

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

In Re the Matter of

The Honorable Virginia M. Amato  
Judge of the King County  
District Court

CJC No. 10627-F-199

**STIPULATION, AGREEMENT  
AND ORDER OF ADMONISHMENT**

The Commission on Judicial Conduct (“Commission”) and King County District Court Judge Virginia M. Amato (“Respondent”) 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.

The Commission has been represented in these proceedings by its Executive Director, J. Reiko Callner, and Respondent has been represented by attorney Chuan-Yi Phillip Su.

**I. STIPULATED FACTS**

A. Respondent is now, and was at all times referred to in this document, a judge of the King County District Court. Respondent was elected to the bench in November 2018, and assumed judicial office in January 2019.

B. On August 10, 2021, Respondent presided over an arraignment hearing of a defendant charged with misdemeanor Assault (Domestic Violence) and Resisting Arrest. (Cause No. C211024610.) Prior to announcing imposition of conditions of release, Respondent addressed the defendant. She pointed out that the defendant’s current charges concerned conduct that occurred while the defendant was on probation for other matters. Respondent told the defendant:

“You’re setting yourself up, sir, to be Bubba’s new best girlfriend at the state penitentiary. I hope you realize that. That may hopefully give you a graphic image to think about. . . . And if you think I’m kidding, I’m not.”

After the defendant indicated he understood, Respondent continued:

“The folks at the penitentiary have mothers and sisters and nicces and cousins that they do not want someone out there abusing. And they will take that out on you, at the penitentiary. So think about that because you’re racking up felonies<sup>1</sup> at this point.”

C. The Commission received a complaint regarding this matter on October 8, 2021. Following a confidential preliminary investigation, the Commission initiated disciplinary proceedings by serving Respondent with a Statement of Allegations on December 10, 2021. The Statement of Allegations alleged Respondent violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.3 and 2.8) of the Code of Judicial Conduct by making the comments referenced in the preceding paragraph.

D. Respondent timely answered the Statement of Allegations and acknowledged making the comments and that her conduct violated the Code. Respondent assured the Commission that her comments, while insensitive and thoughtless, were not motivated by bias or ill-will toward the defendant. Rather, she wrote, they were “an attempt to communicate to [the defendant] in what I thought were commonly understood terms that would have an impression upon [him] to change his behavior.”

## **II. AGREEMENT**

### **A. Respondent’s Conduct Violated the Code of Judicial Conduct**

1. Respondent agrees her conduct described above violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.8(B)) of the Code of Judicial Conduct, and created the appearance of violating Rule 2.3(B). Rules 1.1 and 1.2 require judges to uphold the integrity of

---

<sup>1</sup> Repeated violations of a No Contact Order can be charged by prosecutors as a felony. The defendant here had prior criminal misdemeanor history but no felony record.

the judiciary by avoiding impropriety and the appearance of impropriety and by acting at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary.<sup>2</sup> Rule 2.8(B) requires judges to maintain appropriate courtroom decorum, and to be patient, dignified and courteous to all persons with whom they deal in their official capacity.<sup>3</sup>

2. Canons 1 and 2 emphasize that judges are held to a high standard of conduct while presiding over court proceedings. The hearing in question was a preliminary one in which the defendant was presumed innocent. The seriousness of the charges and their potential consequences could and should have been communicated by the judge without implying that a defendant may be raped in prison if he continued his unlawful behavior. The words and images chosen were improper, discourteous, and unbecoming a judicial officer. They were degrading to both the defendant and other incarcerated people, playing on stereotypes, and exploiting fears of the criminal justice system. While Respondent's intentions may have been to inspire law-abiding behavior through fear, the language used here is inappropriate in any court proceeding and is particularly inappropriate in an arraignment proceeding where the defendant is presumed innocent. Such conduct detracts from the dignity of judicial office.

---

<sup>2</sup> Canon 1 of the Code of Judicial Conduct states that a judge shall uphold and promote the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. Rule 1.1 specifies, "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."

<sup>3</sup> Canon 2, Rule 2.8(B) states, "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." Canon 2, Rule 2.3(B) provides, "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so." Comment [2] to Rule 2.3 explains, "Examples of manifestations of bias or prejudice include but are not limited to epithets, slurs, demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts . . ."

B. Imposition of Sanction

1. The sanction imposed by the Commission must be commensurate to the level of Respondent's culpability and must be 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.

2. In determining the appropriate level of discipline to impose, the Commission considers the factors set out in CJCRP 6(c).

a. Characteristics of Respondent's Misconduct. The misconduct occurred in the courtroom during a proceeding presided over by Respondent in her official capacity. Respondent's comments created an appearance of impropriety that could have undermined the public's confidence in her impartiality. On the other hand, this was an isolated incident and is said to be out of character for Respondent. Moreover, there is no indication Respondent intentionally exploited her position or acted with ill-intent. Instead, her injudicious comments appear to have resulted from a misguided attempt to impress upon a defendant the importance of complying with the law and court orders.

b. Service and Demeanor of Respondent. At the time of the hearing at issue here, Respondent had been a judicial officer for less than three years. She has had no other public disciplinary history and has been cooperative in these proceedings. When contacted by the Commission, Respondent immediately acknowledged and recognized that her comments were inappropriate and articulated a thoughtful appreciation for the importance of proper judicial demeanor. Respondent has proactively sought counsel from more experienced judges on her bench on how to best maintain appropriate judicial demeanor. Respondent is conscious of her responsibility as a judge to be vigilant about eliminating manifestations of bias, and how her unfortunate choice of language could be perceived as such a manifestation. She is committed to be more cautious in that regard in the future. Finally, by entering into this stipulation, Respondent has further demonstrated responsibility for her actions.

C. Based upon the stipulated facts, upon consideration and balancing of the factors set out in CJCRP 6(c), 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. An admonishment may include a requirement that the respondent follow a specified corrective course of action. An admonishment is the least severe disciplinary action the Commission can issue.

D. Respondent agrees that she will participate in ethics training focusing on appropriate courtroom demeanor, approved in advance by the Commission Chair or Chair designate. Respondent agrees she will complete one hour of such training (not at Commission expense) and will certify successful completion of such training in writing within one year from the date this stipulation is accepted by the Commission.

E. Respondent agrees 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.

F. Respondent agrees that she will promptly read and familiarize herself with the Code of Judicial Conduct in its entirety and provide written confirmation of that fact within one month of the date this stipulation is accepted.

G. Respondent is represented by attorney Chuan-Yi Phillip Su. She affirms she enters into this agreement after having had an opportunity to consult with her attorney.

H. Standard Additional Terms and Conditions

1. By entering into this stipulation and agreement, Respondent waives her procedural rights and appeal rights in this proceeding pursuant to the Commission on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State Constitution.

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

  
\_\_\_\_\_  
Honorable Virginia M. Amato  
Respondent

6/23/2022  
Date

  
\_\_\_\_\_  
C.Y. Phillip Su WSBA 35696  
Attorney for the Respondent

6/23/2022  
Date

  
\_\_\_\_\_  
J. Reiko Callner  
Executive Director  
Commission on Judicial Conduct

June 23, 2022  
Date

**ORDER OF ADMONISHMENT**

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Judge Virginia M. Amato Admonished for violating Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.8(B)) 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