

## **PUBLIC ADMONISHMENT OF JUDGE JAMES A. KADDO (Ret.)**

The Commission on Judicial Performance ordered retired Judge James A. Kaddo 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 James A. Kaddo was a judge of the Los Angeles County Superior Court since 1999. He retired in November 2024. The judge's last term began in 2023; he previously was a judge of the Los Angeles County Municipal Court from 1991 to 1998.

From 2018 through 2024, Judge Kaddo engaged in a pattern of discourteous, undignified, and impatient behavior, directed at potential jurors, attorneys, and parties. In some instances, the judge also conveyed the appearance of embroilment and bias on the basis of gender, sex, race, national origin, or ethnicity.

In his response to the commission, Judge Kaddo stated that his comments were "rare flareups" or "shows of evanescent irritation," consistent with dictum in *Offutt v. United States* (1954) 348 U.S. 11, 17.<sup>1</sup> The commission found that Judge Kaddo's remarks were not rare, isolated incidents, but rather reflected a pattern of intemperate behavior, as illustrated below.

In his response to the commission, Judge Kaddo also stated that it was necessary to admonish attorneys appearing before him in order to control the courtroom. As the Judicial Conduct Handbook notes, "Anger is an understandable human emotion, but abusiveness is never necessary." (Rothman et al., Cal. Judicial Conduct Handbook (4th ed. 2017) § 3:1, p. 127.) "Belittling, sarcastic, demeaning, and condescending behavior and expressions of anger and impatience by judges are ineffective and improper responses to any

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<sup>1</sup> In *Offutt*, the United States Supreme Court found that the trial judge demonstrated bias, embroilment, and a lack of impartiality because of "excessive injection of the trial judge into the examination of witnesses, his numerous comments to defense counsel, indicating at times hostility, though under provocation." (*Offutt v. United States, supra*, at p. 16.) The whole record demonstrated that the judge's remarks were "not a rare flare-up, not a show of evanescent irritation -- a modicum of quick temper that must be allowed even judges." (*Id.* at pp. 17-18.)

perceived attorney misconduct or incompetence of counsel.” (*Id.* at pp. 134-135.)

The commission also found that Judge Kaddo’s treatment of female attorneys at times conveyed the appearance of bias on the basis of gender or sex. In the cases described below, Judge Kaddo at times addressed female attorneys as “young lady,” “lady,” “these ladies,” and “Ma’am”; and implied they were too emotional by discussing their “feelings” and telling them to “control” themselves. In his response to the commission, Judge Kaddo stated that his use of “lady” was respectful, and that it is often used when addressing the jury. Use of the term “ladies and gentlemen” to address the jury panel is not the same as calling an individual member of the bar “lady,” when a male attorney is not similarly addressed as “gentleman.” The jury panel consists of a group of men and women, and using their names would not be practical. The commission concluded that, no matter his intention, many of Judge Kaddo’s comments were, at a minimum, demeaning, and also reflected offensive and outdated stereotypes.

From 2018 through 2024, Judge Kaddo engaged in a pattern of discourteous, undignified, and impatient behavior, as illustrated in the seven cases below.

1. *Avedis Shanlian v. Sally Rogers* (No. BC656253)

Judge Kaddo presided over a personal injury trial in *Avedis Shanlian v. Sally Rogers*, No. BC656253, on October 2 and 3, 2018. Attorneys Laura Sedrish and Randi Ibrahim represented Mr. Shanlian. Attorneys Alvin Andrade and Jay Rubin represented Ms. Rogers.

On October 2, 2018, during jury selection, Judge Kaddo harshly admonished potential jurors about claiming hardships. In the presence of potential jurors, Judge Kaddo complained about how he was treated by the potential jurors the day before. He stated multiple times that the potential jurors had “abused” him.<sup>2</sup> Judge Kaddo stated that, the prior day, he had “insulted [a potential juror] as much as [he] could”; that he intended to be “harsh and tough,” whether they liked it or not; and that the process was “brutal” and “cruel.” (R.T.

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<sup>2</sup> R.T. 2:7-8: “So[,] the best that I can describe is I feel totally abused.”; R.T. 3:19: “I’m trying to be sympathetic, but I’m abused.”; R.T. 4:9-13: “But I’m being abused. And so[,] if you lose money -- I’m getting sick to my stomach because of the way I’m being treated, and that’s not supposed to be. [¶] I’m supposed to be the judge. I’m not supposed to be the one who gets abused.”; and R.T. 9:9: “I’m not going to be abused anymore.”

2:2; 2:19-20; 8:10-11.) He also disparaged hardship excuses, by stating the following.

I had a lady who decided to get pregnant. I had a lady who decided to have a cousin die so she could go to a funeral. [¶] I had a professor who doesn't believe in the jury system, but he loves America. He wants us to eliminate -- I mean, he -- he wants us to eliminate the jury system. He loves democracy, but he doesn't love juries. That's insane. That's insane. [¶] . . . [¶] I'm not going to take it anymore. I'm not going to take it. They're here to serve.

(R.T. 4:24-5:15.)

Judge Kaddo called the hardship excuses "lame" and an "insult." (R.T. 9:25-26.) He discussed retiring in the following.

I'm due to retire. Congratulations. You've given me a reason, and the reason is health. I mean, I became a judge to enjoy life, to enjoy something that I love to do, that is, the law. But yesterday was agony, walking barefooted on broken glass. My ulcers are acting. My heartburn is a flaming volcano. If I had a dog, I would have kicked it. Thankfully my children were not home, and so I couldn't take it out on anybody.

(R.T. 10:9-16.)

While Ms. Sedrish was questioning a potential juror about a car accident that occurred 20 years prior, the following exchange occurred.

THE COURT: Counsel, no further questions of this witness. *You keep on battering, battering, battering, and it's --*

MS. SEDRISH: Okay.

THE COURT: -- *rises to the level of being --*

MS. SEDRISH: Mr. --

THE COURT: -- *insensitive.*

(R.T. 19:16-22, italics added.)

In front of potential jurors, Judge Kaddo told Ms. Sedrish that she was not asking questions “professionally” and was “confusing the jurors.” (R.T. 21:19-21.)

Prior to Ms. Sedrish’s opening statement, Judge Kaddo asked how long she needed. She answered 15 minutes. Judge Kaddo responded, “Yes. Okay.” (R.T. 35:10.) As Ms. Sedrish began her opening statement, Judge Kaddo gave her five minutes. Shortly after she began speaking, Judge Kaddo interrupted to say, “Counsel, just tell us what the evidence is going to show.” (R.T. 38:23-24.) Judge Kaddo again interrupted Ms. Sedrish’s opening statement in the following exchange.

THE COURT: *Counsel, you’re now arguing your case. You’re going to do that in closing argument. I keep on -- I hate to interrupt you. Tell us what your case is all about.*

MS. SEDRISH: I’m getting to that, [Y]our Honor.

THE COURT: *Don’t argue. Just give us the facts.*

(R.T. 39:7-13, italics added.)

On October 3, 2018, while Ms. Sedrish was cross-examining a defense witness, Judge Kaddo interrupted her, without a pending objection, in the following exchange.

[MS. SEDRISH:] Dr. Rhee, a defense expert hired on the same side as you, has said that this MRI --

THE COURT: *Can I ask you to do something? Can you calm down a little bit.*

MS. SEDRISH: Sure. Okay.

THE COURT: *It’s aggressive. Just calm down. Do you know what “calm down” is?*

MS. SEDRISH: I do, [Y]our Honor. I'm insulted by that --

THE COURT: *Well, don't be insulted.*

MS. SEDRISH: -- as a male you would say that.

THE COURT: *Just calm down.*

(R.T. 33:19-34:2, italics added.)

Judge Kaddo again interrupted one of Ms. Sedrish's questions, without an objection pending, in the following exchange.

THE COURT: Counsel, if you ask a question, give him a chance to answer, and you shoot the next question --

MS. SEDRISH: You're right.

THE COURT: *And then you get upset at me because I ask you to calm down.*

(R.T. 36:10-15, italics added.)

Judge Kaddo told Ms. Sedrish to "calm down" several times during the trial. When Ms. Sedrish told the judge that the term was insulting, and that he would not say it to a male attorney, Judge Kaddo again said, "Just calm down." Later, Judge Kaddo said, "And you get upset with me because I tell you to calm down." In his response to the commission, Judge Kaddo denied that telling Ms. Sedrish to "calm down" reflected bias on the basis of gender or sex. The commission found that the judge's repeated use of the phrase, which was not similarly used with the male attorney, could reasonably be perceived as gender bias and could make Ms. Sedrish appear less credible than her male counterpart.

The commission found that Judge Kaddo's treatment of potential jurors was rude and discourteous, in violation of canons 3B(4) (duty to be patient, dignified, and courteous to lawyers, parties, and witnesses), 2A (duty to act at all times in a manner that promotes confidence in the integrity and impartiality of the judiciary), and 2 (duty to avoid impropriety and the appearance of impropriety in all of a judge's activities). The commission found that Judge Kaddo's treatment of Ms. Sedrish, including interrupting her on multiple occasions and admonishing her in front of jurors conveyed the appearance of embroilment and bias, in violation of canons 3B(5) (duty to perform judicial duties without bias or prejudice, and not to, in the performance of judicial duties, engage in speech, gestures, or

other conduct that would reasonably be perceived as bias, prejudice, or harassment), 3B(4), 2, and 2A. The commission further found that Judge Kaddo's comments to Ms. Sedrish to "calm down" and interrupting her opening statement when he did not similarly interrupt a male attorney's opening statement conveyed the appearance of bias on the basis of gender or sex, in violation of canon 3B(5) (duty to perform judicial duties without bias or prejudice, and not to, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity, or gender expression).

2. *Craig Ross and Natalie Operstein v. Board of Trustees of California State University* (No. SC125558)

Judge Kaddo presided over the civil trial of *Craig Ross and Natalie Operstein v. Board of Trustees of California State University*, No. SC125558, from September 8 to 27, 2021. The plaintiffs represented themselves. Attorney Elizabeth A. Frater and Deputy Attorney General Lorinda D. Franco represented the defendant.

On September 8, 2021, the plaintiffs objected to a statement of the case that Judge Kaddo had prepared. The statement of the case contained a sentence that stated that the defendant terminated an employment contract because Ms. Operstein failed to perform during the probationary term of the contract. After Mr. Ross objected, the following exchange occurred concerning the existence of a contract.

THE COURT: Are you telling me that it's their position that they claim there's no contract between you and the university?

MS. OPERSTEIN: Yes. That's what they told you multiple times already.

THE COURT: What is it that you want to tell me? Why are you speaking for them?

MS. OPERSTEIN: In my complaint and first amended complaint --

THE COURT: Okay. What would you like me to put in the opening statement?

MS. OPERSTEIN: To remove the statement that I failed to perform under the contract. This is wrong. This is prejudicial.

THE COURT: Well, it's not that they failed. They're alleging that you failed to perform under the contract.

MS. OPERSTEIN: Your Honor, they do not allege contract. They moved to dismiss contract causes of action.

THE COURT: But that doesn't mean that there was no contract.

(R.T. 4:20-5:13.)

Previously, the defendant filed a demurrer, arguing that there was no contract, and the court sustained the demurrer. Despite both parties agreeing that a contract did not exist, Judge Kaddo continued to assert that it did.

Judge Kaddo continued to argue with the parties concerning whether there was a contract and became frustrated and impatient. Judge Kaddo accused Ms. Frater of "*hiding behind [her] finger.*" (R.T. 11:11-12, italics added.) Judge Kaddo called Ms. Operstein, "*This lady.*" (R.T. 11:17, italics added.) Judge Kaddo said, "*So[,] this conversation is really just abusive.*" (R.T. 12:11-12, italics added.) The following exchange then occurred.

THE COURT: *The defense now is adopting Mr. Ross' techniques of being obdurate.* Good morning.

MS. FRATER: Good morning, Your Honor.

THE COURT: *Now I get abused by two sides. I'm stating a simple fact and, again, you're going on semantics.* [¶] You don't want to call it the contract.

(R.T. 12:13-19, italics added.)

Judge Kaddo ruled that Mr. Ross could not act as Ms. Operstein's attorney. Mr. Ross asked for a clarification, and Judge Kaddo responded as follows.

Hold on a second. *At some point will you finish talking because she keeps on raising her hand and she's entitled to be heard, but you never stop. Okay. [¶] Put that in your computer. No further -- I will not hear further from you.*

(R.T. 21:26-22:3, italics added.)

Judge Kaddo called the defense paralegal, "*the lady.*" (R.T. 35:27, italics added.) He also called the court reporter, "*the young lady.*" (R.T. 51:14, italics added.)

On September 10, 2021, during the administration of hardships, Judge Kaddo asked a male prospective juror if he had a wife that he was "*responsible for.*" (R.T. 22:27, italics added.) Judge Kaddo argued with one juror with health concerns over COVID-19 precautions. Judge Kaddo asked if his health was a "legitimate concern," or whether it was "*an excuse to get out of being a juror.*" (R.T. 30:23-24, italics added.) Judge Kaddo asked if it was something he "*dreamed up to be excused from being a juror.*" (R.T. 31:2-3, italics added.) Another juror asked to be excused because he did not speak English well. Judge Kaddo asked, "*The fact that you can't speak English, does that happen just today because you're in my court, or that's the way it is?*" (R.T. 49:14-16, italics added.) Judge Kaddo also asked, "*You're not saying that you don't speak English because you don't want to be a juror?*" (R.T. 50:8-9, italics added.)

The commission found that Judge Kaddo's comments about and to Mr. Ross and Ms. Frater, and towards potential jurors, were rude and discourteous, in violation of canons 3B(4), 2, 2A, and 1 (duty to participate in establishing and maintaining high standards of conduct and to personally observe those standards to preserve the integrity and independence of the judiciary). The commission found that calling Ms. Operstein, "This lady," the defense paralegal, "the lady," and the court reporter, "the young lady," and asking a male juror if he had a wife he was "responsible for" conveyed the appearance of bias on the basis of gender or sex, in violation of canons 3B(5), 3B(4), 2, 2A, and 1.

### 3. *D.A. v. A.J.* (No. 21VEUD00512)

Judge Kaddo presided over a motion for a continuance of an unlawful detainer trial in *D.A. v. A.J.*, No. 21VEUD00512, on October 28, 2021. The parties were self-represented. D.A. was present in court and A.J. appeared telephonically.

A.J. requested a continuance. She was describing issues that needed to be addressed prior to trial, when Judge Kaddo told her, “*You keep on talking and you don’t stop.*” (Audio 2:03, italics added.) Judge Kaddo then said D.A. was present and the case was proceeding to trial when the following exchange occurred.

A.J.: Your Honor, I did not prepare for trial today. As I was telling you, I have a pending motion for jury trial. And you have the form. [unintelligible]

THE COURT: *You have a problem. You have a problem, [A.J.].*

A.J.: I’m sorry?

THE COURT: *Number one, the problem is you don’t tell the judge what to do.* The second problem is you have to comply with the rules of the court.

(Audio 3:19-3:41, italics added.)

A.J. was talking over Judge Kaddo, so he instructed his clerk to mute her. Judge Kaddo stated, “*She wouldn’t shut up.*” (Audio 5:16-17, italics added.) Judge Kaddo then allowed D.A. to present his case.

Judge Kaddo unmuted A.J. to ask her if she was present at the last appearance. Judge Kaddo stated that he muted her, because, “*You talk and you do not stop and you don’t give me a chance to talk.*” (Audio 14:16-21, italics added.) While A.J. was answering his questions, he interrupted her on several occasions and told her to stop interrupting him. Judge Kaddo said, “*The problem is you never stop talking.*” (Audio 15:25-26, italics added.) Judge Kaddo stated that, at the prior appearance, the matter was continued for a court trial because A.J. had not paid jury fees, when the following exchange occurred.

A.J.: That’s incorrect.

THE COURT: Alright. Uh.

A.J.: May I -- may I answer now?

THE COURT: No. No. Hold on. *I'll tell you when to answer. Hold on. You know, we're not here just to hear you. You have an obligation to hear me.*

(Audio 17:30-17:46, italics added.)

The audio recording reflects that Judge Kaddo spoke in a raised voice when speaking to A.J.

Judge Kaddo stated that A.J. had filed a jury trial request on September 22, 2021, but did not post jury fees, when the following exchange occurred.

A.J.: I'm sorry, Your Honor. Excuse me.

THE COURT: You know, you're doing it again. I'm gonna mute you.

A.J.: No, Your Honor. I just, I need to correct those dates you gave him. It was not the 22nd that I requested it. And the waiver was granted.

THE COURT: *If you'd shut up long enough to let me talk. I hate to be rude, but you are terrible. I know --*

(Audio 22:01-23, italics added.)

Judge Kaddo's clerk stated that A.J. did not get notice of the jury fees, because the notice was returned as non-deliverable. The clerk stated that A.J. requested a jury trial on September 14, 2021. A.J. was describing what actions she had taken in the case, when Judge Kaddo interrupted her and said, in a raised voice, "*Give me a chance. You talk incessantly.*" (Audio 27:47-52, italics added.)

A.J. stated that she had not been served with notice by D.A., when the following exchange occurred.

A.J.: No, it [her Answer] describes that I haven't been served.

THE COURT: *Will you let me finish? Will you let me finish? Will you ever let me finish? You're annoying. You're hurting yourself.*

(Audio 31:39-31:51, italics added.)

The audio recording reflects that Judge Kaddo again spoke in a raised voice when speaking to A.J.

While discussing A.J.'s August 27, 2021 jury trial request, the following exchange occurred.

A.J.: Your Honor?

THE COURT: *No. No. Hold on. I don't want -- Once you begin talking, you don't stop. You know, you're your own worst enemy.*

A.J.: That's not true.

THE COURT: *Well, take it from a judge.*

A.J.: That's not true at all.

THE COURT: *You talk and do not give anyone else an opportunity to talk which --*

A.J.: That's not true.

THE COURT: *which indicates a consciousness of guilt.*

(Audio 33:56-34:26, italics added.)

While discussing A.J.'s September 14, 2021 jury trial request, the following exchange occurred.

A.J.: Right. That's the form I told you was put through the e-file system on the 15th after the court hearing.

THE COURT: *Will you again let me talk. Jesus. I'm speaking English to you. You rush to defend yourself. Stop defending yourself.*

(Audio 36:33-36:50, italics added.)

Judge Kaddo asked A.J. if she appeared at a previous hearing, when the following exchange occurred.

A.J.: Yes, and my purpose was to ask for a continuance.

THE COURT: I didn't ask for your purpose. *Just shut up.* I didn't ask for your purpose. I asked if you appeared by Court Connect. Is that yes or no?

A.J.: Yes, Your Honor, but please respect me.

THE COURT: *I do respect you if you respect me.*

A.J.: You just told me to shut up.

THE COURT: Well, you don't respect me.

A.J.: I do. I have not interrupted you. I'm just trying to give you the information you need.

THE COURT: You haven't stopped interrupting me.

A.J.: That's not true.

THE COURT: *Okay, so now I'm a liar.*

(Audio 37:31-38:02, italics added.)

The audio recording reflects that Judge Kaddo again raised his voice in the above exchange.

D.A. did not give notice of the trial date to A.J., so Judge Kaddo continued the trial. A.J. asked that the case be permanently assigned to a courtroom. Judge Kaddo responded, "*You don't tell me what to do. You don't run the courthouse. We run the courthouse.*" (Audio 46:55-46:58, italics added.) Judge Kaddo muted A.J. and disconnected her from the hearing, but continued to speak to D.A.

The commission found that Judge Kaddo's comments, described above, to and about A.J., were rude and demeaning, and conveyed the appearance of embroilment and bias, in violation of canons 3B(4), 3B(5), 2, 2A, and 1.

4. *Matthew G. Lopez-Bautista v. Foothill Presbyterian Hospital, et al.*  
(No. BC693486)

Judge Kaddo presided over a six-week medical malpractice trial in *Matthew G. Lopez-Bautista v. Foothill Presbyterian Hospital, et al.*, No. BC693486, in October and November 2021. Attorney Maro Burunsuzyan represented the plaintiff; attorney Stephen A. Rosa represented the hospital; and attorneys Stephen C. Fraser and Evan A. Guze represented Dr. Jeffrey Lee. The plaintiff alleged that the defendants committed negligence during the delivery of a newborn, including delaying performing an emergency cesarean section.

(a) November 3, 2021

On November 3, 2021, Ms. Burunsuzyan made a record to support her contention that Judge Kaddo had unfairly curtailed her cross-examination of a doctor the previous day. She stated that Judge Kaddo sustained most of the defense objections and she was unable to adequately question the doctor. She also stated that Judge Kaddo allowed the doctor to testify to facts that were not discussed in his deposition, which violated a motion in limine. Ms. Burunsuzyan asked that Judge Kaddo allow her an opportunity to point out when that occurs. Judge Kaddo stated he would not strike any testimony and said that he felt Ms. Burunsuzyan was attempting to punish the witness by asking that he return on November 3.

While Mr. Fraser conducted a cross-examination of Dr. Michael Nageotte, Judge Kaddo overruled all but one of Ms. Burunsuzyan's objections. After one objection, Judge Kaddo stated, "*Overruled. You don't like me, take it up on appeal. Counsel, you're being interruptive.*" (R.T. 46:28-47:2, italics added.) Ms. Burunsuzyan stated that it was a *Kennemur* objection and that his testimony was outside the scope of his deposition opinion, when the following exchange occurred.<sup>3</sup>

MS. BURUNSUZYAN: Your Honor, I'd like all of us to play by the rules.

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<sup>3</sup> An expert may not testify at trial to opinions not disclosed pretrial to an appropriate deposition question. (See *Kennemur v. State of California* (1982) 133 Cal.App.3d 907, 917.)

THE COURT: Counsel, I would like to say, you know, *control yourself*.

MS. BURUNSUZYAN: I'm controlled, Your Honor. I'm very controlled.

THE COURT: No. If you don't like something that the witness is stating under oath, that's not -- that doesn't give you the right to object.

(R.T. 47:9-17, italics added.)

Mr. Fraser admitted that the doctor offered a new opinion at trial. Ms. Burunsuzyan stated that allowing the opinion would be reversible error. Judge Kaddo overruled the objection.

(b) November 10, 2021

While discussing the evidence, outside the presence of the jury, Judge Kaddo stated, "My memory is good, but it may not be Memorex." (R.T. 165:26-27.) Judge Kaddo stated that Ms. Burunsuzyan was too young to remember. Judge Kaddo then explained that Memorex was a kind of audio tape that was commercially available "when you were a young lady." (R.T. 166:13.) Ms. Burunsuzyan was admitted to the State Bar in 1994.

(c) November 12, 2021

On November 12, 2021, prior to bringing in the jury, Ms. Burunsuzyan asked to be heard in the following exchange.

MS. BURUNSUZYAN: Your Honor, may I say something?

THE COURT: *No, please.*

MS. BURUNSUZYAN: It's very important.

THE COURT: *You're only going to get me upset.*

MS. BURUNSUZYAN: It's not my intention.

THE COURT: Point me out to page and line.

MS. BURUNSUZYAN: I have.

(R.T. 3:1-8, italics added.)

While discussing jury instructions, Ms. Burunsuzyan objected to defense changes to instruction CACI 3903A and called it “shameless,” when the following exchange occurred.

THE COURT: Counsel, will you stop --

MS. BURUNSUZYAN: It's misleading.

THE COURT: *Will you stop ever accusing them of malignment, of bad intentions. It's quite unprofessional. You constantly insult them.*

MS. BURUNSUZYAN: Your Honor, this paragraph here --

THE COURT: Let me discuss what -- this paragraph without insulting defense counsel. *I take offense to that. You should not use those words to describe what they are. It's outright insulting.*

(R.T. 49:15-25, italics added.)

Prior to resuming closing arguments, at 1:30 p.m., outside the presence of the jury, Judge Kaddo quoted former President Bill Clinton (“It all depends what the word ‘is’ is”) and stated, “*That was before she [Ms. Burunsuzyan] was born.*” (R.T. 103:16, italics added.) The quote referenced President Clinton’s sexual relations with a young staff member. Judge Kaddo then turned to Ms. Burunsuzyan and said, “*Are you ready, young lady?*” (R.T. 103:22, italics added.) Ms. Burunsuzyan responded, “Young lady is ready.” (R.T. 103:23.) Prior to closing arguments, in the presence of the jury, Judge Kaddo stated, “*So[,] I gave this young lady an unlimited amount of time, but she’s not going to overspend it.*” (R.T. 115:24-25, italics added.)

(d) November 16, 2021

On November 16, 2021, while the jury was deliberating, Judge Kaddo and the attorneys were discussing how to respond to a question from the jury. Ms. Burunsuzyan stated that she thought the defense suggestion would be prejudicial. She also stated that some of the things that had happened in front of the jury were incomprehensible to her, when the following exchange occurred.

THE COURT: *And if this is your way to get even with me, be my guest.*

MS. BURUNSUZYAN: I'm not here to get even with the court, Your Honor.

THE COURT: *Well, it's improper what you said.*

MS. BURUNSUZYAN: I'm here to represent -- I'm here to represent my client.

THE COURT: *Accuse me of being against your client?*

MS. BURUNSUZYAN: No, Your Honor. I'm only here to represent my client, and I have the utmost respect for the court. [¶] That's what I've done for 28 years, and there have been times where it's been very, very incomprehensible to me as to the way I've been treated in front of the jury. [¶] I've been called a "young lady" three times, Your Honor. Mr. Guze is 20 years younger than me. I still haven't heard Mr. Guze be called "young man." [¶] There are times when I've left the court and I've wondered we [*sic*] all come from the same association. We hold a license from the same bar. And why am I being called a young lady?

(R.T. 34:26-35:20, italics added.)

Judge Kaddo acknowledged that he called Ms. Burunsuzyan a "lady" and asked if he called her a "young lady." (R.T. 35:23-36:1.) Judge Kaddo admonished Ms. Burunsuzyan for raising the issue during legal argument and stated she should have raised it at another time. Judge Kaddo stated, "*You know, you wouldn't be here if you weren't representing your client. So[,] don't stress the obvious to me.*" (R.T. 36:19-20, italics added.) Judge Kaddo apologized and asserted that he was not biased.

(e) November 17, 2021

On November 17, 2021, an alternate juror was excused because he had been exposed to COVID-19 by a family member. One of the jurors did not come back from the lunch break and left a voicemail message on the court clerk's telephone.

The juror was still in the courthouse while the matter was being discussed.

Judge Kaddo played the message for all of the attorneys and suggested declaring a mistrial. Ms. Burunsuzyan urged Judge Kaddo to call the juror back and explain that the alternate juror had not tested positive for COVID-19. Judge Kaddo asked Ms. Burunsuzyan when she had been appointed the juror's attorney.

Judge Kaddo left the bench and consulted with his supervising judge, Supervising Judge Virginia Keeny. Judge Kaddo told her that a juror was not coming back and that he believed he should declare a mistrial. Judge Keeny stepped off the bench and spoke with Judge Kaddo briefly in the hallway. Judge Kaddo told Judge Keeny that he thought the juror was too upset to come back. Judge Keeny told Judge Kaddo that he also had the option of telephoning the juror as she requested, or requiring her to appear so that Judge Kaddo could determine what the issue was and let her know that none of her fellow jurors had tested positive.

There was a dispute as to what the juror said on the message, so it was played again. Ms. Burunsuzyan stated that the juror said, "Call me. I want to talk to the judge," and "I need to speak to you about not coming back." (R.T. 37:20-21, 38:16-17.) Mr. Rosa stated the juror said, "I'm not coming back." (R.T. 39:3.) Ms. Burunsuzyan asked that Judge Kaddo obtain guidance from the supervising judge, when the following exchange occurred.

THE COURT: No. *You're not getting guidance from anybody. You're perplexed and you're upset. Congratulations. You're welcome to your feelings. I'm welcome to my feelings. [¶] That voice is a voice of somebody in distress. I don't -- I don't understand how you could paint it different than that, but I'm not surprised. That's the way you are.*

MS. BURUNSUZYAN: Go ahead. Offend me some more, Your Honor. Go ahead. Don't stop.

THE COURT: I'm sorry?

MS. BURUNSUZYAN: Go ahead. Offend me some more. "That's the way you are"? Stop.

THE COURT: *I haven't started to defend -- to offend you because you're beyond being offended.*

MS. BURUNSUZYAN: Your Honor, she specifically says[,] [“]I want to speak with you.[”]

THE COURT: *I'm not going to -- I'm not going -- it's like everything else. There's no finality. You will not accept a judge's ruling. [¶] My ruling is I'm not going to disturb this very disturbed juror anymore [sic] than she already is, okay. I -- I was the trial judge. So[,] I wasn't sitting outside not knowing what's going on. I labored with this case. I even took insults in this case.*

MS. BURUNSUZYAN: I don't know in what context that comment is being made from the court. At least on this --

THE COURT: *Well, because you keep on pushing me.*

MS. BURUNSUZYAN: Your Honor, I haven't -- I -- I'm not -- Your Honor, it's not personal. It is not personal at all.

THE COURT: *Everything with you is personal. I'm not -- that's not -- I don't want to go there. [¶] I have a juror who called. I listened to it twice. She is a woman in distress and she is not calm and collected. [¶] I'm not going to harass her and take her up on her kind offer to call her back. I think she's suffered enough, whatever she's going through.*

MS. BURUNSUZYAN: Why can't we find out what she knows?

THE COURT: No. Ma'am --

MS. BURUNSUZYAN: She thinks Mr. [D] has COVID. Why can't we tell her Mr. [D] does not have COVID and then have her decide?

THE COURT: *Have you finished? [¶] I will not do it. I think it would be cruel to do it.*

(R.T. 39:20-41:13, italics added.)

Judge Kaddo then declared a mistrial.

(f) Off-Bench Conduct

Prior to declaring a mistrial in *Lopez-Bautista*, while talking to his clerk in chambers, Judge Kaddo called Ms. Burunsuzyan a “bitch.”

One or two days prior to Judge Kaddo declaring a mistrial, he rode down on the “judge’s” elevator with Judge Keeny and two staff members or deputies. Someone asked him how everything was going, to which he replied, “*Well, I just had to call someone a bitch.*” After a pause, when no one laughed or said anything, Judge Kaddo said, “Just joking.”

Judge Kaddo made several comments to Ms. Burunsuzyan reflecting bias on the basis of sex or gender. He told Ms. Burunsuzyan (who was admitted to the State Bar in 1994) to “control” herself; repeatedly called her “young lady” (once in the presence of the jury); and said, “[Y]ou’re upset” and “You’re welcome to your feelings.” The commission found these comments conveyed the appearance of embroilment and bias, on the basis of gender and sex; were demeaning and discourteous; and could reasonably interfere with the attorney-client relationship, in violation of canons 3B(4), 3B(5), 2, and 2A.

Judge Kaddo also made several comments to Ms. Burunsuzyan that reflected bias and embroilment, unconnected to gender bias. Judge Kaddo told Ms. Burunsuzyan to “take it up on appeal,” while in the presence of the jury; called her “unprofessional”; said she was trying to “get even” with him; admonished her for complaining about being called “young lady”; said she was “too young” to remember Memorex; and said she was too young to remember President Clinton’s quote, “It all depends what the word ‘is’ is.” The commission found that Judge Kaddo’s conduct was rude, demeaning, conveyed the appearance of embroilment and bias against the plaintiff (or plaintiff’s counsel), and could reasonably interfere with the attorney-client relationship, in violation of canons 3B(4), 3B(5), 2, and 2A.

The commission found that declaring a mistrial, without talking to the juror who left a message, conveyed the appearance that Judge Kaddo made the ruling in retaliation against Ms. Burunsuzyan for disagreeing with him about the juror’s voicemail message. Judge Kaddo’s comments to Ms. Burunsuzyan, while discussing a potential mistrial, were rude and disparaged her integrity. The commission found that Judge Kaddo’s conduct conveyed the appearance of embroilment and bias against the plaintiff and could reasonably interfere with the attorney-client relationship, in violation of canons 3B(4), 3B(5), 2, and 2A.

The commission also found that calling Ms. Burunsuzyan a “bitch” to his clerk and in the elevator, in the presence of Judge Keeny, demeaned the judicial

office, interfered with the proper performance of judicial duties, and conveyed the appearance of impropriety, in violation of canons 4A(3) (duty to conduct extrajudicial activities so that they do not interfere with the proper performance of judicial duties), 2, 2A, and 1. The commission also found that the comments reflected gender bias and embroilment, in violation of canon 2A.

5. *Steve Gonzalez v. Antoinette Tabibi* (No. BC709486)

Judge Kaddo presided over a personal injury jury trial in *Steve Gonzalez v. Antoinette Tabibi*, No. BC709486, from April 7 to 24, 2023. Attorneys Minh T. Nguyen, Lakshmi Odedra, and Ibieri Seck represented Mr. Gonzalez. Attorneys Heather Cote and Michael J. Lowell represented Ms. Tabibi.

(a) Jury Selection

During jury selection, a female juror indicated that she had an “advanced medical condition,” which required an endoscopy every three months. She had one such procedure scheduled during the trial, with a follow-up three days later with a “gastronologist [*sic*] to review the results” with her. Judge Kaddo questioned this juror in a sarcastic manner. He asked, “Do you schedule your doctor appointments when you’re supposed to be in court, or is this just by accident?” When she said that she had never served as a juror before, Judge Kaddo again sarcastically stated, “Will there ever be a time in life where we can have the pleasure of your taking up being a juror?” Judge Kaddo then proceeded to tell her that she was scheduling these appointments at her convenience and argued with her about the importance of these appointments, saying they were not urgent.

Another female juror told Judge Kaddo that she had a medical appointment scheduled for the following week that could not be moved. She explained she had “been waiting for months” for an endocrinologist appointment because she was diabetic, and they had been trying to get her blood sugar under control for a long time, requiring meeting with specialists. She told Judge Kaddo she had scheduled the appointment months earlier. Judge Kaddo told her that he could not excuse her and that she would have to reschedule her appointment.

Another female juror told Judge Kaddo that she suffered from a lot of back pain and had an appointment with a specialist that had been scheduled for months and could not be moved. When Judge Kaddo inquired about the nature of the back pain, she explained that it had been “off and on for months or years.” Judge Kaddo then sarcastically commented, “Does it come and go when you are scheduled for jury service?”

Judge Kaddo refused to excuse an 83-year-old male juror who said that he had memory problems and had resigned from his employment recently because he was having trouble paying attention and was “missing” and “forgetting things.” He indicated that he was told by his doctor that he had memory issues, but that he was not taking medication for memory problems, but for other conditions. Under questioning from Judge Kaddo, he said that he could not remember what was said the previous day in court, other than that it was a civil case about an accident. Judge Kaddo told the juror that his memory was “okay and they were staying” on the jury.

When Mr. Nguyen stood to begin plaintiff’s voir dire, Judge Kaddo interrupted him within the first minute or so of his examination of the jury panel. Mr. Nguyen was asking the jurors what they understood the term “brutal honesty” to mean. Judge Kaddo interrupted and stated that the question was “too ambiguous. Let’s speak English.” Mr. Nguyen proceeded to explain that he wanted the jurors to be “brutally honest about the questions” that were going to be asked of them, Judge Kaddo cut him off and stated, “Counsel, don’t explain what you’re going to ask. Ask. You know, you insist on prolonging the agony.”

Judge Kaddo also interrupted Mr. Nguyen’s voir dire and made disparaging and gratuitous comments. At one point, Mr. Nguyen asked which clock the court was using and Judge Kaddo responded, “If you’ll stop talking, I’ll use that clock.”

(b) Objection to Ms. Seck Presenting Rebuttal Argument

On the morning of April 20, 2023, the last day of evidence, Mr. Nguyen advised Judge Kaddo that he intended to present the closing argument, and that Ms. Seck would present the rebuttal argument. Judge Kaddo indicated agreement to the arrangement by saying, “Oh, okay.” (R.T. 4:8.)

After the jury was excused, on the afternoon of April 20, Mr. Lowell objected to Ms. Seck presenting the rebuttal argument, because he did not know what she would say and would not have an opportunity to respond. He also argued that it would be unfair to have “two excellent attorneys going against

[him].” (R.T. 161:8-9.) Mr. Lowell also cited Local Rules, rule 3.93, arguing that it required that only one attorney “deliver a final argument.”<sup>4</sup> (R.T. 160:6-7.)

Ms. Seck stated that rule 3.93 allowed two attorneys to present argument, at the discretion of the court. Ms. Seck stated:

There are a number of reasons in which the presiding judge and other members of leadership within L.A. Superior Court have taken the position that individual [*sic*] from disparate backgrounds, women, individuals of color, less-seasoned attorneys, or even attorneys that don't typically have the opportunity to present in a courtroom, be allowed to do so.

(R.T. 163:1-7.)

Judge Kaddo stated that Mr. Lowell's argument that he would be prejudiced by not being able to respond to the rebuttal argument had “traction” with him, when the following exchange occurred.

THE COURT: That argument has some traction in my mind because he has no way of anticipating what you are going to say on rebuttal, but he may be anticipating what -- because you didn't handle [*sic*] whole trial. As a matter of fact, you were absent for two days. [¶] So[,] *he has no way of anticipating what may be said in rebuttal since he only has one chance to address. So[,] for that reason, his argument has got some traction in my mind, okay. [¶] So, whereas, Mr. Nguyen handled the whole trial, including opening statement except for the part that you participated in in asking the witnesses who testified. So that's my thinking. That's my reasoning. I'll be happy to*

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<sup>4</sup> The Superior Court of Los Angeles County, Local Rules, rule 3.93, Multiple Counsel Trial Functions, provides: In the absence of permission by the court, only one attorney for a party may perform any one of the following functions -- select a jury, deliver an opening statement, deliver a final argument, examine any particular witness, cross examine any particular witness, or argue an issue. Upon the request of a party, the court may, in its discretion, allow more than one attorney per party to perform one or more of those trial functions. In making the request, counsel may present the issue of providing an opportunity for a less experienced attorney to perform any of those functions.

hear from you, but we cannot go ad infinitum[.] I just indicated to you, just an indication.

MS. SECK: Thank you, [Y]our Honor. I would say that I would disagree that Mr. Nguyen handled the whole trial.

THE COURT: I said --

MS. SECK: And then --

THE COURT: *Also, don't [sic] have a selective memory.* I said, except for the part you participated in.

(R.T. 164:2-24, italics added.)

Judge Kaddo agreed with Ms. Seck that there was no right to a rebuttal of a rebuttal. While stating his ruling, the following exchange occurred.

THE COURT: In view of Mr. Nguyen handling a great -- a substantial part of the trial, *the Court finds that he's most qualified to do the closing argument, as well as the rebuttal.* Furthermore, *the co-counsel only handled examination, to my recollection, of one or two witnesses.* [¶] So[,] *Mr. Nguyen is the party -- is the attorney most qualified,* based on his participation in the trial to handle both the closing and the rebuttal.

MR. NGUYEN: With all due respect, [Y]our Honor, with all due respect, that statement that I'm most qualified to give both the closing and rebuttal is absolutely wrong. It is sexist in every single way. That is just so unacceptable in 2023 for the Court to make that statement. [¶] Please. I'm not done. I have to say this. Ms. Seck, Ms. Odedra are equally capable of delivering a closing and rebuttal. That is just wrong, [Y]our Honor. And that is not what this local rule is meant [sic]. This local rule that was worked on by myself, by Ms. Seck on behalf of CAALA -- you're talking to the president of CAALA. This is the president-elect of CAALA, who worked with conjunction with Judge Jessner, Michelle Court to put forth these new local rules to give --

THE COURT: I'm --

MR. NGUYEN: Please, [Y]our Honor.

THE COURT: *No, you please. I will not let you go on ad infinitum.*

MR. NGUYEN: I'm going to make a record. You're not going to stop me, because --

THE COURT: First of all --

MR. NGUYEN: -- because --

THE COURT: -- lower your voice.

MR. NGUYEN: Yes, I will lower my voice. You're right about that. You're right. I'm sorry. But this local rule was worked on to give attorneys the opportunities to do a different part of a case. [¶] It has -- nowhere does that local rule says [*sic*] only the most qualified -- which I take exception to that statement, only the most qualified lawyer can do both the closing and the rebuttal. That is not the spirit and not the letter of this local rule. [¶] That's [*sic*] the current leadership of this Court have worked on and passed is to give lawyers of different backgrounds --

THE COURT: Sir, you have 30 seconds to close your argument.

MR. NGUYEN: -- about colors and sex, and people who generally do not have the opportunity to try cases to try cases to earn the points to join ABOTA, okay, because the ABOTA rules you have to do either the jury selection, opening, closing, or rebuttal. [¶] So[,] I just take exception with what the Court says. I told the Court I will always respect the Court's ruling, even when I vehemently disagree with it, because you are --

THE COURT: I asked -- please give me a chance to answer. First of all, the Courts still have the discretion under Rule 3.93. No. 2, *you twist my words, as you have continuously done throughout this trial.* That's fine. [¶] However, the reason I said that you were more qualified is because you have tried a substantial part of this trial.

I'm not talking the way you're interpreting the most qualified. I qualified it by saying because you have handled the substantial amount of this trial, and Ms. Seck has only participated, to my recollection, examining two witnesses. It may have been three. I'm not sure. [¶] So[,] you took it to -- to a level that's all -- that's demeaning and insulting. *You threw "sexist" in there. What's that all about?*

MR. NGUYEN: I'll tell you what it's about.

THE COURT: Wait, wait, wait. I didn't interrupt you.

MR. NGUYEN: Yes, you did.

THE COURT: No. *You're not going to tell me what it's all about. I have held this lady with the greatest respect. I have never indicated in any way that she's not qualified as an attorney. She's licensed as an attorney. I allowed her to represent a party in my court.*

MR. NGUYEN: You allow her, [Y]our Honor? That statement like that. She is a licensed lawyer in the state of California?

THE COURT: Look, Counsel --

MR. NGUYEN: Your Honor, let me -- you said[,] ["]What is sexist about it?["]

THE COURT: Would you let me finish?

MR. NGUYEN: I will let you finish if you let me make my statement, yes.

THE COURT: I resent in the strongest term all your insinuations -- in the strongest terms. I have the authority and the discretion to handle this matter. Rule 3.93. You can do both the closing and the rebuttal. And if you don't agree with me, that's your prerogative. [¶] The objection of Mr. Lowell and Ms. Cote -- where are you? Are you joining?

MS. COTE: Yes, [Y]our Honor.

THE COURT: I don't want to be accused. [¶] -- is well taken and sustained. [¶] I'm not going to entertain any further argument.

MR. NGUYEN: But --

THE COURT: You will do the closing as well as the rebuttal. The Court sustains his objection. I have given you at-length explanation and the grounds for my ruling. *I'm not going to hear anything, because your blood pressure and my blood pressure are going to go up -- the limits contained in your aura ring.* So[,] I will not entertain any further -- any further argument by you, because you --

MR. NGUYEN: You said I could make a record.

THE COURT: -- *you twist my words, and you accuse me of things that are false.*

MR. NGUYEN: Okay. Well, let me give you an example, [Y]our Honor --

THE COURT: No, I'm leaving the Bench.

(R.T. 166:3-170:9, italics added.)

Judge Kaddo then left the bench and ordered the court reporter to stop reporting.

(c) Dispute Regarding Who Was Lead Attorney

On April 21, 2023, after calling the *Gonzalez* case and discussing exhibits, Judge Kaddo asked if the attorneys had anything to discuss concerning jury instructions, when the following exchange occurred.

MS. SECK: No, [Y]our Honor. But I would like to address the Court. Moments ago both, myself and Mr. Lowell for counsel -- counsel for the defense, were standing, and the Court acknowledged Mr. Lowell and not myself. That has been an occurrence --

THE COURT: No. Just a second. Just a second. I will not entertain any further attacks on this Court. He was standing. I thought he had something to address. Now, for the record, for the record -- [¶] Calm down, Mr. Nguyen. I haven't said anything yet. You're in a -- hands on the hips, ready to whatever. *Welcome all of you to my court again.* [¶] *Mr. Nguyen, Ms. Seck, Ms. Odedra, Mr. Lowell, and Ms. Cote -- now that -- welcome, Mr. Reporter, as well and my clerk.*

(R.T. 5:10-24, italics added.)

Judge Kaddo then asked Ms. Seck if the parties still agreed on the jury instructions that had been discussed the previous day, when the following exchange occurred.

THE COURT: Do you want to speak on behalf of the plaintiff? *You were not the lead attorney, as far as I'm concerned, correct?*

MS. SECK: Your Honor, to address your question, yes, the instructions that you have stated will be the instructions for the --

THE COURT: Thank you.

MS. SECK: And then, [Y]our Honor, you asked me whether or not I was the lead attorney. May I respond, [Y]our Honor?

THE COURT: *No. I said I have conducted this trial and this trial was conducted as the lead attorney being Mr. Nguyen. Am I incorrect in that?*

MS. SECK: May I respond, [Y]our Honor?

THE COURT: *Am I incorrect in that?*

MS. SECK: May I respond, [Y]our Honor?

THE COURT: *Yes or no.*

MS. SECK: Thank you, [Y]our Honor. The answer is, "no," [Y]our Honor. I will tell you that the Court's perceptions as to my abilities --

THE COURT: *No, no, no, I'm not going to --*

MS. SECK: -- qualifications --

THE COURT: *Wait, wait, wait.*

MS. SECK: Your Honor, may I be heard.

THE COURT: *No, no. You don't --*

MS. SECK: Your Honor, I have a right --

THE COURT: *No.*

MS. SECK: I have a right to make a record, [Y]our Honor.

THE COURT: *Do not twist my words.*

MS. SECK: Please, [Y]our Honor, do not yell at me. I have a right to make a record.

THE COURT: As to the matter I'm discussing, there is no right to make any record. I'm talking about the jury instructions. You said you're in accord. That's fine. You want to handle that, I've allowed you, and I've received your answer. And I don't have any problem with it. These are the jury instructions that will be given. [¶] *I'm not going to debate with you your conception of who is the lead attorney or who is not. I have lived through the trial, and Mr. Nguyen has been the lead attorney. If I'm wrong, I'm sorry.*

MS. SECK: Your Honor --

THE COURT: *You were absent for two days. I mean, I can't correct my conception as to what happened in my courtroom. I don't understand why you feel offended, why you get defensive, why you feel you have to clarify it any*

*further. Ms. Odedra participated in the trial. There's nothing to explain, okay.*

MS. SECK: Your Honor --

THE COURT: There's nothing to put on the record. All I'm doing -- *I'm not going to prolong this agony.* I'm going to bring the jury in and instruct them on the concluding instructions that we have all agreed should be given. That's all.

MS. SECK: Your Honor, I am not defensive --

THE COURT: I'm not --

MS. SECK: -- I have spoken with you in a civil manner.

THE COURT: *Ma'am, look. Don't make me get off my bench as you did -- as was done yesterday. Please, let's proceed --*

MS. SECK: Throughout the course of this trial --

THE COURT: -- with the --

MS. SECK: -- the Court has diminished me.

THE COURT: *No, no. I will not allow you to --*

MS. SECK: -- had dismissed --

THE COURT: -- *attack me any further than I was attacked yesterday.*

MS. SECK: -- dismissed me --

THE COURT: *So[,] I will not allow you to argue --*

MS. SECK: The Court has accused --

THE COURT: *I will not allow you to argue any further, Ms. Seck.*

MS. SECK: The Court has confused me with counsel --

THE COURT: I have not confused anything.

MS. SECK: -- as the client and admonished me for addressing the Court.

THE COURT: *Ma'am, I will not allow an argument. There's no need for it.*

MS. SECK: Aside from my interactions with the Court --

THE COURT: *I don't know, Mr. Nguyen, help me. Mr. Nguyen, help me.*

MS. SECK: -- my interactions with defense counsel, Michael Lowell and Heather Cote off the record, there have been a persistent attitude of --

THE COURT: All right. *You insist on attacking me.*

MS. SECK: I insist on making my record, [Y]our Honor.

THE COURT: No, that's incorrect.

MS. SECK: That is absolutely correct.

THE COURT: Very well. We disagree --

MS. SECK: -- and as demonstrated --

THE COURT: We disagree --

MS. SECK: -- you're unwilling to --

THE COURT: *I am the judge.*

MS. SECK: -- to even --

THE COURT: *You are --*

MS. SECK: -- hear --

THE COURT: -- *the attorney -- ma'am --*

MS. SECK: -- what I --

THE COURT: -- you're cutting --

MS. SECK: -- have to say.

THE COURT: -- me off.

THE REPORTER: I'm sorry. One at a time.

THE COURT: You're cutting me off.

MS. SECK: Your Honor, you have not allowed me --

THE COURT: You're cutting --

MS. SECK: -- at any instance --

THE COURT: -- me off.

MS. SECK: -- to even speak, [Y]our Honor.

THE COURT: You speak on the issues before the Court.  
You're bringing issues that are not relevant to this  
discussion.

MS. SECK: They're not relevant --

THE COURT: *I don't want to be attacked any further. I  
will not tolerate -- it's painful for me.*

MS. SECK: It is painful for me --

THE COURT: *It's insulting.*

MS. SECK: -- [Y]our Honor.

THE COURT: *I don't want to hear anymore.*

MS. SECK: It is insulting to me, [Y]our Honor --

THE COURT: Well, I --

MS. SECK: -- and I have --

THE COURT: -- apologized --

MS. SECK: -- a right to make --

THE COURT: -- if you find it --

MS. SECK : -- a record --

THE COURT: -- insulting, but --

MS. SECK: No need to apologize, [Y]our Honor. Simply allow me --

THE COURT: *Ma'am, I'm telling you I will not entertain any further argument on an irrelevant issue. What is before me are jurors waiting outside to be instructed in the concluding instructions. That's what I'm going to do. [¶] Now, I don't want to revisit yesterday. It was painful enough. So, please. [¶] Are you going to handle the rest of -- Mr. Nguyen, you are withdrawing as a lead attorney?*

MR. NGUYEN: I've never represented that I was lead attorney. I represented to the Court that the plaintiff team consists of myself, Ms. Seck, and Ms. Odedra. So[,] I don't know where the Court got the perception that I am lead. This is a team effort.

THE COURT: All right. *Can we agree that you presented on behalf of the plaintiff a substantial part of this trial?*

MR. NGUYEN: I'd like for the Court to allow Ms. Seck --

THE COURT: *That's a yes-or-no answer.*

MR. NGUYEN: I would like the Court to allow Ms. Seck to state and make her record.

THE COURT: Are you --

MR. NGUYEN: Why are you letting me make a record and not Ms. Seck? I find that inappropriate.

THE COURT: *That's not your problem. That's my problem.*

MR. LOWELL: Your Honor, could --

THE COURT: Yes, sir.

MR. LOWELL: Could I just ask that the clerk please close the back door so that the jury can't hear all this? I'm -- I am concerned about my client being prejudiced by the constant arguments that can be heard by the jury. If we could just close the door because it's a little bit loud. I just -- I know that we have jurors in the hallway. That's all I'd ask. I --

THE COURT: I don't know -- I'm not -- I'm not going to allow any further discussion. I'm going to instruct the jury, and I'm going to proceed as I indicated. There will be no further discussions.

MS. SECK: I would just like to note for the record that the Court has not allowed me --

THE COURT: Ms. Seck, the record will reflect --

MS. SECK: -- to even address the Court --

THE COURT: Ms. Seck --

MS. SECK: -- has only allowed Mr. Minh Nguyen and Mr. Michael Lowell to address the Court. And if the jury can hear anything, [Y]our Honor, it is --

THE COURT: Go ahead, Ms. Clerk. Close that door, please, just in case they are hearing.

MS. SECK: Because it is the Court who is raising its voice and not counsel.

THE COURT: *All right. Let me be blunt. You have stated enough. I will not go into those issues that you are raising because they are incorrect, and they are irrelevant. What is before me now are jurors waiting to be given the concluding instructions. After which you'll be giving -- whichever one of you -- I've already ruled on that. Mr. Nguyen is going to do the closing argument and rebuttal. [¶] If I'm incorrect on that, take me up on appeal, but do not argue with me any further. That is where we stand.*

(R.T. 6:2-13:7, italics added.)

Judge Kaddo raised his voice during the above exchange.

Judge Kaddo asked Mr. Lowell if he would withdraw his objection to Ms. Seck presenting both the closing and rebuttal arguments. (Mr. Lowell only objected to two different attorneys presenting both the closing and rebuttal arguments.) Mr. Lowell stated that he did not object to Ms. Seck presenting both the closing and rebuttal arguments. Judge Kaddo then asked the plaintiff's attorneys if that was agreeable to them, when the following exchange occurred.

MR. NGUYEN: May I be heard? You asked me a question. The answer is "no," because that --

THE COURT: *I don't want a diatribe.*

MR. NGUYEN: The answer is "no" because that is not in comport --

THE COURT: *I also don't want the explosive presentation --*

MR. NGUYEN: There's no explosive.

THE COURT: *-- that occurred yesterday. [¶] You know, I'm trying to be calm. I'm trying to resolve it. I'm not -- I don't want to rehash the argument. If it's not acceptable, that's fine. My ruling stands, and I'm not apologizing for it.*

MR. NGUYEN: I'm not asking for any apologies.

THE COURT: And I --

MR. NGUYEN: We are --

THE COURT: -- don't agree with your positions. I'm just trying to resolve it. If you can't give me a yes or no, then we'll -- we'll close the discussion.

MR. NGUYEN: I think -- absent your letting Ms. Seck make a record, I have nothing further to add, other than I asked you to let Ms. Seck make a record.

THE COURT: The ruling stands. The Court will proceed and the matter will proceed in the fashion I've indicated. One attorney will be -- will do rebuttal and closing on behalf of the plaintiff, whichever one plaintiff chooses, and one attorney will do the same on behalf of the defendant in your closing argument.

(4/21/23 R.T. 16:21-17:20, italics added.)

(i) Other Instances of Bias and Embroilment

When Judge Kaddo introduced the attorneys and parties to the jury, he identified the plaintiff's two female attorneys as "these ladies," and Mr. Nguyen as "the attorney."

During the *Gonzalez* trial, Judge Kaddo repeatedly failed to call Ms. Seck by her name. Judge Kaddo repeatedly called her "lady," "the lady to your left," or "Ma'am."

On one day of trial, Judge Kaddo became frustrated with Mr. Nguyen, who expressed confusion over the judge's pre-trial rulings regarding opening statements. Judge Kaddo fixated on language and asked whether those in the court knew that he was speaking English, or whether people could not understand him. Judge Kaddo told one of the defense attorneys that he could not "*teach him the English language*." Judge Kaddo turned to the parties' technology assistant and asked him about his own English skills. He responded, "It's pretty good but I did grow up in China." Judge Kaddo stated, "*China is a bigger problem than this court can handle. They want to take over the world.*"

On April 20, 2024, while Mr. Nguyen was cross-examining an expert witness, Judge Kaddo interrupted him in the following exchange, despite no objection from the opposing party.

[MR. NGUYEN]: You understand if that plane was going 500 miles an hour and stopped suddenly without hitting a mountain or hitting anything, but the plane just stops, everybody in that plane who experienced that change in force would be dead, correct?

THE COURT: *Counsel, the witness does not have to answer an absurd hypothetical.*

MR. NGUYEN: No. It's to illustrate --

THE COURT: *Sir, it's an absurd hypothetical. How do you bring a 500-mile airplane to a stop?*

MR. NGUYEN: It's the change -- let me ask it differently.

THE COURT: *Let's -- maybe you could use a more logical comparison.*

(R.T. 91:15-28, italics added.)

At another point in the trial, Judge Kaddo told Mr. Nguyen to “*stick to his profession.*” At another point, after the plaintiff's expert had testified, and Mr. Nguyen said he had no further questions, Judge Kaddo said, “*Hallelujah. If I had -- I had a rose, I'd really give it to you.*”

The commission found that Judge Kaddo's treatment of potential jurors, including accusing them of fabricating excuses to get out of jury service, was discourteous and demeaned the purpose of voir dire. Suggesting that Mr. Nguyen's questions were causing the judge or jurors “agony” was also gratuitous and demeaning. The commission found that Judge Kaddo's conduct violated canons 3B(4), 2, 2A, and 1.

The commission found that Judge Kaddo's comments about speaking English were gratuitous, inappropriate, and seemed intended to demean others' ability to speak English and to highlight the ethnicity or immigration status of others in the courtroom, specifically Mr. Nguyen, the plaintiff, and the technology assistant. The commission found that Judge Kaddo's comment about China was gratuitous and discourteous. The commission found that Judge Kaddo's conduct

conveyed the appearance of bias on the basis of race, ethnicity, or national origin, in violation of canons 3B(5) (duty to perform judicial duties without bias or prejudice, and not to, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, national origin, or ethnicity), 3B(4), 2, 2A, and 1.

The commission found that Judge Kaddo's comments that he "allowed" Ms. Seck to handle jury instructions; by, on several occasions, calling her "ma'am," "lady," and "the lady to your left"; by calling her "defensive"; and by asking Mr. Nguyen to "help" him conveyed the appearance of embroilment and bias against Ms. Seck, on the basis of gender or sex. The commission also found that Judge Kaddo's remarks were demeaning and discourteous, and could reasonably interfere with the attorney-client relationship. The commission also found that Judge Kaddo's introduction of the female attorneys as "these ladies" and Mr. Nguyen as "the attorney" conveyed to the jury that Mr. Nguyen was the real attorney and the female attorneys were of lesser status. The commission found that Judge Kaddo's treatment of female attorneys was discourteous and demeaning and conveyed the appearance of embroilment and bias, on the basis of gender or sex, in violation of canons 3B(5), 3B(4), 2, 2A, and 1. The commission also found that welcoming everyone to the courtroom in the manner described, after Ms. Seck pointed out that Judge Kaddo had greeted only the male attorneys, was sarcastic and demeaning to Ms. Seck, in violation of canons 3B(4) and 2A.

The commission found that Judge Kaddo's ruling that Mr. Nguyen was more qualified to present the rebuttal argument (even though he had not been asked to determine that issue); asking Ms. Seck if she wished to speak, even though she was not the "lead attorney"; and asking Mr. Nguyen if he was withdrawing as "lead attorney" was gratuitous and provoked the ensuing contentious exchange between Judge Kaddo and the attorneys. The commission found that Judge Kaddo's attempt to force Ms. Seck and Mr. Nguyen to agree that Mr. Nguyen was the lead attorney and not allowing them to respond, except in a "yes or no" answer, conveyed the appearance of, embroilment, bias, and discourtesy, in violation of canons 3B(5), 3B(4), 2, 2A, and 1. The commission also found that Judge Kaddo's conduct denied Ms. Seck and Mr. Nguyen an opportunity to be heard, in violation of canons 3B(8) (duty to dispose of all judicial matters fairly, promptly, and efficiently, and manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law) and 2A.

In his response to the commission, Judge Kaddo stated that his comments were necessary to control the courtroom. While Judge Kaddo had a duty to

control the courtroom, the transcript shows that it was Judge Kaddo who initiated the contentious exchange. The parties were about to discuss jury instructions, so there was no need for Judge Kaddo to again discuss whom he believed to be the lead attorney.

The commission found that Judge Kaddo's comments to and about Mr. Nguyen, such as calling his hypothetical "absurd," telling him to be more "logical," telling him to "stick to his profession," and accusing him of making false accusations and "twisting" the judge's words, while in the presence of the jury, was discourteous and interfered with the attorney-client relationship. The commission found that Judge Kaddo's conduct conveyed the appearance of embroilment and bias against Mr. Nguyen, in violation of canons 3B(5), 3B(4), 2, 2A, and 1.

6. *H.V., et al. v. S.C., et al.* (No. 23PDUD01500)

On September 26 and 27, 2023, Judge Kaddo presided over the jury trial in *H.V., et al. v. S.C., et al.* (No. 23PDUD01500). Attorney James McCone represented the plaintiffs and attorney Joseph Wind Kellener represented the defendants, S.C. and C.A. H.V. desired to evict the defendants for parking 14 vehicles (some inoperable) on the premises, while the lease limited vehicle parking to a carport and driveway.

Prior to the start of trial, on September 26, 2023, while discussing jury instructions, Mr. McCone advised Judge Kaddo that the plaintiffs' case relied on breach of the lease, pursuant to section 1161(3) of the Code of Civil Procedure, and not nuisance, which would have relied upon section 1161(4). Mr. McCone called defendant C.A. as his first witness. Mr. McCone asked C.A. several questions concerning the registration and repair status of her vehicles. C.A. provided evasive and unresponsive answers such as, "I don't know," "I don't remember," and "That looks like a really old picture." While Mr. McCone was examining C.A. about exhibit 2-2, which depicted several vehicles, she acknowledged the vehicles belonged to her, but did not know when the photograph was taken. Judge Kaddo denied Mr. McCone's request to publish the exhibit to the jury, for lack of foundation, because he did not establish when the photograph was taken and who had taken it. Judge Kaddo stated, "*Well, you chose to call her as your first witness, so what are you gonna do now?*" (Audio Part 4, 1:01:48-1:01:53, italics added.) Mr. McCone said he would continue questioning C.A. and finish laying the foundation later.

Mr. McCone sought to introduce exhibit 6, which depicted a text from C.A. and a photograph of the process server. The defense had offered a similar exhibit (No. 105), without the photograph. C.A. admitted taking the photograph

on April 14, 2023, the day a 10-day notice was served. When Mr. McCone asked to publish the text and photograph, Judge Kaddo stated, "Lay a little more foundation. *You're dealing with mysteries.*" (Audio Part 4, 1:16:01-1:16:05, italics added.)

While Mr. McCone was questioning C.A. about her actions in response to the 10-day notice, she continued to be evasive. Mr. McCone showed her a photograph of a vehicle depicted on a trailer and asked if it was operable. C.A. claimed not to know when the photograph was taken and would not answer if it was operable or not. Mr. McCone then asked how the car would have ended up on the trailer, when Judge Kaddo interrupted in the following exchange.

THE COURT: *It was a tremendous accident and it flew through the air and came 20 feet. She wasn't there, counsel. Why are you asking a question which cannot be answered by this witness? The problem is that you have the wrong witness answering questions about the photograph and she didn't take those photographs.*

MR. MCCONE: I appreciate the admonishment, Your Honor, but they are her cars.

THE COURT: Fine. But you're asking her what [sic] did they get on the trailer and -- and she -- she -- she didn't take the photograph to answer your question.

MR. MCCONE: Okay.

THE COURT: If you're done with her, you can bring her back or cross-examine, but you're trying to establish something that this witness doesn't have that information.

MR. MCCONE: Got it. Okay. I'll accept that she doesn't have that information --

THE COURT: She doesn't [unintelligible] process.

MR. MCCONE: I will accept that she doesn't have that information.

(Audio Part 4, 1:23:42-1:24:40, italics added.)

Judge Kaddo interrupted Mr. McCone's examination of C.A. and excused the jury for the afternoon break. During the break, outside the presence of the jury, Judge Kaddo had the following exchange with Mr. McCone.

THE COURT: [unintelligible] Mr. McCone, the problem you're having is that you're using the wrong witness.

MR. MCCONE: Well, I'll -- you know what, if -- if I need the foundation for who took the photos and when, I'll get that in, but there's no question that --

THE COURT: [unintelligible] is objecting and I see the difficulty that she's having in answering. This is a useless exercise of futility.

MR. MCCONE: I know exactly the difficulty that she's having in answering the questions, Your Honor.

THE COURT: Well, then lay a foundation --

MR. MCCONE: I'm going to bring that in --

THE COURT: -- and put her back on. You're -- you're -- It's clear you're not going to get that information through her.

MR. MCCONE: That's -- that's fine. I just need to ask the question. I don't necessarily need her to answer it.

THE COURT: The question you're asking is when did that car get on the trailer.

MR. MCCONE: Right. Right. And so, when I lay the foundation about when this photo was taken, then she's gonna have inconsistencies in her testimony. I don't mind that.

THE COURT: Well, then let's proceed in order and ask questions that a witness can answer.

MR. MCCONE: She can answer all of them. She's choosing not to. I mean, they're her cars. She can answer every one of these questions if she wanted to.

THE COURT: Mr. McCone, you are seriously telling me that she can testify as to when that car -- it looks like a Pinto -- got on the trailer?

MR. MCCONE: Yeah. Well, she -- her first testimony was that it was on the trailer because it was broken and that she was taking it to the shop, but this is an old photo, so it's been sitting there on the trailer for months.

THE COURT: I'm not going to argue with you. Uh, present your case, your prima facie case, uh --

MR. MCCONE: Yes, Your Honor.

THE COURT: But this witness is of no use, at least for this phase of your questioning. Uh, those documents are marked for exhibits only. Incidentally, I changed six to six dash one, since it's two pages to six dash two.

MR. MCCONE: Yes, Your Honor. And I only published page six dash two so far. I only published page six dash two so far.

THE COURT: Well, you know, she's admitted taking that photograph and she's admitted -- uh --

MR. MCCONE: Right.

THE COURT: She sent the text message but that's -- you can only ask her about things she has knowledge of. Alright, we're in recess.

(Audio Part 4, 1:25:48-1:28:29.)

When the jury returned from the break, without prompting, Judge Kaddo addressed the jury directly and told them that Mr. McCone was going to call his own client as a witness. Mr. McCone did not tell Judge Kaddo that he intended to call his client as a witness. Mr. McCone stated that he was not finished examining C.A. and wanted her to retake the stand. Mr. McCone did not finish his direct examination of C.A., and Mr. Kellener was not provided an opportunity to cross-examine her.

Mr. McCone then called the plaintiff, H.V., as a witness. H.V. testified that the photographs, previously shown to C.A., had been taken on April 11, 2023. H.V. also testified that his insurance company threatened to cancel his property insurance because of inoperable and unregistered vehicles stored on the property, which were owned by C.A.

While H.V. was answering a question, Judge Kaddo interrupted his testimony and excused the jury, even though H.V. had not finished answering the last question posed. Judge Kaddo told the jury to return the next day, on September 27, 2023.

After the jury exited the courtroom, Judge Kaddo expressed, for the first time and without a motion, that he thought a “three-day notice,” served by the plaintiff, was defective.<sup>5</sup> Judge Kaddo stated the following.

Here’s my problem with the case. At the beginning of this case, plaintiff’s counsel told me he’s not proceeding on the nuisance whatsoever; however, I looked at the three-day notice and nuisance almost occupies a full page -- page two out of three. So, if you’re no longer proceeding under nuisance, uh -- that makes -- tentatively -- that makes the three-day notice incorrect, because as you both attorneys are -- uh -- well understand -- uh -- three-day notice has to be specific and detailed and accurate. You served the three-day notice that has nuisance as part of the grounds on which the -- uh -- eviction is based. Uh -- that is contrary to what was represented to me today. I was hoping I would hear testimony to -- uh -- address that issue. So far, all it has done is -- uh -- confirm me in my -- uh -- tentative, that the three-day notice is defective and cannot support a claim for eviction. Uh -- if I’m incorrect, both counsel are invited to prepare a brief as to the notice being not only ambiguous but contradictory to what was told to me this morning. I let it go as long as I can, but it’s to the point where I’m receiving testimony and all it has done is confirm that the ambiguity in the three-day notice is critical to the case. So -- uh -- I’ll see everybody here tomorrow morning at 9 o’clock. I’ll give you a limited period of time to argue so --

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<sup>5</sup> Although Judge Kaddo repeatedly referred to a “three-day notice,” this matter involved a 10-day notice, not a three-day notice.

so far, I see that as a critical central element that is missing.

(Audio Part 5, 35:40-38:04.)

On September 27, 2023, outside the presence of the jury, Judge Kaddo stated that he intended to adopt his tentative ruling and dismiss the case, because he found the 10-day notice to be defective. Judge Kaddo stated that the 10-day notice identified nuisance and breach of the lease and, by the plaintiff going forward on only the breach of the lease, the 10-day notice was defective. While Mr. McCone was arguing, the following exchange occurred.

MR. MCCONE: Yes, Your Honor. I will submit that that 10-day notice under no circumstances was proceeding on a nuisance claim. It was always a breach claim.

THE COURT: *That's absurd. How can you -- how can you read English and tell me it's not proceeding on a nuisance claim? It's all over your notice. Two pages.*

MR. MCCONE: I'm looking at paragraph 15(A) of the lease. Paragraph 15(A) says the tenant shall not use the premises for any unlawful purposes under federal, state, or local law, or violate any law or ordinance. And that particular clause is cited for the purpose of storing inoperable or unregistered vehicles on the property, which is under the nuisance section of the L.A. Municipal Code. So, we're not proceeding on a nuisance claim. We're proceeding on an unlawful use, a violation of the lease under that particular clause. Further, a nuisance notice -- um -- it doesn't have an opportunity to cure written into 1161 sub four. This is a curable violation, which they could have cured by removing the excess storage of vehicles, the inoperable vehicles, the unregistered vehicles from the premises. And they could have cured the violation within the notice period. In fact, it specifies what they can do to cure the violation and that is on the second page, in the bottom paragraph, where it says within 10 days of this service, you need to do the following six things. And none of those relate to a nuisance, so this is clearly a breach case, and primarily a breach case, based on the storage of vehicles. I'll admit that we don't have the evidence yet that says that parking

is limited to three spaces. We do, however, have the evidence in paragraph seven of the lease that says you can only park cars in the carport and the driveway. And we also have the evidence, which if admitted, from the photographs will show at least seven vehicles that are parked on the grass, in the bushes, on the side, on the side of the road, but on the property, nowhere near the driveway or the carports. But that's the state of the evidence so far.

THE COURT: Okay. Let me have Mr. Kellener. He has a right to [unintelligible]. Are you done?

MR. MCCONE: Well, I -- I wasn't done.

THE COURT: I have a jury waiting outside. I'll give you two more minutes.

MR. MCCONE: I know. I understand the way that the court is going to rule, but in term -- from a legal perspective --

THE COURT: This is your chance to argue against it.

MR. MCCONE: From a legal perspective, this notice absolutely complies with every element of 1161(3).

THE COURT: You don't see any ambiguity in it?

MR. MCCONE: I do not see any ambiguity as to the legal efficacy of the notice. I admit that there may be some proof problems here, but not the legal efficacy of the notice.

(Audio, 03:57-07:22, italics added.)

Judge Kaddo stated that, "based on the facts so far," the notice was defective. He stated that the lease was a hybrid residential/commercial lease in which the parties contemplated multiple cars parked on the premises. Judge Kaddo dismissed the case on his own motion, even though Mr. McCone had not completed his case-in-chief and most of the exhibits had not yet been admitted into evidence.

Judge Kaddo announced his decision to the jury and stated, “I’ve made a ruling that disposes of the case. I’m not going to allow it to go any further to you. . . [T]hings have occurred that have, uh, demanded that I deal with it and I have dealt with it the way I can. So, it will not go to jury before a decision. I apologize to you for that.” (Audio, 13:55-14:23.)

The commission found that, by criticizing and arguing with Mr. McCone, in the presence of his clients and the jury, Judge Kaddo interfered with the attorney-client relationship and violated canons 3B(4), 2A, and 1.

The commission also found that, by prohibiting Mr. McCone from finishing his direct examination of C.A., requiring him to call his client as a witness, and dismissing the case, on his own motion, before receiving all of the evidence, Judge Kaddo conveyed the appearance of prejudgment, bias, and embroilment, in violation of canons 3B(5), 3B(4), 2A, and 1.

7. *B.T.P. LLC v. L.W.* (No. 23LBUD01928)

Judge Kaddo presided over an unlawful detainer jury trial in *B.T.P. LLC v. L.W.*, No. 23LBUD01928, from May 8 to 13, 2024. Attorney Drew Helms represented the plaintiff and attorney Onica Valle Cole represented L.W.

(a) May 8, 2024

On May 8, 2024, while Ms. Cole cross-examined Stephen Friend, a process server, the following exchange occurred.

MS. COLE: How many pages were there to the notice that you served on [L.W.]? Have we asked that yet?

[L.W.]: I don’t think so.

MR. FRIEND: I don’t recall, counsel.

MS. COLE: Well, you testified earlier today when you were being questioned by the attorney for the trailer park, that you recalled that exhibit two was in fact the notice that you served on [L.W.]. Are you --

MR. FRIEND: [unintelligible]

MS. COLE: Excuse me. Let me finish. Are you changing your testimony that this isn’t the notice?

MR. FRIEND: No, Ma'am. I'm not changing my testimony. Since I don't have a photographic memory, I can't tell you exactly what the notice looked like when I served it on -- a year ago.

MS. COLE: Okay. So, I don't want you to get defensive. And I'm feeling like you're getting defensive. Are you getting defensive?

THE COURT: Counsel --

MR. HELMS: Objection, Your Honor.

THE COURT: *The premise of your objection is, even if not yet stated, you're arguing with the witness. It's not your feelings that matter. It's what he did on the date in question. And it appears that you're trying to create doubts where none existed. This gentleman's testimony was straightforward.*

MS. COLE: Is the court commenting on the evidence?

THE COURT: *No. I'm commenting on your question.*

MS. COLE: Okay, I believe the court said "his testimony" and I am not currently testifying. So, is the court commenting on the witness's testimony to bolster the plaintiff's case?

THE COURT: *I'm commenting on your questions. They're getting somewhat redundant and laborious. His testimony is very straightforward.*

MS. COLE: So, he doesn't recall whether it was one pages [sic] or more than one page.

THE COURT: *You're also not allowed to argue with the judge. I've made my ruling. Next question, please.*

(Audio [part 5] 38:23-40:17, italics added.)

While Mr. Helms was examining Sharon Mullins, a trailer park employee, the following exchange occurred.

MR. HELMS: Plaintiff requests permission to display exhibit pre-marked as one, the uh --

THE COURT: Any objection?

MS. COLE: May I take a brief look, Your Honor? No?

THE COURT: Has he shown you what exhibit one is? It's also attached to the complaint, I believe.

MS. COLE: Why -- I just want to make sure it's the same exhibit one.

THE COURT: *What do you want to do? Send it to a lab?*

MS. COLE: No. I actually would like to take a moment --

THE COURT: Oh.

MS. COLE: And look at the exhibit.

THE COURT: Very well.

MS. COLE: Is the court giving me leave to do that?

THE COURT: Yes.

MS. COLE: Thank you so much, Your Honor.

THE COURT: You're welcome. I've indicated that it was also, as far as I knew, attached to the complaint and I thought you had seen it before.

MS. COLE: Is this the same one attached to the complaint?

MR. HELMS: Yes.

MS. COLE: Or is this something different?

MR. HELMS: This is the same.

MS. COLE: Is this going to be all of the pages displayed to the witnesses or which part of the exhibit --

THE COURT: *Counsel, at this point you're not cross-examining the attorney. All he's doing is trying to have this witness identify whether or not this is the lease between the parties involved in this litigation.*

MS. COLE: But, Your Honor, how can she do that if she's not shown all the pages of this lease? This is not a one-page lease.

THE COURT: *My Honor is giving him a chance to show her so she can answer your question.*

MS. COLE: Okay, but may I see all of the pages or am I just only allowed to see what the plaintiff wants to show me at this time.

THE COURT: Ma'am, you're allowed to see exhibit one marked it as a lease for identification.

(Audio [part 5] 43:47-45:32, italics added.)

(b) May 9, 2024

At the end of the day, on May 8, 2024, Ms. Cole stated that she had 30 minutes of cross-examination left with witness Mullins. At the beginning of the day, on May 9, 2024, Judge Kaddo told Ms. Cole that she had stated that she had 15 minutes, or less, left of cross-examination. After the jury was seated, Judge Kaddo told Ms. Cole that she had 10 minutes to finish cross-examination. The following exchange then occurred.

MS. COLE: From the May 10, 2023 letter, did you have any questions from the instructions that the defendant gave you on how to apply the four money orders?

MS. MULLINS: Again, I wasn't sure where I was supposed to put the money orders, so I was instructed to put it on 9/6/22.

MS. COLE: Okay. So, I guess my question was --

THE COURT: *Counsel, what's so difficult for you to understand?*

MS. COLE: Whether or not she didn't understand --

THE COURT: *[unintelligible] she was instructed by her employer to apply them to these 2022, the date on the money order. You're beating the same [unintelligible] on each money order and her answers are all the same. Let's go on.*

MS. COLE: I'm trying to ask you -- maybe my question is just too confusing.

THE COURT: *No. You're being very clear, but you're being argumentative and repetitive.*

MS. COLE: I apologize, Your Honor.

THE COURT: *Don't apologize. Let's get going.*

MS. COLE: Okay.

THE COURT: Thank you.

MS. COLE: Did you not understand the May 10, 2023 letter?

MR. HELMS: Objection, asked and answered.

THE COURT: Sustained.

MS. COLE: Why did you ask for instructions if these money orders were given to you with a letter on how to apply them?

MR. HELMS: Objection, asked and answered.

THE COURT: Sustained.

MS. COLE: I'm not sure that she answered that.

THE COURT: *She doesn't work for this lady. She works for the owner or whoever's manager. And there's a note on the money order referring to a letter of 5/10/23. The money order is dated 9/6/22. She asked her supervisor or whoever she works for, "where should I apply it?" And the answer was the date that the money orders were made. What is so difficult about that?*

MS. COLE: I don't think that record has been made, but if the court thinks that record has been made, I want to make sure that record's been made. That she received the letter and that she asked a question on how to apply it.

THE COURT: *Ma'am, you missed what I began with. She does not work for [L.W.]. So, if [L.W.] tells her to do something and she went and asked her supervisor where to apply it, she's going to follow what she was instructed to do. Not by [L.W.], because [L.W.] is a tenant. The supervisor is the agent she works for and so she's -- is that what you did? You followed what the instructions you received from the management as to where to apply it.*

MS. MULLINS: Yes.

MS. COLE: That was all I was trying to get out of her. Thank you, Your Honor. Now I'm going to display, with the court's permission and Mr. Helms's non-objection --

THE COURT: *Any more uh -- thank God there are only four of them. Same question, same answer?*

MS. MULLINS: Yes, sir.

(Audio [part 1] 9:13-12:29, italics added.)

While Mr. Helms was re-examining Ms. Mullins, Judge Kaddo responded to an objection in the following exchange.

MR. HELMS: Do you remember when she made her complaints about her electrical plug burning?

MS. COLE: Objection, asked and answered.

THE COURT: *The objection is ridiculous and overruled. You ask one question and he restates it and now you're objecting on the ground that he asked a different question. Alright.*

MS. COLE: I object to the comment by the judge.

THE COURT: *Ma'am, I don't wish to argue with you. The objection is overruled.*

(Audio [part 1] 17:18-17:50, italics added.)

During Ms. Cole's opening statement, Judge Kaddo sustained an objection to Ms. Cole referencing COVID-19 relief. Judge Kaddo interrupted Ms. Cole's opening statement on several occasions, as reflected in the following exchange.

MS. COLE: Okay, so the evidence is going to show that my client didn't pay her rent for some months in the notice and that's going to be her testimony. The evidence is going to show, Your Honor --

THE COURT: *Now don't try to get in by the window, what you couldn't get in through the front door.*

MS. COLE: I'm walking very slowly, Your Honor. The evidence is going to show --

THE COURT: Well, let's say your client's testimony is going to be that whatever her testimony is going to be. 'Cause if you're going to talk about the moratorium, about the rent control relief act, uh you need an expert to testify as to what that act provided for. All your client can do is testify as to what she did.

MS. COLE: Accepted. In addition to that defense, which we will be arguing, there is also going to be evidence that she complained about problems with her pedestal. The pedestal is owned and maintained by the park, Best Trailer Park, as testified to you by Ms. Mullins.

THE COURT: *You know, we heard her. Summarize. Please.*

MS. COLE: Okay.

THE COURT: *Summarize.*

MS. COLE: I'm trying to make the best record I can, Your Honor.

THE COURT: *Ma'am, what is your evidence and you only have one witness and that's your client. What is she going to tell this jury?*

MS. COLE: I have two witnesses, Ms. Mullins and [L.W.]. So, can I finish? And the evidence is going to show --

THE COURT: *If you promise me it'll be before eternity.*

MS. COLE: I don't.

THE COURT: *Okay, you have five minutes altogether to do your opening statement, including arguing with the judge.*

(Audio [part 1] 30:34-32:39, italics added.)

During Ms. Cole's direct examination of L.W., Judge Kaddo sustained an objection to Ms. Cole asking why L.W. failed to pay rent, when the following exchange occurred.

[L.W.]: But, Your Honor, she asked me why I didn't pay, and that was the reason.

THE COURT: *Is it also because you don't have the money?*

[L.W.]: I was impacted by COVID. And I was impacted by COVID and I was within my right to submit --

THE COURT: *That's a very aggressive, expressive attorney. I don't need two attorneys in this case.*

[L.W.]: I'm not trying to be an attorney.

THE COURT: If you're going to argue with me, then I can't have two attorneys.

[L.W.]: No, I'm not arguing. I just, I just, I just know this statute.

THE COURT: *Ma'am, I understand. Um, she's your attorney. She has a right to speak for you. Give her that chance.*

[L.W.]: Sure.

THE COURT: *Don't answer me. Just listen to the attorney. Let me make my rulings. Uh, and I'm sure she will --*

[L.W.]: Yeah, but I feel like I've been denied my due process.

THE COURT: I'm sorry?

[L.W.]: I feel like I've been denied my rights and my due process.

THE COURT: Well, you know, we all have rights and nobody's here to deny you on your rights. I'm here to give -- for this jury to hear the evidence in this case -- why you did not pay your rent.

[L.W.]: And I am trying to say why I didn't pay my rent. Which is I'm in a catch 22 situation here, because I didn't pay my rent because I was --

THE COURT: Ma'am, you were served a three-day notice. It's rather specific as to what months and the amounts that --

[L.W.]: Right.

THE COURT: Are not paid. And her question was, "Why did you not pay your rent?"

[L.W.]: But you're not letting me answer it in -- in my true reasons of why I didn't pay it.

THE COURT: Alright.

[L.W.]: I'm in a catch 22 situation. You see what I'm saying?

THE COURT: A catch 22. Your answer is--

[L.W.]: What would my answer be?

THE COURT: *Ma'am. I'm sorry. I'm having a tough time with your attorney, with the other attorney. Now, with you. Please* [unintelligible]

[L.W.]: I'm not trying to give you a tough time.

THE COURT: *There was an objection. I'm sustaining the objection.*

MR. HELMS: Thank you, Your Honor.

MS. COLE: What was the objection you're sustaining?

THE COURT: *I have no idea.*

MS. COLE: May I inquire as to Mr. Helms, what was the objection.

THE COURT: You asked a question about COVID, about the pandemic and the COVID moratorium. Is that what the question was?

MR. HELMS: I moved to strike the response as violating prior orders and irrelevant.

(Audio [part 1] 37:18-39:55, italics added.)

Ms. Cole attempted to introduce a letter from L.W. to the trailer park, and Judge Kaddo took a break to discuss its admissibility, outside the presence of the jury. While Ms. Cole was arguing why the letter was not in Mr. Helm's trial notebook, the following exchange occurred.

MS. COLE: What actually happened was there was a different three-day notice that was issued in violation of the mobile home park law that --

THE COURT: [unintelligible]

MS. COLE: from May 10th letter responds to. May I finish?

THE COURT: *Ms. Cole, you never finish.*

MS. COLE: I know, but you never let me.

THE COURT: *You keep on going. It's a torrential rain.*

(Audio [part 1] 55:29-48, italics added.)

As Ms. Cole resumed her direct examination of L.W., the following exchange occurred.

MS. COLE: She's saying she didn't have the money because she wasn't working, because of COVID. She's an artist. She's a videographer.

THE COURT: *God bless her. She may be uh --*

MS. COLE: And that's why --

THE COURT: *Leonardo de Vinci. That's got nothing to do with this case.*

MS. COLE: But it has --

THE COURT: *Why are you giving me that information?*

MS. COLE: Because --

THE COURT: *Because you want to talk and you can't stop talking.*

(Audio [part 1] 57:29-56, italics added.)

Judge Kaddo accused Ms. Cole of acting as “shadow attorney” for L.W., during the period of time in which L.W. represented herself, when the following exchange occurred.

MS. COLE: For the record, Your Honor, I don’t do shadow counsel. I know [unintelligible] has a history of being shadow counsel --

THE COURT: *Whatever, you know. Whatever, I see legal work, answers to interrogatories.*

MS. COLE: I did not prepare or respond. Believe me, if I had, things would be very different. But in my, I just want to be -- as an officer of the court --

THE COURT: So, it was not your -- you’re not the one who helped her with that?

[L.W.]: No, may I say something?

THE COURT: *Ma’am, I’m asking your attorney. Please control yourself.*

[L.W.]: I just --

THE COURT: *Control yourself.*

[L.W.]: May I --

THE COURT: *You have an attorney and she’s very vocal.*

[L.W.]: I --

THE COURT: *Just don’t say anymore. You’re representing to me that you did not help her prepare discovery responses. I accept your explanation. She’s a very good lawyer then.*

MS. COLE: She’s a very good untrained lawyer, and --

THE COURT: *Okay. Look.*

MS. COLE: I apologize.

THE COURT: *Both of you, no, you don't. Don't apologize for nothing. Apologize to this jury. Both of you. And he was, he was misled into thinking he was trying a case with a pro per when it turned out it wasn't that. So, that's his problem.*

(Audio [part 1] 1:17:22-1:18:41, italics added.)

While L.W. was speaking, she was crying. Judge Kaddo increasingly raised his voice throughout the above colloquy. L.W. asked to say something, when the following exchange occurred.

THE COURT: *Ma'am, no. No. No. Would you tell your client I'm gonna put her out of the courtroom[?] She cannot address me.*

[L.W.]: I can't?

MS. COLE: No.

[L.W.]: Cause I'm not a lawyer. Okay.

MS. COLE: She doesn't know that.

THE COURT: *That's your problem.*

(Audio [part 1] 1:19:05-1:19:19, italics added.)

During the above exchange, Judge Kaddo twice banged his hand on the bench and raised his voice.

While discussing redactions to L.W.'s letter to the trailer park, the following exchange occurred.

MS. COLE: So, it's just a prior consistent statement with her testimony.

THE COURT: *Just you know, give me a chance. You talk and you don't care if I have a chance to hear you. You just want to talk.*

(Audio [part 1] 1:25:13-1:25:28, italics added.)

While discussing the admissibility of a second letter, the following exchange occurred.

THE COURT: They're not claiming any rent for that month.

MS. COLE: Right, but they are claiming rent for the months before and the months after.

THE COURT: Okay, this letter is excluded. It's for January -- there's no rent claimed for January 2023, so they're not claiming she owes rent. So, what does she --

MS. COLE: But, she --

THE COURT: *I don't want to argue. Please. You never stop.* They are not claiming any rent for 2023 so she is not entitled to pay and get credit.

MS. COLE: They are claiming rent for December --

THE COURT: *Ma'am, December, you argue.*

MS. COLE: Okay, but I need my letter to show that it's an ongoing problem --

THE COURT: *No. No. No. Okay, the letter is excluded. It's not applicable because they're not claiming rent. What you want is not the standard by which I'm obligated to reduce it.*

(Audio [part 1] 1:37:02-1:38:02, italics added.)

As Ms. Cole resumed her direct examination of L.W., Judge Kaddo interrupted to ask L.W. questions, when the following exchange occurred.

THE COURT: Let me ask you again.

[L.W.]: Okay.

THE COURT: Do you see on that three-day notice any rent being charged for January 1, 2023?

[L.W.]: The line is blank.

THE COURT: I'm sorry?

[L.W.]: There's no number in that -- in January. It doesn't say whether it's due or not due. It doesn't tell me if it's an offset against the electricity.

THE COURT: Okay.

[L.W.]: It doesn't -- it's -- it's --

THE COURT: It's blank.

[L.W.]: It's just blank.

THE COURT: Do you understand when it's blank, you're not being charged rent?

[L.W.]: But I could have been -- it could have been deferred rent, because it wasn't due.

THE COURT: *And Russia could have invaded Ukraine.*

[L.W.]: Excuse me?

THE COURT: *And Russia could have invaded Ukraine. Anything could happen.* I'm trying to just illustrate that you -- I'm sorry, counsel. If it's not clear that she's not being charged rent for January 2023 and the three-day notice was --

[L.W.]: [sound of crying] I'm sorry. I have to. I need a few minutes. I can't.

THE COURT: I can't make it any clearer.

[L.W.]: [sound of crying] Can I -- can I have a break?

MS. COLE: Your Honor, may my client have a break?

THE COURT: I'm sorry?

MS. COLE: May my client have a break? She's asked the court for a break. She's getting emotional on the stand.

THE COURT: I'm very sorry.

MS. COLE: No?

THE COURT: You cannot go on, [L.W.]?

[L.W.]: [crying] I need to -- I need a break. I need a break after that last comment. I need a break.

MS. COLE: Could we have a reasonable accommodation?

THE COURT: *Counsel, I'm going to give you all the accommodations, alright? Please. Stop trying to make me look like the bad person. We just came back from an hour uh accommodation. Uh, how much time do you need? 10 minutes?*

[L.W.]: Please.

THE COURT: *10 minutes is okay. [L.W.], you can put yourself together. Alright, you're excused for 10 minutes. Um, what do I do with the jury in the meantime? Alright, you are excused for -- don't overeat now. You're gonna get a lunch hour before times [sic]. I'm sorry, she's nervous.*

MS. COLE: She's from Ukraine.

THE COURT: *So, I'm going to accommodate her. That means I'm going to allow you to go for your lunch hour earlier than anticipated. Come back at 1:30.*

(Audio [part 1] 1:53:15-1:56:04, italics added.)

(c) May 13, 2024

While examining L.W., Ms. Cole asked if she paid for any repairs to her trailer's pedestal. After L.W. testified as to how much she spent, Mr. Helms objected on the basis of relevance, because it related to January 2023. The following exchange then occurred.

THE COURT: *Counsel, you keep on going there and he keeps on objecting. I sustained the objection as if you're not in this courtroom. You ignore it completely. I'm not going to change my ruling. I have reason to rule that this was not relevant and that is still my ruling. Why do you keep going back to it? Please, go on to another issue other than the uh \$750.*

MS. COLE: Your Honor --

THE COURT: *Ma'am, I'm not interested in arguing with you. I'm just asking you to go to another issue that you want the jury to hear from this witness.*

MS. COLE: My question specifically was, after January of 2023 -- after January of 2023, did you, [L.W.], spend any funds to make any repairs to the property of yours or the pedestal, after January of 2023?

THE COURT: *You said January 2023 three times. You called her [L.W.] two times. Okay. Why the repetition?*

MS. COLE: I didn't think --

THE COURT: *I mean, we know she's [L.W.]. We know you're Ms. Cole. Why the repetition?*

MS. COLE: Because I don't think the court heard me in the prior question.

THE COURT: *I do hear you perfectly.*

MS. COLE: That --

THE COURT: *I know it's a repetition, so please. You ask the question again as simple as possible.*

MS. COLE: I'm trying, Your Honor. I'm doing my best.

THE COURT: Thank you.

(Audio [part 2] 50:08-51:51, italics added.)

After both parties rested, Judge Kaddo discussed jury instructions with the attorneys, out of the presence of the jury. After discussing jury instructions, the following exchange occurred:

THE COURT: *Alright, we'll take 10 minutes. And uh I'm gonna read the instructions and then recess until 1:30, so you can be well fed and well physically capable of presenting your closing argument.*

MS. COLE: Thank you.

(Audio [part 4] 12:18-12:35, italics added.)

Judge Kaddo then discussed special verdict forms and instructed the attorneys to meet and confer. While the attorneys were meeting and conferring in the hallway, the clerk left the courtroom and locked the door. Ms. Cole and L.W. then left at 11:35 a.m. for the lunch break.

At 11:36 a.m., the jury returned and Judge Kaddo resumed the trial without the presence of Ms. Cole and L.W. Judge Kaddo told the jury the following.

The plaintiff and plaintiff [*sic*] are present in court.  
*Defendant and counsel are not present in court. The court is going to give the final concluding instructions pertaining to this case.*

(Audio [part 5] 00:14-00:32, italics added.)

After reading the concluding instructions, Judge Kaddo did not take a break. Instead, he made the following remarks before allowing Mr. Helms to make a closing argument, without the presence of Ms. Cole and L.W.

*I notice that the defendant is not here. Neither is her attorney. I'm going to proceed nonetheless. Plaintiff will go first. It's refer -- it's answered by the defense counsel in her closing argument if she shows up.*

(Audio [part 5] 16:11-16:28, italics added.)

After Mr. Helms made a closing argument, without the presence of Ms. Cole or L.W., Judge Kaddo made the following remarks.

If you remember, at the beginning of this case, the attorneys may make an opening statement or a closing argument. *In this event, in this case right now, defendant is not in court. Obviously, she and her attorney have decided not to remain. Uh, I've proceeded with the trial to its ultimate decision. That would be your verdict.*

(Audio [part 5] 20:34-21:59, italics added.)

Judge Kaddo instructed the jury to return at 1:30 p.m. Ms. Cole and L.W. returned to court at 1:30 p.m. and the following exchange occurred.

THE COURT: Welcome back, Ms. Cole.

MS. COLE: Thank you, Your Honor.

THE COURT: What can I do for you?

MS. COLE: Well, good afternoon. I was informed by Mr. Helms that, in our absence, after being directed by Your Honor to return at 1:30, [L.W.] and I left for lunch as instructed by His Honor. Mr. Helms informs me that the case has been submitted to the jury, that jury instructions were finalized and read to the jury, in our absence.

THE COURT: I know all that. I -- I did it.

MS. COLE: And I also understand -- so, I would like to just explain my understanding of what happened.

THE COURT: Before you explain, let me explain. *You were excused for 10 minutes. I went inside and did some*

*research, came back, you were not here. We waited for you. I asked my clerk if we got any call. We didn't get any calls. I asked Mr. Helms if he knows any information about you. He said, "No." You just left. I kept the jury for as long as I could, but I finally had to get going with the trial. So, I stalled. I read the instructions before I heard from counsel and closing argument. You still were absent. Uh, he made his closing argument. I went ahead and told the jury -- kept them here until 12:10, before they started deliberation. And then I excused them 'til 1:30. And here we are. What happened to you? Where did you go?*

MS. COLE: We did as you instructed us to do, Your Honor. At about 11:20, we started a jury instruction conference. I believe you did start to exit the courtroom. Prior to exiting the courtroom, you told myself and my client to return at 1:30, which is what we did. And I also indicated that there was one more jury instruction coming from the defense. You appeared -- you admonished me earlier today not to speak too loudly, but you also appeared to --

THE COURT: [unintelligible] First of all --

MS. COLE: I'm sorry, I'm not done.

THE COURT: *I did not -- I did not instruct everyone to come back at 1:30.*

MS. COLE: You instructed defense counsel and her client to return at 1:30.

THE COURT: Okay, just a second. Mr. Helms --

MS. COLE: I'm sorry, can I finish what I'm trying to put on the record? I know you're going to Mr. Helms. But I'm going to ask the court, since the jury is deliberating and there's still -- to try to cure this, could you bring 'em out so I can perform my closing argument?

THE COURT: I don't understand what you're asking me.

MS. COLE: I'm asking you, since a verdict has not been reached by the jury or announced, to allow them to come back so I may perform my closing argument, because I feel that I was misdirected.

THE COURT: *First of all, uh that's a misstatement. It's a misstatement and contrary to what I said. I didn't say, "Come back at 1:30," to you and your client. You knew that I was going to instruct the jury. We went through jury instructions. I heard you say you have one more instruction. Next thing I know, you disappeared. Uh, I specifically asked, forcefully as I can -- I did not -- how strange I would only instruct you to come back at 1:30 but nobody else. I don't -- I don't recall and I dispute very strongly that I made that statement. All I know is you disappeared. I stalled as long as I could and we had agreed on the jury instructions. So, I felt very secure in giving them the instructions that we agreed upon. Uh, you still had not returned. They began deliberation. I excused them 'til 1:30. They were kept here until 10 after 12 and I couldn't keep them any longer waiting for you to return. So, number one, I categorically deny that I told you to come back at 1:30. Uh, secondly, I proceeded with the trial as legally I'm obligated to do. We're not -- the jury is not here for your benefit or my benefit at our convenience. So, uh, I've submitted the special verdict that was presented to me after we had the -- after we had discussion about it. And I made certain rulings. And I don't see that would add anything. The only thing that was submitted was you were not -- you did not -- you were not here to give a closing argument. And I instructed the jury again that it's not required to make an opening statement or a closing argument. And if one attorney or the other chooses not to make one, it's their prerogative. So --*

MS. COLE: You advised the jury that's still deliberating that I chose not to make a closing argument?

THE COURT: *No, I didn't say that. I said, as far as I'm concerned -- See how you -- You really played with my words. I told the jury with opening -- with my opening instructions that attorney is not required and that happens*

*to be the law. I'm not quoting from my head. The attorney -- the attorneys don't have to make an opening statement or a closing argument but if they choose not to. That's in the jury instructions. So, don't -- don't change my wording. In any event, I'm not inclined to grant you what you want me to grant you.*

MS. COLE: Thank you.

THE COURT: *Because we're not here for your convenience. We're here for the convenience of the jury. There's a telephone available. You could have called in. You could have done all kind of things. How -- how --*

MS. COLE: Did the court --

THE COURT: *How could -- how could you just leave the courtroom without -- without checking up with anybody?*

MS. COLE: Because the presiding bench officer, yourself, advised me and my client to return at 1:30, that you were working on the jury instructions.

THE COURT: I -- I beg to differ.

MS. COLE: I understand.

THE COURT: *There was no such advice. If you're saying that it is, it exists in your mind only. There was no such advice.*

MS. COLE: May I have a moment --

THE COURT: I didn't tell the --

MS. COLE: -- to reassert my 170.1, based on this specific incident and request that you halt the proceedings at this time.

THE COURT: *To be honest, and to be blunt, and I'm -- I'm more uh sincere uh I'm not sure that you're not inventing these things. I'm not sure because uh you construe words the way you want to construe them. Uh,*

*I'm not gonna go any further than that. All I can tell you is, as a bench officer, as a judge, I was faced with a situation where I have a jury and we're here for their benefit. I waited for you to return. I deny categorically that I told you to come back at 1:30. No such conversation -- no such instruction was issued by this court. So, the way it looked to me is that you decided not to show up. I stalled as much as I could. I proceeded with the trial, as I'm obligated to do. Uh, and the jury is deliberating. You are free to remain. It's your choice, but stop misquoting me.*

MS. COLE: I disagree with the court. And so I disagree with the --

THE COURT: That's your prerogative.

MS. COLE: The attacks on my understanding and my integrity. The court seems to have some kind of bias, of which I do not know.

THE COURT: *You know, Ms. Cole, you push me, you push me, you push me. And then when I call it the way I see it, you accuse me. I can't win with you.*

MS. COLE: Nor can the defense counsel at this time. So, the --

THE COURT: Well --

MS. COLE: Defense counsel is going to assert a 170.1, for the misdirection and there's no attempt made by your judicial staff or the court to reach out to us to understand what this miscommunication was. So, I think we've made a sufficient record.

THE COURT: Alright, you've made your record.

MS. COLE: Thank you.

THE COURT: *I'm not gonna -- I'm not gonna listen anymore to you. Uh, you're getting into deeper and deeper water. Uh, the jury is deliberating. Uh, you're*

*welcome to remain. Let me just -- just to clear my mind -- because what you're hearing me -- I -- I dispute that I ever said it. I haven't lost my mind yet. Did I ever give such an instruction, Mr. Helms?*

MR. HELMS: No, Your Honor. You instructed us that you and your judicial assistant --

THE COURT: I'm gonna take 10 minutes or something.

MR. HELMS: You said five minutes. You and your assistant needed a five-minute break and I inquired whether Mr. Michael would like us to wait in the hallway so he could lock the door. He said, "Yes." That was what happened. Myself, my client, and 14 jurors understood that we were not done for lunch.

THE COURT: Why did you lock the doorway?

CLERK: When I exited the courtroom, Your Honor, it has to be --

THE COURT: Where were you going?

CLERK: The restroom, Your Honor.

THE COURT: I wasn't -- I mean I wasn't a party to this conversation. I don't understand. Why would you leave my courtroom?

CLERK: My break, Your Honor.

THE COURT: I'm sorry.

CLERK: My break.

THE COURT: Oh, for your break. So, when you leave the courtroom on a break, you have to lock the front door?

CLERK: Yes.

THE COURT: I see, that's something that you are obligated to do?

CLERK: Correct.

THE COURT: So, the clerk is instructed if there's -- if the courtroom is empty, to lock the door. Am I understanding you correctly?

CLERK: Yes, Your Honor.

THE COURT: That's not my instruction to you, is it?

CLERK: No, Your Honor.

MR. HELMS: And that's all that happened, Your Honor.

THE COURT: *Well, was Ms. Cole standing next to you? She saw him lock -- maybe she assumed from that that we're closed until 1:30.*

MR. HELMS: No, Your Honor. She was here when Your Honor instructed us to return in five minutes. The instructions were not ambiguous. The recording exists and will show that Your Honor and myself uh are correct on the facts of this issue.

THE COURT: *I'm not losing my mind, am I?*

MR. HELMS: You're not, Your Honor.

MS. COLE: Perhaps I am. So, I would -- as the court has --

THE COURT: *Do you have another witness to what I said? You have an explanation from my clerk that he's instructed that when the courtroom is vacant to lock the doors. That -- that's news to me. So, if you assumed from that that you're to return at 1:30, that's different than you telling me that you and your client were instructed to return at 1:30. And that's not correct.*

MS. COLE: I beg to differ with the court and Mr. Helms on this issue.

THE COURT: *You're entitled. You're entitled. Alright, the jury is deliberating. Your request is denied. There's no justification nor legally on my correct in considering it. Uh, we're waiting for a verdict.*

(Audio [part 7] 00:04-13:29, italics added.)

On May 13, 2024, the jury returned a verdict in favor of the plaintiff.

The commission found that Judge Kaddo's comments to or about Ms. Cole, while in the presence of the jury, were rude, questioned her professionalism and integrity, conveyed the appearance of embroilment and bias, and could reasonably interfere with the attorney-client relationship, in violation of canons 3B(5), 3B(4), 2, 2A, and 1. The improper comments included the judge's remarks about Ms. Cole's "feelings"; accusing her of "trying to create doubts where none existed"; sending the exhibit to a "lab"; admonishing her about "cross-examining" Mr. Helms; questioning her competence ("What's so difficult to understand" and "What's so difficult about that?"); calling an objection "ridiculous"; questioning her professionalism ("try[ing] to get in by the window, what [she] couldn't get in through the front door"); accusing her of taking an "eternity"; numerous interruptions, instructions to summarize, and comment that "We heard her"; calling her "aggressive" and stating he was having a "tough time" with her; and comments about talking ("You never finish," "You keep on going," "It's a torrential rain," "You want to talk and you can't stop talking," "You talk and you don't care if I have a chance to hear you," "You just want to talk," and "You never stop").

In his response to the commission, Judge Kaddo stated that it was necessary to admonish Ms. Cole in front of the jury in order to control the courtroom. Even if Ms. Cole was being difficult, which is not supported by the audio recording, the judge's duty to be patient, courteous, and fair does not cease. Judge Kaddo could have ruled on objections without gratuitous comments, talked to the attorneys at sidebar, or during a recess, stepped away from the bench, or delivered curative instructions to the jury (if impermissible evidence had been introduced). He did none of these. The commission found that Judge Kaddo's comments reflected a pervasive pattern of rude, impatient, and inappropriate conduct.

The commission found that Judge Kaddo's characterization of Mr. Friend's testimony as "straightforward," and his summary of Ms. Mullins's testimony, could

convey to the jury that the witness' testimony was believable, which is an impermissible comment on the evidence and could have prejudiced L.W.'s case. The commission found that Judge Kaddo's comments on witness testimony conveyed the appearance of embroilment and bias against the defense, in violation of canons 3B(5), 3B(4), 2, 2A, and 1.

The commission found that raising his voice and banging his hand on the bench also exhibited discourtesy and impatience, in violation of canons 3B(4) and 2A.

The commission found that Judge Kaddo's comments that "Russia could have invaded Ukraine" conveyed the appearance that he was implying that Russia did not invade Ukraine and that, similarly, L.W. was fabricating that the January rent could have been deferred. The commission found these comments conveyed the appearance of embroilment and bias against the defense, in violation of canons 3B(5), 3B(4), 2, 2A, and 1.

The commission further found that Judge Kaddo denied Ms. Cole the opportunity to present a closing argument and to object to the plaintiff's argument, in violation of canons 3B(8), 3B(5), 2, 2A, and 1. The commission also found that Judge Kaddo's comments to Ms. Cole about "inventing these things," accusing him, and pushing him, especially when Ms. Cole was correct that Judge Kaddo had announced that closing arguments would occur after lunch, were demeaning and improperly disparaged her integrity, in violation of canons 3B(5), 3B(4), 2, 2A, and 1.

The commission found that Judge Kaddo's statements to the jury, that the plaintiff's closing argument would be "answered by the defense counsel in her closing argument if she shows up," and "Obviously, she and her attorney have decided not to remain," improperly implied that Ms. Cole chose not to make a closing argument, which conveyed the appearance of embroilment and bias against the defense, in violation of canons 3B(5), 3B(4), 2, 2A, and 1. The commission also found that Judge Kaddo's denial that he told the jury that Ms. Cole chose not to make a closing argument was misleading, in violation of canon 2A.

The judge's conduct, in the seven matters described above, at a minimum, constituted improper action. (Cal. Const., art. VI, section 18, subd. (d).)

The commission found Judge Kaddo's misconduct was aggravated by prior discipline, in 2023 and 2004 for similar misconduct.

In 2023, the commission privately admonished Judge Kaddo for speaking in a discourteous and demeaning manner to two self-represented litigants in a small claims trial. Within the first three minutes of the trial, the judge asked the plaintiff, *“Well, could you explain to me, how on God’s earth, you sign a lease and move into a place that’s uninhabitable, then claim that you’re entitled to your money back?”* The commission determined that the judge’s question was undignified, discourteous, and created an appearance of prejudice.

During the trial, when the plaintiff attempted to read aloud from a homeowners’ association letter, Judge Kaddo told him: *“If you just want to talk, I’ll let you talk, I just won’t listen. If you want me to listen, you have to answer my questions.”* Judge Kaddo later repeated words to that effect: *“If all you want to do is talk, I’ll let you talk, but I won’t listen.”* Later, when the defendant attempted to support her testimony by citing specific sections of the underlying rental agreement, Judge Kaddo interrupted her and stated, *“Ma’am . . . you don’t have to knock it into my brain, several times, for me to understand.”* The commission determined that the judge’s statements to the parties reflected discourtesy and a lack of patience. The judge’s comments to the plaintiff were also undignified, facetious, and created an appearance of bias.

Toward the end of the trial, in response to a request for a mistrial, Judge Kaddo said, *“You’re not getting a mistrial. You need another brain.”* The commission also concluded that, by resorting to a direct and personal attack against the plaintiff — stating that the litigant needed “another brain” — Judge Kaddo surrendered his neutrality and “joined the fray” in the courtroom. The judge’s behavior reflected bias and embroilment.

In 2004, the commission privately admonished Judge Kaddo for serving on an arbitration committee in a family law case and displaying a lack of candor when asked about it by the commission. The judge also failed to disclose to one of the litigants a campaign contribution he received from a relative of the other, and failed to report a contribution on his campaign contributions reporting statement.

Commission members Hon. Lisa B. Lench; Mani Sheik, Esq.; Mr. Alton L. Garrett, Jr.; Ms. Kay Cooperman Jue; Hon. Julia C. Kelety; Mr. Richard A. Long; Hon. Kimberly Merrifield; Dr. Michael A. Moodian; Mr. Gerald C. Shelton; and Ms. Beatriz E. Tapia voted for the Notice of Tentative Public Admonishment. Commission member Rickey Ivie, Esq., was recused from this matter, pursuant to commission policy declaration 6.1.

Date: July 15, 2025