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Our Futu

Building.

Judge LaDoris Cordell (Ret.)

My Life on the Bench: What Works, What's Broken, How to Change It

<u>Highlights</u>

Race and judicial decision-making The judicial disciplinary system: Bad Judges Judicial elections: Judges for Sale Judicial independence: Judges Under Attack Judicial activism: In My End Is My Beginning

Thank you to our Event Benefactor and Keynote Sponsor



Her Honor: My Life on the Bench. . . What Works, What's Broken, How to Change It

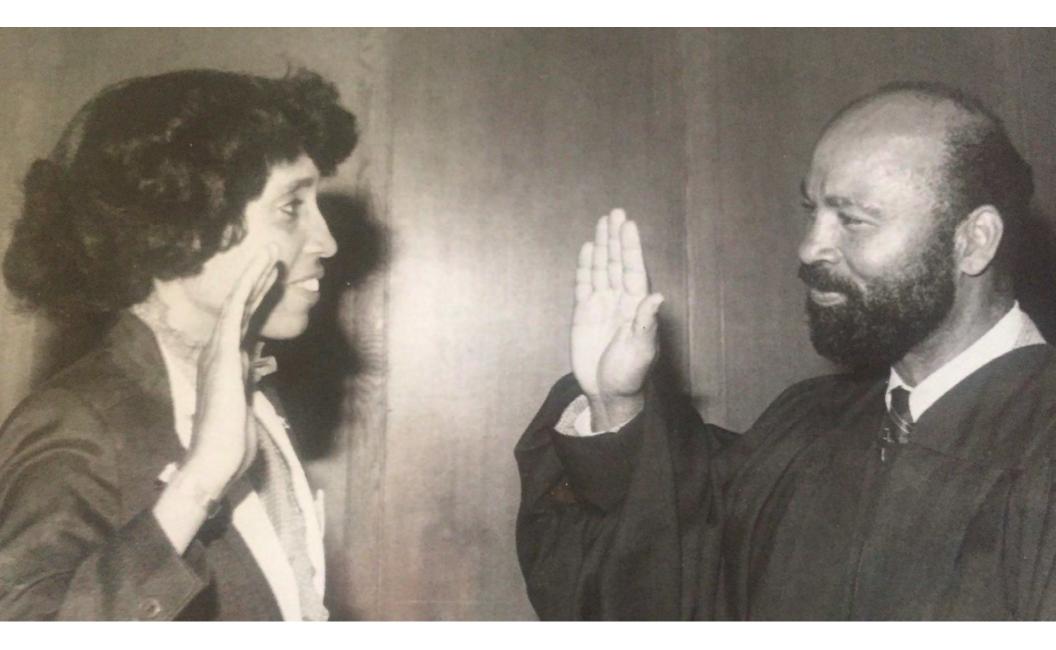
PRESENTED BY LADORIS HAZZARD CORDELL







1982 INVESTITURE AT STANFORD LAW SCHOOL







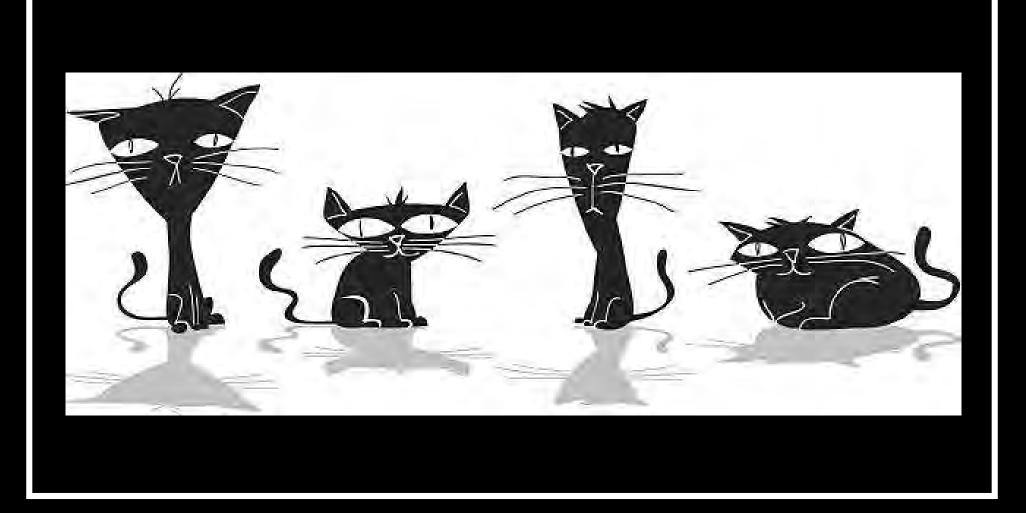


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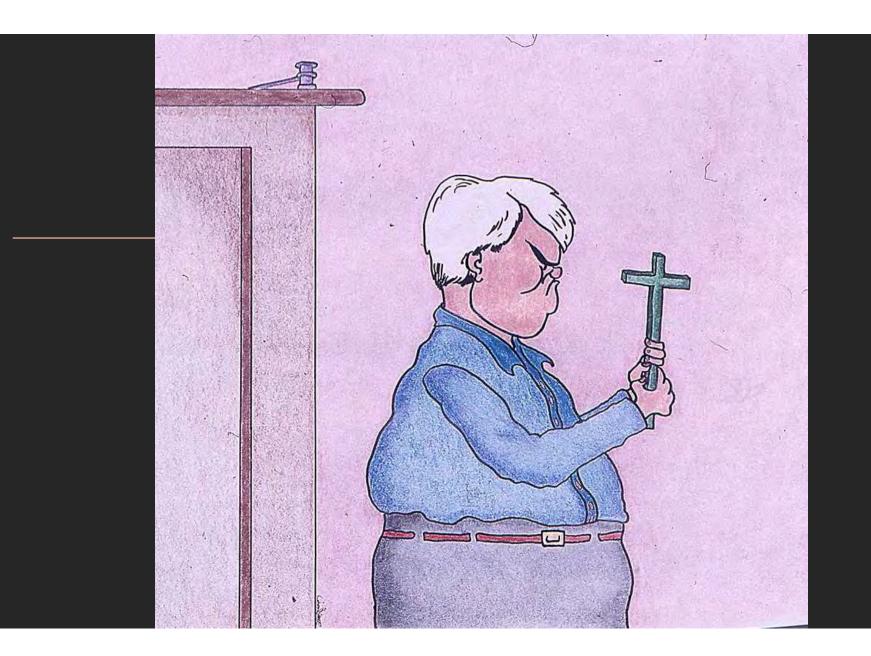
Benita Jones & Olga Olivas

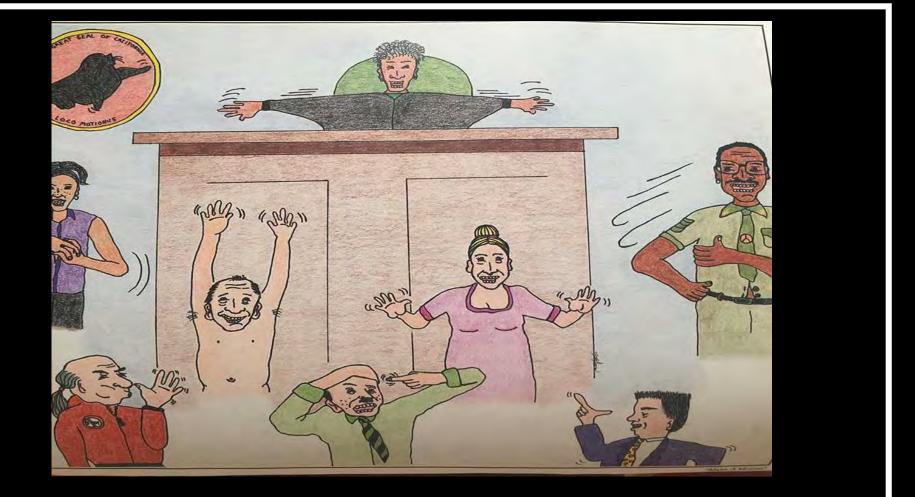
WHERE THERE'S A WILL



BAD JUDGES

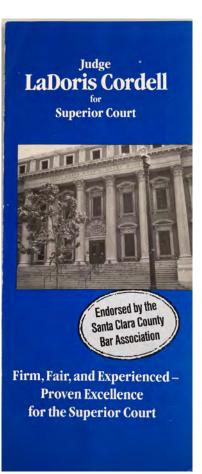






JUDGES FOR SALE

I WON WITH 62% OF THE VOTE!





1989 SUPERIOR COURT INVESTITURE

By 2004, judicial candidates backed by the biggest spenders—the business community–won seats in 12 of 13 state supreme court races.

Post-Citizens United v. FEC, the floodgates to state judges' campaigns opened.

One-third of al elected [state] supreme court justices have run in at least one \$1 million race.

During the 2015-16 supreme court election cycle, non-party groups spent \$27.8 million, making up an unprecedented 40% of overall supreme court election spending.

56% of that non-party spending was by lawyers, lobbyists, and corporate interests.

Source: Her Honor, at pgs. 147-148

Judicial Elections Impact on Decision-Making

The more frequently tv ads aired, the less likely state supreme court justices ruled in favor of criminal defendants.

Closer to their reelections, trial judges in Pennsylvania and Washington sentenced defendants convicted of serious felonies to longer sentences than normally imposed for those crimes.

Trial judges in Alabama imposed death sentences more often in election years, sometimes overriding life sentence verdicts handed down by juries.

Source: Her Honor, at pgs. 147-148.

SF judges say campaign rhetoric skewing June election



Deputy public defenders (top, L to R) Kwixuan Maloof, Phoenix Streets, Niki Solis and Maria Evangelista are running to replace sitting San Francisco Superior Court judges Cynthia Lee, Andrew Cheng, Jeffrey Ross and Curtis Karnow. (Courtesy photos) Deputy public defenders (top, L to R) Kwixuan Maloof, Phoenix Streets, Niki Solis and Maria Evangelista are running to replace sitting San Francisco Superior Court judges Cynthia Lee, Andrew Cheng, Jeffrey Ross and Curtis Karnow.

Judicial Independence

"He has made Judges dependent on his Will alone, for the Tenure of their Offices, and Amount and Payment of their Salaries."

One of the 27 grievances against King George III, penned in 1776 by the Continental Congress in the Declaration of Independence.

Judicial Independence, cont'd

Judicial independence strengthens ordered liberty, domestic tranquility, the rule of law and democratic ideals. It has proved superior to any alternative form of discharging the judicial function that has ever been tried or conceived. It would be folly to squander this priceless constitutional gift to placate the clamors of benighted political partisans.

Source: Source: Bruce Fein and Burt Neuborne, "Why Should We Care About Independent and Accountable Judges" [2000] 84 Judicature 58, 64, https://heinonline .org/HOL/LandingPage?handle=hein.journals/judica84&div=19&id=&page=

J'ACCUSE! : JUDGES UNDER ATTACK

2016 CJP Investigation of Judge Aaron Persky

December 19, 2016

Commission on Judicial Performance Closes Investigation of Judge Aaron Persky

https://cjp.ca.gov/wpcontent/uploads/sites/40/2016/08/Persky_Explana tory_Statement_12-19-16.pdf





Big war chest to fight Persk

BY ALLISON LEVITSKY Daily Post Staff Writer

With a month to go before the June 5 election, the campaigns for and against the recall of Judge Aaron Persky have continued to pull in high-profile Silicon Valley donors.

More than \$1 million collected

more than \$1 million, includ- contributions poured in. Karla Juring \$322,785.38 in 2016 and \$365,159.78 last year. Between Jan. big money, including from some 1 and April 21 alone, the campaign had raised another \$273,206.04 The recall campaign has raised - but that was before some hefty

vetson, a psychiatrist who lives in Los Altos, gave the campaign \$170,000 on Wednesday, according to campaign filings.

Jurvetson's ex-husband, Steve

Jurvetson, made headlines in November when he left the venture capital firm he co-founded, Draper Fisher Jurvetson, after sexual harassment allegations surfaced about him. The couple split up in 2015.

Last Saturday, Laure Woods, a [See PERSKY, page 54]



PERSKY

Palo Alto, CA Show ունդիրիկուդիկիկումիկի հոկիկիկիկինովինիիողերիկուդիկիկուներին

Judge Persky abused his discretion, disrespected a jury, failed a crime victim and broke trust with the public he serves. There is no judicial accountability if these failures don't lead to **his removal from office**.

Palo Alto Weekly Editorial -MAY 11, 2018

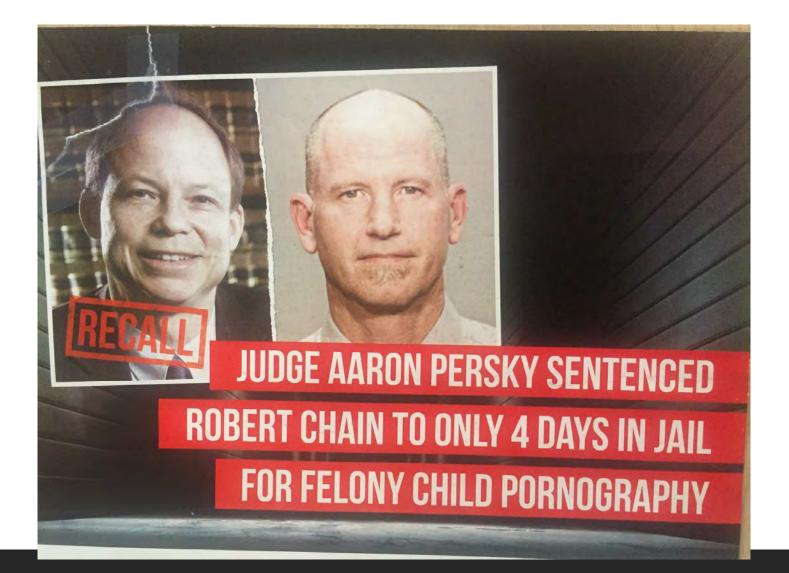


Judge Aaron Persky sentenced Stanford University swimmer Brock Turner to only six months in jail for sexually assaulting an unconscious woman behind a dumpster outside a frat party. These charges carry a maximum of 14 year in prison – TURNER ONLY SERVED 90 DAYS.

Paid for by the Committee to Recall Judge Persky Committee major funding from Karla Jurvetson Laure Woods Eva Grove

Sacramon

WE DON'T FORGET. WE RECALL ON JUNE 5TH, VOTE YES TO RECALL JUDGE PERSK



ON JUNE 5TH, VOTE YES TO RECALL JUDGE PERSKY





SAN FRANCISCO – A California judge facing a recall effort after sentencing former Stanford University swimmer Brock Turner to six months in jail for sexual assault has hired a political consultant who ran President Trump's Arizona campaign. So this piece of shit eats at my work quite often he's here now and I wish an angry mob would tear his ass apart



CBS News

Effort to recall judge in Brock Turner sex assault case can ...

Effort to recall judge in Brock Turner sex assault case can resume - CBS News

Imagon may be aubiant to conversit

D Q A

Liked by jennayg408 and 4 others

minabobinafofina So this piece of shit eats at my work quite often he's here now and I wish an angry mob would come tear his ass apart 8 MINUTES AGO

2

I'm 80 percent positive this is judge persky at specialty's downtown someone come kick his ass

minabobinafofina 3h

0

Write a message...

V

Armed Protestors at Turner Family Home



GET THE FACTS VOICES AGAINST AGAINST BECALL.ORG

DON'T RECALL A RESPECTED JUDGE WHO FOLLOWED THE LAW PAID FOR BY RETAIN JUDGE PERSKY — NO RECALL

-

No Recall Campaign Begins



No Recall: District Attorney, Public Defender, and Me



Attorney left Rosen

Molly O'Neal Judge LaDoris Cordell (Ret.)

District Attorney Jeff Rosen, Public Defender Molly O'Neal, and Retired Judge LaDoris Cordell, along with more than 100 law professors, hundreds of current and retired judges, sexual assault victims, feminists, and many more, say NO RECALL on June 5th.

We believe:

in justice for sexual assault victims our judges must be independent special interests must not control our judiciary

We know:

- the problem was the law, not the judge, and now the law has been fixed
- recalls are for judges with a history of misconduct and bias Aaron Persky is a fair judge who has been proven to have no history of misconduct or bias

this recall will hurt us all

DEFEND JUSTICE FOR ALL & KEEP JUDGES INDEPENDENT

Warning Letter To Judge Cordell From John Clune Hutchinsoblack and Cook Law Firm in Boulder, Colorado

1 March **2018**

HutchinsonBlackandCookus

Attorneys at Law

John C. Clune clune#bbcboulder.com

March 1, 2018

The Warning Letter

VIA U.S. CERTIFIED MAIL

Honorable Judge Ladoris Cordell 4124 Wilkie Way Palo Alto, CA 94306

Re: Michele Dauber and Preservation of Evidence

Your Honor:

Our firm represents Michele Dauber for purposes of her slander and libel claims arising out of public statements attributed to you and reported in the Palo Alto Daily and the San Jose Mercury News suggesting that Ms. Dauber fabricated a report of being threatened with rape and essentially committing the crime of false reporting to authorities. You have been identified as a potential defendant in any action brought by Ms. Dauber.

A necessary part of discovery in any litigation will include any communications by you regarding Ms. Dauber. As such, we would instruct you to preserve any written communications between yourself and any other person regarding Ms. Dauber including but not limited to email, text messages, and social media messages. Please keep in mind that in order to do so, you may need to take pro-active measures such as suspending automatic deletion settings on your devices or other similar measures.

If there are any other custodians of these records, please forward this letter to those individuals or entities as well.

Please feel free to call me anytime to discuss the contents of this letter and please confirm receipt of this communication.

Sincerel John C. Chunc

HBC 021 Walnut St., Suite 200, Builder, CO 80302 | Tel (303) 442-6514 | Fax (303) 442-6593 | Toll Free (800) 303-6514 www.hhchoulder.com

OLANGELES.

Сотенные, Ритре & МосСантич, ССФ восполозование сонтантические восполозование сонтантическ

NEW YORK

March 5, 2018

My Lawyer's Response

Via Mail and E-Mail John C. Clune Hutchinson, Black & Cook, ELC 921 Walnut St., Suite 200 Boulder, CO 80302

Re: Michele Dauber

Dear Mr. Clune,

1 write on behalf of the Honorable LaDoris Cordell, in response to your letter of March 1, 2018. Any future communications on this matter should be directed to me.

Your threats of legal action against Judge Cordell are legally and factually baseless. You left unclear what "public statements" inspired your letter, but Judge Cordell has certainly never made any statements along the lines of what you suggest.

I understand that your practice is based in Colorado, so you may not be familiar with California Code of Civil Procedure § 425.16, et seq., which we commonly refer to as the "Anti-SLAPP" statute. It broadly prohibits "lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech," and was specifically crafted by our legislature to discourage threats of the type made in your letter.

As I am sure your client agrees, the issues surrounding her efforts to recall Judge Persky deserve fair and open debate, not shallow attempts to intimidate the opposition into silence.

ourstruit

Judge Persky's Words

Several weeks before the 2018 recall vote, Judge Persky delivered a speech that included the following warning:

We promise as judges to rule on the facts and on the law, not on public opinion... When public opinion affects a juror's decision or a judge's decision, it corrupts the rule of law. This recall, if successful, will make it harder for judges to keep that promise ... The judicial recall, if successful, will be a silent force, a silent corrupting force. A force that will enter the minds of judges as they contemplate difficult decisions. Daily Post Tuesday, June 5, 2018

NEWS eyes weaker public land measure BY ALLISON LEVITSKY It would protect less than citizens initiative Daily Post Staff Write Los Altos City Council tonight will consider countering a citizens initiative park land in order to require voter ap- it on the ballot. Supporters say the city that encroached onto a city parking lot.

without voter approval with a version that would only protect park land.

It would cost the city \$50,000 to place each measure on the November ballot. Both measures would cost \$100,000. The city's ballot measure

The citizens initiative would keep the city from selling more than 7,500 square feet of public land without voter school at Rosita Park.

The group Pro Parks Los Altos has

has tried to sell public land for years despite residents' opposition, citing a proposed theater at Village Park and a

Last year, 23andMe founder Anne collected more than 2,900 signatures, tos Community Investments, pulled its Wojcicki's development firm, Los Alwould also reclassify Hillview Park as though only 1,943 were required to put application to build an office building

That includes the Hillview Community Center, its parking lot, the baseball and soccer fields, the Bus Barn Theater and the History Museum and J. Gilbert Smith House.

Unlike the citizens initiative, other public land, including parking lots, could be sold with a City Council vote.

Council could also still decide whether to approve the citizens initia-

More than \$3 million spent on Persky recall

As voters cast their ballots for and against Judge Aaron Persky's recall today, it bears noting that more than \$3.3 million has been spent on the issue - including \$1.1 million in taxpayer funds to put the measure on the ballot.

In February, Santa Clara County the recall measure on the ballot in Jan- Cordell, a Persky backer, told the Post. Registrar of Voters Shannon Bushey uary, exceeding the number required to The \$1.1 million is on top of the \$1.2 estimated that the recall would cost the county \$586,703 for the question of whether to recall Persky and \$532,789 for the election of a successor judge.

The recall campaign turned in a pe-

County Board of Supervisors voted unanimously to bring the measure to voters.

tition with 94,539 signatures to place call," retired Palo Alto Judge LaDoris ner.

million raised by the recall campaign and the \$1 million raised by the two committees supporting Persky, including \$371,448.62 in legal services from "We taxpayers are paying for the re- the San Jose law firm McManis Faulk-

THE UP DATE from page 1

including a prominent psychiatrist who testified against him years ago. The slayings also included two paralegals who worked for the law office that represented the suspect's wife, a marriage-and-divorce counselor who was apparently killed in a case of mistaken identity and another man and woman who have not been identified.

MANAFORT ACCUISED.

Join us for the 2nd Annual Avenidas **TECH CONFERENCE** "Seniors Shaning Technology

TUESDAY, June 19, 2018

Dauber seeks fees from Persky Wants \$112,000 for to circulate the recall petition had violated the state constitution.

attorney's fees and

out-of-pocket costs

Michele Dauber, the Stanford law professor who led the campaign that removed so-called "Brock Turner judge" Aaron Persky from the Santa Clara County bench, is now seeking more than \$112,000 Persky sued county Registrar of Voters in attorney's fees and out-of-pocket costs Shannon Bushey along with Dauber and from him, according to court documents. other petitioners over the recall effort in She incurred the legal expenses when August, claiming that their notice of intent

Persky's lawyers argued that Persky was appointed a Superior Court judge by the governor, so he was a state officer, not a county officer. For this reason, the Secretary of State, rather than the county registrar, should have certified the petition,

they claimed. A judge granted Persky a re-[See DAUBER, page 18]



PERSKY

AL JBE 20

Persky then asked the Court of App irt to stop the but the recall and the Su lasted 17

III Persky to pay the \$112,456,45 n lawyers in fighting Persky's call, to no

rior Court rney's fees On otion, filed in Santa Clara County Su n Friday, claims that because Dauber ssful party" in the suit, her side is owed

NEWS

Her lawyers also argue that Dauber enforced "im-portant rights affecting the public interest," providing a "significant benefit" to the general public by pro-tecting the right of recall by the citizens of the county.

Public benefit cited

vith 61.2 signed the petition igned the petition – "more signatures than n gathered on any other petition in the coun-ory and almost twice the number needed to the recall for the ballot" – and the recall won gathere out that almost 95,000 re

enforced the fundamental right of re shrined in the California Constitution, expectation of financial reward," of this thus conferred a significant benefit on the public, and enforced the fundamental right of recall that is en-shrined in the California Constitution, all without any ppeal, the 95,000 Santa Clara County residents who igned the recall petition and the almost 200,000 San a Clara County residents who voted in favor of Per ky's) recall were able to exercise their valuable conthroughout the of (Dauber's) defense of this action on 100 Santa Clara County residents who Woocher, / them withstanding (Persky's) repeated in that opportunity," Dauber's at-ther, wrote. "(Dauber's) defense shout the appellate proceedings

Billable hours

According to a list of fees, Woocher racked up 997-212.50 for 111.1 hours of work. Attorney Bev-rley G. Palmer is owed \$8,826.50 for 12.7 hours of vork and attorney Jenna Miara is owed \$5,295.50 for

Dauber has claimed another \$1,121,95 in out-f-pocket expenses, including travel to attend court entings, photocopy expenses and legal research harges. Persky made \$186,416,90 as a judge last ing hasn't yet been set for a judge to hear

MORE \$\$\$\$

Persky Fundraising Letter to Pay **Attorney Fees**

19 December 2018

Dear Friend.

I am writing to thank you for your support during the recall campaign, and to ask you to contribute to defray \$135,000 in court-ordered attorney fees arising from the recall.

On June 5, 2018, I was recalled by voters after a well-funded, misleading, and extremely negative campaign by recall proponents. My campaign, which stressed the vital importance of an independent judiciary, received broad support from the legal community in Santa Clara County and beyond.

Early in the recall process, I filed a writ petition with the Santa Clara County Superior Court, arguing that Superior Court Judges are state officers for the purposes of recall, as opposed to local elected officials such as city mayors. I pursued the litigation so that Superior Court Judges would benefit from the same procedural protections as other state officers who face recall elections. As the California Legislature declared with respect to state officers, "recall elections are extraordinary elections in which an official may be removed by fewer voters than the number of voters who elected that official," and that before a recall election is held, "any and all steps should be employed to ensure the accuracy and validity of the petition process." Unfortunately, recall proponents, represented by a California law firm, prevailed in the litigation.

After the recall election, the law firm filed a motion for attorney fees, arguing that the firm was entitled to fees because they and their clients had acted as a "private attorney general," vindicating the right of voters to recall a Superior Court Judge. The retired Superior Court Judge who ruled in the case-in-chief agreed, and ultimately ordered me to pay over \$163,000 in attorney fees and costs to the law firm (which was reduced to \$135,000 through a stipulated settlement). The Fair Political Practices Commission has informally advised me that any funds used to pay the fee order should pass through my campaign committee.

My campaign committee has spent all its resources fighting the recall, and now must pay \$135,000 to satisfy the attorney fees order, which is due by December 31.

I am writing to ask you to make a contribution to that effort.

If my campaign committee is unable to raise the money to pay the amount ordered, I will be personally liable for any balance owed. Thank you for considering this request.

Please contribute online by clicking

here: https://secure.squarespace.com/checkout/donate?donatePageId=578c54b7f7e0a



THE AFTERMATH

Attack on Corruption: 'Contra Costa County Three Judge Recall' Launched by Parents

RICHARD LEE ABRAMS / 16 AUGUST 2018



CORRUPTION WATCH-One of the acts of tyranny which prompted Jefferson's Declaration of Independence was a corrupt judicial system where the whims of men, primarily King George's, supplanted rule of law.

Once again Americans are beset upon by a tyrannical judiciary. In 1776, a few Americans rose up in revolt and today's revolution is beginning in California's Contra Costa County.

Excerpts From

A Silent Corrupting Force? Criminal Sentencing and the Threat of Recall By Sanford C. Gordon* Sidak Yntiso† June 4, 2020 https://ssrn.com/abstract=3619554

FINDINGS

"Using data on over 20,000 sentences handed down by over 158 Superior Court Judges in six California counties from 2015 to 2018, we examine whether critical events in the recall campaign were accompanied by corresponding changes in other judges' sentences."

"Our main results point to an instantaneous increase in average sentence length of over 30% in the immediate aftermath of the recall petition announcement."

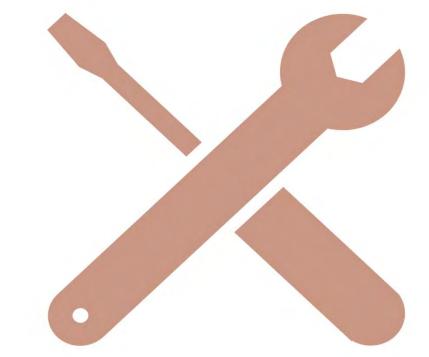
".. the announcement of a well-organized, well-funded recall campaign against a Superior Court Judge signaled a new political reality for judges that was "priced in" by judges by the time the election took place."

MORE FINDINGS

"... minority defendants in California tend to be charged with crimes bearing longer maximum confinement terms and, as a consequence, may have indirectly borne the brunt of any recall-induced increase in judicial punitiveness."

"Our most conservative estimates suggest that the petition announcement led to approximately 150 years of additional prison time in the six counties for which we have data."

"Judges assign tougher sentences to randomly assigned cases immediately after local university football teams experience unexpected defeats, an increase asymmetrically borne by African American defendants (Eren and Mocan, 2018). The sequential order of case hearings also increases judicial punitiveness, with judges discontinuously issuing lenient sentences after food breaks (Danziger, Levav, and Avnaim-Pesso, 2011)."





California Constitutional, Article 2, Section 13, provides:

"Recall is the power of electors to remove elective officers."

LIMIT JUDICIAL RECALLS

Georgia, Minnesota and Montana require recall petitions state specific grounds, such as malfeasance, misconduct, failure to perform duties of the office or conviction of a serious crime while in office.

Georgia and Montana do not allow a judge's discretionary performance of a lawful act or mandatory duty as the basis for a recall.

Source: "Recall Elections Equal More Politicization of the Judiciary," https://www.jurist.org/commentary/2018/02 /steve-koslovskypoliticization-of-the-judicary/

WHO WILL TAKE THE LEAD IN PROPOSING A CONSITUTIONAL AMENDMENT?

The California Constitutional, Article 2, Section 13, provides: "Recall is the power of electors to remove elective officers."

It should be amended to read: "Recall is the power of electors to remove elective officers, with the exception of judicial officers who may be recalled only upon one or more of the following conditions: (1) the judicial officer has engaged in (a) misconduct (b) failure to perform duties of the office, or (c) conviction of a serious crime while in office. No judicial officer may be recalled for a discretionary performance of a lawful act or mandatory duty."



Charles Hamilton Houston (1895-1950)



IN MY END IS MY BEGINNING









