



State of California
Commission on Judicial Performance
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April 11, 1994

Honorable Richard A. Haugner
Judge of the Superior Court
County of Alameda
1225 Fallon St.
Oakland, CA 94612-4293

Dear Judge Haugner:

The Commission on Judicial Performance has determined that you should be publicly reprovved for the following conduct:

"On May 27, 1993, Deputy Public Defender Jeffrey Adachi appeared before Judge Haugner at a hearing in People v. Spencer. As Mr. Adachi commenced his argument, Judge Haugner stated:

COURT: No, no. Listen, you filed your papers. . . . Do you have something to add to those papers which isn't in there, some brilliant case you found somewhere in the Upper Tokyo Reports or somewhere that nobody knows about, tell me about it. Otherwise there is no need to argue over what you already have.

The commission found that Judge Haugner's reference to "Upper Tokyo Reports" reflected insensitivity toward persons of Japanese-American ancestry and was offensive to Mr. Adachi. The commission further found that, regardless of Judge Haugner's intent in making the remark, it was suggestive of racial or ethnic bias.

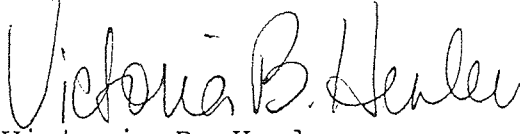
The commission also determined that Judge Haugner's conduct was contrary to the California Code of Judicial Conduct, i.e., Canon 3 (avoiding appearance of bias or prejudice), Canon 2 (preserving public confidence in the judiciary), and Canon 1 (maintaining high standards of conduct).

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The commission noted that Judge Haugner's conduct had led to negative publicity tending to diminish public confidence in the judiciary and bring the judiciary into disrepute."

This public reproval is being issued with your consent.

Very truly yours,



Victoria B. Henley
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Director-Chief Counsel

VBH:es/19194