

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION ISSUES
PUBLIC ADMONISHMENT OF JUDGE GREGORY M. CASKEY

The Commission on Judicial Performance has issued a public admonishment to Judge Gregory M. Caskey of the Shasta County Superior Court. The admonishment is attached.

The commission is composed of six public members, three judges and two lawyers. The Chairperson is Robert C. Bonner, Esq. of Los Angeles, California. Presently, one public member position on the commission is vacant.

PUBLIC ADMONISHMENT OF JUDGE GREGORY M. CASKEY

The Commission on Judicial Performance has ordered Judge Gregory M. Caskey publicly admonished pursuant to Article VI, section 18(d) of the California Constitution and Commission Rule 115, as set forth in the following statement of facts and reasons found by the commission:

STATEMENT OF FACTS AND REASONS

In November 1997, Judge Gregory M. Caskey was regularly assigned to handle juvenile dependency matters. On the morning of November 6, 1997, Judge Caskey sent a message by electronic mail to an attorney who regularly appeared before him on those matters. The e-mail message concerned a case then pending before the judge, in which the attorney was appearing. The message read in part:

I am considering summarily rejecting [the father's attorney's] requests. Do you want me to let [the father's attorney] have a hearing on this, or do we cut [the attorney] off summarily and run the risk the third DCA reverses? I say screw [the father] and let's cut [the attorney] off without a hearing. O.K.? By the way, this message will self-destruct in five seconds...

Later that morning, the attorney sent the following e-mail reply:

Your honor, I don't feel comfortable responding ex-parte on how you should rule on a pending case.

Two hours later, the judge sent an e-mail response which read: "chicken."

On November 12, 1997, Judge Caskey sent the attorney another e-mail message. In this message, he solicited the attorney's views on the advisability of having children in court. He offered the attorney the opportunity to give an "unofficial" view. The judge continued:

On the other ex parte matter, I have decided to allow a hearing to be set on the 388 motion and not summarily deny it at this point. I think there is enough being raised in the psychiatrists [sic] declaration to support a hearing and that I would risk more problems if I summarily denied it. I'll set the hearing as soon as possible of course so we can move forward.

Later that day, the attorney provided a lengthy response, giving the attorney's views on the positive and negative aspects of having children in court, such as the obvious benefit of having children in court so that their attorney could talk to them there, if the attorney had not done so before the hearing. The attorney continued:

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As you know, [the attorney regularly appearing for children] doesn't even try to talk to the kids until after dispo, which in my mind is too late. The attorney should talk to them prior to juris to be sure the allegations are true and that the dispo orders are appropriate. Also, the kids themselves often have ideas about possible relative placements. Since [the attorney] doesn't speak to his clients, perhaps bringing the kids in to court would ensure he talks to them. Of course it would be a lot easier to just insist he talk to the kids before every hearing rather than dragging the kids in. If we were going to bring kids to court, I think the detention hearing would be a logical hearing, since there's no time to interview the kids before hand [sic] and [the attorney] could get input from the kids then. My druthers would be that [the attorney] do his job better, and avoid bringing in the kids unless they're testifying.

Judge Caskey's ex parte communications with an attorney about a case then pending before him, in which the attorney was appearing, was contrary to Canon 3B(7) of the Code of Judicial Ethics, which generally prohibits ex parte communications, and was contrary to Canon 2A, which provides that a judge "shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." The content of the judge's first message, in particular, suggested prejudgment of a matter before him; Judge Caskey's use of the words "we" and "let's" and his solicitation of the attorney's advice on how to handle the matter procedurally also suggested that he had aligned himself with one side in the proceeding. The language used in reference to the father gave the appearance of bias and animus, and was entirely inconsistent with a judge's obligations to be impartial and to maintain the dignity of the court. In his one-word response ("chicken") to the attorney's refusal to communicate about a pending case, the judge displayed a joking attitude toward the attorney's ethical concerns.

Judge Caskey's ex parte communications with the attorney about the perceived shortcomings of other attorneys appearing before the judge on dependency cases and about procedural aspects of other cases were also problematic. Such communications contributed to an impression that the judge was aligned with one side in matters before him.

In mitigation, the commission noted that Judge Caskey has a long record of distinguished judicial service and service in judicial education, that the judge has expressed remorse, and that the judge has no record of prior discipline.

The vote of the commission on issuance of the Public Admonishment was 8 ayes and 0 noes.