

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

In Re the Matter of

Robert Colbert
Former Commissioner of the Okanogan
County Superior Court

NO. 13925-F-220

**STIPULATION, AGREEMENT,
AND ORDER OF CENSURE**

The Washington State Commission on Judicial Conduct (“Commission”) and former Commissioner Robert Colbert of the Okanogan 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

1. Respondent was at all times referred to in this document as an Okanogan County Superior Court Commissioner. He served in that capacity from 2018 until April 2026.

2. On January 20, 2026, the Commission received a complaint that Respondent engaged in decisional delay in a parenting plan modification proceeding.¹

¹ In Cause Number 23-3-00176-24, the parties appeared before the court on April 29, 2025, for argument on motions for contempt and parenting plan modification, at which point the motions were ripe for consideration. Respondent took the matters under advisement, and entered a temporary parenting plan on November 19, 2025, or 204 days after final submissions to the court on the modification issue. Respondent never ruled on the contempt motions, which were ultimately addressed by a separate judge after Respondent recused from the case on January 8, 2026.

3. Preliminary investigation of the above matter appeared to have merit. During its investigation, the Commission learned of an additional, unrelated issue: unprofessional, inappropriate communications between Respondent and a female court staff member (“Court Employee”). Court Employee began working at the Okanogan County Superior Court in August 2022. From her hiring until January 2026, Court Employee worked closely with Respondent, which led to them communicating regularly about both work and personal topics in person, by text (via personal cell phones), and through work e-mails. At times, communications involved personal topics unrelated to court matters and involved sexually explicit comments. These communications occurred both during and outside of work hours. In light of the agreed resolution outlined below, this stipulation does not include quotations of the acknowledged sexually explicit language so as to not cause undue embarrassment to the individuals involved.

4. While at times Court Employee was uncomfortable with the communications with Respondent, she explained that she did not tell that to Respondent due to the power disparity between them and instead continued to participate in and/or initiate exchanges. Court Employee reported that she had confided in coworkers about the communications with Respondent, and her fear of being fired if she were to report the conversations. At the time of these communications, Okanogan County Superior Court’s work environment, amongst colleagues, leaned towards informal and casual to the point of being unprofessional in a court workplace. Staff members would commonly contact each other on their personal phones and discuss their private lives, which at times would include conversations about issues at home and/or dating relationships.

5. Due to these communications, which came to light to the presiding judge in January 2026, Respondent was placed on leave on February 4, 2026, and thereafter, his appointment as court commissioner with the Okanogan Superior Court was revoked on April 6, 2026. As directed, Respondent has not had contact with Court Employee since he was placed on leave.

6. The Commission initiated disciplinary proceedings by serving Respondent with a Statement of Allegations on May 7, 2026. The Statement of Allegations alleged Respondent

violated the Code of Judicial Conduct by engaging in inappropriate sexual communications with court staff and failing to treat court staff with patience, dignity, and respect, and failing to issue decisions in a timely manner and thus failing to dispose promptly of the business of the court.

7. Respondent answered the Statement of Allegations on June 5, 2026. Respondent explained, regarding his delay in ruling on the modification of the parenting plan and child support in 23-3-00176-24, that in the months following the April 29, 2025, hearing, he reached out to counsel through court staff to request a proposed order for review and signature without one being provided. Ultimately, Respondent prepared and signed an order in November 2025. Although Respondent's requests for proposed orders were not fulfilled prior to the 90-day deadline to rule in the modification proceedings, Respondent acknowledges it was ultimately his responsibility to rule in a timely manner.

8. Respondent further explained that his perception was that Court Employee was often a proactive participant in the unprofessional communications noted above, and that she would regularly initiate such communications. However, he acknowledges that regardless of who took the initiative, such unprofessional communication with staff is unacceptable for a judge.

II. AGREEMENT

A. Respondent Agrees He Violated the Code of Judicial Conduct.

1. Based upon the above stipulated facts, Respondent agrees that his conduct violates the Code of Judicial Conduct as alleged. Respondent agrees that his conduct and communications with Court Employee as described herein violated Code of Judicial Conduct Canon 1, Rules 1.1 and 1.2, and Canon 2, Rule 2.8(B). Rules 1.1 and 1.2 require judges to uphold the integrity of 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. The Code defines "Integrity" as meaning "probity, fairness, honesty,

uprightness, and soundness of character.” Canon 2, Rule 2.8(B)² requires judges to maintain appropriate courtroom decorum and be patient, dignified and courteous to all persons with whom they deal in their official capacity.

2. During the copious personal communications with Court Employee, Respondent failed to appreciate that such undignified and sexualized comments towards a subordinate court employee would reasonably be perceived as disrespectful and/or demeaning. Judges are held to a high standard of conduct. Words and conduct of a sexual nature, including the communications at issue here, are grossly inappropriate in any professional setting, and particularly so when the speaker holds such a disproportionately high position of power over the person subject to the comments. Because of that power disparity, subordinate employees can feel inhibited from reporting such conduct and endure a workplace unsure of when they might again be subject to it. Subordinate staff may follow the leadership of people in authority, such as Respondent, in a workplace that has accepted and normalized such conduct. Respondent should have understood this imbalance of power that exists between judicial officers and staff and knew or should have known his actions were inappropriate for a judicial officer regardless of reciprocation. His conduct detracts from the dignity of judicial office and undermines public confidence in the judge’s integrity.

3. As to the conduct relating to decisional delay, Respondent agrees that his failure to timely decide the parenting plan modification case listed above violated Canon 1, Rules 1.1 and 1.2, and Canon 2, (Rule 2.5(A)) of the Code of Judicial Conduct. 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

² Canon 2, Rule 2.8(B): “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.”

matters under submission....” The time it took Respondent to issue decisions in the above matter 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

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 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 nature of the misconduct is serious and extended over several years. The unprofessional and sexualized communications occurred both in and out of the workplace and were facilitated by Respondent’s official judicial position. It appears that Respondent was unaware that Court Employee’s subordinate status made it difficult for her to express how he made her feel. Regardless of Respondent’s intentions, however, or his perception of Court Employee’s willingness to participate in said communications, it was his responsibility to maintain a respectful and professional work environment and be mindful of the impact his actions and words have on others. Court Employee’s options were severely limited by the power disparity. Court Employee describes experiencing a substantial negative effect on her health and happiness at a job she enjoys; and the misconduct was disruptive

³ 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.”

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to the workplace. Respondent's conduct and insensitivity to its impact has a negative impact on the public's respect for the judiciary. As to the conduct relating to decisional delay, delay in any case negatively impacts the litigants, and such impact is especially harmful in cases involving the parenting of children.

b. Service and Demeanor of the Judge. Respondent was 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, and agreeing that he will neither seek nor serve in judicial office in the future without advance permission of the Commission, 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 Respondent's stipulated misconduct shall be sanctioned by the imposition of a censure. Respondent, who is currently off the bench, further stipulates that he shall not seek or serve in judicial office in the future without advance permission of the Commission.

4. A "censure" is a written action of the Commission that requires Respondent to appear personally before the Commission and that finds that Respondent's conduct violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, and undermines public confidence in the administration of justice. Censure is the most severe disciplinary action the Commission can issue.

5. A censure may include a recommendation to the state supreme court for suspension or removal. In this case, since Respondent has agreed to not seek or serve in judicial office in the future without advance permission of the Commission, the recommendation for removal is unnecessary.

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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.

Robert Colbert

Robert Colbert
Former Court Commissioner
Respondent

2026-08-19
Date

J. Reiko Callner

J. Reiko Callner
Executive Director
Commission on Judicial Conduct

2026-08-19
Date

ORDER OF CENSURE

Based on the above Stipulation and Agreement, the Commission finds that Respondent violated Canon 1 (Rules 1.1 and 1.2) and Canon 2 (Rules 2.5 and 2.8(B)) of the Code of Judicial Conduct, and, for the reasons stated above, is hereby CENSURED and shall not seek or serve in judicial office in the future without prior permission of the Commission pursuant to CJCRP 28.

DATED this _____ day of _____, 2026.

Ruth Reukauf, Chair
Commission on Judicial Conduct