

## SAMPLE LETTER

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The Honorable Freddie Rodriguez  
Chair, Joint Legislative Audit Committee  
California State Capitol Building  
Sacramento CA, 95814

### In Support of Auditing the California Commission on Judicial Performance (CJP)

Dear Assemblymember Rodriguez:

Public confidence in the California courts is at an all-time low in the still unfolding aftermath of the Judge Aaron Persky ruling against Stanford University student rapist Brock Turner.

California has the largest judiciary in the United States, and it frequently holds itself out as a model for the world, yet [California received an F grade in judicial accountability](#) from the Center for Public Integrity in its 2015 State Integrity Investigation.

**ORGANIZATION** supports efforts to increase the transparency and accountability of California's Commission on Judicial Performance (CJP).

The CJP provides the only oversight of California's nearly 2,000 judges, who preside over more than 8 million cases annually. The outcome of each case has a lifelong impact on the persons involved and their families and friends. Judicial misconduct causes innocent people to be found guilty, guilty people to be found innocent, results in unfair and inconsistent sentencing, and causes permanent harm to children, families and individuals.

The CJP has publicly disciplined just 65 judges out of 11,097 complaints received over the past ten years. In its own report, it admits that only 1.45% of complaints by litigants (i.e. members of the public) have resulted in any judicial discipline by the CJP. Such low discipline rates are troubling. Further, the CJP withholds all information from the public about dismissed complaints and complaints that result in private discipline, which constitute over 80% of total disciplines.

Judges are public officials subject to re-election. The public is entitled to information about misconduct, even allegations of misconduct, in the performance of their duty as informed voters. Yet, the CJP withholds information that may impact an election. Such practices are contrary to the public interest.

According to a 2012 *Stanford Law Review* article, California has the lowest rate of contested judicial elections in the United States, [at 8%](#). So if no one files to run against incumbent judges seeking re-election, the judge's name does not even appear on the ballot 92% of the time, making the CJP's role that much more vital in protecting the public from judicial misconduct.

For these reasons, **ORGANIZATION** supports the following:

1. Following dismissal of a complaint: public disclosure of the complaint, the judge's response, and the commission's decision, along with a brief explanation and the votes of commission members. This will ensure that the commission is doing its job.
2. Reporting to the public the number of complaints by county and by judge. This will help to identify and address problematic counties and judges.
3. Elimination of private disciplines. The CJP should not be allowed to withhold information about actual (not merely alleged) misconduct.
4. A performance and financial audit of the Commission on Judicial Performance by the State Auditor to ensure the agency's policies and procedures are aligned with its constitutional mandate to protect the public.
5. A change in state law mandating that the names of incumbent judges appear on the ballot when that judge is being considered for re-election, regardless of whether or not the judge has an opponent.

As the sole oversight agency of California's judiciary, the CJP plays a critical role in maintaining the integrity of the courts and promoting a fair justice system. Such an important agency should not operate in secret, and should not withhold important information from the public.

**ORGANIZATION** hopes the Legislature will make increased transparency, accountability, and oversight of California's courts a top priority.

Sincerely,

President or Executive Director