
COMPLAINT ABOUT A CALIFORNIA JUDGE, COURT COMMISSIONER OR REFEREE

*Confidential under California Constitution
Article VI, Section 18, and Commission Rule 102*

For information about the Commission on Judicial Performance and instructions on filling out and submitting this form, please visit our website at <http://cjp.ca.gov>.

Today's date: January 9, 2020

Your name: Maria Michaels

Your telephone number: (415) 555-XXXX

Your address: 1234 Main Street, San Francisco, CA 94102

Your attorney's name: None

Your attorney's telephone number: None

Name of judge: Judge David Davis
OR

Name of court commissioner or referee:

(If your complaint involves a court commissioner or referee, you must first submit your complaint to the local court. If you have done so, please attach copies of your correspondence to and from that court.)

Court: Main Courthouse, Department XXX

County: San Francisco

Name of case and case number: Frank Fields v. Maria Michaels. Case Number 17FAMXXXXXXXX

Date conduct occurred: June 22, 2019 and September 5, 2019

Please specify what action or behavior of the judge, court commissioner or referee is the basis of your complaint. Provide relevant dates and the names of others present. (Use additional pages if necessary.)

On June 22, 2019, I had to take my ex-husband back to court because I was concerned he was neglecting our daughters during his parenting time. I don't have a lawyer. Judge Davis immediately began peppering me with questions, asking me why I was in court and why I filed ex parte. When I started to answer the judge's questions and explain how my ex-husband was putting our daughters in danger, the judge abruptly and repeatedly interrupted me. The judge yelled loudly and disparaged my arguments. For example, when I tried to tell the judge that my ex-husband had stopped taking our older daughter to her art therapy class, he interrupted me and said, "Art therapy? You mean that's something you actually pay for? Sounds like Dad is making the right choice" in a sarcastic tone. At one point, the judge angrily threw up his arms and said, "Get out, you're unbelievable." I started crying. Judge Davis rolled his eyes at me. I wasn't the only person the judge treated that way. I noticed that the judge also yelled at the people in the case that was called before mine.

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Complaint About A California Judge, Continued

The judge ordered us to mediation and said we should return to court for trial on September 5 if mediation didn't resolve the issue. I showed up to mediation, but my ex-husband refused to participate and walked out, so it was unsuccessful. The morning of September 5, I checked the calendar outside the courtroom and saw there were only two cases, us and one other, so I was hopeful the judge would be willing to listen to my witnesses (my mom and my younger daughter's Girl Scout troop leader) and review my evidence. The judge started by calling the other case first – the judge basically didn't let either parent talk, he just read from a paper in front of him and dismissed them. When the lady raised her hand to get his attention, he snapped at her, "This isn't an elementary school classroom, put your hand down."

When it was our turn, when my ex and I were walking up to our tables, the judge turned to his clerk and started angrily talking to her about a delay in getting missing files to him. He actually threw one file off the bench while he was yelling. The judge then let my ex-husband talk for a while. After my ex-husband finished, the judge told me I didn't have a case and made a comment about how I was wasting the court's time in a condescending, very nasty voice. The judge refused to let me call my witnesses and told me they weren't relevant. At the end of the hearing, the judge said I was a "hot mess" and that my children were suffering. For the second time, I left the courtroom in tears because of the way the judge treated me. Even the bailiff looked shocked (he mouthed "I'm sorry" to me when I was walking out). In his decision, the judge wrote, "The mother has been admonished for wasting judicial resources with frivolous motions." I've attached the judge's minute orders from June 22 and September 5.

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Today's date: 01/09/2020

Your name: Cindy Katz

Your telephone number: (408) 555-XXXX

Your address: 1234 Main Street, San Jose, CA 95113

Your attorney's name: Angelica Acton

Your attorney's telephone number:

Name of judge: Judge Jones
OR

Name of court commissioner or referee:

(If your complaint involves a court commissioner or referee, you must first submit your complaint to the local court. If you have done so, please attach copies of your correspondence to and from that court.)

Court: Department XXX, San Jose

County: Santa Clara

Name of case and case number: Cindy Katz v. Dr. Tina Thomas, 19CIVXXXXXX

Date conduct occurred: October 14, 2019

Please specify what action or behavior of the judge, court commissioner or referee is the basis of your complaint. Provide relevant dates and the names of others present. (Use additional pages if necessary.)

I had a court date for a status conference in my lawsuit against my dentist. When my lawyer and I got to court, I was surprised to see Judge Jones was hearing my case, because my lawyer told me that we'd recently filed to disqualify her and have my case assigned to another judge. When my case was called, the defendant's lawyer started talking to the judge about scheduling issues. For some reason, the disqualification challenge that my lawyer filed the day before wasn't in the case file. My lawyer informed the judge that we disqualified her. In response, the judge asked my lawyer, "Why did you paper me?" Judge Jones said she knew she wasn't supposed to ask why Ms. Acton challenged her, but she wanted to know why anyway. Then the judge said something about how Ms. Acton "better not" have any more cases in her department. Even though the judge spoke quietly, she appeared very angry -- her face got red and her tone of voice was hostile. Judge Jones ultimately said she would recuse herself from the case and sent us to another department, but my lawyer and I were both shocked. I've ordered the transcript from the hearing and can forward it to the commission when it comes in.

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Today's date: January 1, 2020

Your name: Steven Bancroft

Your telephone number: (619) 555-xxxx

Your address: 1234 Main Street
San Diego, CA 92118

Your attorney's name: None – I am pro per [former public defender: Max Johnston; from Feb 2018-August 2019]

Your attorney's telephone number: No attorney currently. [former attorney's number: (619) 555-xxxx]

Name of judge: Cole Sanders

OR

Name of court commissioner or referee:

(If your complaint involves a court commissioner or referee, you must first submit your complaint to the local court. If you have done so, please attach copies of your correspondence to and from that court.)

Court: Southwest Division Courthouse; Courtroom C-17

County: San Diego Superior Court

Name of case and case number: People v. Bancroft - CR-F189xxxx

Date conduct occurred: August 27 & 28, 2019

Please specify what action or behavior of the judge, court commissioner or referee is the basis of your complaint. Provide relevant dates and the names of others present. (Use additional pages if necessary.)

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On August 27, 2019, I had been ordered to appear in court at 9 a.m. for a pre-preliminary hearing conference. Without my knowledge, my attorney at the time, Mr. Johnson, had added my case to the calendar for an 8:30 a.m. hearing, so that he could declare a conflict and get the public defender off my case. The judge called the case at 8:45, and when he found out I was not present, he issued a bench warrant for my arrest, even though I had been ordered to appear in court at 9 a.m. and nobody had told me about the 8:30 hearing. (Mr. Johnson even told the judge that he didn't inform me about the time change.) Then, when I showed up for my hearing at 9 a.m., I was arrested on the bench warrant, even though no judge ever ordered me to appear at 8:30 a.m., and the public defender's office hadn't told me about it either. To make it even worse, as the bailiff was taking me into custody, she asked Judge Sanders whether he was going to call my case later in the morning, and the judge told her that the case would be called the next day, and I would have to stay in jail overnight!

(continued on next page...)

On August 28, 2019, I was brought into court from the holding cell for the pre-preliminary hearing conference. The judge had let my public defender conflict off the case the day before, but he never appointed a new attorney for me. Don't I have a right to an attorney? On August 28, when I was brought into the courtroom, the judge didn't offer to appoint a new attorney for me, or ask me any questions at all about whether I wanted an attorney or wanted to represent myself. The judge's behavior made it look like he didn't care at all whether I had an attorney or not. Since my former public defender managed to get me arrested the day before, I figured I might as well represent myself, but the judge should have at least asked me if that's what I wanted to do! During the same hearing (August 28), when the prosecutor gave me an offer on my case, it was way too high, so I rejected it. When I did, Judge Sanders told me that, if I didn't accept the DA's offer pre-prelim, I would NEVER get an offer that was as lenient. Those were his exact words: "You will never receive an offer that is better than this one, or even as good as this one. If you reject this offer today, I am not going to approve any similar offers after the preliminary hearing." I feel like the judge's statement reflected bias against me, and indicated that he was prejudging what the appropriate sentence should be in my case. I also felt like the judge was pressuring me or threatening me to take the DA's offer, or I would be punished. (He didn't actually use the word "punished," but that was the feeling I got from what he said.)

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Today's date: January 1, 2020

Your name: Clarence Stanley

Your telephone number: (213) 555-xxxx

Your address: 1234 Main Street
Los Angeles, CA 90018

Your attorney's name: None (I am pro per)

Your attorney's telephone number: None (I am pro per)

Name of judge: Samuel LaFontaine
OR

Name of court commissioner or referee:

(If your complaint involves a court commissioner or referee, you must first submit your complaint to the local court. If you have done so, please attach copies of your correspondence to and from that court.)

Court: Downtown Courthouse, Dept. XXX

County: Los Angeles

Name of case and case number: People v. Stanley - CR106xxxx

Date conduct occurred: November 16, 2019 and December 21, 2019

Please specify what action or behavior of the judge, court commissioner or referee is the basis of your complaint. Provide relevant dates and the names of others present. (Use additional pages if necessary.)

[This is page 1 of 2 total pages. See my full description of the conduct on page 2 of 2.]

Judge LaFontaine has been very rude and discourteous to the attorneys and defendants in his courtroom. On November 16, 2019, I had a status conference in my case, and I was in the courtroom waiting for my case to be called. (I was out of custody, and was representing myself.) While I was sitting in the audience, I saw the judge handle a DUI case that was also on calendar. I think the defendant's name was Salindaro or something like that. While they were up there talking about the case, the judge told the prosecutor, Ms. Doe, that she was crazy not to give the defendant an offer of reckless driving, and called her a bunch of nasty names. I think the judge's exact words were, "Your offer is insane. You are just too scared to use your prosecutorial discretion to achieve a fair result, but...you know...I think someday you will come to regret being a heartless human being." While he was saying that, the judge stood up, raised his voice really loudly, and pointed/shook his finger at the prosecutor. Then the judge shouted, "I know for a fact that you drink like a fish every weekend, so don't you be a hypocrite in my courtroom!" After that, the judge picked a file up off his desk, dropped it back down onto his bench so it made a very loud sound, and stormed out of the courtroom without saying another word to anyone. I would have expected him to say that he was taking a recess, or that the case was done, but he just left the courtroom, and all the staff were just looking around, wide-eyed, at each other, as if they were unsure of what to do next. After a couple minutes, the clerk announced that the court would take a 10 minute recess.

On a different day, December 21, 2019, I appeared out of custody for a bail hearing/motion by the prosecution in my case. I was still representing myself, and had rejected an offer to resolve the case, which I felt was really unfair. I wanted to exercise my right to a jury trial because I am innocent of the charges. After I rejected the offer, though, the judge ruled that my bail amount was going to be increased, and remanded me into custody! As the bailiff was coming over to me, I told the judge that I didn't want to go to jail, and the judge looked at me and said, "Do you have any idea what they do to skinny little white boys like you in jail? I guess you should have thought about that before rejecting the prosecutor's offer." I remember the judge's words very clearly – he definitely made reference to "skinny little white boys," and I think he was suggesting that I would be assaulted in jail.

On both days, I saw that there was a court reporter present, typing everything down that was being said. The reporter was also typing when the judge made his comment about "skinny little white boys," so I'm sure that the transcript will reflect those comments.

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