STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING JUDGE ERIC L. HERYFORD	**DECISION AND ORDER IMPOSING PUBLIC CENSURE PURSUANT TO STIPULATION (Commission Rule 116.5)**

This disciplinary matter concerns Judge Eric L. Heryford, a judge of the Trinity County Superior Court. Judge Heryford has entered into a stipulation with Director-Chief Counsel Gregory Dresser of the Commission on Judicial Performance, pursuant to commission rule 116.5, to resolve the pending preliminary investigation involving Judge Heryford by imposition of a public censure. The Stipulation for Discipline by Consent (Stipulation) was approved by the commission on October 8, 2025, pursuant to the following terms and conditions, and stipulated facts and legal conclusions. A copy of the Stipulation is attached.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the commission's pending preliminary investigation involving Judge Heryford.

2. The commission shall issue a censure, based on the agreed Stipulated Facts and Legal Conclusions set forth therein.

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

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

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

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

7. The commission may reject this proposed disposition and resume its preliminary investigation. If the commission does so, nothing in this proposed disposition will be deemed to be admitted or conceded by either party.

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

STIPULATED FACTS AND LEGAL CONCLUSIONS

Judge Eric L Heryford has been a judge of the Trinity County Superior Court since 2018. His current term began in January 2021.

Canon 3B(8) requires that a judge "dispose of all judicial matters fairly, promptly, and efficiently." The California Constitution provides that a judge may receive a salary only if no "cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision." (Cal. Const., art. VI, § 19.) California Rules of Court, rule 2.900, defines a matter under submission. The rule provides that "[a] cause is deemed submitted in a trial court when either of the following first occurs: (1) The date the court orders the matter submitted; or (2) The date the final paper is required to be filed or the date argument is heard, whichever is later." (Cal. Rules of Court, rule 2.900(a).)

In *Mardikian v. Commission on Judicial Performance* (1985) 40 Cal.3d 473, the court stated that the Government Code section and constitutional provision "reflect the judgment of the Legislature and the electorate that this

period [90 days] affords a reasonable time within which to expect a trial judge to carry out the basic responsibility of a judge to decide cases." (*Id.* at p. 477, fn. 4.) California Rules of Court, rule 4.551(a)(5)(A), provides that the court "must rule on a petition for writ of habeas corpus within 60 days after the petition is filed."

1. Delayed Decisions

During all relevant times, Trinity County Superior Court employed an internal system that provided multiple ways for judges to track and remain aware of the length of time that case matters were pending. When a matter is taken "under submission," the court clerk marks it in the internal case management system. After a matter has been marked as under submission in the system, it appears on a queue that is visible to both clerks and judges. Administrative staff generate monthly lists of matters that have been taken under submission. Administrative staff personally provide each judge with a copy of their list, along with their monthly pay affidavits. Administrative staff monitor the "under submission" queue and provide weekly reminders to judges when a matter has been pending for 70 days, and daily or near-daily reminders when a matter has been pending for 80 days.

Between 2020 and 2024, despite the court's internal system of tracking submitted matters, Judge Heryford issued delayed decisions in 20 matters. In 12 cases, Judge Heryford issued decisions ranging from 91 to 207 days after a matter had been taken under submission. In three cases, Judge Heryford failed to act for 169 to 203 days in an administrative appeal. In five cases, Judge Heryford did not rule on a petition for a writ of habeas corpus for 77 to 114 days after the petition was filed. In correspondence with the commission, Judge Heryford admitted that he received verbal and email reminders from administrative staff regarding matters that had been outstanding for approaching or beyond 90 days.

Judge Heryford's conduct violated the Code of Judicial Ethics, canons 3B(8), 3 (a judge shall perform the duties of judicial office impartially,

competently, and diligently), 3A (a judge shall accord precedence to all of the judicial duties prescribed by law over all other activities), 2A (a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity … of the judiciary), 3C(2) (a judge shall maintain professional competence in judicial administration, and shall cooperate with … court officials in the administration of court business), and 1 (a judge shall uphold the integrity … of the judiciary).

2. False Salary Affidavits

To be paid, a judge must sign a monthly affidavit, under penalty of perjury, stating that "no cause before him remains pending and undetermined" for more than 90 days after it has been submitted. (Gov. Code, § 68210.) The salary is not forfeited because of delay; payment is simply postponed until the submitted matter is decided. (*Hassanally v. Firestone* (1996) 51 Cal.App.4th 1241, 1244-45.) The standard language of the salary affidavits signed by Judge Heryford reads: "I, [JUDGE'S NAME], Judge of the Superior Court in and for the County of Trinity, State of California, declare that no cause remains pending and undetermined that has been submitted to me in said Court for decision for the period of ninety days prior to the first day of [THE FOLLOWING MONTH]. Executed on [DATE], at Trinity County, California. [¶] I declare under penalty of perjury that the foregoing is true and correct." There is a signature line for the judge's signature.

In the case of *Eberhard Schneider et al. v. Karla S. Lane* (No. 19CV0090), the matter was under submission after a post-trial brief was filed on May 6, 2022. The matter had been pending and undetermined for 90 days as of August 4, 2022. Judge Heryford did not issue a decision until November 29, 2022. On August 19, September 20, and October 19, 2022, Judge Heryford signed salary affidavits declaring that no matter remained pending and undetermined that had been submitted for decision for over 90 days. When he signed those salary affidavits, Judge Heryford was aware that the *Schneider* matter had been

submitted and was pending for more than 90 days. He improperly received salary for the months of August, September, and October 2022.

In the case of *Samuel Jefferson Dayton v. 299 Trinity DRF et al.* (No. 20CV123), a motion to strike demurrer was under submission on June 21, 2022. Judge Heryford issued a decision on September 21, 2022, which was 92 days after the matter was submitted. He signed a salary affidavit on September 20, 2022, stating that no matter remained pending and undetermined that had been submitted for decision for over 90 days. Judge Heryford was aware that the *Dayton* matter had been under submission for more than 90 days when he signed the September 2022 salary affidavit. He improperly received salary for the month of September 2022.

In the case of *Erick Ammon v. Nicole Ammon* (No. 18FL0109), post-trial briefs were under submission as of June 2, 2023. The matter had been pending for 90 days as of August 31, and Judge Heryford issued a decision on September 28, 2023, 118 days after the matter was submitted. He signed a salary affidavit on August 22, 2023, stating that "no cause remains pending and undetermined that has been submitted to me in said Court for decision for the period of ninety days prior to the first day of September, 2023." Although the *Ammon* decision was not yet pending for 90 days on the day Judge Heryford signed that affidavit, it had been pending for more than 90 days by September 1. Judge Heryford improperly received salary for the month of September 2023.

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

3. Lack of Candor with the Commission

In his responses to the commission, Judge Heryford made statements that were misleading.

In the case of *Master Extracts, Inc. v. AGI., et al*. (No. 20CV0074), a motion to vacate a default judgment was submitted on April 26, 2022, and Judge Heryford issued a ruling on August 12, 2022, 108 days later. In a letter received

October 28, 2024, Judge Heryford admitted the delayed decision in *Master Extracts*, and wrote that, "*I have taken* the following steps *to ensure this does not happen again* … A list of under submission matters (if any) is attached to my pay affidavit with the relevant dates for when taken under submission and due date." (Emphasis added.) This statement was misleading, because it implied that Judge Heryford had newly created a practice that was already in place – the attaching of a list of submitted matters to the monthly pay affidavit for the judges of Trinity County Superior Court.

In a letter dated November 12, 2024, Judge Heryford wrote, "At the time, as well as now, our court clerks *notify the judicial secretary* of matters taken under submission and *the judicial secretary calendars and tracks those matters*." (Emphasis added.) This statement was misleading, as it omitted that, at all relevant times, court staff maintained a practice of notifying judges personally, on at least a monthly basis, of matters that were under submission.

In the November 12 letter, Judge Heryford stated that he had not become aware that his August 12, 2022 ruling in *Master Extracts* was issued more than 90 days after a motion was submitted until his receipt of the commission's preliminary investigation letter. During the period when the *Master Extracts* motion was pending, however, the court's system for tracking matters under submission, and informing judges of matters approaching 90 days under submission, was in effect. Judge Heryford acknowledged this in a March 18, 2025 letter to the commission.

Judge Heryford's conduct violated the Code of Judicial Ethics, canons 3D(4) (a judge shall cooperate with judicial … disciplinary agencies), 2A, and 1.

* * *

By issuing 20 delayed decisions over a period of four years and engaging in a lack of candor with the commission, Judge Heryford's conduct constituted, at a minimum, persistent failure to perform judicial duties and conduct prejudicial to the administration of justice that brings the judicial office into disrepute. (Cal.

Const., art. VI, section 18, subd. (d).) By knowingly signing false statements and improperly receiving judicial salary, Judge Heryford's conduct constituted a conscious disregard of the limits of judicial authority, and amounted to willful misconduct. (*Ibid*.)

Judge Heryford has no prior history of commission discipline.

* * *

By signing this Stipulation, in addition to consenting to discipline on the terms set forth, Judge Heryford expressly admits that the foregoing facts are true and that he agrees with the stated legal conclusions. Throughout the commission's investigation and the negotiation of this Stipulation, commission counsel reminded Judge Heryford that he had the right to be represented by counsel. Judge Heryford had a sufficient opportunity to confer with counsel regarding this Stipulation.

DISCIPLINE

In determining to accept this Stipulation and impose this public censure, which is the strongest sanction that may be imposed on a judge short of removal from the bench, the commission concluded that the purpose of judicial discipline, as enunciated in *Broadman*—protection of the public, enforcement of rigorous standards of judicial conduct, and maintenance of public confidence in the integrity and independence of the judicial system—can be accomplished through a public censure. (*Broadman v. Commission on Judicial Performance* (1998) 18 Cal.4th 1079, 1111-1112, citing *Adams v. Commission on Judicial Performance* (1995) 10 Cal.4th 866, 912.) Accordingly, the commission hereby imposes this public censure of Judge Heryford.

Commission members Hon. Lisa B. Lench; Mani Sheik, Esq.; Ms. Leisa Biggers; Mr. Alton L. Garrett, Jr.; Rickey Ivie, Esq.; Ms. Kay Cooperman Jue; Hon. Julia C. Kelety; Hon. Kimberly Merrifield; Mr. Gerald C. Shelton; and Ms.

Beatriz E. Tapia voted to accept the Stipulation and to issue this public censure. Commission member Mr. Richard A. Long did not participate.

Date: 10/21/2025

On behalf of the
Commission on Judicial Performance,

Hon. Lisa B. Lench
Chairperson

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING JUDGE ERIC L. HERYFORD	STIPULATION FOR DISCIPLINE BY CONSENT (Rule 116.5)

Pursuant to Rules of the Commission on Judicial Performance, rule 116.5, Judge Eric L. Heryford of the Trinity County Superior Court and commission counsel (the "parties") submit this proposed disposition of the matters set forth in the commission's preliminary investigation letter, dated October 10, 2024, and supplemental preliminary investigation letters, dated March 3, 2025, and May 12, 2025. The parties request that the commission resolve this matter by imposition of a censure. The parties believe that the settlement provided by this agreement is in the best interests of the commission and Judge Heryford because, among other reasons, in light of the stipulated facts and legal conclusions, a censure adequately protects the public and will avoid the delay and expense of further proceedings.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the commission's pending preliminary investigation involving Judge Heryford.

2. The commission shall issue a censure, based on the agreed Stipulated Facts and Legal Conclusions set forth therein.

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

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

7. The commission may reject this proposed disposition and resume its preliminary investigation. If the commission does so, nothing in this proposed disposition will be deemed to be admitted or conceded by either party.

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

STIPULATED FACTS AND LEGAL CONCLUSIONS

This disciplinary matter concerns Judge Eric L Heryford, a judge of the Trinity County Superior Court since 2018. His current term began in January 2021.

Canon 3B(8) requires that a judge "dispose of all judicial matters fairly, promptly, and efficiently." The California Constitution provides that a judge may receive a salary only if no "cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision." (Cal. Const., art. VI, § 19.) California Rules of Court, rule 2.900, defines a "matter under submission." The rule provides that "[a] cause is deemed submitted in a trial court when either of the following first occurs: (1) The date the court orders a matter submitted; or (2) The date the final paper is required to be filed or the date an argument is heard, whichever is later." (Cal. Rules of Court, rule 2.900(a).)

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1. Delayed Decisions

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Judge Heryford's conduct violated the Code of Judicial Ethics, canons 3B(8), 3 (a judge shall perform the duties of judicial office impartially, competently, and diligently), 3A (a judge shall accord precedence to all of the judicial duties prescribed by law over all other activities), 2A (a judge shall respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity of the judiciary), 3C(2) (a judge shall maintain professional competence in judicial administration and cooperate with

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

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Judge Heryford has no prior history of commission discipline.

* * *

By signing this Stipulation, in addition to consenting to discipline on the terms set forth, Judge Heryford expressly admits that the foregoing facts are true and that he agrees with the stated legal conclusions. Throughout the commission's investigation and the negotiation of this Stipulation, commission counsel reminded Judge Heryford that he had the right to be represented by counsel. Judge Heryford had a sufficient opportunity to confer with counsel regarding this Stipulation.

Dated: July 31, 2025.

Judge Eric L. Heryford

Dated: Aug. 8, 2025.

Gregory Dresser
Director-Chief Counsel