

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

In Re the Matter of

The Honorable Roger Bennett
Battle Ground Municipal Court Judge

NO. 10556-F-198

**STIPULATION, AGREEMENT
AND ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct and Judge Roger Bennett, a part-time judge of the Battle Ground Municipal Court, do hereby stipulate and agree as provided herein. This stipulation is entered pursuant to Rule 23 of the Commission on Judicial Conduct Rules of Procedure (CJCRP). The Commission has been represented in these proceedings by its Executive Director, J. Reiko Callner, and Judge Roger Bennett has represented himself.

I. STIPULATED FACTS

A. Judge Roger Bennett (“Respondent”) was at all times discussed herein a part-time judge of the Battle Ground Municipal Court. He was appointed to that position in September 2012 and held it continuously until he retired on December 31, 2021. Prior to his tenure as the Battle Ground Municipal Court Judge, Respondent served as a Clark County Superior Court Judge for twenty years.

B. In the summer of 2021, Respondent made two monetary donations, totaling \$350, to the campaign of a person running for Mayor of Camas. Respondent also introduced the candidate at her campaign kick-off rally on June 9, 2021. He was asked to do so at the event itself, not beforehand. Respondent has known the candidate and her husband for many years and considers them close friends. Respondent did not reference his judicial position when he introduced the candidate, nor did he identify his occupation to be a judicial officer when he made his monetary contributions to her campaign.

C. Following a confidential investigation of an anonymous complaint received in August 2021, the Commission initiated disciplinary proceedings in this matter by serving Respondent with a Statement of Allegations on December 3, 2021. The Statement of Allegations alleged Respondent may have violated the Code of Judicial Conduct by contributing to and publicly endorsing a nonjudicial candidate for public office, in violation of Rules 1.1, 1.2, and 4.1 of the Code of Judicial Conduct.

D. Respondent timely answered the Statement of Allegations and acknowledged his impropriety. He explained that he did not engage in the proscribed behavior with bad intent, but rather he was inattentive to his ethical obligations as a part-time judge when he supported a long-time family friend's mayoral campaign. He further explained that he was unexpectedly asked to introduce the candidate at her campaign rally, and in the moment was thinking more of what to say, and failed to consider how doing so might be construed as a public endorsement.

II. AGREEMENT

A. *Jurisdiction.* The Commission has jurisdiction in this matter. Respondent was a part-time judicial officer when he engaged in the conduct described above. The relevant provisions of the Code, as set forth herein, apply to part-time judges. (See the Code's Application section, paragraph II(A).) In addition, Respondent is now retired, but the Commission has continuing jurisdiction over former judges regarding allegations of misconduct occurring during service as a judge. (CJCRP 2(b).)

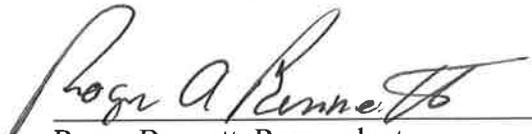
B. *Grounds for discipline.* Canon 1 of the Code of Judicial Conduct expresses the overarching principles of the Code that judges should uphold the integrity and independence of the judiciary by observing high standards of ethical conduct and by avoiding impropriety and the appearance of impropriety in all their activities. (Rules 1.1 and 1.2.¹) Canon 4 of the Code

¹ Rule 1.1 states, "A judge shall comply with the law, including the Code of Judicial Conduct." Rule 1.2 provides, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

prohibits judges from publicly endorsing or making a contribution to a nonjudicial candidate for any public office. (Rule 4.1(A)(3) and (4).²)

C. Based upon the above stipulated facts, Respondent agrees that by introducing the non-judicial candidate at her campaign rally and contributing money to her mayoral campaign he violated Canon 1, Rules 1.1 and 1.2, and Canon 4, Rule 4.1(A)(3) and (4), of the Code of Judicial Conduct.

D. *Sanction.* Respondent and the Commission agree that a written admonishment as described in RCW 2.64.010(1) and the CJCRP is the appropriate level of sanction to impose in this matter. An “admonishment” is a written action of an advisory nature that cautions against engaging in certain proscribed behavior and is the least severe disciplinary action the Commission can issue. In accepting this stipulation, the Commission takes into account those factors listed in CJCRP 6(c), particularly Respondent’s cooperation with the Commission’s investigation, his acknowledgement of responsibility, his distinguished career as a public servant with no discipline history and the fact that, unrelated to this proceeding, he has retired from judicial office. This admonishment will hopefully highlight the requirement to refrain from endorsing non-judicial candidates for public office for other part-time judicial officers.



Roger Bennett, Respondent

4/6/2022
Date



J. Reiko Callner, Executive Director
Commission on Judicial Conduct

4/11/22
Date

² Rule 4.1(A)(3) provides (with an exception not applicable here) that a judge “shall not publicly endorse or oppose a nonjudicial candidate for any public office . . .” and Rule 4.1(A)(4) states that a judge “shall not solicit funds for, pay an assessment to, or make a contribution to a political organization or a nonjudicial candidate for public office.”

ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Roger Bennett ADMONISHED for violating Canon 1, Rules 1.1 and 1.2, and Canon 4, Rule 4.1(A)(3) and (4), of the Code of Judicial Conduct.

DATED this 22nd day of April, 2022.



Kristian Hedine, Vice-Chair
Commission on Judicial Conduct