

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

Contact: Emma Bradford
Legal Advisor to Commissioners
(415) 557-1200

FOR RELEASE
September 15, 2022

COMMISSION ON JUDICIAL PERFORMANCE INSTITUTES FORMAL
PROCEEDINGS CONCERNING JUDGE TONY R. MALLERY

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge Tony R. Mallery of the Superior Court of California, County of Lassen. The commencement of formal proceedings is not a determination of judicial misconduct. A copy of the Notice of Formal Proceedings is posted on the commission's website at <https://cjp.ca.gov> (under "Announcements"). Judge Mallery's Answer to the Notice is due September 29, 2022. Upon filing, the judge's answer will be made available for public inspection.

In accordance with the rules that govern commission proceedings, a hearing will be conducted by special masters appointed by the Supreme Court. At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Commission Trial Counsel Mark A. Lizarraga, and Assistant Trial Counsel Bradford Battson will serve as Examiners for the commission. Judge Mallery is represented by Attorney James A. Murphy of San Francisco.

Following completion of the hearing, the special masters will provide the commission with a report containing findings with respect to the charges. The parties will have an opportunity to present their views on the report to the commission through briefing and argument. If the commission determines that the charges are proven by clear and convincing evidence, it is empowered to remove, censure, publicly admonish, or privately discipline the judge. Charges that the commission determines are not proven will be dismissed. A determination by the commission to remove, censure, or admonish a judge is subject to discretionary review by the Supreme Court upon petition by the judge.

* * *

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>.