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JAN 07 1998

Commission on  
Judicial Performance

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE  
PAMELA ROGERS,  
NO. 144.

NOTICE OF FORMAL PROCEEDINGS

To Pamela Rogers, a judge of the Los Angeles County Municipal Court, Antelope District, from January 3, 1995, to the present and at all relevant times therein:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in office, persistent failure or inability to perform your judicial duties, habitual intemperance in the use of intoxicants or drugs, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action within the meaning of Article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, to wit:

### COUNT ONE

You have been habitually intemperate in your use of drugs and dependent on prescription drugs including narcotics from before the beginning of your term of judicial office in January 1995 through at least April 1997. The drugs have been administered orally, intramuscularly, and intravenously, and include, among others: Demoral, Inderal, Morphine and MS Contin.

### COUNT TWO

Your use of medication (as set forth in Count One and incorporated herein by reference) has substantially interfered with the performance of your judicial duties from the beginning of your term of judicial office in January 1995 through at least April 1997, as exemplified by, but not limited to the following:

You have had excessive absences from work, kept irregular work hours, and failed to promptly notify court administration when you were not coming in to work. You have treated court staff and attorneys rudely. You have managed your court calendar inefficiently.

From the bench and in chambers, you have exhibited signs of being under the influence of drugs and/or of cognitive impairment, including, but not limited to, slurred and rambling speech, appearing to speak to an empty witness stand, emotional lability, poor short-term memory, and other bizarre conduct. Your behavior received notoriety, including adverse media attention.

### COUNT THREE

There have been submitted matters in your court which were ready for disposition but which remained undecided for excessive and unacceptable periods of time (i.e., in excess of 90 days) constituting inordinate delay. These cases include the following:

*Fox v. Palmdale*, case no. MS1342, a superior court law and motion matter, was submitted for decision on or about January 17, 1997, and remained undecided until late May 1997;

*Antelope Valley Newspapers, Inc. dba Antelope Valley Press v. Desert Mailer News*, case no. NOC10714, a superior court law and motion matter, was submitted for decision on or about January 17, 1997, and remained undecided by you until you recused yourself in late May 1997;

*Bakken v. Berry*, case no. MC7928, a superior court law and motion matter, was submitted for decision on or about January 31, 1997, and remained undecided until late May 1997;

*Miller v. Sitarek*, case no. 95C00982, a municipal court trial, was submitted on or about October 29, 1996, and remained undecided until approximately February 24, 1997;

*Gangwish v. Ryan*, case no. 93C02158, was submitted on or about December 4, 1996, and remained undecided until approximately April 29, 1997;

*Chemical Bank v. Winkelstein*, case no. 96C00126, was submitted on or about November 1, 1996, and remained undecided until approximately February 20, 1997;

*Johnson v. McMahan*, case no. MS 001725, in which motions were submitted in or about early February 1997, remained undecided until approximately late May 1997.

You received a judicial salary while these matters remained pending and undetermined for 90 days after submission for decision, in violation of California Constitution, article VI, section 19 and Government Code section 68210.

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 101 Howard Street, Suite 300, San Francisco, California 94105. The answer shall be verified and shall conform in style to subdivision (c) of rule 15 of the Rules on Appeal. The notice of formal proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This notice of formal proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: December 10, 1997

  
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CHAIRPERSON

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE  
PAMELA ROGERS, NO. 144.

ACKNOWLEDGEMENT OF SERVICE  
OF THE NOTICE OF FORMAL  
PROCEEDINGS

I, Judge Pamela Rogers, hereby waive personal service of the Notice of Formal Proceedings in Inquiry No. 144 and agree to accept service by mail. I acknowledge receipt of a copy of the Notice of Formal Proceedings by mail and, therefore, that I have been properly served pursuant to Rules of the Commission on Judicial Performance, rule 118 (c).

Dated: 1/6/98

Judge Pamela Rogers  
Respondent

by Stephen Margolis  
counsel for Pamela Rogers