

From: [REDACTED]

Sent: Friday, November 11, 2022 10:11 AM

To: CJP Committee Public Comment <committeepubliccomment@cjp.ca.gov>

Subject: Comments to the Committee to Review the Operations and Structure of the Commission on Judicial Performance

Dear Chair and Members of the Committee to Review the Operations and Structure of the Commission on Judicial Performance.

Thank you for your work on improving the California Commission on Judicial Performance (CJP) so it better meets the needs of citizens.

1. Implementation of Bureau of State Audit recommendations.

It appears the CJP has already implemented many of the Bureau of State Audits recommendations.

It might be helpful to have the Canon of Judicial Ethics, in addition to examples of high quality complaints and an online complaint process, posted prominently both on the CJP and the Judicial Council websites to provide the public with a path to submitting improved complaints. It might also be helpful for the CJP to clearly describe the complaint process for auxiliary judicial officers such as commissioners and referees.

Reviewing past complaints and examining patterns of misconduct are vital to identify chronic misconduct, as well as having an investigation manager. We hope there will be a dedicated staff member to respond to concerns about unsuccessful high-quality complaints and continue to report to the Legislature about the process and any failures in the system..

2. Suggestions beyond the scope of the Committee

Your report referenced suggestions and comments that were beyond the scope of the Committee. We fully endorse the listed recommendations to the Legislature for further legislation.

In addition, we encourage the Legislature to develop Judicial Performance Evaluations, as exist in numerous other states. This could be done through the CJP and be the basis for increased funding.

Citizens are entirely in the dark about how their elected Judicial officers are actually performing. This year's ballot offered citizens a long list of judges to vote for. The general public has no idea who they are, what their performance is like, and why none had anyone running against them. This strikes citizens as a "single-winner" election. Judges matter. Voting matters. Many Californians uneasily decided to simply leave the boxes unchecked or vote against all of them. Judicial Performance Evaluations would give the public a far better decision making process at the ballot box and greater confidence in the Commission and judicial system.

Having court reporters in every courtroom, reasonably priced transcripts, and video access to hearings and trials are fundamental due process issues and are critical for transparency and access to appeals.

3. Family Court commentary.

Many of the comments from members of the public have pertained to family court. A recently published [study](#) by Dr. Geraldine Stahly helps to explain why family court complaints loom large, despite being a small portion of the workload of the judiciary. These cases clog court dockets and take up valuable judicial time and energy. They are often adjudicated in ways that counter intuitively endanger children. From those decisions arise judicial complaints that often cannot be acted upon because they are focused on contested decisions, not performance.

As you can see, when child custody and safety are contested, California family law cases disproportionately result in a large majority of child placements in unsupervised contact with identified abusers despite evidence, children's outcries and reports to child welfare services and law enforcement. **A shocking 85% of California family law cases result in potential child endangerment.** This is higher than other states. 73% of the children report being re-injured. The Center for Judicial Excellence tracks child [homicides](#) resulting from risky recommendations by court employees or appointees, and failed decisions by judicial officers. California, not surprisingly, leads the country in these preventable tragedies.

Members of the public are gravely concerned about family court decisions and realize there is a need for high quality, standardized training on child abuse and family violence for court personnel. However, last year's SB 616 (Rubio), a bill that focused on such training, did not pass as it was undermined by those who believe there is no need for it. This must be stopped.

We urge you to improve the overall functioning of the judiciary through recommending legislation on issues outside the Committee's scope. We believe such legislation would likely reduce the number of judicial complaints and help restore the public's confidence in the judiciary.

Sincerely,

Marivic Mabanag, President
Connie Valentine, Advocate

From: Richard Fine <richardfinelaw@gmail.com>

Sent: Thursday, November 10, 2022 8:43 PM

To: CJP Committee Public Comment <committeepubliccomment@cjp.ca.gov>

Cc:

[Redacted recipient list]

Subject: Formal Notice of Richard I. Fine, Ph.D. Application to Speak at the 11/14/2022 Committee Meeting and submits an Update of Legislation to Establish a Permanent State Commission to Oversee the Judiciary

Dear Committee Members:

Richard I. Fine, Ph.D. formally applies to speak at the 11/14/2022 Committee Meeting and submits an Update of Legislation to Establish a Permanent State Commission to Oversee the Judiciary which was previously submitted to the Committee to be considered by the Committee in its Final Report.

From: Richard Fine <richardfinelaw@gmail.com>

Sent: Monday, November 14, 2022 3:10 PM

To: CJP Committee Public Comment <committeepubliccomment@cjp.ca.gov>

Cc: Richard <richardfinelaw@gmail.com>

Subject: Committee's Refusal to Allow Richard Fine to Speak

My Request to Speak was timely submitted.

The Committee has refused to allow me to speak.

Additionally, the Committee as refused to consider the legislation I submitted which conformed to the mandate of the Committee.

Richard I. Fine

From: Susan Bassi <gilroybassi@gmail.com>

Sent: Tuesday, November 15, 2022 12:33 AM

To: CJP Committee Public Comment <committeepubliccomment@cjpc.ca.gov>; Michael Harper <Michael.Harper@cjpc.ca.gov>; idan.Ivri@doj.ca.gov; Rickey Ivie <Rickey.Ivie@cjpc.ca.gov>; Lisa Lench <Lisa.Lench@cjpc.ca.gov>; William Dato <William.Dato@cjpc.ca.gov>; Richard Simpson <richard.simpson@cjpc.ca.gov>; Beatriz Tapia <Beatriz.Tapia@cjpc.ca.gov>; CJP Anne Smith <anne.smith@cjpc.ca.gov>; CJP Public Meeting <publicmeeting@cjpc.ca.gov>; Michael Moodian <Michael.Moodian@cjpc.ca.gov>

Subject: Judge Yew Public Comment 11/14/2022

Attached please find a letter written about yesterday's meeting and the public comment Judge Yew made along with my request for correction and apology. I have written to Judge Yew and I attach a portion of the records that confirm her involvement. The court attorney who has produced the records and who can confirm no public notice was given of the BBMP meetings in Santa Clara, as the judges failed to comment on the state committee where there was robust public participation.

For ease of access, the links in the letter are also noted here;

2011 Bench - Bar- Media Report to the Judicial Council: [jc-121311-itemL.pdf \(ca.gov\)](#)

YouTube video 388,000 views on unnoticed Santa Clara BBMP: [\(24\) 3 Flames Judges Takedown Sheriff - YouTube](#)

11/14/2022 Tik Tok of Judge Yew False statement to the public and the committee : [\(99+\)SusanBassi \(@susanbassi\) TikTok | Watch SusanBassi's Newest TikTok Videos](#)

I have also attached three records produced by the court that supports the letter and that should be included in the record, along with this email as it shows the attendees and the conflicts it created that Judge Yew did not disclose when it came to private divorce lawyers.

Thank you so much,

Susan Bassi

Publisher, Investigative Journalist

Public Records & Local News Advocate

P.O. Box 2220

Los Gatos, CA 95031

LinkedIn: [Susan Bassi | LinkedIn](#)



Committee For Commission on Judicial Performance Structure Review

RE: Judge Erica Yew, former CJP appointee – False Statements to the Public and the Committee

November 14, 2022

Dear Committee Members,

Respectfully, I am requesting the Committee address the improper conduct of former CJP appointee Erica Yew at the 11/14/2022 public meeting. Judge Erica Yew attacked a public speaker, and made a material misrepresentation to the Committee, and the public that warrants immediate attention. I was the speaker. This is my formal complaint and request for a public correction and apology.

By way of introduction, my name is Susan Bassi. I am an independent publisher and trained investigative reporter who has covered the CJP and related audit for the past seven years.

In March 2022 I was covering a case in Santa Clara County involving the San Jose Mercury. In the court file Judge Carol Overton made an on record disclosure about a Bench- Bar – Media – Police Committee, BBMP. The disclosure was consistent with the CJEO decision #2013-003.

Having never heard of the BBMP committee, despite being on the court's press list, I requested records pursuant to Rule 10.500. The court took months to produce the records and when produced they showed the following about the BBMP:

1. All Santa Clara County Superior Court Judges were ex office members of the committee.
2. BBMP operated for 30 years, according to the letter of Judge Towery to federal judge Davila, dated March 6, 2015 .
3. BBMP was a Standing Committee of the court, where BBMP dinners were held five times a year with no public notice, agenda or reports.
4. Judge Towery's letter of March 6, 2015 states BBMP dinner meetings provided for judges to speak with reporters, cops, lawyers and private business owners " off record" about their views, opinions and ideas.
5. BBMP dinner meetings held political forums for judges and non- judge campaigns.
6. BBMP invited speakers were reporters, businesspersons, government lawyers, and lawyers from private business, including Facebook.
7. BBMP speaker dinners were paid out of the court jury and grand jury services budget.
8. BBMP meetings never showed attendance over 100 guests and dropped significantly from 2014 – 2019 and eventually canceled in 2019 due to lack of participation.
9. By 2010 90% of the invited media slots were comprised of the San Jose Mercury and NBC news.
10. Other than the 2022 disclosure made by Carol Overton, we can find no judge disclosures of conflicts created by the BBMP, including by Judge Towery and Judge Pegg , who also chaired the committee .

1- CJP Erica Yew false statements re: Santa Clara Bench- Bar- Media Police Committee BBMP.