

*State of California*  
**Commission on Judicial Performance**  
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September 8, 1992

Honorable Bruce Van Voorhis  
Judge of the Municipal Court  
Walnut Creek-Danville Municipal Court  
640 Ygnacio Valley Road  
Walnut Creek, CA 94596

Dear Judge Van Voorhis:

The Commission on Judicial Performance has determined that you should be publicly reproved for the conduct set forth below:

You created the appearance of prejudgment, contrary to Canon 2A of the Code of Judicial Conduct, on the following occasion:

In November, 1990, in a criminal case, you created the appearance of prejudgment in your discussion of the case in open court by improperly predicting the outcome of the case.

You engaged in unauthorized ex parte communications, contrary to Canon 3A(4) of the Code of Judicial Conduct, on the following occasions:

In December, 1990, in a probation violation matter, you improperly engaged in an unauthorized ex parte communication concerning a pending proceeding when you telephoned an attorney from court. You asked the attorney whether he had advised the defendant, who was appearing before you pro per, that a guilty plea on a charge in another county could result in separate punishment for violation of probation. Your communication gave the appearance of improper interference with an attorney-client relationship.

For several months prior to approximately January, 1991, you engaged or attempted to engage in unauthorized ex parte communications concerning pending cases by personally making telephone calls to defendants who did not appear in court; you

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explained to the commission that your purpose was to reschedule the defendants' appearances and that you were able to reschedule appearances.

You failed to fulfill your judicial responsibility to be patient, dignified and courteous to those with whom you deal in an official capacity, contrary to Canon 3A(3) of the Code of Judicial Conduct, on the following occasions:

In two criminal cases in May, 1989 and April, 1990, your conduct during questioning of a potential juror in each case caused that person to perceive a lack of sensitivity and to feel intimidated by your questioning.

In October, 1991, when arrangements for the loaning of the neighboring court reporter faltered, you entered the adjoining courtroom through a side door wearing your judicial robe and immediately directed that the court reporter be sent to your courtroom. Your inappropriate interruption of the proceedings was an abuse of authority.

On two occasions, you gave directions to your court staff in a manner which was perceived as harsh.

In two criminal cases in December, 1989 and December, 1990, you used a sarcastic and intimidating tone toward the attorneys appearing before you when they requested continuances.

You impaired public confidence in the integrity of the judiciary and brought the judiciary into disrepute through the following conduct:

Prior to your election campaign in 1986, you and your wife were divorced, but continued to live together. During your first judicial election campaign in 1986, you referred to her as "my'wife<sup>11</sup>" in your literature and in public. In making that reference, you misinformed the public of your actual marital status.

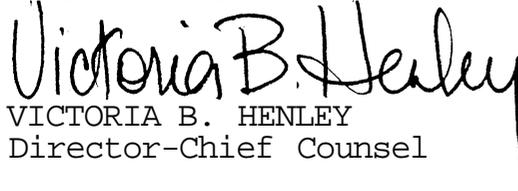
The above conduct warranted discipline under Article VI, section 18(f)(2) of the California Constitution. In particular, it was conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

In determining that a public reproof would be adequate discipline, the commission considered the absence of prior discipline, your recognition that you should have handled the

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incidents differently, and your assurance that this conduct will not be repeated. This public reproof is being issued with your consent.

Very truly yours,

  
VICTORIA B. HENLEY  
Director-Chief Counsel

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