

The Recorder

Former El Dorado Judge Is Banned From Serving on Bench Ever Again

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A Commission on Judicial Performance document in the ethics case against Steven Bailey.

Steven Bailey, the former trial court judge and unsuccessful Republican attorney general candidate in 2018, has been barred from ever holding a judicial office in California again.

The Commission on Judicial Performance announced Wednesday it has [censured](#) Bailey for misconduct committed during his eight years on the El Dorado County bench, which ended with his 2017 retirement. The punishment is the most severe that the commission can level short of removing a sitting judge from office. "We believe there is a very high probability that Judge Bailey will engage in future misconduct if he were to return to the bench," commissioners wrote. "There is little likelihood of reform when a judge has engaged in multiple ethical violations on and off the bench during the entire course of his or her judicial career, fails to appreciate the impropriety of the misconduct, and continues to engage in the same conduct despite being advised of the ethical impropriety." Reached by text on Wednesday, Bailey called the censure "a political hit by a Democrat-dominated commission designed to damage me politically." Bailey said he "sought, received, and followed ethics advice ... that is now being second-guessed 10 years later." The majority of the commission's 11 members were Democrats at the time they were appointed. The politicians and political bodies that appointed them—the governor, the Assembly speaker, the Senate Rules Committee and the California Supreme Court—are all Democrats or have Democratic majorities.

Asked for comment about Bailey's claims, Gregory Dresser, the commission's director and chief counsel, pointed to an exchange from the Jan. 30 hearing on the charges. Bailey had been asked by CJP Chairwoman Nanci Nishimura whether he believed the proceedings amounted to political retaliation. "I'm not suggesting that," Bailey said, according to [a transcript](#) of the hearing. "But in, you know, the height of a political campaign, when the commission staff ... they file an accusation based on conduct that was at that point over six months old ... there was almost no action other than letters from the

commission staff up until I announced I was going to retire. And then all of a sudden, it went into hyper speed.”

Article on next page from the Mercury News

<https://www.mercurynews.com/2019/02/27/enough-signatures-gathered-to-recall-contra-costa-judge-petitioners-say/>

Enough signatures gathered to recall Contra Costa judge, petitioners say

Deadline for petitions set for March 12

By [NATE GARTRELL](#) | ngartrell@bayareanewsgroup.com | Bay Area News Group

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WALNUT CREEK — A group of petitioners who want to reform Contra Costa County's family courts system say they have acquired enough signatures to recall a superior court judge.

For months, members of a group called California Family Advocacy have been petitioning outside the Walnut Creek Superior Courthouse, gathering signatures to recall three Contra Costa judges: Judge Jill Fannin, Judge Lois Haight and Judge Rebecca Hardie. Recently, they secured the signatures necessary to place Haight's recall on an upcoming ballot, and say they are close to securing enough to recall Hardie.

They have roughly two weeks before the deadline to submit the petitions. Successful petitions will be presented to the county board of supervisors, which in turn would call for an election, according to county election officials.

"If any of the petitions are successful, the most likely timeline would be for a November election, but there are too many variables to know for sure," county elections spokesman Paul Bugarino said.

None of the three judges targeted by the recall effort immediately returned email requests for comment.

Recall efforts are rare in California, but some have gained momentum in recent years. Most notably was the successful 2018 recall of former Santa Clara County Judge Aaron Persky, inspired by the backlash over what many called a lenient jail sentence for an attempted rapist at Stanford University.

For the petitioners behind the Contra Costa recall effort, gathering signatures has been a daily event, provided the weather doesn't get bad enough to soak the signature forms. Day after day, they have stood outside of the Walnut Creek courthouse and other places around the county, occasionally holding rallies to support their cause.

Many of them joined the cause after experiencing the family courts system firsthand.

"When someone comes out of court crying, I tell them this is what people always go through," said one petitioner, Shelly, who declined to give her last name.

Their reform efforts go beyond recalling three judges, to revamping the courts system as a whole. In an interview, three recall petitioners named more than a dozen desired reforms.

"Nobody knows this stuff. ... We have some very bad judges here," said Andrea Packwood, chairperson of California Family Advocacy.

Their critiques of the court system are voluminous; those who've been through child custody proceedings describe being put in an impossible situation: admit to something they didn't do as a condition of having their kids returned, or risk going without their children.

"Obviously the courts don't have evidence of wrongdoing or they wouldn't require a confession," Packwood said, later adding, "They basically break the families financially, they push them through years of court."

They want stronger legal standards for child custody hearings, which Packwood said allows for "hearsay and rumors" that are assumed to be true, while inhibiting parents from presenting evidence in their favor. They say the family courts system discriminates against minorities and people from low-income households, which petitioners say is evidenced by their own experiences, standing outside of court and seeing who attends hearings each day.

"I'd say it's around 75 percent are minorities, from low-income families, single moms or parents of kids with special needs," Shelly said.

A blog post by the group alleges family court judges needlessly prolong custody cases to create a "need for federal funding, and has created many additional opportunities for emoluments, for the personal benefit of these judges."

They want to do away with judicial immunity, which protects judges from lawsuits that come as a result of their rulings. They want family court hearings to be more open to the public, saying the lack of transparency makes it easier for judges to make unfair rulings.

They point out that children put into foster care are susceptible to becoming human trafficking or child molestation victims. They also allege the family courts system violates the Indian Child Welfare Act, a 40-year-old law designed to protect Native American children from being removed from their families.

Some petitioners say they have seen social workers lie on the stand and get away with it, and that the courts system requires parties to attend therapy sessions with a set list of doctors. Similarly, they take issue with the fact that parties are often given set lists of local lawyers and are told they must hire one of them, alleging that those lawyers make the list by "colluding" with county judges.

County election officials say the recall effort's deadline is March 12.

Link to Facebook video: <https://youtu.be/I0qf1k2tSFU>