

PUBLIC ADMONISHMENT OF JUDGE RONALD M. SOHIGIAN

The Commission on Judicial Performance has ordered Judge Ronald M. Sohigian 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 Sohigian has been a judge of the Los Angeles County Superior Court since October 1988. Judge Sohigian's current term began in January 2009.¹

Judge Sohigian treated attorneys in a sarcastic and belittling manner while presiding over proceedings in the civil case *DiBernardo v. Leight* (No. BC365900), as illustrated by the following:

- On April 28, 2011, the attorneys contended that they were not prepared for trial that day as the case had been trailing for trial for about a month and they had been told by another judicial officer that they would get several days of notice as to the start of trial. Judge Sohigian criticized them for being unprepared, and further stated they should have their materials and said, "Don't expect me to swallow that kind of thing. That is just [sic] that is preposterous. [¶] I mean, no – no lawyer with any – with any skill at all shows up here and says golly, I was just – I just walked out my office." (R.T. 64:20-24.)
- On April 29, 2011, after attorney Michael E. Leight objected to a question during examination of a witness and the judge overruled his objection, Mr. Leight said, "Your Honor, why is that not hearsay?" Judge Sohigian responded, "I'll explain it to you sometime when you pay tuition." (R.T. 190:13-15.)
- On March 22, 2012, during a colloquy about whether the plaintiff had failed to cite a statutory provision regarding authority to enforce a settlement, Judge Sohigian addressed Mr. Leight in a rude manner as follows:

THE COURT: Why should he mention it? It's already in the record.
Why should he say, by –

MR. LEIGHT: Because he has to notify the other side of the basis of the relief he's seeking.

THE COURT: He made a motion to enforce the settlement or, in the alternative, to have an O.S.C. issued regarding contempt. Does he have to go back and say, by the way, this is the statutory section?

¹ Judge Sohigian retired April 16, 2014. The Notice of Intended Public Admonishment in this matter was issued prior to his retirement.

MR. LEIGHT: Yes.

THE COURT: Particularly you're on the other side of the case.

MR. LEIGHT: Yes. He has to cite Authority.

THE COURT: You're a lawyer of some experience. Does he have – does he have to tell you, by the way, here, give me your finger, let me show you, I'll take you through – Here, right here, see – Does he have to do that? (R.T. 8:5-20.)

- On April 28, 2011, Judge Sohigian appeared to mock Mr. Leight's co-counsel for his role, asking him how long it would take to make his opening statement, "Or are you just going to say he's [Mr. Leight] going to make it, you're not going to do anything?" (R.T. 54:4-7.) The judge questioned each of the lawyers about whether they had exhausted the settlement possibilities, and said: "Now, if I ask that question to you, you're going to say I don't know. Ask Mr. Leight, right?" (R.T. 63:28 – 64:2.)

On February 15, 2013, Judge Sohigian treated plaintiff's counsel in *Avila v. Cervantes* (No. BC480543), in a sarcastic, belittling, and harsh manner, as illustrated by the following remarks. Judge Sohigian accused plaintiff's counsel in *Avila* of handling the case in a cavalier manner and stated at the outset of the hearing, in response to an unopposed request for a continuance, "I feel there's a certain amount of gamesmanship involved in showing up here a month before – pardon me – a trial date." (R.T. 1:20-22.) The judge later said that plaintiff's counsel was "now purporting to be concerned about her [client's pregnancy] condition and so forth, [and] didn't so much as show up [at the post-mediation status conference]." (R.T. 1:24-26.) After plaintiff's counsel argued that defense counsel had appeared and spoke on the plaintiff's behalf at the post-mediation conference, Judge Sohigian responded as follows:

THE COURT: Was that your understanding? Tell me what provision of law authorizes a lawyer to represent simultaneously conflicting interests. I would be interested in knowing authority on that. Or if you're running through the authority in your head right now, which you might be doing, tell me if you stumble upon in your own mind a massive body of authority that says that that's absolutely prohibited. Indeed, if it occurs, it's a basis for strict disciplinary measures, including such things as disbarment and so forth.

(R.T. 2:24 – 3:5.)

While the judge's references to disbarment and State Bar discipline do not constitute misconduct here, the commission finds the above sarcastic remarks regarding the attorney's knowledge of the law to be a violation of canon 3B(4).

Judge Sohigian's remarks during both of these proceedings were inconsistent with the judge's duty to be patient, dignified, and courteous to those with whom the judge deals in an

official capacity. (Canon 3B(4).) Judge Sohigian stated in his response to the commission that, with respect to party/attorney Michael E. Leight in *DiBernardo v. Leight*, he “intended that the things [he] said to Mr. Leight would curb his disrespectful and provocative behavior and would yet be short of a contempt citation.” Even when dealing with difficult litigants and counsel, however, Judge Sohigian was required to comport himself in accordance with the Code of Judicial Ethics. “The public looks to judges to set the tone of judicial proceedings. When a judge mistreats staff, belittles counsel or gives vent to his or her anger or frustration, the audience is not only concerned about the result in the specific matter before the court, but worries that other parties, lawyers, jurors and employees will be subjected to similar mistreatment.” (*Inquiry Concerning Judge Bruce Van Voorhis* (2003) 48 Cal.4th CJP Supp. 257, 312-313.)

Judge Sohigian’s conduct in the matters described above was, at a minimum, improper action.

In determining that a public admonishment was appropriate in this matter, the commission considered that Judge Sohigian has been the subject of prior discipline, including discipline for sarcastic and belittling treatment of those who appear before him. Judge Sohigian received a public admonishment in 2007 that addressed, in part, his rude treatment of an attorney. Judge Sohigian also received an advisory letter in 1991 for abusing his authority in sanctioning attorneys.

Commission members Anthony P. Capozzi, Esq., Ms. Mary Lou Aranguren, Nanci E. Nishimura, Esq., Hon. Ignazio J. Ruvolo, Mr. Lawrence J. Simi, Ms. Maya Dillard Smith, and Mr. Adam N. Torres voted to impose a public admonishment. Commission members Ms. Sandra Talcott and Hon. Erica R. Yew voted for a private admonishment. Commission member Mr. Richard Simpson voted to close the matter. Commission member Hon. Thomas M. Maddock did not participate.

Dated: May 13, 2014