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

In Re the Matter of  
  
The Honorable Samuel P. Swanberg  
Judge of the Benton & Franklin Counties  
Superior Court

NO. 10717-F-209

**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 Samuel Swanberg.

**I. BACKGROUND**

A. Judge Samuel P. Swanberg (Respondent) is currently a judge of the Benton and Franklin Counties Superior Court. He has served as a judge of the Benton and Franklin Counties Superior Court since October 2, 2017.

B. On January 4, 2022, the Commission received a self-reported complaint from Respondent identifying that Respondent was the subject of an Anti-Harassment Protection Order proceeding involving a court employee, S. S., with whom Respondent had previously been in a romantic relationship. That proceeding resulted in the issuance of a one-year protection order against Respondent. Benton County Superior Court Cause No. 21-2-01702-03.

C. In support of the Petition for an Anti-Harassment Protection Order, Respondent’s former spouse, S. B., filed a sworn declaration which detailed a decades-long pattern of ongoing physical and emotional abuse perpetuated against her by Respondent. As the local community became aware of the Petition and S.B.’s declaration in the public court file, Respondent was

1 investigated by law enforcement for alleged domestic violence against his former spouse. In  
2 January 2022, Respondent was charged with two counts of Assault Fourth Degree (domestic  
3 violence) in Benton County District Court, for allegedly assaulting his former spouse on two  
4 different dates in February 2021. Following a jury trial, Respondent was acquitted of the charges.

5 D. Following an independent investigation, and following the conclusion of the  
6 criminal case, the Commission initiated disciplinary proceedings against Respondent pursuant  
7 to CJCRP 17(c)(3) by serving him with a Statement of Allegations on October 10, 2022. The  
8 Statement of Allegations alleged that Respondent may have violated Canon 1, Rules 1.1 and 1.2  
9 of the Code of Judicial Conduct by engaging in unlawful harassment toward a former Franklin  
10 County Court employee, S. S., with whom Respondent had a romantic relationship in 2021, and  
11 by engaging in history of abusive or assaultive behavior towards Respondent's former spouse,  
12 S. B., that spanned multiple years, including time before Respondent became a judge as well as  
13 during the time that Respondent has served as a judge. The Commission further alleged in the  
14 Statement of Allegations that Respondent may have violated Canon 1, Rules 1.1, 1.2, and 1.3 of  
15 the Code of Judicial Conduct on December 21, 2021, by using his judicial position to gain entry  
16 into the Office of Public Defense in order to contact S. S., the individual Respondent continued  
17 to pursue after she asked that he have no further contact with her.

18 E. Respondent submitted a written response to the Statement of Allegations on  
19 November 7, 2022.

20 F. At its executive session on November 17, 2023, the Commission on Judicial  
21 Conduct made a finding that probable cause exists to believe that the Respondent violated Canon  
22 1, Rules 1.1, 1.2, and 1.3 of the Code of Judicial Conduct.

## 23 II. CONDUCT GIVING RISE TO CHARGES

24 Respondent is charged with violating Canon 1, Rules 1.1, 1.2, and 1.3 of the Code of  
25 Judicial Conduct as follows.

1 A. Respondent violated Canon 1, Rules 1.1 and 1.2 by engaging in a systemic pattern  
2 of domestic violence against S.B., his former spouse; that said abuse occurred over many years  
3 and involved repeated acts of physical, emotional, and mental abuse and multiple types of  
4 assault.

5 B. Respondent violated Canon 1, Rules 1.1 and 1.2 by engaging in harassing  
6 behavior after his romantic relationship with a woman, S. S., had been terminated by S.S.  
7 Respondent engaged in repeated attempts to contact her and resume the relationship, despite her  
8 repeated and unambiguous requests to be left alone and for him to stop contacting her.

9 C. Respondent further violated Canon 1, Rules 1.1, 1.2, and 1.3, by abusing his  
10 power and role as a judicial officer to obtain improper access to the Benton County Office of  
11 Public Defense's office under a fabricated pretext when pursuing S.S. against her express wishes  
12 after she left court employment to work at the Office of Public Defense.

### 13 III. BASIS FOR COMMISSION ACTION

14 On November 17, 2023, the Commission determined that probable cause exists to believe  
15 that Respondent has violated Canon 1, Rules 1.1, 1.2, and 1.3 of the Code of Judicial Conduct.  
16 These sections of the Code state:

#### 17 CANON 1, Rule 1.1

18 A Judge shall comply with the law, including the Code of Judicial Conduct.

#### 19 CANON 1, Rule 1.2

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

#### 22 CANON 1, Rule 1.3

23 A Judge shall not abuse the prestige or judicial office to advance the personal or economic  
24 interests of the judge or others, or allow others to do so.

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

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

6  
7 DATED this 17<sup>th</sup> day of November, 2023.

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9 COMMISSION ON JUDICIAL CONDUCT  
10 OF THE STATE OF WASHINGTON

11 

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13 Executive Director  
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