

PUBLIC ADMONISHMENT OF JUDGE THOMAS J. GRIEGO

The Commission on Judicial Performance ordered Honorable Thomas J. Griego publicly admonished, pursuant to article VI, section 18(d) of the California Constitution and commission rule 113, as set forth in the following statement of facts and reasons found by the commission:

STATEMENT OF FACTS AND REASONS

Judge Thomas J. Griego has been a judge of the Los Angeles County Superior Court since 2015. His current term began in 2021.

Judge Griego engaged in a pattern of pervasive poor demeanor, including making discourteous, disparaging, and gratuitous remarks to litigants; making comments conveying the appearance of bias and prejudgment; and raising his voice at litigants, as follows.

1. On April 20, 2023, Judge Griego presided over a small claims trial in *Teresa Lo v. Arroyo Seco Village* (No. 23STSC00729), a case in which the plaintiff, Teresa Lo, alleged her homeowner's association (HOA), Arroyo Seco Village, failed to permit her to review certain documents.

After calling *Lo v. Arroyo Seco Village*, Judge Griego asked Lorraine Medina, one of the defendant's representatives, for her response to Ms. Lo's request for a court order. Ms. Medina began explaining that she did not know. Judge Griego interrupted, "What's your response to this request?" (Audio at 04:15.) The second representative for the defendant began to answer that the HOA had mailed a response. Judge Griego interrupted again, and asked, in a raised voice, "What's your response to this request? What are you – she asked the judge to do something, what's your response to her request to me?" (Audio at 04:18-04:26.)

Judge Griego later asked Ms. Lo how many members of the HOA there were, and how many people joined the plaintiff's complaint. The judge interrupted Ms. Lo when she began to respond. He said:

That wasn't my question. Okay, you guys, I'm gonna do this really quick. I'm asking you a Thursday question, okay. [Judicial assistant] Ms. [Tonsha] Kelley tells this to everybody – she tells you, 'When the judge asks you a specific question, you answer, Thursday answer.' You don't get Thursday, Friday, and Saturday answers. You know what that means, right? If I ask you, 'What day is it today, Ms. Lo,' you tell me, 'It's Thursday, Your Honor.' You don't give me all this other superfluous stuff. I gotta

hear cases, okay? Please. I know you're not an expert, but please, give me Thursday answers. If I ask to explain, well then I'm opening up the door. Okay but when I ask you a Thursday question, you give me a Thursday answer. Don't give me Friday, Saturday, and Sunday. I can't stand that. It's – it just – bogs up the calendar, okay.

(Audio at 07:27-08:31.)

Judge Griego asked whether individual homeowners paid different monthly amounts to the HOA. He asked Ms. Lo, "How much are you paying for your unit?" (Audio at 10:37.) The plaintiff asked for clarification, and Judge Griego replied, "The monthly amount for your [*sic*]." (Audio at 10:42.) Ms. Lo responded with the amount she paid in monthly HOA dues. Judge Griego replied, with a raised voice, "I didn't ask that. How much do you pay for your mortgage?" (Audio at 10:47.)

At the end of the hearing, Judge Griego learned that Ms. Lo had previously brought another small claims case against her HOA. He said, "I don't like that. I don't like that. See when you guys do that – I'm glad you told me. You gotta bring that up early. It's handled a lot differently than if it's the first time." (Audio at 11:52-12:05.)

The judicial assistant then read aloud the judgment from the previous small claims case, and the judge asked Ms. Lo about the damages award in the prior action. The judicial assistant asked Ms. Lo to confirm that she originally sued for \$10,000. Ms. Lo said that was accurate and started to explain. Judge Griego interrupted, with a raised voice, "She asked you a Thursday question! Jeez! She's a judicial assistant. She's like me: she can ask Thursday questions; you give her Thursday answers. Please!" (Audio at 13:19-13:30.)

Judge Griego subsequently entered judgment for the defendant.

The commission determined that Judge Griego's conduct, including repeatedly interrupting litigants when they attempted to answer the judge's questions; raising his voice at litigants; and making remarks such as, "I can't stand that" and "Jeez!" was discourteous and gratuitous. Further, by stating, "I don't like that," after learning that the plaintiff previously sued the defendant, Judge Griego's conduct conveyed the appearance of bias.

2. On May 18, 2023, Judge Griego presided over a small claims trial in the matter of *Zhoie Perez v. Matthew Wilson* (No. 23STSC01431). Plaintiff Zhoie Perez, a YouTube blogger who is transgender, alleged that Matthew Wilson (also a YouTube blogger) defamed her by falsely claiming that she tried to film Mr. Wilson's wife in the shower at the Wilson home.

At the outset of the hearing, Judge Griego said, “Oh, this sounds like a Jerry – what’s that guy’s name?” The judicial assistant responded, “Springer.” The judge continued, “Springer case. Yeah, I don’t like those cases.” (Audio at 02:16-02:24.)

Judge Griego then directed his comments to Ms. Perez and said, “They said that you’re a sexual pervert? Oh my. Oh my. Okay, it’s your claim, you want to go into detail? Because I don’t even understand. Go ahead. Go ahead with your claim.” (Audio at 02:26-02:42.)

Ms. Perez said that Mr. Wilson made defamatory comments. She said that it would be a crime to film Mr. Wilson’s wife in the shower naked, and that she would have been arrested and prosecuted if she had done so. Judge Griego replied, “Well, if you went to someone’s house and videotaped someone’s wife in the shower, I would think one of the consequences is getting shot.” (Audio at 9:00-9:11.) People in the courtroom laughed in response.

The judge continued, “Okay. Well let me ask this sir, Mr. Wilson, why didn’t you do something to [her]? Someone comes to my house, and wants to videotape my, my family member or whoever it is, in the shower, uh, they’re not gonna walk out.” (Audio at 09:31-09:47.) People in the courtroom laughed again.

After listening to Mr. Wilson speak, the judge asked Ms. Perez if she denied photographing Mr. Wilson’s wife. When Ms. Perez began to explain, Judge Griego said, in a raised voice, “Okay, it’s, it’s ‘no, Your Honor.’ Okay. That’s too much information.” (Audio at 19:37-19:43.)

Judge Griego subsequently asked Mr. Wilson’s wife (who appeared in court remotely) whether she had heard her husband’s testimony. The judge said, “You heard that testimony, right? Speak up. Put it out there. I’m not, I’m not gonna hurt you. I’m not gonna hurt you. I’m miles away from you. Ha ha. No one is gonna put you in jail. So, speak up. Speak up. Don’t be afraid. It’s gonna be over in less than five minutes.” The witness started to speak. Judge Griego continued, “No, no, no, I’m asking the questions. No, I’m asking the questions. It’ll take forever. Listen to my questions. You heard the testimony of Mr. Wilson: ‘Yes, Your Honor, no, Your Honor.’” (Audio at 33:24-34:12.)

At the end of the hearing, Judge Griego said it appeared to him that Ms. Perez “brought [her]self to the fight.” He continued, “Brought [her]self to the harm that [s]he claims [s]he suffered. You, you went to the defendant’s home, which is – in America, a person’s home is his castle. He’s presumed to be safe and secure and off limits. You approached his castle. You, you got very close. As a matter of fact, you were on his property.” (Audio at 43:23-44:02.)

The judge admonished Ms. Perez that, “[a]s a member of the media, you know what, there comes a lot of risk. A lot of consequences. A lot of media people, as you know, can get in trouble. You know. Physical trouble, when they get too close.” (Audio at 44:36-44:52.)

Judge Griego said Ms. Perez could not expect to film what she wanted with “no consequences.” He continued, “You can’t get that close and then cry foul. ‘Oh I’ve been harmed, they said a lot of bad things about me.’ Well, you’re lucky you weren’t shot. Like I said, you’re lucky it wasn’t worse. You could’ve got [sic] hurt. You know, you don’t think that happened, and I respect that. Because everyone has different views, and they think each other is lying. But you lost this case. I’m not gonna give you one penny. You shouldn’t do that ever again. Approach somebody like that. You’re taking a chance. And it can be a lot worse. So, the decision is in favor of the defense, and against you. And I hope I don’t see you again regarding these types of cases because I’m gonna do something more than just say that you lost.” (Audio at 46:12-47:04.)

Judge Griego entered judgment for the defendant.

The commission determined Judge Griego’s conduct, including likening the matter to a Jerry Springer case, which the judge said he did not like; saying that “getting shot” would probably be a consequence of videotaping someone in the shower; asking why the defendant did not “do anything” to the plaintiff and saying that someone who taped the judge’s family member in the shower was “not gonna walk out”; remarking that the plaintiff “brought” herself “to the fight” and to the harm she claimed to suffer; admonishing the plaintiff that she was lucky she was not shot and that Judge Griego hoped he did not see her again because he was “going to do something more than just say” she had lost, was discourteous, gratuitous, and conveyed the appearance of bias and prejudgment.

3. On May 23, 2023, Judge Griego presided over a small claims trial de novo in *Yang Law Offices v. Christian Alvarado* (No. 22STSC04784). Yang Law Offices sued for breach of contract, alleging that Christian Alvarado, a former client, failed to perform on his promise to remove an unfavorable Yelp review of the law firm in exchange for a refund of his retainer.

After hearing from both parties regarding the issues in the case, Judge Griego said to Mr. Alvarado, “It kind of seems like, you want your cake and eat it too. Yeah, you. Because you got the money. You got the money, what you wanted. And you agreed to take it down, by signing it [the refund check]. Now, you don’t want to take it down, but you still want the money, right?” (Audio at 19:39-19:57.) Mr. Alvarado said he never agreed to take down his review. Judge Griego replied:

You want your cake and eat it too. You want your money back, and you want the freedom and the right to post. Pick your poison, what do you want? Do – do you want one or the other, or do you want both? And if you say you want both, I'm not gonna, I'm not gonna entertain that. That's – that's being selfish. That's being unfair. This is a court of fairness. Life, you go through life, and you can't get your cake and eat it too. Come on! When you're a kid, your mom always told you that, or your dad. You can't have both! Pick your poison. What do you want? What do you want? What's more important to you? You want the money, well then take it down, and I won't give them the five Gs. Because they, they don't care about the money, they just want you to take it down. That's what they agreed to. You know, they'll give you the money if you take it down. [Are] you willing to take it down? Because I won't, I won't find for them against you for five Gs because you're gonna take it down.

(Audio at 24:02-24:56.)

The judge continued:

Now you're facing, you know, a lawsuit, and you lost already before another judge. Both you guys presented your case, and you lost. Why do you want to risk losing again? I don't know. I don't know about you. Why would anybody risk – because you only have one right to appeal, Mr. Alvarado. Why would you risk losing a – losing the case again before a second judge? 'Cause I'm already giving you a big hint: you're gonna lose. Why would you stand there and say, 'Ok, lemme, lemme think what I'm gonna do.' Because you already presented this argument. And I don't even know what the amount was that you lost, but I know it was probably pretty close to, you know, to the amount that they gave you back. Because if I was that judge, based on what I've heard, I would've found for them, against you. And you're here to appeal that, meaning that you're on the verge of losing again. And you're not going to get a second bite of the apple. You only get one bite. So, again, I'm suggesting you guys negotiate and settle this where you do one or the other: you give him back the money and keep your right to, you

know, your First Amendment right which is fine, or you take your money, and then you, then you take it down. It's very simple. You can't have both. What do you want to do? I'll give you – see, I'm really giving you a chance. Because I could say okay, I heard from both sides, I'm gonna send my decision in the mail. And I could just put 'judgment to stand,' okay, and then I force you to take one or the other, okay. So I take the money, whatever was given to you, I enforce that against you. Which is something that you probably don't even – see, right now, you have a judgment against you. You don't want to have a judgment against you. That's never good in a civil environment. That's like, similar to having a felony on your, on your criminal record. You don't want that. There's already a civil judgment against you. It's sort of pending, because, you know. But I could have done that. But I'm giving you a chance. I'm really giving you a chance to take one or the other.

(Audio at 25:49-28:17.)

Judge Griego continued making comments about the judgment in the original small claims trial and said to Mr. Alvarado, with a raised voice, "Because you lost! They didn't, they didn't allow you to keep the money! And now you're trying to convince me, 'Your Honor, notwithstanding what that judge said, let me keep the money and let me keep the post.' No. No." (Audio at 29:13-29:27.)

The judge concluded the hearing by announcing he was not going to dismiss the case, and that he planned to retain jurisdiction until the plaintiff verified that Mr. Alvarado had taken down the review.

The commission determined that Judge Griego's conduct, including the judge's repeated admonishments of the defendant and his remarks about being "selfish," needing to "pick your poison," and having one's cake and eating it too, was discourteous, gratuitous, and conveyed the appearance of bias. Judge Griego's remarks likening an adverse small claims judgment to a felony record and opining that a defendant was not entitled to both money and free speech were also improper.

4. In December 2022, Adrienne Pandan filed a civil harassment restraining order (CHRO) petition against David Kim, alleging that Mr. Kim, whose parents owned the rental property where Ms. Pandan's boyfriend lived, had harassed her by making unwelcome comments about her body; monitoring her via cameras he installed at the rental property; threatening to file a police report against her if she

did not sleep with him or give him money; and filing a false hit and run report with the DMV. Another judicial officer granted a temporary CHRO; after a hearing in January 2023, however, Commissioner Hillary Gerber denied Ms. Pandan's CHRO petition.

On June 22, 2023, Judge Griego presided over a small claims trial in *David Kim v. Adrienne Benita Pandan, et al.* (No. 23STSC00275), in which Mr. Kim subsequently sought damages from Ms. Pandan for filing what he alleged was a false petition for a CHRO. At the beginning of the hearing, Judge Griego asked Ms. Pandan whether the CHRO she had previously filed against Mr. Kim had been granted. Ms. Pandan said, "On that day, no." Judge Griego responded rudely and in a raised voice, "I didn't ask what day. Listen to the question: was it granted? Yes or no. On any day." (Audio at 02:45-02:53.)

Judge Griego read aloud a declaration (apparently from Ms. Pandan's previous CHRO petition) and asked for the source of the information. Ms. Pandan, not understanding the judge's question, said it sounded like her testimony. Mr. Kim confirmed that the declaration was filed with the defendant's previous CHRO petition. In a raised voice, Judge Griego said to Ms. Pandan, "Then why didn't you answer that when I first asked you? Come on, man. Stop playing games. You prepared this. It's part of your application. 'Yes, Your Honor. Yes, Your Honor.' Right?" (Audio at 17:44-17:57.)

Mr. Kim asked if he could speak. Judge Griego said go ahead, but immediately interrupted Mr. Kim and said to Ms. Pandan:

Listen, ma'am. I may talk loud, but I'm not gonna hurt you. I'm not gonna put you in jail. I'm not even gonna come any closer than I am to you. There's no reason to be anxious here. You're not going to jail, okay? And if you lose, and I'm not saying you're gonna lose or you're gonna win, it's just money, that's all. You're gonna be able to go home today, and you may have to pay money, you may not. We don't know. So don't be anxious. No one ever gets hurt here, okay? So just relax. And the only reason I'm talking loud is because lots of times people say, 'Your Honor, I can't hear you.' So, I gotta talk loud. Because they can't hear me. So just relax. Okay? I don't dislike you. You look like a nice person, you know. And I'll tell you what. You're winning so far, and let me tell you why: whatever you say in court, you have what's called immunity.

(Audio at 18:07-19:11.)

Judge Griego said to Ms. Pandan, “It appears that you complained to a judge about how you felt that you were being mistreated. And that’s good! I’m glad you didn’t keep quiet. I’m glad you spoke up because somebody was a jerk to you, okay? If you thought someone was a jerk to you, well then yes, you speak up, and you have the right to speak up if someone’s a jerk. I’m not saying you’re a jerk, Mr. Kim, but if the shoe fits, if you know what I mean.” (Audio at 19:34-20:07.)

The judge indicated he was going to rule on the defendant’s motion to dismiss and said:

Ms. Pandan says that you did a lot of bad things to her, okay? It says that you harassed her, that you asked her about her boobs. I hate to use that word ‘cause that sounds offensive, but that’s what she said in court. So, I can repeat it, so don’t take any offense. Right? I mean that’s just the way it is. He also wanted to sleep with you. Again, don’t take any offense, that’s what you said he said to you so I’m just repeating it. And if you’re a 50-year-old man, doing this to a 20-year-old, I don’t know, I don’t know. And I understand Commissioner Gerber did not find her credible, but I also find that there’s evidence to believe that you tried to misrepresent, you know, the I.D. and about her insurance. And I understand that she’s not credible or at least that was the finding by another, by another bench officer. And I understand that she was prosecuted but it got diverted. And I also understand that, that, that she may have been, again, you know, not, not credible before, before Commissioner Gerber. And, and that she said these things in a court of law. So, I guess the bottom line is that I think both you guys are dirty. And not in a filthy way dirty. Let me explain. In a court of law, there’s something – there’s a theory that’s called ‘don’t come to court with unclean hands.’ And I’m not sure if you’ve heard that before. But it means, if you’re dirty, don’t come to court. No. It’s not our problem. You’re dirty; you handle it on your own. Because both people are dirty. How can you come and seek justice in the house of justice when both you are guilty? And both you are dirty. That’s – you can’t do that. You can’t claim innocence for yourself and accuse the other person of wrongdoing when you’re just as dirty.

(Audio at 39:24-42:09.)

Judge Griego reiterated that Commissioner Gerber had found Ms. Pandan was not credible in the previous (CHRO) matter. He said to Mr. Kim:

She's dirty. You can't believe her. Okay. You won. Okay. But you did things just as bad in other areas in this case, so you're just as dirty too. And it seems like you're using the courts as a way to fight your battle, when there's no battle to be fought. Because you're, you're two pigs in the trough, fighting with each other, and I don't want to deal with that because you guys are not credible to me. You're both dirty, okay. This is – I think this is a frivolous case. I'm not sure what's gonna happen in the future, but this case is frivolous. The facts are horrible to both sides, okay. And this is the last thing I'm going to say. This case is – the defendant's motion is granted. This case is dismissed with prejudice.

(Audio at 42:39-43:40.)

The commission determined that Judge Griego's conduct, including admonishing the defendant to "listen to the question"; saying the defendant looked "like a nice person" who was "winning so far"; remarking that the judge was not saying Mr. Kim was a jerk "but if the shoe fits, if you know what I mean"; repeatedly saying that Mr. Kim and Ms. Pandan were both "dirty"; and describing the litigants as "two pigs in the trough, fighting with each other," which the judge said he did not want to deal with, was discourteous, gratuitous, and conveyed the appearance of bias and prejudice.

5. On June 26, 2023, Judge Griego presided over a small claims trial de novo in the matter of *Osiris Zuniga v. Martin Mariner* (No. 22STSC04966), arising from a dispute between former roommates.

After calling *Zuniga v. Mariner*, the judge paused while asking a question of the defendant and said, in a raised voice:

Okay, stop, stop, stop – someone in the front row is being very rude to the court, very rude. Let me ask you a question: do you see me with my cell phone? The answer is no, you know why? Because I respect you. This is my chambers. I respect everybody here. I'm not gonna bust out with my cell phone and disrespect you, showing I don't care about you, that I'm not paying attention. So why wouldn't you extend the same courtesy to me? What are you doing, checking your emails? Is it really important?

Then go outside! Jeez, man, that is so rude. You think you're at home or a park? You're in a court of law, for God's sake. Yeah, I'm sure the deputy told you guys, don't bust out with your phones. I don't know if you're recording me. Which you'll get in really big trouble. Jeez. Don't do that again. Or you're – I'm not gonna hear your case, you're gonna go home. Anybody else, don't bust out with your phones.

(Audio at 03:10-04:24.)

After hearing some testimony from the parties, Judge Griego said to Mr. Mariner, in a raised voice, "You're a funny man. You're a funny man. You say you don't want to talk about character but, but you give me, you give me evidence that talks about character and how she threatened you. You're a funny man. Why would you open the door and then say, 'Oh, I don't want to go inside the door'? You're a funny man. Nah – go ahead. Tell me about the threat, for God's sake. Because you mentioned it first, how would I know about the threat unless you mentioned it. Tell me about the threat." (Audio at 13:21-13:53.)

As the hearing proceeded, Judge Griego read aloud several messages purportedly drafted by Ms. Zuniga, which employed profanity. He said to Ms. Zuniga, "And if that's you, I have a totally different interpretation of what I thought about you earlier. Tell me it wasn't you." (Audio at 16:39-16:46.) Ms. Zuniga said it was her and started to answer. The judge said, in a raised voice, "Stop! Stop! I don't care what he did. The question I asked was, tell me it's nothing. Okay stop! That's all." (Audio at 16:48-16:57.)

Judge Griego read aloud another message purportedly authored by Ms. Zuniga, which also employed profanity. The judge again asked Ms. Zuniga whether she wrote the message. Ms. Zuniga said yes. The judge replied, in a raised voice, "Yes, Your Honor," and the plaintiff repeated, "Yes, Your Honor." (Audio at 17:50-17:51.)

The judge subsequently ordered that the defendant did not owe Ms. Zuniga any money on her claim.

The commission determined that Judge Griego's conduct, including raising his voice; admonishing an audience member about cell phone use by saying, "Jeez, man, that is so rude" and "You're in a court of law, for God's sake"; correcting a plaintiff who answered "Yes" rather than "Yes, Your Honor"; saying that reading text messages employing profanity caused the judge to have a "totally different interpretation" about a (female) plaintiff; and calling the defendant a "funny man," was discourteous, gratuitous, and conveyed the appearance of bias.

6. On June 27, 2023, Judge Griego presided over a small claims trial in the matter of *Eric Stone v. Augustine Carrasco* (No. 22STSC04454), in which the plaintiff, Eric Stone, alleged the defendant, Augustine Carrasco, sold him a used dishwasher, falsely advertised as new.

After hearing from Mr. Stone, Judge Griego engaged in a brief exchange with the defendant, Mr. Carrasco, about the numbering of the defendant's exhibits. Judge Griego said to Mr. Carrasco, "I know what I'm doing, sir. Stop being a smart aleck, okay." (Audio at 07:01-07:05.)

The judge continued, "You respect the court, okay. Respect the court. The court asks you a question, comply with the question. That's all you gotta do. Don't have an attitude." When the plaintiff interjected he was not having an attitude, Judge Griego raised his voice and said, "Listen! If you get an attitude, you're gonna lose. So, huh, so be smart about it. Just tell me, 'Your Honor, it's in my, it's in my packet.' So now I'm gonna look in your packet. Okay? That's all you gotta do." (Audio at 07:06-07:34.)

Mr. Carrasco subsequently testified that he had learned about a specific type of tool used on dishwashers from the judge's father, whom he had worked for on Saturdays. Mr. Carrasco said that Judge Griego's brother had even purchased a dishwasher from him. The judge told Mr. Carrasco to stop, and Mr. Carrasco replied that he needed Judge Griego to know who he was.

Judge Griego asked whether Mr. Carrasco was "Eddie Carrasco's dad." Mr. Carrasco responded in the affirmative. The judge continued, "Okay, then I also know your son. So, you guys used to live in Commerce, right? Are you still there? ... I remember Eddie, you also had another son, right? Eddie had a brother, right?" Mr. Carrasco answered yes, and the judge said he knew Mr. Carrasco's sons, and that his brother was "very close friends" with one of them. The judge went on:

So I have to disclose that. That I have a, I have a, like an indirect relationship with one of the parties, you, through your son and through my dad and your other son. And, um, so Mr. Stone, and I'm gonna ask both parties – with that information, I want to let every [sic] know, everyone know that I don't know Mr. Carrasco personally. I know of him. I know he lived on the same block as my family for many, many, many, many years but I never associated with him. He's just, he's from the neighborhood. And one of his sons is the same age as my younger brother. And you know how it goes, with brothers, you never hang out with the younger guys. You know, they're too young for you. So, I never hung out with my brother's friends. I

know them. And as you get older you kinda give them a little more respect. Because you know, they're older. But I never hung out with him. Or his dad, Mr. Augustine [Carrasco]. Anyway all that said, I can be fair because I don't, I don't associate with Mr. Augustine [Carrasco] but I need to let you know that and I'm gonna give you about five to ten seconds to think about it, as to whether or not, whether you want me to continue to hear this case or, you have the option, you know, to have it heard by another judge who hopefully has no relationship with the defendant. So I'm gonna count to ten quietly, and Mr. Stone, you can, you can think about it.

(Audio at 11:16-14:35.)

Mr. Stone agreed to proceed. (Mr. Carrasco also indicated he wanted the judge to hear the case.) Judge Griego took the matter under submission and said to Mr. Carrasco, "And say hello to your son for me." (Audio at 21:25-21:26.)

The judge subsequently entered judgment for Mr. Stone.

The commission determined that Judge Griego's conduct, including telling a litigant to "stop being a smart aleck"; saying, "Don't have an attitude"; and telling the plaintiff he had "five to ten seconds" to decide whether he wanted Judge Griego to hear the case and that the judge was going to count to ten, was discourteous, gratuitous, and impatient, and conveyed the appearance of bias.

7. While presiding over a small claims calendar on November 30, 2023, Judge Griego engaged in poor demeanor; raised his voice at litigants; made discourteous, disparaging, and/or gratuitous remarks; and made remarks conveying the appearance of bias, as follows.

A. The first matter Judge Griego called was *Giannina Roggiero v. Beverly Hills Properties LLC, et al.* (No. 23STSC03216). The judge asked whether the case was a landlord-tenant dispute. Plaintiff Giannina Roggiero, appearing by phone, interjected that the ADA coordinator's office was supposed to have provided the judge with her request for an accommodation for five minutes to read a statement due to her anxiety, depression, and PTSD. Judge Griego said, with an increasingly raised voice, "Okay, I'm gonna give that to you, but I just asked a very simple question: is this a landlord-tenant dispute? Yes or no?" (Audio AM Session at 03:30-03:39.)

Ms. Roggiero said that she was sorry, and that she did not respond well to the judge's tone. She began to say she was a domestic violence survivor. Judge

Griego interrupted, “Okay, I’m not talking to you. Let me talk to the defendant. Is this a landlord-tenant dispute?” (Audio AM Session at 03:49-03:53.) The defendant said yes. Judge Griego said, “Okay. Thank you. Alright, plaintiff, you may proceed with your five minutes. Go ahead.” (Audio AM Session at 03:54-03:59.)

Ms. Roggiero said she would find another judge and file a complaint, and hung up. Judge Griego indicated he would dismiss the matter without prejudice. Before calling the next matter, the judge said, “That was so funny.” (Audio AM Session at 05:27.) At the end of the morning calendar, approximately two hours later, Judge Griego said to his judicial assistant, “Hey, that was weird about that woman – the disability request. I mean, I just asked her, I wanted to [unintelligible] and she goes, ‘No, I don’t want to.’ That’s kinda weird.” (Audio AM Session at 02:12:38-02:12:50.)

B. Judge Griego presided over a trial de novo in *Hesper Dawn Colohan v. Mazal Trinity Holdings, LLC* (No. 22STSC02972). When the defendant started to respond to a question the judge asked, Judge Griego raised his voice and said, “This is a very simple courtroom. When I ask questions, you answer a yes or no. Yes or no, okay.” (Audio AM Session at 13:12-13:18.) Judge Griego raised his voice and asked the defendant, “Yes or no, are you making a motion to request the court to give you more time, more time, ma’am? It’s a yes or no answer. That’s a yes or no answer.” (Audio AM Session at 16:42-16:51.) The defendant said no, and that she would like to celebrate Christmas in peace. Judge Griego then said, “Again ... I don’t care if it’s Easter! I don’t care if it’s the Fourth of July. Get to the point.” (Audio AM Session at 17:00-17:09.)

The defendant began reading aloud from a lengthy declaration. After more than ten minutes, Judge Griego interrupted to ask how long she intended to continue. The defendant said she was almost done. Judge Griego said, “That wasn’t my question. How long do you intend to continue?” The judge raised his voice and said, “How long do you intend? Give me time.” (Audio AM Session at 31:40-31:50.) The defendant indicated she intended to speak for another ten minutes.

Judge Griego said no, laughed, and continued, “Everybody, this is small claims When you come to small claims, ma’am, you get the small claims service. Right? And you’ve already presented a defense. The court’s giving you a second chance. So, you would think you would be over, like, probably, like, ten minutes ago.” (Audio AM Session at 31:55-32:28.) He raised his voice and said, repeatedly, “You have a minute to summarize.” (Audio AM Session at 32:30-32:36.) After the defendant made a few more comments, the judge said, “Alright. Thanks for summarizing. Your time is over. Thanks for summarizing. Your time is over. Your time is over, ma’am. Just stop! Stop talking. Don’t say another word.

Please. Jeez. You're pushing it. You're pushing it." (Audio AM Session at 34:13-34:33.)

After the plaintiff presented her argument, the defendant attempted to respond. Judge Griego said, "And you don't get to – you've already spoken. That's enough. That's enough. That's – that's enough, ma'am. Like I just explained to her. You guys have – you guys have – you've received your taxpaying benefit. You've had two days in court. Turn around. I gotta, I gotta give it to them as well. Again, it's small claims. I manage my courtroom in the most efficient way possible. I'm not gonna give you all day to talk. No, it's over! You – jeez. I'm gonna have the deputy escort you out. You want to do that in front of all these people? That's gonna be very embarrassing for you, to escort you out. Okay, you've got to stop, ma'am. You've had your day. Jeez! I don't get you. I mean, a judge is ordering you to stop, and you don't get it. Jeez. That doesn't help your case." (Audio AM Session at 55:38-56:40.)

C. Judge Griego called *Lidia Mateo v. Rafael Barahona Amaya Dimas* (No. 23STSC04000). Both parties required assistance from a Spanish interpreter. Judge Griego asked the plaintiff a question. She responded, "Uh huh," and the interpreter said, "Uh huh, yes." Judge Griego raised his voice and said, "Okay, ma'am, look at – you don't say 'uh huh' in court. You say, 'yes, Your Honor. No, Your Honor.'" (Audio AM Session at 01:46:14-01:46:21.) The plaintiff, through the interpreter, said she was sorry and that she spoke in her own dialect. Judge Griego laughed and said, "Aw, that's fine, but your own dialect I'm sure says 'yes, Your Honor.' Ha, ha, ha. Every dialect says, 'yes, Your Honor.' You're in a court of law, ma'am. You gotta speak here with, with respect. Understand? Not 'uh huh.' Jeez. I don't care what country you come from. You don't speak to a judge like that. Come on." (Audio AM Session at 01:46:30-01:46:52.)

D. After lunch, Judge Griego called *Premium Rentals LLC v. 24/7 Truck Dispatch Services LLC, et al.* (No. 23STSC04745). He asked whether the plaintiff wanted more time to serve one of the defendants, or whether he should dismiss the defendant. The plaintiff said the judge needed to hear her case. Judge Griego interrupted, "No. Listen, I don't need to do what you tell me. I tell you what to do. You're in my courtroom." (Audio PM Session, Part 1 at 16:35-16:41.) The defendant attempted to interject. Judge Griego said, in a raised voice, "Wait until I finish talking to this lady! Jeez! You understand? You'll have your chance." (Audio PM Session, Part 1 at 17:20-17:28.)

E. While presiding over *David Passman v. Benjamin J. Berkowitz* (No. 23STSC05057), Judge Griego told the defendant, "If you get a judgment against you, it looks bad on your financial record. Looks horrible. Even if it's for, like, 50 bucks, a hundred bucks. It makes you look suspect in the business world, if there's a judgment. Even if it's de minimis or very small, it just makes you look bad.

Boom. On your credit report, judgment. That looks horrible, okay. It's kind of similar to a, you know, a felony, uh, you know, conviction on a criminal matter.” (Audio PM Session, Part 1 at 56:05-56:34.)

* * *

In his response to the commission, Judge Griego acknowledged that he should not have made certain comments or raised his voice at litigants. He suggested that many of his comments, however, were not gratuitous, and reflected either his evaluation of the evidence before him or his efforts to exercise control over his courtroom.

The commission found that Judge Griego's conduct, as described herein, was not momentary or isolated, but rather, reflected a pattern of intemperate behavior toward self-represented litigants. The commission observed that, though it is appropriate for a judge to exercise control over court proceedings, assess the credibility of evidence, and communicate sophisticated legal concepts to laypersons in “plain speak,” it is improper to do so in a way that is discourteous and impolite, especially when dealing with self-represented parties. The commission also expressed criticism of the judge's practice of insisting that litigants insert an honorific into statements where no personal address was necessary.

The commission concluded that Judge Griego's conduct constituted a failure to be patient, dignified, and courteous to litigants, witnesses, and others with whom the judge deals in an official capacity, and to require similar conduct of all staff and court personnel under the judge's direction and control, in violation of canon 3B(4); a failure to perform judicial duties without bias or prejudice, and to refrain from engaging in speech or other conduct that would reasonably be perceived as bias, prejudice, or harassment, in violation of canon 3B(5); a failure to dispose of all judicial matters fairly, promptly, and efficiently, and to manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law, in violation of canon 3B(8); a failure to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, and a failure to refrain from making statements that are inconsistent with the impartial performance of the adjudicative duties of judicial office, in violation of canon 2A; a failure to avoid impropriety and the appearance of impropriety in all of the judge's activities, in violation of canon 2; and a failure to participate in establishing, maintaining, and enforcing high standards of conduct, and to personally observe those standards so that the integrity and independence of the judiciary is preserved, in violation of canon 1.

In determining to issue this public admonishment, the commission considered Judge Griego's prior discipline to be an aggravating factor. In 2017, Judge Griego

received an advisory letter for independently investigating a traffic accident scene, failing to timely disclose his receipt of ex parte information, and failing to disqualify himself.

The commission determined that the judge's conduct was, at a minimum, improper action.

Commission members Dr. Michael A. Moodian; Hon. Lisa B. Lench; Hon. William S. Dato; Hon. Michael B. Harper; Ms. Kay Cooperman Jue; and Mani Sheik, Esq. voted for the Notice of Tentative Public Admonishment. Commission members Mr. Eduardo de la Riva; Rickey Ivie, Esq.; and Ms. Beatriz Tapia did not participate. Two public member positions were vacant.

Date: July 11, 2024