

COMMISSION ON JUDICIAL PERFORMANCE
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COMMISSION ON JUDICIAL PERFORMANCE ISSUES DECISION AND
ORDER IMPOSING PUBLIC CENSURE ON
JUDGE RICHARD A. VLAVIANOS PURSUANT TO STIPULATION

The Commission on Judicial Performance has issued a decision and order imposing a public censure upon Judge Richard A. Vlavianos of the California Superior Court, County of San Joaquin, pursuant to stipulation. Following a preliminary investigation, Judge Vlavianos, through his counsel Kathleen M. Ewins, and Commission on Judicial Performance Senior Staff Counsel Sonya Smith, proposed a Stipulation for Discipline by Consent pursuant to Commission Rule 116.5. The Decision and Order Imposing Public Censure is issued pursuant to that stipulation, which was approved by the commission. A public censure is the strongest sanction that the commission may impose on a judge short of removal from the bench.

Judge Vlavianos engaged in several acts of misconduct in connection with the promotion of a nonprofit that he formed. After forming the nonprofit, Judge Vlavianos served as its Board Chair and Chief Executive Officer. Judge Vlavianos improperly used the prestige of his judicial office to promote the nonprofit. He also used a report commissioned by the court to benefit the nonprofit. Judge Vlavianos created the appearance that he was working in association with private industry affiliates who stood to benefit from the success of the nonprofit. Judge Vlavianos compounded this misconduct by misleading court employees to induce their participation in an event to benefit the nonprofit and by engaging in prevarication in discussing the nonprofit with his court's presiding judge and assistant presiding judge.

Judge Vlavianos also engaged in several other acts of misconduct. He failed to fully apprise criminal defendants of their rights, creating the effect of coercing the defendants into participating in treatment court. Judge Vlavianos made remarks to defendants that created the appearance of bias, failed to safeguard the constitutional right to counsel for an unrepresented criminal defendant, improperly threatened a deputy public defender with contempt, and exhibited poor demeanor toward a deputy district attorney. In addition, Judge Vlavianos engaged in improper ex parte communications about, and embroiled

himself with, two parole re-entry court defendants, and engaged in another improper ex parte communication with court staff about a criminal defendant.

The commission's Decision and Order Imposing Public Censure Pursuant to Stipulation is available on the commission's website at <https://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents" and "Public Discipline & Decisions"). Judge Vlavianos is represented by Attorney Kathleen M. Ewins 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. There is one attorney member vacancy on the commission.

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