

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  
October 14, 2020

---

COMMISSION ON JUDICIAL PERFORMANCE ISSUES DECISION AND ORDER  
IMPOSING PUBLIC ADMONISHMENT ON JUDGE ROBERT L. TAMIETTI  
PURSUANT TO STIPULATION

The Commission on Judicial Performance has issued a decision and order imposing a public admonishment on Judge Robert L. Tamietti of the Nevada County Superior Court pursuant to stipulation. Following a preliminary investigation, Judge Tamietti, through his counsel, David S. McMonigle, and Director-Chief Counsel Gregory Dresser proposed a Stipulation for Discipline by Consent pursuant to Commission Rule 116.5. The stipulation included Judge Tamietti's agreement to retire from office and not to serve in a judicial capacity again. The Decision and Order Imposing Public Admonishment is issued pursuant to that stipulation, which the commission approved.

The commission determined that it should issue a public admonishment of Judge Tamietti for misconduct in which he engaged while presiding over two criminal cases and also for discourteous comments he made regarding the Nevada County District Attorney.

The commission found that Judge Tamietti's misconduct reflected a loss of the neutrality required of judges. Judge Tamietti's misconduct included the appearance of bias against the local district attorney's office; discourteous comments to and about the District Attorney; intrusion upon the charging authority of the district attorney's office; ex parte communications that Judge Tamietti initiated; questioning of, and apparent retaliation against, a deputy district attorney for filing a peremptory challenge; and improperly choosing a successor judge after that peremptory challenge.

The commission resolved the matter with a public admonishment and did not pursue the possibility of more severe discipline as a result of Judge Tamietti's agreement to retire and not to serve in a judicial capacity in the future. The commission determined that this resolution adequately protects the public from future 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 Tamietti is represented by David S. McMonigle, Esq., of San Francisco.

\* \* \*

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>.