

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

FILED
JUL 17 2017
COMMISSION ON
JUDICIAL PERFORMANCE

INQUIRY CONCERNING
JUDGE MICHAEL S. WILLIAMS,

No. 200

DECISION AND ORDER
IMPOSING PUBLIC CENSURE
PURSUANT TO STIPULATION
(Commission Rule 127)

I. INTRODUCTION AND SUMMARY

This disciplinary matter concerns Judge Michael S. Williams, a judge of the Napa County Superior Court. On June 14, 2017, the commission filed its Notice of Formal Proceedings (Notice) against Judge Williams in which it charges him with taking without permission at least two business card holders from The City Club of San Francisco while there attending a dinner held by the American Academy of Matrimonial Lawyers.

By Stipulation for Discipline by Consent (Stipulation), Judge Williams and his counsel, Edith R. Matthai, Esq., of Robie and Matthai, and the examiner for the commission, Mark A. Lizarraga, Esq., proposed that the commission resolve this matter by imposition of a censure, with the agreement that Judge Williams will tender his irrevocable resignation from office, effective December 5, 2017, and will not thereafter seek or hold judicial office, or accept a position or an assignment as a judicial officer, subordinate judicial officer or judge pro tem with any court in the State of California, or accept reference of work from any California state court. The judge has also agreed to take approved leave from the bench as of October 20, 2017. Pursuant to the Stipulation, Judge Williams waives any further proceedings and review in this matter, including formal proceedings (Rules of Com. on Jud. Performance, rule 118 et seq.) and review by the Supreme Court (Cal. Rules of Court, rule 9.60). (The Stipulation is attached to this decision.)

Pursuant to commission rule 127, the Stipulation was approved by the commission on July 12, 2017. Accordingly, the commission issues this censure based on the terms

and conditions of the Stipulation and based on the following Stipulated Facts and Legal Conclusions.

II. STIPULATED FACTS AND LEGAL CONCLUSIONS

Judge Michael S. Williams became a judge of the Napa County Superior Court in 2012. His current term began in January 2015. Judge Williams previously served as a court commissioner from 2001 to 2012.

Count One

On the evening of March 9, 2016, Judge Williams attended a “Judges’ Night” dinner held by the Northern California chapter of the American Academy of Matrimonial Lawyers (“AAML”) at The City Club of San Francisco. On his way out of the event, Judge Williams took two business card holders belonging to The City Club. The cardholders were sitting on a table near the elevators on the 10th floor of the building. The cardholders contained the business cards of the City Club’s managers. Judge Williams pocketed one cardholder, walked away, returned and took one more before taking an elevator down to the first floor. The cardholders were consistent with the art deco décor of The City Club, were of value to The City Club and its managers, and were estimated by The City Club to be worth between \$30 and \$50 each.

On March 28, 2016, an AAML Fellow told Judge Williams that he had been seen on video taking the cardholders and suggested that he return them to The City Club and self-report. On March 29, 2016, Judge Williams sent a package to The City Club that contained the cardholders and a letter of apology. In the letter, Judge Williams wrote, “I have no excuse but that I had a couple of glasses of wine and was not thinking of what I was doing.” On March 30, 2016, Judge Williams sent the Commission on Judicial Performance a letter stating that on an “unexplainable impulse” he had taken two cardholders as he was leaving a bar dinner in San Francisco a couple weeks previously, but that he had returned them. Judge Williams later wrote to the commission that he took the cardholders so that he could display some “joke business cards” that he and a friend had printed about 40 years ago and that he recently found.

Judge Williams expresses deep remorse, embarrassment and regret over his actions.

Judge Williams's conduct violated the Code of Judicial Ethics, canons 1, 2, and 2A, and was conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Prior Discipline

Judge Williams has no prior discipline.

III. DISCIPLINE

Article VI, section 18, subsection (d) of the California Constitution provides that the commission may "censure a judge . . . for action . . . that constitutes . . . conduct prejudicial to the administration of justice that brings the judicial office into disrepute." Judge Williams concedes that he engaged in prejudicial misconduct.

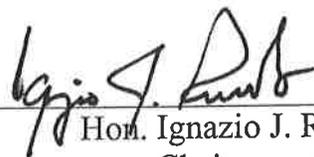
The purpose of a commission disciplinary proceeding is not punishment, "but rather the protection of the public, the enforcement of rigorous standards of judicial conduct, and the maintenance of public confidence in the integrity . . . of the judicial system." (*Broadman v. Commission on Judicial Performance* (1998) 18 Cal.4th 1079, 1112, citing *Adams v. Commission on Judicial Performance* (1995) 10 Cal.4th 866, 912.) The commission believes that this purpose is best served by the discipline proposed in the Stipulation.

Judge Williams's conduct seriously undermines public confidence in the integrity of the judiciary. The judge's agreement to resign effective December 5, 2017, and not to seek or hold judicial office thereafter affords protection to the public and the reputation of the judiciary in the most expeditious manner by avoiding the delay of further proceedings.¹ Accordingly, we impose this censure pursuant to the terms and conditions of the attached Stipulation.

¹ Commission rules for formal proceedings provide for the appointment of special masters, an evidentiary hearing before the special masters, the filing of a special masters' report, briefing to the commission, and an appearance before the commission prior to the issuance of a commission decision. (Rules of Com. on Jud. Performance, rules 121, 123,

Commission members Hon. Ignazio J. Ruvolo; Mr. Richard Simpson; Ms. Mary Lou Aranguren; Anthony P. Capozzi, Esq.; Hon. Michael B. Harper; Ms. Sarah Kruer Jager; Ms. Patty A. Kasparian; Dr. Michael A. Moodian; Nanci E. Nishimura, Esq.; and Mr. Adam N. Torres voted to issue this decision and order imposing a public censure pursuant to the Stipulation. Commission member Hon. Erica R. Yew was recused.

Date: July 17, 2017



Hon. Ignazio J. Ruvolo
Chairperson

129, 130, 132, 134.) The commission notes that if this Stipulation were not accepted, this process would not be completed before December 5, 2017.

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INQUIRY CONCERNING
JUDGE MICHAEL S. WILLIAMS,

No. 200

STIPULATION FOR DISCIPLINE
BY CONSENT (Rule 127)

Pursuant to Rules of the Commission on Judicial Performance, rule 127, Judge Michael S. Williams of the Napa County Superior Court, represented by counsel Edith R. Matthai of Robie and Matthai, and commission examiner Mark A. Lizarraga, Esq. ("the parties") submit this proposed disposition of Inquiry No. 200. The parties request that the commission resolve this matter by imposition of a censure; a resignation from office effective December 5, 2017; and an agreement that Judge Williams will not seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time after December 5, 2017.

The parties believe that the settlement provided by this agreement is in the best interests of the commission and Judge Williams because, among other reasons, in light of the stipulated facts and legal conclusions, and the judge's agreement to resign from office and not to serve as a judicial officer after his resignation, a censure adequately protects the public and will avoid the delay and expense of further proceedings. In addition, in the absence of a stipulated disposition, commission proceedings could not be completed before December 5, 2017. Should Judge Williams resign before commission proceedings

are concluded, the highest discipline that the commission could impose would be a censure and a bar which, in effect, is the disposition proposed by this stipulation.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the Inquiry Concerning Judge Williams, No. 200.
2. The commission shall issue a censure based on the agreed Stipulated Facts and Legal Conclusions set forth herein.
3. If the commission accepts this proposed disposition, the commission's decision and order imposing censure may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.
4. Judge Williams waives any further proceedings and review in this matter, including formal proceedings (commission rule 118, et seq.) and review by the Supreme Court (Cal. Rules of Court, rule 9.60).
5. Pursuant to this agreement, Judge Williams has agreed to irrevocably resign from his position as a judge effective December 5, 2017. He also has agreed to be absent from the bench after October 19, 2017, and represents that he has sufficient leave time to be absent from the bench between October 20, 2017 and his permanent resignation date of December 5, 2017, and that his presiding judge will allow him to be absent from October 20, 2017, until his permanent resignation date of December 5, 2017.
6. Judge Williams also agrees that he will not seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time after December 5, 2017.
7. If Judge Williams attempts to serve in a judicial capacity in violation of the foregoing paragraph, the commission may withdraw the censure and reinstitute formal proceedings as to all of the charges in the notice of formal proceedings. The commission may also refer the matter to the State Bar of California.
8. If Judge Williams fails to resign in accordance with this agreement, the commission may withdraw the censure and resume its formal proceedings as to all of the

charges in the notice of formal proceedings. Failure to comply with the terms and conditions of this agreement may also constitute additional and independent grounds for discipline.

9. The commission may reject this proposed disposition and continue with the formal proceedings. If the commission does so, nothing in this proposed disposition will be deemed to be admitted by Judge Williams.

Accordingly, it is hereby stipulated and agreed that the commission shall issue a censure on the above Terms and Conditions of Agreement, and based on the following Stipulated Facts and Legal Conclusions:

STIPULATED FACTS AND LEGAL CONCLUSIONS

Judge Michael S. Williams became a judge of the Napa County Superior Court in 2012. His current term began in January 2015. Judge Williams previously served as a court commissioner from 2001 to 2012.

Count One

On the evening of March 9, 2016, Judge Williams attended a "Judges' Night" dinner held by the Northern California chapter of the American Academy of Matrimonial Lawyers ("AAML") at The City Club of San Francisco. On his way out of the event, Judge Williams took two business card holders belonging to The City Club. The cardholders were sitting on a table near the elevators on the 10th floor of the building. The cardholders contained the business cards of the City Club's managers. Judge Williams pocketed one cardholder, walked away, returned and took one more before taking an elevator down to the first floor. The cardholders were consistent with the art deco décor of The City Club, were of value to The City Club and its managers, and were estimated by The City Club to be worth between \$30 and \$50 each.

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was doing.” On March 30, 2016, Judge Williams sent the Commission on Judicial Performance a letter stating that on an “unexplainable impulse” he had taken two cardholders as he was leaving a bar dinner in San Francisco a couple weeks previously, but that he had returned them. Judge Williams later wrote to the commission that he took the cardholders so that he could display some “joke business cards” that he and a friend had printed about 40 years ago and that he recently found.

Judge Williams expresses deep remorse, embarrassment and regret over his actions.

Judge Williams’s conduct violated the Code of Judicial Ethics, canons 1, 2, and 2A, and was conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Prior Discipline

Judge Williams has no prior discipline.

By signing this stipulation, in addition to consenting to discipline on the terms set forth, Judge Williams expressly admits that the foregoing facts are true and that he agrees with the stated legal conclusions.

Dated: June 27, 2017



Judge Michael S. Williams
Respondent

Dated: July 6, 2017



Edith R. Matthai, Esq.
Attorney for Judge Williams

Dated: July 7, 2017



Mark A. Lizarraga, Esq.
Examiner

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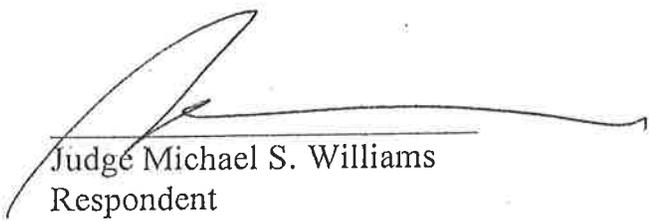
No. 200

STIPULATION FOR DISCIPLINE
BY CONSENT (Rule 127)

Pursuant to Rules of the Commission on Judicial Performance, rule 127(d), Judge Michael S. Williams submits the following affidavit of consent:

1. I consent to a public censure; agree not to seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time after December 5, 2017; agree to irrevocably resign from judicial office, effective December 5, 2017; and agree to be absent from the bench after October 19, 2017, as set forth in the Stipulation for Discipline by Consent.
2. My consent is freely and voluntarily rendered.
3. I admit the truth of the charges in Count One of the Notice of Formal Proceedings only to the extent specifically set forth in the Stipulation for Discipline by Consent.
4. I waive all further proceedings and review by the Supreme Court.

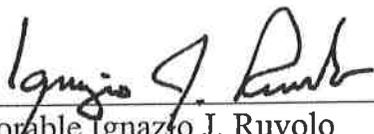
I declare under penalty of perjury that the foregoing is true and correct. Executed this 27 day of June, 2017.


Judge Michael S. Williams
Respondent

ACCEPTANCE OF STIPULATION FOR IMPOSITION OF DISCIPLINE
IN THE INQUIRY CONCERNING JUDGE MICHAEL S. WILLIAMS, NO. 200

The foregoing Stipulation for Discipline by Consent is accepted by the
Commission on Judicial Performance.

Dated: July 13, 2017



Honorable Ignazio J. Ruvolo
Chairperson
Commission on Judicial Performance