

**Commission on Judicial Performance Testimony
Assembly Budget Subcommittee #5
March 28, 2016**

Barbara Kauffman, Family Law Attorney

Good Afternoon, My name is Barbara Kauffman. I am a family law attorney and longtime court reform advocate.

In June 2014, I submitted a 14-page complaint about a Marin County judge to the CJP on behalf of Rama Diop. The complaint detailed a year of judicial misconduct which fell into at least 11 of 25 categories on the CJP's misconduct list. It included exhibits and a roadmap of where additional information could be found. A novice attorney could sit down with the complaint, and the CJP list of actionable conduct, and know immediately it warranted investigation. The attorney could review the exhibits, ask for additional information mentioned in the complaint or order a copy of the recent court files, and quickly verify that the complaint was fully documented and supportable.

I was initially told it would take about 4 months to resolve the complaint. It has now been "under investigation" for almost 22 months.

The CJP claims that in 2014 it spent 42% of its budget (1.8 million) conducting 139 investigations. That is \$13,000 per investigation. No law firm could justify spending 22 months and \$13,000 reviewing and assessing the 14-page Diop complaint. And yet, the CJP can claim whatever it wants to, because it operates in secrecy, without explanation.

According to a CJP Discipline Summary prepared by Stanford University, roughly the same number of complaints were made between 1990 and 1999 (11,463), and between 2000 and 2009 (11,390) but the number of sanctions dropped from 496 to 294 – a whopping 40%. Why? We don't know, the CJP operates in secrecy, without explanation.

It is unacceptable to have a public judicial oversight agency operate without oversight. The CJP needs an audit and an overhaul, and the public needs a voice about how judges are performing.