

COMMISSION ON JUDICIAL PERFORMANCE
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102

Contact: Gregory Dresser
Director-Chief Counsel
(415) 557-1200

FOR RELEASE
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COMMISSION ON JUDICIAL PERFORMANCE ISSUES DECISION AND ORDER
IMPOSING PUBLIC ADMONISHMENT ON JUDGE MATTHEW J. GARY
PURSUANT TO STIPULATION

The Commission on Judicial Performance has issued a decision and order imposing a public admonishment on Judge Matthew J. Gary of the Sacramento County Superior Court pursuant to stipulation. Following a preliminary investigation, Judge Gary, through his counsel, James A. Murphy, Esq., and trial counsel for the commission proposed a Stipulation for Discipline by Consent pursuant to Commission Rule 116.5. The Decision and Order Imposing Public Admonishment is issued pursuant to that Stipulation, which was approved by the commission.

The commission determined that it should issue a public admonishment of Judge Gary for a variety of misconduct in a family law matter where Judge Gary failed to comport with high judicial standards and undermined public respect for the integrity and impartiality of the judiciary. Specifically, Judge Gary became embroiled in the matter, as evidenced by various comments, including that he was “picking sides” and that “the parties are going to find themselves with nothing in the end.” Judge Gary made undignified, intemperate, and inappropriate comments about the parents damaging their child. Judge Gary improperly made discourteous and sarcastic remarks, while questioning a witness and after the witness testified. Judge Gary improperly injected religion into court proceedings by referencing the Bible and discussing the promise of everlasting life. Judge Gary also improperly disparaged one of the party’s attorneys and made a variety of other discourteous and undignified comments about the parties, their attorneys, and the case itself.

Judge Gary’s misconduct was significantly aggravated by his prior discipline for demeanor problems demonstrated in two other family law matters.

Judge Gary stipulated to the truth of the facts that formed the basis of the public admonishment and also stipulated that the public admonishment was appropriate as a result of his misconduct.

The commission's Decision and Order of Public Admonishment is available on the commission's website at <https://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents" and "Public Discipline & Decisions"). Judge Gary is represented by James A. Murphy, Esq. of San Francisco.

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The commission is composed of six public members, three judges, and two lawyers. The chairperson is Hon. Michael B. Harper.

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