

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION ISSUES
PUBLIC ADMONISHMENT OF JUDGE STUART SCOTT

The Commission on Judicial Performance has publicly admonished Judge Stuart Scott of the Santa Clara County Superior Court. The public admonishment concerns Judge Scott knowingly engaging in improper ex parte communication with a deputy district attorney about a case that was pending sentencing before him.

Shortly before noon on February 27, 2015, the jury returned a verdict finding the defendant guilty in a case which had been tried in Judge Scott's courtroom that week. The matter was set for sentencing at a future date. The same afternoon, Deputy District Attorney (DDA) Kelly Meeker, who had tried the case for the People, returned to the courtroom to pick up equipment she had left in the courtroom. Judge Scott, who was in the courtroom chatting with court personnel, asked DDA Meeker to speak with him. While standing in the doorway to Judge Scott's chambers, she told him that she was really looking forward to getting his feedback on her performance in trial, but that several people in her office had told her that it was necessary to wait until after sentencing. Judge Scott told DDA Meeker not to worry and that he and she would be "discreet," or words to that effect. Judge Scott then closed his chambers door and told her to sit down. In chambers, Judge Scott spoke to DDA Meeker about various topics and then they proceeded to discuss the case, including how DDA Meeker and the deputy public defender in the case had performed at trial, and what sentence might be imposed on the defendant. At the end of their conversation, as DDA Meeker left Judge Scott's chambers, he said, "This conversation never happened." Shortly thereafter, DDA Meeker reported the conversation to her supervisor.

The commission found Judge Scott's conduct was contrary to the prohibition on ex parte communications set forth in canon 3B(7) of the California Code of Judicial Ethics and that he deliberately engaged DDA Meeker in ex parte communication that violated her ethical obligations as an attorney. The commission found that Judge Scott's conduct also was contrary to canon 2A, which requires judges to conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, and that the conduct undermined the integrity of the judiciary and the fair administration of justice.

The public admonishment is available on the commission's website at <http://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents" and "Public Discipline & Decisions") and at the commission's office. Judge Scott is represented by attorney James A. Murphy of San Francisco.

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The commission is composed of three judges, two lawyers and six public members. The chairperson is Honorable Erica R. Yew of the Santa Clara County Superior Court. Judge Yew was recused in this matter. The vice-chairperson of the commission, Mr. Anthony P. Capozzi, presided over this matter.

For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.