

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION ISSUES
PUBLIC ADMONISHMENT OF JUDGE GARY P. RYAN

The Commission on Judicial Performance has publicly admonished Judge Gary P. Ryan of the Orange County Superior Court. The admonishment is attached.

The commission is composed of six public members, three judges and two lawyers. One of the public member positions is currently vacant. The Chairperson is the Honorable Daniel M. Hanlon of the Court of Appeal, First Appellate District in San Francisco.

PUBLIC ADMONISHMENT OF JUDGE GARY P. RYAN

The Commission on Judicial Performance has ordered Judge Gary P. Ryan publicly admonished pursuant to 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:

STATEMENT OF FACTS AND REASONS

Judge Ryan is a judge of the Orange County Superior Court; his term commenced in January 1995. He was previously a judge of the Orange County Municipal Court from January 1979 to December 1994.

On September 3, 1999, at approximately 10:30 p.m., a Jeep Grand Cherokee being driven by Judge Ryan rear-ended a Ford Expedition that was stopped at a red light at an intersection in Newport Beach. The impact resulted in some minor damage to the vehicles. No injuries were sustained by Judge Ryan or his passenger, or by the driver of the Ford or her 10-month-old daughter.

Judge Ryan was arrested on September 3, 1999, and was later charged with driving under the influence of alcohol (California Vehicle Code section 23152(a)) and driving with a blood alcohol level of 0.08 percent or more (California Vehicle Code section 23152(b)). Judge Ryan's blood alcohol level was measured at 0.17 percent.

On February 4, 2000, Judge Ryan pled guilty to both driving under the influence of alcohol charges. He was placed on three years informal probation and ordered to attend a first offender's alcohol program, perform 20 hours of community service, pay a mandatory fine, and comply with other conditions of probation. His driver's license was restricted for the first 90 days of the probation period to use for work and attending the alcohol program.

Judge Ryan's arrest and subsequent plea were the subject of numerous news articles, including in the *Los Angeles Times*, the *Orange County Register*, and the *Los Angeles Daily Journal*.

Judge Ryan's unlawful action described above evidenced a gross disregard of the principles of personal and official conduct embodied in the California Code of Judicial Ethics, including failure to observe high standards of conduct so that the integrity and independence of the judiciary will be preserved (canon 1), and failure to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (canon 2).

Judge Ryan's unlawful action described above also constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute. (California Constitution, Article VI, section 18(d).)

Judge Ryan also violated the Code of Judicial Ethics by failing to report the filing of the charges and his convictions to the Commission on Judicial Performance. A judge who is charged or convicted of a misdemeanor involving the personal use of alcohol is required to report that fact to the commission promptly and in writing (canon 3D(3)).

Commission members Justice Daniel M. Hanlon, Ms. Lara Bergthold, Mr. Mike Farrell, Ms. Gayle Gutierrez, Mr. Michael A. Kahn, Mr. Patrick M. Kelly, and Ms. Ramona Ripston voted to impose a public admonishment. Commission members Judge Madeleine I. Flier, Ms. Crystal Lui, and Judge Rise Jones Pichon voted against public admonishment and would have imposed a less severe sanction.