

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

In Re the Matter of

The Honorable Steve Dixon
Judge of the Adams County
Superior Court

NO. 10533-F-196

**STIPULATION, AGREEMENT
AND ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct and Judge Steve Dixon hereby stipulate and agree as provided for herein. This stipulation is entered pursuant to Article IV, Section 31(7) of the Washington Constitution and 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 Dixon represented himself.

I. STIPULATED FACTS

A. Judge Steve Dixon (“Respondent”) is now and was at all times referred to in this document, a judge of the Adams County Superior Court. Respondent has served in that capacity since 2014.

B. On June 8, 2021, Respondent presided, as visiting judge, over a telephonic hearing in a Whitman County Superior Court civil case. After ruling on the motion, Respondent indicated that the hearing was adjourned. Believing he was no longer on the line with the parties nor on the record, Respondent said, “Kicked that motherf***er’s a**.” At the time he made the comments, Respondent was alone in his chambers. However, he had not disconnected his phone line, the attorneys were still on the line, and the courtroom’s audio recording was still activated. The

attorney whose client had been sanctioned during the hearing believed the comment was directed at him.

C. Immediately following the hearing, Judge Dixon recognized what had occurred and called both attorneys to apologize. He then called the Commission office to self-report. Later that same week, he filed a notice in the case recusing himself from further involvement. About two weeks later, he formally filed a complaint with the Commission regarding this incident, which was received on June 25, 2021.

D. Following a confidential preliminary investigation, the Commission initiated disciplinary proceedings by authorizing a Statement of Allegations in November 2021. The Statement of Allegations alleged that Respondent's comment violated the Code of Judicial Conduct.

E. Respondent timely responded to the Statement of Allegations and admitted the factual allegations and clarified that the offending remark was made after the matter was adjourned. Respondent had previously indicated that the comment was directed not at a particular person or party, but rather an expression of relief at finishing the hearing.

II. AGREEMENT

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

1. Based upon the above stipulated facts, Respondent agrees that he violated Canon 1, Rules 1.1 and 1.2, and Canon 2, Rules 2.2, 2.3(A) and (B), and 2.8(A) and (B), 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. Canon 2 addresses conduct in the performance of official duties. Rules 2.2 and 2.3 state that judges must "perform all duties of judicial office fairly and impartially" and "without bias or prejudice."

Rule 2.8(A) provides, “A judge shall require order and decorum in proceedings before the court.” Rule 2.8(B) requires that “A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge’s direction and control.”

3. Respondent agrees that his profane comment violated the above rules by failing to comport to the standards of decorum and dignity anyone appearing before a judge would reasonably expect. Further, given that the comment occurred following a hearing in which one side was sanctioned, the comment was reasonably interpreted to be directed at a particular attorney creating an appearance of bias or prejudice against that attorney.

B. Imposition of Sanction.

The sanction imposed by the Commission must be commensurate to the level of Respondent’s culpability, sufficient to restore and maintain the public’s confidence in the integrity of the judiciary, and sufficient to deter similar acts of misconduct in the future. In determining the appropriate level of discipline to impose, the Commission takes into account those factors listed in CJCRP 6(c).

1. Characteristics of the Misconduct. This was an isolated incident. Respondent’s action was reckless, but there is no basis to believe he flagrantly or intentionally violated his oath of office. At the time he made the comment at issue, Respondent was alone and unaware that anyone else could hear him. He told the Commission investigators that he sometimes uses such crude language in private and did not intend the attorneys to overhear. However, judges are the embodiment of the justice system, and they are directed by the Code to “aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence,” and, regardless of his intention, the impact on the listeners was demeaning and upsetting. It created the impression the judge was disrespectful and disdainful of counsel. (Preamble, paragraph 2.) Language that manifests bias or prejudice, or profanity, has no

place in a court proceeding. Discourteous and disrespectful behavior by a judge erodes confidence in the quality of justice administered by that judge, not only for the direct targets of such behavior, but also for all those who witness it.

2. Service and Demeanor of the Judge. Respondent has had no prior judicial discipline history. He had been a judge for over seven years. His response to this matter has been commendable: Respondent immediately apologized to the lawyers involved, recused from the case, and self-reported his conduct to the Commission. Mindful of the negative impact his inappropriate language has had on trust and confidence in Respondent's judicial conduct and rulings, Respondent has placed physical reminders by the equipment used for remote meetings, and pledges not to repeat the behavior.

C. Accordingly, weighing and balancing the above factors, Respondent and the Commission agree that Respondent's stipulated misconduct shall be sanctioned by the imposition of an "admonishment." An admonishment is a written action of the Commission of an advisory nature that cautions a respondent judge not to engage in certain proscribed behavior. Admonishment is the least severe disciplinary action the Commission can issue. In this instance, an admonishment may help to alert other judges to the risks of unguarded comments damaging public confidence in the impartiality, integrity and independence of the judiciary, at a time when courts are using more varied technological broadcast means than ever before in conducting the courts' business.

D. Respondent agrees he will promptly read and familiarize himself with the Code of Judicial Conduct in its entirety and will submit a sworn statement or declaration to the Commission indicating he has done so within 30 days of entry of this agreement.

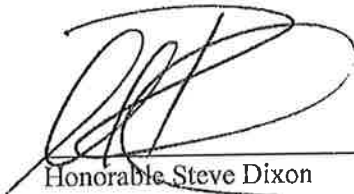
E. Respondent agrees he will not repeat such conduct in the future, mindful of the potential threat any repetition of his conduct poses to public confidence in the integrity and impartiality of the judiciary and to the administration of justice.

F. Respondent has represented himself in these proceedings. He affirms that he enters into this agreement sincerely and in good faith, after having had an opportunity to consult with his attorney.

G. Standard Additional Terms of Commission Stipulation.

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


2. Respondent agrees that by entering into this stipulation and agreement, he hereby waives his 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 in this proceeding.



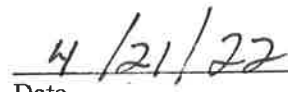
Honorable Steve Dixon
Respondent



Date



J. Reiko Callner
Executive Director
Commission on Judicial Conduct



Date

ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Judge Steve Dixon ADMONISHED for violating Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.2, 2.3(A) and (B), and 2.8(A) and (B)), of the Code of Judicial Conduct. Respondent shall not engage in such conduct in the future and shall fulfill all the terms of the Stipulation and Agreement as set forth therein.

DATED this 24th day of June, 2022.



Robert Alsdorf, Chair
Commission on Judicial Conduct