

**STATE OF CALIFORNIA**  
**BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE**

Inquiry Concerning  
Former Judge Arthur S. Block, No. 167

**DECISION AND ORDER IMPOSING  
PUBLIC CENSURE AND BARRING  
JUDGE BLOCK FROM RECEIVING  
ASSIGNMENTS**

This is a disciplinary matter concerning Judge Arthur S. Block, a judge of the Riverside County Municipal Court from June 29, 1982 to July 28, 2000, and a judge of the Riverside County Unified Superior Court from July 29, 2000 to December 1, 2002. Formal proceedings having been instituted, this matter came before the Commission on Judicial Performance pursuant to rule 127 of the Rules of the Commission on Judicial Performance.

The commission concludes, based on Judge Block's stipulation, that Judge Block engaged in a pattern of inappropriate sexual conduct, attempted to intimidate potential witnesses during the investigation of the alleged sexual conduct, and improperly attempted to use his office to intercede in a pending matter on behalf of an acquaintance. The commission hereby publicly censures Judge Block and bars him from receiving an assignment, appointment, or reference of work from any California state court.

**APPEARANCES**

Judge Block is represented by attorneys Edward P. George, Jr., and Timothy L. O'Reilly of Long Beach, California, John E. Fitzgerald III, of Fitzgerald & Mule of Palm Springs, and Rodney Lee Soda of Palm Desert, California. Trial Counsel for the Commission on Judicial Performance is Jack Coyle.

**PROCEDURAL HISTORY**

A Notice of Formal Proceedings was filed on June 13, 2002, charging Judge Block with four counts of unethical conduct. Judge Block filed his answer on July 2, 2002. Pursuant to rule 121 of the Rules of the Commission on Judicial Performance, the commission requested the appointment of three special masters and the Supreme Court appointed Judge Jack Komar of the Santa Clara Superior Court (presiding), Judge Vincent J. O'Neill, Jr., of the Ventura County Superior Court, and Judge Dana M. Sabraw of the San Diego County Superior Court as masters. The masters held a prehearing conference on August 22, 2002, and the evidentiary hearing before the masters was scheduled to commence on October 21, 2002 in Pasadena, California.

On October 17, 2002, the commission received a letter from counsel for all parties stating that they had reached an agreement in principle for a stipulated disposition and requesting that

the hearing be taken off calendar so that they could reduce the terms of the settlement to writing for submission to the commission pursuant to rule 127 of the Rules of the Commission on Judicial Performance. On October 18, 2002, the commission issued an order vacating the hearing date. On December 2, 2002, Judge Block and Trial Counsel submitted a Stipulation for Discipline by Consent pursuant to rule 127.<sup>1</sup>

### **THE STIPULATION FOR DISCIPLINE BY CONSENT**

#### **A. Judge Block's Retirement and Agreement to Discipline**

The Stipulation notes that Judge Block has irrevocably retired from judicial office, effective December 1, 2002.<sup>2</sup>

Judge Block and Trial Counsel propose that the commission dispose of this matter by issuing a censure and bar from receiving an assignment, appointment, or reference of work from any California state court. Judge Block understands that if the commission accepts the proposal, the commission may articulate the reasons for its decision and he agrees to accept any such explanatory language.

Judge Block has signed and submitted an affidavit consenting to the sanction of a censure and bar from any assignments, stating that his consent is freely and voluntarily given, admitting to the truth of the charges as set forth in the Stipulation, and waiving review by the Supreme Court.

#### **B. The Findings of Fact and Conclusions of Law**

The commission adopts the following findings of fact and conclusions of law set forth in the Stipulation for Discipline by Consent.

#### **COUNT ONE**

A. In approximately October 2000, Deputy County Counsel Tanya Galvan appeared before Judge Block in a contested juvenile dependency case. During Ms. Galvan's argument, Judge Block wrote "relax" on her hand with a pen. Ms. Galvan felt humiliated and sat down without finishing her argument.

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Judge Block's conduct was in violation of the Code of Judicial Ethics, canons 1, 2A, 3B(4) and 3B(5), and constitutes prejudicial misconduct.

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<sup>1</sup> With the issuance of this decision accepting the Stipulation for Discipline by Consent, the Stipulation is filed and is available to the public.

<sup>2</sup> A redacted copy of Judge Block's November 18, 2002 letter of retirement was submitted with the Stipulation for Discipline by Consent.

B. In approximately February 2001, Judge Block was on the bench during a recess in a juvenile dependency calendar, while attorneys in the courtroom were attempting to resolve cases. Judge Block called Deputy County Counsel Tanya Galvan to sidebar. Judge Block did not ask any other attorney to sidebar. While discussing a legal issue with Ms. Galvan, Judge Block reached out as if to fasten a button on the front of Ms. Galvan's suit. Ms. Galvan was startled and offended. She backed away and buttoned her suit herself.

Judge Block's conduct was in violation of the Code of Judicial Ethics, canons 1, 2A, 3B(4) and 3B(5), and constitutes prejudicial misconduct.

C. On May 8, 2001, Judge Block presided over a contested juvenile dependency hearing. Deputy County Counsel Tanya Galvan represented the Department of Social Services.

During the hearing, Judge Block declared a recess and requested that Ms. Galvan and the attorneys for the father and the mother meet with him in chambers. After discussing certain issues in the case, the attorneys began to leave chambers to return to the courtroom to resume the proceedings. Judge Block asked Ms. Galvan to remain and to close the door.

Judge Block was seated behind his desk, with Ms. Galvan seated across from him. Judge Block told Ms. Galvan that he was attracted to her. Judge Block walked around his desk to Ms. Galvan and had Ms. Galvan stand. Judge Block kissed Ms. Galvan, putting his tongue in her mouth.

When Judge Block released Ms. Galvan, she left chambers and returned to court. Judge Block returned to the bench and presided over further proceedings in the case without disclosing what had happened in chambers.

Judge Block's conduct was in violation of the Code of Judicial Ethics, canons 1, 2A, 2B(1), 2B(2), 3B(4), 3B(5), 3E(1) and 3E(2),<sup>3]</sup> and constitutes, at a minimum, prejudicial misconduct.

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<sup>3</sup> Canon 1 states that a judge shall uphold the integrity and independence of the judiciary, canon 2A states that "a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary," canon 2B(1) states that a judge "shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment, nor shall a judge convey or permit others to convey the impression that any individual is in a special position to influence the judge," canon 2B(2) states that a judge shall not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge, canon 3B(4) states that a judge shall be patient, dignified and courteous to litigants, lawyers and others, canon 3B(5) states that a judge "shall perform judicial duties without bias or prejudice," canon 3E(1) states a judge "shall disqualify himself or herself in any proceeding in which disqualification is required by law," and canon 3E(2) states that a judge "shall disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no actual basis for disqualification."

**COUNT TWO**

A. On August 2, 2000, during a conversation between Judge Block and attorneys and court staff in the courtroom, it was suggested as a joke that court interpreter Margie Stafford be held in contempt for being late.

When Ms. Stafford arrived in the hallway outside the courtroom, a public area where people were present, Deputy Rosas handcuffed Ms. Stafford over her protests and resistance and took her into the courtroom. The following then took place:

THE COURT: Ms. Stafford, will you listen to the People please. What were you about to say?

THE INTERPRETER: I said this better be a joke. Take them off.

THE COURT: What were you going to say, Mr. –

MR. DAILY: I was going to say perhaps this is the appropriate time for the order to show cause re contempt.

THE COURT: All right. I understand bail is not available; is that correct?

MR. DAILY: There is no bail for that.

THE COURT: Ms. Stafford, I'm sorry but your vacation plans are somewhat awry.

Judge Block then told Ms. Stafford that it was a joke and had Deputy Rosas remove the handcuffs. Ms. Stafford felt humiliated.

Judge Block's conduct was in violation of the Code of Judicial Ethics, canons 1, 2A, 3B(4) and 3B(5), and constitutes prejudicial misconduct.

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**COUNT THREE**

The Riverside County Superior Court engaged the services of independent employment counsel, Gary Scholick, to investigate the allegations made by Tanya Galvan (the subject matter of count one). On May 23, 2001, in connection with that investigation, Judge Block was interviewed by Mr. Scholick. Mr. Scholick advised Judge Block not to discuss the investigation with anyone. He also advised him that retaliation toward any of the persons named during the interview was prohibited and might violate the law. Judge Block told Mr. Scholick that he understood and would abide by his instructions.

On May 31, 2001, Judge Block telephoned Mr. Scholick and told him that another judge had told him that interpreter Margie Stafford had reported incidents involving Judge Block that raised issues of a hostile work environment. Judge Block said that Ms. Stafford had been involved in an incident with his courtroom deputy, but that no incident involving Ms. Stafford had anything to do with sexual

issues. Mr. Scholick advised Judge Block to keep the matter confidential and specifically not to speak to Ms. Stafford about the subject.

On June 5, 2001, Ms. Stafford visited Judge Block's courtroom to watch a trial that was open to the public. Upon observing Ms. Stafford seated in the public area of the courtroom, Judge Block instructed Deputy Sabas Rosas to tell Ms. Stafford that she would not be needed as an interpreter and that she was excused. Ms. Stafford told Deputy Rosas that she was not there as an interpreter, but was there because she had a personal interest in the case. Deputy Rosas related to Judge Block what Ms. Stafford had told him.

At a recess, Judge Block told Ms. Stafford not to leave. Judge Block had Ms. Stafford's supervisor, his courtroom clerk, his court reporter, and his bailiff come into his chambers. Judge Block told those assembled that he had heard rumors that Ms. Stafford had made allegations against him and that if the rumors were true, he did not think that it was appropriate for Ms. Stafford to be present in his courtroom.

Judge Block then had Ms. Stafford come into chambers with the others still present. Judge Block asked Ms. Stafford whether she had made allegations against him. When Ms. Stafford said that she had not, Judge Block told her that she was then welcome in his court.

By this conduct, Judge Block threatened banishment from a public courtroom, and threatened retaliation for complaints against him, potentially dissuading Ms. Stafford, the others present in chambers and others who became aware of his remarks, from making complaints against him. Judge Block's conduct was in violation of the Code of Judicial Ethics, canons 1, 2,<sup>[4]</sup> 2A, 2B(1) and 2B(2), and constitutes prejudicial misconduct.

#### **COUNT FOUR**

On January 7, 2001, Nechama Dina Denebeim was cited in Los Angeles for a violation of Vehicle Code section 12500(a) (unlicensed driver operating a vehicle) and section 24600/24353 (broken tail light). As of February 13, 2001, the deficiencies cited had been corrected by Ms. Denebeim. A misdemeanor complaint for failure to appear was mistakenly filed on February 22, 2001, for failure to appear on that date. Ms. Denebeim had appeared on that citation on February 16, 2001, and was given a notice to reappear on March 2, 2001.

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<sup>4</sup> Canon 2 states that a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

Apparently this had been overlooked at the time the warrant for non-appearance was issued. Ms. Denebeim reappeared on March 2, and was given a new notice to reappear on March 15, 2001.

In early March 2001, the defendant's father, Yonason Denebeim, a long-time acquaintance of Judge Block's, telephoned Judge Block and complained about the manner in which his daughter had been treated by the court system regarding one of her appearances in Los Angeles traffic court, and asked him to look into the matter.

Ms. Denebeim's case was not assigned to Judge Block and was outside of his court's jurisdiction and would not have come before him for any purpose. Despite that, Judge Block had Ms. Denebeim appear in his chambers in Riverside County, where he had her relate her version of events.

On March 13, 2001, Judge Block telephoned Judge James Brandlin, the site managing judge for the Airport Court branch of the Los Angeles County Superior Court, regarding Ms. Denebeim's case. Judge Block expressed concerns regarding the manner in which the case was processed at the Airport Court and regarding the manner in which Ms. Denebeim was treated by court staff. Judge Block asked Judge Brandlin whether Ms. Denebeim's case could be handled without Ms. Denebeim appearing in Los Angeles, and whether Judge Block could personally verify that she currently possessed a valid driver's license, which he represented that she did.

Judge Brandlin responded by telling Judge Block that the defendant's appearance would be required, and that it would be inappropriate for Judge Block to verify the validity of the defendant's driver's license. Judge Brandlin followed up with a voice mail advising Judge Block not to contact him or his court again regarding the case, as it would be unethical to do so. Judge Brandlin then sent Judge Block a letter warning him that his involvement in the case might have created the appearance that the Denebeims would receive special treatment, and again advising him to not engage in any further ex parte contacts with the Los Angeles County Superior Court regarding the case while it was pending. Judge Block had no further involvement in the case.

Judge Block's conduct was in violation of the Code of Judicial Ethics, canons 1, 2, 2A and 3B(7),<sup>[5]</sup> and constitutes prejudicial misconduct.

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<sup>5</sup> Canon 3B(7) states, in relevant part, that a judge "shall not initiate, permit or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding." The canon then sets forth certain exceptions to the prohibition, none of which are applicable to this instance.

## DISCIPLINE

In adopting these findings and conclusions, the commission recognizes that some of the allegations in the Notice of Formal Proceedings are not resolved by the Stipulation. The commission, however, agrees that in light of Judge Block's retirement and the discipline, the disputed factual issues need not be resolved.<sup>6</sup> In addition, the allegation in Count Two that Judge Block made an offensive comment to Ms. Stafford is dismissed because the factual dispute cannot be resolved without a hearing and its resolution would not affect the discipline imposed.<sup>7</sup>

Similarly, the commission accepts the Stipulation's characterization of Judge Block's unethical conduct as conduct prejudicial to the administration of justice that brings the judicial office into disrepute, because the misconduct is at least that, and determining that one or more of the acts of misconduct constituted willful misconduct could not result in any greater discipline.

Judge Block's admitted misconduct with Ms. Galvan and Ms. Stafford, his deliberate attempt to intimidate witnesses during an investigation after having been counseled not to, and his attempt to intercede in a pending matter on behalf of a friend, is more than enough to support the imposition of a public censure and bar from assignments. Accordingly, based on the above findings and conclusions, the commission, as authorized by article VI, section 18(d) of the California Constitution, publicly censures Judge Block and bars him from receiving an assignment, appointment, or reference of work from any California state court. This is the maximum sanction the commission may levy against a retired judge, and the appropriate sanction for "the protection of the public, the enforcement of rigorous standards of judicial

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<sup>6</sup> The Stipulation states:

It is alleged that Ms. Galvan did not consent to the kiss; Judge Block disputes this. The parties recognize that lack of consent would constitute a very serious aggravating circumstance. Nonetheless, the parties believe that it is unnecessary to resolve this factual issue at a hearing, for the following reasons: (1) Judge Block has retired from judicial office and has agreed to be barred from acting in a judicial capacity in the future. This sanction protects the public, the judicial system, and court employees from a repeat of such conduct. (2) The disputed issue is a factual one peculiar to this case, rather than an unanswered legal question of judicial ethics. The wrongfulness of the alleged misconduct is beyond debate. (3) The admitted misconduct is otherwise sufficient to support the proposed sanction.

<sup>7</sup> Paragraph B of Count Two of the Notice of Formal Proceedings reads:

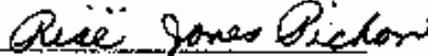
On or about the same day as the handcuffing incident described above, during a hearing over which you were presiding, Margie Stafford was leaning over a juvenile defendant for whom she was interpreting. You remarked to Ms. Stafford, in substance, that you knew why so many juveniles were requesting an interpreter. You then asked Ms. Stafford to approach the bench, and when she did, you said, in substance, that she knew why, and gestured toward and looked directly at Ms. Stafford's breasts. Ms. Stafford felt embarrassed and offended. Because of this incident and the handcuffing incident, she asked not to be assigned to your court again.

conduct, and the maintenance of public confidence in the integrity and independence of the judicial system.”<sup>8</sup>

This decision shall constitute the public censure of Judge Block and a bar to Judge Block receiving an assignment, appointment, or reference of work from any California state court.

Commission members Judge Risë Jones Pichon, Justice Vance W. Raye, Ms. Lara Bergthold, Mr. Michael A. Kahn, Mrs. Crystal Lui, Mrs. Penny Perez, Ms. Ramona Ripston, Ms. Barbara Schraeger and Dr. Betty L. Wyman voted to impose this public censure and bar from receiving assignments. Commission members Judge Madeleine I. Flier and Mr. Marshall B. Grossman did not participate in this proceeding.

Dated: December 9, 2002

  
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Honorable Risë Jones Pichon  
Chairperson

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<sup>8</sup> *Broadman v. Commission on Judicial Performance* (1998) 18 Cal.4<sup>th</sup> 1079, 1112, citing *Adams v. Commission on Judicial Performance* (1995) 10 Cal.4<sup>th</sup> 866, 912.