BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of The Honorable Monty D. Cobb Judge of the Mason County Superior Court	NO. 13914-F-221 **STIPULATION, AGREEMENT, AND ORDER OF ADMONISHMENT**

The Washington State Commission on Judicial Conduct ("Commission") and Judge Monty Cobb of the Mason County Superior Court ("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 represented himself.

I. STIPULATED FACTS

A. Respondent was at all times discussed herein a judge of the Mason County Superior Court, having served in this position since 2018.

B. On February 13, 2026, Respondent presided over the sentencing hearing in a criminal case that was originally charged as Murder in the Second Degree but was later reduced to the amended charge of Manslaughter in the Second Degree pursuant to a plea bargain between the prosecution and defense (Mason County Superior Court Case No. 24-1-00162-23). On an earlier date, Respondent accepted the defendant's guilty plea to the amended charge recommended by the parties after lengthy negotiations. The reduced charge carries a far lower standard sentencing range, particularly where, as here, the defendant had no prior criminal history.

Under the terms of the plea bargain, the parties agreed the defense would not appeal a sentence above the standard sentencing range, and that the state would argue for no more than 78 months' incarceration, while the defense was free to argue for any sentence. Respondent sentenced the defendant above the standard sentence range.[1] It was in this environment that Respondent made the comments which are the subject of this stipulation.

The facts of the case were particularly tragic: the defendant and victim were both members of the same close-knit indigenous Skokomish Tribe; they were longtime friends and were related by marriage. Both were intoxicated at the time of the killing. At the sentencing hearing, tensions between the tribal government and the Mason County government were high, and some tribal members expressed to the prosecution and police that they believed racism tainted the investigation and prosecution. At the sentencing hearing, the courtroom was filled with tribal members, some in support of the victim, some in support of the defendant.

Prior to imposing the sentence, Respondent said in open court,

> And it is extremely unfortunate that I see way too many acts of violence from the Native community. It seems disproportionate. You're not the only place, it happens everywhere, but I see way too much coming out of your community and it is sad, it really is.

C. The Commission received two complaints alleging that the comment quoted above manifested a bias against Native Americans. Witnesses contacted by the Commission described hearing a gasp in the courtroom after the comment and indicated they, and others present, found the comment upsetting. The Commission's investigation determined that the quoted comments caused shock and offense among the onlookers and a sense that Respondent was blaming the community for its experience of high rates of violence. However, witnesses also told the Commission that they felt Respondent does not harbor a bias against Indigenous people or other

[1] Under the Sentencing Reform Act (SRA), sentences for felonies are calculated by a formula that addresses the seriousness of the offense and the defendant's prior criminal history, deriving a standard sentencing range. A judge must impose a sentence within that range. Deviation from the standard range must be specifically justified and is subject to appeal.

marginalized groups and that everyone is treated fairly in his courtroom. Still, this comment was hurtful and gave the appearance of bias.

D. Following its confidential investigation, the Commission initiated disciplinary proceedings by serving Respondent with a Statement of Allegations on August 5, 2026. The Statement of Allegations alleged the conduct at issue violated Canon 1, Rules 1.1 and 1.2, and Canon 2, Rule 2.3(B) of the Code of Judicial Conduct.

E. Respondent answered the Statement of Allegations by letter dated August 15, 2026, and received August 17, 2026. That letter, redacted for privacy of third parties, is attached to this agreement as Attachment A.

II. AGREEMENT

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

1. Based upon the above stipulated facts, Respondent agrees that his conduct described above violated Canon 1, Rules 1.1 and 1.2, and gave the appearance of violating Canon 2, Rule 2.3(B) 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. Respondent agrees that his comments gave the appearance of violating Rule 2.3(B), which requires that: "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." Comments to Rule 2.3 are instructive here:

> [1] A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.
>
> [2] 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; ***suggestions of connections between race, ethnicity, or nationality and crime*** [emphasis added]; and irrelevant references to personal characteristics…

While Respondent explained the informed background and motivation of his comments in his response to the Statement of Allegations, the specific words he used could be perceived by a reasonable person, and were perceived by the complainants, to blame the Native American community for the violence it suffers.

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 judicial officers will refrain from similar acts of misconduct in the future.

2. In accepting this stipulation, the Commission takes into account those factors listed in CJCRP 6(c).

a. In mitigation, the misconduct appears to be an isolated incident and there was no evidence of a pattern of similar conduct. The comment at issue here was made in an attempt to express sympathy for the tragedy of the killing, its impact on the community, and with knowledge of the relationships that were damaged or destroyed by the conduct and its aftermath, as articulated by the Respondent's response to the Commission's Statement of Allegations (Attachment A). The conduct occurred in the courtroom, in the judge's official capacity, in front of an audience that was traumatized and listening closely to what Respondent said or did. There is no evidence that Respondent exploited his office to satisfy personal desires. He has no history of discipline and was fully cooperative with the Commission investigation and proceeding.

The more complex factors to weigh include the nature and extent to which the misconduct has been injurious to others, as well as its effect on the integrity of, and respect for, the judiciary. The Respondent's comment was offensive because it reinforced negative stereotypes regarding crime in the Indigenous community. Members of the Indigenous community felt disappointed and further blamed because the Respondent seemed to be holding the community responsible for harms it had suffered – including historical and ongoing oppression, alcohol-related harm, loss of land,

removal of children, and efforts to erase its language and culture. It would be unfair, however, to say that the Respondent alone caused those feelings. The studies that Respondent referenced in his response do not, in fact, illustrate that Native American communities engage in greater acts of violence but that they suffer more acts of violence than the norm. A higher level of criminal charging, incarceration, and other consequences may be more accurately attributed to historical and present racism in charging and sentencing decisions, as well as centuries of state-backed violence, forced displacement, cultural erasure, and systemic discrimination. See June 5, 2026, Letter from Washington State Supreme Court: "Rectifying the Dehumanization of Indigenous People in State Legal Systems" (Attachment B).

Respondent has credibly stated that his intention in making his comments was to acknowledge the suffering experienced by members of the Skokomish Tribe over time and to help the victim's surviving family understand that he heard them. Respondent especially wanted to convey this message in part because of insights he gained from his prior experiences as a prosecutor in cases involving tribal members[2] (see Attachment A) and his observations from the bench. The Commission wishes to express that this goal is laudable and important and does not wish to discourage Respondent, or any other judicial officer, from seeking to recognize disparate treatment of marginalized communities. However, intention in words and actions does not override or cancel their impact on those receiving them. Respondent also acknowledged that his choice of words not only failed to achieve his intended goal but inflicted further pain: "It hurts to think my words caused offense to the very people I was seeking to recognize in their pain."

A judge is in a position of great power and authority, whose words and actions in assessing traumatic events carry great weight. Particularly where, as here, the judge is making statements about and to members of a marginalized community to which he or she does not belong, judges

[2] Prior to service as a judge, Respondent worked as deputy director and chief counsel for the Washington Association of County Officials from 2011 to 2018. Prior to that time, he was a deputy prosecutor for Cowlitz County and a chief deputy prosecutor in Mason County. He also worked as an assistant attorney general, deputy prosecuting attorney in Whitman County, and had a private practice in Spokane.

should choose their words especially carefully.[3] Respondent has articulated his understanding and regret at the impact of his statements but agrees it is important that the broader community be aware of his understanding and remorse, regardless of his intention and the depth of his internal thoughts on the matter.

b. Respondent has been a judicial officer for approximately eight years. He has no prior public disciplinary history. When contacted by the Commission, he immediately acknowledged and recognized his behavior as inappropriate, and has taken responsibility for his actions. He has fully cooperated in this proceeding. By entering into this stipulation, he has further demonstrated his commitment to refrain from similar acts in the future.

3. Based upon the stipulated facts and considering and balancing the factors set out in CJCRP 6(c), 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. This is an appropriate sanction here – while being named and having one's actions described and identified as unethical under the Code of Judicial Conduct is extremely impactful to a judge, Respondent has agreed that a public acknowledgement of his problematic choice of words and his own recognition of the harm wrought, no matter how unintentional, is important as a message both to the Indigenous community and to other judges.[4]

4. Respondent agrees that he will read and familiarize himself with the Code of Judicial Conduct in its entirety and provide written confirmation of that fact within 30 days of entry of this stipulation.

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[3] See *In re Mahoney*, CJC 10807-F-202 (2022), wherein a white presiding judge was sanctioned for using an extremely offensive racial epithet when she was trying to illustrate the offensiveness of other language.

[4] See also *In re Honorable Douglass North*, CJC 8583-F-174 (2017). Judge North stipulated that he violated the Code by making a comment from the bench suggesting a connection between race and the likelihood that someone is a gangster. The judge immediately admitted the conduct and acknowledged his awareness of implicit bias as an issue that can affect the justice system.

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5. Respondent agrees that he will not repeat such conduct in the future, mindful of the potential threat any repetition of his conduct poses to public confidence in the integrity and impartiality of the judiciary.

6. Respondent agrees that he will not retaliate against any person known or suspected to have cooperated with the Commission or otherwise associated with this matter.

7. Respondent agrees that by entering into this stipulation and agreement, he waives his 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.

8. Respondent has represented himself in these proceedings. He affirms he has had an opportunity to consult with an attorney and voluntarily chooses to represent himself in this matter and enter into this agreement.

Monty Cobb

Honorable Monty D. Cobb
Mason County Superior Court

2026-11-05

Date

J. Reiko Callner

J. Reiko Callner
Executive Director
Commission on Judicial Conduct

2026-11-05

Date

ORDER OF ADMONISHMENT

Based upon the above stipulation and agreement, the Commission on Judicial Conduct hereby orders Respondent Monty D. Cobb Admonished for violating Canon 1 (Rules 1.1 and 1.2) 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 _____ day of _____, 2026.

_____
Ruth Reukauf, Chair
Commission on Judicial Conduct

RECEIVED
AUG 17 2026

I have been asked to respond to certain assertions of potential bias based upon statements I made from the bench during a sentencing in February 2026. Without question, the statement referred to in the communication from the Commission was made and is part of the official court record. I certainly understand how the statement could be understood to say the violence is a result of the Native community and as that was never my intent I feel terrible it has been received that way.

This statement should be reviewed in the context it was made to fully understand the intent. i submit that the statement in question as intended fully supports the goals and standards of the judicial conduct canons as described below.

As a factual background: Crime Victim (CV) was struck in the head with a piece of cinder block by Defendant (D). The event occurred at CV 's residence on the Skokomish reservation in northern Mason County. This resulted in CV 's death. D was detained in the Mason County Jail and eventually charged with murder in the second degree. He remained in custody throughout the case.

Multiple continuances of D 's hearings and trial dates occurred to allow for investigation and negotiation as can be expected in a serious case such as this. The vast majority of these hearings were attended, either in person or by Zoom, by friends, supporters and family of the victim. As can be expected, the family of the deceased were very unhappy with the slow progress of the proceedings. The undersigned presided of a number of these hearings and is personally aware of the family's attendance and displeasure.

On January 6, 2026 D pled guilty to an amended charge of Manslaughter in the Second Degree. With his offender score of zero, his standard range was 21-27 months. This was a significant reduction from the original Murder Second Degree charge and corresponding sentencing range. Per the plea agreement, both the State and Defense stipulated that an exceptional sentence could be sought with the State limited to seeking a maximum sentence of 78 months. Defense was free to argue for whatever it chose. Both sides filed sentencing memoranda.

In preparing for the sentencing hearing, the undersigned read all of the documents filed by the parties. I believe it is important to revisit some of the comments made in the written victim statements in particular as I believe they help shed some light on the complained-of statement. I may not touch on all of them but they are all important, as are the oral statements made at the sentencing hearing.

> Statement of JA . Ms JA notes that the tribe is only 800 people "and we all know everyone of them and their families." She acknowledges D 's lack of paper criminal history. She asked for the statutory maximum sentence of 120 months

Statement written on behalf of the victim's children (listed in the record as Statement of KP, BP, HW. GW). This statement points out that in 2024 there were 67 Native American men missing or murdered in the state of Washington. The letter mentions MMIP registry, which I had heard of but this letter sent me on a research mission to learn more — and I will discuss that later. The letter also states "our murdered people are talked about from reservation to reservation across the world."

Statement of KW "When I was a child, my father was murdered." "We are a small community." "We are grieving the loss of safety, the loss of trust, the loss of peace in our own home/community."

Statement of HW. Ms. HW talks of the brutal nature and head trauma that led to CV's death. She also writes' "He knew there would be more victims of this crime scarring generations of his loved ones and his children. Native Americans and (MMPI) is proof we keep fighting generational trauma."

Statement of TP "We did not get to say goodbye. .... His body was not suitable to view. .... Because of this, the grief feels unfinished."

As I mentioned earlier, the references to MMIP (missing or murdered indigenous persons) in at least two of the sentencing letters letters sent me digging for more information. I knew CV's extended family were not happy with the plea bargain and were certainly not going to be satisfied with whatever sentence was handed down. I knew the best I could offer was to at least make sure they felt as if their voices were heard.

Things my research provided that I considered in my sentencing preparation and remarks included:

The Bureau of Indian Affairs *(www.bia.gov/service/mmu*) states: "American Indian and Alaska Native people are at a disproportionate risk of experiencing violence, murder, or going missing and make up a significant portion of the missing and murdered cases."

Similarly Washington's MMIWP Task Force (housed within the WA State AGO) recognizes: "The institutional structures and systems within our state and our nation do not adequately reflect the experiences of Indigenous people and therefore do not respond in ways that promote healing, justice and accountability." *https://www.atg.wa.gov/washington-state-missing-and-murdered-indigenous-women-and-people-task-force*. The MMIWP 2023 Interim Report comments that:

> This report uses the terms "family" and "family member." These terms reflect traditional Indigenous kinship systems that also include immediate family . For Native communities, family crosses both relational and biological boundaries.

> Each community, and each family, defines themselves on their own terms, in the context of their own cultural beliefs and based on their own experiences and circumstances. We use the terms broadly here to encapsulate how diverse Indigenous communities practice kinship.

A video produced by Pierce County states Washington is second in the nation for murdered indigenous women, Tacoma ranks seventh. *https://www.piercecountywa.gov/8044/Missing-Murdered-Indigenous-People*.

In addition to the memoranda, letters and research I reviewed prior to D's sentencing, I believe its also relevant to explain a little personal experience from the bench with similar circumstances. In 2020 brothers J and JA killed their cousin DW, a tribal member, just blocks from the courthouse. Then one or both of the brothers dismembered DW's body, eventually dumping him in garbage bags in a swamp. I was the judge who did their sentencing as well, nearly two years after DW was murdered. I distinctly remember hearing the anguish that the family endured because the body was not viewable and proper goodbyes could not be said.

Both were killings occurring within family and tribe kinship. Both involved alcohol or other substances. Both involved a plea deal the family disagreed with (at least as to JA). DW's foster mother MF told media:

> "It's unbelievable in this day and age that there is no crime against dismemberment and mutilation if you come across a dead body or kill someone," she said. "That rendering criminal assistance is the best they could do for JA for unlawful disposal of human remains, which are subject to standard sentencing guidelines. In the shadow of plea deals, the judge doesn't know how heinous the crimes are unless the victims and survivors are strong enough and informed enough of the facts, then state the facts in their impact statements. Which we did, as a family today."

She later added:

> "I feel like the judge heard us today," she said. "I feel like the system worked today. And while I feel like the system doesn't always work, not just for our people, but people of color, but all people, today, it worked."

SEE: https://www.king5.com/article/news/crime/shelton-brothers-sentenced-2020-murder-cousin/281-1d22d8bb-83e1-454d-be9e-68b828a7be86https://www.king5.com/article/news/crime/shelton-brothers-sentenced-2020-murder-cousin/281-1d22d8bb-83e1-454d-be9e-68b828a7be86

and

https://lawandcrime.com/crime/brothers-sentenced-for-various-roles-in-the-2020-thanksgiving-murder-dismemberment-and-disposal-of-their-cousins-body/

[redacted]'s statement "I feel like the judge heard us today" resonated with me after what felt like a no-win sentencing. Faced with what looked to be another no-win sentencing, I endeavored to at least let [redacted]'s family feel like they too were heard.

Early in my time in Mason County (as a deputy prosecutor) I handled several cases involving a Skokomish youth, [redacted]. [redacted] eventually went to prison for murder (I was no longer with the County at that point). He has become a remarkable advocate while incarcerated:

> Native American people are incarcerated in state and federal prisons at four times the rate of our white counterparts. Over 45 percent of Native people will return to prison in the first 36 months. Indigenous people are overrepresented in our criminal legal system and even more so in solitary confinement in jails and prisons.
>
> Here's my story. My name is [redacted]. I am a Skokomish Tribal member serving a sentence of 35.8 years. I was housed many times in our local jail. On each occasion, I noticed the overrepresentation of Skokomish and Squaxin Island tribal members (the jail's two neighboring tribes). In every jail pod, I have seen Native people, and what's even worse is that solitary confinement is where I saw the highest disproportionality.

https://solitarywatch.org/2024/11/26/voices-from-solitary-righting-the-historical-wrongs-for-native-people-in-prison/ Unfortunately I no longer have access to a superb article [redacted] wrote for the Skokomish Newsletter *The Sounder* where he talks about his experiences and talks about the same generational trauma and violence and substance use.

By reflecting back the truth in their statements, I was endeavoring to at least give his family the solace of knowing they were heard. That is consistent with the Canon 1 by promoting confidence that the judiciary listens to those who appear before it. It is also consistent with the statutory rights of victims. [redacted]'s statement still resonates.

I do of course recognize that Comment 2 to Canon Rule 2.3 includes "suggestions of connections between race, ethnicity, or nationality and crime" as examples of bias but would point out that both Rule 2.3(D) and Comment 5 carve out a safe harbor for legitimately relevant factors. As intended, the comment I made is consistent with all relevant studies from multiple government and NGO sources. It is consistent with the statements and experiences of [redacted]'s family and kinship. It is consistent with my broader observations and experiences from the bench, including countless family law, dependency, protection order, criminal and offender matters not specifically discussed herein. All of those empirical and observational factors were absolutely relevant (in addition to a long list of crime-specific considerations) to my eventual decision to sentence [redacted] to an exceptional sentence in excess of the plea agreement.

As I began with, I believe my statement when taken in its full context is an affirmation of the goals and responsibilities outlines in the Canons. As judges, the Canon directs us not to avoid the uncomfortable cases. By listening, actually listening, to victims judges promote the integrity of and confidence in the judiciary. By giving credence and weight to victim's voices judges support those person's constitutional and statutory rights. Finally the statement discusses factors relevant to my final decision on sentencing and support a demonstration of active listening and empathy for the family and kin of [redacted]. It hurts to think my words caused offense to the very people I was seeking to recognize in their pain.

To simply ignore the reality of violence in this or any community is to condone it. To simply ignore the reality of violence in this community is perpetrate more trauma on the family of [redacted]. That mandate is nowhere in the Canons.

Respectfully Submitted this 15th day of August 2026

electronically signed
Monty D Cobb

Monty D Cobb
Mason County Superior Court Judge

The Supreme Court
State of Washington

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June 5, 2026

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Re: Rectifying the Dehumanization of Indigenous People in State Legal Systems

Dear Affiliated Tribes of Northwest Indians, Members of the Judiciary, and the Legal Community:

We acknowledge that Washington State is on the traditional land of Tribal and Indigenous people. We honor their homelands and express gratitude to the descendants of the land and the land itself.

In October 2024, the Affiliated Tribes of Northwest Indians (ATNI) called upon this court to issue a proclamation urging action by those in the legal and judicial system to rectify the historical and continued dehumanization of the Indigenous people in Washington State.

Today, we issue this letter in response. We acknowledge Washington's history of injustice towards Tribal and Indigenous communities and commit to continue taking steps to rectify past harms. We recognize that these communities have been vocalizing injustices for centuries.

We urge judges, the legal community, and lawyers to actively confront and rectify the historical and ongoing dehumanization of Indigenous people in Washington through their work, decisions, and daily practices.

We recognize that the history of this state, including state courts, is intertwined with racism and violence inflicted upon Indigenous people. This adversarial relationship began even before Washington was a state; with treaties negotiated under duress and the execution of important Tribal leaders.

We also recognize that history is reflected in our cities, towns, and communities. Thurston County, specifically, named after Samuel Thurston, reflects a racist legacy tied to rhetoric and actions that harmed Indigenous people. These legacies are not abstract. Native communities continue to face great systemic injustices from land dispossession, trauma from forced separation and incarceration through U.S. Indian boarding schools, overrepresentation in the child welfare, juvenile and criminal systems, higher rates of poverty, higher rates of missing persons, higher rates of sexual violence against Indigenous women and girls, and a lack of resources in education, healthcare, and infrastructure.

We recognize that at least 17 Indian boarding schools have been identified as operating in Washington between 1857 and 1932.[1] This legacy of separating Indigenous children from their parents continues. As of 2015, Indigenous children in our state were represented in foster care at a rate 3.6 times greater than the general child population of the state.[2]

We recognize that this legacy of harm manifests in other places. For every 100,000 Indigenous people across Washington, 88 go missing, which is nearly three times the statewide average for all people.[3] Although Indigenous people make up only 2% of our population, they account for about 6% of the state's homicide victims.[4] According to 2024 U.S. Census data, 19% of Indigenous people in our state reported living below the poverty line.[5]

We recognize that the dehumanization and discrimination of Indigenous communities in this state is not just the truth of the past but the reality of the present, including within our court system. Courts are where we hope people can come to seek redress. When those courts have been, and continue to be, inaccessible, harmful, and unjust for our Tribal communities, we must not just take accountability for the harm but strive to rectify it.

We take to heart Justice Montoya-Lewis's call to justice and accountability at this court's 2025 Minority and Justice Symposium,

> As state actors we must understand at a fundamental level that Tribal sovereignty is not a gift that is given, but rather inherently rooted in centuries of self-governance...
>
> State and federal systems have been responsible for grave injustices towards Tribal nations, through broken treaties and polices that have harmed generations of Native families... The harm continues to manifest itself in the disparities our communities face, including long-standing intergenerational trauma, cycles of violence and abuse, disappearance, premature deaths, and additional undocumented physiological and psychological impacts.[6]

This court has and will continue to take steps to rectify discrimination.

For example, in 2020, this court affirmed core provisions of the federal and Washington State Indian Child Welfare acts (ICWA and WICWA). We ruled that a "broad interpretation" must be used in determining whether children facing removal have Tribal heritage, citing the history of state-sponsored removal of Native American children and the destruction of Native families and communities.[7]

In 2021, this court began opening each new term with formal land acknowledgements. We understand, however, that symbolic acknowledgement without action is insufficient.

In June of 2025, the court joined with Squaxin Island Tribe Chairman Kris Peters in co-convening the first Tribal-Judicial Summit, with the goal of sharing knowledge of tribal culture and history with state court judges and building inter-government relationships.

In April of this year, this court entered an order establishing the Tribal State Court Consortium as a formal Supreme Court entity. The Consortium will continue to serve as a collaborative forum for state and Tribal judicial officers to foster mutual understanding and respect such that they can address evolving jurisdictional challenges, explore opportunities for shared solutions, and recommend educational opportunities that support culturally competent practices. This court has also acted through the recent Minority and Justice Symposium, the Tribal State Court Consortium, and traveling court.

We have been correcting offensive language in past decisions; language that was used to justify denying the recognition of treaty rights.

We have acknowledged opinions that erred by denying treaty rights. In 2024, our court recognized that a Yakama Nation member had a treaty right to hunt on open and unclaimed land and vacated Jim Wallahee's 1924 conviction.[8] In 2020, our court recognized that a Yakama Nation member had a treaty right to fish in their usual and accustomed waters and vacated Alec Towessnute's 1916 conviction.[9] Both decisions rebuked our court's prior use of infantilizing and dehumanizing language of Tribal people, while affirming Indigenous people's rights within Washington.

Our work will not end here. We acknowledge that these actions cannot undue centuries of harm and pledge ourselves to do more. We also call upon the bench and bar to actively address incorrect and harmful precedent, acknowledge conscious and unconscious bias, and change our judicial system to reflect a just reality for our Indigenous communities.

We cannot do this work alone and we cannot do it without the guidance of Tribal communities and Tribal courts. We look forward to strengthening those relationships, and relying on Tribal expertise, as we continue this work.

Sincerely,

Debra L. Stephens, Chief Justice | Charles W. Johnson, Justice | Steven C. González, Justice

Sheryl Gordon McCloud, Justice | Raquel Montoya-Lewis, Justice | G. Helen Whitener, Justice

Salvador A. Mungia, Justice | Colleen M. Melody, Justice | Theodore J. Angelis, Justice

[1] *Missing children, unmarked graves, unanswered questions: Washington's Native American boarding schools*, KUOW (Aug. 15, 2024), https://www.kuow.org/stories/missing-children-unmarked-graves-unanswered-questions-washington-s-native-american-boarding-schools.
[2] *Racial Disproportionality in Washington State's Child Welfare System*, Washington State Institute for Public Policy (June 2008), https://www.wsipp.wa.gov/ReportFile/1018/wsipp_Racial-Disproportionality-in-Washington-States-Child-Welfare-System_Full-Report.pdf.
[3] *Confronting the Crisis: Addressing Missing and Murdered Indigenous Women and People in Washington Report*, Washington MMIWP Task Force (2025), https://agportal-s3bucket.s3.us-west-2.amazonaws.com/MMIWP%20Confront%20Crisis%20Report.pdf?VersionId=T4llLmzNVPrJNr23yV1hszZyfgHQ4hfT.
[4] *Id.*
[5] *Opportunity for many is out of reach: New data shoes racial earnings gap worsens in Washington*, Economic Opportunity Institute (Oct. 14, 2025), https://opportunityinstitute.org/blog/post/poverty-income-inequality-washington-census-data/.
[6] *TÁĆELŚW SIÁM: A Call to Justice for Indigenous Peoples*, TVW (Jun. 11, 2025), https://tvw.org/video/washington-state-supreme-court-minority-and-justice-symposium-2025061035/?eventID=2025061035.
[7] *Matter of Dependency of Z.J.G.*, 196 Wn.2d 152, 181 (2020).
[8] *State v. Wallahee*, 3 Wn.3d 179, 181 (2024).
[9] *State v. Towessnute*, 197 Wn.2d 574, 578 (2021).