

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

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In Re the Matter of

The Honorable Judge Tracy S. Flood
Judge of the Bremerton Municipal Court

CJC No. 11005-F-204

STATEMENT OF CHARGES

Pursuant to authority granted in Article IV, Section 31 of the Washington State Constitution, the Revised Code of Washington, Chapter 2.64, and the Commission on Judicial Conduct Rules of Procedure (“CJCRP”), 17(d)(4)(C), the Commission on Judicial Conduct orders this Statement of Charges filed alleging violations of the Code of Judicial Conduct by Judge Tracy S. Flood.

I. BACKGROUND

A. Judge Tracy S. Flood (Respondent) is currently the sole judge of the Bremerton Municipal Court, having been elected to that position on November 2, 2021. At all times referred to in this document, Respondent served as judge of the Bremerton Municipal Court.

B. In July of 2022, the Commission received a complaint alleging Respondent displayed an injudicious temperament toward counsel. That same month, the Commission received multiple complaints alleging discourteous treatment of attorneys as well as various examples of potential misconduct from the bench. In August, the Commission received another complaint against Respondent alleging rude and disrespectful conduct toward attorneys. In October, the Commission received a complaint against Respondent alleging disrespectful and demeaning treatment of court staff.

C. Following an independent investigation, the Commission initiated disciplinary proceedings against Respondent pursuant to CJCRP 17(c)(3) by mailing her a Statement of Allegations on November 23, 2022. Respondent acknowledged receipt of the Statement of Allegations December 1, 2022. The Statement of Allegations alleged, among other

1 things, that Respondent may have violated Canon 1, Rules 1.1 and 1.2, and Canon 2, Rules
2 2.5(A) and 2.8(B), of the Code of Judicial Conduct.

3 D. Respondent submitted a written response to the Statement of Allegations on
4 January 9, 2023, and supplemented that response on February 1, 2023.

5 E. At its executive session on June 23, 2023, the Commission on Judicial Conduct
6 made a finding that probable cause exists to believe that the Respondent violated Canon 1, Rules
7 1.1, 1.2, and Canon 2, Rules 2.5(A) and 2.8(B), of the Code of Judicial Conduct.

8 **II. CONDUCT GIVING RISE TO CHARGES**

9 It is alleged that Judge Tracy Flood of the Bremerton Municipal Court violated Canon 1,
10 Rules 1.1 and 1.2, and Canon 2, Rules 2.5(A) and 2.8(B), of the Code of Judicial Conduct by
11 failing to treat court staff and attorneys appearing before her with patience, dignity and respect,
12 and treating court staff in a demeaning and condescending manner. Respondent's mistreatment
13 of attorneys and staff resulted in their departure from the court. As of this writing, at least a
14 dozen staff members have resigned their positions, most recently the court administrator who
15 resigned effective June 9, 2023. Those who have left employment at the court include every
16 staff member who was employed at the court when Respondent took the bench in January of
17 2022, and at least four who were hired by Respondent. Numerous attorneys have ceased to
18 practice in Bremerton Municipal Court. Each of these individuals cite Respondent's treatment
19 of them as the sole or contributing factor in their departure. Respondent's inability to retain staff
20 has negatively affected the functioning of the court, resulting in such failures that include
21 hearings not being properly set, cases not being timely docketed, alleged victims of domestic
22 violence not being able to access the court to request lifting No-Contact Orders, and probationers
23 not being monitored.
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1 **III. BASIS FOR COMMISSION ACTION**

2 On June 23, 2023, the Commission on Judicial Conduct made a finding that probable
3 cause exists to believe that the Respondent violated Canon 1 (Rules 1.1 and 1.2) and Canon 2
4 (Rules 2.5(A) and 2.8(B)) of the Code of Judicial Conduct. These sections of the Code state:

5 **CANON 1**

6 A Judge shall uphold and promote the independence, integrity, and impartiality of the
7 judiciary, and shall avoid impropriety and the appearance of impropriety.

8 **Rule 1.1**

9 **Compliance with the Law**

10 A judge shall comply with the law, including the Code of Judicial Conduct.

11 **Rule 1.2**

12 **Promoting Confidence in the Judiciary**

13 A judge shall act at all times in a manner that promotes public confidence in the
14 independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the
15 appearance of impropriety.

16 **CANON 2**

17 A Judge should perform the duties of judicial office impartially, competently, and
18 diligently.

19 **Rule 2.5**

20 **Competence, Diligence, and Cooperation**

21 (A) A judge shall perform judicial and administrative duties, competently and diligently.

22 **Rule 2.8**

23 **Decorum, Demeanor, and Communication with Jurors**

24 (B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses,
25 lawyers, court staff, court officials, and others with whom the judge deals in an official capacity,
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1 and shall require similar conduct of lawyers, court staff, court officials, and others subject to the
2 judge's direction and control.

3 **IV. RIGHT TO FILE A WRITTEN ANSWER**

4 In accordance with CJCRP 20 and 21, Respondent may file a written answer to this
5 Statement of Charges with the Commission within twenty-one (21) days after the date of service
6 of the Statement of Charges; failure to answer the formal charges shall constitute an admission
7 of the factual allegations therein and the Statement of Charges will be deemed admitted.
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10 DATED this 6th day of July, 2023.

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13 COMMISSION ON JUDICIAL CONDUCT
14 OF THE STATE OF WASHINGTON

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