

**STATE OF CALIFORNIA**  
**BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE**

**IN THE MATTER CONCERNING  
JUDGE JOHN D. LORD**

**DECISION AND ORDER IMPOSING  
PUBLIC ADMONISHMENT**

This disciplinary matter concerns Judge John D. Lord, a judge of the Los Angeles County Superior Court. Judge Lord and his attorney, Edith R. Matthai, appeared before the commission on March 28, 2018, to object to the imposition of a public admonishment, pursuant to rule 116 of the Rules of the Commission on Judicial Performance. Judge Lord has waived his right to formal proceedings under rule 118 and to review by the Supreme Court. Having considered the written and oral objections and argument submitted by Judge Lord and his counsel, and good cause appearing, the Commission on Judicial Performance issues this public admonishment pursuant to article VI, section 18(d) of the California Constitution, based on the following statement of facts and conclusions.

**STATEMENT OF FACTS AND CONCLUSIONS**

In 2015, Judge Lord presided over the trial in the misdemeanor domestic violence case *People v. Roberts*. In February 2015, the jury found defendant Melvin Roberts guilty. The defendant subsequently filed a motion for a new trial. Prior to the April 2015 hearing on the motion for a new trial, Judge Lord commented publicly on the pending *Roberts* case to a reporter, and his comments were published in a March 26, 2015 article ("*Domestic Violence Judge Questioned*") in the Grunion Gazette. The reporter discussed with Judge Lord the judge's refusal to issue a protective order, and Judge Lord offered a reason for why he denied the request for such an order during sentencing, as follows: "I

wanted everything to remain the status quo until we had a chance to review the issue at the motion for a new trial.” In response to the reporter’s question about the perception that he was giving the defense an argument needed for a retrial, the judge stated the following: “No, I wasn’t quite doing that. I was expecting a motion for a new trial. It is not that unusual to make that motion, no matter what the circumstances of the case. This one had at least an arguable issue for appeal, and I thought it would be brought up.”

Judge Lord’s public comments regarding the pending *Roberts* case violated canon 3B(9)’s prohibition against public comment by judges regarding pending cases. Judge Lord’s comments, at a minimum, created the impression that he was defending his statements and rulings in *Roberts* and may have also created the appearance that he was embroiled in the *Roberts* case. (*Broadman v. Commission on Judicial Performance* (1998) 18 Cal.4th 1079, 1101 [“A judge’s public comment on a pending case threatens the state’s interest in maintaining public confidence in the judiciary . . . . Such comments may also create the public impression that the judge has abandoned the judicial role to become an advocate for the judge’s own ruling or for the position advanced by one of the parties”].)

When Judge Lord later presided over the April 14, 2015 new trial hearing in the *Roberts* case, he made a discourteous remark in open court about the domestic violence victim. After the People stated that they were renewing their request for a California Law Enforcement Telecommunication System (CLETS) protective order, “just like is typically issued in virtually every domestic violence case,” Judge Lord responded, in part, as follows:

THE COURT: So I don’t understand why there is such a huge difference between Ms. Sarres [in reference to a separate case, *People v. Ernesto Oliver Sarres*], who is roughly the same age as Mrs. Roberts – Ms. Sarres has as her perpetrator a convicted felon, long history of violence, Ms. Sarres gets almost no protection from the City Prosecutor’s office whereas Mrs. Roberts, who’s as white as a piece of wonder bread, gets all kinds of protection and attention from the prosecution office.

(R.T. 28:17-24.)

Judge Lord argues that he perceived disparate treatment of the victims in the *Sarres* and *Roberts* cases. Judge Lord was obligated to address his concerns consistent with the Code of Judicial Ethics. His flippant remark about the victim in the *Roberts* case being “as white as a piece of wonder bread” was inconsistent with canon 3B(4), which requires judges to be patient, dignified, and courteous to those with whom they deal in an official capacity, and may have furthered the appearance that the judge was embroiled in the *Roberts* case.

In considering the appropriate level of discipline, Judge Lord’s prior discipline was a significant factor in the commission’s determination. In 2016, Judge Lord received a private admonishment addressing his conduct that gave rise to an appearance of embroilment with a criminal defense attorney, including his improper initiation of a contempt proceeding against that attorney, which the judge never resolved. Judge Lord also received an advisory letter in 2011 for making statements in the presence of the jury to the effect that the pro per criminal defendant was misrepresenting facts and engaging in “gamesmanship.”

Judge Lord’s conduct was, at a minimum, improper action.

Commission members Nanci E. Nishimura, Esq.; Anthony P. Capozzi, Esq.; Ms. Sarah Kruer Jager; Dr. Michael A. Moodian; Hon. Ignazio J. Ruvolo; and Mr. Adam N. Torres voted for issuance of the public admonishment. Commission members Ms. Mary Lou Aranguren and Hon. Erica R. Yew voted for a private admonishment. Commission members Mr. Eduardo De La Riva, Hon. Michael B. Harper and Ms. Pattyl A. Kasparian did not participate.

Dated: April 11, 2018



Nanci E. Nishimura  
Chairperson