



While the matter was under advisement, interested parties wrote to Respondent several times inquiring about the status of her decision. Each time the parties were assured a final decision would be forthcoming.

2. In the post-trial attorney fees and costs matter, a motion was filed on February 11, 2021, and Respondent's decision was entered on June 2, 2021, ninety-seven days after it was submitted for a decision.

C. Respondent answered the Statement of Allegations by letter dated February 17, 2023. In her answer, Respondent acknowledged that she had failed to timely issue decisions in the two matters identified in this proceeding. Respondent wrote she took "full responsibility for this serious failure." Respondent wrote that she was unsure why her decision on the motion for attorney fees and cost was untimely. Regarding the custody modification case, Respondent recognized that her final order was extremely tardy and wrote that she is "ashamed of the lack of diligence and the impact it had on the parties." Respondent characterized the case as one of the most difficult cases she has dealt with in the 20 years she has served as a judge. She described in detail the long and complicated history of the case where both parents struggled with mental health and substance abuse issues and Respondent credibly related the challenges the court faced to develop an evidentiary basis to make well-informed reasonable custody decisions. In addition, Respondent revealed that during the relevant time that the custody case was under advisement, she was dealing with her own very difficult situation in addressing her own adult child's dire, potentially life-threatening circumstances. The judge wrote that she offered this information not as an excuse but so the Commission has a better understanding of her situation.

## **II. AGREEMENT**

### **A. Respondent violated the Code of Judicial Conduct.**

1. Based upon the above stipulated facts, Respondent agrees that her failure to timely decide the two cases listed above violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5(A)) of the Code of Judicial Conduct.

2. The time it took Respondent to issue decisions in the above matters

exceeded the limits established by RCW 2.08.240 and the Washington State Constitution, Article 4, Section 20, which require a decision be issued within ninety days from final submission to the court.<sup>1</sup>

3. 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. . . .”

#### B. Sanction.

1. In accepting this stipulation, the Commission evaluates those factors listed in CJCRP 6(c). Historically, the Commission has vigilantly enforced Canon 2, Rule 2.5(A). The nature of this type of misconduct is serious because rendering decisions is a core basic function for any judicial officer, and decisional delay potentially deprives litigants of timely justice which often cannot be remedied through the appellate process. Here, the impact of Respondent’s decisional delay in the custody matter was particularly aggravated because the lack of resolution caused added uncertainty and disruption in the context of an already very tenuous parent-child relationship. In addition, these two matters are not isolated instances of decisional delay, as Respondent has been previously sanctioned for decisional delay. (See *In re Roberts*, CJC No. 8222-F-171 (2017).) Still, there are compelling mitigating factors present as well. Respondent has been cooperative and extremely candid with the Commission in these proceedings. She has

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<sup>1</sup> The WA Const., art. IV, § 20 provides, “Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof; Provided, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a hearing.”

RCW 2.08.240 uses nearly identical language and provides, “Every case submitted to a judge of a superior court for his or her decision shall be decided by him or her within ninety days from the submission thereof: PROVIDED, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he or she is to decide shall commence at the time the cause is submitted upon such rehearing, and upon willful failure of any such judge so to do, he or she shall be deemed to have forfeited his or her office.”

expressed a sincere understanding of the impact of the delays on the litigants and her profound regret for that impact, and recognizes that her own life circumstances as a parent of a person in crisis complicated and compromised the prompt resolution of the parties' case. Judges are asked and expected to rise above their own personal challenges to meet the heavy responsibilities and expectations of their work, and the Commission is not insensitive to the challenges Respondent has faced and the excellent work she typically produces. She has resolved all outstanding matters under advisement and has implemented internal procedures to help ensure she is diligently getting her work done. In addition, the conduct is unlikely to reoccur because Respondent is currently assigned to preside over therapeutic court which typically does not require matters to be taken under advisement. Respondent has resigned her position as the court's Assistant Presiding Judge and has stated her intention to retire from the bench in January 2024. Finally, Respondent is described by her colleagues as an extremely dedicated and thoughtful jurist. By her colleague's account, her contributions as Assistant Presiding Judge were invaluable to the court, particularly under the heightened challenges of the Covid pandemic.

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.

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

D. 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.

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



Honorable Mary E. Roberts  
King County Superior Court

06/21/2023

Date



J. Reiko Callner  
Executive Director  
Commission on Judicial Conduct

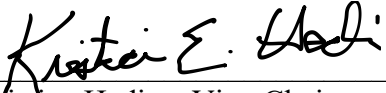
June 21, 2023

Date

**ORDER OF ADMONISHMENT**

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Mary Roberts ADMONISHED for violating Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5(A)) of the Code of Judicial Conduct.

DATED this 23rd day of June, 2023.

  
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Kristian Hedine, Vice-Chair  
Commission on Judicial Conduct