

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

In Re the Matter of

The Honorable Lynn K. Fleischbein,
Commissioner of the Kitsap County
Superior Court

CJC No. 13527-F-218

**CORRECTED STIPULATION,
AGREEMENT AND ORDER OF
ADMONISHMENT**

The Commission on Judicial Conduct and Commissioner Lynn K. Fleischbein of the Kitsap County Superior Court hereby stipulate and agree as follows. This stipulation is entered pursuant to Rule 23 of the Commission on Judicial Conduct Rules of Procedure.

The Commission is represented in these proceedings by its Executive Director, J. Reiko Callner, and Commissioner Fleischbein has been represented by her attorney, Anne Bremner.

I. STIPULATED FACTS

A. Commissioner Lynn K. Fleischbein (“Respondent”) is a part-time commissioner of the Kitsap County Superior Court. Respondent has served in that capacity since August 2023.

B. After conducting a confidential investigation of two complaints alleging Respondent engaged in decisional delay in two separate cases, the Commission commenced this disciplinary proceeding on December 5, 2025, by sending Respondent a Statement of Allegations. The Statement of Allegations alleged Respondent violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.5) of the Code of Judicial Conduct by failing to issue decisions in a timely manner in two child support modification cases (Cause Nos. 21-3-00360-18 and 21-3-00484-18).

1. In Cause No. 21-3-00360-18, final submissions to the court on the motion for child support modification occurred on October 11, 2024. Respondent issued a written

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decision, without a child support order,¹ on March 21, 2025. Respondent issued a final order and findings on petition to modify child support order, a child support order, and worksheets on March 28, 2025, or 168 days after final submissions to the court on the child support modification issue.

2. In Cause No. 21-3-00484-18, final submissions to the court on the motion for child support modification occurred on February 13, 2025. Respondent issued a written decision, without a child support order,² on November 13, 2025. Respondent issued a final order and findings on petition to modify child support order, a child support order, and worksheets on December 11, 2025, or 301 days after final submissions to the court on the child support modification issue.

3. While the matters were under advisement, litigants from both cases inquired with the court about the status of the decisions.

C. Respondent answered the Statement of Allegations by letter dated January 5, 2026. In her answer, Respondent acknowledged that she had failed to timely issue decisions in the two matters identified in this proceeding. Respondent wrote she accepted full responsibility for the delays and acknowledged her duty to perform her work in a timely manner. Respondent expressed that there were a number of factors that contributed to the delay in these two cases: as a newly appointed commissioner, there was a period of adjustment with regard to meeting the demands of the position; her position at the court is half time and she expressed that child support modification decisions often must be managed outside of her standard working hours; and at the time of the delays, her weekly schedule often included two child support modification hearings in one day, which were based on a previous full-time commissioner's schedule (now only one child support modification hearing is being scheduled per week). Respondent also relayed that during the time

1 In the original stipulation (entered on April 24, 2026), this language stated, "Respondent issued a written decision, without a child support order or worksheets, on March 21, 2025." The language "or worksheets" was removed in this corrected stipulation to more accurately reflect the underlying facts.

2 In the original stipulation (entered on April 24, 2026), this language stated, "Respondent issued a written decision, without a child support order or worksheets, on March 21, 2025." The language "or worksheets" was removed in this corrected stipulation to more accurately reflect the underlying facts.

the cases were under advisement, she was caring for her mother, who had been first hospitalized in January 2023 after months of cognitive decline, then placed in memory care in February 2023, and then entered hospice in May 2024 before she finally passed January 9, 2025, throughout which she was also managing her mother's estate. Respondent expresses that she does not believe her ability to make timely decisions will be affected going forward.

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. 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. . . ."

3. 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.³

¹ 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."

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, both delays were lengthy, with one delay lasting approximately 10 months. Both delays concern child support modification petitions, which involve the welfare of children. Decisional delay in this type of proceeding is particularly harmful to the litigants. In mitigation, Respondent has been fully cooperative with the Commission investigation and proceeding. Judicial officers are asked and expected to rise above their own personal challenges to meet the heavy responsibilities and expectations of their work; however, the Commission is mindful of the difficulty and stresses caused by Respondent's care for her mother and her mother's death. Respondent has acknowledged responsibility for the delays and has expressed an understanding of the importance of issuing timely decisions. In addition, Respondent explains the conduct is unlikely to recur due to adjustments made to the court's child support modification hearing schedule, Respondent's completed care and estate duties, and Respondent's increased experience in her position as commissioner.

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 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.

D. Respondent agrees that she will not repeat such conduct in the future, mindful of

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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.

E. Respondent has been represented by attorney Anne Bremner in this disciplinary proceeding. She affirms she enters into this stipulation after having an opportunity to consult with her counsel.

Lynn Fleischbein

Honorable Lynn K. Fleischbein
Respondent

2026-06-18

Date

Anne Bremner

Anne Bremner
Attorney for Commissioner Fleischbein
Respondent

2026-06-22

Date

J. Reiko Callner

J. Reiko Callner
Executive Director
Commission on Judicial Conduct

2026-06-18

Date

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ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Lynn K. Fleischbein 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 26th day of June, 2026.

Kristian Hedine

Kristian Hedine, Chair
Commission on Judicial Conduct