STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING JUDGE SUSANNE M. RIZO	DECISION AND ORDER IMPOSING PUBLIC ADMONISHMENT

This disciplinary matter concerns Judge Susanne M. Rizo, a judge of the Inyo County Superior Court since 2021. Her current term began in 2021. Pursuant to rule 114 of the Rules of the Commission on Judicial Performance, Judge Rizo and her attorney, Joanna L. Storey Mishler, appeared before the commission on October 8, 2025, to contest the imposition of a tentative public admonishment issued on July 15, 2025. Judge Rizo waived her right to formal proceedings under rule 118 and to review by the Supreme Court. Having considered the written and oral objections and argument submitted by Judge Rizo and her counsel, and good cause appearing, the Commission on Judicial Performance issues this public admonishment pursuant to article VI, section 18(d) of the California Constitution, based upon the statement of facts and reasons set forth below.

STATEMENT OF FACTS AND REASONS

Judge Rizo failed to cooperate with court administrators and the presiding judge, spoke about litigants and their pending cases in an area of the courthouse where she could be overheard, improperly dismissed a case, and made a probable cause determination concerning a litigant from whose cases she was disqualified, as discussed below.

1. Failure to Cooperate with Court Administrators and the Presiding Judge

Judge Rizo failed to cooperate with court administrators and the court's presiding judge by: A) reporting two court administrators to the State Bar alleging that they were engaging in the "unauthorized practice of law" and asserting that the presiding judge "aided and abetted" them, and B) responding to routine scheduling communications in a volatile and disproportionate manner, as set forth below.

A. State Bar Reports

On July 5, 2024, Judge Rizo filed two complaints with the State Bar of California, alleging that Court Executive Officer Pamela Foster and Court Operations Manager Lindsay Eropkin were engaged in the unauthorized practice of law. She also alleged that Presiding Judge Stephen Place was "aiding and abetting" the unauthorized practice of law by these employees. Presiding Judge Place is the only other judge in Inyo county's two-judge court.

Judge Rizo asserted that Ms. Foster and Ms. Eropkin had opposed her "legal directives" regarding the court's obligation to provide notice in probate guardianship cases involving the Indian Child Welfare Act (ICWA). Judge Rizo stated that Ms. Foster and Ms. Eropkin challenged her interpretation of statutes and opposed her opinions in a manner that constituted the unauthorized practice of law.

On August 7, 2024, Judge Rizo supplemented her complaint to the State Bar. She recounted a series of communications, between September 2022 and May 2024, in which she and Ms. Eropkin and/or Ms. Foster discussed issues of court procedure, notice, and calendaring. Judge Rizo stated to the State Bar, "If it is found that unlawful practice of law is occurring[,] I hope the individuals involved are prosecuted to the fullest extent."

The unauthorized practice of law violates section 6125 of the Business and Professions Code and is a misdemeanor, punishable by up to a year in jail and a

$1,000 fine. The State Bar closed Judge Rizo's complaint on August 28, 2024, finding that the evidence was insufficient to establish that Ms. Eropkin or Ms. Foster were engaged in the unauthorized practice of law.

In her response to the commission's preliminary investigation letter, Judge Rizo acknowledged that she filed complaints about Ms. Foster and Ms. Eropkin with the State Bar, and told the State Bar that the presiding judge was "aiding and abetting" the unauthorized practice of law by these court employees, and that she hoped the individuals involved were "prosecuted to the fullest extent." Judge Rizo asserted that she submitted her complaint "as a member of the public," noting that the State Bar has some jurisdiction over the unauthorized practice of law.

More than six weeks before Judge Rizo filed her complaint with the State Bar, Ms. Eropkin had agreed to work to modify the court's procedure for providing notice in probate guardianship cases involving ICWA and to notify the clerks of the change. Court staff had also taken steps to address other issues Judge Rizo raised in her complaint to the State Bar. At Judge Rizo's request, the court modified procedures for handling continuances in traffic infractions. After initially holding a number of Judge Rizo's rulings dismissing traffic citations, the court issued the dismissals. While acknowledging these facts, Judge Rizo asserted in her response that the issue of notice to tribes in certain proceedings "did not timely resolve as promised." She also stated that the delayed issuance of her dismissal of multiple traffic citations did not resolve her concern that court managers were engaging in a "*pattern and practice* of the unlawful practice of law." (Emphasis in original.)

In her objections, Judge Rizo continued to deny any misconduct related to her complaints to the State Bar, insisted she had made the referral in good faith, and asserted that she had no other recourse because Ms. Foster and Ms. Eropkin refused to follow her directions. The communications between Judge Rizo and Ms. Foster do not, however, support such a contention. Rather, the

communications reflect that, while Ms. Foster may have disagreed with some of Judge Rizo's suggestions to change court policies or procedures, and engaged in some back-and-forth discussions with the judge, Ms. Foster ultimately followed Judge Rizo's direction, with modifications to correct for issues Judge Rizo initially misunderstood.

The commission further concluded that Judge Rizo filed the complaints without a good faith basis and that there was no colorable argument that Ms. Foster and Ms. Eropkin were practicing law. The " ' "practice" of law is the doing or performing services in a court of justice, in any matter pending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured, although such matter may or may not be pending in a court.' " (*State Bar of California v. Superior Court of Los Angeles County* (1929) 207 Cal. 323, 335 citing *Eley v. Miller*, 7 Ind. App. 529.) Ms. Foster and Ms. Eropkin were not representing clients, providing legal advice, or drafting legal instruments for clients, but rather, were assisting Judge Rizo with her judicial duties and ensuring that the court, including its judges and its clerks, adhered to the law and court procedures.

Ms. Foster, as the Court Executive Officer, had the responsibility for "overseeing the management and administration of the nonjudicial operations of the court and allocating resources in a manner that promotes access to justice for all members of the public, provid[ing] a forum for the fair and expeditious resolution of disputes, maximiz[ing] the use of judicial and other resources, increas[ing] efficiency in court operations, and enhanc[ing] service to the public." (Cal. Rules of Court, rule 10.610(b).) Ms. Foster, and her staff, including Ms. Eropkin, were required to interpret and apply relative codes and statutes to ensure the court was processing cases in accordance with the law and ensure the court's administrative policies and procedures were applied consistently and

fairly. Ms. Foster and Ms. Eropkin's disagreement with Judge Rizo, or engaging in discussions regarding court procedures with her, cannot be deemed to be practicing law within any reasonable meaning of the term.

As Judge Rothman observes in the Judicial Conduct Handbook:

> Even though the judge is responsible for managing the courtroom, staff members are employed by the court, not the judge. They have obligations and a chain of command outside and independent of judicial control, desire, or authority. A judge needs to know the limits on his or her authority regarding staff, including the limits on a judge's power to give direction to staff, and the rules regarding a judge's conduct toward staff.

(Rothman et al., Jud. Conduct Handbook (4th ed. 2017) § 8.24, p. 513.)

The commission further found that Judge Rizo's conduct in filing these complaints gave the appearance that she was retaliating against Ms. Foster and Ms. Eropkin for bringing attention to mistakes Judge Rizo made, submitting complaints about Judge Rizo, and, in the case of Ms. Foster, participating in obtaining an outside investigation of complaints against Judge Rizo.

Judge Rizo's conduct constituted a failure to maintain professional competence in judicial administration and cooperate with other judges and court officials in the administration of court business (canon 3C(2)); diligently discharge administrative responsibilities impartially and in a manner that promotes public confidence in the integrity of the judiciary (canon 3C(1)); maintain and uphold high standards of conduct (canon 1); avoid impropriety and the appearance of impropriety (canon 2); and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (canon 2A).

B. Request for Leave

On June 3, 2024, Judge Rizo informed Ms. Foster and Presiding Judge Place by email that she had a medical appointment on June 18, 2024. She apologized for the inconvenience and proposed that some of the cases on her calendar be moved to another date. In response, Ms. Foster replied that moving

the calendar was "problematic." She said that she would try to find another judge to cover the calendar, noting that it was only two weeks away. She added, "[I]f we can't find someone we can talk about other options."

That evening, Judge Rizo informed Presiding Judge Place and Ms. Foster by email that she was on a waitlist for the appointment and so, her need for coverage could change. Approximately fifteen minutes later, Judge Rizo emailed Presiding Judge Place and informed him that she believed her medical concerns were being treated differently than his; she suggested that he "open an investigation." She stated, "I am have [*sic*] been and continue to be treated differently by administration based on my sex different [*sic*] from any other judge in our court I believe. [*Sic*.] I would hope you share my concern as it seems when you have had surgeries it goes without group emails calling into question the 'problematic' nature of your medical needs."

The following morning, Ms. Foster informed Judge Rizo by email that she had found a judge to cover Judge Rizo's calendar on June 18 and said she hoped Judge Rizo's doctor would be able to find an appointment for her. Ten minutes later, Judge Rizo informed Presiding Judge Place that she was retaining legal counsel and that any further emails would have legal counsel copied.

In her response to the commission's preliminary investigation letter, which alleged that Judge Rizo's response to Ms. Foster's email was volatile and disproportionate, Judge Rizo asserted that, on previous occasions, Presiding Judge Place did not honor her requests to take medical leave, rather than vacation leave, for medical appointments that required her to travel out of the area. She asserted that, in contrast, Presiding Judge Place had taken lengthy leaves for medical reasons. Regardless of any such history, the subject of the conversation described above was how to cover Judge Rizo's cases in the event that she could not be present in court due to a medical appointment.

In her objections, Judge Rizo acknowledged that she "should have taken a different approach" in her communications regarding her request for leave. The

commission concluded that Judge Rizo's response to Ms. Foster's statement that moving the calendar was "problematic" was volatile and disproportionate, and reflected a failure to cooperate with Ms. Foster and Presiding Judge Place in the administration of court business. "Judges must conduct themselves in a judicious and professional manner in relation to courtroom staff and other court employees." (Rothman, *supra*, § 6.27, at p. 367.)

The commission concluded that Judge Rizo's conduct constituted a failure to cooperate with other judges and court officials in the administration of court business, in violation of canon 3C(2), and also violated canons 1, 2, and 2A.

2. Comments about Litigants and Cases

Judge Rizo made improper comments in the clerks' area of the courthouse about litigants and their pending cases, as discussed below.

A. *Emisa Rinkevich v. Occean Hyles*

On January 26, 2024, Judge Rizo presided over a hearing in *Emisa Rinkevich v. Occean Hyles* (No. 24FL70248), concerning the mother's reports that, after she agreed to allow the parties' child to have an overnight visit with the father, the father refused to return the child. Reportedly, the father had recently started visitation, after a seven-year absence. After the hearing, Judge Rizo entered the clerks' area and engaged in a conversation with court staff about the case. Describing this conversation, Judge Rizo reported that she "expressed her distress and compassion for the petitioner's situation to the clerks." The mother (petitioner), who was outside the clerk's office and out of Judge Rizo's sight, overheard the conversation and started to cry. As Judge Rizo was speaking, the mother entered the clerk's office and asked for help. Judge Rizo was concerned that the mother heard the remarks she made to the clerks and said that she would recuse herself from the case. As the mother continued asking for help, Judge Rizo said she could not give the mother legal advice and repeated that she was going to recuse herself. In her response to the commission's

preliminary investigation letter, Judge Rizo said she believed that, during this exchange, she told the mother that, if she wanted to speak to someone, she could reach out to the sheriff's department. As a result of this interaction, the judge disqualified herself from *Rinkevich v. Hyles*.

The commission found that Judge Rizo's conduct in speaking about *Rinkevich v. Hyles* with the clerks in a manner that was overheard by one of the litigants, and that resulted in the judge's recusal, constituted a failure to perform the duties of judicial office impartially, competently, and diligently, in violation of canon 3; and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of canon 2A. The commission further found that the judge's conduct in speaking directly with Ms. Rinkevich in the clerk's office, including telling her that she could reach out to law enforcement officers, constituted an improper ex parte communication, in violation of canon 3B(7), and gave an appearance of bias, in violation of canon 3B(5).

B. *Ginger Haskin v. Cullen Daugherty*

On July 10, 2024, an ex parte request for orders came before Judge Rizo in *Ginger Haskin v. Cullen Daugherty* (No. 24LC70993). The respondent, Mr. Daugherty, was in a romantic relationship with a court clerk. Before the case was heard, Judge Rizo spoke about the case in a manner that could be overheard by the clerks in the clerk's office. The clerks were aware Judge Rizo was speaking about a litigant who was in a relationship with one of the clerks. The case involved allegations that Mr. Daugherty had cut off the petitioner's electricity during a period of very high temperatures.

In her response to the commission's preliminary investigation letter, Judge Rizo stated that she was not aware the respondent was in a relationship with a court clerk when the court received the ex parte request in *Haskin v. Daugherty*. When Judge Rizo called the case, the respondent's counsel filed a peremptory challenge against her, which she granted. She went to Presiding Judge Place's

chambers to ask whether he could preside in the case. She spoke to him in his doorway, which is in the clerks' area, and "informed Presiding Judge Place about the facts of the case briefly."

Judge Rizo said she learned from the commission's preliminary investigation letter that Mr. Daugherty was in a romantic relationship with a court clerk. She subsequently sent an email to the clerk, saying she had not intended to say anything hurtful.

The commission found that, by speaking about the facts of *Haskin v. Daugherty*, before the case was heard and in a manner that was overheard by the court's clerks, Judge Rizo violated canons 3 and 2A. The commission observed that, if Judge Rizo spoke with Judge Place about the facts of a case from which she was disqualified, as her response suggested, her conduct would raise additional ethical concerns.

C. *C.Y.C. v. L.B.*

Judge Rizo presided over a family law matter, *C.Y.C. v. L.B.* (No. SIPTSQ-2019-559), which came before her for many hearings. On one hearing date, Judge Rizo entered the clerks' area and said words to the effect of: "Will this case ever die?"

The commission found that Judge Rizo's remarks about this case were discourteous and undignified, in violation of canon 3B(4), and also violated canon 2A.

3. Dismissal of *People v. William Calderon Jauregui*

In the Spring of 2022, Presiding Judge Place began assigning Judge Rizo to hear traffic infractions. Judge Rizo expressed concern to Presiding Judge Place about the addition of traffic cases to her workload. On July 13, 2022, a traffic infraction came before Judge Rizo, *People v. William Calderon Jauregui* (No. ICMB-INTR 2022-3209). Mr. Jauregui requested a dismissal on the basis that his speedy trial rights had been violated and, alternatively, that the complaint

against him was not "verified." After he made his arguments, Judge Rizo took a brief recess. Upon retaking the bench, Judge Rizo explained to Mr. Jauregui her conclusion that the statute he cited did not make the hearing date untimely, and that his infraction citation did not need to be verified. Judge Rizo then dismissed his case, stating:

> So[,] what I'm going to do is this: It's not normal for me to dismiss a citation but I will do that in the interest of justice due to the fact that I'm sitting on assignment this morning that I normally don't sit on. I do not have any resources at this time available to me to verify if the -- if by having the citation out beyond the 21 days or, as you have explained, the 120 days is appropriate or not, I will dismiss the citation.

(R.T. 8:4-12.)

In her response to the commission's preliminary investigation letter, Judge Rizo stated that this case was called the first time she handled the criminal arraignment calendar, when she had "minimal" training. Although this may have been a new assignment, Judge Rizo had been on the bench for eighteen months by the date of this hearing.

The commission found that it was improper for Judge Rizo to dismiss a case for the stated reason that she was presiding in an assignment that she "normally [did]n't sit on" and did not have resources to verify whether the defendant's arguments for dismissal were valid. Judge Rizo's handling of this matter violated her duty to perform judicial duties impartially, competently, and diligently (canon 3); manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law (canon 3B(8)); and respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and the impartiality of the judiciary (canon 2A).

4. Disqualification from *People v. Angel Jacoba Schat*

On February 25, 2025, Judge Rizo reviewed a probable cause declaration concerning Angel Jacoba Schat, who was arrested for violating a domestic violence restraining order and driving with a suspended license. (Pen. Code, § 273.6, subd. (a); Veh. Code, § 14601.1, subd. (a).) The declaration described the events leading to Ms. Schat's arrest and identified Paul Schat of Schat Bakery as Ms. Schat's next of kin. After reviewing this declaration, Judge Rizo signed the following statement: "On the basis of the foregoing declaration I hereby determine there is probable cause to believe this arrestee has committed a crime."

On the same day, Judge Rizo signed a statement of disqualification in which she recused herself from *People v. Angel Jacoba Schat*. Judge Rizo's declaration included no case number, as a criminal case had not yet been filed against Ms. Schat. The judge affixed a yellow note directing staff to "please lodge once complaint filed for arraignment." Since taking the bench, Judge Rizo had routinely recused herself from cases involving Ms. Schat. Ms. Schat's father, Erick Schat, contributed $3,000 to Judge Rizo's judicial campaign in 2020, as one of two reported outside donors.

In response to the commission's preliminary investigation letter alleging that she made a probable cause determination while disqualified, Judge Rizo asserted that the probable cause determination was urgent and did not require her to assess the truthfulness of the underlying declaration. She said she recused herself from the impending criminal case because "[a] person aware of the facts might reasonably entertain a doubt that [she] would be able to be impartial." (Code Civ. Proc., § 170.1, subd. (a)(6)(A)(iii).)

The commission found that, in light of Judge Rizo's recusal from the impending criminal case against Ms. Schat, the judge improperly failed to recuse herself from making the probable cause determination regarding Ms. Schat. The

commentary to canon 3E(1) directly addresses probable cause determinations, as follows. "[I]f a judge has a disqualifying interest in a matter, the judge is disqualified from taking any action in the matter, even if it predates the actual filing of a case, such as making a probable cause determination, signing a search or arrest warrant, setting bail, or ordering an own recognizance release." The commentary explains that this application of the canon "assures the parties and the public of the integrity and fairness of the judicial process."

Judge Rizo's handling of this matter violated her duty to disqualify herself in any proceeding in which disqualification is required by law (canon 3E(1)); to hear and decide all matters assigned to her except those in which she is disqualified (canon 3B(1)); to perform her duties impartially, competently, and diligently (canon 3); to avoid impropriety and the appearance of impropriety (canon 2); and to follow the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (canon 2A).

Judge Rizo's conduct, as described above, at a minimum, constituted improper action. (Cal. Const., art. VI, section 18, subd. (d).)

DISCIPLINE

In determining to impose this public admonishment, the commission considered the fact that this matter involved numerous acts of misconduct, both in and out of the courtroom. (See policy declaration 7.1(1)(a) [the number of acts of misconduct].) While Judge Rizo admitted her wrongdoing as to most of the misconduct (see policy declaration 7.1(2)(a) [whether the judge has acknowledged the acts occurred and has shown an appreciation of the impropriety of his or her acts]), the commission considered Judge Rizo's reports of Ms. Foster and Ms. Eropkin to the State Bar to be particularly serious. Ms. Eropkin and Ms. Foster were required to file full responses with the State Bar and live with the possibility of a criminal prosecution hanging over their heads until the complaints were dismissed. Judge Rizo's misconduct also created a

contentious atmosphere in a small court. (See policy declarations 7.1(1)(b) [the nature and seriousness of the misconduct] and 7.1(1)(f) [the nature and extent to which the misconduct has been injurious to other persons].) Further, Judge Rizo's conduct appeared vindictive and disrupted the small court on which Judge Rizo serves. (See policy declaration 7.1(1)(g) [whether the judge was motivated by a desire to satisfy a personal or venal interest, vindictiveness, or an interest in justice, or compassion].)

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 impose the public admonishment. Commission member Mr. Richard A. Long did not participate.

Date: October 29, 2025

Hon. Lisa B. Lench
Chairperson