



State of California  
Commission on Judicial Performance  
455 Golden Gate Avenue, Suite 14400  
San Francisco, CA 94102-3660  
(415) 557-1200  
Fax (415) 557-1266  
Website: <http://cjp.ca.gov>

August 23, 2021



Dear Karrie Gibson:

This letter is to acknowledge receipt of your recent complaint against a California judge(s). We appreciate your time and effort in bringing this matter to the commission's attention. We are presently reviewing this information and, if further information is needed, you will be contacted. You will be advised in writing, at a later date, of the commission's action in this matter.

To give you some information about the process, each complaint about a judge is voted upon by the commission. When a complaint states facts which could be misconduct, if the facts are true and there is not another explanation for what happened, the commission typically opens an investigation. The commission's staff will interview witnesses, review documents or files and conduct other investigation. If there is sufficient evidence supporting the complaint, the judge will be contacted and asked to respond to the allegations. The commission then reviews the available evidence, and the judge's response if the judge was contacted, to make a determination whether misconduct has occurred. Misconduct must be established by clear and convincing evidence, a higher standard than is required in civil cases but lower than in criminal cases. If the evidence does not support a finding of misconduct, the commission will close the case. The commission may also close the case if the misconduct was relatively minor and the judge has acknowledged the problem and taken steps to prevent it from happening again. If the evidence supports a finding of misconduct and the commission determines that discipline may be appropriate, the commission may proceed to impose discipline.

It may also be helpful to explain that the Commission on Judicial Performance is not a court. It does not have the authority to reverse a judge's decision, move your case to another department or court, disqualify a judge or otherwise get involved in your case. The commission's role is limited to reviewing allegations of judicial misconduct. A judge's legal rulings and discretionary decision-making, without more, are not a basis for review by the commission. Even if a judge's decision is later determined by an appellate

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court to be legally incorrect, that by itself is not a violation of the Code of Ethics and is not misconduct. A judge's legal error might be a basis for investigation by this commission if there is sufficient evidence of bad faith, bias, abuse of authority, disregard for fundamental rights, intentional disregard of the law or any purpose other than the faithful discharge of judicial duty.

Lastly, our office is not able to provide legal advice. If you wish to determine what legal avenues are available to you, you might consider contacting an attorney or legal services provider to see if they can help you.

Very truly yours,



Nicole M. Benavidez  
Secretary to Staff Counsel