

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING
JUDGE SUSAN BRYANT-DEASON

DECISION AND ORDER IMPOSING
PUBLIC ADMONISHMENT

This disciplinary matter concerns Judge Susan Bryant-Deason, a judge of the Los Angeles County Superior Court since 1995. Her current term began in 2025. Pursuant to rule 114 of the Rules of the Commission on Judicial Performance, Judge Bryant-Deason and her attorney, Randall A. Miller, appeared before the commission on May 6, 2026, to contest the imposition of a tentative public admonishment issued on February 3, 2026. Judge Bryant-Deason 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 Bryant-Deason 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

“For many members of the public, jury duty is their only direct contact with the court system. When a judge engages in a pattern of discourteous and undignified treatment of jurors, public confidence in the integrity and impartiality of the judicial system is eroded.” (*Inquiry Concerning Clarke* (2016) 1 Cal.5th CJP Supp. 1, p. 6.) As described below, the commission found that Judge Bryant-Deason’s treatment of two prospective jurors, who appeared to possess insufficient knowledge of the English language to serve on a jury, was rude and discourteous and could reasonably be perceived as reflecting bias or prejudice.

Judge Bryant-Deason presided over the jury trial of *Shashikant Jogani v. Haresh Jogani, et al.*, No. BC290553, from September 18, 2023, to March 8, 2024. The case involved a family dispute about the ownership of a real estate portfolio and a diamond business.

On September 20, 2023, Judge Bryant-Deason questioned a prospective juror about her ability to speak and understand English in the following exchange:

THE COURT: How long have you been in this country?

PROSPECTIVE JUROR: About 20 years.

[¶] . . . [¶]

THE COURT: Were you educated in -- in -- where? China where?

PROSPECTIVE JUROR: China.

THE COURT: In China.

PROSPECTIVE JUROR: Uh-huh.

THE COURT: Where, Singapore?

PROSPECTIVE JUROR: No. Just China.

THE COURT: Where in China?

PROSPECTIVE JUROR: Shanghai.

THE COURT: In Shanghai?

PROSPECTIVE JUROR: Uh-huh.

[¶] . . . [¶]

THE COURT: And then you came over here 20 years ago?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. And what have you been doing in those 20 years?

PROSPECTIVE JUROR: Before I work I don't know how to say.

THE COURT: Do you have a driver's license?

PROSPECTIVE JUROR: Yes.

THE COURT: Oh, okay. So you could pass the driver[']s test.

PROSPECTIVE JUROR: Yes.

THE COURT: And you're an American citizen; right?

PROSPECTIVE JUROR: Yes.

THE COURT: And you passed the -- you got your citizenship[,] so you passed the test in English; right?

PROSPECTIVE JUROR: I -- just memorized the -- oh, I'm sorry. I can't speak.

[¶] . . . [¶]

THE COURT: Okay. And so[,] do [your children] go to school here, in the United States?

[¶] . . . [¶]

PROSPECTIVE JUROR: She graduates -- my one grads for Chicago University. Another one grad for UC Berkeley.

THE COURT: Well, those aren't slouchy schools. That is for sure. [¶] So[,] they had to do that in English. So[,] when they were at home with you, did you speak English?

PROSPECTIVE JUROR: Little.

THE COURT: So[,] they didn't speak to you and around your house in English, and then they got into these universities?

PROSPECTIVE JUROR: At home we speak Chinese.

THE COURT: Uh-huh.

[¶] . . . [¶]

THE COURT: *Why did you want to come here and live? Why did you want to come here and live?*¹

PROSPECTIVE JUROR: Come here?

THE COURT: *Why? You don't speak English. You're not doing anything in our society. You can't be on a jury. What are you doing? What are you doing here?*

PROSPECTIVE JUROR: I don't understand.

THE COURT: *Too bad. Okay. Thank you.*

(R.T. 69:13-73:10, italics added.)

On September 21, 2023, Judge Bryant-Deason questioned another prospective juror about her ability to speak and understand English in the following exchange:

THE COURT: We don't speak Chinese or Japanese. What's your language?

PROSPECTIVE JUROR: Chinese.

THE COURT: How long have you been here in the United States?

PROSPECTIVE JUROR: I come here maybe 1985.

THE COURT: So[,] you've been here since 1985. That means you've been here almost 40 years, right?

PROSPECTIVE JUROR: Yes, 38.

¹ The italicization in the transcript reflects the language the commission concludes constituted misconduct. There are other comments in the quoted transcript, which, standing alone, do not constitute misconduct, but are included for context and completeness.

THE COURT: Very good math. I like it. . . .

[¶] . . . [¶]

THE COURT: Are [your children] all American citizens now?

PROSPECTIVE JUROR: My children?

THE COURT: Your children, are they American citizens?

PROSPECTIVE JUROR: Yes.

THE COURT: Great. How about you? You're an American citizen, right?

PROSPECTIVE JUROR: Excuse me?

THE COURT: You are an American citizen?

PROSPECTIVE JUROR: Yes. Me?

THE COURT: Yes, you. When did you become a citizen, how long?

PROSPECTIVE JUROR: When? Maybe '95 or '96.

[¶] . . . [¶]

THE COURT: Do you speak Chinese to [your grandchildren] or English?

PROSPECTIVE JUROR: My grandson, English, and little bit Chinese, too.

THE COURT: What's your husband do?

PROSPECTIVE JUROR: He died.

THE COURT: When?

PROSPECTIVE JUROR: Ten years.

THE COURT: Ten years ago. I see. *Well, have you ever thought about taking an English class?*

PROSPECTIVE JUROR: Excuse me?

THE COURT: *Have you ever thought about taking an English class?*

PROSPECTIVE JUROR: No.

THE COURT: *No? I never thought about taking a Chinese class either, but I don't live in China.*

PROSPECTIVE JUROR: I don't understand. Sorry.

THE COURT: *I think it might be a good idea. I don't think your English is quite good enough for this jury. Thank you for coming and for having the privilege of being in the United States as an American Citizen and being able to serve on a jury. You should be very thankful. Learn English.*

(R.T. 85:1-87:12, italics added.)

On February 15, 2024, Haresh Jogani filed a statement of disqualification against Judge Bryant-Deason, pursuant to Code of Civil Procedure sections 170.1(a)(6)(A)(iii) and 170.1(a)(6)(B). The statement of disqualification propounded multiple theories as to why Judge Bryant-Deason should be disqualified, including that she exhibited bias or prejudice against the two prospective jurors and two of Haresh Jogani's attorneys, and that a person aware of the facts might reasonably entertain a doubt that she would be able to be impartial. On April 23, 2024, Orange County Superior Court Judge Cheri Pham denied the statement of disqualification asserted against Judge Bryant-Deason, stating:

A person aware of all the facts would not reasonably entertain a doubt that Judge Bryant-Deason would be able to be impartial in this proceeding. Nor have the Haresh Defendants offered any evidence to show that Judge Bryant-Deason is biased or prejudiced against a party or attorney in this proceeding. The Statement of Disqualification is therefore denied.

Judge Pham found, however, that Judge Bryant-Deason's statements to the two prospective jurors, as described above, were insensitive and inappropriate.

The commission concluded that Judge Bryant-Deason's conduct constituted a violation of her duties to be patient, dignified, and courteous to jurors and others with whom a judge deals in an official capacity (canon 3B(4)); to perform judicial duties without bias or prejudice or the appearance thereof (canon 3B(5)); to avoid impropriety and the appearance of impropriety in all of a judge's activities (canon 2); to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (canon 2A); and to uphold the integrity and independence of the judiciary (canon 1).

In her response to the preliminary investigation letter and in her objections to the Notice of Tentative Public Admonishment (Notice), Judge Bryant-Deason argued that Judge Pham's denial of the statement of disqualification precluded a finding by the commission that the judge had engaged in misconduct. The commission disagrees. The fact that Judge Pham made a finding that Judge Bryant-Deason was not biased against a party is not incompatible with the commission's conclusion that Judge Bryant-Deason violated the canons by engaging in speech towards two potential jurors that was rude and discourteous and could reasonably be perceived as reflecting bias or prejudice.

In her response to the preliminary investigation letter and in her objections to the Notice, Judge Bryant-Deason asserted that, while some of her comments were insensitive, her colloquy with the prospective jurors was necessary to determine whether they understood English well enough to serve on the jury, pursuant to section 203 of the Code of Civil Procedure.² At her appearance before the commission, Judge Bryant-Deason indicated that she did not intend to be insensitive, and her questions were intended to inquire about the potential jurors' ability to participate in the jury trial, and fulfill their roles as citizens. Judge

² Section 203 of the Code of Civil Procedure provides a list of disqualifiers for jury service. Subsection (6) prohibits "[p]ersons who are not possessed of sufficient knowledge of the English language," from serving on a jury.

Bryant-Deason also indicated that she believed the first potential juror was being disingenuous and “not honest” regarding her knowledge of the English language.

The commission notes it was not improper for Judge Bryant-Deason to question the prospective jurors about their ability to speak and understand English; nor was it improper for the judge to excuse the jurors for their lack of English proficiency. Judge Bryant-Deason had a duty to inquire into the potential jurors’ knowledge of the English language. The duty to make such an inquiry did not, however, lessen her duty to ensure that her remarks to prospective jurors were courteous and dignified and did not create an appearance of bias or prejudice. In particular, her comments to the first potential juror:

Why did you want to come here and live? Why did you want to come here and live? ... [¶] ... Why? You don’t speak English. You’re not doing anything in our society. You can’t be on a jury. What are you doing? What are you doing here?

were demeaning, disparaging, and unnecessary to determine whether the potential juror understood English well enough to serve on the jury. Further, Judge Bryant-Deason’s comments created the appearance that the judge was affronted by the prospective juror not speaking English and the judge’s belief that the prospective juror was “not doing anything in our society.”

In her response to the preliminary investigation letter and in her objections to the Notice, Judge Bryant-Deason also asserted that the *Jogani* matter was contentious, complicated, and time-consuming. The judge noted that jury selection lasted ten days and required eight jury panels. The fact that the matter before a judge is difficult, however, does not absolve a judge from their obligations under the canons to refrain from language that is rude and discourteous or creates an appearance of bias or prejudice. As the commission has previously noted, while jury selection may be “long and stressful ... and ... evaluating hardship claims can be difficult[,] ... this does not excuse [a judge’s]

disrespectful treatment of [] jurors.” (*Inquiry Concerning Clarke, supra*, 1 Cal.5th CJP Supp. at p. 31.)

The judge’s conduct, as described above, at a minimum, constituted improper action. (Cal. Const., art. VI, section 18, subd. (d).)

DISCIPLINE

In determining to issue this public admonishment, the commission acknowledges Judge Bryant-Deason’s 30 years of service on the bench, her contributions to the judiciary, and her lack of prior discipline. (See Policy Declarations of Com. on Jud. Performance, policies 7.1(2)(d) [the judge’s length of service in a judicial capacity] and 7.1(2)(e) [whether there has been prior disciplinary action concerning the judge].) Judge Bryant-Deason’s remarks, however, regardless of her intent, were of a nature to undermine public confidence in the integrity and impartiality of the judicial system. (See Policy Declarations of Com. on Jud. Performance, policy 7.1(1)(h) [whether the misconduct undermines the integrity of the judiciary, respect for the judiciary or the administration of justice].) Jury service is essential to maintaining one of the bedrocks of our judicial system, the Sixth Amendment right to trial by an impartial jury. For many citizens, their only direct contact with the court system may be when they are called for jury duty. A poor experience during jury service is likely to have a negative effect on how the potential juror and others in the courtroom view the judiciary. Public confidence in the integrity and impartiality of the judicial system is harmed when a judge fails to treat prospective jurors with respect and dignity. The commission also concluded that Judge Bryant-Deason demonstrated a limited appreciation of the impropriety of her conduct. (See Policy Declarations of Com. on Jud. Performance, policy 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].) While Judge Bryant-Deason acknowledged that her remarks were insensitive, she did not appear to fully grasp that her remarks created the appearance of bias or prejudice against the potential jurors whom

she viewed as taking advantage of the “privilege” of being citizens, but who were not contributing to society because they did not have sufficient knowledge of the English language to serve on a jury.

Commission members Mani Sheik, Esq.; Ms. Leisa Biggers; Ms. Kay Cooperman Jue; Hon. Julia C. Kelety; Mr. Richard A. Long; Hon. Kimberly Merrifield; Mr. Gerald C. Shelton; and Ms. Beatriz E. Tapia voted to impose the public admonishment. Commission members Hon. Lisa B. Lench and Rickey Ivie, Esq. were recused. Commission member Mr. Alton L. Garrett, Jr. did not participate.

Date: May 19, 2026

A handwritten signature in blue ink, appearing to read 'MS', is positioned above a horizontal line.

Mani Sheik, Esq.
Vice-Chairperson