

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING
JUDGE JUDITH L. MEYER

DECISION AND ORDER IMPOSING
PUBLIC ADMONISHMENT

This disciplinary matter concerns Judge Judith L. Meyer, a judge of the Los Angeles County Superior Court since 2006. Her current term began in 2019. Pursuant to rule 116 of the Rules of the Commission on Judicial Performance, Judge Meyer and her attorney, Daniel S. Agle, appeared before the commission on March 23, 2022, to contest the imposition of a tentative public admonishment issued on January 3, 2022. Judge Meyer waived her right to formal proceedings under rule 118 and to review by the Supreme Court. Having considered the written and oral objections and argument submitted by Judge Meyer and her counsel, and good cause appearing, the Commission on Judicial Performance issues this public admonishment pursuant to article VI, section 18(d) of the California Constitution, based upon the statement of facts and reasons set forth below.

STATEMENT OF FACTS AND REASONS

The commission found that Judge Meyer engaged in several instances of misconduct arising out of the same matter, creating the appearance that law enforcement officers were in a special position to influence her, misusing the prestige of her judicial office to advance the personal interests of law enforcement officers and herself, and making statements that gave the appearance of bias in favor of law enforcement officers and that might substantially interfere with a fair trial or hearing.

Judge Meyer presided over a pretrial hearing on May 15, 2017, in the matter of *People v. Daniel Delatorre* (Super. Ct. Los Angeles, No. NA103378). During the pretrial hearing, Deputy Public Defender (DPD) Alison Hudak challenged the admissibility of evidence obtained by Long Beach Police

Department Detectives Malcolm Evans and Todd Johnson. Specifically, DPD Hudak alleged that the detectives engaged in misconduct when they, through the district attorney, provided incorrect information regarding a witness, including misspelling his name, and used improper tactics when obtaining an identification from another witness. When presented with this information, Judge Meyer stated on the record that “the behavior of the detectives is appalling and unethical and inappropriate” and later stated that “the prosecution, unfortunately, has been the victim, as well, of their own detectives.” Judge Meyer ruled that the prosecution was prohibited from calling two of their three eyewitnesses and, as a result, Deputy District Attorney (DDA) Angie Christides dismissed the case against Daniel Delatorre. DDA Christides did not contest DPD Hudak’s allegations about the detectives or call the detectives as witnesses to provide testimony rebutting the allegations.

Approximately one week after the May 15, 2017 hearing, supervisors from the Long Beach Police Department came to Judge Meyer’s chambers. The supervisors informed Judge Meyer that DDA Christides had submitted a complaint regarding Detectives Evans and Johnson to the Long Beach Police Department’s “*Brady* Investigation Unit” and that the department was conducting its own investigation. In her response to the commission, Judge Meyer stated that this visit was brief, that she told the supervisors that she had issued orders based on the evidence presented to her at the hearing, that she would not discuss the matter with them in more detail but would authorize the court reporter to provide them with a transcript of the proceedings.

On April 23, 2018, almost a year later, Detectives Evans and Johnson visited Judge Meyer in her chambers. During this meeting, Detective Johnson showed the judge excerpts of the transcript from the preliminary hearing in the *Delatorre* matter. The transcript apparently addressed some of the evidentiary issues DPD Hudak raised at the pretrial hearing, and seemed to indicate that the detectives had not, in fact, engaged in misconduct.

On April 23, 2018, immediately following the meeting with Detectives Evans and Johnson, Judge Meyer wrote a letter (on official stationery containing the Superior Court seal) addressed to Long Beach Police Department Chief Robert Luna. In the letter, Judge Meyer wrote that she felt “compelled to write ... on behalf” of the detectives, whom she had known for more than nine years. She described the “difficult position” she was put in during the murder case, in which, based on the representations of a “well-respected and trusted” DDA, she questioned the ethics of detectives whom the judge knew and felt were credible. Judge Meyer explained in the letter that she had since learned that those representations were inaccurate, that some of the conduct alleged was addressed during the preliminary hearing, and that this information was “readily available” to her. She characterized the allegations against the detectives as an “unfortunate misunderstanding.” Judge Meyer ended the letter by stating, “[B]ased on the information I have at the present time, it appears that both detectives conducted themselves appropriately in this case, and I find no fault with their investigation.” She signed the letter with a typeface signature and her title, “Superior Court Judge,” and sent it to Detective Johnson via email, stating, “Please review. If you like it, I’ll send a copy to DA and Chief.” Judge Meyer did not tell Detective Johnson that the letter was a draft, or mark the letter as a draft. Detective Johnson forwarded the letter to Chief Luna.

After becoming aware that the District Attorney’s Office and the Public Defender’s Office had been provided with a copy of her April 23, 2018 letter, Judge Meyer sent a second letter regarding the detectives to Chief Luna on May 31, 2018. Judge Meyer also wrote this letter on official court stationery with the Superior Court seal. In the May 31, 2018 letter, Judge Meyer stated that her April 23, 2018 letter was a draft and explained that she had forwarded it to the detectives via email and indicated that she would send the original. The judge’s second letter attempted to retract the statements she made in the first letter. The May 31, 2018 letter stated that, “as [she] feared . . . that draft seems to have

caused some issues and misunderstandings.” Judge Meyer wrote that the purpose of her second letter was to clarify her intentions in the first letter, namely that she did not have a relationship with the detectives and “never intended to give a representation that [she had] an overall feeling about their general character.” Judge Meyer noted that neither DDA Christides nor DPD Hudak had referred her to the portions of the preliminary hearing transcript that addressed the allegations against the detectives, and that she therefore made her rulings based on the evidence presented at the May 15, 2017 evidentiary hearing. In closing, the judge wrote that she intended for the May 31, 2018 letter to “dispel any concerns anyone may have” about her integrity, and she wrote “It distresses me greatly to think anyone considers me unfair or biased.” Judge Meyer signed the letter with her original signature and included her title, “Superior Court Judge.”

In at least one criminal case involving Detectives Evans and Johnson, the District Attorney’s Office produced Judge Meyer’s letters to defense counsel as *Brady* material. On April 18, 2019, the Long Beach Post published an article entitled, “*Judge stirs controversy with secret letters to police in Long Beach murder case.*” The article quoted statements Judge Meyer made during the May 15, 2017 hearing, referred to at least one of the meetings she had with officers from the Long Beach Police Department, and included excerpts from the two letters she addressed to Chief Luna.

Judge Meyer’s conduct in meeting with Detectives Evans and Johnson, and then writing the April 23, 2018 letter on their behalf, gave the appearance that law enforcement had special access to her and were in a special position to influence her conduct and judgment in contravention of canon 2B(1). In her response to the commission, Judge Meyer noted that it is customary for law enforcement officers to have access to chambers to request warrants and other orders, and that she did not know in advance the purpose of the detectives’ visit. Judge Meyer acknowledged, however, that she should have ended the meeting

as soon as the detectives began to discuss the *Delatorre* matter. Before being contacted by the commission, and to prevent a similar reoccurrence, Judge Meyer instituted new screening procedures for officers wishing to visit her chambers, including requiring that her bailiff or clerk screen the officers by obtaining their name, agency, and what the officers are seeking, before Judge Meyer allows them to enter her chambers.

The commission also found that Judge Meyer's letters to Chief Luna, on official court stationery that contained the Superior Court seal, and using an electronic typeface and original signature and judicial title, constituted a misuse of the prestige of judicial office (canon 2B(2)). In writing the first letter, Judge Meyer lent the prestige of her judicial office and used her judicial title to advance the personal interests of the detectives by attempting to rehabilitate their reputations; in writing the second letter, she advanced her personal interests by attempting to retract her earlier statements in order to rehabilitate her own reputation. The commission also found that the statements Judge Meyer made in both letters constituted nonpublic statements that might substantially interfere with a fair trial or hearing, as the detectives were involved in other cases pending before the court, in violation of canon 3B(9).

Additionally, the content of the first letter, including the fact that Judge Meyer wrote it "on behalf" of the detectives and commented positively on their ethics and competence, may have given the appearance of bias in favor of law enforcement and/or the detectives, in violation of canon 3B(5), and conveyed the impression that the detectives had special access to the judge and were in a special position to influence her, in contravention of canon 2(B)(1).

The commission also found that the statements Judge Meyer made in the letters to Chief Luna, initially endorsing and supporting the detectives and subsequently retracting those statements, were inconsistent with her duty to promote public confidence in the integrity and impartiality of the judiciary, in violation of canon 2A. The commission concluded that Judge Meyer's conduct in

sending both letters reflected a failure to observe the high standards of conduct that preserve the integrity and independence of the judiciary, in violation of canon 1.

The commission noted that, prior to being contacted by the commission, Judge Meyer recognized that she had committed misconduct, accepted that her actions were improper, and expressed remorse. (Policy Declarations of Com. on Jud. Performance, policy 7.1(2)(a).) In addition to the remedial steps Judge Meyer adopted regarding law enforcement officers' access to her chambers, Judge Meyer also reported her errors to her supervising judges, sought their guidance, and conducted her own independent study on ways to improve as a judicial officer. In her response to the commission, Judge Meyer argued that while she erred in attempting to right a perceived wrong, she was well-intentioned. The commission does not disagree that Judge Meyer was well-intentioned. In sending both letters, however, Judge Meyer acted impulsively, without stopping to consider the potential consequences of her actions. "The antidote for jumping from emotion to mindless action is reflection. Reactions based on anger, sympathy, and other emotions have a high likelihood of being unproductive and unwise." (Rothman, Cal. Judicial Conduct Handbook (4th ed. 2017) § 1:43, p. 39.) Judge Meyer's repeated failure to stop and consider the potential impact of her actions negatively affects the public's perception of, and confidence in, the judiciary.

Judge Meyer's conduct was, at a minimum, improper action.

In imposing this public admonishment, the commission considered Judge Meyer's prior discipline to be an aggravating factor. (Policy Declarations of Com. on Jud. Performance, policy 7.1(2)(e).) In 2016, Judge Meyer received a private admonishment for statements she made during two *Marsden* hearings which conveyed a negative opinion of the relevant law by calling it "outrageous and ridiculous," commenting on the merits of the prosecution's case, making statements endorsing a defense attorney, and encouraging the defendant to

keep the attorney based on her long relationship with the attorney and their status as former colleagues. The commission found that the judge's comments raised an appearance of a lack of impartiality, failed to promote public confidence in the impartiality of the judiciary, and conveyed the impression that the attorney had a special relationship with the judge and was in a special position to influence her. Judge Meyer argued that her prior discipline was not sufficiently similar to constitute an aggravating factor. The commission disagreed: Judge Meyer's statements in support of the detectives are sufficiently similar to her previous statements endorsing an attorney in open court and conveying the impression that she has a relationship with an individual who may be in a special position to influence her judgment. More importantly, perhaps, both the prior discipline and the current circumstances reflect well-intentioned but imprudent comments which, upon minimal reflection, might not have been made.

Commission members Hon. Michael B. Harper; Dr. Michael A. Moodian; Hon. William S. Dato; Mr. Eduardo De La Riva; Ms. Kay Cooperman Jue; Victor E. Salazar, Esq.; and Mr. Richard Simpson voted to impose the public admonishment. Rickey Ivie, Esq. would have imposed a private admonishment. Hon. Lisa B. Lench was recused from this matter. Ms. Sarah Krueger Jager and Ms. Beatriz E. Tapia did not participate.

Date: April 5, 2022



Honorable Michael B. Harper
Chairperson