

COMMISSION ON JUDICIAL PERFORMANCE  
101 Howard Street, Suite 300  
San Francisco, CA 94105

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Contact: Victoria B. Henley  
Director/Chief Counsel  
(415) 904-3650

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FOR RELEASE  
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JUDICIAL PERFORMANCE COMMISSION ISSUES PUBLIC ADMONISHMENT OF  
JUDGE SIDNEY P. CHAPIN

The Commission on Judicial Performance has publicly admonished Judge Sidney P. Chapin of the Kern County Superior Court. The admonishment is attached.

The Commission is composed of six public members, three judges and two lawyers. The Chairperson is the Honorable William A. Masterson of the Court of Appeal, Second Appellate District in Los Angeles.

## PUBLIC ADMONISHMENT OF JUDGE SIDNEY P. CHAPIN

The Commission on Judicial Performance has ordered Judge Sidney P. Chapin publicly admonished for improper action within the meaning of 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.

On September 17, 1993, Judge Sidney P. Chapin presided over a one-day bench trial in *Aggen v. City of San Buenaventura*, which consolidated three petitions for mandamus by over 100 Ventura residents. The case, involving the residents' challenge to the validity of a tax assessment district, was a matter of considerable local interest. To accommodate the large audience for the bench trial, that proceeding was moved to the Board of Supervisors' meeting room. At the conclusion of the trial, the matter was taken under submission. Judge Chapin issued a tentative decision on December 13, 1993. By January 13, 1994, he had received from the parties a proposed statement of decision and judgment, and objections thereto.

For more than one year, from January 13, 1994 until April 24, 1995, Judge Chapin took no action in the case. On April 24, 1995, Judge Chapin issued an order setting a hearing for June 9, 1995 on the objections to the proposed decision. The hearing took place on June 9 as scheduled. Like the bench trial, it was heavily attended. On June 9, Judge Chapin told counsel for the parties that his decision would issue in 30 days. Shortly before the thirtieth day, under the headline "Judge Chapin Decision Expected Next Week," a local newspaper reported that "Keys waterfront property owners are eagerly anticipating a legal decision" by Judge Chapin, who had "announced that he would make his decision within 30 days" of the June 9 hearing.

No further proceedings were held after the hearing on June 9, 1995. Beginning in the fall of 1995, a paralegal who was assisting petitioners' counsel periodically inquired of court staff about the status of the case. A letter of April 18, 1996, from the Commission on Judicial Performance to Judge Chapin, advised him of a report that no decision had issued in *Aggen* and requested his comment. On April 30, 1996, over ten months after Judge Chapin announced that his decision would issue in 30 days, he issued his final decision and judgment.

In addition to *Aggen v. City of San Buenaventura*, Judge Chapin also was assigned to *Adams v. City of San Buenaventura*, an action for damages by some Ventura residents which involved some of the issues raised in *Aggen*. Since the outcome in *Aggen* would affect the *Adams* case, that case was stayed, pursuant to counsel's stipulation, pending a final decision in *Aggen*. Judge Chapin's delay in issuing his decision in *Aggen* thereby also delayed the *Adams* litigation.

Canon 3B(8) of the Code of Judicial Conduct requires judges to "dispose of all judicial matters fairly, promptly and efficiently." The Commentary to that canon states, in part:

A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs. . . . Prompt disposition of the court's business requires a

judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to require that court officials, litigants, and their lawyers cooperate with the judge to that end.

(Emphasis added.)

The delays by Judge Chapin, from January 13, 1994 to April 24, 1995 and from June 9, 1995 to April 30, 1996, exceeded two years. As of January 13, 1994, Judge Chapin was in possession of his tentative decision, a proposed statement of decision and judgment, and written objections. His delays in scheduling the hearing on the objections and in issuing his decision after that hearing were inordinate. In determining that public admonishment is the appropriate disposition in this matter, the commission took into account the length of the delays and the fact that the decision in question would affect the rights of numerous individuals in two cases.

The vote of the commission on issuance of the public admonishment was 6 ayes and 2 noes (three members were absent).