

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

**IN THE MATTER CONCERNING
JUDGE JOSEPH E. DI LORETO**

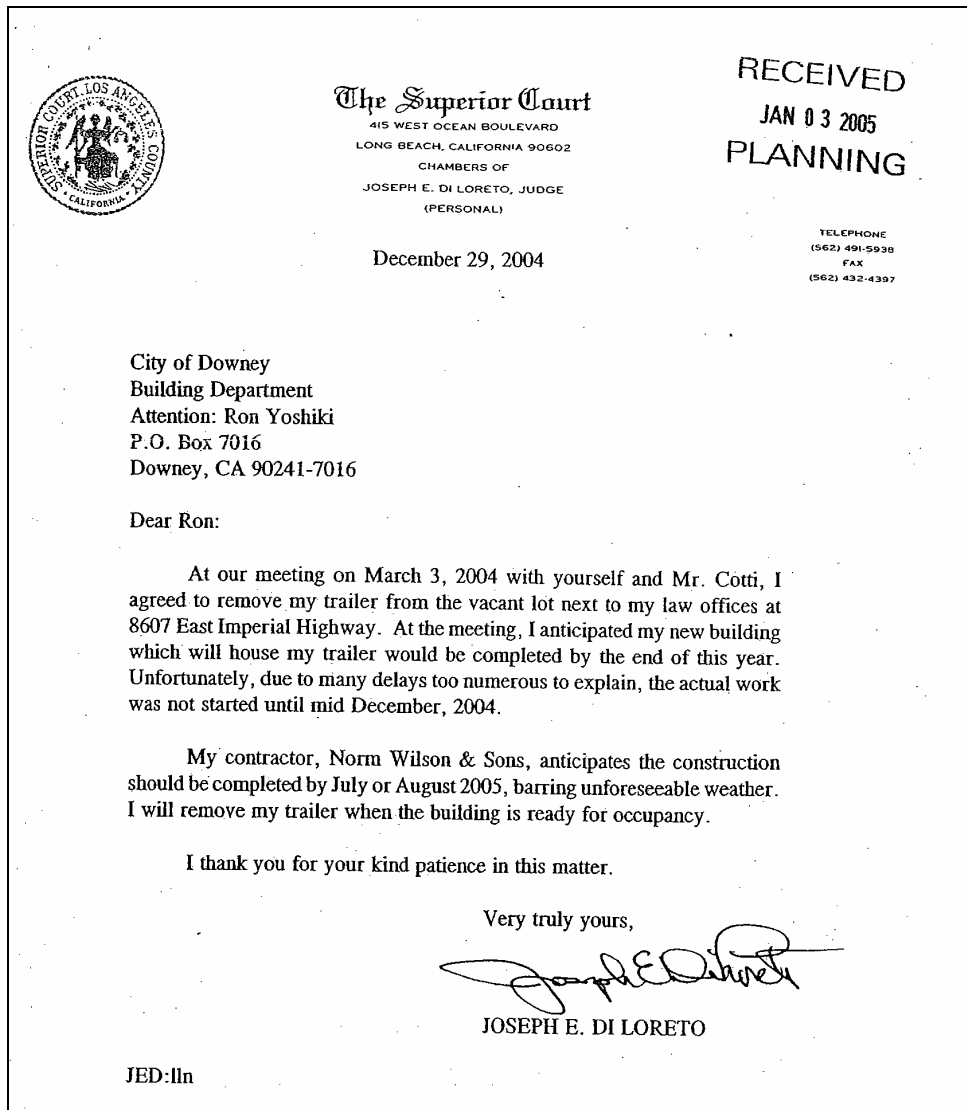
**DECISION AND ORDER IMPOSING
PUBLIC ADMONISHMENT**

This disciplinary matter concerns Judge Joseph E. Di Loreto, a judge of the Los Angeles County Superior Court since 1995, whose current term began in January 2003. Judge Di Loreto and his attorney, Edward P. George, Jr., Esq., appeared before the commission on May 10, 2006, pursuant to rule 116 of the Rules of the Commission on Judicial Performance, to contest the imposition of a public admonishment. Having considered the written and oral objections and argument submitted by Judge Di Loreto and his counsel, and good cause appearing, the Commission on Judicial Performance issues this public admonishment pursuant to article VI, section 18(d) of the California Constitution, based upon the following Statement of Facts and Reasons:

STATEMENT OF FACTS AND REASONS

Judge Di Loreto owns a vacant lot in Downey, California next to a commercial professional building he also owns. In November 2003, the City of Downey initiated a code enforcement action, based on an alleged violation of Downey Municipal Code sections 9144.08 and 9150.14 due to the presence of trailers and motor vehicles stored on the vacant property. In March 2004, Judge Di Loreto attended a meeting at the Downey Police Department regarding the alleged violations and agreed to remove the vehicles to avoid legal action. The city was represented at the meeting by a code enforcement officer, Mark Detterich, as well as the assistant director for community development/city planner, Ron Yoshiki, and the city prosecutor, John Cotti.

On December 29, 2004, Judge Di Loreto sent the following letter to the city planner, Ron Yoshiki:



The judge's letter, on "chambers" judicial stationery, with "The Superior Court" printed at the top, and with the court's address and official seal, expressly identified Judge Di Loreto as a judge; the letterhead bore the inscription "Joseph E. Di Loreto, Judge". In the letter, Judge Di Loreto sought an extension of time within which to remove his trailer and, implicitly, the forbearance of legal action. This December 29, 2004 letter was referred to in subsequent correspondence by another city employee and the City Attorney on behalf of the City of Downey regarding the dispute.

Judge Di Loreto's prior use of chambers judicial stationery resulted in discipline. This prior matter, in 2001, involved the use of chambers judicial stationery in a personal dispute over

ownership of a racing car with a “long-time personal friend” of the judge, a Mr. Barton. The stationery used was identical to that used in the December 29, 2004 letter to Mr. Yoshiki in the dispute with the City of Downey.

The commission issued an advisory letter to Judge Di Loreto in 2001 that stated, in pertinent part, as follows:

The commission expressed disapproval of your sending a letter on chambers judicial stationery to Robert Barton concerning a dispute between you and Mr. Barton with regard to ownership of a racing car. It was the commission’s view that this letter, asserting lawful ownership of property that was the subject of a dispute and dictating your preferred resolution, constituted a use of judicial stationery to advance a personal or pecuniary interest. Accordingly, the commission concluded, your letter was inconsistent with Canon 2B(2) of the Code of Judicial Ethics, which states that a judge shall not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge or others, and with Canon 2B(4), which states that a judge shall not use the judicial title in any written communication intended to advance the judge’s personal or pecuniary interests.

Judge Di Loreto’s use of chambers judicial stationery in the current matter concerning a private dispute as a property owner with the City of Downey, again violated canons 2B(2) and 2B(4). The fact that the printed judicial letterhead included a parenthetical “personal” is irrelevant, given that the court stationery was being used in the judge’s personal dispute with a governmental agency regarding his own property. Letters such as the one written by Judge Di Loreto regarding official governmental business typically are included in an official record that may be reviewed by other government employees and officials, and may be used as evidence in subsequent legal proceedings.

The propriety of using judicial stationery in personal disputes does not turn on whether or not the recipient already knows the author is a judge. Rather, the use of judicial stationery is prohibited under the canons in question because, in such circumstances, such use involves lending the prestige of office or the judicial title to advance personal or pecuniary interests.

In reaching its determination that public discipline was appropriate in this matter, the commission noted that Judge Di Loreto’s use of chambers judicial stationery in his dispute with the City of Downey was the same conduct that resulted in his 2001 advisory letter, and that the judge continues to advance the same justification for the improper behavior – the addressee knew the judge was a judge – that the commission rejected in 2001. In Judge Di Loreto’s opposition to the commission’s preliminary investigation letter in this matter, he asserted that since Mr. Yoshiki knew the judge was a judge, the use of the letterhead was appropriate. Indeed, in the

judge's written objections under rule 116 to the proposed public admonishment, he persisted in making the same assertion, which he repeated during his oral presentation to the commission on May 10, 2006.

Judge Di Loreto's use of judicial stationery for his December 29, 2004 letter to Mr. Yoshiki was, at a minimum, improper action.

Commission members Mr. Marshall B. Grossman, Judge Frederick P. Horn, Mr. Michael A. Kahn, Justice Judith D. McConnell, Ms. Patricia Miller, Mr. Jose Miramontes, Mrs. Penny Perez, Judge Risë Jones Pichon, Ms. Barbara Schraeger and Mr. Lawrence Simi voted for a public admonishment. Commission member Mrs. Crystal Lui did not participate.

Dated: June 13, 2006

/s/
Marshall B. Grossman
Chairperson