

FILED

JUN 25 1998

**Commission on
Judicial Performance**

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE
JOHN P. SHOOK,
NO. 148.

NOTICE OF FORMAL PROCEEDINGS

To John P. Shook, a judge of the Los Angeles County Superior Court from May 15, 1985, 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, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, improper action and dereliction of duty 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, and providing for barring a former judge who has been censured from receiving an

assignment, appointment, or reference of work from any California state court, to wit:

COUNT ONE

From approximately January 1989 through February 1996, when you were assigned to the Torrance courthouse in the Southwest District of the Los Angeles Superior Court, you appointed attorney Ben Sadler to represent criminal defendants in approximately 50 cases. During that time, you had a financial relationship with Mr. Sadler. Mr. Sadler was renting office space in a building owned by you and your wife.

From 1989 through May 1993, you appointed Mr. Sadler to approximately 28 cases that were paid through a countywide system called PACE (Professional Appointee Court Expenditure). When Mr. Sadler appeared before you on cases, you did not disclose the landlord-tenant relationship or disqualify yourself because of that relationship. You approved Mr. Sadler's attorney fees on PACE cases.

In mid-1993, you recommended Mr. Sadler's membership in an attorney appointment panel called SWIDP (Southwest Indigent Defense Panel) to SWIDP administrators. From approximately November 1993 through September 1995, you appointed Mr. Sadler to approximately 22 cases in which attorney fees were paid through SWIDP. Approximately 15 of the SWIDP appointments you made to Mr. Sadler were appointments which were not made according to the SWIDP attorney rotation list (called "collars"). Mr. Sadler received more "collar" appointments from all judges combined than did any other SWIDP attorney; and all but one of Mr. Sadler's "collar" appointments were made by you. You made more "collar" appointments to Mr. Sadler than you did to any other attorney.

Your conduct violated the former Code of Judicial Conduct (effective until October 5, 1992), canons 1, 2A, 2B, 3B(4), and 5C(1), and the former Codes of Judicial Conduct (effective beginning October 5, 1992), canons 1, 2A, 2B, 3C(4), and 4D(1).

COUNT TWO

Count One is incorporated by reference. From approximately 1989 through February 1996, you appointed attorney Robert Welbourn to represent criminal defendants in over 30 cases. During that time, you had a social relationship with Mr. Welbourn, including participating in several group cruises, and attending several small group dinners with Mr. Welbourn, one of which was at Mr. Welbourn's house. You also allowed Mr. Welbourn to pay for two lunches for you and your court staff. When Mr. Welbourn appeared before you, you did not disclose your social relationship with Mr. Welbourn or disqualify yourself because of that relationship.

In some PACE cases, you allowed Mr. Welbourn to bring his bills for attorney fees directly to you in chambers for your approval, in disregard of the PACE policy that before approval by a judge, attorney fees were to be submitted to PACE for review and evaluation. Your conduct violated the former Code of Judicial Conduct (effective until October 5, 1992), canons 1, 2A, 2B, 3B(4), and 3C, and the former Codes of Judicial Conduct (effective beginning October 5, 1992), canons 1, 2A, 2B, 3C(4), and 3E.

COUNT THREE

Count One is incorporated by reference. In approximately mid-1994, you had a telephone conversation with attorney Joel Oiknine, who was a prospective tenant in the office building owned by you and your wife. Mr. Oiknine expressed doubt that he could afford the rent. You ascertained that Mr. Oiknine's application to become a member of SWIDP had been denied. You told Mr. Oiknine that if he rented office space from you, he would receive appointments from you which would cover the rent.

Your conduct violated the former Code of Judicial Conduct, canons 1, 2A, 2B, 3C(4), and 4D(1).

COUNT FOUR

From approximately mid-1985 through 1988, when you were assigned to the Compton courthouse in the South Central District of the Los Angeles Superior Court, attorney Stanley Granville was appointed by you to represent criminal defendants in cases before you. On two occasions relevant to this time period, you allowed Mr. Granville to pay for lunch for you and your court staff. On one of those occasions, Mr. Granville used a limousine in which champagne was available to transport you and your staff to lunch.

Your conduct violated the former Code of Judicial Conduct, canons 1, 2A, 2B, and 3B(4).

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.

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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: June 15, 1998

Howe. Bonner
CHAIRPERSON

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Commission on
Judicial Performance

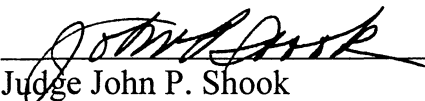
STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE
JOHN P. SHOOK, No. 148.

ACKNOWLEDGEMENT OF SERVICE
OF THE NOTICE OF FORMAL
PROCEEDINGS

I, Judge John P. Shook, hereby waive personal service of the Notice of Formal Proceedings in Inquiry No. 148 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: June 22, 1998



Judge John P. Shook
Respondent