

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING  
JUDGE DAVIANN L. MITCHELL

DECISION AND ORDER IMPOSING  
PUBLIC ADMONISHMENT

This disciplinary matter concerns Judge Daviann L. Mitchell, a judge of the Los Angeles County Superior Court since 2006. Her current term began in 2019. Pursuant to rule 114 of the Rules of the Commission on Judicial Performance, Judge Mitchell and her attorneys, Heather L. Rosing and Christine C. Roskopf, appeared before the commission on January 30, 2025, to contest the imposition of a tentative public admonishment issued on September 9, 2024. Judge Mitchell waived her right to formal proceedings under rule 118 and to review by the Supreme Court. Having considered the written and oral objections and argument submitted by Judge Mitchell and her counsel, and good cause appearing, the Commission on Judicial Performance issues this public admonishment pursuant to article VI, section 18(d) of the California Constitution, based upon the statement of facts and reasons set forth below.

**STATEMENT OF FACTS AND REASONS**

The commission found that Judge Mitchell entered the chambers of other judges without permission, after court hours, and for an improper purpose; and, in a criminal case, made improper remarks to the defendant while discussing a potential plea agreement.

**I. Unauthorized Entry into Other Judges' Chambers**

On multiple occasions in 2023, Judge Mitchell entered the chambers of Supervising Judge Denise McLaughlin-Bennett and Judge Kathleen Blanchard after court hours, without their permission. At the time, Judge McLaughlin-Bennett

supervised Judge Mitchell. Judge Mitchell was serving as the court's assistant supervising judge.

When Judge McLaughlin-Bennett learned that someone was entering her chambers, which contained confidential documents regarding the court's judges, she began locking her door, and later arranged to have confidential documents relocated. Judge McLaughlin-Bennett convened a meeting with the court's judicial officers and advised them to lock their computers in the evenings. She also announced that she would have security cameras installed in the back hallways adjacent to the judges' chambers. Judge Mitchell continued to enter Judge McLaughlin-Bennett's chambers without her permission. Ultimately, Supervising Judge McLaughlin-Bennett had the lock changed to the door of her chambers because of Judge Mitchell's continuing unauthorized entries into her chambers.

Judge Mitchell also entered the chambers of Judge Kathleen Blanchard on multiple occasions, including in the evenings of October 31, November 2, November 6, November 14, December 8, and December 11, 2023. When Judge Mitchell entered Judge Blanchard's chambers, the door was locked (but accessible with a chambers' master key), and Judge Blanchard was no longer in the courthouse. Judge Mitchell attempted to access Judge Blanchard's computer and searched through papers on and in her desk and other storage areas, including closed cabinets and her personal briefcase. The papers Judge Mitchell searched through in Judge Blanchard's chambers were not court files or documents necessary for Judge Mitchell to perform her judicial or administrative duties.

In Judge Mitchell's response to the commission's preliminary investigation letter, her objections to the notice of tentative public admonishment, and at her appearance before the commission, Judge Mitchell expressed remorse for her "entirely unacceptable conduct" and stated that she "lost her way" in a period of significant personal and professional stress that negatively affected her mental

health and her ability to function normally. She described her efforts to seek the advice of mentors and court management to address the underlying personnel issues with her colleagues which were contributing to her professional stress.

The commission acknowledges Judge Mitchell's expressions of remorse for her actions and considered in mitigation the impact of personal and professional stressors on her mental health. Judges, however, are expected to maintain and personally observe "high standards of conduct" and "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." (Canons 1, 2A.) "Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges." (Canon 2A advisory committee commentary.) And, as the Supreme Court has previously opined, the public must be protected from judicial misconduct even if the misconduct may be in part related to mental health issues. (*Kennick v. Commission on Judicial Performance* (1990) 50 Cal.3d 297.) The commission concluded that Judge Mitchell's conduct in entering her colleagues' chambers, without authorization and for the improper purpose of obtaining information to which she was not entitled, was a serious breach of the expected trust shared among judicial colleagues and entirely at odds with the behavior expected of judges.

Judge Mitchell's conduct constituted a failure to uphold the integrity and independence of the judiciary and to personally observe high standards of conduct so that the integrity and independence of the judiciary is preserved, in violation of canon 1. Judge Mitchell failed to avoid impropriety and the appearance of impropriety, in violation of canon 2, and to respect and comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of canon 2A. Further, Judge Mitchell failed to cooperate with other judges and court officials in the administration of court business, in violation of canon 3C(2), and failed to conduct her extrajudicial activities so that they do not cast reasonable doubt on her capacity to act impartially or demean the judicial office, in violation of canon 4A.

## II. Improper Comments to Criminal Defendant

On June 22, 2023, Judge Mitchell presided over *People v. Stuart Cooper Young*, which was assigned to her for trial (Case No. MA075929). Mr. Young was charged with multiple counts of violating section 288, subdivisions (a) and (c)(1) of the Penal Code, lewd or lascivious acts involving children. Mr. Young's attorney, Leonard Levine, and the prosecutor, Kirsten Brown, conveyed to Judge Mitchell that they had negotiated a potential plea agreement that Mr. Levine would present to Mr. Young.

The agreement, which included a negotiated statement of the factual basis for the plea, provided for the dismissal of the charged violations of Penal Code section 288 and for a no contest plea to lesser violations of Penal Code sections 273a, subdivision (a), endangering child or causing or permitting child to suffer physical pain, mental suffering, or injury, and 647.6, subdivision (b), annoying or molesting children. The agreement also provided for less prison time than the pending charges.

After discussing the proposed plea agreement with the attorneys, Judge Mitchell said she would speak directly with Mr. Young about it. Mr. Levine did not object. While speaking to Mr. Young, Judge Mitchell commented on the defendant's appearance and noted that people convicted of charges like those Mr. Young faced are not treated well in prison. Judge's Mitchell's remarks included the following:

You're a younger man. You're a handsome man, and you are very well built, and you will be an attraction in state prison, and that's thinking about being there for, potentially, up to 18 years is something you will have to think about. Is that the environment that you want to be in?

And you understand that state prisoners are not welcoming to people that touch children or hurt their wives or girlfriends. There's not a welcoming unit. They tend to put you in a different location so you're safe to try to protect you. But you have to look at all these

different factors. I would be remiss if I didn't share that with you. So that's another factor that you have to consider.

When you go in on these charges, the one charge is child annoyance. I think that's actually how it's --isn't it child annoyance? Isn't that how it's defined?

(R.T. 12:5-22.)

After the prosecutor described the charges offered by the plea agreement, Judge Mitchell added that the charged violations of section 288, which would be dropped under the agreement, "will trigger that kind of response, the negative response, from the people that you would be surrounded with." (R.T. 12:28-13:2.)

In Judge Mitchell's response to the commission's preliminary investigation letter, she acknowledged that any comment on a defendant's physical appearance may be problematic and indicated that she regretted her word choice.

The commission concluded that Judge Mitchell's remarks about the defendant's physical appearance and how other prisoners would treat him in prison were discourteous and undignified. The commission found that Judge Mitchell's conduct constituted a failure to be patient, dignified, and courteous to litigants, in violation of canon 3B(4), and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of canon 2A.

Judge Mitchell's conduct in both the matters described above constituted, at a minimum, improper action.

### **DISCIPLINE**

In determining to issue this public admonishment, the commission considered Judge Mitchell's prior discipline. (Policy Declarations of Com. on Jud. Performance, policy 7.1(2)(e).) In 2010, Judge Mitchell received an advisory letter for failing to disclose on the record her extensive involvement in dog

breeding and handling in a case involving criminal abuse of dogs, commenting on the defendant's motion to disqualify her for cause, and remanding the defendant into custody in a manner that appeared to be retaliatory.

Commission members Dr. Michael A. Moodian; Hon. Lisa B. Lench; Hon. William S. Dato; Hon. Michael B. Harper; Ms. Kay Cooperman Jue; Mr. Richard A. Long; Mani Sheik, Esq.; and Mr. Gerald C. Shelton voted to impose the public admonishment. Commission member Ms. Beatriz E. Tapia was recused. Commission member Rickey Ivie, Esq. did not participate. One public member position was vacant.

Date: February 11, 2025



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Dr. Michael A. Moodian  
Chairperson