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COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of The Honorable Jennifer Fassbender Judge of the Spokane County District Court	NO. 13555-F-219 **STIPULATION, AGREEMENT, AND ORDER OF ADMONISHMENT**

The Washington State Commission on Judicial Conduct ("Commission") and Judge Jennifer Fassbender of the Spokane County District Court ("Respondent"), do hereby stipulate and agree as provided for herein. This stipulation is entered pursuant to Article IV, Section 31 of the Washington Constitution and Rule 23 of the Commission on Judicial Conduct'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 represented herself.

I. STIPULATED FACTS

A. Respondent is now and was at all times referred to in this document, a Spokane County District Court Judge. Respondent was elected to her position in November 2018 and took the bench in November 2018. She previously served as the Airway Heights Municipal Court Judge from 2009 to 2018.

B. Following a confidential preliminary investigation of a complaint received in August 2025, the Commission initiated disciplinary proceedings by serving Respondent with a Statement of Allegations on December 9, 2025. The Statement of Allegations alleged Respondent may have violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rule 2.11) of the Code of Judicial

Conduct, and Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) Rule 8.9(c), when she reissued a bench warrant in a case after she had recused herself from that case.

1. Investigation shows the actions at issue here took place during a show cause hearing on July 22, 2025, in a probation violation matter, Cause No. 9Z1066071. After the Respondent had issued her ruling on the probation violation, defense counsel asserted Respondent had a conflict of interest because the Respondent previously represented the defendant as an attorney in 2011 and asked Respondent to recuse.

2. Respondent agreed to recuse from the matter.[1] She reviewed the case file and observed that she had previously issued a bench warrant for the defendant's failure to appear and subsequently recalled that bench warrant when the show cause hearing was set. Respondent therefore announced she would recuse from the case but she would reissue the bench warrant she had previously recalled. In response to defense counsel's objection to reissuing the bench warrant, Respondent stated, "…I will grant the motion and unring all of these bells. I'm going to revoke my Order on Show Cause and also revoke my order recalling the warrant." Respondent further stated, "I understand that [the defendant] is probably disappointed with my ruling here today and I can appreciate [the defendant] asking me to recuse myself based on my ruling here today, but I'm also going to go back and re-establish the warrant that was originally issued on this matter as well, because that should have been raised on June 25, 2025, (the date the bench warrant was recalled)."

C. Respondent timely answered the Statement of Allegations. In her answer, Respondent states defense counsel should have disclosed the alleged conflict of interest at the time the Motion to Recall the Bench Warrant was filed, which took place prior to the show cause hearing at issue. Respondent indicates that had she been informed of the conflict at that time, she would have signed an Order of Recusal and would not have been in the position to have ruled on the

[1] The Commission takes no position on whether recusal was warranted on these facts, but notes that the stated basis for disqualification does not appear to raise a mandatory recusal situation under Rule 2.11 of the Code.

Motion to Recall the Bench Warrant or to have proceeded with the Show Cause Hearing. Respondent states that in order to "get the case back to [its] original position," she vacated the Order on Show Cause, vacated the Order Recalling the Bench Warrant, reinstated the bench warrant, and granted the Order of Recusal. Respondent maintains it was unclear to her how to administratively proceed in the case given she had issued two prior discretionary rulings and believed at the time "applying the law impartially to all [her] rulings in… [the] case required [her] to take into consideration the previous orders in addition to the Order on Show Cause." Finally, Respondent assures the Commission her rulings were not out of retaliation or malice.

II. AGREEMENT

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

1. Based upon the above stipulated facts, Respondent agrees that her conduct described above violated Canon 1 (Rules 1.1 and 1.2) of the Code of Judicial Conduct and CrRLJ Rule 8.9(c).

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.

3. Under CrRLJ Rule 8.9(c), "Whenever a judge is disqualified, the judge shall immediately make an order transferring and removing the case to another judge authorized by law to hear the case." The Commission has previously recognized that "a judge may not make rulings or issue orders in any case in which the judge has been disqualified."[2] Further involvement in the case after disqualification "can give rise to an appearance of partiality warranting discipline."[3]

[2] *In re the Matter of Porter,* 7112-F-157 (2009).
[3] *Judicial Conduct and Ethics*, 5th Edition, Alfini, Lubet, Shaman, and Geyh, Section 4.01, Lexis-Nexis (2018).

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 dignity and honor of the judicial position. The sanction should also seek to protect the public by assuring that Respondent and other judges will refrain from 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 court proceedings, and while Respondent was acting in her official capacity. Respondent took action after disqualification that significantly affected the defendant, including reissuance of a bench warrant, despite the defendant being present at the hearing. A judge who takes action in a case after disqualification raises serious concerns of partiality and unfairness.

b. Service and Demeanor of Respondent. Respondent has served as a judicial officer for 17 years and has had no prior discipline. The Commission's investigation did not reveal additional instances of improper conduct. Respondent has fully cooperated with the Commission's investigation and proceedings and, as evidenced by this agreement, has accepted that her conduct was inappropriate.

3. 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 that cautions a respondent not to engage in certain proscribed behavior. An admonishment may include a requirement that the respondent follow a specified corrective course of action. Admonishment is the least severe disciplinary action the commission can issue.

4. 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 30 days of entry of this stipulation.

5. Respondent agrees that she will complete remedial training, focused on the laws and procedures surrounding recusal and disqualification, approved in advance by the Commission Chair or Chair designate. Respondent agrees that she will complete such training not at Commission expense and will certify the successful completion of such training, in writing, within six months from the date this stipulation is accepted by the Commission.

6. Respondent agrees that she will meet regularly with a mentor judge starting within two months of the date this stipulation is publicly entered by the Commission and complete the program of mentoring within one year of that date. The mentor and substance of the mentorship must be approved in advance by the Commission Chair or Chair designate. The meetings will take place at least quarterly. No later than 30 days after the one-year period, Respondent will provide written confirmation from the mentor to the Commission that the meetings were successfully completed. The meetings will focus on disqualification and recusal issues, with the first meeting reviewing the recusal issues in the underlying case cited in this stipulation, and the stipulation shall be provided to the mentor.

7. Respondent agrees that she will not repeat such conduct in the future.

8. Respondent agrees that by entering into this stipulation and agreement, she 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.

9. 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.

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

Honorable Jennifer Fassbender
Spokane County District Court

2026-06-23
Date

J. Reiko Callner
Executive Director
Commission on Judicial Conduct

2026-06-23
Date

ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Jennifer Fassbender Admonished for violating Canon 1 (Rules 1.1 and 1.2) of the Code of Judicial Conduct and CrRLJ Rule 8.9(c). Respondent shall not engage in such conduct in the future and shall fulfill the terms of the agreement as set forth above.

DATED this 26th day of June, 2026.

Kristian Hedine

Kristian Hedine, Chair
Commission on Judicial Conduct