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

September 6, 2018

[redacted]

Dear [redacted]:

Your complaint dated June 16, 2018 about the conduct of a court commissioner was considered by the Commission on Judicial Performance at its August 2018 meeting. At that time, the commission voted to close your complaint.

Section 18.1 of article VI of the California Constitution governs the commission's role in the oversight and discipline of subordinate judicial officers (court commissioners and referees). Those constitutional provisions expressly provide that the local court is primarily responsible for the discipline of subordinate judicial officers. Because the local court's role is primary, complaints about subordinate judicial officers must first be submitted to the presiding judge of the court involved. (See Commission Rule 109(c)(1) and California Rules of Court, rule 10.703.) When a complaint about a subordinate judicial officer comes to the commission's attention after being handled by a local court, the commission may investigate if it appears that the local court has abused its discretion, for example, by not investigating sufficiently, by not imposing discipline when discipline was warranted, or by imposing discipline that was not sufficient.

After carefully reviewing your complaint and all of the information before it concerning this matter, the commission did not conclude that the local court abused its discretion in its handling of your complaint. Therefore, no further action will be taken based on the information you have provided.

Very truly yours,

[redacted]

Staff Counsel

GC:aap[redacted]

[redacted]