

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL
PROCEEDINGS CONCERNING JUDGE JOHN A. TRICE

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge John A. Trice of the Superior Court of California, County of San Luis Obispo. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern the judge's alleged (1) failure to pay his ex-wife her share of his military pension benefits as and when he received them, as required by the judgment in his marital dissolution case; (2) false statements to the ex-wife's attorney, court CEO and others about advice received from a court commissioner; (3) designation of the judicial officer to handle the stipulation resolving the pension arrears issue; (4) intemperate email to the then-assistant presiding judge; (5) intemperate email to the court CEO concerning court reporter assignments; and (6) failure to disqualify/disclose concerning a defense attorney.

These actions are alleged to constitute willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action.

In accordance with the rules that govern commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Attorney Gary Schons of San Diego and Commission Trial Counsel Mark Lizarraga will serve as Examiners for the commission. Judge Trice is represented by Attorney Eugene Iredale of San Diego.

Following completion of the hearing, the Special Masters will provide the commission with a report containing findings with respect to the charges. The parties will have an opportunity to present their views on the report to the commission through briefing and argument. If the commission determines that the charges are proved by clear and convincing evidence, it is empowered to remove, censure, publicly admonish, or privately discipline the judge. Charges that the commission determines are not proved will be dismissed. A determination by the commission to remove, censure, or admonish a judge is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the commission office. A copy of the Notice of Formal Proceedings is also posted on the commission's website at <http://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents"). Judge Trice's Answer to the Notice is due November 12, 2015. Upon filing, the judge's answer will be made available for public inspection.

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The commission is composed of three judges, two lawyers and six public members. The chairperson is Honorable Erica R. Yew of the Superior Court of California, County of Santa Clara.

For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.