

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

In Re the Matter of

The Honorable Jenifer G. Howson
Judge of the Skagit County District Court

NO. 10466-F-201

**STIPULATION, AGREEMENT
AND ORDER OF
ADMONISHMENT**

The Commission on Judicial Conduct and Jenifer Howson, Skagit County District Court Judge, do hereby stipulate and agree as provided for herein. This stipulation is entered pursuant to Rule 23 of the Commission on Judicial Conduct Rules of Procedure.

The Commission has been represented in these proceedings by its Executive Director, J. Reiko Callner, and Judge Howson has represented herself.

I. STIPULATED FACTS

A. Judge Jenifer G. Howson (“Respondent”) is a judge of the Skagit County District Court. Respondent was a commissioner of that court from January 2017 to January 11, 2021, when she was appointed judge.

B. On three occasions, Respondent delayed issuing decisions after hearing small claims trials.

1. In Case No. Y19-00152, Respondent heard the trial on March 2, 2020, and did not issue her decision until February 8, 2022;

2. In Case No. Y20-00046, Respondent heard the trial on November 20, 2020, and did not issue her decision until March 15, 2021;

3. In Case No. Y20-00051, Respondent heard the trial on January 4, 2021, and did not issue her decision until February 14, 2022.

C. The Commission conducted a confidential preliminary investigation after receiving a complaint regarding one of the three instances of delay identified above, and initiated disciplinary proceedings by serving Respondent with a Statement of Allegations on March 7, 2022. The Statement of Allegations alleged Respondent failed to issue decisions in the three cases identified above in a timely manner, and thus failed to dispose promptly of the business of the court in violation of Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5) of the Code of Judicial Conduct.

D. Respondent answered the Statement of Allegations by letter dated March 17, 2022. In her answer, Respondent accepted responsibility for the delayed decisions and explained some factors which contributed to the delay, including the difficulty of maintaining court operations during the pandemic, covering for other judicial officers with health issues, and being displaced from chambers with files stored elsewhere while the courthouse underwent repairs. Respondent supplemented her answer on April 15, 2022, by providing additional details about the court disruptions.

II. AGREEMENT

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

1. Based upon the above stipulated facts, Respondent agrees that her conduct described above violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5) of the Code of Judicial Conduct.

2. Rules 1.1 and 1.2 require judges to respect and comply with the law and to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and to avoid impropriety and the appearance of impropriety. Rule 2.5(A) requires that "A judge shall perform judicial and administrative duties competently and diligently." Comment 3 to Rule 2.5(A) states that "Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and

expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.”

3. Regarding small claims court, RCW 12.40.090 states that “The hearing and disposition of the actions shall be informal, with the sole object of dispensing speedy and quick justice between the litigants.” The three cases identified above were all filed in small claims court and decisions were not entered for a significant number of days¹ after each hearing. In each of the three cases, litigants contacted the court seeking decisions, to no avail. Such delays do not comport with the objective of small claims cases to provide “speedy and quick justice.”

B. Imposition of Sanction.

1. In accepting this stipulation, the Commission takes into account those factors listed in CJCRP 6(c). The nature of this type of misconduct – decisional delay – is inherently problematic because it deprives litigants of timely justice, which often cannot be remedied through the appellate process. Issuing timely decisions is a core function for any judicial officer and the misconduct here was not isolated. In mitigation, Respondent has no history of discipline and was fully cooperative with the Commission investigation and proceeding. The Commission is mindful of the difficulty and stresses caused by the pandemic and other court disruptions and notes that Respondent has a reputation as a very careful and thoughtful jurist. Respondent has committed to making best efforts to rule from the bench rather than taking cases under advisement, and has reassigned some court personnel for greater efficiency.

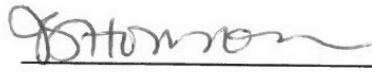
2. Weighing and balancing the above factors, Respondent and the Commission agree that an admonishment is the appropriate level of sanction to impose in this matter. An “admonishment” is a written action of the Commission of an advisory nature that cautions a respondent not to engage in certain proscribed behavior. Admonishment is the least severe disciplinary action available to the Commission.

¹ Decisions were entered 708, 115, and 406 days, respectively, after each hearing.

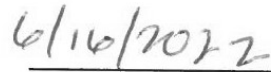
3. Respondent agrees that she will read and familiarize herself with the Code of Judicial Conduct in its entirety and provide written confirmation of that fact within 30 days of entry of this stipulation.

4. Respondent agrees that she will not repeat such conduct in the future, mindful of the potential threat any repetition of her conduct poses to public confidence in the integrity and impartiality of the judiciary and to the administration of justice.


5. Respondent has represented herself in these proceedings. She affirms she has had an opportunity to consult with an attorney and voluntarily chooses to represent herself in this matter and enter into this agreement.



Honorable Jenifer Howson
Skagit County District Court



Date



J. Reiko Callner
Executive Director
Commission on Judicial Conduct

June 16, 2022

Date

ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Jenifer Howson Admonished for violating Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5) of the Code of Judicial Conduct. Respondent shall not engage in such conduct in the future and shall fulfill the terms of the agreement as set forth above.

DATED this 24th day of June, 2022.



Robert Alsdorf, Chair
Commission on Judicial Conduct