



State of California
Commission on Judicial Performance
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February 6, 2014

Sharon Noonan Kramer
2031 Arborwood Place
Escondido, CA 92029

Dear Ms. Kramer:

We have considered your recent submissions (including the videos you have referenced) relating to your complaints about several California judges and justices, which were closed by the commission at its December 2010 and March 2013 meetings, in order to determine whether there is any basis for action by this commission. It has been concluded that the contents of your submissions do not provide grounds for proceeding further.

We note that you have raised questions regarding the commission's handling of your complaints. Please note that the commission's rules concerning confidentiality of commission procedures generally prohibit disclosure of the details of a commission matter, including the extent to which a complaint is investigated and the reasoning behind the commission's decisions. However, we hope the following explanation of the commission's general procedures is helpful with respect to your concerns.

The primary function of the Commission on Judicial Performance is to evaluate and act upon complaints against California state court judges for judicial misconduct as specifically set forth in the California Constitution, the California Code of Judicial Ethics and the decisions of the California Supreme Court.

Each written complaint about a California judge is voted upon by the commission. The commission determines whether the complaint is unfounded and should not be pursued, or whether sufficient facts exist to warrant investigation. When a complaint states facts which, if true and not otherwise explained, would be misconduct, it is the commission's practice to have its staff interview witnesses, review documents or files, and conduct other investigation for corroboration. Sometimes the allegations are borne out; at other times the claims of misconduct are not supported. For example, witnesses to the alleged misconduct may report different facts or, due to the passage of time, a lack of recall, or other reasons, otherwise do not corroborate the allegations. The commission reviews the available evidence to make a determination as to whether the evidence

Confidential under California Constitution,
Article VI, Section 18, and Commission Rule 102

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supports a finding that misconduct has occurred. Where the evidence does not support such a finding, the commission may close the case without any action against the judge. Individual legal rulings and discretionary decision-making without more, are not a basis for review by the commission. Even a judicial decision or administrative act later determined to be incorrect is not itself a violation of the Code of Judicial Ethics and is not misconduct.

It also may be helpful to explain that the Commission on Judicial Performance is an independent state agency, wholly independent of the courts of the State of California; members of the commission are not privy to the reasoning behind judicial officers' rulings. The commission has no authority to provide legal advice, reverse a judge's decision, move your case to another department or court, or otherwise intervene in your litigation. If you wish to determine what legal avenues may be available to you regarding the concerns expressed in your letter, you might consider contacting an attorney.

We hope this additional clarification is helpful to you. We regret your dissatisfaction with the disposition of your matters.

Very truly yours,



Karen Clay
Staff Counsel

KC:as/L020614Kramer