

COMMISSION ON JUDICIAL PERFORMANCE
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JUDICIAL PERFORMANCE COMMISSION ISSUES DECISION AND ORDER
IMPOSING PUBLIC CENSURE OF JUDGE JOHN A. TRICE
PURSUANT TO STIPULATION

The Commission on Judicial Performance has issued a decision and order imposing public censure on Judge John A. Trice of the San Luis Obispo County Superior Court pursuant to stipulation (Commission Rule 127). Following the filing of a Notice of Formal Proceedings, Judge Trice, through his counsel, and the examiner for the commission proposed a Stipulation for Discipline by Consent (Stipulation) pursuant to Commission Rule 127(b). The Decision and Order Imposing Public Censure is issued pursuant to that Stipulation, which was approved by the commission.

Judge Trice was censured by the commission for failing to comply with a 1990 marital dissolution judgment requiring him to make payments to his ex-wife of her share of his military pension “as and when” the pension benefits were received. When the judge began receiving benefits in July 2012, he did not inform his ex-wife that he had retired from the military and was receiving benefits. Instead of making payments to her, for almost two years the judge made deposits approximating his ex-wife’s share into an account owned by the judge and his current wife. When his ex-wife retained counsel to receive her share of the benefits, the judge and his ex-wife entered into a stipulation addressing the pension arrears. Judge Trice was also disciplined for acting beyond his authority in directing which judge would be assigned to handle the stipulation and order in connection with the pension arrears. In addition, the judge was disciplined for attributing untrue statements to a court commissioner concerning advice about the pension benefits the judge said he received from the commissioner.

The commission stated that Judge Trice’s failure to comply with a court order that he make payments to his ex-wife when his military benefits were received was “an affront to the authority and dignity of the judicial system he serves.” Noting that it is a fundamental principle of our system of government that no person is above the law, the commission stated, “This principle is particularly important as applied to those who are sworn to uphold the law. Our society depends upon our citizens’ compliance with orders, decisions and judgments of our courts. That compliance, in turn, depends upon citizens’ respect for the courts. When a judge fails to comply with a judgment or order of the court, public respect for the institution of the judiciary and the rule of law is undermined.”

Judge Trice was also disciplined for a disparaging email exchange with a supervising judge about judicial calendar coverage, for intemperate conduct with a court executive officer

regarding court reporter assignments, and for failing to disqualify or disclose when a close friend appeared before him in court as defense counsel.

In determining that a public censure is the appropriate sanction, the commission took into consideration Judge Trice's acknowledgment of engaging in multiple incidents of misconduct as stated in the Stipulation, and his limited history of prior discipline during his 13 years on the bench (one advisory letter, the lowest level of discipline).

The commission's Decision and Order of Public Censure 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 Trice is represented by attorney Eugene G. Iredale of San Diego.

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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.

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