



## **JUDICIAL MISCONDUCT INVOLVING COURT EMPLOYEES**

**(Commission on Judicial Performance & Supreme Court Cases)**

State of California  
Commission on Judicial Performance  
455 Golden Gate Ave, Suite 14400  
San Francisco, CA 94102-3660  
(415) 557-1200  
FAX (415) 557-1266  
<http://cjp.ca.gov>

# JUDICIAL MISCONDUCT INVOLVING COURT EMPLOYEES

## **Inappropriate and Abusive Reprimands**

A judge reprimanded a court clerk in a manner that was inappropriate under the circumstances. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2004), Advisory Letter 1, p. 23.]

Judge Geiler was removed from office for conduct that included profane and abusive reprimands of court employees. When Judge Geiler's clerk returned to court late from her lunch, the judge told her she was "nothing but a fucking clerk" and that she was to do exactly what she was told. While in the office of the calendar court coordinator for the municipal court and reprimanding her, Judge Geiler used the words "son-of-a-bitch," "bitch," and "fucking clerk" and also stated, "[n]o fucking clerk is going to keep time on me" or "keep track of me[,]," and "[d]on't you ever forget that you are just a fucking clerk." These reprimands were determined to be willful misconduct, while the judge's profane remarks to and about his clerk were conduct prejudicial. [*Geiler v. Commission on Judicial Qualifications* (1973) 10 Cal.3d 270.]

## **Contempt, Abuses of Authority, Threats and Retaliation**

In addition to other misconduct, Judge Fielder was disciplined for his conduct during a meeting with Judge Cory Woodward and a deputy chief court executive officer regarding court administration's decision to reassign Judge Woodward's courtroom clerk. During the meeting, Judge Fielder accused court administration of being "in violation" of court protocol, and stated that court administration should not be "messing around" with judges' courtrooms. He made a statement to the effect that before the judges would allow court administration to move courtroom clerks around, they "would get together and fire" the court executive officer. Judge Fielder stated that there was no valid reason to reassign the clerk and that the clerk was "getting the shaft." The judge conceded that he engaged in a discussion that was too aggressive and heavy-handed and may have been intimidating to court administration. He acknowledged that he was unnecessarily forceful in his statements and that his comment about the possible firing of the court executive officer was "out of line" for a judicial officer and that court administration is ultimately responsible for decisions about staffing. [*Public Admonishment of Judge John L. Fielder* (2015).]

In open court, the judge used demeaning and unduly harsh language toward a member of court staff and threatened the individual's employment with the court. [Com. on Jud. Performance, Ann. Rept. (2008), Private Admonishment 1, p. 25.]

Judge Block was disciplined for conduct that included his treatment of a court interpreter who the judge believed might have filed a complaint about him. The interpreter was in Judge Block's courtroom as an observer in a case of interest to her. During a recess, the judge assembled the interpreter's supervisor and various members of court staff in chambers and told them that he had heard that the interpreter had made allegations against him, and that if she had, he did not

think it was appropriate for her to be in his courtroom. The judge then brought the interpreter into his chambers and, with other court staff present, asked her whether she had made a complaint; when she said that she had not, he said that she was welcome in his courtroom. This conduct was undertaken by the judge after being admonished by the court's attorney not to discuss the matter with the interpreter. The commission determined that the judge had engaged in prejudicial misconduct. [*Censure and Bar of Judge Arthur S. Block* (2002).]

Judge Brown was publicly admonished for banning the criminal courts coordinator from her courtroom and prohibiting him from communicating with her staff. The judge's treatment of the coordinator constituted willful misconduct. Judge Brown admitted that she had no authority to ban the coordinator from the public hallway or the courtroom, that she did this as her "quiet protest" to punish him for what she believed was mistreatment of another judge by transferring him, and that she did not tell any judge or the coordinator the reason for the ban for three and a half years. The commission determined that the judge was clearly acting in bad faith, both because she had a corrupt purpose—punishing the coordinator—which was not part of the faithful discharge of her judicial duties, and because she either knew or did not care that her actions exceeded her lawful powers. By failing to tell either the coordinator or the supervising judges the reason for her action, the judge in essence denied them any opportunity to appreciate her position, seek accommodations, or even to apologize. [*Inquiry Concerning Judge Nancy Brown* (1999) 48 Cal.4th CJP Supp. 100.]

A judge appeared to retaliate against a court employee for remarks made outside of work by the employee. [Com. on Jud. Performance, Ann. Rept. (1998), Advisory Letter 27, p. 28.]

A judge harshly threatened to hold a bailiff in contempt because the judge disagreed with how the bailiff handled a routine manner. [Com. on Jud. Performance, Ann. Rept. (1993), Advisory Letter 1, p. 17.]

In order to deal with a personnel matter, a judge issued a temporary restraining order against a court employee although there was no case pending. A temporary restraining order may be issued only if there is a lawsuit pending. [Com. on Jud. Performance, Ann. Rept. (1993), Advisory Letter 21, p. 19.]

Judge Van Voorhis was disciplined for conduct including, when arrangements for the loaning of the neighboring court reporter faltered, the judge entered the adjoining courtroom through a side door wearing his judicial robe and immediately directed that the court reporter be sent to his courtroom. The judge's inappropriate interruption of the proceedings was an abuse of authority. [*Public Reproval of Judge Bruce Van Voorhis* (1992).]

A judge threatened a court employee with contempt over a minor personnel matter. [Com. on Jud. Performance, Ann. Rept. (1989), Advisory Letter 12, p. 23.]

Judge McCartney was censured for "habitual intemperance" toward defendants and court personnel, among other misconduct. While presiding in a criminal matter, Judge McCartney turned to his clerk and said, "I heard that. You are in contempt. You are going to jail." The clerk asked what she had done. The judge demanded that she apologize. The clerk said, "Well,

I'm sorry." The clerk had not said anything before the judge's outburst. The clerk was not jailed, however, the judge went to see her supervisor, demanded a new clerk, while pounding on the supervisor's desk. Judge McCartney returned to the courtroom and shouted, "Leave my courtroom, you're no longer my courtroom clerk."

After reporting a morning session, Judge McCartney's regular court reporter arranged for another court reporter to report the afternoon session at 1:00 p.m. The judge ordered his regular reporter to return to court at 1:00 p.m. The reporter arrived at 1:08 p.m. and advised the judge that he was leaving on vacation and would be replaced by another reporter; the judge expressed no concern. The alternate reporter arrived at 1:25 p.m. At 1:30 p.m., the judge ordered a deputy marshal to find the regular reporter, arrest him and bring him back to the courthouse. Judge McCartney's "proven intemperance" with court personnel was conduct prejudicial. [*McCartney v. Commission on Judicial Performance* (1974) 12 Cal.3d 512.]

### **Disparaging Staff and Other Improper Demeanor**

The judge made undignified remarks about court personnel. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2013), Private Admonishment 1, p. 20.]

In addition to other misconduct, Judge Salcido was disciplined for disparaging clerical staff. The judge repeatedly referred in open court to the court business office staff as "cucumbers who might lose the file," explaining "they aren't even potatoes because potatoes have eyes" and "they aren't even corn because corn has ears." When a defendant referred in court to information he had received from a clerk, the judge said, "Sir, most of those clerks I wouldn't trust a guinea pig to. Let alone my freedom." During a discussion about a paperwork mix-up in a certain case, the judge sarcastically said, "however, I was going to say another word, the brilliant people in the back office decided not to file your paperwork in the court's file." The judge later commented, "Aye, aye, aye, aye, aye. This is what I have to work with, all right, every day." [*Censure of Judge DeAnn M. Salcido* (2010).]

Judge Westra was disciplined for failing to be patient, dignified and courteous toward deputies from the sheriff's department on two occasions. In one incident, the judge summoned and chastised the new commander of court services for allowing a bailiff who had been sworn to take charge of a deliberating jury to leave the courthouse to attend mandatory firearms training, leaving a replacement bailiff available for the jury. The judge told the commander that the bailiff's departure was "unacceptable" and that he "would not tolerate it." When the commander asked Judge Westra if he had a written protocol in place concerning his courtroom, the judge told her that she was not going to tell him how to run his courtroom, and directed her to leave his chambers. When she did not immediately leave, he pointed at the door of his chambers and yelled "Get out!" at her more than once. In the second incident, the judge said to a deputy concerning a failure to follow the judge's courtroom procedures, "The Keystone cops could have handled it better." [*Public Admonishment of Judge Clarence Westra, Jr.* (2007).]

A judge made offensive remarks to counsel and court personnel relating to litigants appearing before the judge. [Com. on Jud. Performance, Ann. Rept. (2007), Private Admonishment 8, p. 31.]

On three occasions, a judge was loud and demeaning in dealing with court personnel. [Com. on Jud. Performance, Ann. Rept. (2007), Advisory Letter 1, p. 31.]

Judge Van Voorhis was removed from office for loss of judicial temperament, abuse of authority and embroilment. The judge engaged in public criticisms of court personnel that were harsh, rude and intemperate. He yelled at a temporary court clerk and threw a stack of files; the clerk was reduced to tears. The judge berated an experienced clerk in open court for swearing in a bailiff in the customary manner and told the clerk that she would have known better if she had read his courtroom manual, even though the manual contained nothing that indicated that the clerk had done anything wrong. The judge also took out his frustration with the sheriff's department by publicly humiliating a new security deputy who had never before performed those duties, and who was not at fault. These actions were determined to be conduct prejudicial. [*Inquiry Concerning Judge Bruce Van Voorhis* (2003) 48 Cal.4th CJP Supp. 257.]

Judge Block was disciplined for conduct that included participating in a prank involving a court interpreter. During a conversation between Judge Block and attorneys and court staff in the courtroom, it had been suggested as a joke that a court interpreter be held in contempt for being late.

When the court interpreter arrived in the hallway outside the courtroom, a public area where people were present, the judge's bailiff handcuffed the interpreter over her protests and resistance and took her into the courtroom. The following then took place:

THE COURT: Ms. Stafford, will you listen to the People please.  
What were you about to say?

THE INTERPRETER: I said this better be a joke. Take them off.

THE COURT: What were you going to say, Mr. –

MR. DAILY: I was going to say perhaps this is the appropriate  
time for the order to show cause re contempt.

THE COURT: All right. I understand bail is not available; is that  
correct?

MR. DAILY: There is no bail for that.

THE COURT: Ms. Stafford, I'm sorry but your vacation plans are  
somewhat awry.

Judge Block then told the interpreter that it was a joke and had the bailiff remove the handcuffs. The court interpreter felt humiliated. The commission determined this conduct was prejudicial misconduct. [*Censure and Bar of Judge Arthur S. Block* (2002).]

A judge initiated an angry and profane confrontation with a member of court staff on courthouse property. On a different occasion, the judge berated another member of court staff in open court. [Com. on Jud. Performance, Ann. Rept. (2002), Private Admonishment 5, p. 22.]

During jury selection, a judge made disparaging comments about jury service, court administration and another judge. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2002), Advisory Letter 7, p. 23.]

Judge Coates was disciplined for conduct that included a pattern of conduct toward court staff and others that was inconsistent with his duty to be patient, dignified and courteous. On one occasion, the judge telephoned a court administrative analyst to ascertain why information which the judge had asked to have forwarded to a state assemblyman had not been sent. The analyst explained that the information had not been forwarded because he understood that this was not to be done until after there had been a meeting concerning the matter with the presiding judge and the chair of the court's legislation committee. Judge Coates yelled at the analyst and made statements to the effect of: "Goddamnit. You were supposed to get that legislation introduced. I gave you a direct order. I'm a judge." And "Judge [name omitted] and I are going to campaign against you, to bring you down to size. You disregarded the order of a judge. How dare you." On another occasion, after court staff removed a water fountain from a hallway behind Judge Coates' courtroom, he telephoned a deputy court administrator and during the ensuing conversation, cursed at the administrator and berated him for removing the water fountain. Among other remarks, the judge made a statement to the effect of, "I don't give a goddamn who you are. You don't move the goddamn water fountain." On another occasion, after a scheduling mix-up, Judge Coates telephoned the presiding judge's judicial secretary and demanded to know how the incident occurred. Judge Coates accused the secretary of not doing her job properly. The secretary responded that she was sorry but denied that the incident had been her fault. Without inquiring further to determine whether or not the secretary was at fault, Judge Coates made a statement to the effect that he was a superior court judge and was "ordering" the secretary to take steps to make sure her "mistake" was not repeated. [*Public Admonishment of Judge Robert C. Coates* (2000).]

A judge was unduly harsh in his treatment of court staff. [Com. on Jud. Performance, Ann. Rept. (1998), Advisory Letter 13, p. 27.]

A judge evidenced personal embroilment in court matters pending before the judge and made inappropriate and offensive comments to litigants, counsel, witnesses, court personnel and members of the public. The judge's conduct improved significantly during a two-year period of monitoring under the commission's monitoring rule. [Com. on Jud. Performance, Ann. Rept. (1996), Advisory Letter 1, p. 24.]

A judge lost his temper with court staff and litigants on a number of occasions. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (1994), Advisory Letter 20, p. 19.]

A judge made a taunting remark to a court employee, in the presence of co-workers, about the judge's remand into custody of the employee's relative. [Com. on Jud. Performance, Ann. Rept. (1993), Advisory Letter 6, p. 18.]

Judge Van Voorhis was disciplined for conduct including, on two occasions, giving directions to his court staff in a manner that was perceived as harsh. [*Public Reproval of Judge Bruce Van Voorhis* (1992).]

A judge repeatedly engaged in displays of temper, including loud critical remarks toward attorneys, court staff and witnesses. The judge sought and received continuing professional counselling. The judge's behavior improved. [Com. on Jud. Performance, Ann. Rept. (1991), Advisory Letter 26, p. 13.]

A judge was persistently rude to litigants, counsel and court personnel. The commission closed the case with an advisory after the judge accepted the commission's advice to attend a course in courtroom behavior sponsored by the California Center for Judicial Education and Research [CJER]. [Com. on Jud. Performance, Ann. Rept. (1990), Advisory Letter 1, p. 21.]

In dealing with a non-English speaking defendant and with the defendant's proposed interpreter, a judge gave the impression of impatience and discourtesy. The commission reminded the judge that a patient tone is particularly important with non-English-speaking parties and witnesses. [Com. on Jud. Performance, Ann. Rept. (1988), Advisory Letter 3, p. 11.]

A judge demonstrated poor judgment in the manner in which the judge expressed his difference of opinion with a court official. [Com. on Jud. Performance, Ann. Rept. (1985), Advisory Letter, p. 6.]

In addition to other misconduct, Judge Kloepfer was removed from office for "rude and abrasive" conduct toward pro tem court reporters. In one instance, a pro tem court reporter was assigned to work in the judge's courtroom four mornings a week, returning in the afternoon if needed. While waiting for the judge to finish his small claims calendar to resume a trial, the reporter went to another courtroom to report a hearing. The judge's bailiff called another judge's reporter, Ms. L, to ask if she could report the trial. Court policy required a reporter regularly assigned to a judge to obtain that judge's permission before being released to work in another courtroom. While waiting for permission, Judge Kloepfer's pro tem reporter became available and returned to his courtroom, explaining that she had been reporting in another courtroom. Judge Kloepfer called Ms. L and blamed her for the delay of proceedings in his court. Ms. L tried to explain the court policy requiring her to get permission from her judge, but Judge Kloepfer refused to hear her explanation. At the hearing, Judge Kloepfer claimed that his pro tem reporter had told him she was late because Ms. L had sent her to another courtroom and Judge Kloepfer had telephoned Ms. L because he did not believe she had the authority to direct his reporter to report elsewhere. The commission found the judge's explanation to be inaccurate and disingenuous.

A pro tem court reporter asked a defendant whose guilty plea was being taken to make her responses audible, stating when the defendant nodded her head: "Excuse me. Is that a yes?" Judge Kloepfer said to the reporter: "I'll keep the record in my courtroom. I don't need any

court reporter,” and went on to berate the reporter before a courtroom full of people. The judge had never directed the defendant to speak up. His own court reporter testified that when a witness was not giving an audible response she was permitted to ask: “What did you say?” The Supreme Court found the judge’s conduct was inappropriate and of a nature that affects public esteem for the judicial office. Judge Kloepfer’s conduct towards the court reporters was conduct prejudicial. [*Kloepfer v. Commission on Judicial Performance* (1989) 49 Cal.3d 826.]

### **Unwelcome Advances, Remarks and Other Inappropriate Conduct**

A judge used sexist and demeaning terms and gestures to female court staff. The judge sent an inappropriate flirtatious email to another female court employee. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2011), Private Admonishment 2, p. 23.]

In addition to other misconduct, the judge engaged in a course of inappropriate and unwelcome conduct toward a member of court staff. The judge retired from office and agreed not to seek judicial office or sit on assignment. [Com. on Jud. Performance, Ann. Rept. (2008), Private Admonishment 2, p. 25.]

The judge made inappropriate remarks with sexual overtones to court staff. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2007), Private Admonishment 2, p. 30.]

Judge Harris was publicly admonished for conduct including an interaction with a court employee who was returning to court from a lunchtime workout and was wearing exercise clothes. When she apologized for her attire, the judge told her she looked okay. He then placed his hands on her face and said, “You’re so cute.” The conduct was determined to be improper action. [*Inquiry Concerning Judge John D. Harris* (2005) 49 Cal.4th CJP Supp. 61.]

A judge made inappropriate comments and jokes involving sexual conduct and made improper overtures toward court staff and attorneys in the courthouse. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2005), Private Admonishment 5, p. 26.]

Judge Hyde was removed from office for conduct including telling an offensive sexual story to the court’s new executive officer in a break room in the clerk’s area, while court staff were entering and leaving the room. The story concerned a former court employee engaging in oral sex in a car in the courthouse parking lot and the judge used the term “blow job.” The conduct was prejudicial misconduct. [*Inquiry Concerning Judge Ronald D. Hyde* (2003) 48 Cal.4th CJP Supp. 329.]

A judge made sexually suggestive gestures and comments to a court reporter, an employee of the prosecutor’s office and a courthouse visitor. The judge behaved offensively in front of court staff. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2003), Private Admonishment 1, p. 25.]

In addition to other misconduct, Judge Willoughby was censured for conduct that included rubbing his bailiff’s breasts without consent, and repeatedly staring at her breasts and asking to see them, after she had breast implant surgery. The judge also said to another bailiff who was

changing her uniform shirt in the courthouse hallway, “I could stand here and watch you undress all day.” He also told his former clerk that he just wanted her to “sit there and look pretty” and made kissing motions toward his former clerk. [*Inquiry Concerning Judge W. Jackson Willoughby* (2000) 48 Cal.4th CJP Supp. 145.]

Judge Gibson was publicly admonished for engaging in prejudicial conduct toward a court employee that consisted of sending her a sexually suggestive memo intended as a joke; commenting to a friend of the judge in the presence of the employee, “Isn’t that the best looking pair of legs and ass you’ve ever seen?” and making comments to the employee about her appearance (“Those are nice shoes you have on, and they – your legs look very nice in them...,” “That’s a beautiful blouse you have on. Do you have a slip on or a camisole,” and “That’s nice material. I wish I could be that close to your skin.”); telling the employee that he “really enjoyed seeing [another employee] walk in the door with her light-colored sweater on and her 46DD bra and her nipples showing... I really get excited when I see that”; tugging on the employee’s bra strap on several occasions, once while saying words to the effect of, “I’m an expert at undoing these”; and on several occasions, while putting on his judicial robe in chambers, wiggling his fingers through his robe in the area of his groin and saying to the employee, “Say hello to Mr. Bobo.” The judge also wrote a joking memo concerning putting the employee to death. The memo included the name of another employee, offending and embarrassing that employee. This conduct was also determined to be prejudicial conduct. [*Inquiry Concerning Judge John B. Gibson* (2000) 48 Cal.4th CJP Supp. 112.]

A judge engaged in conduct toward a member of court staff that reflected unwelcome and excessive personal interest. [Com. on Jud. Performance, Ann. Rept. (1999), Advisory Letter 21, p. 23.]

Judge Hiber was disciplined for engaging in a pattern of inappropriate conduct toward his courtroom clerk. Shortly before she began working for him, the judge wrote to her frequently and, sought to have her sign a large, two-page scroll which purported to be a waiver of harassment, including verbal or physical advances by him. He repeatedly asked the clerk to spend time with him outside of court hours, once called her at home on a weekend, once kissed her on the mouth after taking her to her car near the courthouse, for which he apologized. On two occasions, he passed her notes from the bench which contained jokes of a sexual nature, and at least once brought flowers to her home when she was ill. The judge often interrupted the clerk while she was working to discuss non-work-related matters. He also gave her gifts, including clothing, an expensive pen, a lamp, a computer keyboard and an exercise machine. [*Public Admonishment of Judge Harvey H. Hiber* (1998).]

A judge engaged in displays of affection toward court employees which were unwelcome to some. In mitigation, the judge attended training in appropriate workplace conduct. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (1998), Advisory Letter 38, p. 29.]

Judge Gordon was censured for, on several occasions, making sexually suggestive remarks to and asking sexually explicit questions of female staff members, referring to a staff member using crude and demeaning names and descriptions and an ethnic slur and mailing a sexually

suggestive postcard to a staff member addressed to her at the courthouse. The judge's conduct was prejudicial misconduct. [*In re Norman W. Gordon* (1996) 13 Cal.4th 472.]

A judge addressed female court employees in an offensive manner. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (1996), Advisory Letter 10, p. 24.]

Judge Fitch was censured for a pattern of misconduct involving inappropriate and offensive remarks to court staff and court attachés or attorneys, and nonconsensual touching of women working under his supervision. On several occasions, the judge made offensive remarks to female court reporters or clerks regarding their buttocks, breasts, or legs. For example, the judge told a court reporter, "Your butt looks good in that dress." The judge also made offensive remarks to female court attachés or attorneys regarding their intimate relationships with their spouses, including stating to another court reporter after she turned away from the judge's attempt to console her, "I certainly hope you're not that frigid at home with your husband." The judge made other offensive and crude remarks in the presence of court staff. One example: the judge, in discussing a janitor, jokingly told a female court reporter that, "The only thing he's ever done to me is go down on me a couple of times." On a few isolated occasions, the judge singled out women working under his supervision for inappropriate and nonconsensual touching, or attempted touching such as slapping or patting a court reporter and a court trainee on their buttocks. Judge Fitch's conduct was determined to be conduct prejudicial. This was one of 20 cases of discipline for sexual harassment and inappropriate comments in the workplace since 1990, most involving court employees. [*Fitch v. Commission on Judicial Performance* (1995) 9 Cal.4th 552.]

Judge Stevens was disciplined for conduct including offensive remarks while presiding over cases. In one instance, following a hearing and court appearance by a male defendant, Judge Stevens commented about the defendant to the female clerks in the courtroom, "Ladies, how would you like to wake up with that naked in your bed?" or words to that effect. The judge also used language and engaged in behavior toward members of the court staff which were abusive and demeaning. The judge discontinued the services of his court reporter of some seven years as his official court reporter after presenting her with a partially rotten zucchini which to some observers conveyed a sexual connotation. The judge later joked about the incident and appeared to trivialize the employee's concern. [*Public Reproval of Judge James L. Stevens, Jr.* (1994).]

In addition to other misconduct, Judge Geiler was removed from office for conduct including profane comments to and about his court clerk. At a time when five to six men were in Judge Geiler's chambers, the judge's court clerk entered the judge's chambers at his request. Shortly thereafter, she left. As she was leaving, Judge Geiler commented, "How would you like to eat that?" referring to his clerk. The judge occasionally asked the clerk, "Did you get any last night?" On occasion, the judge telephoned the clerk and instructed her: "Get the mother fuckers ready. I'll be there shortly." These comments about and comments to his clerk were determined to be conduct prejudicial. [*Geiler v. Commission on Judicial Qualifications* (1973) 10 Cal.3d 270.]

## **Improper Financial Dealings with Staff**

A judge attempted to engage the judge's clerk in questionable financial transactions that would have involved substantial sums of money and were intended to benefit the judge. [Com. on Jud. Performance, Ann. Rept. (2000), Private Admonishment 1, p. 20.]

Judge Doan was removed from office for improper loans and other misconduct. The judge requested and received a loan from a court clerk who regularly served the judge in the courtroom and was under the judge's practical supervision, if no longer under the judge's administrative supervision due to court consolidation. The judge had previously been privately admonished by the commission for taking loans from court staff and was on notice that she could not properly borrow money from the clerk. Judge Doan's conduct was determined to be conduct prejudicial. [*Doan v. Commission on Judicial Performance* (1995) 11 Cal.4th 294.]

A judge requested and received two personal loans from a clerk of the court. [Com. on Jud. Performance, Ann. Rept. (1990), Private Admonishment H, p. 20.]

A judge solicited a court employee and friends to invest in a financial venture, giving the appearance that the judge was lending the prestige of judicial office to the enterprise. [Com. on Jud. Performance, Ann. Rept. (1990), Advisory Letter 40, p. 25.]

## **Involving Staff in Improper Conduct**

A judge directed court staff to place the court's official certification on a document that was not a court record, to help a relative. [Com. on Jud. Performance, Ann. Rept. (2013), Private Admonishment 7, p. 20.]

On four occasions, former Judge Seeman caused court personnel to access Department of Motor Vehicles registration records to obtain information regarding the license plates of vehicles belonging to certain individuals for a purpose unrelated to the faithful discharge of his judicial duties. The judge's conduct violated Vehicle Code section 1808.45, and canons 1, 2, 2A, and 3B(11) (a judge shall not use for any purpose unrelated to judicial duties nonpublic information acquired in a judicial capacity). [*Censure and Bar of Former Judge Paul D. Seeman* (2013).]

Judge Stanford was removed from office for a pattern of handling traffic tickets for family and friends and providing unusually lenient dispositions. One ticket involved the judge's son-in-law. The judge gave written instructions for the clerk to enter a disposition for traffic school for running a red light ticket, with all fines to be suspended except the county traffic school fee. When the clerk recognized the defendant as the judge's son-in-law, she went to the judge's chambers and told him she could not enter minutes for someone she knew and she turned the matter over to her supervisor for handling. [*Inquiry Concerning Richard W. Stanford* (2012) 53 Cal.4th CJP Supp. 1.]

Judge Hyde was removed from office for using his judicial position to obtain confidential information from restricted DMV records that did not pertain to court business, among other misconduct. The judge entered the traffic clerk's area of the courthouse, approached a clerk, told

her that a driver had “cut him off” on the way to work, gave her a vehicle license plate number, and asked her to obtain the Department of Motor Vehicles (DMV) records for the driver. The clerk used her computer to obtain the DMV information and gave it to the judge. The court clerks had been trained regarding the confidentiality of DMV records, including the basic restriction that the records may be accessed only for court business. The clerks were required to sign acknowledgements that violations of confidentiality may result in dismissal from employment and criminal or civil action. When the judge used his judicial position to obtain confidential information from restricted DMV records, the commission determined that he was acting “as a judge,” in a judicial capacity, and his conduct was therefore, willful misconduct. Because the judge had previously been censured for asking clerks to access DMV records for purposes unrelated to court business, he knew he was acting beyond his lawful judicial power, satisfying the bad faith element of willful misconduct. [*Inquiry Concerning Judge D. Ronald Hyde* (2003) 48 Cal.4th CJP Supp. 329.]

Judge Platt was removed from office for multiple counts of ticket-fixing. On one occasion the judge telephoned his former courtroom clerk and told her he wanted to be sure that Mrs. G would be eligible for traffic school on an outstanding speeding ticket. Mrs. G’s husband was a friend of the judge who had loaned the judge money. Mrs. G had telephoned the judge about her ticket, which would not ordinarily have come before the judge. The clerk made an entry that Mrs. G had telephoned, would be in to sign up for traffic school and that Judge Platt had “OK’d” her attendance at traffic school. Judge Platt later telephoned the clerk and told her that he wanted Mrs. G’s ticket dismissed. He asked the clerk to enter the dismissal on the court records and told her to keep the matter between him and her. The clerk subsequently decided not to enter the dismissal and so informed the judge. Instructing the clerk to dismiss the ticket was willful misconduct. [*Inquiry Concerning Judge Michael E. Platt* (2002) 48 Cal.4th CJP Supp. 227.]

A judge directed the jury commissioner to excuse an employee of a friend of the judge from jury duty without following the court’s requirements for release from jury duty. [Com. on Jud. Performance, Ann. Rept. (1999), Advisory Letter 5, p. 22.]

Judge Fletcher was removed from office for conduct including directing the alteration of the court record by a court employee. After receiving an inquiry from the Commission on Judicial Performance about a case, Judge Fletcher directed his court clerk to alter a minute order in the case and, contrary to court policy, not to indicate that she had changed the order. The judge submitted the altered order to the commission without disclosing that he had directed alteration of the minute order to support his explanation of the events in the case. This conduct was willful misconduct. [*Fletcher v. Commission on Judicial Performance* (1998) 19 Cal.4th 865.]

Judge Shook was disciplined for conduct including allowing attorneys whom the judge appointed to represent defendants in criminal cases to host lunches for the judge and his court staff. One of the attorneys, whom the judge appointed in more than 30 cases, paid for two lunches for the judge and court staff. Another attorney, whom the judge also appointed, paid for two lunches for the judge and his staff. On one occasion, the attorney used a limousine in which champagne was available to transport the judge and court staff. [*Public Admonishment of Judge John P. Shook* (1998).]

Judge Hyde was disciplined for conduct including, on a number of occasions, asking various court employees to access DMV records for purposes unrelated to court business. Judge Hyde's conduct was determined to be conduct prejudicial although the commission noted that the use of DMV records for personal purposes came very close to being willful misconduct in office; however, the stipulated facts did not afford clear and convincing evidence that the judge's actions were performed in a judicial capacity. [*Censure of Judge D. Ronald Hyde* (1996).]

Judge Friedman was disciplined for two incidents in which the judge played jokes on incarcerated defendants. In one incident, a defendant appearing before the judge was obsessed with a famous TV personality. The judge obtained a publicity photograph of the personality. He then pressured a court employee into writing on the photograph a personal inscription, purportedly from the personality to the defendant. The inscription was designed to play on the defendant's bizarre obsession. [*Public Reproval of Judge Gary T. Friedman* (1993).]

A friend of the judge was arrested on the charge of driving under the influence of alcohol. The friend telephoned the judge to discuss the case. The judge then ordered the court clerk to transfer the case to the judge's court. (Learning of this, the prosecutor disqualified the judge under section 170.6 of the Code of Civil Procedure, which allows for a peremptory challenge of a judge by any party.) There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (1993), Private Admonishment C, p. 16.]

### **Improper Use of Staff in Charitable Activities**

Former Judge Quall was disciplined for conduct including soliciting donations from a court commissioner, the sheriff and undersheriff, a deputy sheriff, a retired marshal and others for volunteer medical relief missions, which included a Christian evangelical component, in Africa. Judge Quall had a court interpreter ask a deputy sheriff into chambers, then told the deputy that he wanted him to donate horses he owned for a ride for a group of people as a donation to a charity auction that was part of a fundraising effort on behalf of a charity run by the judge. He also used his judicial secretary to create documents for the missions and directed others including the court interpreter, the undersheriff, and a marshal to sell tickets to fundraisers for the charity. [*Public Admonishment of Judge Robert D. Quall* (2008).]

Judge Platt received a private admonishment in 1997, referred to in his subsequent removal case, for conduct that included placing open boxes of candy bars in his chambers and on his bailiff's desk for purchase by attorneys and court staff, with the proceeds benefiting his children's parochial school. The private admonishment noted that in 1995, "Judge Platt was advised of the impropriety of soliciting fundraising contributions from attorneys and court staff by two of his fellow judges." [*Inquiry Concerning Judge Michael E. Platt* (2002) 48 Cal.4th CJP Supp. 227, 249.]

### **Improper Use of Staff in Political or Campaign Activity**

Former Judge McGraw was disciplined for conduct including involving court employees in judicial campaign activities in and around the courthouse. The judge used the court's interoffice mail system to distribute requests to court and county employees to collect signatures on a

Petition in Lieu of Filing Fees in support of his candidacy for reelection. The judge did not include a caution against solicitation of signatures during working hours in court facilities; when this was brought to his attention, he agreed to send a cautionary email and not to use any petitions circulated in this manner to county or court employees. In addition, he distributed a campaign brochure containing a photograph of himself and members of his judicial staff. He did not obtain the permission or consent of the staff before including the photograph in his brochure. When a complaint was made, he discontinued distribution of the brochure and reprinted it, omitting the photograph. The judge also engaged court employees and staff in conversations about his election campaign during working hours, including asking employees to obtain signatures on a petition in lieu of filing fees and asking employees for other assistance with his campaign. [*Public Censure and Bar of Former Judge Vincent J. McGraw* (2003).]

Judge Fletcher was removed from office for conduct that included taking and using a photograph of court personnel for campaign purposes. Judge Fletcher insisted, over the objections of several court personnel, that everyone participate in a photograph and secured their participation by stating that the picture was simply a personal memento, without disclosing his intent to use the photograph in his campaign for reelection. The judge later used the picture in a campaign advertisement. Taking and using the photograph without disclosure and consent were conduct prejudicial. [*Fletcher v. Commission on Judicial Performance* (1998) 19 Cal.4th 865.]

Judge Hiber was disciplined for engaging in a pattern of inappropriate conduct toward his courtroom clerk. In addition, Judge Hiber gave his clerk \$250 in cash and asked her to donate the money in her name to the campaign of a candidate for non-judicial office, creating the appearance that he was attempting to conceal that he was the source of a political contribution. The clerk did as the judge requested. [*Public Admonishment of Judge Harvey H. Hiber* (1998).]

### **Improper Use of Court Staff and Resources for Personal Purposes**

Judge Mills was publically admonished for speaking to a court clerk and a pro tem judge, through channels not available to the public, about his desired disposition of his son's infraction case. The judge's son had earlier pled guilty to a tobacco infraction and had been sentenced to perform volunteer work. The son did not complete the volunteer hours, however, because he entered an out-of-state residential rehabilitation program shortly after sentencing. An order to show cause for failure to complete the volunteer work was issued and set for hearing. On the day of the hearing, Judge Mills learned that the attorney engaged to appear at the OSC could not appear because of an emergency. In a nonpublic area of the courthouse, the judge approached the clerk working in the department in which the case was to be heard. He told her the attorney could not appear, discussed his desired resolution of the matter, and showed her documents pertaining to his son's participation in the rehabilitation program. Judge Mills later had a similar conversation with the pro tem judge, who would be hearing the case, in her chambers. The pro tem judge decided that participation in the program would fulfill the volunteer work requirement. The commission determined that the judge's conveying his desired disposition of his son's case to the clerk and the pro tem judge through channels not available to the public was prejudicial misconduct. [*Inquiry Concerning Judge Bruce Clayton Mills* (2013) 57 Cal.4th CJP Supp. 1.]

The judge used a court secretary to prepare personal correspondence and improperly used judicial stationery for the letters. In one of the letters, the judge abused the prestige of judicial office to advance the personal interests of another. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2011), Private Admonishment 2, p. 23.]

A judge failed to appreciate limits to the judge's role in certain matters. The judge enlisted court staff to drive a juvenile, whose case was pending before the judge, to a medical appointment. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2010), Private Admonishment 2, p. 24.]

In addition to other misconduct, Judge Coates was disciplined for having his judicial secretary prepare correspondence for personal purposes. The judge had previously been disciplined on two occasions for misuse of court resources and court employees. [*Public Admonishment of Judge Robert C. Coates* (2009).]

Judge Watson was disciplined for using court staff, court resources and court facilities for his personal real estate business. Over a four-year period, the judge sought and received help from his courtroom clerk with management of two rental properties he owned. The judge used the clerk as the contact person for tenants. She received and returned calls from tenants, made calls to businesses and a public agency, and occasionally exchanged faxes with realtors leasing one of the properties. The judge had his clerk prepare approximately 40 letters and legal notices in connection with the business. On a few occasions, the judge had his clerk and bailiff accept rental payments in the courtroom, and had courtroom staff provide receipts to tenants. The bailiff also received occasional calls from tenants. The judge also used chambers letterhead in connection with the business. [*Public Admonishment of Judge John M. Watson* (2006).]

Judge Coates was disciplined for conduct that included making extensive use of court secretaries and other court resources to generate personal correspondence and documents, which exceeded 100 in number. [*Public Admonishment of Judge Robert C. Coates* (2000).]

A judge engaged in a pattern of extensive use of court secretaries and other resources for purposes unrelated to court business, the law, the legal system or the administration of justice. [Com. on Jud. Performance, Ann. Rept. (2000), Advisory Letter 7, pp. 21-22.]

Judge Ross was censured for conduct including selling copies of his book, *I, Jesse James*, from chambers and through his bailiff to jurors and attorneys. Using his bailiffs was a misuse of public resources. [*Inquiry Concerning Judge James Randal Ross* (1998) 48 Cal.4th CJP Supp. 19.]

Judge Hyde was disciplined for the improper use of court resources and other misconduct. For three years, Judge Hyde had a court secretary perform extensive typing, photocopying, and other services in connection with a paralegal class which Judge Hyde taught at a local college. Over a four-year period, the judge had a court secretary send approximately 48 personal letters that were composed during the work day utilizing county computers. The judge had a court secretary type an "affidavit in lieu of appearance" that he submitted in connection with a complaint regarding a neighbor's dog. The judge also had a court secretary type up the judge's application for a federal

judgeship and then had a court attendant drive the application from Pleasanton to San Francisco using a county vehicle. Over a two-year period, the judge brought his elementary school-aged daughter to work on occasions and the court secretary and other employees assisted in watching her activities. On one occasion, a court employee picked up the daughter from a dental appointment during work hours because the judge was unable to leave court. Over a five-year period, the judge had the court secretary perform extensive secretarial and clerical work for a club the judge belonged to and for a charity the judge was involved in. Judge Hyde's conduct was determined to be conduct prejudicial. [*Censure of Judge D. Ronald Hyde* (1996).]

The judge used court staff to perform personal errands. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (1993), Private Admonishment F, p. 16.]

### **Favoritism and Nepotism**

A judge permitted the judge's close relative to remain employed in the judge's courtroom for a substantial period of time. [Com. on Jud. Performance, Ann. Rept. (2014), Advisory Letter 2, p. 22.]

Judge Edwards was disciplined for conduct including taking his clerk and the deputy marshal to lunch in his private plane; the court clerk did not return to the locked court facility until 2:45 p.m. to 3:00 p.m. because she was with the judge. The court executive officer asked to meet with the clerk about the incident. The day after that meeting, Judge Edwards wrote a letter to the court executive officer in which he stated, "If for some strange reason it is not abundantly clear, I am the one and the only one responsible for getting [the clerk] back to work by 1:00 p.m." The judge went on to state that he could take an employee to lunch, even an extended lunch, because "I am the employer and I can do that." The judge directed the court executive officer to take anything having to do with the incident out of the clerk's personnel file, and to pay her overtime for calling her into the court executive officer's office after work hours. [*Public Admonishment of Anthony C. Edwards* (2010).]

### **Improper Delegation of Authority**

In addition to other misconduct in handling traffic matters, the judge allowed court clerks in traffic matters to take pleas and impose sentences according to a fine schedule, without the involvement of a judicial officer. [Com. on Jud. Performance, Ann. Rept. (2015), Advisory Letter 19, p. 26.]

In traffic court, a judge allowed the judge's clerk to take pleas and impose sentences according to a fine schedule, while the judge was in chambers. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2014), Advisory Letter 25, p. 24.]

A judge delegated responsibility to conduct case management conferences to the judge's clerk. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2010), Private Admonishment 8, p. 24.]

A judge's use of a research attorney to confer with counsel regarding a motion appeared inconsistent with according the parties a full right to be heard and created an appearance of impropriety. [Com. on Jud. Performance, Ann. Rept. (2008), Advisory Letter 11, p. 27.]

Judge Sheldon was publicly admonished for abandoning his judicial duties, including, by allowing the attorneys to adjudicate the pretrial calendar in the judge's absence and without his participation. The judge also allowed his clerk to routinely stamp his signature on plea forms indicating that the defendant had been advised of and had waived his or her constitutional rights when the judge had not reviewed the form, questioned the defendant or made the purported findings. [*Inquiry Concerning Judge Christopher J. Sheldon* (1998) 48 Cal.4th CJP Supp. 46.]

### **Using Staff for Ex Parte Communications**

After conducting a hearing and making a ruling, a judge advised a litigant ex parte, through a court clerk, that the litigant could submit additional evidence. The opposing party was not informed of these discussions or that the judge's ruling might be changed. Later that day, the judge changed the ruling based on the judge's ex parte review of the additional evidence. [Com. on Jud. Performance, Ann. Rept. (2010), Advisory Letter 17, p. 26.]

A judge heard that a judgment debtor, who had failed to appear at a debtor's examination and therefore was subject to arrest, was going to be in the courthouse at a particular time on other business. Without notice to the debtor, the judge had a clerk telephone the plaintiff's attorney ex parte and set another debtor's examination at the time the debtor was expected to be at court. While the debtor was at the courthouse, the judge had the debtor escorted to the judge's courtroom for the examination. [Com. on Jud. Performance, Ann. Rept. (2010), Advisory Letter 18, p. 26.]

### **Failure to Properly Supervise Staff**

A judge failed to ensure that rulings were issued promptly and that attorneys and litigants were notified of scheduling changes. The judge blamed the clerk for these failures. The advisory letter concerned the judge's responsibility to supervise the clerk. [Com. on Jud. Performance, Ann. Rept. (1990), Advisory Letter 24, p. 24.]

A judge failed to recognize or take steps to correct serious problems in the clerk's office involving the mis-filing and loss of legal documents. The commission recommended that the judge seek help from the Administrative Office of the Courts. [Com. on Jud. Performance, Ann. Rept. (1989), Advisory Letter 23, p. 25.]

### **Mishandling Staff Conflicts**

On several occasions, a judge failed to disclose on the record the close personal relationship between a member of the judge's courtroom staff and an attorney appearing before the judge. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (2009), Advisory Letter 22, p. 20.]

A judge failed to disclose that a member of the judge's court staff was married to an attorney appearing in a case before the judge. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (1999), Advisory Letter 30, p. 24.]

A judge failed to disclose both that his law clerk was married to an attorney appearing before the judge and that the court had taken steps to avoid resulting conflict problems. [Com. on Jud. Performance, Ann. Rept. (1995), Advisory Letter 16, p. 25.]

In addition to other misconduct, the judge presided over the DUI case of the judge's own clerk. Although the prosecutor was aware of this and impliedly waived the disqualification, there should have been an on-the-record disclosure and written waiver of disqualification. [Com. on Jud. Performance, Ann. Rept. (1993), Private Admonishment C, p. 16.]

An attorney came to chambers before appearing on a motion. The attorney engaged in a personal cash transaction with a member of the court staff. The judge was not present during the transaction but was aware of it. Thereafter, the judge ruled in the attorney's favor. The commission was convinced there was no actual impropriety, but the circumstances created an appearance of impropriety. [Com. on Jud. Performance, Ann. Rept. (1991), Advisory Letter 15, p. 12.]

### **Intimate and Personal Relationships**

Judge Woodward was disciplined for engaging in an intimate relationship with a court clerk assigned to the judge's department and serving as his courtroom clerk. The judge did not attempt to ensure that he would not be working in the same courtroom with a clerk with whom he had an intimate relationship, and instead opposed and resisted any efforts to reassign her. The judge engaged in sexual activity with the clerk in chambers and in public places. On one occasion, while the judge was in the courtroom and off the bench during a break in proceedings, the judge made an inappropriate sexual gesture toward the clerk while, unbeknownst to the judge, a member of the public was present. The judge also used the court's computers to regularly exchange personal emails or texts that were not of an overtly sexual nature, but were unrelated to court business. The judge occasionally passed notes of a sexual nature to her during court proceedings. He allowed her to address him in an overly familiar manner in the courthouse in the presence of others. The judge's conduct involving the clerk was prejudicial misconduct. Judge Woodward was also disciplined for misleading court administration, his presiding judge and his supervising judge into believing that there was no need to reassign the clerk and about the nature of his relationship with the clerk. This conduct was determined to be willful misconduct. [*Censure of Judge Cory Woodward* (2014).]

Making inappropriate use of the judge's position of power, a judge engaged in a personal, non-professional relationship with a court employee, for the most part during the business day. The admonishment was severe. [Com. on Jud. Performance, Ann. Rept. (1989), Private Admonishment M, p. 22.]

## **Performing Favors for Staff**

Judge Danser was disciplined for conduct including transferring 24 traffic infraction cases to his court and then dismissing them. The defendants included friends and acquaintances of the judge and the father of the judge's court reporter. [*Censure and Bar of Judge William R. Danser* (2005).]

Former Judge Hermo was disciplined for actions undertaken to help his bailiff in avoiding suspension without pay for allowing a defendant to escape from the judge's courtroom. The judge was presiding over a criminal matter involving a misdemeanor Vehicle Code violation and alleged probation violations in four other misdemeanor cases. When the defendant failed to appear, the judge issued a bench warrant and set bail at \$20,000. The defendant subsequently appeared. After being remanded to custody, the defendant fled the courtroom and the judge increased the defendant's bail to \$175,000. The following day, at the request of his bailiff, Judge Hermo ordered the recall of the bench warrant and altered the court record by crossing out the order for bail and writing in "own recognizance" instead. Pursuant to a plea agreement, the judge pled no contest to aiding and abetting a person's escape after remand to the custody of a sheriff, a misdemeanor. The commission found the judge's conduct constituted willful misconduct. [*Public Censure and Bar of Former Judge Alfonso D. Hermo* (2001).]

A judge ordered the own recognizance release of the spouse of a member of the judge's staff after discussing the case with the employee and giving advice about the spouse's release. [Com. on Jud. Performance, Ann. Rept. (2000), Advisory Letter 1, p. 21.]

## **Interfering with Court Staff's Participation in Commission Investigation**

A judge's response to an inquiry from the commission lacked candor. The judge misinformed a member of court staff concerning the employee's obligation to speak with the commission and appeared to be attempting to influence the employee's interview with the commission. [Com. on Jud. Performance, Ann. Rept. (2000), Private Admonishment 2, p. 20.]

A judge received a severe advisory letter for poor demeanor and for conduct during the commission's investigation which may have appeared to be an attempt to influence court staff's participation in the investigation. [Com. on Jud. Performance, Ann. Rept. (1995), Advisory Letter 2, p. 24.]

## **Interfering with or Taking Over Staff's Function**

On multiple occasions, a judge spoke directly to defendants in Spanish—often on matters of substance and even when interpreters were present—in violation of Code of Civil Procedure section 185(a), which requires all judicial proceedings to be conducted in English. [Com. on Jud. Performance, Ann. Rept. (2006), Advisory Letter 16, p. 33.]

After refusing to cooperate with a judicial colleague and a court administrator, a judge defied a directive of the presiding judge of the court concerning a proceeding not pending before the judge. [Com. on Jud. Performance, Ann. Rept. (2005), Private Admonishment 4, p. 26.]

The judge improperly interfered with the orderly operation of the court by intervening repeatedly in personnel matters that were the responsibility of the court administrator, not the judge. There was additional misconduct. [Com. on Jud. Performance, Ann. Rept. (1993), Private Admonishment F, p. 16.]

*Rev. 4/2016*