

FILED

MAY 28 2024

COMMISSION ON

STATE OF CALIFORNIA

JUDICIAL PERFORMANCE

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

**IN THE MATTER CONCERNING
JUDGE GREGORY J. KREIS**

**DECISION AND ORDER IMPOSING
PUBLIC CENSURE AND BAR
PURSUANT TO STIPULATION
(Commission Rule 127)**

This disciplinary matter concerns Judge Gregory J. Kreis, a judge of the Humboldt County Superior Court. On February 2, 2024, the commission filed its Notice of Formal Proceedings against Judge Kreis. Judge Kreis and his counsel, James A. Murphy, Esq. of Murphy Pearson Bradley & Feeney, P.C., have entered into a stipulation with the examiner for the Commission on Judicial Performance, Mark A. Lizarraga, Esq., pursuant to commission rule 127, to resolve the pending formal proceedings involving Judge Kreis by imposition of a public censure; an irrevocable resignation from office, effective May 27, 2024; and an agreement that Judge Kreis will not seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time after May 27, 2024. The Stipulation for Discipline by Consent (Stipulation) was approved by the commission on May 15, 2024, pursuant to the following terms and conditions and stipulated facts and legal conclusions. A copy of the Stipulation is attached.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the Inquiry Concerning Judge Gregory J. Kreis, No. 209.
2. The commission shall issue a public censure and bar based on the agreed Stipulated Facts and Legal Conclusions set forth herein.

3. If the commission accepts this proposed disposition, the commission's decision and order imposing public censure and bar may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.

4. Upon acceptance by the commission, this Stipulation, the judge's affidavit of consent, and the commission's decision and order shall be made public.

5. Judge Kreis waives any further proceedings and review in this matter, including formal proceedings (Rules of Com. Jud. Perform., rule 118 et seq.) and review by the Supreme Court (Cal. Rules of Court, rule 9.60).

6. Pursuant to this agreement, Judge Kreis has agreed to irrevocably resign from his position as a judge, effective May 27, 2024.

7. Judge Kreis also agrees that he will not seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time after May 27, 2024.

8. If Judge Kreis attempts to serve in a judicial capacity in violation of the foregoing paragraph, the commission may withdraw the censure and bar and reinstitute formal proceedings as to all of the charges in the notice of formal proceedings. The commission may also refer the matter to the State Bar of California.

9. If Judge Kreis fails to resign in accordance with this agreement, the commission may withdraw the censure and bar and resume its formal proceedings as to all of the charges in the notice of formal proceedings.

10. Failure to comply with the terms and conditions of this agreement may also constitute additional and independent grounds for discipline.

11. Judge Kreis agrees that the facts recited herein are true and correct, and that the discipline to which the parties stipulate herein is appropriate in light of those facts.

12. The commission may reject this proposed disposition and resume formal proceedings. If the commission does so, nothing in this proposed disposition will be deemed to be admitted or conceded by either party.

Accordingly, it is hereby stipulated and agreed that the commission shall issue a public censure on the above Terms and Conditions of Agreement, and based on the following Stipulated Facts and Legal Conclusions.

STATEMENT OF FACTS AND REASONS

Judge Kreis became a judge of the Humboldt County Superior Court in 2017. His current term began in January 2019.

Count One

On May 28, 2019, Deputy Public Defender (DPD) Rory Kalin appeared before Judge Kreis in the following cases:

- (a) *People v. Chantrell Andre Arndt*, No. CR1901782A;
- (b) *People v. Shannon Renee Cobillas-Graham*, Nos. CR1900696 and CR1901192;
- (c) *People v. Shalise Eileen Diaz*, No. CR1902159;
- (d) *People v. Shawn Gordon Hopper, Jr.*, No. CR1901193B;
- (e) *People v. Jaime Lyn Hostler*, No. CR1901524B;
- (f) *People v. Nicole Charmaine Nixon*, No. CR1801796B;
- (g) *People v. Jacqueline Christine Remington*, No. CR1900697;
- (h) *People v. Carmen Selina Rose*, No. CR1803556A;
- (i) *People v. Amber Rose Souza*, No. CR1901191; and
- (j) *People v. Shinese Shanell Washington*, No. CR1805566B.

Prior to May 28, 2019, Judge Kreis knew, and had socialized with DPD Kalin. In addition, then-Assistant Public Defender (APD) Luke Brownfield, who was a close personal friend of the judge, was DPD Kalin's supervisor. On May 28, 2019, Judge Kreis did not make any disclosure in any of the cases, listed above, regarding his prior interactions and socializing with DPD Kalin. Judge

Kreis also failed to disclose the fact that DPD Kalin's supervisor was APD Brownfield, Judge Kreis's close personal friend.

Judge Kreis's conduct violated canons 1 (a judge shall observe high standards of conduct so that the integrity of the judiciary is preserved), 2 (a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities), 2A (a judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), 3 (a judge shall perform the duties of judicial office impartially, competently, and diligently), 3B(5) (a judge shall perform judicial duties without bias or prejudice or the appearance thereof), 3B(8) (a judge shall dispose of all judicial matters fairly, promptly, and efficiently, and shall manage their courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law), and 3E (a judge shall disqualify himself or herself in any proceeding in which disqualification is required by law) of the Code of Judicial Ethics, and constitutes, at a minimum, prejudicial misconduct.

Count Two

On or about August 15, 2022, Meagan O'Connell, Supervising Attorney at the Humboldt County Conflict Counsel's Office, appeared before Judge Kreis on behalf of several defendants on his 3:31 p.m. truancy calendar. When Ms. O'Connell told the judge that she was going to file a motion to disqualify him pursuant to section 170.6 of the Code of Civil Procedure, Judge Kreis said something like, "Counsel, before you do that, you should look at professional rule of conduct 5.1." The judge's statement would reasonably be interpreted as a threat to report Ms. O'Connell to the State Bar in retaliation for her filing a motion to disqualify him, and was an attempt to dissuade Ms. O'Connell from filing such a motion, or gave the appearance that he was attempting to dissuade Ms. O'Connell from filing a motion to disqualify him.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(4) (a judge shall be patient, dignified and courteous to persons with whom the judge deals in an

official capacity), 3B(5), and 3B(8) of the Code of Judicial Ethics. Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Three

Following Kevin Robinson's retirement as Humboldt County Public Defender, Mr. Kreis¹ was the interim public defender between approximately December 2016 and February 2017. Although he applied to become the public defender and was one of the finalists for that position, in February 2017, the Humboldt County Board of Supervisors instead hired David Marcus to become the public defender.

On March 10, 2017, Patrik Griego, a partner at Janssen Malloy LLP in Eureka, filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and Attorney's Fees in *Does 1 Through 10 v. County of Humboldt et al.*, No. CV170183. Among other things, the petition sought an order restraining the respondents from continuing Mr. Marcus's appointment on the grounds that his hiring violated Government Code section 27701. Mr. Kreis collaborated with Mr. Griego in the handling of the case. On or about March 17, 2017, Mr. Kreis signed a declaration that was filed in support of Petitioners' Motion to Permit Service of Business Record Subpoena Prior to 20 Day Hold. The declaration set forth the reasons why Mr. Kreis believed that Mr. Marcus was not qualified to serve as the public defender. The lawsuit remained pending until on or about November 29, 2017.

Attorney David Nims was a colleague of Patrik Griego at Janssen Malloy LLP between approximately October 2015 and August 2022. Judge Kreis has been friends with Mr. Nims since approximately 2011, when Mr. Nims interned for the Humboldt County Public Defender's Office. Mr. Nims has socialized with Judge Kreis many times, primarily since 2015, including at the judge's home.

¹ Judge Kreis is referred to herein as "Mr. Kreis" regarding conduct in which he engaged before becoming a judge.

Mr. Nims attended Memorial Day weekend campouts at Lake Shasta held between approximately 2015 and 2018, some of which Judge Kreis also attended. Mr. Nims was invited to a 2019 campout, but responded, in a group chat, “I have been fired from Memorial Day.” The judge’s then-wife, Brenda Elvine, replied, “Nope. Not true. You got PROMOTED for Memorial Day silly!!” Judge Kreis responded, “Agreed. Promotion,” followed by a smiley face emoji. The judge added, “I order ur family to go,” followed by another smiley face emoji.

On March 6, 2020, Rory Kalin filed a Complaint for Damages against the judge in the Humboldt County Superior Court. (*Rory Kalin v. Gregory J. Elvine-Kreis, et al.*, No. CV2000357.) In approximately April 2020, Judge Kreis retained Mr. Griego to represent him in the lawsuit, which was later consolidated with *Rory Kalin v. Humboldt County Public Defender’s Office et al.*, No. CV2000902.

Judge Kreis handled several cases in which David Nims represented parties, including the following cases, without fully disclosing on the record information that was reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1.

A. On August 4, 2017, and February 9, 2018, Judge Kreis presided over hearings in *Sullivan v. O’Donnell*, No. DR160101, without disclosing (1) his friendship and social relationship with the defendant’s attorney, David Nims, or (2) the fact that, in 2017, he collaborated with Patrik Griego, a partner in the law firm where Mr. Nims worked, in case number CV170183.

B. On November 30, 2017, and May 3, 2018, Judge Kreis presided over review hearings in *Matter of Jack & Patricia Arthur Living Trust*, No. PR160301, without disclosing (1) his friendship and social relationship with the defendant’s attorney, David Nims, or (2) the fact that, in 2017, he collaborated with Patrik Griego, a partner in the law firm where Mr. Nims worked, in case number CV170183.

C. On April 27, 2018, David Nims appeared before Judge Kreis on behalf of the petitioner in *Epino v. Dobbins*, No. CV170379. The case was on

calendar for a hearing on the respondent's motion for attorneys' fees and costs. The judge disclosed that he had worked with Mr. Nims in the past and had interacted socially with him, but failed to disclose that he was a close friend of Mr. Nims or that he had collaborated in a lawsuit with Patrik Griego, a partner in the law firm where Mr. Nims worked, in case number CV170183. At the end of the hearing, the judge denied the motion.

D. In *Santsche v. Hopkins*, No. CV180293, David Nims represented Kimberly Santsche, a civil harassment restraining order (CHRO) petitioner, in her request for a CHRO against respondent Jermaine Hopkins. Judge Kreis presided over a hearing on the CHRO request, on October 15, 2018, at which Mr. Nims and both parties appeared. After Mr. Nims advised Judge Kreis that he had been served with a cross-complaint, the judge disclosed that he had worked with Mr. Nims in the past, but that nothing in the past relationship would hinder him in making a fair decision. Judge Kreis did not disclose his friendship and social relationship with Mr. Nims or the fact that, in 2017, he had collaborated in a lawsuit with Patrik Griego, a partner in the law firm where Mr. Nims worked, in case number CV170183. The respondent stated that he would be filing a motion to disqualify the judge. Judge Kreis ordered Mr. Hopkins to file and serve his motion to disqualify the judge by October 19, 2018, and continued the matter. The motion to disqualify was later denied.

E. David Nims represented L.B., a minor who was charged with murder. (*In the Matter of L.B.*, No. JV190***.) On September 3, 2019, the People filed a motion for a transfer hearing, pursuant to section 707 of the Welfare and Institutions Code. The motion was assigned to Judge Kreis's department. The judge denied the motion on November 20, 2019. On September 10, October 4 and 22, and November 8, 12, 13, 19, and 20, 2019, Mr. Nims appeared on behalf of the minor at hearings in the case before Judge Kreis. On November 8, 2019, the judge belatedly disclosed that Mr. Nims's partner, Patrik Griego, had briefly represented Judge Kreis in a civil case and

had billed the judge for representation in that case. Judge Kreis did not disclose his friendship and social relationship with Mr. Nims, the name or nature of the civil case in which Mr. Griego had represented him, the period of time during which Mr. Griego represented him, or the fact that, in 2017, he had collaborated with Mr. Griego in the handling of case number CV170183.

F. On April 6, 2020, in *Hancock v. O'Brien*, No. FL2000279, David Nims filed, on behalf of the petitioner, a Request for Domestic Violence Restraining Order (DVRO). On that date, Judge Kreis granted a temporary restraining order; issued a 100-yard stay-away order; ordered that the respondent immediately pay a towing charge of \$500, plus fees; ordered that the petitioner could record any of the respondent's communications that violated the judge's order; and set a hearing to take place on May 19, 2020. The protected persons listed in the order were the petitioner and her two daughters. The judge directed that the order expire on May 19, 2020.

On May 5, 2020, Mr. Nims filed, on behalf of the petitioner, an Amendment to Request for Domestic Violence Restraining Order re: Personal Property. The Amendment requested that the court order the respondent to return to the petitioner a television that she had purchased from Costco in February 2019.

On May 19, 2020, Judge Kreis presided over a hearing at which he granted the Request for Domestic Violence Restraining Order for three years and ordered the respondent to return the television. Mr. Nims appeared for the petitioner via video conference. The judge directed Mr. Nims to prepare the Restraining Order After Hearing, which the judge signed on or about May 21, 2020.

Judge Kreis never disclosed (1) his friendship and social relationship with David Nims, or (2) the fact that Mr. Nims's law partner, Patrik Griego, was representing the judge. Due to Mr. Griego's representation of Judge Kreis in *Kalin v. Elvine-Kreis et al.*, No. CV2000357, the judge had a duty to recuse himself from the case.

G. On or about April 9, 2021, Judge Kreis signed an order appointing David Nims to represent the minor in *In the Matter of J.R.*, No. JV2000***. The order granted Mr. Nims access to records regarding the minor. On or about April 15, 2021, the judge signed an order shortening time for a hearing on the district attorney's motion to join J.R. and S.R. and their cases (Nos. JV2000*** and JV2000***) for the contested jurisdictional hearing that had been set for May 4, 2021.

On April 26, 2021, Judge Kreis presided over a hearing in the two cases. The judge did not disclose his friendship and social relationship with Mr. Nims, or the fact that Mr. Nims's law partner, Patrik Griego, was representing the judge. Deputy District Attorney (DDA) Jessica Watson told Judge Kreis that it had been brought to her attention that Mr. Nims or his law firm represented the judge. Instead of recusing himself, as he was required to do, Judge Kreis stated that his normal practice was to "not hear any contested issues with ... that firm[,]” but that he would disqualify himself if the matter was contested, and could recuse himself if one of the parties was not comfortable with his handling the case. Judge Kreis did not recuse himself until DDA Watson said that her office was not comfortable with him handling the case.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2) (a judge shall be faithful to the law regardless of partisan interests, public clamor, or fear of criticism, and shall maintain professional competence in the law), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics. The judge's appointment of David Nims in *In the Matter of J.R.*, No. JV2000***, also violated canon 3C(5) (a judge shall avoid nepotism and favoritism) of the Code of Judicial Ethics. Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Four

The facts set forth in count three are incorporated by reference.

A. Judge Kreis presided over the following cases in which Patrik Griego appeared, and the hearings that took place on the following dates, without

disclosing on the record that he had collaborated with Mr. Griego in case number CV170183 and was friends with David Nims, who worked for Janssen Malloy LLP, where Mr. Griego was a partner.

1. *Rhodes v. St. Joseph Hospital*, No. DR170489, December 1, 2017;
2. *People v. Shaha*, No. CR1704575, January 4, 2018; and
3. *People v. Lacount*, Nos. CR1602664, CR1703402, CR1701173, CR1600513, CR1805459, CR1804724, CR1602071B, CR1700366, CR1800116, CR1901534, and CR1902911, December 20, 2019.

B. Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics. Patrik Griego represented the respondent in *David Rodrigues v. Jackie Howard*, No. FL190773, a DVRO proceeding. On October 21, 2019, Mr. Griego and the parties appeared before Judge Kreis at a hearing on the petitioner's DVRO request. The petitioner was unrepresented. After the judge disqualified himself pursuant to section 170.1 of the Code of Civil Procedure, Mr. Griego stated: "The temporary restraining order [TRO] keeps my client from her home with all her personal belongings. We are objecting to that at least in the interim so she can get her things out of the house." The judge then asked Ms. Howard, "Do you have a third party that can go get this for you?" After Ms. Howard told him that she was talking about furniture, like a bedroom set, that was bought before the parties' marriage, Judge Kreis asked petitioner Rodrigues whether he would agree that Ms. Howard could have the bedroom set and some furniture. After Mr. Rodrigues responded that he did not know about the living room set, the judge advised Ms. Howard to make a list of everything she wanted to obtain and give it to her attorney (Griego). The judge stated that he would sign a modification to the TRO, if it were drafted, to provide an exception for the transfer of property.

By trying to facilitate the transfer of property in a case from which he was disqualified, and offering to sign an order modifying the TRO, Judge Kreis violated canons 1, 2, 2A, 3, 3B(2), 3B(5), and 3B(8) of the Code of Judicial Ethics.

Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Five

A. Mr. Kreis had a close personal relationship with attorney Joanne Carter between approximately 2010 and 2017. He worked with Ms. Carter when she was a deputy public defender in Humboldt County between 2010 and 2017, and he supervised her in approximately 2016 and 2017. Between approximately 2010 and 2017, Mr. Kreis often socialized with Ms. Carter outside the workplace and attended parties held at her home.

B. Between approximately 2018 and 2020, Judge Kreis presided over the following cases in which Joanne Carter appeared, and the hearings that took place on the following dates, without disclosing his past relationship with her:

1. *Matter of H. Minors*, No. PR120081, May 1 and 8, June 14, July 12, and August 16, 2018, and October 22, 2019;
2. *K.A. v. T.L.*, No. FL160***, May 8 and 29, August 30, and October 23, 2018; February 26, March 7, April 2 and 18, July 18, August 13 and 16, November 7 and 21, and December 5 and 13, 2019; and March 12, 2020;
3. *Murietta v. Grimes*, No. FL180264, May 9 and 31, 2018;
4. *Gauthier v. Teasley*, No. FL180323, June 6, August 7 and 14, and September 6, 2018;
5. *Pugel v. Pugel*, No. FL180113, August 14, 2018, and February 7 and March 7, 2019;
6. *Eichin v. Eichin*, No. FL090359, August 22 and 23, 2018;
7. *Zetter v. Zetter*, No. FL180661, September 24, 2018;

8. *Zetter v. Zetter*, No. FL180700, September 24, October 18, and December 18, 2018;
9. *Span v. Span*, No. FL170513, October 9 and 18, and November 1, 2018;
10. *Adams v. Holm*, Nos. FL180863, and *Holm v. Adams*, No. FL180841, December 10 and 11, 2018, and January 8, 2019;
11. *Silva v. Silva*, No. FL120485, December 13, 2018, and January 10, February 21, March 14, May 9 and 23, June 20, July 9, August 13 and 26, and October 15, 2019;
12. *McCullough v. McCullough*, No. FL100260, January 29 and February 4 and 6, 2019;
13. *Ross v. Schroer*, No. FL160319, February 14, March 28, May 23, June 18, July 16, and August 13 and 29, 2019;
14. *Matter of E.W.*, No. PR050116, February 20, 2019, and February 20, 2020;
15. *Drefke v. Drefke*, No. FL140211, February 21, March 14, April 30, and May 2 and 16, 2019;
16. *Escareno v. Escareno*, No. FL150703, March 18 and 26, 2019, April 15 and 30, June 4, 11, and 13, July 9 and 18, August 13 and 16, October 17, and November 19, 2019, and January 7, 2020;
17. *Reynoza v. Reynoza*, No. FL120084, April 16 and May 7, 2019, and June 8, 2020; and
18. *Ellis v. Morrow*, No. FL190175, April 18 and 19, May 2 and 30, October 15, November 14, and December 4, 2019, and January 13 and 30, February 28, and May 28, 2020.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

C. On or about May 22, 2017, Governor Edmund G. Brown, Jr., appointed Mr. Kreis to the Humboldt County Superior Court. Judge Kreis became a superior court judge on June 2, 2017. In his July 7, 2023, response to an allegation in the April 19, 2023 preliminary investigation letter, Judge Kreis stated through counsel: “When the Judge took the bench, he placed Ms. Carter on the disqualification list until 2018 [*sic*], approximately two years after his appointment. Following that two-year lapse, and given the lack of any ongoing relationship, Judge Kreis did not consider a disclosure of prior friendship to be necessary.” The judge’s response gave the false impression that he disqualified himself from, and did not hear, any cases in which Ms. Carter appeared during the first two years after his appointment to the bench.

Judge Kreis’s conduct violated Government Code section 68725; Rules of Commission on Judicial Performance, rule 104(a); and canons 1, 2, 2A, and 3D(4) (a judge shall cooperate with judicial disciplinary agencies) of the Code of Judicial Ethics.

Judge Kreis’s conduct constitutes, at a minimum, prejudicial misconduct.

Count Six

Since approximately 2010, Judge Kreis has been close friends with DPD Casey Russo and has socialized with him on numerous occasions. DPD Russo represented the defendants in the following matters over which the judge presided. Judge Kreis did not, in any of these matters, make any disclosure of his close friendship and social interactions with DPD Russo.

A. The preliminary examination in *People v. Matthews*, No. CR1803214, that took place on October 4, 2018;

B. The preliminary examination in *People v. Leen*, No. CR1803854, that took place on March 25-27, 2019, and the previous hearing that took place on March 22, 2019; and

C. The trial in *People v. Kobak*, No. CR1703639, that took place between approximately January 14 and February 4, 2020.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Seven

Judge Kreis has known court clerk Kimberlyn Stutte since at least 2017. Ms. Stutte was a family law clerk in Humboldt County from approximately 2015 to 2021, and the judge worked with her on a regular basis between 2017 and at least 2020. In 2017, Ms. Stutte and her husband, Jay Stutte, were appointed as conservators of their daughter. On November 9, 2017, May 10, 2018, and August 20, 2020, Judge Kreis presided over hearings in the conservatorship case (*Matter of Stutte*, No. PR170089), even though he was legally and ethically disqualified from the case due to his relationship with Ms. Stutte.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics. Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Eight

On July 7, 2021, Judge Kreis presided over the juvenile delinquency calendar. The first case that he called was *In re J.O.*, No. JV2100***. Although he was disqualified from hearing the case due to his close personal friendship with the minor's attorney, Luke Brownfield, the judge did not immediately disqualify himself. Instead, Judge Kreis disclosed that he and Mr. Brownfield were "friends from years back" and were "both involved in a frivolous lawsuit." The judge asked the parties, "Does anyone have any objection to me hearing this matter or any matters today for the public defender based on that?" When DDA Jessica Watson told him that she had "an objection to [his] hearing the cases," the judge asked her to set forth the grounds for her objection. When DDA Watson stated that she was "afraid that there's an appearance of impartiality [*sic*]" due to the fact that the judge had a close friendship with the

minor's attorney and was named as a codefendant in the same lawsuit, Judge Kreis still did not recuse himself. Instead, the judge stated:

All right. I'm going to get back to you on that. [¶] I agree with that and that's why I would recuse myself, but I'm not sure I understand the logic between when there's no contest stipulation. [Sic.] That doesn't make sense and that does not bode well for judicial economy, so I'm going to take a recess for about five minutes and then I'll be back.

After a recess, Judge Kreis stated that, since none of the matters on calendar were contested hearings, he would not recuse himself, but would give the district attorney's office the opportunity to file statements of disqualification against him, pursuant to section 170.1 of the Code of Civil Procedure. DDA Watson elected instead to orally move to disqualify the judge, pursuant to section 170.6 of the Code of Civil Procedure.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics. Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Nine

Between approximately 2017 and at least 2021, during the period of time in which he presided over the family law calendar, Judge Kreis provided various legal options to his friend, Quincy Brownfield, when she contacted Judge Kreis with family law questions, based on issues that arose at the school where she was employed.

Judge Kreis's conduct violated canons 1, 2, 2A, and 4G (a judge shall not practice law) of the Code of Judicial Ethics. Judge Kreis's conduct constitutes prejudicial misconduct.

Count Ten

A. In approximately January 2018, Gemma Erickson, who recently had been diagnosed with breast cancer, began visiting the Breast & GYN Health Project (BGHP) in Arcata. Between at least February 2018 and July 2019,

Ms. Erickson attended semimonthly meetings of BGHP's Young Women's Support Group ("support group"), which were facilitated by Judge Kreis's then-wife, Brenda Elvine, who became a friend of Ms. Erickson.

On or about the evening of December 12, 2018, Ms. Erickson attended a gathering of the support group and their children at the judge's home. Judge Kreis was present during part of the gathering, made a fire for the group, said hello to the attendees, and met Ms. Erickson.

On or about December 13, 2018, Ms. Erickson filed a petition for dissolution in *Gemma Erickson v. Ben Erickson*, No. FL180904. Judge Kreis presided over the case between approximately March 11, 2019 and June 23, 2021. When the parties first appeared before him for a case management conference on March 11, 2019, the judge said, "And Gemma, you look very familiar." He added, "So without saying, my wife works . . . at a place that Ms. Erickson has been going to. And I believe you were at my house a couple times." The judge also stated that there was nothing that would impact his ability to be fair at that point.

On March 22, 2019, Ms. Erickson filed a Request for Order that included a request that she be given sole legal and physical custody of the couple's four-year old daughter and be allowed to relocate with the daughter to England. Ms. Erickson placed her medical condition into great focus, and it was a principal reason why she asked for permission to relocate.

On or about May 5, 2019, Ms. Erickson attended another gathering of the support group and their children at the judge's home. Judge Kreis was present during part of the gathering and said hello to the attendees, including Ms. Erickson. At the court appearance on May 6, 2019, the judge stated: "And for a disclosure, there was a -- it got disclosed before. There is a relationship, a work relationship, between my wife and Ms. Erickson. And yesterday she had something at our home, and I saw Ms. Erickson for about two minutes and said, 'Hello,' as I left the house. [¶] If these -- if you -- specifically, if you feel that, at

some point, you're uncomfortable with -- with that, then just let the Court know, -- and we can address it. All right?"

Judge Kreis failed to disclose that his wife provided assistance to Ms. Erickson in connection with her medical condition. He did not disqualify himself from the case until on or about June 23, 2021.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

B. On November 27, 2019, in *Erickson v. Erickson, supra*, Mr. Erickson filed a motion to disqualify Judge Kreis, in which he alleged that the judge, on March 11 and May 6, 2019, had failed to explicitly state the exact nature of the relationship that existed between the judge's wife and Ms. Erickson. Attached to the motion were excerpts from transcripts of both hearings.

In Judge Kreis's verified answer, he stated, under penalty of perjury:

I fully informed Mr. Erickson and his attorney at the first appearance, as well as later appearances, that Petitioner [Gemma Erickson] is provided services at my wife's place of business (a breast cancer support non-profit) and that I had met her once before.

In fact, Judge Kreis never disclosed that Ms. Erickson was provided services at his wife's place of business or that his wife worked at a breast cancer support nonprofit organization.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), and 3B(5) of the Code of Judicial Ethics.

C. On September 3, 2019, Judge Kreis ordered that Ms. Erickson be awarded sole legal and physical custody of the Ericksons' four-year-old daughter and that Ms. Erickson be permitted to move with the daughter to England. On October 24, 2019, Mr. Erickson filed a notice of appeal from that ruling. On December 19, 2019, Mr. Erickson filed, in the superior court, a proposed settled statement in support of his appeal. On February 5, 2020, Judge Kreis ordered Mr. Erickson to prepare a settled statement incorporating several modifications,

including the following: “The court disclosed that Petitioner was a client of the Judge’s wife and the professional relationship to Respondent while represented by counsel and when representing himself, with no objection.” In fact, Judge Kreis had not disclosed to Mr. Erickson that Ms. Erickson was a client of the judge’s wife or that the judge’s wife provided assistance to Ms. Erickson in connection with her medical condition.

Judge Kreis’s conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), and 3B(8) of the Code of Judicial Ethics.

Judge Kreis’s conduct constitutes, at a minimum, prejudicial misconduct.

Count Eleven

Judge Kreis engaged in the following misconduct while presiding over *S.R. v. V.R.*, No. FL090***.

A. On January 24, 2018, respondent (the “mother”) filed a Request for Order (RFO) seeking sole custody of the couple’s daughter (the “minor”) and a temporary emergency order. The noticed date for the hearing was February 15, 2018. On January 30, 2018, while the January 24 RFO was pending, the mother filed a request for a temporary emergency order (“Temporary Emergency RFO”), in which she alleged that petitioner (the “father”) had kept the minor out of school for seven school days and was continuing to hold her out of school. The Temporary Emergency RFO, which had a noticed hearing date of February 1, 2018, sought to have the court order the father to deliver the minor to court. In the Temporary Emergency RFO, which was filed on Judicial Council Form FL-300, none of the boxes indicating that child custody or visitation would be in issue at the requested hearing were checked. There was no indication in the Temporary Emergency RFO that it was anything other than an effort to have the minor produced in court, so that the mother’s custody time could be honored, and the minor could return to school.

At the February 1, 2018 hearing, after argument, Judge Kreis asked the minor’s attorney, Christina Allbright, to ask the minor if she would like to talk to

him alone in chambers. The judge then spoke with the minor in chambers, outside the presence of the parties, Ms. Allbright, the mother's attorney, and a court reporter. (The father was unrepresented.) The meeting took place without the consent of all parties. After Judge Kreis returned to the bench, he told the father, "You violated orders. Took the minor out of school. You, basically, do what you want." The judge also stated that the language the minor used during the ex parte chambers conference was not characteristic of the way children the minor's age normally speak, and that "she's clearly, for lack of a better term, being brainwashed by father." Judge Kreis ordered that the mother receive "temporary, sole legal and physical custody" of the minor and allowed the father no visitation, subject to a narrow exception providing that the minor shall have one telephone conversation of five to ten minutes per week with the father and that the calls be on speaker phone in front of a third party.

On February 8, 2018, the mother applied for a DVRO. The DVRO application made no request for a ruling on child custody or visitation matters. On February 8, 2018, Judge Kreis issued a TRO set to expire on February 15, 2018. On or about February 13, 2018, the judge signed Findings and Orders After Hearing (FOAH), which pertained to the February 1, 2018 hearing and awarded sole legal and physical custody of the minor to the mother.

At the February 15, 2018 hearing, Judge Kreis declined to rule on the January 24 RFO (the only document seeking a change in custody), even though it had been noticed for hearing on February 15. Instead, the judge dismissed that request for relief, and stated that the issue of custody had already been "dealt with" at the February 1 hearing. After the father told Judge Kreis that he had a witness who was present to testify, the judge stated that the matter was submitted, and he made the TRO permanent for three years. Judge Kreis also barred all contact by the father with the minor, thereby nullifying the limited phone contact clause in the FOAH that the judge signed on or about February 13, 2018. After the father told the judge that he had testimony to give for his case, Judge

Kreis told him that the matter was over, without letting him call any witnesses and without making a finding of good cause to refuse to receive live testimony.

On September 30, 2019, the Court of Appeal reversed Judge Kreis's February 15, 2018, order. The court stated that the judge violated due process to the extent that he resolved the custody issue raised by the mother's January 24 RFO by deciding that the issue had already been resolved on February 1.

The appellate court stated:

[U]ntil the February 1 hearing commenced, father had no notice that the issue of custody was going to be adjudicated *that day* rather than on February 15. Thus, when he arrived on the noticed date for hearing on the January 24 RFO—February 15—the ruling on mother's custody request was a *fait accompli*. Father indicated he wished to put on a case in opposition, but the court told him the "1/24 request for order is dropped," declined to entertain further evidence or argument on it, and announced "[t]his matter is over."

(*S.R. v. V.R.*, 2019 Cal.App.Unpub. LEXIS 6592, at p. 11.)

By (1) awarding the mother sole custody of the minor without notice to the father that custody was at issue during the February 1, 2018, hearing, (2) initiating and considering an unreported *ex parte* communication with the minor, without the consent of all parties, and (3) preventing the father from testifying or calling witnesses on February 15, 2018, Judge Kreis disregarded the father's fundamental rights and violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(7) (a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the full right to be heard according to law), and 3B(8) of the Code of Judicial Ethics.

B. In June 2018, the father submitted a statement of disqualification against Judge Kreis, pursuant to sections 170.1 and 170.3 of the Code of Civil Procedure. On or about June 15, 2018, Judge Kreis signed a Verified Answer to Challenge for Cause Pursuant to California Code of Civil Procedure section 170.1, in which he declared that he had given the father "every opportunity to

provide testimony and evidence in this matter. . . .” Judge Kreis also declared that he had “made sure” that the father “has felt that he has presented any and all evidence prior to making a [sic] decision, by orally stating, ‘is there any other evidence that you would like to present that you have not already submitted,’ to insure [sic] that he had a full and fair opportunity to present evidence.”

In fact, on February 15, 2018, the date scheduled for the hearing on the January 24 request for change in custody, Judge Kreis did not allow the father an opportunity to be heard on the issue of custody. Instead, he dismissed the January 24 RFO that requested the change in custody on the ground that it had been “dealt with.” When the father stated that he wanted to testify, the judge asked, “On what matter?,” and then cut him off and stated, “This matter is over.”

By making these inaccurate statements in his verified answer to the father’s statement of disqualification, Judge Kreis violated canons 1, 2, 2A, 3, and 3B(2) of the Code of Judicial Ethics.

C. On September 6, 2018, during a hearing in *S.R. v. V.R.*, *supra*, Judge Kreis ordered the father not to file any more requests to change custody or visitation until all previous requests had been decided.

Judge Kreis’s conduct constituted an abuse of authority and violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

D. On March 26, 2019, Judge Kreis ordered that, beginning on March 31, 2019, the minor’s paternal grandmother (“P.S.”) would have supervised visitation with the minor on one Sunday per month for up to four hours. Several weeks later, the mother’s attorney, Douglas Kaber, was in Judge Kreis’s courtroom on a different matter that was heard at the end of the judge’s calendar. The *S.R. v. V.R.* case was not on the judge’s calendar that day, and neither the father, nor P.S., nor their attorneys were present. After the calendar was over, Judge Kreis asked Mr. Kaber whether he thought that the judge’s ruling joining the grandmother in the case was the right decision and how that was going, referring to the minor’s visit(s) with P.S.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(7), and 3B(8) of the Code of Judicial Ethics.

Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Twelve

Judge Kreis engaged in the following misconduct while presiding over *K.G. v. C.S.*, No. FL070***.

A. At a hearing that took place on June 27, 2019, minor's counsel (Jhette Diamond) told Judge Kreis that Child Welfare Services ("CWS") had told the parties that it would be closing, without any action, an investigation it was conducting, but that the minor did not want to see the respondent (the "father"). After discussion of a therapist that the minor and the father could see together, the judge ordered that an appointment be made for the father to meet with the minor's counselor, Melissa Sandeen, during the week of July 8, so the father and the minor could talk about what had happened. During the hearing, after an exchange with the father, the judge told him:

So_[,] before you dig any deeper, reflect on yourself. All you can do is your own behavior. Take some responsibility for that and then [*sic*] reaction and the impact it had on your daughter. And all I'm hearing you say, is if it wasn't for mom, if it wasn't for my daughter, right, everything would be perfect. Right? I'm perfect. I'm coach. I mean, that's -- I know. That's what I'm hearing. So just go with what's happening here.

Judge Kreis's conduct reflected prejudice and violated canons 1, 2, 2A, 3, 3B(4), 3B(5), and 3B(8) of the Code of Judicial Ethics.

B. Judge Kreis presided over the next hearing in *K.G. v. C.S.*, *supra*, which took place on July 29, 2019. At the hearing, attorney Diamond told the judge that Ms. Sandeen had agreed to work with the minor for a few sessions, but was not comfortable with setting up joint sessions for the minor and her father against the minor's wishes. Ms. Diamond also reported that Ms. Sandeen had faxed her a letter "thoroughly outlining issues that she wants to address with [the

minor] and her willingness to facilitate very short incremental therapeutic [sic] to begin even though [the minor] continues to express adamant opposition [sic] to seeing her father.”

The father, who was self-represented at the time, objected to the introduction of Ms. Sandeen’s letter as evidence on the ground that Ms. Sandeen and the petitioner (the “mother”) had a personal relationship. When the father later argued that it seemed pretty clear from the letter that Ms. Sandeen was “making some pretty strong suggestions,” Judge Kreis said, “You can’t refer to a letter that you are refusing to come in front of me.” The judge, however, permitted Ms. Diamond to state that Ms. Sandeen’s letter gave a “very good outline as to what she wants to do in order to facilitate those visits” between the minor and the father. Although Judge Kreis had not read the letter, he ordered the father to “follow the steps in the letter to have intermittent contact or whatever that is” and to “follow what the counselor is saying.” When the father then asked the judge if he could express something that he had just read in the letter, Judge Kreis replied:

No. You just told me you don’t want me to see the letter. You don’t get to pick and choose out of the letter. Right? You are the one objecting to the letter, so you don’t get to keep referring to the letter. So_[,] follow what the counselor says. Follow the Court orders and, hopefully, when we come back we can make progress.

Judge Kreis’s conduct violated canons 1, 2, 2A, 3, 3B(4), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

C. In or about late August 2019, attorney Jhette Diamond submitted a report to the court that was placed under seal. On August 27, 2019, the father filed a responsive declaration. Judge Kreis presided over the next hearing in the case on August 29, 2019. Before reading the father’s declaration or hearing argument, the judge stated at that hearing: “We can come back so I have a chance to read it [the father’s declaration] and see what it is. But at this point, I’m

following your [Ms. Diamond's] recommendation." The judge told Ms. Diamond that he did not see a reason not to, at least temporarily, adopt her recommendations.

Judge Kreis later stated: "We are not having a hearing right now. I'm going to make temporary orders that all legal [and] physical custody go to mother. You stay away – [the father] stay away from the school at least 200 yards. You don't go to the school. You don't contact the school." The judge added: "All decisions will be made by the mother. You [the father] are going to go to counseling. Your counselor is going to talk to your daughter's counselor. They're going to figure out a path forward." The judge also stated: "These are temporary orders. We can set this for a hearing in six months and see where we are."

Judge Kreis made the orders while admitting that he had not finished reading the father's declaration. He then set a six-month hearing, for two hours, to take place on March 2, 2020, and a four-month review hearing to take place on January 6, 2020.

On or about September 24, 2019, Judge Kreis signed Findings and Order after Hearing, prepared by the mother's attorney, that included the above orders and an additional order (not made at the hearing) that barred the father from requesting visitation for a period of six months from August 29, 2019. The judge's order stated that, during that six-month period, "visitation for Respondent may only resume by agreement of minor's counselor."

Judge Kreis's conduct constituted an abuse of his authority and a disregard of the father's fundamental rights, and violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

D. At the outset of the hearing that took place on August 4, 2020, Judge Kreis stated that he had received, that morning, a letter from the child's therapist, Melissa Sandeen. The letter had been forwarded to him by Ms. Diamond. After the judge asked the father's attorney, Edward Schrock, whether his client had seen the letter, the following exchange took place:

MR. SCHROCK: What I saw was an unsigned letter from Ms. Sandeen and I was a little concerned about that. Is there an actual signed version of that letter floating around somewhere?

MS. DIAMOND: Your Honor, Jhette Diamond. I do not have a signed copy. Ms. Sandeen was working remotely from her computer and that was the best she could do for me. She sent it to me on Sunday afternoon. I'm happy to submit a copy to her via Docusign so she can get that electronically signed.

THE COURT: I think for the file we can have that, but I'm certainly going to take an officer of the court's word that document's from her, so I'm not worried about that, but I am concerned about the content of the letter. So[,] Mr. Schrock.

MR. SCHROCK: Your Honor, we are going to object to -- I know that the Court might disagree with us, but we have some concerns about whether Ms. Diamond is faithfully relaying information to --

THE COURT: Mr. Schrock. Mr. Schrock.

MR. SCHROCK: Sure.

THE COURT: If you impugn another attorney in my court, I will report you to the Bar. Do you understand me? You did this last time. I will not tolerate it in my courtroom. I will tolerate -- I will not tolerate you saying Ms. Diamond -- Mr. Schrock, don't. Do not do it again. If you think she's doing something unethical, you go to the State Bar. You don't just sit in court in front of all these people and impugn character. Do you understand me?

MR. SCHROCK: Your Honor, if I stick to the facts, I think I'm within my rights.

THE COURT: No, you are not. Not in my courtroom you are not because every time your client is unhappy it's someone else's fault. The question was: Did your client see the letter? That should concern you and your client. Not whether it is signed. And you are basically -- you are basically saying Ms. Diamond, you know, we

are worried that Ms. Diamond is undermining. The only person undermining this case is your client. So_[,] with that, there will be only supervised visits based on the child's therapist.

MR. SCHROCK: That's an un -- your Honor, that's not a declaration. That's hearsay. So_[,] I object.

THE COURT: Then writ it. . . . You can work for your client, but please tread lightly and take a breath before you take a position that your client thinks you need to take. [¶] In this case, you have impugned the character of the attorneys, your client has impugned the character of the Judge by referencing his race in an irrelevant manner. So_[,] I don't know if it's this client that you are so embroiled in that you have lost your sight of your job and your duty to the Court, but I will not tolerate it. There is enough misinformation out there that I don't need you to every time you get a piece of information in this case it is someone else's fault.

Judge Kreis's comments reflect that he had taken umbrage to statements in the father's verified motion to disqualify the judge pursuant to Code of Civil Procedure section 170.1, filed on April 7, 2020.

Judge Kreis then continued:

So_[,] I am going to take in the best interest of this child this letter and an officer of the court, Ms. Diamond, who has submitted this letter and said to this Court this is from the therapist and I am going to change the orders that is just going to be supervised until we come back in a week. [Sic.] And in a week we can talk about it. And have a heart-to-heart with your client and have a heart-to-heart with yourself because I will not tolerate this any longer.

When Mr. Schrock asked the judge what, specifically, he was accusing Mr. Schrock of doing, the judge replied, "Next case, please."

Judge Kreis lost his temper and made a ruling – requiring all visits to be supervised – out of pique, without hearing arguments, and based on an unsigned letter, ostensibly from the minor's therapist. He raised his voice during the above

exchanges. The judge abused his judicial authority when he threatened to report Mr. Schrock to the State Bar without a valid basis for doing so. The judge's reference to an allegation made against him in a disqualification motion reflected embroilment and, at a minimum, made it appear that he was retaliating against the father. Many of the judge's statements also reflected prejudgment.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(4), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

E. Judge Kreis presided over another hearing in the case, on October 29, 2020. After the judge made his orders and directed minor's counsel to prepare the Findings and Order After Hearing, but before the judge set the date for the next hearing, he stated, "Madam clerk is going to wake up and give us a date here at some point." The judge's statement falsely suggested that his clerk was sleeping during the court proceedings or was slow in doing her duties.

Judge Kreis's conduct violated canons 1, 2, 2A, 3B(4), and 3C(1) (a judge shall discharge administrative responsibilities impartially, without bias or prejudice, free of conflict of interest, and in a manner that promotes public confidence in integrity of judiciary) of the Code of Judicial Ethics.

F. On December 16, 2020, Mr. Schrock, filed a Hearing Statement and Proposed Permanent Orders. At the outset of the next day's hearing, Judge Kreis announced: "Mr. Schrock wins today for the latest filed document. So_[,] I'll be handing out the prize for that at the end of the day."

Judge Kreis's comment was sarcastic and gratuitous, and violated canons 1, 2, 2A, 3B(4), and 3B(5) of the Code of Judicial Ethics.

G. Later in the December 17, 2020 hearing, Judge Kreis asked if the parties wanted to let him make a permanent order, without a hearing, but taking the parties' filings into account. Mr. Schrock replied that, unless the parties were able to come up with a stipulation, he thought that they needed to reconvene the hearing and address a new allegation that the mother had assaulted the minor.

Judge Kreis responded that the new allegation was not before the court because it was not in any moving papers. The judge added:

So_[,] if you want to file another RFO and come back and keep doing this dance, I kind of feel like they should get remarried because they seem to like to spend so much time together in court. Maybe it will be a better idea to just have them move back in together so they can have face-to-face arguments about how much they hate each other.

The parties had never been married to each other.

Judge Kreis's comments were sarcastic and gratuitous, and violated canons 1, 2, 2A, and 3B(4) of the Code of Judicial Ethics.

Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Thirteen

On or about the evening of November 9, 2018, Judge Kreis and his wife visited the home of David and Megan Nims in Eureka. When Judge Kreis arrived, David and Megan Nims were present, along with Katelyn Woods (Megan's sister) and Ryan Woods (Katelyn's husband). The judge had previously met Katelyn and Ryan Woods, but he did not know them well. The judge drank alcohol immediately prior to and during the gathering.

As he was leaving, Judge Kreis hugged Mr. Woods, grabbed and/or slapped his buttocks, and said words to the effect of "everyone's going to get one," "your wife's going to get one, too," or (to Ms. Woods), "I'm going to do it to you." The judge also told Ms. Woods, "It's what we do here," or words to that effect. After Ms. Woods firmly told the judge not to touch her in that way, Judge Kreis told her that he was going to do it anyway, and then hugged her and grabbed or slapped her buttock(s) without her consent.

Judge Kreis's conduct violated canons 1, 2, 2A, and 4A (a judge shall conduct all of the judge's extrajudicial activities so that they do not demean the judicial office) of the Code of Judicial Ethics. Judge Kreis's conduct constitutes prejudicial misconduct.

Count Fourteen

Judge Kreis made inappropriate comments in the courtroom on the following occasions.

A. On or about November 22, 2017, Judge Kreis presided over a “trial call” proceeding at which he sent various criminal cases to other departments for trial. Present in the courtroom were approximately 35 to 40 people, including defendants, victims, and victims’ families, who were waiting to see where cases would be assigned. During the proceeding, when the judge stated that he was going to send a particular case to a specific courtroom for trial, then-DPD Luke Brownfield asked the judge how he knew to send the case to that particular courtroom. Judge Kreis replied, “If I told you, I’d have to kill you,” or words to that effect. The judge then added that, instead, he would have DDA Roger Rees “do it” or “rough you up,” or words to that effect. When he made the comment, Judge Kreis knew that Mr. Rees owned a firearm.

Even though Judge Kreis made the comments in jest, his comments were undignified and violated canons 1, 2, 2A, and 3B(4) of the Code of Judicial Ethics.

B. In approximately 2018 or 2019, in open court but before court proceedings began, Judge Kreis told some of the attorneys who were present that he wished attorney Edward Schrock would disappear.

Judge Kreis’s comment violated canons 1, 2, 2A, 3B(4), and 3B(5) of the Code of Judicial Ethics.

C. On or about April 2, 2021, when DPD Adrian Kamada appeared during a Zoom appearance after Judge Kreis had tried and failed to get his attention, the judge joked, “Are you back from the AA yet?” or words to that effect. “AA” was a reference to the AA Bar & Grill, which is located near the courthouse. The judge’s reference to the “AA” was intended to falsely imply that DPD Kamada was late to the court session because he had been drinking alcohol during working hours.

Judge Kreis's comment violated canons 1, 2, 2A, 3B(4), and 3B(5) of the Code of Judicial Ethics.

Judge Kreis's conduct constitutes, at a minimum, prejudicial misconduct.

Count Fifteen

On or about May 16, 2017, while Judge Kreis was an attorney, he appeared in Department 5 on behalf of the defendant in *People v. Bonnie Lee Hall*, No. CR1505306. During the hearing, DDA Carolyn Schaffer told Judge Christopher Wilson that the defendant had apparently rejected the People's offer to settle the case with a plea to a misdemeanor. Mr. Kreis told the judge that he was not the defendant's attorney and asked that the misdemeanor offer be left open until the next court date. After the defendant told the judge that she had not spoken to her attorney about the offer and that she did not realize that the offer was still available, DDA Schaffer acknowledged that there may have been "communication issues" between the defendant and her attorney, and asked that the "conflict counsel's office be directed to contact the defendant and have a serious discussion with her about this and advise [Schaffer] whether [the defendant] wants to take it or not." When Mr. Kreis attempted to withdraw the defendant's time waiver, DDA Schaffer stated that she thought that the defendant had to provide five days' notice to the People before she could withdraw her time waiver. Mr. Kreis then stated, sarcastically: "Well, let's put this on for five days, and then I will say the same thing. And then she [Schaffer] can -- can give more advice to the Court to advise my client about how we should practice. She seems to know everything." After Judge Wilson told Mr. Kreis, "Stop[,]" DDA Schaffer stated that the People would withdraw their offer in five days. Later, when DDA Schaffer was walking out of the courtroom and was out of earshot, Mr. Kreis called her a "bitch" or a "pretentious bitch."

Mr. Kreis's conduct constitutes prejudicial misconduct.

Count Sixteen

A. On or about January 23, 2024, Judge Kreis participated in an online judicial candidate forum or judicial debate (“debate”). During the debate, the moderator asked the judge, “Have you ever been investigated by a state entity such as the California [State] Bar and, if so, why?” Judge Kreis responded:

So, this is [an] interesting question. This was asked on -- by Dave Brose, one of April’s supporters online. And because I have ethical duties, I actually reached out -- And pursuant to -- and I’ll just read it -- California State Bar Rule 2302 and Rule 102(a) of the Rules of Commission on Judicial Performance, any matter before those bodies is confidential, not properly the subject of inquiry, regardless of whether an investigation is or is not pending.

There are, I know, both State Bar and, through the judicial commission, investigations ongoing you never know about. So, because of that and my ethical duty, similarly to -- I can’t talk about current cases that are pending. I’m not able to -- to talk about it. But I can say I’ve never been disciplined.

In fact, Judge Kreis was disciplined by the Commission on Judicial Performance on or about December 14, 2018. The judge’s statement that he had “never been disciplined” was not true. A link to the Zoom video, which included the judge’s inaccurate statement (“But I can say I’ve never been disciplined”), remained on his reelection website home page until after the March 5, 2024, election.

Judge Kreis’s conduct violated canons 1, 2, 2A, 5 (a judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary), 5B(1) (a candidate for judicial office shall not knowingly, or with reckless disregard for the truth, make false or misleading statements about any fact concerning himself or herself), and 5B(2) (a candidate for judicial office shall take appropriate corrective

action if the candidate learns of any misrepresentations made in his or her campaign statements or materials) of the Code of Judicial Ethics.

B. Judge Kreis was visible to those watching the January 23, 2024, debate online, and he was also visible in video recordings of the debate that were publicly available online after the debate concluded. While participating in the debate, Judge Kreis was in his chambers at the Humboldt County Superior Court courthouse. A campaign sign, positioned behind him, read: “Re-Elect Judge Greg Kreis.” The campaign sign was visible when the judge spoke during the debate.

Judge Kreis also participated in filming one or more video(s) in his chambers at the Humboldt County Superior Court courthouse. The video(s) filmed in the judge’s chambers were created and used for the purpose of supporting his reelection campaign. Those videos were publicly available on the judge’s reelection campaign website, on both the homepage and the media page. Some videos were also publicly available in other online locations (e.g., Instagram).

Judge Kreis’s conduct violated canons 1, 2, 2A, 2B(2) (a judge may not lend the prestige of judicial office or use the judicial title in any manner to advance the judge’s pecuniary or personal interests), and 5 of the Code of Judicial Ethics.

Judge Kreis’s conduct constitutes, at a minimum, prejudicial misconduct.

Count Seventeen

On or about July 20, 2022, Judge Kreis presided over a hearing in *Erica Schuster v. Ryan Weinert*, No. FL2101022. During the hearing, when discussing whether a trial in the matter would take place as scheduled on August 16, 2022, Mr. Weinert argued that two pending contempt charges against Ms. Schuster would necessarily require a continuance of the trial to a future date, in order to allow the contempt charges to be resolved before trial. Judge Kreis cautioned Mr. Weinert that the trial would not necessarily be continued to a future date

because the judge deciding the contempt charges could opt to dismiss them in the interest of justice. Judge Kreis added:

Because when I see this much litigation between parties, first thing I think is they must really like each other enough to be in court all the time and maybe they should get back together.

Judge Kreis's comments were sarcastic and gratuitous, and violated canons 1, 2, 2A, and 3B(4) of the Code of Judicial Ethics, and constitutes, at a minimum, prejudicial misconduct.

In signing the Stipulation, in addition to consenting to discipline on the terms set forth, Judge Kreis expressly admitted that the foregoing facts are true and that he agrees with the stated legal conclusions.

In an affidavit of consent or discipline, Judge Kreis affirmed that his consent was freely and voluntarily rendered, and that he admits the truth of the charges as modified by the Stipulation.

DISCIPLINE

Article VI, section 18, subsection (d) of the California Constitution provides that the commission may "censure a judge . . . for action . . . that constitutes . . . conduct prejudicial to the administration of justice that brings the judicial office into disrepute." Judge Kreis concedes that he committed 14 acts that constitute, at a minimum, prejudicial misconduct, and three acts of prejudicial misconduct, comprising 68 allegations of conduct that violated the Code of Judicial Ethics. Judge Kreis's misconduct seriously undermines public confidence in the integrity of the judiciary.

Much of Judge Kreis's misconduct relates to his failure to disclose his relationships with seven attorneys; his familiarity with individuals involved in matters before him; or the extent of his relationships with the individuals, in at least 44 cases over which he presided. This type of misconduct is serious. The purpose of California's statutory disclosure requirements is to ensure public confidence in the judiciary. (*Curle v. Superior Court* (2001) 24 Cal.4th 1057,

1070.) A judge's persistent failure to comply with these requirements reflects an unacceptable lack of concern about the public's perception of the integrity and fairness of the judiciary. (*Severe Public Admonishment of Judge David A. Mason* (2020).)

The commission takes particularly seriously the misconduct stipulated to in Count Thirteen (grabbing a female acquaintance's buttocks after she had explicitly told him not to do so). Sexual misconduct severely undermines public esteem for the integrity of the judiciary. Treating women disrespectfully, including unwanted touching, reflects a sense of entitlement completely at odds with the canons of judicial ethics and the role of any judge. Sexual misconduct has no place in the judiciary and is an affront to the dignity of the judicial office. (*Inquiry Concerning Johnson* (2020) 9 Cal.5th CJP Supp. 1, p. 9.)

Additionally, Judge Kreis's conduct in treating attorneys and litigants poorly; making inappropriate, sarcastic, and gratuitous comments to them; and improperly threatening to report an attorney to the State Bar, undermines public perception of the integrity and impartiality of the judiciary. Everyone appearing before Judge Kreis should be assured that he would dispense justice fairly and respectfully. His conduct and remarks did not inspire confidence that he would do so.

Judge Kreis's prior discipline is also aggravating. (Policy Declarations of Com. on Jud. Performance, policy 7.1(2)(e).) He received an advisory letter in 2018 for the following remarks about a criminal defendant during a sentencing hearing: "He's a dirtbag of the highest order . . . What's kind of burning me up right now is the fact that he was paid more than I'm paid, to sell cars, and then he stole money on top of it. How pathetic is that? You are really a piece of work."

The purpose of a commission disciplinary proceeding is not punishment, "but rather the protection of the public, the enforcement of rigorous standards of judicial conduct, and the maintenance of public confidence in the integrity . . . of the judicial system." (*Broadman v. Commission on Judicial Performance* (1998)

18 Cal.4th 1079, 1112, citing *Adams v. Commission on Judicial Performance* (1995) 10 Cal.4th 866, 912.) The commission believes that this purpose is best served by the discipline proposed in the Stipulation. The judge's agreement to resign effective May 27, 2024, and not to seek or hold judicial office, effectively reaches the same resolution as removal, affords protection to the public, enforces rigorous standards of judicial conduct, and maintains public confidence in the integrity of the judicial system, in the most expeditious manner by avoiding the delay of further proceedings. Accordingly, we impose this censure and bar pursuant to the terms and conditions of the attached Stipulation.

Commission members Dr. Michael A. Moodian; Hon. Lisa B. Lench; Hon. William S. Dato; Hon. Michael B. Harper; Rickey Ivie, Esq; Ms. Kay Cooperman Jue; Mr. Richard A. Long; Mani Sheik, Esq.; and Ms. Beatriz E. Tapia voted to accept the Stipulation and to issue this public censure and bar. Commission member Mr. Eduardo De La Riva did not participate. One public member position was vacant.

Date: 5/28/2024

On behalf of the
Commission on Judicial Performance,



Dr. Michael A. Moodian
Chairperson

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING
JUDGE GREGORY J. KREIS

No. 209

STIPULATION FOR DISCIPLINE
BY CONSENT (Rule 127)

Pursuant to Rules of the Commission on Judicial Performance, rule 127, Judge Gregory J. Kreis of the Humboldt County Superior Court, represented by counsel James A. Murphy, Esq. of Murphy, Pearson, Bradley, and Feeney, P.C., and commission examiner Mark A. Lizarraga (the “parties”) submit this proposed disposition of Inquiry No. 209. The parties request that the commission resolve this matter by imposition of a public censure; an irrevocable resignation from office, effective May 27, 2024; and an agreement that Judge Kreis will not seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time after May 27, 2024.

The parties believe that the settlement provided by this agreement is in the best interests of the commission and Judge Kreis because, among other reasons, in light of the stipulated facts and legal conclusions, and the judge’s agreement to resign from office and to not serve as a judicial officer after his resignation, a public censure adequately protects the public and will avoid the delay and expense of further proceedings. In addition, in the

absence of a stipulated disposition, commission proceedings could not be completed before the judge's current term ends in January 2025. As the judge has not been reelected, once his current term ends, the highest discipline that the commission could impose would be a censure and a bar which, in effect, is the disposition proposed by this stipulation.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the Inquiry Concerning Judge Gregory J. Kreis, No. 209.
2. The commission shall issue a public censure based on the agreed Stipulated Facts and Legal Conclusions set forth herein.
3. If the commission accepts this proposed disposition, the commission's decision and order imposing public censure may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.
4. Upon acceptance by the commission, this stipulation, the judge's affidavit of consent, and the commission's decision and order shall be made public.
5. Judge Kreis waives any further proceedings and review in this matter, including formal proceedings (Rules of Com. Jud. Perform., rule 118 et seq.) and review by the Supreme Court (Cal. Rules of Court, rule 9.60).
6. Pursuant to this agreement, Judge Kreis has agreed to irrevocably resign from his position as a judge, effective May 27, 2024.
7. Judge Kreis also agrees that he will not seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time after May 27, 2024.

8. If Judge Kreis attempts to serve in a judicial capacity in violation of the foregoing paragraph, the commission may withdraw the censure and reinstitute formal proceedings as to all of the charges in the notice of formal proceedings. The commission may also refer the matter to the State Bar of California.

9. If Judge Kreis fails to resign in accordance with this agreement, the commission may withdraw the censure and resume its formal proceedings as to all of the charges in the notice of formal proceedings.

10. Failure to comply with the terms and conditions of this agreement may also constitute additional and independent grounds for discipline.

11. Judge Kreis agrees that the facts recited herein are true and correct, and that the discipline to which the parties stipulate herein is appropriate in light of those facts.

12. The commission may reject this proposed disposition and resume formal proceedings. If the commission does so, nothing in this proposed disposition will be deemed to be admitted or conceded by either party.

Accordingly, it is hereby stipulated and agreed that the commission shall issue a public censure on the above Terms and Conditions of Agreement, and based on the following Stipulated Facts and Legal Conclusions.

STIPULATED FACTS AND LEGAL CONCLUSIONS

This disciplinary matter concerns Judge Gregory J. Kreis, a judge of the Humboldt County Superior Court since 2017. His current term began in January 2019.

COUNT ONE

On May 28, 2019, Deputy Public Defender (DPD) Rory Kalin appeared before Judge Kreis in the following cases:

(a) *People v. Chantrell Andre Arndt*, No. CR1901782A;

- (b) *People v. Shannon Renee Cobillas-Graham*, Nos. CR1900696 and CR1901192;
- (c) *People v. Shalise Eileen Diaz*, No. CR1902159;
- (d) *People v. Shawn Gordon Hopper, Jr.*, No. CR1901193B;
- (e) *People v. Jaime Lyn Hostler*, No. CR1901524B;
- (f) *People v. Nicole Charmaine Nixon*, No. CR1801796B;
- (g) *People v. Jacqueline Christine Remington*, No. CR1900697;
- (h) *People v. Carmen Selina Rose*, No. CR1803556A;
- (i) *People v. Amber Rose Souza*, No. CR1901191; and
- (j) *People v. Shinese Shanell Washington*, No. CR1805566B.

Prior to May 28, 2019, Judge Kreis knew, and had socialized with DPD Kalin. In addition, then-Assistant Public Defender (APD) Luke Brownfield, who was a close personal friend of the judge, was DPD Kalin's supervisor. On May 28, 2019, Judge Kreis did not make any disclosure in any of the cases, listed above, regarding his prior interactions and socializing with DPD Kalin. Judge Kreis also failed to disclose the fact that DPD Kalin's supervisor was APD Brownfield, Judge Kreis's close personal friend.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

COUNT TWO

On or about August 15, 2022, Meagan O'Connell, Supervising Attorney at the Humboldt County Conflict Counsel's office, appeared before Judge Kreis on behalf of several defendants on his 3:31 p.m. truancy calendar. When Ms. O'Connell told the judge that she was going to file a motion to disqualify him pursuant to section 170.6 of the Code of Civil Procedure, Judge Kreis said something like, "Counsel, before you do that, you should look at professional rule of conduct 5.1." The judge's statement would reasonably be interpreted as a threat to report Ms. O'Connell to the

State Bar in retaliation for her filing a motion to disqualify him, and was an attempt to dissuade Ms. O'Connell from filing such a motion, or gave the appearance that he was attempting to dissuade Ms. O'Connell from filing a motion to disqualify him.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(4), 3B(5), and 3B(8) of the Code of Judicial Ethics.

COUNT THREE

Following Kevin Robinson's retirement as Humboldt County Public Defender, Mr. Kreis¹ was the interim public defender between approximately December 2016 and February 2017. Although he applied to become the public defender and was one of the finalists for that position, in February 2017, the Humboldt County Board of Supervisors instead hired David Marcus to become the public defender.

On March 10, 2017, Patrik Griego, a partner at Janssen Malloy LLP in Eureka, filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and Attorney's Fees in *Does 1 Through 10 v. County of Humboldt et al.*, No. CV170183. Among other things, the petition sought an order restraining the respondents from continuing Mr. Marcus's appointment on the ground that his hiring violated Government Code section 27701. Mr. Kreis collaborated with Mr. Griego in the handling of the case. On or about March 17, 2017, Mr. Kreis signed a declaration that was filed in support of Petitioners' Motion to Permit Service of Business Record Subpoena Prior to 20 Day Hold. The declaration set forth the reasons why Mr. Kreis believed that Mr. Marcus was not qualified to serve as the public defender. The lawsuit remained pending until on or about November 29, 2017.

¹ Judge Kreis is referred to herein as "Mr. Kreis" regarding conduct in which he engaged before becoming a judge.

Attorney David Nims was a colleague of Patrik Griego at Janssen Malloy LLP between approximately October 2015 and August 2022. Judge Kreis has been friends with Mr. Nims since approximately 2011, when Mr. Nims interned for the Humboldt County Public Defender's Office. Mr. Nims has socialized with Judge Kreis many times, primarily since 2015, including at the judge's home. Mr. Nims attended Memorial Day weekend campouts at Lake Shasta held between approximately 2015 and 2018, some of which Judge Kreis also attended. Mr. Nims was invited to a 2019 campout, but responded, in a group chat, "I have been fired from Memorial Day." The judge's then-wife, Brenda Elvine, replied, "Nope. Not true. You got PROMOTED for Memorial Day silly!!" Judge Kreis responded, "Agreed. Promotion," followed by a smiley face emoji. The judge added, "I order ur family to go," followed by another smiley face emoji.

On March 6, 2020, Rory Kalin filed a Complaint for Damages against the judge in the Humboldt County Superior Court. (*Rory Kalin v. Gregory J. Elvine-Kreis, et al.*, No. CV2000357.) In approximately April 2020, Judge Kreis retained Mr. Griego to represent him in the lawsuit, which was later consolidated with *Rory Kalin v. Humboldt County Public Defender's Office et al.*, No. CV2000902.

Judge Kreis handled several cases in which David Nims represented parties, including the following cases, without fully disclosing on the record information that was reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1.

A. On August 4, 2017, and February 9, 2018, Judge Kreis presided over hearings in *Sullivan v. O'Donnell*, No. DR160101, without disclosing (1) his friendship and social relationship with the defendant's attorney, David Nims, or (2) the fact that, in 2017, he collaborated with Patrik

Griego, a partner in the law firm where Mr. Nims worked, in case number CV170183.

B. On November 30, 2017, and May 3, 2018, Judge Kreis presided over review hearings in *Matter of Jack & Patricia Arthur Living Trust*, No. PR160301, without disclosing (1) his friendship and social relationship with the defendant's attorney, David Nims, or (2) the fact that, in 2017, he collaborated with Patrik Griego, a partner in the law firm where Mr. Nims worked, in case number CV170183.

C. On April 27, 2018, David Nims appeared before Judge Kreis on behalf of the petitioner in *Epino v. Dobbins*, No. CV170379. The case was on calendar for a hearing on the respondent's motion for attorneys' fees and costs. The judge disclosed that he had worked with Mr. Nims in the past and had interacted socially with him, but failed to disclose that he was a close friend of Mr. Nims or that he had collaborated in a lawsuit with Patrik Griego, a partner in the law firm where Mr. Nims worked, in case number CV170183. At the end of the hearing, the judge denied the motion.

D. In *Santsche v. Hopkins*, No. CV180293, David Nims represented Kimberly Santsche, a civil harassment restraining order (CHRO) petitioner, in her request for a CHRO against respondent Jermaine Hopkins. Judge Kreis presided over a hearing on the CHRO request, on October 15, 2018, at which Mr. Nims and both parties appeared. After Mr. Nims advised Judge Kreis that he had been served with a cross-complaint, the judge disclosed that he had worked with Mr. Nims in the past, but that nothing in the past relationship would hinder him in making a fair decision. Judge Kreis did not disclose his friendship and social relationship with Mr. Nims or the fact that, in 2017, he had collaborated in a lawsuit with Patrik Griego, a partner in the law firm where Mr. Nims worked, in case number CV170183. The respondent stated that he would be filing a motion to disqualify the judge. Judge Kreis ordered Mr. Hopkins to file and serve his

motion to disqualify the judge by October 19, 2018, and continued the matter. The motion to disqualify was later denied.

E. David Nims represented L.B., a minor who was charged with murder. (*In the Matter of L.B.*, No. JV190***) On September 3, 2019, the People filed a motion for a transfer hearing, pursuant to section 707 of the Welfare and Institutions Code. The motion was assigned to Judge Kreis's department. The judge denied the motion on November 20, 2019. On September 10, October 4 and 22, and November 8, 12, 13, 19, and 20, 2019, Mr. Nims appeared on behalf of the minor at hearings in the case before Judge Kreis. On November 8, 2019, the judge belatedly disclosed that Mr. Nims's partner, Patrik Griego, had briefly represented Judge Kreis in a civil case and had billed the judge for representation in that case. Judge Kreis did not disclose his friendship and social relationship with Mr. Nims, the name or nature of the civil case in which Mr. Griego had represented him, the period of time during which Mr. Griego represented him, or the fact that, in 2017, he had collaborated with Mr. Griego in the handling of case number CV170183.

F. On April 6, 2020, in *Hancock v. O'Brien*, No. FL2000279, David Nims filed, on behalf of the petitioner, a Request for Domestic Violence Restraining Order (DVRO). On that date, Judge Kreis granted a temporary restraining order; issued a 100-yard stay-away order; ordered that the respondent immediately pay a towing charge of \$500, plus fees; ordered that the petitioner could record any of the respondent's communications that violated the judge's order; and set a hearing to take place on May 19, 2020. The protected persons listed in the order were the petitioner and her two daughters. The judge directed that the order expire on May 19, 2020.

On May 5, 2020, Mr. Nims filed, on behalf of the petitioner, an Amendment to Request for Domestic Violence Restraining Order re: Personal Property. The Amendment requested that the court order the

respondent to return to the petitioner a television that she had purchased from Costco in February 2019.

On May 19, 2020, Judge Kreis presided over a hearing at which he granted the Request for Domestic Violence Restraining Order for three years and ordered the respondent to return the television. Mr. Nims appeared for the petitioner via video conference. The judge directed Mr. Nims to prepare the Restraining Order After Hearing, which the judge signed on or about May 21, 2020.

Judge Kreis never disclosed (1) his friendship and social relationship with David Nims, or (2) the fact that Mr. Nims's law partner, Patrik Griego, was representing the judge. Due to Mr. Griego's representation of Judge Kreis in *Kalin v. Elvine-Kreis et al.*, No. CV2000357, the judge had a duty to recuse himself from the case.

G. On or about April 9, 2021, Judge Kreis signed an order appointing David Nims to represent the minor in *In the Matter of J.R.*, No. JV2000***. The order granted Mr. Nims access to records regarding the minor. On or about April 15, 2021, the judge signed an order shortening time for a hearing on the district attorney's motion to join J.R. and S.R. and their cases (Nos. JV2000*** and JV2000***) for the contested jurisdictional hearing that had been set for May 4, 2021.

On April 26, 2021, Judge Kreis presided over a hearing in the two cases. The judge did not disclose his friendship and social relationship with Mr. Nims, or the fact that Mr. Nims's law partner, Patrik Griego, was representing the judge. Deputy District Attorney (DDA) Jessica Watson told Judge Kreis that it had been brought to her attention that Mr. Nims or his law firm represented the judge. Instead of recusing himself, as he was required to do, Judge Kreis stated that his normal practice was to "not hear any contested issues with ... that firm[,]” but that he would disqualify himself if the matter was contested, and could recuse himself if one of the

parties was not comfortable with his handling the case. Judge Kreis did not recuse himself until DDA Watson said that her office was not comfortable with him handling the case.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics. The judge's appointment of David Nims in *In the Matter of J.R.*, No. JV2000***, also violated canon 3C(5) of the Code of Judicial Ethics.

COUNT FOUR

The facts set forth in count four are incorporated by reference.

A. Judge Kreis presided over the following cases in which Patrik Griego appeared, and the hearings that took place on the following dates, without disclosing on the record that he had collaborated with Mr. Griego in case number CV170183 and was friends with David Nims, who worked for Janssen Malloy LLP, where Mr. Griego was a partner.

1. *Rhodes v. St. Joseph Hospital*, No. DR170489, December 1, 2017;
2. *People v. Shaha*, No. CR1704575, January 4, 2018; and
3. *People v. Lacount*, Nos. CR1602664, CR1703402, CR1701173, CR1600513, CR1805459, CR1804724, CR1602071B, CR1700366, CR1800116, CR1901534, and CR1902911, December 20, 2019.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

B. Patrik Griego represented the respondent in *David Rodrigues v. Jackie Howard*, No. FL190773, a DVRO proceeding. On October 21, 2019, Mr. Griego and the parties appeared before Judge Kreis at a hearing on the petitioner's DVRO request. The petitioner was unrepresented. After the judge disqualified himself pursuant to section 170.1 of the Code of Civil Procedure, Mr. Griego stated: "The temporary restraining order [TRO] keeps my client from her home with all her personal belongings.

We are objecting to that at least in the interim so she can get her things out of the house.” The judge then asked Ms. Howard, “Do you have a third party that can go get this for you?” After Ms. Howard told him that she was talking about furniture, like a bedroom set, that was bought before the parties’ marriage, Judge Kreis asked petitioner Rodrigues whether he would agree that Ms. Howard could have the bedroom set and some furniture. After Mr. Rodrigues responded that he did not know about the living room set, the judge advised Ms. Howard to make a list of everything she wanted to obtain and give it to her attorney (Griego). The judge stated that he would sign a modification to the TRO, if it were drafted, to provide an exception for the transfer of property.

By trying to facilitate the transfer of property in a case from which he was disqualified, and offering to sign an order modifying the TRO, Judge Kreis violated canons 1, 2, 2A, 3, 3B(2), 3B(5), and 3B(8) of the Code of Judicial Ethics.

COUNT FIVE

A. Mr. Kreis had a close personal relationship with attorney Joanne Carter between approximately 2010 and 2017. He worked with Ms. Carter when she was a deputy public defender in Humboldt County between 2010 and 2017, and he supervised her in approximately 2016 and 2017. Between approximately 2010 and 2017, Mr. Kreis often socialized with Ms. Carter outside the workplace and attended parties held at her home.

B. Between approximately 2018 and 2020, Judge Kreis presided over the following cases in which Joanne Carter appeared, and the hearings that took place on the following dates, without disclosing his past relationship with her:

1. *Matter of H. Minors*, No. PR120081, May 1 and 8, June 14, July 12, and August 16, 2018, and October 22, 2019;

2. *K.A. v. T.L.*, No. FL160***, May 8 and 29, August 30, and October 23, 2018; February 26, March 7, April 2 and 18, July 18, August 13 and 16, November 7 and 21, and December 5 and 13, 2019; and March 12, 2020;
3. *Murietta v. Grimes*, No. FL180264, May 9 and 31, 2018;
4. *Gauthier v. Teasley*, No. FL180323, June 6, August 7 and 14, and September 6, 2018;
5. *Pugel v. Pugel*, No. FL180113, August 14, 2018, and February 7 and March 7, 2019;
6. *Eichin v. Eichin*, No. FL090359, August 22 and 23, 2018;
7. *Zetter v. Zetter*, No. FL180661, September 24, 2018;
8. *Zetter v. Zetter*, No. FL180700, September 24, October 18, and December 18, 2018;
9. *Span v. Span*, No. FL170513, October 9 and 18, and November 1, 2018;
10. *Adams v. Holm*, Nos. FL180863, and *Holm v. Adams*, No. FL180841, December 10 and 11, 2018, and January 8, 2019;
11. *Silva v. Silva*, No. FL120485, December 13, 2018, and January 10, February 21, March 14, May 9 and 23, June 20, July 9, August 13 and 26, and October 15, 2019;
12. *McCullough v. McCullough*, No. FL100260, January 29 and February 4 and 6, 2019;
13. *Ross v. Schroer*, No. FL160319, February 14, March 28, May 23, June 18, July 16, and August 13 and 29, 2019;
14. *Matter of E.W.*, No. PR050116, February 20, 2019, and February 20, 2020;
15. *Drefke v. Drefke*, No. FL140211, February 21, March 14, April 30, and May 2 and 16, 2019;

16. *Escareno v. Escareno*, No. FL150703, March 18 and 26, 2019, April 15 and 30, June 4, 11, and 13, July 9 and 18, August 13 and 16, October 17, and November 19, 2019, and January 7, 2020;

17. *Reynosa v. Reynosa*, No. FL120084, April 16 and May 7, 2019, and June 8, 2020; and

18. *Ellis v. Morrow*, No. FL190175, April 18 and 19, May 2 and 30, October 15, November 14, and December 4, 2019, and January 13 and 30, February 28, and May 28, 2020.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

C. On or about May 22, 2017, Governor Edmund G. Brown, Jr., appointed Mr. Kreis to the Humboldt County Superior Court. Judge Kreis became a superior court judge on June 2, 2017. In his July 7, 2023, response to an allegation in the April 19, 2023 preliminary investigation letter, Judge Kreis stated through counsel: "When the Judge took the bench, he placed Ms. Carter on the disqualification list until 2018 [*sic*], approximately two years after his appointment. Following that two-year lapse, and given the lack of any ongoing relationship, Judge Kreis did not consider a disclosure of prior friendship to be necessary." The judge's response gave the false impression that he disqualified himself from, and did not hear, any cases in which Ms. Carter appeared during the first two years after his appointment to the bench.

Judge Kreis's conduct violated Government Code section 68725; Rules of Commission on Judicial Performance, rule 104(a); and canons 1, 2, 2A, and 3D(4) of the Code of Judicial Ethics.

COUNT SIX

Since approximately 2010, Judge Kreis has been close friends with DPD Casey Russo and has socialized with him on numerous occasions. DPD Russo represented the defendants in the following matters over which the judge presided. Judge Kreis did not, in any of these matters, make any disclosure of his close friendship and social interactions with DPD Russo.

A. The preliminary examination in *People v. Matthews*, No. CR1803214, that took place on October 4, 2018;

B. The preliminary examination in *People v. Leen*, No. CR1803854, that took place on March 25-27, 2019, and the previous hearing that took place on March 22, 2019; and

C. The trial in *People v. Kobak*, No. CR1703639, that took place between approximately January 14 and February 4, 2020.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

COUNT SEVEN

Judge Kreis has known court clerk Kimberlyn Stutte since at least 2017. Ms. Stutte was a family law clerk in Humboldt County from approximately 2015 to 2021, and the judge worked with her on a regular basis between 2017 and at least 2020. In 2017, Ms. Stutte and her husband, Jay Stutte, were appointed as conservators of their daughter. On November 9, 2017, May 10, 2018, and August 20, 2020, Judge Kreis presided over hearings in the conservatorship case (*Matter of Stutte*, No. PR170089), even though he was legally and ethically disqualified from the case due to his relationship with Kimberlyn Stutte.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

COUNT EIGHT

On July 7, 2021, Judge Kreis presided over the juvenile delinquency calendar. The first case that he called was *In re J.O.*, No. JV2100***. Although he was disqualified from hearing the case due to his close personal friendship with the minor's attorney, Luke Brownfield, the judge did not immediately disqualify himself. Instead, Judge Kreis disclosed that he and Mr. Brownfield were "friends from years back" and were "both involved in a frivolous lawsuit." The judge asked the parties, "Does anyone have any objection to me hearing this matter or any matters today for the public defender based on that?" When DDA Jessica Watson told him that she had "an objection to [his] hearing the cases," the judge asked her to set forth the grounds for her objection. When DDA Watson stated that she was "afraid that there's an appearance of impartiality [*sic*]" due to the fact that the judge had a close friendship with the minor's attorney and was named as a codefendant in the same lawsuit, Judge Kreis still did not recuse himself. Instead, the judge stated:

All right. I'm going to get back to you on that. [¶] I agree with that and that's why I would recuse myself, but I'm not sure I understand the logic between when there's no contest stipulation. [*Sic.*] That doesn't make sense and that does not bode well for judicial economy, so I'm going to take a recess for about five minutes and then I'll be back.

After a recess, Judge Kreis stated that, since none of the matters on calendar were contested hearings, he would not recuse himself, but would give the district attorney's office the opportunity to file statements of disqualification against him, pursuant to section 170.1 of the Code of Civil Procedure. DDA Watson elected instead to orally move to disqualify the judge, pursuant to section 170.6 of the Code of Civil Procedure.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

COUNT NINE

Between approximately 2017 and at least 2021, during the period of time in which he presided over the family law calendar, Judge Kreis provided various legal options to his friend, Quincy Brownfield, when she contacted Judge Kreis with family law questions, based on issues that arose at the school where she was employed. .

Judge Kreis's conduct violated canons 1, 2, 2A, and 4G of the Code of Judicial Ethics.

COUNT TEN

A. In approximately January 2018, Gemma Erickson, who recently had been diagnosed with breast cancer, began visiting the Breast & GYN Health Project (BGHP) in Arcata. Between at least February 2018 and July 2019, Ms. Erickson attended semimonthly meetings of BGHP's Young Women's Support Group ("support group"), which were facilitated by Judge Kreis's then-wife, Brenda Elvine, who became a friend of Ms. Erickson.

On or about the evening of December 12, 2018, Ms. Erickson attended a gathering of the support group and their children at the judge's home. Judge Kreis was present during part of the gathering, made a fire for the group, said hello to the attendees, and met Ms. Erickson.

On or about December 13, 2018, Gemma Erickson filed a petition for dissolution in *Gemma Erickson v. Ben Erickson*, No. FL180904. Judge Kreis presided over the case between approximately March 11, 2019, and June 23, 2021. When the parties first appeared before him for a case management conference on March 11, 2019, the judge said, "And Gemma, you look very familiar." He added, "So without saying, my wife works . . . at a place that Ms. Erickson has been going to. And I believe you were at

my house a couple times.” The judge also stated that there was nothing that would impact his ability to be fair at that point.

On March 22, 2019, Ms. Erickson filed a Request for Order that included a request that she be given sole legal and physical custody of the couple’s four-year old daughter and be allowed to relocate with the daughter to England. Ms. Erickson placed her medical condition into great focus, and it was a principal reason why she asked for permission to relocate.

On or about May 5, 2019, Ms. Erickson attended another gathering of the support group and their children at the judge’s home. Judge Kreis was present during part of the gathering and said hello to the attendees, including Ms. Erickson. At the court appearance on May 6, 2019, the judge stated: “And for a disclosure, there was a -- it got disclosed before. There is a relationship, a work relationship, between my wife and Ms. Erickson. And yesterday she had something at our home, and I saw Ms. Erickson for about two minutes and said, ‘Hello,’ as I left the house. [¶] If these -- if you -- specifically, if you feel that, at some point, you’re uncomfortable with -- with that, then just let the Court know, -- and we can address it. All right?”

Judge Kreis failed to disclose that his wife provided assistance to Gemma Erickson in connection with her medical condition. He did not disqualify himself from the case until on or about June 23, 2021.

Judge Kreis’s conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(8), and 3E of the Code of Judicial Ethics.

B. On November 27, 2019, in *Erickson v. Erickson, supra*, Mr. Erickson filed a motion to disqualify Judge Kreis, in which he alleged that the judge, on March 11 and May 6, 2019, had failed to explicitly state the exact nature of the relationship that existed between the judge’s wife

and Ms. Erickson. Attached to the motion were excerpts from transcripts of both hearings.

In Judge Kreis's verified answer, he stated, under penalty of perjury:

I fully informed Mr. Erickson and his attorney at the first appearance, as well as later appearances, that Petitioner [Gemma Erickson] is provided services at my wife's place of business (a breast cancer support non-profit) and that I had met her once before.

In fact, Judge Kreis never disclosed that Ms. Erickson was provided services at his wife's place of business or that his wife worked at a breast cancer support nonprofit organization.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), and 3B(5) of the Code of Judicial Ethics.

C. On September 3, 2019, Judge Kreis ordered that Gemma Erickson be awarded sole legal and physical custody of the Ericksons' four-year-old daughter and that Ms. Erickson be permitted to move with the daughter to England. On October 24, 2019, Mr. Erickson filed a notice of appeal from that ruling. On December 19, 2019, Mr. Erickson filed, in the superior court, a proposed settled statement in support of his appeal. On February 5, 2020, Judge Kreis ordered Mr. Erickson to prepare a settled statement incorporating several modifications, including the following: "The court disclosed that Petitioner was a client of the Judge's wife and the professional relationship to Respondent while represented by counsel and when representing himself, with no objection." In fact, Judge Kreis had not disclosed to Mr. Erickson that Ms. Erickson was a client of the judge's wife or that the judge's wife provided assistance to Ms. Erickson in connection with her medical condition.

Judge Kreis's conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(5), and 3B(8) of the Code of Judicial Ethics.

COUNT ELEVEN

Judge Kreis engaged in the following misconduct while presiding over *S.R. v. V.R.*, No. FL090***.

A. On January 24, 2018, respondent (the “mother”) filed a Request for Order (RFO) seeking sole custody of the couple’s daughter (the “minor”) and a temporary emergency order. The noticed date for the hearing was February 15, 2018. On January 30, 2018, while the January 24 RFO was pending, the mother filed a request for a temporary emergency order (“Temporary Emergency RFO”), in which she alleged that petitioner (the “father”) had kept the minor out of school for seven school days and was continuing to hold her out of school. The Temporary Emergency RFO, which had a noticed hearing date of February 1, 2018, sought to have the court order the father to deliver the minor to court. In the Temporary Emergency RFO, which was filed on Judicial Council Form FL-300, none of the boxes indicating that child custody or visitation would be in issue at the requested hearing were checked. There was no indication in the Temporary Emergency RFO that it was anything other than an effort to have the minor produced in court, so that the mother’s custody time could be honored, and the minor could return to school.

At the February 1, 2018 hearing, after argument, Judge Kreis asked the minor’s attorney, Christina Allbright, to ask the minor if she would like to talk to him alone in chambers. The judge then spoke with the minor in chambers, outside the presence of the parties, Ms. Allbright, the mother’s attorney, and a court reporter. (The father was unrepresented.) The meeting took place without the consent of all parties. After Judge Kreis returned to the bench, he told the father, “You violated orders. Took the minor out of school. You, basically, do what you want.” The judge also stated that the language the minor used during the ex parte chambers conference was not characteristic of the way children the minor’s age

normally speak, and that “she’s clearly, for lack of a better term, being brainwashed by father.” Judge Kreis ordered that the mother receive “temporary, sole legal and physical custody” of the minor and allowed the father no visitation, subject to a narrow exception providing that the minor shall have one telephone conversation of five to ten minutes per week with the father and that the calls be on speaker phone in front of a third party.

On February 8, 2018, the mother applied for a DVRO. The DVRO application made no request for a ruling on child custody or visitation matters. On February 8, 2018, Judge Kreis issued a TRO set to expire on February 15, 2018. On or about February 13, 2018, the judge signed Findings and Orders After Hearing (FOAH), which pertained to the February 1, 2018 hearing and awarded legal and physical custody of the minor to the mother.

At the February 15, 2018 hearing, Judge Kreis declined to rule on the January 24 RFO (the only document seeking a change in custody), even though it had been noticed for hearing on February 15. Instead, the judge dismissed that request for relief, and stated that the issue of custody had already been “dealt with” at the February 1 hearing. After the father told Judge Kreis that he had a witness who was present to testify, the judge stated that the matter was submitted, and he made the TRO permanent for three years. Judge Kreis also barred all contact by the father with the minor, thereby nullifying the limited phone contact clause in the FOAH that the judge signed on or about February 13, 2018. After the father told the judge that he had testimony to give for his case, Judge Kreis told him that the matter was over, without letting him call any witnesses and without making a finding of good cause to refuse to receive live testimony.

On September 30, 2019, the Court of Appeal reversed Judge Kreis’s February 15, 2018, order. The court stated that the judge violated due process to the extent that he resolved the custody issue raised by the

mother's January 24 RFO by deciding that the issue had already been resolved on February 1. The appellate court stated:

[U]ntil the February 1 hearing commenced, father had no notice that the issue of custody was going to be adjudicated *that day* rather than on February 15. Thus, when he arrived on the noticed date for hearing on the January 24 RFO—February 15—the ruling on mother's custody request was a fait accompli. Father indicated he wished to put on a case in opposition, but the court told him the "1/24 request for order is dropped," declined to entertain further evidence or argument on it, and announced "[t]his matter is over."

(*S.R. v. V.R.*, 2019 Cal.App.Unpub. LEXIS 6592, at p. 11.)

By (1) awarding the mother sole custody of the minor without notice to the father that custody was at issue during the February 1, 2018, hearing, (2) initiating and considering an unreported ex parte communication with the minor, without the consent of all parties, and (3) preventing the father from testifying or calling witnesses on February 15, 2018, Judge Kreis disregarded the father's fundamental rights and violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

B. In June 2018, the father submitted a statement of disqualification against Judge Kreis, pursuant to sections 170.1 and 170.3 of the Code of Civil Procedure. On or about June 15, 2018, Judge Kreis signed a Verified Answer to Challenge for Cause Pursuant to California Code of Civil Procedure § 170.1, in which he declared that he had given the father "every opportunity to provide testimony and evidence in this matter. . . ." Judge Kreis also declared that he had "made sure" that the father "has felt that he has presented any and all evidence prior to making a [sic] decision, by orally stating, 'is there any other evidence that you would like to present that you have not already submitted,' to insure [sic] that he had a full and fair opportunity to present evidence."

In fact, on February 15, 2018, the date scheduled for the hearing on the January 24 request for change in custody, Judge Kreis did not allow the father an opportunity to be heard on the issue of custody. Instead, he dismissed the January 24 RFO that requested the change in custody on the ground that it had been “dealt with.” When the father stated that he wanted to testify, the judge asked, “On what matter?,” and then cut him off and stated, “This matter is over.”

By making these inaccurate statements in his verified answer to the father’s statement of disqualification, Judge Kreis violated canons 1, 2, 2A, 3, and 3B(2) of the Code of Judicial Ethics.

C. On September 6, 2018, during a hearing in *S.R. v. V.R.*, *supra*, Judge Kreis ordered the father not to file any more requests to change custody or visitation until all previous requests had been decided.

Judge Kreis’s conduct constituted an abuse of authority and violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

D. On March 26, 2019, Judge Kreis ordered that, beginning on March 31, 2019, the minor’s paternal grandmother (“P.S.”) would have supervised visitation with the minor on one Sunday per month for up to four hours. Several weeks later, the mother’s attorney, Douglas Kaber, was in Judge Kreis’s courtroom on a different matter that was heard at the end of the judge’s calendar. The *S.R. v. V.R.* case was not on the judge’s calendar that day, and neither the father, nor P.S., nor their attorneys were present. After the calendar was over, Judge Kreis asked Mr. Kaber whether he thought that the judge’s ruling joining the grandmother in the case was the right decision and how that was going, referring to the minor’s visit(s) with P.S.

Judge Kreis’s conduct violated canons 1, 2, 2A, 3, 3B(2), 3B(7), and 3B(8) of the Code of Judicial Ethics.

COUNT TWELVE

Judge Kreis engaged in the following misconduct while presiding over *K.G. v. C.S.*, No. FL070***.

A. At a hearing that took place on June 27, 2019, minor's counsel (Jhette Diamond) told Judge Kreis that Child Welfare Services ("CWS") had told the parties that it would be closing, without any action, an investigation it was conducting, but that the minor did not want to see the respondent (the "father"). After discussion of a therapist that the minor and the father could see together, the judge ordered that an appointment be made for the father to meet with the minor's counselor, Melissa Sandeen, during the week of July 8, so the father and the minor could talk about what had happened. During the hearing, after an exchange with the father, the judge told him:

So_[,] before you dig any deeper, reflect on yourself. All you can do is your own behavior. Take some responsibility for that and then [*sic*] reaction and the impact it had on your daughter. And all I'm hearing you say, is if it wasn't for mom, if it wasn't for my daughter, right, everything would be perfect. Right? I'm perfect. I'm coach. I mean, that's -- I know. That's what I'm hearing. So just go with what's happening here.

Judge Kreis's conduct reflected prejudgment and violated canons 1, 2, 2A, 3, 3B(4), 3B(5), and 3B(8) of the Code of Judicial Ethics.

B. Judge Kreis presided over the next hearing in *K.G. v. C.S.*, *supra*, which took place on July 29, 2019. At the hearing, attorney Diamond told the judge that Ms. Sandeen had agreed to work with the minor for a few sessions, but was not comfortable with setting up joint sessions for the minor and her father against the minor's wishes. Ms. Diamond also reported that Ms. Sandeen had faxed her a letter "thoroughly outlining issues that she wants to address with [the minor] and her willingness to

facilitate very short incremental therapeutic [*sic*] to begin even though [the minor] continues to express adamant opposition [*sic*] to seeing her father.”

The father, who was self-represented at the time, objected to the introduction of Ms. Sandeen’s letter as evidence on the ground that Ms. Sandeen and the petitioner (the “mother”) had a personal relationship. When the father later argued that it seemed pretty clear from the letter that Ms. Sandeen was “making some pretty strong suggestions,” Judge Kreis said, “You can’t refer to a letter that you are refusing to come in front of me.” The judge, however, permitted Ms. Diamond to state that Ms. Sandeen’s letter gave a “very good outline as to what she wants to do in order to facilitate those visits” between the minor and the father. Although Judge Kreis had not read the letter, he ordered the father to “follow the steps in the letter to have intermittent contact or whatever that is” and to “follow what the counselor is saying.” When the father then asked the judge if he could express something that he had just read in the letter, Judge Kreis replied:

No. You just told me you don’t want me to see the letter. You don’t get to pick and choose out of the letter. Right? You are the one objecting to the letter, so you don’t get to keep referring to the letter. So[,] follow what the counselor says. Follow the Court orders and, hopefully, when we come back we can make progress.

Judge Kreis’s conduct violated canons 1, 2, 2A, 3, 3B(4), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

C. In or about late August 2019, attorney Jhette Diamond submitted a report to the court that was placed under seal. On August 27, 2019, the father filed a responsive declaration. Judge Kreis presided over the next hearing in the case on August 29, 2019. Before reading the father’s declaration or hearing argument, the judge stated at that hearing: “We can come back so I have a chance to read it [the father’s declaration] and see

what it is. But at this point, I'm following your [Ms. Diamond's] recommendation." The judge told Ms. Diamond that he did not see a reason not to, at least temporarily, adopt her recommendations.

Judge Kreis later stated: "We are not having a hearing right now. I'm going to make temporary orders that all legal [and] physical custody go to mother. You stay away – [the father] stay away from the school at least 200 yards. You don't go to the school. You don't contact the school." The judge added: "All decisions will be made by the mother. You [the father] are going to go to counseling. Your counselor is going to talk to your daughter's counselor. They're going to figure out a path forward." The judge also stated: "These are temporary orders. We can set this for a hearing in six months and see where we are."

Judge Kreis made the orders while admitting that he had not finished reading the father's declaration. He then set a six-month hearing, for two hours, to take place on March 2, 2020, and a four-month review hearing to take place on January 6, 2020.

On or about September 24, 2019, Judge Kreis signed Findings and Order after Hearing, prepared by the mother's attorney, that included the above orders and an additional order (not made at the hearing) that barred the father from requesting visitation for a period of six months from August 29, 2019. The judge's order stated that, during that six-month period, "visitation for Respondent may only resume by agreement of minor's counselor."

Judge Kreis's conduct constituted an abuse of his authority and a disregard of the father's fundamental rights, and violated canons 1, 2, 2A, 3, 3B(2), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

D. At the outset of the hearing that took place on August 4, 2020, Judge Kreis stated that he had received, that morning, a letter from the child's therapist, Melissa Sandeen. The letter had been forwarded to him

by Ms. Diamond. After the judge asked the father's attorney, Edward Schrock, whether his client had seen the letter, the following exchange took place:

MR. SCHROCK: What I saw was an unsigned letter from Ms. Sandeen and I was a little concerned about that. Is there an actual signed version of that letter floating around somewhere?

MS. DIAMOND: Your Honor, Jhette Diamond. I do not have a signed copy. Ms. Sandeen was working remotely from her computer and that was the best she could do for me. She sent it to me on Sunday afternoon. I'm happy to submit a copy to her via DocuSign so she can get that electronically signed.

THE COURT: I think for the file we can have that, but I'm certainly going to take an officer of the court's word that document's from her, so I'm not worried about that, but I am concerned about the content of the letter. So[,] Mr. Schrock.

MR. SCHROCK: Your Honor, we are going to object to -- I know that the Court might disagree with us, but we have some concerns about whether Ms. Diamond is faithfully relaying information to --

THE COURT: Mr. Schrock.
Mr. Schrock.

MR. SCHROCK: Sure.

THE COURT: If you impugn another attorney in my court, I will report you to the Bar. Do you understand me? You did this last time. I will not tolerate it in my courtroom. I will tolerate -- I will not tolerate you saying Ms. Diamond -- Mr. Schrock, don't. Do not do it again. If you think she's doing something unethical, you go to the State Bar. You don't

just sit in court in front of all these people and impugn character. Do you understand me?

MR. SCHROCK: Your Honor, if I stick to the facts, I think I'm within my rights.

THE COURT: No, you are not. Not in my courtroom you are not because every time your client is unhappy it's someone else's fault. The question was: Did your client see the letter? That should concern you and your client. Not whether it is signed. And you are basically -- you are basically saying Ms. Diamond, you know, we are worried that Ms. Diamond is undermining. The only person undermining this case is your client. So[,] with that, there will be only supervised visits based on the child's therapist.

MR. SCHROCK: That's an un -- your Honor, that's not a declaration. That's hearsay. So[,] I object.

THE COURT: Then writ it. . . . You can work for your client, but please tread lightly and take a breath before you take a position that your client thinks you need to take. [¶] In this case, you have impugned the character of the attorneys, your client has impugned the character of the Judge by referencing his race in an irrelevant manner. So[,] I don't know if it's this client that you are so embroiled in that you have lost your sight of your job and your duty to the Court, but I will not tolerate it. There is enough misinformation out there that I don't need you to every time you get a piece of information in this case it is someone else's fault.

Judge Kreis's comments reflect that he had taken umbrage to statements in the father's verified motion to disqualify the judge pursuant to Code of Civil Procedure section 170.1, filed on April 7, 2020.

Judge Kreis then continued:

So^[,] I am going to take in the best interest of this child this letter and an officer of the court, Ms. Diamond, who has submitted this letter and said to this Court this is from the therapist and I am going to change the orders that is just going to be supervised until we come back in a week. [Sic.] And in a week we can talk about it. And have a heart-to-heart with your client and have a heart-to-heart with yourself because I will not tolerate this any longer.

When Mr. Schrock asked the judge what, specifically, he was accusing Mr. Schrock of doing, the judge replied, “Next case, please.”

Judge Kreis lost his temper and made a ruling – requiring all visits to be supervised – out of pique, without hearing arguments, and based on an unsigned letter, ostensibly from the minor’s therapist. He raised his voice during the above exchanges. The judge abused his judicial authority when he threatened to report Mr. Schrock to the State Bar without a valid basis for doing so. The judge’s reference to an allegation made against him in a disqualification motion reflected embroilment and, at a minimum, made it appear that he was retaliating against the father. Many of the judge’s statements also reflected prejudgment.

Judge Kreis’s conduct violated canons 1, 2, 2A, 3, 3B(4), 3B(5), 3B(7), and 3B(8) of the Code of Judicial Ethics.

E. Judge Kreis presided over another hearing in the case, on October 29, 2020. After the judge made his orders and directed minor’s counsel to prepare the Findings and Order After Hearing, but before the judge set the date for the next hearing, he stated, “Madam clerk is going to wake up and give us a date here at some point.” The judge’s statement falsely suggested that his clerk was sleeping during the court proceedings or was slow in doing her duties.

Judge Kreis’s conduct violated canons 1, 2, 2A, 3B(4), and 3C(1) of the Code of Judicial Ethics.

F. On December 16, 2020, Mr. Schrock, filed a Hearing Statement and Proposed Permanent Orders. At the outset of the next day's hearing, Judge Kreis announced: "Mr. Schrock wins today for the latest filed document. So_[,] I'll be handing out the prize for that at the end of the day."

Judge Kreis's comment was sarcastic and gratuitous, and violated canons 1, 2, 2A, 3B(4), and 3B(5) of the Code of Judicial Ethics.

G. Later in the December 17, 2020 hearing, Judge Kreis asked if the parties wanted to let him make a permanent order, without a hearing, but taking the parties' filings into account. Mr. Schrock replied that, unless the parties were able to come up with a stipulation, he thought that they needed to reconvene the hearing and address a new allegation that the mother had assaulted the minor. Judge Kreis responded that the new allegation was not before the court because it was not in any moving papers. The judge added:

So_[,] if you want to file another RFO and come back and keep doing this dance, I kind of feel like they should get remarried because they seem to like to spend so much time together in court. Maybe it will be a better idea to just have them move back in together so they can have face-to-face arguments about how much they hate each other.

The parties had never been married to each other.

Judge Kreis's comments were sarcastic and gratuitous, and violated canons 1, 2, 2A, and 3B(4) of the Code of Judicial Ethics.

COUNT THIRTEEN

A. On or about the evening of November 9, 2018, Judge Kreis and his wife visited the home of David and Megan Nims in Eureka. When Judge Kreis arrived, David and Megan Nims were present, along with Katelyn Woods (Megan's sister) and Ryan Woods (Katelyn's husband). The judge had previously met Katelyn and Ryan Woods, but he did not know them well. The judge drank alcohol immediately prior to and during the gathering.

As he was leaving, Judge Kreis hugged Mr. Woods, grabbed and/or slapped his buttocks, and said words to the effect of "everyone's going to get one," "your wife's going to get one, too," or (to Ms. Woods), "I'm going to do it to you." The judge also told Ms. Woods, "It's what we do here," or words to that effect. After Ms. Woods firmly told the judge not to touch her in that way, Judge Kreis told her that he was going to do it anyway, and then hugged her and grabbed or slapped her buttock(s) without her consent.

Judge Kreis's conduct violated canons 1, 2, 2A, and 4A of the Code of Judicial Ethics.

COUNT FOURTEEN

Judge Kreis made inappropriate comments in the courtroom on the following occasions.

A. On or about November 22, 2017, Judge Kreis presided over a "trial call" proceeding at which he sent various criminal cases to other departments for trial. Present in the courtroom were approximately 35 to 40 people, including defendants, victims, and victims' families, who were waiting to see where cases would be assigned. During the proceeding, when the judge stated that he was going to send a particular case to a specific courtroom for trial, then-DPD Luke Brownfield asked the judge how he knew to send the case to that particular courtroom. Judge Kreis

replied, “If I told you, I’d have to kill you,” or words to that effect. The judge then added that, instead, he would have DDA Roger Rees “do it” or “rough you up,” or words to that effect. When he made the comment, Judge Kreis knew that Mr. Rees owned a firearm.

Even though Judge Kreis made the comments in jest, his comments were undignified and violated canons 1, 2, 2A, and 3B(4) of the Code of Judicial Ethics.

B. In approximately 2018 or 2019, in open court but before court proceedings began, Judge Kreis told some of the attorneys who were present that he wished attorney Edward Schrock would disappear.

Judge Kreis’s comment violated canons 1, 2, 2A, 3B(4), and 3B(5) of the Code of Judicial Ethics.

C. On or about April 2, 2021, when DPD Adrian Kamada appeared during a Zoom appearance after Judge Kreis had tried and failed to get his attention, the judge joked, “Are you back from the AA yet?” or words to that effect. “AA” was a reference to the AA Bar & Grill, which is located near the courthouse. The judge’s reference to the “AA” was intended to falsely imply that DPD Kamada was late to the court session because he had been drinking alcohol during working hours.

Judge Kreis’s comment violated canons 1, 2, 2A, 3B(4), and 3B(5) of the Code of Judicial Ethics.

COUNT FIFTEEN

On or about May 16, 2017, while Judge Kreis was an attorney, he appeared in Department 5 on behalf of the defendant in *People v. Bonnie Lee Hall*, No. CR1505306. During the hearing, DDA Carolyn Schaffer told Judge Christopher Wilson that the defendant had apparently rejected the People’s offer to settle the case with a plea to a misdemeanor. Mr. Kreis told the judge that he was not the defendant’s attorney and asked that the misdemeanor offer be left open until the next court date. After the

defendant told the judge that she had not spoken to her attorney about the offer and that she did not realize that the offer was still available, DDA Schaffer acknowledged that there may have been “communication issues” between the defendant and her attorney, and asked that the “conflict counsel’s office be directed to contact the defendant and have a serious discussion with her about this and advise [Schaffer] whether [the defendant] wants to take it or not.” When Mr. Kreis attempted to withdraw the defendant’s time waiver, DDA Schaffer stated that she thought that the defendant had to provide five days’ notice to the People before she could withdraw her time waiver. Mr. Kreis then stated, sarcastically: “Well, let’s put this on for five days, and then I will say the same thing. And then she [Schaffer] can -- can give more advice to the Court to advise my client about how we should practice. She seems to know everything.” After Judge Wilson told Mr. Kreis, “Stop[,]” DDA Schaffer stated that the People would withdraw their offer in five days. Later, when DDA Schaffer was walking out of the courtroom and was out of earshot, Mr. Kreis called her a “bitch” or a “pretentious bitch.”

Mr. Kreis’s conduct constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of California Constitution, article VI, section 18, subdivision (d).

COUNT SIXTEEN

A. On or about January 23, 2024, Judge Kreis participated in an online judicial candidate forum or judicial debate (“debate”). During the debate, the moderator asked the judge, “Have you ever been investigated by a state entity such as the California [State] Bar and, if so, why?” Judge Kreis responded:

So, this is [an] interesting question. This was asked on -- by Dave Brose, one of April’s

supporters online. And because I have ethical duties, I actually reached out -- And pursuant to -- and I'll just read it -- California State Bar Rule 2302 and Rule 102(a) of the Rules of Commission on Judicial Performance, any matter before those bodies is confidential, not properly the subject of inquiry, regardless of whether an investigation is or is not pending.

There are, I know, both State Bar and, through the judicial commission, investigations ongoing you never know about. So, because of that and my ethical duty, similarly to -- I can't talk about current cases that are pending. I'm not able to -- to talk about it. But I can say I've never been disciplined.

In fact, Judge Kreis was disciplined by the Commission on Judicial Performance on or about December 14, 2018. The judge's statement that he had "never been disciplined" was not true. A link to the Zoom video, which included the judge's inaccurate statement ("But I can say I've never been disciplined"), remained on his reelection website home page until after the March 5, 2024, election.

Judge Kreis's conduct violated canons 1, 2, 2A, 5, 5B(1), and 5B(2) of the Code of Judicial Ethics.

B. Judge Kreis was visible to those watching the January 23, 2024, debate online, and he was also visible in video recordings of the debate that were publicly available online after the debate concluded. While participating in the debate, Judge Kreis was in his chambers at the Humboldt County Superior Court courthouse. A campaign sign, positioned behind him, read: "Re-Elect Judge Greg Kreis." The campaign sign was visible when the judge spoke during the debate.

Judge Kreis also participated in filming one or more video(s) in his chambers at the Humboldt County Superior Court courthouse. The video(s) filmed in the judge's chambers were created and used for the

purpose of supporting his reelection campaign. Those videos were publicly available on the judge's reelection campaign website, on both the homepage and the media page. Some videos were also publicly available in other online locations (e.g., Instagram).

Judge Kreis's conduct violated canons 1, 2, 2A, 2B(2), and 5 of the Code of Judicial Ethics.

COUNT SEVENTEEN


On or about July 20, 2022, Judge Kreis presided over a hearing in *Erica Schuster v. Ryan Weinert*, No. FL2101022. During the hearing, when discussing whether a trial in the matter would take place as scheduled on August 16, 2022, Mr. Weinert argued that two pending contempt charges against Ms. Schuster would necessarily require a continuance of the trial to a future date, in order to allow the contempt charges to be resolved before trial. Judge Kreis cautioned Mr. Weinert that the trial would not necessarily be continued to a future date because the judge deciding the contempt charges could opt to dismiss them in the interest of justice. Judge Kreis added:

Because when I see this much litigation between parties, first thing I think is they must really like each other enough to be in court all the time and maybe they should get back together.

Judge Kreis's comments were sarcastic and gratuitous, and violated canons 1, 2, 2A, and 3B(4) of the Code of Judicial Ethics.


By signing this stipulation, in addition to consenting to discipline on the terms set forth, Judge Gregory J. Kreis expressly admits that the foregoing facts are true; that he agrees with the stated legal conclusions; that the conduct described in counts 9, 13, and 15 constitutes prejudicial misconduct; and that the conduct described in counts 1-8, 10-12, 14, and 16-17 constitutes, at a minimum, prejudicial misconduct. (Cal. Const., art. VI, section 18, subd. (d).)

Dated: May 1, 2024.




Judge Gregory J. Kreis
Respondent

Dated: April 25, 2024.



James A. Murphy, Esq.
Attorney for Respondent

Dated: May 1, 2024.



Mark A. Lizarraga, Esq.
Examiner for the Commission

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING
JUDGE GREGORY J. KREIS

No. 209

STIPULATION FOR DISCIPLINE
BY CONSENT (Rule 127)

Pursuant to Rules of the Commission on Judicial Performance, rule 127(d), Judge Gregory J. Kreis submits the following affidavit of consent in Inquiry No. 209:

1. I consent to a public censure; agree to irrevocably resign from judicial office, effective May 27, 2024; and agree not to seek or hold judicial office, accept a position or an assignment as a judicial officer, subordinate judicial officer, or judge pro tem with any court in the State of California, or accept a reference of work from any California state court, at any time after May 27, 2024, as set forth in the Stipulation for Discipline by Consent.
2. My consent is freely and voluntarily rendered.
3. I admit the truth of the charges as modified by the Stipulation for Discipline by Consent.
4. I waive all further proceedings and review by the Supreme Court.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of April, 2024.



Judge Gregory J. Kreis
Respondent