STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE JOHN T. LAETTNER, No. 203	NOTICE OF FORMAL PROCEEDINGS

To John T. Laettner, a judge of the Contra Costa County Superior Court from March 2006 to the present:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action within the meaning of article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, to wit:

COUNT ONE

On May 18, 2017, you presided over a hearing in *People v. Stephanie Imlay*, Nos. 1-168690-6, 1-171881-6, 1-171945-9, 1-178881-9, and 1-181712-1. The defendant was present and out of custody, having been released on bail in all five cases. The bail

amounts ranged from $4,000 to $20,000. At the outset of the hearing, the defendant's attorney, Deputy Public Defender (DPD) Krista Della-Piana, told you that Ms. Imlay was going to plead guilty to misdemeanor automobile theft in one case and that the other cases would be dismissed. You asked counsel to approach the bench, where you stated that you believed Ms. Imlay was under the influence of a controlled substance, such that she could not enter a change of plea as planned, and directed a law enforcement officer present in your courtroom (Sergeant Garrett Schiro) to examine the defendant to determine whether she was under the influence. Sergeant Schiro left the courtroom with the defendant. After he examined the defendant, Sergeant Schiro returned to your department, where you engaged in a private, ex parte conversation with him about his examination. Sergeant Schiro told you that Ms. Imlay had admitted "using" the night before, and that it was his opinion she was under the influence of a controlled substance. Based upon your ex parte conversation with Sergeant Schiro, you announced that the defendant's conduct had violated "her OR release," that you were going to remand her, and that you would impose sentence and address other issues on May 23, 2017. Although DPD Della-Piana pointed out to you that the defendant had been released on bail and not on her own recognizance (OR), and objected to the defendant being taken into custody, you remanded the defendant without exonerating, revoking, or increasing bail.

After the hearing, and outside the presence of the parties, you abused your authority by directing that the minute orders in each case reflect that bail was exonerated and reset at $25,000. By increasing bail in the defendant's absence and without a hearing on the appropriate bail amount, you failed to accord the defendant and her attorney the full right to be heard according to law.

On May 23, 2017, DPD Della-Piana argued to you in chambers that Ms. Imlay needed to be released because she had been unlawfully remanded. You rejected Ms. Della-Piana's argument. On the record, you set one case for a preliminary hearing and put the other cases over to May 25, 2017.

On May 25, 2017, you requested that Deputy District Attorney (DDA) Jun Fernandez speak with you in chambers regarding Ms. Imlay's cases. You did not ask Ms. Della-Piana to accompany Mr. Fernandez to your chambers. You subsequently had an ex parte communication regarding Ms. Imlay's cases with Mr. Fernandez in chambers. During the conversation, you asked DDA Fernandez what he wanted to do in light of the absence of the defendant's waiver of her rights pursuant to *People v. Arbuckle* (1978) 22 Cal.3d 749. DDA Fernandez told you that if there was no *Arbuckle* waiver in a case, the case had to be transferred. Subsequently, on the record, you transferred case number 1-168690-6 to Judge Bruce Mills. Although you told the parties that your clerk had brought to your attention the fact that the defendant had not signed an advisement of rights, waiver, and plea form, which includes an *Arbuckle* waiver, you did not promptly notify DPD Della-Piana of your ex parte communication with DDA Fernandez.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(7), and 3B(8).

COUNT TWO

You engaged in a pattern of conduct towards DPD Krista Della-Piana that was unwelcome, undignified, discourteous, and offensive, and that would reasonably be perceived as sexual harassment or sexual discrimination, as follows.

A. In approximately May 2016, after you presided over a contested disposition hearing in which DPD Della-Piana represented a juvenile, you told Ms. Della-Piana, "Sometimes having you in here is like having a teenage daughter – you constantly argue with me and you just keep talk, talk, talking until you get what you want," or words to that effect. When Ms. Della-Piana reacted adversely, you added, "But I like it – it's a compliment. Take a compliment," or words to that effect.

B. On August 5, 2016, during a hearing regarding administering involuntary medication to a minor in *In re the Matter of Eric B.* (No. J15-00781), you winked at Ms. Della-Piana and later called her to the bench (without the deputy district attorney) to ask her if she saw you winking at her.

C. On August 24, 2016, you presided over a hearing in *In re the Matter of Lauryn G.*, No. J15-00105. Lauryn G.'s assigned attorney, DPD Karen Moghtader, was unable to appear and Ms. Della-Piana appeared for her. When the matter was called, the minor had not yet appeared and Ms. Della-Piana asked you, off the record, to pass the matter until later in the calendar. You agreed. Ms. Della-Piana then informed you that Ms. Moghtader would be available when the case was called again, and would appear on Lauryn G.'s behalf. You told Ms. Della-Piana, "No – I would rather it be you," or words to that effect. When Ms. Della-Piana told you that you did not get to decide who appeared on Lauryn G.'s behalf, you replied, "Well, I'm saying I would rather it be you," or words to that effect. When Lauryn G. arrived, Ms. Della-Piana appeared with her. Ms. Della-Piana informed you that there were only two dates on which Ms. Moghtader would be unavailable for a contested probation violation hearing. You refused to set the next hearing on any date when Ms. Moghtader was available and instead set the next hearing on a date that you knew she was unavailable.

D. On or about October 12, 2016, Ms. Della-Piana looked into your courtroom to see if she could speak with her colleague who was engaged in a felony jury trial there (*People v. Mark Pike*, No. 5-161223-3). When she realized that the parties were on the record (although the prospective jurors were not in the courtroom), Ms. Della-Piana walked away. You subsequently left the bench, walked out of your courtroom, stopped Ms. Della-Piana in the hallway, and engaged her in an ex parte conversation, while the prospective jurors continued to wait outside your courtroom. During this conversation, you told Ms. Della-Piana that you knew she was frustrated with you regarding your involuntary medication order in *In re Eric B.*, *supra*, and explained your order on the basis that you had a family member who was mentally ill, and who did not get better until she was medicated, so you knew what it takes to "fix" them, or words to that effect. You further commented to Ms. Della-Piana that you noticed how happy she was when you ordered Eric B. released from custody, that you know from her face when she is happy with you, and that you liked it when you caused her to have a "happy" face. You also asked Ms. Della-Piana to "cut [you] some slack," or words to that effect, because you

were doing what was best for her client, and then told her, "I like to see you happy," or words to that effect.

E. On June 8, 2017, you told your clerk that you wanted to see Ms. Della-Piana in chambers. When Ms. Della-Piana came to your chambers, you spoke to her, ex parte, regarding the proceedings which had occurred in *People v. Stephanie Imlay*, *supra*. (The allegations in count one are incorporated by reference.) You told Ms. Della-Piana that you did not want "things to be bad between" you, and that you did not want to be "mad at each other," or words to that effect. You told Ms. Della-Piana that you felt bad because she was mad at you and had yelled at you about your ex parte communication with DDA Fernandez. You told Ms. Della-Piana that her objections on the record made you feel bad. You told Ms. Della-Piana that "it's different" with her and that you did not "want to lose that," or words to that effect. You told Ms. Della-Piana that while you usually try not to spend time with attorneys who appear in front of you, it was different with her. You told Ms. Della-Piana she was losing her sense of humor in felony cases. With regard to your speaking with DDA Fernandez in chambers, you told Ms. Della-Piana that you could not believe that she did not trust you enough to know that you would never do anything unethical. You told Ms. Della-Piana that, when she had accused you of misconduct for speaking in chambers with Mr. Fernandez without her being present, you felt as if one of your own children was accusing you of hurting them. You told Ms. Della-Piana that "this really shook" you, or words to that effect, and you had been thinking about it ever since. You told Ms. Della-Piana that it made you sad to think that she would not come to your courtroom and did not want to see you. You told Ms. Della-Piana that when you passed her in the hallway on June 7, 2017, you tried to catch her eye and smile in an effort to communicate to her that you were not mad at her anymore. You told Ms. Della-Piana that, when she looked away, you could not tell whether or not she was looking away on purpose, but that it made you feel better to think she looked away on purpose because that meant that perhaps she was thinking "about it, too," or words to that effect. You also told Ms. Della-Piana that she had "every right" to be mad at you, but that you had been mad at her during the *Imlay* case because you were trying to help

her client, when she just wanted her client out of custody. You also told her that you had asked DDA Fernandez to come into chambers with you because you were mad at Ms. Della-Piana, were not ready to be in her presence, knew exactly what she was going to say, did not want to hear it, and was not ready to hear it. When Ms. Della-Piana attempted to conclude the conversation, you told her that she was a "hard" one and that her parents did not "spank" her enough as a child, or words to that effect.

F. In 2016 and 2017, on several occasions after contentious hearings in juvenile court during which you made rulings adverse to her clients, you asked Ms. Della-Piana to approach the bench without the deputy district attorney, and said things like "I know you're mad at me," and "I don't like to see your face like that."

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 2B(1), 3, 3B(2), 3B(4), 3B(5), 3B(7), and 3C(1).

COUNT THREE

In *People v. Harlan Ventura*, No. 1-142819-2, the defendant was arrested after the Probation Department filed a petition to revoke the defendant's probation. On October 31, 2013, you ordered that the defendant be released on OR and to return to court the next day.

On November 1, 2013, the defendant's attorney, DPD Jermel Thomas, filed a peremptory challenge against you pursuant to Code of Civil Procedure section 170.6. Ms. Thomas then appeared before you with the defendant, who remained in custody due to an Immigration and Customs Enforcement hold. Ms. Thomas told you that she had "filed a paper[]" and asked for a hearing date. You set two hearing dates, but made no order on the record changing the defendant's custody status. After the hearing, you told your clerk that the defendant was remanded, even though there were no grounds to remand the defendant. When the defendant next appeared before you on November 8, 2013, you agreed to order the defendant's release on OR only if the defendant agreed to enroll in a program offered by A Step Forward.

By revoking the defendant's OR release in the defendant's absence and without a hearing, you abused your authority, failed to accord the defendant and his attorney the

full right to be heard according to law, and gave the appearance that you were retaliating for the filing of a peremptory challenge against you.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(7), and 3B(8).

COUNT FOUR

You made unwelcome, undignified, discourteous, and offensive comments, some of which would reasonably be perceived as sexual harassment or sexual discrimination, to and about other female attorneys who appeared before you, as follows.

A. Between approximately October 2007 and June 2008, you repeatedly asked DPD Sarah MonPere personal questions, such as whether she had a boyfriend or intended to have children. After Ms. MonPere carried a defendant's baby from your courtroom so the defendant could enter her plea, you repeatedly commented to Ms. MonPere about how natural she looked holding a baby or child. You repeatedly told Ms. MonPere that she could get anything she wanted from you and that you could not say "no" to her. You also told other attorneys that she was your "favorite." You referred to Ms. MonPere as the "teacher's pet" in your courtroom and once made a statement to the effect that Ms. MonPere had you "on a chain."

B. In approximately 2012, you asked DPD Kim Mayer to approach the bench alone. In a tone and with a demeanor that was suggestive and inappropriate, you told her that you had just found out who her husband was and that you were the same age as her husband, who was 14 years older than Ms. Mayer.

C. On March 11, 2013, in *People v. Jacob Pastega*, No. 5-121870-0, you presided over a hearing on a petition to revoke Mr. Pastega's probation. Mr. Pastega was represented at the hearing by DPD Mayer. During the hearing, you repeatedly reprimanded Ms. Mayer for allegedly interrupting you, demeaned her by asking her if she knew what a proffer was, and told her not to argue with you when she replied that she knew what a proffer was and that she was not making a proffer. Although you had not seen the petition, you told Ms. Mayer, "[W]hile you make representations like you are

all-knowing and know everything with regard to this petition, you don't." You then engaged in the following exchange with Ms. Mayer:

> THE COURT: I'm perfectly willing to have Mr. Pastega go to another dual-diagnosis program called Solidarity, and this matter will be continued until next week.
>
> MS. MAYER: Actually, Judge, that's fine. We can continue this to next week, but --
>
> THE COURT: You interrupted me again; didn't you? Will you stop doing that? It is so annoying. You have no idea.
>
> MS. MAYER: No, I think I do. You make it very clear.
>
> THE COURT: You know, I'm just this close to holding you -- holding you in contempt. Do you want me to do that? It's like you're asking me to do that.
>
> MS. MAYER: I feel like I'm doing my job.
>
> THE COURT: Do you want me to do that?
>
> MS. MAYER: I'll speak when I'm allowed to speak. I feel like I'm doing my job the best I can in this department.

D. On November 1, 2013, after you heard *People v. Harlan Ventura*, *supra*, you presided over *People v. Henry Williams*, No. 5-305615-7. DPD Wayne James represented Mr. Williams at a previous hearing, and DPD Christy Wills Pierce represented Mr. Williams at this one. After Mr. Williams admitted violating a term of his probation, you stated that you were "going to order search and seizure and counseling as directed and drug and alcohol testing." DPD Pierce told you that DPD James had not written those conditions in his notes, and asked that you "not order the counseling as directed." You denied the request and stated: "I talked to Mr. James about search and seizure, counseling as directed, and alcohol testing." DPD Pierce also told you that the only testing that would be appropriate was alcohol testing and that she did not "see that there's anything in here related to drugs." You stated that you were "going to order drug and alcohol testing as directed." When DPD Pierce asked you, "What would be the basis for the drug testing?," you replied in a loud and angry voice: "Our prior discussions with

regard to this case. I know you're coming in late. I'm not going to pretry every case all over again just because you're here today."

After the calendar ended, you called DPD Pierce up to the bench to apologize for getting so angry and yelling at her. You also told her, "It just makes me so mad and angry when your friend talks to me like that," or words to that effect. You explained that, by "friend," you meant DPD Jermel Thomas, who had been in the courtroom earlier in the day and had filed a challenge against you, pursuant to Code of Civil Procedure section 170.6.

E. From approximately January 2014 until approximately January 2017, you repeatedly compared DPD Nicole Herron to a British actress named Caroline Catz who appeared in a television show called "Doc Martin." You told Ms. Herron on at least a dozen occasions that you had seen her (Ms. Herron) on television the night before, or that you had watched her show. It appeared that your intention was to repeatedly comment on Ms. Herron's physical appearance. You also frequently commented that Ms. Herron was "someone I just can't say no to," the "best attorney in the public defender's office," the "best attorney in the juvenile division," and your "favorite attorney."

F. From approximately 2014 to 2018, one of your duties was to preside over the criminal grand jury. During that period, DDA Devon Bell was often the prosecutor who escorted the grand jurors to the grand jury room after they were selected. On several occasions, after you selected a grand jury, you told grand jurors that she was "beautiful," that she was one of your favorite attorneys, and that you liked to say that you "married Ms. Bell" because you performed her wedding ceremony. You made these remarks in Ms. Bell's presence, as well as before she arrived in the courtroom. You also joked to the grand jurors that Ms. Bell was a member of the district attorney's volleyball team or the women's volleyball team.

G. In approximately 2017, you commented to DPD Emi Young, who is part Japanese, that you knew some "very beautiful half-Japanese twins in college," or words to that effect. You also asked her intrusive questions about her racial ancestry, background, and upbringing.

H. In approximately 2017, when someone came to your department looking for DPD Emi Young and did not know what she looked like, you told the person to look for "the young attractive Asian woman," or words to that effect.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 2B(1), 3B(4), 3B(5), and 3C(1).

COUNT FIVE

You made unwelcome, undignified, discourteous, and offensive comments to and about other women who appeared or worked in your courtroom, some of which would reasonably be perceived as sexual harassment or sexual discrimination, as follows.

A. Court reporter Jennifer Michel was assigned to your department between approximately 2006 and July 2017. You often made comments to Ms. Michel about her physical appearance, such as, "You're so pretty – I don't know how you do it." On one occasion, in approximately 2010, you ordered Ms. Michel to come to your chambers to put a matter on the record. When Ms. Michel came to your chambers, no attorneys were present. Ms. Michel asked you whether you wanted the attorneys on the matter present, or just Ms. Michel. You responded, "Well, you are hot," or words to that effect.

B. On January 25, 2013, you presided over a restitution hearing in a domestic violence case (No. 02-304201-7). DPD Christy Pierce represented the defendant. Near the end of the hearing, you asked the defendant whether he "got something out of" a 52-week class that he had completed as a condition of probation. When the defendant told you that he had gotten a lot out of the class and that "[w]e have to learn[,]" you responded, "On a lighter note, I can take judicial notice that women can drive you crazy." You then laughed. On or about February 1, 2013, when DPD Pierce told you in chambers that your remarks were inappropriate and made her feel demeaned as a woman, you told her that judges can get in trouble or "fired" for making jokes like that.

C. On December 7, 2015, in *In re Avery S.*, No. J13-01289, you engaged in a lengthy discussion with Avery S.'s mother about her tattoos. You told her that she was a "pretty woman[,]" but that when you initially saw her tattoos, you "thought, oh, crap, look at all of those tattoos."

D. You presided over the juvenile matter of *In re the Matter of Vanessa W.*, No. J14-00233. Vanessa had been involved in an automobile accident and had admitted a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of 0.08% or more). On June 3, 2016, you told Vanessa, off the record, that she was "beautiful" or "pretty," and expressed concern that she could have sustained permanent scarring to her face during the accident. During discussions in chambers regarding Vanessa, you told counsel that Vanessa is "such a pretty girl," or words to that effect. On January 12, 2017, during another hearing regarding Vanessa W., you rejected DDA Adam McConney's suggestion that Vanessa be remanded into custody. After the hearing, you asked DDA McConney and DPD Rory McHale to approach the bench. At the bench you stated that you wanted to explain your decision not to remand Vanessa W. You stated that you had presided over matters regarding Vanessa W. for a number of years. You then stated the following, or words to that effect: "She used to be really cute, back when she was 14. I remember thinking that that girl should be a cheerleader or something. I don't know what happened to her recently though. Maybe drugs are having some effect."

E. You often told other female defendants charged with driving under the influence that they were pretty, and that they should not drink and drive or they might get scars. On March 8, 2017, in *People v. Hannah Thompson*, No. 1-178757-1, the defendant pled no contest to a charge of driving under the influence of alcohol after she was involved in a minor collision. After imposing sentence, you told Ms. Thompson in open court that she reminded you of someone who appeared in front of you many years ago, and that that person saw the scars on her face from a drunk driving accident every time she looked in the mirror. You told Ms. Thompson that she was "a pretty girl," that it looked like she was okay, and that she was very lucky.

F. On June 16, 2017, in *People v. Thalia Hernandez*, No. 166810-2, you placed the defendant on diversion. The defendant was wearing a tank top, so that her tattoos were visible. You engaged the defendant in an off-the-record discussion regarding her tattoos. You told Ms. Hernandez that, when you were her age, tattoos meant something.

When Ms. Hernandez told you that she tried to have her tattoos mean something, too, you commented that tattoos on military and navy personnel have special meaning. You then told Ms. Hernandez that she might want to cover up her tattoos if she was looking for a job. You also made comments to Ms. Hernandez about other people getting tattoos, including that you did not understand why "fat people" get tattoos and or what "fat people" are thinking when they get tattoos. The latter comments were not directed at Ms. Hernandez.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(4), 3B(5), and 3C(1).

COUNT SIX

While presiding over *In re the Matter of Victor E.*, No. J15-00011, you made statements that gave the appearance of prejudgment and that would reasonably be perceived as bias or prejudice, as follows.

A. On May 6, 2015, you adjudged Victor E. to be a ward of the court and placed him on home supervision for 120 days. While announcing the disposition, you stated: "I'm also ordering that your [15-year old] girlfriend is not to reside at your home."

On June 2, 2015, you presided over Erika N.'s truancy case on the Student Attendance Review Board (SARB) calendar. (No. J15-00091.) Erika N. was Victor E.'s girlfriend. During the hearing, Erika's mother told you that Erika had spent the night of May 31, 2015 at Victor E.'s house. You subsequently instructed your clerk to send the parties in *Victor E.* a notice of hearing to take place on June 4, 2015, for violation of the court's order.

At the outset of the June 4, 2015 hearing in *Victor E.*, you announced that you had put the matter on calendar. You stated that, when Victor was sentenced, the court had told Victor and his family that Erika could not "spend the night" at Victor's house. You also stated that, two days previously, when you presided over the SARB calendar, Erika's mother said that Erika had spent the night at Victor's house on May 31, 2015. You added: "So Victor is in violation of my court's order by virtue of her statements, and so that's why he's been brought in." You then asked Victor's attorney whether there was

any reason why Victor should not be placed in custody. At the end of the hearing, you stated that you were not going to take any action, but that if it happened again, you would put Victor in custody. By stating that Victor had violated your order, before hearing from Victor E. or his attorney, you gave the appearance of prejudgment.

B. On October 25, 2016, the Contra Costa County Probation Department sent Victor E. a Notice of Probation Violation Hearing. The notice alleged that, as of October 4, 2016, Erika N. had been residing at Victor E.'s residence. On December 1 or 8, 2016, prior to a scheduled hearing on the probation violation, you told the attorneys in chambers that what was occurring was a "cultural thing," or words to that effect.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(4), and 3B(5).

COUNT SEVEN

In approximately late January or early February 2017, shortly after you took over the arraignment and pretrial conference calendar in Martinez, you told attorneys who appeared before you that you had inherited a large backlog of cases and would be instituting a new program to address the backlog. You told counsel that, for a certain time period, in order to encourage defendants to plead guilty, you would offer a 25% reduction in days in jail or in other custody alternatives and/or a 25% reduction in discretionary fines imposed. Your conduct constituted an abuse of authority, had a chilling effect on defendants' constitutional rights to trial by jury, and gave the appearance that you intended to give harsher treatment to defendants who asserted their right to trial and were convicted.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3, 3B(2), and 3B(8).

COUNT EIGHT

Your son, Max Laettner, has been a deputy district attorney with the Contra Costa County District Attorney's Office since approximately June 2015. Previously, Max Laettner worked intermittently as a legal intern and/or law clerk for the Contra Costa County District Attorney's Office. In some cases handled by the district attorney's

office, including but not limited to the following cases, you failed to recuse yourself or timely disclose on the record your son's employment with the district attorney's office:

(a) *In re Vanessa W.*, No. J14-00233;

(b) *In re Lauryn G.*, No. J15-00105; and

(c) *In re Victor E.*, No. J15-00011.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, and 3E.

COUNT NINE

In early 2008, in response to peremptory challenges that deputy public defenders exercised against you, you made ex parte comments that would reasonably be perceived as sexual harassment or sexual discrimination and, at a minimum, gave the appearance that you were attempting to influence the attorneys not to exercise the challenges, as follows.

A. In approximately 2008, DPD Nicole Eiland tried a sexual battery case before you. The defendant was acquitted of sexual battery, but convicted of simple battery. On or about January 28, 2008, you sentenced the defendant to 60 days in county jail. Later, after Ms. Eiland began exercising peremptory challenges against you, pursuant to Code of Civil Procedure section 170.6, you asked her to approach the bench alone. You told Ms. Eiland that you assumed she was challenging you because of your sentence in the sexual battery case. You told Ms. Eiland that you wanted her to know what your thought process was when you were determining the sentence, and you explained that you had imagined that it could have been Ms. Eiland or Sarah MonPere (a deputy public defender who had no connection to the case) who had been sexually assaulted.

B. In early 2008, DPDs Matthew Cuthbertson and Brooks Osborne also started exercising peremptory challenges against you, pursuant to Code of Civil Procedure section 170.6. One day, when DPDs Cuthbertson and Osborne were pre-trying cases in your chambers with you and a prosecutor, you asked the prosecutor to step out of chambers. After the prosecutor left, you told DPDs Cuthbertson and Osborne that, although you would never tell them not to represent their clients to the best of their abilities and that the attorneys should challenge the judge if they thought that it was in

their clients' best interests, the challenges hurt your feelings and did not feel good. DPD Osborne responded by laying out the reasons why the DPDs were challenging you. Among other things, DPD Osborne brought up the 60-day jail sentence you imposed in the sexual battery case that DPD Eiland had tried before you. In response, you asked DPDs Osborne and Cuthbertson whether it would have upset them if the defendant in that case had touched or grabbed DPD Sarah MonPere's breasts.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 3B(4), 3B(5), 3B(7), and 3C(1).

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102-3660. The answer shall be verified and shall conform in style to the California Rules of Court, rule 8.204(b). The Notice of Formal Proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This Notice of Formal Proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

Dated: 8/29/2018

Nanci E. Nishimura, Esq.
Chairperson

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE JOHN T. LAETTNER, No. 203	ACKNOWLEDGMENT OF SERVICE OF NOTICE OF FORMAL PROCEEDINGS

I, James A. Murphy, on behalf of my client, Judge John T. Laettner, hereby waive personal service of the Notice of Formal Proceedings in Inquiry No. 203 and agree to accept service by mail. I acknowledge receipt of a copy of the Notice of Formal Proceedings by mail and, therefore, that Judge Laettner has been properly served pursuant to Rules of the Commission on Judicial Performance, rule 118(c).

Dated: 9/14/18

James A. Murphy
Attorney for Judge John T. Laettner
Respondent