

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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COMMISSION ON JUDICIAL PERFORMANCE ISSUES
DECISION AND ORDER REMOVING JUDGE JOHN T. LAETTNER FROM OFFICE

The Commission on Judicial Performance has issued a decision and order removing Judge John T. Laettner of the Contra Costa County Superior Court from office. The commission's determination becomes final in 30 days, subject to discretionary review by the California Supreme Court.

The commission found that Judge Laettner engaged in multiple acts of misconduct, including denying a criminal defendant due process by remanding her without exonerating and resetting bail in open court, and later increasing bail without a hearing and in the defendant's absence; engaging in an improper substantive ex parte conversation with a prosecutor, outside the presence of a public defender; engaging in an improper ex parte conversation with a public defender in a public hallway of the courthouse in the presence of potential jurors; engaging in a pattern of misconduct toward a number of women, some of whom appeared before him as attorneys, that was unwelcome, undignified, discourteous, and offensive, that constituted gender bias, and that conveyed the impression that certain attorneys were in a special position to influence him; making comments in the presence of and/or about his long-time court reporter that were undignified and discourteous, and that constituted gender bias and sexual harassment; revoking a defendant's own-recognition release in the defendant's absence and without an opportunity to be heard, and giving the appearance of retaliating for a public defender's exercise of a peremptory challenge; failing to disclose his son's employment with the district attorney's office (or recuse) in some cases in which the district attorney's office appeared; and improperly discussing, ex parte, peremptory challenges with deputy public defenders who were filing them against him. The commission determined that Judge Laettner engaged in "a significant amount of misconduct," including five acts of willful misconduct and eleven acts of prejudicial misconduct.

The commission adopted the findings of the special masters, who presided over Judge Laettner's evidentiary hearing, that Judge Laettner "was not credible or not truthful as it relates to his testimony concerning several events making up this inquiry." The commission also determined that Judge Laettner failed to acknowledge the impropriety of the majority of his misconduct. The commission concluded that Judge Laettner's misconduct, which was severely aggravated by his lack of candor during the proceedings and his selective and limited acknowledgment of that misconduct, warranted his removal from office.

Judge Laettner 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 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>.