

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

**Kathleen Russell, Executive Director**

Madame Chair & Committee Members:

Thanks for the chance to speak. **The Center for Judicial Excellence** has spent the past decade fighting to improve judicial accountability, and to give voice to countless California children whose lives are being devastated in our broken family courts. We've changed state laws- even audited a few courts- but kids are still being trafficked into abusive homes and sometimes killed because the CJP isn't removing judges that should be removed for serious misconduct that violates the canons of judicial ethics.

It's no surprise that **the Center for Public Integrity**, winner of the 2014 Pulitzer Prize for Investigative Reporting- gave California an "F" grade for Judicial Accountability in its 2015 State Integrity investigation.

You hear often from the judges and the branch. I'm here to tell you that the public is being decimated in our state's courts. There are no legal remedies available when they are stuck with a biased or corrupt judge. Please read our 2-page **Primer on California's Judicial Accountability Crisis** that explains why virtually every "so-called" remedy does not protect the public, including impeachment, recalls, recusal statutes, retention elections and Govt. Code Section 77001.5.

The CJP was created in part to protect the public. Yet in its own report about complaints it received from 1990-2009, the Commission admits that **only 1.45% of all complaints filed by the public resulted in any judicial discipline**. That is clearly NOT what the Legislature intended when establishing the Commission.

I'd like to ask this Committee to consider funding a pilot project to implement **Judicial Performance Evaluations, or JPEs** in a few problematic counties- ideally Marin, Sacramento and San Diego- to provide the public with a proven system that could create meaningful judicial accountability.

JPE's are supported by **the American Bar Association and exist in 17 states plus DC**. They have been repeatedly recommended to the Judicial Council for at least 10 years, yet judges dismiss them as unnecessary, because, let's face it, who wants to be evaluated at their jobs if they've never been held accountable in the past?

JPE's allow anyone who interacts with a judge to fill out a survey. The questions focus squarely on the canons of judicial ethics. A commission at the county level reviews surveys and shares its recommendations with voters. Judges are given the chance to improve, and some choose not to run for re-election if their surveys show real problems.

Pilot projects were done in North Carolina and Washington, and **the Institute for the Advancement of the American Legal System at the University of Denver** has extensive resources on JPEs, including statutory language that could be adapted for California. IAALS serves as a national clearinghouse on JPE practices through its Quality Judges Initiative.

**There is currently no effective oversight of the CJP, or of California's judicial system, and I implore this committee to please step in to protect the public.**