

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING FORMER
COMMISSIONER ANN DOBBS

DECISION AND ORDER IMPOSING
PUBLIC CENSURE AND BAR
PURSUANT TO STIPULATION
(Commission Rule 116.5)

This disciplinary matter concerns Ann Dobbs, a former commissioner of the Los Angeles County Superior Court. Former Commissioner Dobbs retired from the court on October 31, 2007. Former Commissioner Dobbs and her counsel, Heather L. Rosing, Esq., have stipulated pursuant to commission rule 116.5 to the imposition of a public censure and bar prohibiting former Commissioner Dobbs from seeking or holding judicial office, or accepting a position or an assignment as a judicial officer, subordinate judicial officer or judge pro tem with any court in the state of California, or accepting a reference of work from any California state court, at any time in the future. The Stipulation for Imposition of Censure and Bar (Stipulation) was approved by the commission on June 24, 2009, pursuant to the following terms and conditions as set forth in the Stipulation.

TERMS AND CONDITIONS OF STIPULATION

1. The Stipulation resolves the preliminary investigation out of which the preliminary investigation letter of December 10, 2008, arose.
2. The commission has jurisdiction over the matter pursuant to article VI, section 18.1, of the California Constitution. The allegations before the commission are sufficiently serious to warrant the institution of formal proceedings pursuant to that section of the Constitution.
3. The settlement provided by this agreement is in the best interests of both the commission and Ms. Dobbs because, among other reasons, it adequately protects the public and will avoid the delay and costs of formal proceedings.

4. The commission shall issue a censure and bar based on the agreed Stipulated Facts and Legal Conclusions set forth herein.

5. Ms. Dobbs resigned from her position as a court commissioner with the Los Angeles County Superior Court on October 31, 2007.

6. Ms. Dobbs shall not seek or hold judicial office, or accept a position or assignment as a judicial officer, subordinate judicial officer or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time in the future.

7. If Ms. Dobbs fails to comply with any of the terms and conditions of this agreement, the commission may withdraw the censure and bar and resume its investigation. Failure to comply with the terms and conditions of this agreement will constitute additional and independent grounds for discipline.

8. The commission may disclose to the State Bar of California all or any part of the information provided to the commission by the Los Angeles County Superior Court, and all or any part of the additional information obtained through the commission's preliminary investigation in this matter.

9. Ms. Dobbs waives any further proceedings and review in this matter, including any further response to either preliminary investigation letter (commission rule 111(a)), formal proceedings (commission rule 118, et seq.), and review by the California Supreme Court (Cal. Rules of Court, rule 9.60).

10. The commission may articulate the reasons for its decision in its decision and order imposing censure and bar.

STIPULATED FACTS AND LEGAL CONCLUSIONS

Ann Dobbs was a commissioner in the Family Law Department of the Los Angeles County Superior Court from March 2001 until October 31, 2007, when she retired. Commissioner Dobbs failed to decide numerous cases in a timely manner. In California, judicial officers are expected to decide cases within 90 days of the date they are taken under submission. When Commissioner Dobbs retired in 2007, 15 cases over which she had presided had been under submission for over 90 days without her having decided them, and another 14 cases that she had under submission for less than 90 days had not been decided. Commissioner Dobbs never decided any of these cases.

Under California law, judges are expected to decide matters submitted to them within 90 days of submission and are prohibited from receiving a salary while any cause remains “pending and undetermined for 90 days after it has been submitted for decision.” (Cal. Const., art. VI, § 19; *Mardikian v. Commission on Judicial Performance* (1985) 40 Cal.3d 473, 477, fn. 4.) While the 90-day period is not absolute, it has been used by the commission as a benchmark for determining delay in submitted cases. (See *Decision and Order Imposing Public Censure on Judge Robert B. Freedman* (2007) and *Decision and Order Removing Judge Robert G. Spitzer From Office* (2007).) Canon 3B(8) of the California Code of Judicial Ethics requires judges, including commissioners, to dispose of all judicial matters “fairly, promptly, and efficiently.” The Advisory Committee commentary to canon 3B(8) states that a judge “should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs,” and requires judges to be “expeditious in determining matters under submission.” The commission has stated that inordinate delay in deciding cases is unacceptable in all cases, but a judge’s failure to decide family law matters can be particularly egregious in light of the harm to the parties caused thereby. (*Public Reproval of Judge Thomas P. Breen* (1995).)

When Commissioner Dobbs was hired in 2001, the Los Angeles County Superior Court had a tracking system in place whereby reports were generated at the end of each month showing the cases each bench officer had under submission between 30 and 60 days, between 60 and 90 days, and for more than 90 days. These reports were, and still are, given to all bench officers of the Los Angeles County Superior Court each month.

Between 2003 and 2007, Commissioner Dobbs’s cases appeared in the 30-60-day and 60-90-day categories of the Cases Under Submission reports. Some of her cases were under submission for more than 90 days during that period.

At various times in 2006 and 2007, Commissioner Dobbs prepared the case status information for the cases under submission list herself, rather than allowing her courtroom clerk to do so. At times, her reporting did not accurately reflect the status of all of the cases she had under submission. Some cases Commissioner Dobbs had taken under submission never appeared on the Cases Under Submission reports, including some cases that were undecided for more than 90 days.

Between 2006 and 2007, the court transferred some of Commissioner Dobbs's newly assigned matters each week to another judge. Over the course of that period, a total of 354 cases were transferred. Commissioner Dobbs still did not complete all of her submitted cases on time. On two occasions in 2007, Commissioner Dobbs was given one week off during which she was to complete her submitted cases. During that time off, she did not complete any submitted cases.

To implement the provision of the California Constitution prohibiting a judge from receiving a salary while any case remains undecided for 90 days after it has been submitted for decision, judges are required to execute an affidavit attesting that they have no case pending for more than 90 days in order to receive a salary. (Gov. Code § 68210.) Although Commissioner Dobbs was not a judge, salary affidavits were distributed to all Los Angeles County Superior Court commissioners with their paychecks or direct deposit notices for signature each month. Between 2002 and 2007, Commissioner Dobbs did not sign any salary affidavits. The court did not realize until after her retirement that she had not been signing salary affidavits.

In 2007, Commissioner Dobbs's supervising judge sent her three complaints from family law litigants about her delays. Tracy Harris complained to the court on June 11, 2007, about Commissioner Dobbs's delay of nearly five years in ruling on her case. Commissioner Dobbs's supervising judge sent the Harris complaint to Commissioner Dobbs for her response on June 28, 2007. Suzanne Lynch complained to the court on August 13, 2007, about Commissioner Dobbs's delay of eleven months in ruling on her case. Commissioner Dobbs's supervising judge sent the Lynch complaint to Commissioner Dobbs for her response on September 5, 2007. Julia (Bandrapalli) Stokes complained on September 28, 2007, about Commissioner Dobbs's delay of six months in entering judgment on her case. Commissioner Dobbs's supervising judge sent the Bandrapalli complaint to Commissioner Dobbs for her response on October 12, 2007. While Commissioner Dobbs acknowledged her receipt of the complaints to her supervising judge, she failed to respond to the allegations in the three complaints.

When Commissioner Dobbs retired in October 2007, she agreed to complete work on undecided cases at home. Commissioner Dobbs took approximately 30 undecided

cases home with her. Of the cases Commissioner Dobbs took home with her, the following 15 had been under submission for over 90 days:

1. *Allain* (case no. BD 371793) submitted on March 1, 2006;
2. *Bannan* (case no. BD310701) submitted on June 26, 2005;
3. *Beurman* (case no. BD055815) submitted on July 16, 2007;
4. *Blackburn* (case no. BD116967) submitted in February 2003 and September 2005;
5. *Dvorin* (case no. YD048141) submission date unclear; date vacated by minute order dated September 22, 2006 but no new submission date set;
6. *Ellis* (case no. BD319194) submitted on July 13, 2005;
7. *Goldman* (case no. BD407997) submitted on November 17, 2006;
8. *Harris* (case no. BD322099) submitted on March 23, 2005 and August 29, 2007;
9. *Lynch* (case no. BD364093) submitted on November 2, 2006;
10. *Mullins* (case no. BD383098) submitted on July 23, 2007;
11. *Needleman* (case no. BD393615) submitted on July 20, 2007;
12. *Perez* (case no. BD379993) submitted on March 27, 2007;
13. *Polo* (case no. BD391297) submitted on February 7, 2007;
14. *Stott* (case no. YD046723) date of submission unclear, probably soon after May 1, 2007;
15. *Striff* (case no. PD037298) submitted on January 22, 2007.

Of the cases Commissioner Dobbs took home with her, the following 14 had been under submission for less than 90 days:

1. *Adger* (case no. BD391595) submitted on October 17, 2007;
2. *Allen* (case no. BD448597) submitted on August 16, 2007;
3. *Aronson* (case no. BD420664) submitted on October 23, 2007;
4. *Birdwell* (case no. BF017596) submitted on September 14, 2007;
5. *Cooper* (case no. BF026368) submitted on August 2, 2007;
6. *Di Paola* (case no. BD377295) submitted on August 29, 2007;
7. *Glassman* (case no. BD240596) submitted on October 31, 2007;
8. *Grifka* (case no. BD413029) submitted on August 29, 2007;
9. *Hamilton* (case no. BD375899) submitted on October 2, 2007;
10. *Kim* (case no. D229695) submitted on October 12, 2007;
11. *Locatell* (case no. BD390299) submitted on October 5, 2007;
12. *Moore* (case no. BD385251) submitted on October 19, 2007;
13. *Nielsen* (case no. BD4007195) submitted on October 22, 2007;
14. *Serrano* (case no. YD032093) submitted on October 26, 2007.

During the three months following her retirement, Commissioner Dobbs did not complete any of these cases. On January 31, 2008, the court retrieved all of the files she had taken home. Several judicial officers were required to review and complete Commissioner Dobbs's undecided cases. Mistrials were declared in at least 15 cases.

Some cases were decided based upon the reporter's transcript of previous proceedings before Commissioner Dobbs; however, a number of cases had to be retried.

Former Commissioner Dobbs has expressed both embarrassment and remorse for her delays in completing some of the matters she took under submission.

Former Commissioner Dobbs's conduct violated the Code of Judicial ethics, canons 1 (failing to observe high standards of conduct), 2A (failing to act at all times in a manner that promotes public confidence in the judiciary), 3B(8) (failing to dispose of all judicial matters fairly, promptly and efficiently), and 3C(1) (failing to cooperate with other judges and court officials in the administration of court business), and constituted prejudicial misconduct. Former Commissioner Dobbs's misconduct caused significant harm to family law litigants and to the court, and seriously undermined the integrity of the judiciary.

DISCIPLINE

Article VI, section 18, subsection (d) of the California Constitution provides that the commission may "censure a judge . . . for action . . . that constitutes . . . conduct prejudicial to the administration of justice that brings the judicial office into disrepute." Former Commissioner Dobbs concedes that she engaged in prejudicial misconduct.

The purpose of a commission disciplinary proceeding is not punishment, "but rather the protection of the public, the enforcement of rigorous standards of judicial conduct, and the maintenance of public confidence in the integrity . . . of the judicial system." (*Broadman v. Commission on Judicial Performance* (1998) 18 Cal.4th 1079, 1112, citing *Adams v. Commission on Judicial Performance* (1995) 10 Cal.4th 866, 912.) The commission believes that this purpose is best served by the discipline proposed in the Stipulation.

Commissioner Dobbs's failure to timely complete so many of her cases over a substantial period of time convinces the commission that there is a strong likelihood that the same pattern of delayed rulings on submitted matters would continue if she were to serve as a judicial officer in the future. Through her misconduct, the commissioner demonstrated an unconscionable disregard for the rights of litigants and the reputation of the judiciary. "Litigants and the public have a right to expect judges to take action on matters assigned to them in an expeditious and efficient manner. A judge's failure to act

deprives litigants of resolution of their disputes and grievances through the court system.” (*Inquiry Concerning Judge Robert G. Spitzer*, No. 182, Decision and Order Removing Judge Spitzer from Office (2007) at p. 13.) Commissioner Dobbs’s protracted delays have had a significant and palpable impact on the litigants, both financially and emotionally.

The judiciary has also been adversely impacted. Substantial and persistent failure to rule on submitted matters serves “to damage the esteem of the public for the judiciary.” (*In re Creede* (1986) 42 Cal.3d 1098, 1099; see also *Mardikian v. Commission on Judicial Performance* (1985) 40 Cal.3d 473, 482.) Moreover, Commissioner Dobbs’s delays required Los Angeles County Superior Court to expend its resources in investigating the delays and reassigning the commissioner’s undecided cases after she retired. Other judicial officers were required to review and decide the commissioner’s undecided matters and a number of cases had to be retried.

Accordingly, the commission concludes that the severe sanction of a public censure and bar is necessary for the protection of the public and the reputation of the judiciary. Good cause appearing, the commission hereby censures former Commissioner Ann Dobbs and bars her from receiving an assignment, appointment, or reference of work from any California state court.

Commission members Hon. Judith D. McConnell, Hon. Katherine Feinstein, Peter E. Flores, Esq., Marshall B. Grossman, Esq., Mr. Samuel A. Hardage, Hon. Frederick P. Horn, Ms. Barbara Schraeger, Ms. Maya Dillard Smith, Ms. Sandra Talcott, and Mr. Nathaniel Trives voted to issue this decision and order imposing a public censure and bar pursuant to the stipulated disposition. Commission member Mr. Lawrence Simi did not participate.

Dated: July 15, 2009


Honorable Judith D. McConnell
Chairperson

PROOF OF SERVICE

I, the undersigned, am a citizen of the United States, over the age of 18 years, and not a party to or interested in the within action. My business address is 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102. I declare as follows:

On July 15, 2009, I served the attached:

**DECISION AND ORDER
IMPOSING PUBLIC CENSURE AND BAR
PURSUANT TO STIPULATION
(Commission Rule 116.5)**

on all interested parties in this matter, by delivering a true copy as follows:

Heather L. Rosing, Esq.
Klinedinst PC
501 West Broadway, Suite 600
San Diego, California 92101
FAX: (619) 238-8707

- (BY U.S. MAIL)** I placed the original or a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid. I am readily familiar with our office's practice for collection and processing of correspondence for mailing with the United States Postal Service, that this mailing will be deposited with the United States Postal Service on this date in the ordinary course of business and that I sealed and placed each envelope for collection and mailing on this date following ordinary business practices.

- (BY FACSIMILE TRANSMISSION)** I caused such document to be transmitted to the addressee's facsimile number noted. The facsimile machine I used complied with Rule 2003(3) and the transmission was reported as complete and without error. Pursuant to Rule 2003(6), I caused the machine to print a transmission record of the facsimile transmission, a copy of which is attached to this declaration as required by Rule 2008(e)(4).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed by me on July 15, 2009 at San Francisco, California.


Judith R. Starks