

COMMISSION ON JUDICIAL PERFORMANCE  
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FOR RELEASE  
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JUDICIAL PERFORMANCE COMMISSION ISSUES  
DECISION AND ORDER IMPOSING PUBLIC CENSURE AND BAR OF  
FORMER JUDGE BRUCE CLAYTON MILLS

The Commission on Judicial Performance has issued a decision and order imposing public censure on former Contra Costa County Superior Court Judge Bruce Clayton Mills and barring him from seeking or holding judicial office, or accepting assignments, appointments, or references of work from any California state court. Judge Mills retired on May 30, 2018.

The commission found that Judge Mills engaged in three instances of willful misconduct. On August 16, 2016, in the matter of *Evilsizor v. Sweeney*, Judge Mills sentenced the defendant, who had been found in contempt, to 25 days in jail. Later that day, after the sheriff's department questioned whether the sentencing order included good time credits, Judge Mills modified the sentence to deny good time credits to the defendant without notifying the parties. The commission concluded Judge Mills consciously disregarded the limits of his authority by issuing an order involving a deprivation of liberty based on an ex parte communication and without providing the parties with notice or an opportunity to be heard.

On August 25, 2016, in the same matter, Judge Mills issued another sentencing order, this time granting the defendant good time credits because of the defendant's past litigation history and complaints to the commission, not because the judge believed the defendant was legally entitled to the credits. The commission's decision states, "Deciding an issue for reasons unconnected to the merits displays no compliance with the law, undermines the integrity and independence of the judiciary, and deprives litigants the opportunity to have their matters adjudicated in accordance with the law."

The commission found that Judge Mills gave varying and inconsistent statements to suit his evolving defenses in the *Sweeney* matter.

The commission concluded Judge Mills engaged in a third act of willful misconduct while presiding over a driving under the influence trial in *People v. Jeffers* in March of 2016. As the jury was deliberating, Judge Mills engaged in a conversation with the deputy district attorney (DDA) outside the presence of the defendant and defense counsel, during which the judge asked the DDA if he wanted to know what Judge Mills would have done. The judge then spoke to the DDA about an argument that might have defeated the defense theory of the case. The jury deadlocked. The DDA reported the conversation to his supervisor the next day. Judge Mills subsequently disclosed the conversation to the parties in the courtroom, and recused from the matter. The commission concluded that by offering advice to an attorney in a case before the

judge, outside the presence of opposing counsel and while the matter was pending, Judge Mills engaged in an improper ex parte communication. The commission also found he did so with a conscious disregard for the limits of his authority, noting that the commission has disciplined the judge in the past for improper ex parte communications.

The commission has previously disciplined Judge Mills five times. Given his extensive history of discipline, the seriousness of the misconduct in the present matter, the judge's failure to appreciate the impropriety of his conduct, and his lack of candor as evidenced by his shifting explanations for his conduct, the commission concluded that there was a strong likelihood that Judge Mills will engage in subsequent misconduct if he were to serve in a judicial capacity in the future. In order to protect the public and maintain public confidence in the integrity and independence of the judicial system, the commission imposed a censure and bar, the most severe level of discipline that the commission may impose on a retired judge.

Former Judge Mills is represented by James A. Murphy, Esq., Janet L. Everson, Esq., and Joseph S. Leveroni, Esq., of Murphy Pearson Bradley & Feeney in San Francisco.

The commission's Decision and Order Imposing Public Censure and Bar is available on the commission's website at <http://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents" and "Public Discipline & Decisions") and at the commission's office.

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The commission is composed of six public members, three judges, and two lawyers. The chairperson is Nanci E. Nishimura, Esq.

For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.