduct. See
In re Michels, 150 Wn.2d 159 (2003).

1 2.2 requires judges to uphold and apply the law, and to perform all duties of judicial office
2 fairly and impartially. Rule 2.6(A) provides that judges must allow every person who has a
3 legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
4 Rule 2.6(B) prohibits judges from coercing any party into settlement. Rule 2.10(B) prohibits
5 judges from making pledges or promises regarding cases that are likely to come before the
6 court.³

7 3. By failing to require written plea forms, Respondent violated a well-established
8 court rule and consequently transgressed her ethical duty to properly apply the law (Rules 1.2
9 and 2.2). Further, by encouraging defendants to enter a guilty plea that afternoon rather than
10 contesting the matter and presenting their case, and by promising a specific outcome,
11 Respondent violated her ethical duty to avoid coercive conduct affecting the resolution of a
12 case, calling into question her impartiality (Rules 2.6 and 2.10).

13 4. There is no evidence to suggest Respondent acted in bad faith or for improper
14 purposes. Respondent has explained that she was attempting to resolve as many cases as
15 possible in an efficient manner. Although Respondent's method may have benefitted some
16 people as well as the court in terms of convenience, judges may not disregard the law for the
17 sake of expediency. Respondent failed to consider each case individually on the merits, hearing
18 from each side, as she is required to do. Doing so undermines the public's confidence in the
19 integrity of the judicial process.

20 **B. Sanction.**

21 1. In accepting this stipulation, the Commission takes into account those factors
22

23 3) Rule 1.1: "A judge shall comply with the law, including the Code of Judicial Conduct." Rule 1.2: "A judge
24 shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality
25 of the judiciary, and shall avoid impropriety and the appearance of impropriety." Rule 2.2: "A judge shall uphold
26 and apply the law, and shall perform all duties of judicial office fairly and impartially." Rule 2.6(A) "A judge shall
27 accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard
28 according to law." Rule 2.6(B): "Consistent with controlling court rules, a judge may encourage parties to a
proceeding and their lawyers to settle matters in dispute but should not act in a manner that coerces any party into
settlement." Rule 2.10(B): "A judge shall not, in connection with cases, controversies, or issues that are likely to
come before the court, make pledges, promises, or commitments that are inconsistent with the impartial
performance of the adjudicative duties of judicial office."

1 listed in CJCRP 6(c). In aggravation, while the conduct at issue here was limited to a single
2 afternoon, Respondent engaged in a pattern of misconduct on that day involving twelve cases.
3 The misconduct in this instance occurred in the courtroom. As a result of her actions, twelve
4 individuals have criminal convictions on their records but were never properly advised of their
5 rights prior to entering their pleas. Respondent risked creating the impression that if a person
6 appears on the right day, before the right judge, he or she can get a "great deal," undermining
7 confidence in the evenhanded disposition of justice based on the merits of the charge and the
8 defendant's record. In mitigation, there is no indication that she exploited her official capacity
9 to satisfy personal desires. Respondent has acknowledged that the acts occurred and, in fact,
10 self-reported the behavior to the Commission. She has credibly explained to the Commission
11 the steps she has taken to ensure that the behavior will not be repeated, noting that overwork
12 and constantly crowded dockets impacted her judgment on that day. Respondent has served
13 as a judicial officer for 22 years. She has no previous disciplinary history. Respondent was
14 fully cooperative with the Commission investigation and proceeding.

15 2. Weighing and balancing the above factors, Respondent and the Commission agree
16 that an admonishment is the appropriate level of sanction to impose in this matter. An
17 "admonishment" is a written action of the Commission of an advisory nature that cautions a
18 respondent not to engage in certain proscribed behavior. An admonishment may include a
19 requirement that the respondent follow a specified corrective course of action. Admonishment
20 is the least severe disciplinary action available to the Commission.

21 3. Respondent agrees that she will promptly read and familiarize herself with the
22 Code of Judicial Conduct in its entirety and will participate in ethics training, approved in
23 advance by the Commission Chair or her designate, at the National Judicial College, accredited
24 law school or judicial seminar, or a similar institution. Respondent agrees she will complete
25 such training, not at Commission expense, and will certify the completion of such training in
26 writing within one year from the date this stipulation is accepted by the Commission.

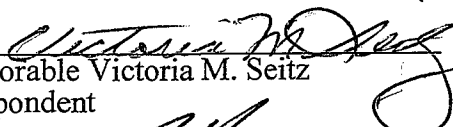
27 4. Respondent agrees that she will not repeat such conduct in the future, mindful

1 of the potential threat any repetition of her conduct poses to public confidence in the integrity
2 and impartiality of the judiciary and to the administration of justice.

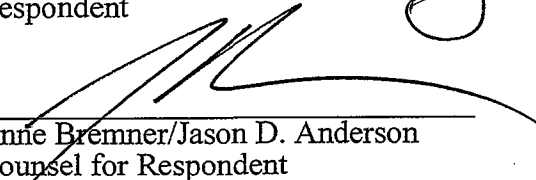
3 5. Respondent agrees that by entering into this stipulation and agreement, she
4 waives her procedural rights and appeal rights in this proceeding pursuant to the Commission
5 on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State
6 Constitution.

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


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Honorable Victoria M. Seitz
Respondent

Date Jan 24, 2014


Annie Bremner/Jason D. Anderson
Counsel for Respondent

Date 1-28-2014


J. Reiko Callner
Executive Director
Commission on Judicial Conduct

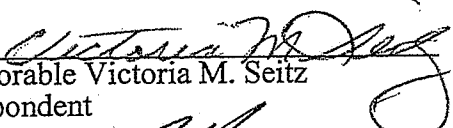
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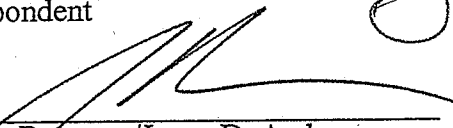
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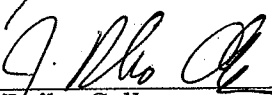
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ORDER OF ADMONISHMENT

Based on the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders Respondent, Judge Victoria Seitz, admonished for the above set forth violations of the Code of Judicial Conduct. Respondent shall not engage in such conduct in the future and shall fulfill all of the terms of the Stipulation and Agreement as set forth therein.

DATED this 24th day of February, 2014.



Kathleen O'Sullivan, Chair
Commission on Judicial Conduct