

**Workers' Compensation Ethics Advisory Committee
Annual Report, 2019**



**State of California
Gavin Newsom, Governor**

**Labor and Workforce Development Agency
Julie Su, Secretary**

**Department of Industrial Relations
Katrina S. Hagen, Director**

Message from the Director



I would like to thank the Workers' Compensation Ethics Advisory Committee for their work investigating judicial misconduct complaints against Workers' Compensation Administrative Law Judges. The Advisory Committee meets regularly to review complaints and recommends investigation to the administrative director and the Chief Judge of the Division of Workers' Compensation. Their considered review of each complaint ensures that the integrity of the adjudicatory function of the workers' compensation system is upheld.

This complaint review process is one aspect of our effort to ensure ongoing dialogue and feedback with Administrative Law Judges, ensure they are provided continuous training and are held to the highest ethical standard. With the onset of the COVID-19 crisis, we have continued with annual mandatory training, and added new elements to the training program to acknowledge new challenges relating to the move to digital hearings. We recently conducted training on the Elimination of Bias in Trial Proceedings, Due Process and Ethics. The Ethics course explicitly tackled the new and different ethical considerations that have arisen because of the alternative delivery means for the workers' compensation practice and a panel explored how those changes can create ethical dilemmas and how to respond. Administrative Law Judges are also required to complete bi-annual Preventing Discrimination and Harassment training and an Ethics Training for State Officials course provided by the Attorney General's Office.

Finally, I would like to thank all our Workers' Compensation Administrative Law Judges across the State. They perform a critical role in the States workers' compensation system, and it has never been more evident during the COVID-19 pandemic, to ensure our injured workers across the state are provided timely and appropriate medical care, indemnity benefits and that they return to work safely and quickly. The move from a completely in-person process to a completely online process was implemented at an extraordinary pace and with minimal impacts. I greatly appreciate the dedication and professionalism I have seen demonstrated during this transition.

Thank you,

/Katrina S. Hagen

Katrina S. Hagen

Director of Industrial Relations

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I. The Ethics Advisory Committee: A Profile

A. The Committee's Function

The Workers' Compensation Ethics Advisory Committee (EAC or committee) is a state committee that is independent of the Division of Workers' Compensation (DWC or division). The EAC's authority and duties are set forth in the California Code of Regulations (CCR), Title 8, sections 9722–9723.

As civil servants, workers' compensation administrative law judges (WCALJs or judges) are not subject to review by the California Commission on Judicial Performance, the agency responsible for investigating misconduct complaints against supreme, superior, and appellate court judges. Instead, it is the EAC that monitors and reviews complaints of judicial misconduct filed against WCALJs.

The EAC meets at regular intervals to review complaints. If a complaint warrants a formal investigation, the committee recommends investigation to the administrative director of the DWC and the chief judge (CJ) of the DWC.

B. Committee Membership and Meetings

Pursuant to CCR, Title 8, section 9722, the EAC is composed of nine members, each appointed by the DWC administrative director for a term of four years. Reflecting the various constituencies within the California workers' compensation community, the EAC consists of the following:

- A member of the public representing organized labor;
- A member of the public representing insurers;
- A member of the public representing self-insured employers;
- An attorney who formerly practiced before the Workers' Compensation Appeals Board (WCAB) and who usually represented insurers or employers;
- An attorney who formerly practiced before the WCAB and who usually represented applicants (injured workers);
- A presiding judge (PJ);
- A judge or retired judge; and
- Two members of the public outside the workers' compensation community.

The committee is assisted in carrying out its functions by an attorney and secretary on the DWC staff.

The EAC meets four times a year at the DWC headquarters, located at 1515 Clay Street in Oakland. Although EAC meetings are open to the public, the committee meets in executive session when it reviews and discusses complaints, and that portion of the proceedings is closed to the public.

II. Complaint Procedures

A. Filing a Complaint

Anyone may file a complaint with the EAC. Complaints may be submitted anonymously but must be in writing. Typically, a complaint is submitted in the form of a letter from an injured worker, attorney, or lien claimant (i.e., medical provider) who has been a party to a proceeding before a WCALJ, alleging ethical misconduct by that judge.

On receipt of the complaint, the EAC opens a case, and the DWC sends a letter to the complainant acknowledging that the complaint was received by the committee. Each complaint that alleges misconduct by a judge is formally reviewed by the EAC. To ensure the objectivity of the reviewing members, the names of the complainant, WCALJ, witnesses, and the DWC office where the alleged misconduct occurred are redacted from copies of the complaint.

A complaint that fails to allege facts that constitute WCALJ misconduct is forwarded to the CJ with a recommendation that no further action be taken. In such a case, the complainant is advised in writing that the EAC considered the complaint, found that no misconduct was either alleged or established, decided that no further action was appropriate, and closed the file.

B. Investigation by the Chief Judge or Administrative Director

When a complaint makes allegations that, if true, would constitute misconduct by a WCALJ, the EAC recommends that the CJ or administrative director conduct an investigation. After the investigation is complete, the EAC is briefed on the findings and determines whether an ethical violation occurred. If no ethical violation is found, the EAC recommends no further action. If the EAC finds an ethical violation, it recommends corrective action by the CJ. Complainant is advised in writing that appropriate corrective action has been taken and that the matter has been closed.

Any disciplinary action taken against a WCALJ by the CJ or administrative director is in the form required by Government Code (GC) section 19574 or 19590(b). The right of the CJ or the administrative director under CCR, Title 8, section 9720.1 *et seq.*, to enforce ethical standards among judges does not replace or reduce a WCALJ's procedural rights under the State Civil Service Act (GC section 18500 *et seq.*). Furthermore, the rights and obligations of the CJ or the administrative director and the WCALJ concerning the probationary period mandated by GC sections 19170–19180 are not affected.

III. Complaint Digest

A. Complaint Statistics for Calendar Year 2019

1. *Workers' Compensation Administrative Law Judges*

The DWC has 22 district office locations, each with a PJ, as well as 2 satellite offices. As of December 31, 2019, the DWC had authority over 172 active judges, including 153 serving judges and 19 PJs.

2. *Complaints*

The EAC's caseload consists of complaints still pending at the end of the prior year and newly filed complaints. The total caseload for 2019 was 32 complaints. (See Table 1.)

Table 1. 2019 Complaint Caseload

2018 complaints pending ongoing investigation	4
2018 complaints pending consideration (filed after the last 2018 meeting)	1
New complaints filed	27
Total complaints	32

In calendar year 2019, the EAC considered and resolved 5 complaints from 2018: 4 pending ongoing investigation (meaning that an investigation was requested and was not concluded by the end of the year) and 1 pending consideration (meaning that the complaint was filed after the last meeting of the year). The 1 complaint pending consideration led to an investigation. Of 27 new complaints received in 2019, the EAC considered 24 and resolved 21. Of those considered, 9 resulted in investigations, 6 of which were concluded. A total of 26 complaints were resolved, which includes the 5 complaints from 2018. Three complaints are pending ongoing investigation, and 3 are pending consideration. (See Table 2.)

The complaints set forth a wide variety of grievances. A large proportion alleged legal error not involving judicial misconduct or expressed dissatisfaction with a judge's decision. Of the 26 resolved complaints, 2 resulted in findings of judicial misconduct for which the committee recommended further action by the CJ or the administrative director. (See Table 2.)

Table 2. 2019 Disposition of Complaints

2019 complaints received	27
Investigations filed based on 2018 complaints	5
New complaints considered	24
Investigations filed based on new complaints	9
Total complaints investigated	14

2019 complaints received	27
2018 complaints resolved	5
New complaints resolved	21
Total complaints resolved (2018, 2019)	26
Findings of no misconduct	24
Findings of misconduct	2
New complaints pending ongoing investigation	3
New complaints pending consideration (filed after the last 2019 meeting)	3

3. Complainants

The workers' compensation community is composed of a variety of groups, including but not limited to, injured workers, attorneys, hearing representatives, claims administrators, and lien claimants (i.e., medical providers). Many types of complainants filed new complaints during 2019, and unrepresented employees made up by far the largest group. (See Table 3.)

Table 3. Complaints Filed in 2019, by Type of Complainant

Employees represented by attorneys	2
Employees unrepresented	15
Employers	0
Applicant attorneys	1
Defense attorneys	1
Hearing representatives	2
Claims administrators	0
Lien claimants (medical providers)	4
Attorneys/hearing representatives for lien claimants	2
Other	0

B. Description of Complaints and Actions Taken

1. Complaints Resolved in 2019 (26 Total)

(1) Complainant, an unrepresented applicant, complained that both the PJ and the judge have sat on the case for six and a half years, maliciously harassing complainant, violating complainant's rights, and preventing complainant from moving the case forward, held trials without complainant's presence, falsely deemed complainant a vexatious litigant, had ex-parte communications, and turned a regular hearing into an impromptu trial the same day. The judge is disqualified per CCR Title 8, section 9721.12, but failed to disqualify or disclose that information. The ethics violation has been ongoing since 2012. The latest ethics violation happened on November 13, 2017.

The complainant suffered from severe depression, and it was difficult to put this complaint together sooner.

The following is a list of the complaints:

1. The judge failed to disqualify or to disclose information that should have led to recusal. The judge was appointed to the bench on March 19, 2012, and was immediately assigned to this case. Less than two months later, complainant appeared before the judge, who had ex-parte communications with defense attorneys when complainant entered the room. Only the judge and the two defense attorneys were in the room. Complainant filed a Petition for Removal, but the judge responded by stating that complainant was a vexatious litigant.

In 2015, complainant discovered that, before the judge was appointed, the judge worked for a law firm whose client was a defendant in the case. For six and a half years, the judge failed to disqualify or to disclose that information. Complainant wrote several letters to the PJ, who ignored them. Each complaint resulted in retaliation by both the PJ and the judge.

2. For six and a half years, the calendar never rotated. Every time a hearing was scheduled, the PJ assigned it to this judge. If the hearing was set with another judge, the PJ cancelled it and rescheduled it with this judge. Complainant was told by the PJ that no one else could handle the case except this judge.
3. Over a period of six and a half years, complainant could not file a Declaration of Readiness (DOR) until the clerks asked for the judge or PJ's permission. This was before complainant was deemed a vexatious litigant. Complainant was denied access to the Electronic Adjudication Management System (EAMS) system and wrote several complaints to the PJ, who ignored them.
4. The PJ turned a status conference hearing into a trial on the same day without advance notice. On September 18, 2012, complainant appeared before the PJ, who was laughing the entire time. Complainant tried to show that fraud was committed by the insurance company but was told by the PJ: "we don't deal with fraud here." When complainant raised the issue with the PJ, the PJ yelled and belittled complainant while complainant sat crying. Complainant alleged that the PJ debased complainant, called complainant names, and accused complainant of being a vexatious litigant. The judge yelled and stated, "We don't deal with fraud here," left the courtroom, called for a court reporter, and turned the status conference into a trial. The PJ did not allow any documents into evidence other than those chosen by the judge. The PJ did not give any reason for holding the trial on the issue of vexatious litigation.

On December 12, 2012, the defense attorney filed a DOR, asking for a submission to be made on the matter of vexatious litigation. A court date was set with the judge, even though the PJ had still not issued a ruling. A status conference was set for December 19, 2012.

On January 4, 2013 (four months later, over the time limit permitted), the PJ issued a decision that did not find the complainant a vexatious litigant, but it did state that “applicant’s conduct to date is found to have interfered with the work of the WCAB.”

On March 5, 2013, complainant appeared at a status conference before the judge. The judge simply handed the minutes of the order to complainant, stating that the issues represented to the court in the DOR were resolved. A decision on vexatious litigant was issued. When complainant tried to raise other issues, the judge said that complainant would have to file another DOR. The PJ closed the case, violating complainant’s civil rights. As such, no attorney will accept complainant’s case because “your case has been closed, and the judge already issued a closing order in 2013.” Complainant claims that, although the case was closed, both the PJ and the judge still act as if it were open, holding hearings.

5. The PJ planned a trial that was not scheduled on the calendar without complainant’s presence and conspired with defense attorneys. Complainant filed a DOR for an expedited trial. A hearing with the judge was set for July 31, 2013. The defense attorney called and said there was a conflict and asked to continue the hearing. Rather than reschedule the trial date with the clerk, another attorney appeared before the PJ on the same day as the phone call, and the minutes of schedule reflected a trial date of July 23, 2013, with a note indicating that the applicant requested a continuance to August 14, which was a false statement—it was at the request of the defense attorney. On July 26, 2013, the WCAB sent a notice of hearing cancellation, stating that the judge was not available on August 14, 2013, and a new date of August 21, 2013, was set. The complainant wrote to the PJ, asking why a minutes of hearing was issued on July 23, 2013, as no court conference occurred on that date.
6. The judge sanctioned the complainant for failing to appear, even though numerous letters and notices had been sent to the judge regarding a scheduling conflict.
7. At a hearing on May 21, 2015, the complainant attempted to explain that the defense attorneys did not follow proper procedure, but the judge yelled, “If you are gonna continue in this court, you need to act like an attorney and use attorney language. We are not here for that.” Complainant was not allowed to submit any type of evidence. The judge said they were there solely to address the issue of the petition to compel. The judge forced complainant to turn over medical records that did not pertain to the current injury, in violation of the Health Insurance Portability and Accountability Act laws. Complainant alleges that, off the record, the judge told complainant that if complainant did not turn over the documents being requested, the judge would make sure the case was thrown out.

8. The complainant alleged that the judge and the PJ tried to transfer the case to another district office, using false statements that claimed that the complainant asked for the transfer.
9. On November 18, 2015, the PJ held a trial on the vexatious litigant issue, based on a number of letters that the PJ had accused complainant of filing, which violated the rules of the administrative director. Complainant claimed that the PJ refused to look at or allow any evidence to be admitted. On January 22, 2016, the PJ issued an order declaring the complainant a vexatious litigant.
10. The complainant claimed that the judge did not allow complainant to fill out complainant's own pretrial conference statement but was forced to sign the defense attorney's pretrial conference statement.
11. The PJ and the judge both allowed defense attorneys to file petitions, answers, and pleadings without signatures, declarations, or proper verifications. The defense attorneys made false statements on court documents, and every time complainant raised the issue to the judges, they harshly retaliated against complainant. The PJ and the judge failed to adjudicate complainant's case with due diligence and fairness. The WCAB EAMS systems is inaccurate about all the hearings and trials held by the two judges.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(2) Complainant, an applicant's attorney, complained that, after the matter was submitted and following submission of trial briefs, the judge rescinded the submission and requested clarification of the applicant's vocational rehabilitation, noting that discovery was closed. The applicant provided that clarification. The court obtained various ratings, which were 90%, 92%, and 100% permanent disability (PD), depending on the method used by the rater.

On September 13, 2017, during a court call, the judge indicated that the judge had not seen the supplemental report per the judge's order, then looked in EAMS and found it. The judge then ordered both parties to appear at another conference in November. However, the complainant was not available, so the court provided the parties with another date in January. The matter was then specially set by the judge, and both parties appeared. Unfortunately, the judge was out that day, and the parties were asked to obtain a new date from another judge. The matter was then set for a Mandatory Settlement Conference (MSC) in March 2018.

Finally, on June 2018, more than a year after the first trial, the parties appeared once again and requested that the matter be resubmitted for decision. But the judge asked for additional trial briefs to be filed no later than July 27, 2018. The matter stood submitted until July 16, 2018, when the judge issued yet another order rescinding submission. This time, the judge cited a supposed conflict of interest, which means the judge had to

recuse from the case. Yet the judge never disclosed the alleged conflict, mentioned the possibility of a conflict during the judge's extensive time on this matter, or gave the parties the opportunity to waive the conflict. Complainant complained that, only after more than a year after the original date of submission, after trial, after supplemental expert reports, and after two rounds of supplemental trial briefs, did the judge allege a conflict of interest.

Complainant complained that the conduct of the judge, including the repeated delays, taking evidence and testimony, and only years after the trial, finally alleging a conflict that warranted recusal, is inappropriate and improper. Throughout the time that the judge presided over the case, the judge continuously badgered the parties to settle the case, delayed resolution, and refused to issue a decision. It has been almost six years to the date of the injury, and the injured worker would like the right to have the judge issue an opinion. This matter has now been set before another judge for an MSC and will be set for trial once again. Complainant complained that months have turned into years and that judge's last "conflict" will further delay justice for the applicant.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(3) Complainant, a represented applicant, complained that the judge supervised a Compromise and Release (C&R) in 2016, which the defense refused to pay. On April 30, 2018, the judge refused to exercise jurisdiction over the case that followed against the insurance carrier, and the judge did not recuse from the case, despite being a percipient witness as to the specific requirements of the C&R regarding payments for future medical care. Complainant claimed that in the settlement conferences, another judge clearly pointed out the authority to exercise jurisdiction. Another judge commented that the judge was new and did not know what that judge was talking about, and complainant was denied complainant's day in court.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(4) Complainant, a defense attorney, wrote that complainant was reluctant to file a complaint for fear of possible retaliation against the law firm and its clients. Complainant complained that, for some time now, the attorneys at the firm have been under the impression that the judge acts with bias, often prejudging claims, and has exhibited behavior that they would classify as "bullying" of defendants. Complainant complained that, up to the present, the judge was someone that they would strike as a matter of course when trials were set, when possible. The complainant did not think that past issues with the judge were ever serious enough to jeopardize any due process rights or the ability to adequately represent the clients' interests. However, on October 3, 2018, it is the complainant's belief that, at trial on a particular case, the judge exceeded judicial authority and acted unprofessionally.

Complainant complained that the case at hand is particularly challenging because the unrepresented applicant is difficult and makes outrageous allegations at every appearance. Until 2018, complainant claimed that it was handled diplomatically and professionally by a judge who has since retired. This case was then transferred to this judge.

By way of background, complainant noted that this matter went to trial, a Findings and Award (F&A) was issued, and the WCAB, on a petition for reconsideration, issued an order partially granting and remanding to the local district office on the sole issue of PD. After the granting of reconsideration, the case remained on the calendar, while the parties obtained updated diagnostics and re-evaluation by an Agreed Medical Evaluator (AME). At every subsequent hearing, the applicant raised new concerns and allegations.

This matter was set before the judge on August 16, 2018. The judge was unavailable on that date, but the complainant was able to discuss the present case and issues with the applicant, the applicant's spouse, and the Information and Assistance (I&A) officer. Applicant claimed that they were not getting any physical therapy visits approved. Complainant contacted the claims adjuster, determined that the applicant had exceeded the statutory minimum visits, but was able to get the claims adjuster to override the utilization review (UR) denial and grant the applicant 12 more physical therapy visits. The matter continued to a new trial date on October 3, 2018. The applicant expressed frustration at not getting the therapy visits scheduled, so the claims examiner scheduled the appointments and sent notice to the applicant, but applicant never showed up for the scheduled appointments.

On October 3, 2018, the matter was set for trial before the judge on the sole issue of PD. The applicant raised the physical therapy visits issue and alleged the defendant never authorized it. The applicant also raised some outrageous allegations, including alleged behavior by the AME in refusing to examine the applicant. When the applicant was finished making the allegations, the complainant attempted to offer a response and follow the normal protocol at trial (which is to obtain the truth from the claims examiner regarding the physical therapy visits and the PD advances and address the new allegations about the AME). However, the judge in a raised voice (yelling) told complainant not to speak—that complainant would not be allowed to explain and would be permitted to speak in chambers only if asked a direct question and then only to respond to said question. Throughout the remainder of the hearing, the complainant claimed that the judge took an abusive and belligerent stance, including the following:

1. The judge was unprofessional toward complainant. The judge was belligerent and threatening and would not allow complainant to speak, rebut, refute, or explain anything, in violation of Labor Code (LC) section 5311.
2. The judge demanded that complainant immediately state how many physical therapy sessions the applicant attended in a five-year period. When complainant attempted to explain that complainant would have to contact the

claims adjuster to obtain the information, the judge yelled at complainant for being “unprepared for trial” and being unable to answer on the spot immediately. The judge did not allow further explanation; typically, defense attorneys do not have this information in their files, as physical therapy sessions do not typically create a medical report, and treatment charts are not kept in the files. Moreover, the parties were set for trial on the sole issue of PD. Throughout the rest of the hearing, the judge berated the complainant for not being prepared for trial because the complainant could not answer this question on the spot.

3. The judge demanded that complainant authorize 24 physical therapy visits. The judge threatened complainant by stating that if the 24 visits were not authorized, complainant would be forced to have the hearing continued and to sit in the courtroom all day until the sessions were authorized. The judge refused to listen or let complainant speak, until complainant provided the notice of appointment and proof of authorization. The complainant again attempted to explain that 12 physical therapy sessions were authorized and that the applicant refused to attend, but the judge just yelled, berated, and threatened complainant.
4. The judge threatened that if complainant did not authorize the 24 visits, the judge would invalidate the AME and order an independent medical exam (IME) conducted by someone of the judge’s choosing, at a significant cost to the client in time and money.
5. The judge said to applicant, who is in pro per, that the judge would invalidate the AME, that the AME was a “conservative” doctor, and that the judge would help applicant obtain a more “liberal” doctor. The judge agreed with applicant and the applicant’s spouse that the AME was biased toward the applicant, without reviewing all the evidence or taking testimony or evidence at trial.
6. The judge engaged in ex-parte communications with the applicant’s spouse during the afternoon session of the hearing, at which the applicant’s spouse informed the complainant that they could now see the judge directly with complaints or issues (ex parte) and bypass the I&A office.
7. The judge threatened to use an IME doctor, and when complainant objected, the judge yelled at the complainant, stating that complainant had no power to object in the courtroom and no ability to tell the judge how to do the judge’s job.
8. The judge berated the complainant, stating that there was no cross-examination of the AME, despite the absence of prior issues with the AME and the applicant being in pro per since the July 2015 trial submission.
9. The judge continued to berate complainant, alleging that the complainant was not doing complainant’s job and did not know how to do complainant’s job

and that complainant was unprepared for trial. The judge would not let complainant explain anything, yelling at complainant to be quiet unless the judge had a question.

10. The judge abused the judge's authority, ordering treatment by threatening complainant with continuances, invalidating the AME, and adding significant time and costs of litigation for complainant's client.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the EAC found that the investigation supported a finding of ethical violations, including ex-parte communications, prejudging the case, and a violation of Canon 3B(4) for failing to be patient, dignified, and courteous. Based upon that conclusion, the EAC recommended further appropriate action by the CJ.

(5) Complainant, a lien representative, complained that over 43 lien hearings have been held without a final order on the doctor's lien. Complainant claimed that since 2011, 30 hearings have been held before the judge, who has deliberately delayed final adjudication of the lien. Complainant wrote that the judge has ordered payment of the lien and interest of an unspecified amount on July 11, 2018, and again on November 14, 2018, but refused to set the matter for trial on statutory penalties and interest, which are worth significantly more than the face value of the lien, since treatment was billed over 14 years ago.

Additional allegations of misconduct:

A. Dishonesty

The complainant alleged that the judge lied about the time spent with the parties at a lien conference. Complainant stated that the judge falsely wrote in the minutes of hearing that the judge spent 60 minutes with the parties, when in fact it was no more than 30 minutes. Complainant claimed that this was done in order to cover up and excuse the judge's own misconduct in unnecessarily delaying a 14-year-old case by a 75-year-old lien claimant in which the judge had already stalled in 30 hearings without issuing a final order on the doctor's lien claim.

B. Discourteous Treatment

On two occasions during the three-hour hearing, the judge forced the lien representative and defense attorney to wait seated in the judge office for 15–20 minutes, like schoolchildren in detention, while the judge handled other matters in the courtroom. On one occasion, when the defense attorney stepped out of the office to stretch, the judge walked past the attorney and returned to the judge's office and rudely barked at the complainant to "move your feet." A few moments later, the judge rudely barked, "get out of my office" and "wait in my courtroom." Complainant claimed that this rude and punitive approach to hearings is representative of the judge's treatment of complainant in all hearings. The judge forced the parties to stay until the lunch hour or the end of the day to receive a disposition unless the disposition was settlement, an unopposed continuance, or an order taken off the calendar (OTOC).

C. Failure to Avoid Impropriety and the Appearance of Impropriety

Complainant complained that the judge's unreasonably long delays, combined with the judge's dishonesty and discourteous treatment of parties, created the appearance of impropriety.

According to the complainant, a lien trial was scheduled for January 9, 2019, which was set on the judge's own motion after cancelling the January 14, 2019, hearing date. However, the judge did not appear for work that day, and the parties were forced to obtain a continued lien trial date of February 14, 2019. The complainant complained that this date was also vacated, and the matter was reset for a lien conference to take place on February 12, 2019.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the EAC found that the investigation supported a violation of Canon 3B(4) for failing to be patient, dignified, and courteous. Based on that conclusion, the EAC recommended further appropriate action by the CJ.

(6) Complainant, an unrepresented applicant, would like a different judge to adjudicate complainant's eight cases. Complainant is uncomfortable with this judge's handling of the cases as a result of an incident that took place prior to the June 20, 2018, status conference involving this judge, defense attorney, and an armed police officer.

According to complainant, complainant was waiting with the I&A officer for the defense attorney to arrive and announced that complainant would be recording the conferences going forward for accountability. When defense counsel came in, complainant immediately stated complainant's intention to record. The defense counsel vehemently objected, began gathering their belongings, headed toward the door, and said, "You can't even record my 'decline.'" As the door closed, complainant dropped the recorder into a tote bag, as the I&A officer and complainant were engaged in a totally different conversation, as if that had never happened. After a few minutes passed, the door suddenly opened, and the defense counsel, the judge, and a California Highway Patrol (CHP) officer, hand on gun, rushed in. The judge admonished complainant by saying, "You will not be recording anybody! You give that recorder to the officer, and you can get it when you leave! There will be no recording in here." According to complainant, as the judge continued with the rant and admonishment, complainant calmly reached into the tote bag with two fingers, retrieved the recorder, and showed all three that the recorder was turned off. After complainant returned the recorder to the tote and continued to watch the CHP officer, complainant said to the judge, "Why are you not equally concerned that my eight cases have not been adjudicated in two decades, and why is it that I keep being met with an armed officer with you or the defense attorney?" The attorney arranged for a CHP officer to sit through complainant's deposition, because counsel said that complainant was too aggressive. Without answering complainant's questions, the judge and the CHP officer exited the room. Complainant is no longer comfortable with having this judge render judgment in the cases.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(7) Complainant, an unrepresented applicant, complained that on the day the matter was set for trial to take place, complainant was met with a somewhat hostile demeanor from the judge as the judge began to explain that complainant's case would not be proceeding to trial that day because of another trial the judge had started prior to this date. The defense attorney also stated that defense attorney was not prepared to go forward because the attorney assigned to the case was injured and would not return to complete the case. In addition, the defense attorney who appeared would not be available because of pending retirement and because their office was missing a few attorneys. Complainant then stated, "You need to go outside and call the supervisor to get in here to adjudicate these cases!" Suddenly, the judge angrily responded: "I'm not going to sit here and allow you to call this man a liar!" The complainant did not call the attorney a liar, and the judge then stated that complainant was making the accusation that this was a stall tactic. The complainant responded calmly that complainant is self-represented and was merely defending oneself in this blatant attempt to stall yet again because defendant knows defendant cannot win and must pay complainant a large sum of money. According to the complainant, the judge then said angrily and aggressively, "If you are going to keep interrupting me, you can just go!," flinging the minutes of hearing. All parties then hurriedly left the room.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(8) Complainant, an unrepresented applicant, complained that the judge is partial and on the side of the insurance company. The complainant complained that the judge ordered a re-examination of the complainant over complainant's objections. Complainant alleged that the judge, the defense attorney, and insurance company, were all trying to "cancel" complainant's case for a back injury with the excuse that there was no report. The complainant stated that the prior judge and the defendant's lawyer cancelled the appointment three times. Complainant complained of having to go to every doctor's appointment on time and undergoing examinations. Complainant complained that it is not complainant's responsibility that the prior judge cancelled the report. Complainant complained of having to ask for a hearing or settlement conference for seven years.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(9) Complainant, a medical lien representative, complained of conduct that occurred more than a year ago, but complainant was awaiting the results of the petition on removal. As of the date of the complaint, the matter was still pending before the Reconsideration Unit. Complainant complained that the judge issued an order allowing the lien representative to provide written questions to the expert bill reviewer, rather

than compelling the bill reviewer to appear at a deposition, after the bill reviewer was determined by an investigator to be evading service of a deposition subpoena. In addition, complainant complained that the judge refused to move the case forward to trial and final adjudication of the lien, even after six lien conferences. Complainant complained that the delay (in concert with favoritism by the bill reviewer and bias against lien claimant) erodes public confidence in the integrity and impartiality of the judiciary and demonstrates neglect of duty.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(10) Complainant, an anonymous medical lien representative, complained that the judge took off calendar several of complainant's lien cases that were challenging a stay. The judge told complainant that other judges are going to decide those cases and that complainant should wait. The complainant did not feel that this was fair because the judge was the trial judge and was supposed to hear complainant's clients' cases. The complainant complained that this judge has done this to others. The complainant also alleged that the judge makes mean comments under the judge's breath in the courtroom during the disposition as well as during trials. The complainant indicated that the judge thinks no one can hear the judge, but complainant did hear or maybe the judge wanted everyone to hear. Complainant alleged that even the other attorneys and court reporters looked shocked at how this judge acted.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(11) Complainant, an unrepresented applicant, complained that, at the first meeting with complainant's attorney, the attorney said that the judge really does not like you. Complainant did not even meet the judge until much later. Complainant complained that, at the second meeting, complainant's attorney told complainant that the judge said if you do not sign it, you get nothing. At the third meeting, the attorney said that the judge would not approve the two cases unless the third one is added, so that complainant cannot go back and sue the employer. Complainant complained of a violation of complainant's rights. Complainant also asked the WCAB office for a copy of the disks that pertain to complainant's cases. According to complainant, the office did not give complainant everything that was on those disks.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(12) Complainant, a hearing representative, complained after observing the judge engage in an overly friendly conversation with another hearing representative. Complainant alleged that this was more than a casual conversation, which made the complainant very uncomfortable. The complainant went to the PJ and advised the PJ about the situation and that complainant wanted to file a complaint. The complainant stated that the PJ discouraged complainant because the judge was going to retire. Complainant felt that this incident needed to be documented, as this particular judge

and the hearing representative are overly friendly and a judge should not display a preference for the defense, as it creates a toxic atmosphere.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(13) Complainant, a hearing representative, complained that the judge acted as a defense attorney instead of a judge. The judge allegedly glared at complainant because complainant disagreed with the judge. Complainant complained that the judge was predisposed and only listened to the defense attorney, as if complainant did not matter. Complainant complained of feeling like a criminal for sharing complainant's position. Complainant directed the judge to a regulation requiring a defendant to file a DOR and petition, and the judge responded, "You want the defendant to file a DOR on your lien?" Complainant complained that the judge still thinks that the judge is a defense attorney working for the insurance company and not a judge. Complainant expressed disappointment as complainant had a matter set for trial before the judge. The judge then glared again and turned red.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulation

(14) Complainant, a represented lien claimant, complained that the judge stayed the lien without the authority to do so and therefore violated complainant's due process rights. The complainant's lien is not on the stayed list and never has been. There is only one certified list and thus only one verified and authenticated stayed list per the binding order of a District Federal Court Judge. This information has been before the judge on three occasions. The result of the illegal stay is the deprivation of complainant's civil rights.

Complainant complained that the judge contravened the Federal Judge's order by usurping the authority of the Federal Judge and supplanting The Federal Judge's discretion with the judge's own. The judge has been asked to take judicial notice of the requirements for staying a lien based on parameters set forth and memorialized in Judge Wu's ruling. Complainant complained that the judge was apprised of the fact that the judge had been misled by the defense attorney. Despite both written and articulated arguments by the lien claimant and lien claimant's representative, the judge insisted that complainant's liens were stayed. Complainant claimed that professional impropriety occurred because the judge failed to follow federal law.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(15) Complainant, a lien claimant, complained that the judge issued an order dismissing complainant's liens during the lunch break period. According to the complainant, in the minutes of hearing, the judge stated that the lien complainant did not appear, and the lien was dismissed. Complainant's hearing representative was present the entire day,

negotiating with defendant. As a result, complainant complained of having to hire an expert to prepare and submit a request for reconsideration of the dismissal of the liens. This action caused complainant to incur a cost of \$1,000, which could have been avoided if the judge had not taken ex-parte action on the liens. The parties present were complainant's hearing representatives.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(16) Complainant, an unrepresented applicant, claimed that the defendant, attorneys, insurance company, physician, and the judge deliberately lied to cover up fraudulent and false statements. Complainant claimed that the parties and the judge were paid kickbacks in exchange for denying claims and not paying benefits.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(17) Complainant, an unrepresented applicant, complained that the judge is biased and prejudiced. On January 31, 2018, complainant was late for court due to traffic, but the judge had already issued a minutes of hearing prior to court and before complainant arrived there. Complainant did not agree with the order and told the judge as much. The minutes and order were given to complainant after the hearing.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(18) Complainant, an unrepresented applicant, complained that the judge has performed acts of judicial misconduct, which have prevented complainant from achieving a fair administration of justice and the right to due process under the law. Complainant complained of being targeted by the judge due to complainant's racial and ethnic background.

On February 12, 2019, fifteen minutes before trial commenced, the complainant and defense counsel were ordered to attempt to reach a settlement before the judge would consider hearing the scheduled trial. When complainant and defense counsel returned and indicated to the judge that the parties were too far apart, the judge asked complainant why the demand was more than complainant could possibly win in court. Complainant believed that that was what the case was worth. Complainant complained that the judge then forced complainant either to reduce the demand or to have no trial hearing at all. Complainant asked whether complainant was obligated by law to do such a thing, and the judge said, "Yes, I'm ordering that."

According to the complainant, on April 17, 2019, during trial, the judge stopped complainant from questioning a witness. The judge told complainant that complainant's questions were irrelevant. In addition, the judge prohibited complainant from raising issues such as sanctions. The judge deferred these issues, claiming that they were not brought up at the pretrial conference. Complainant complained that the judge has

prohibited a fair administration of justice, violated complainant's due process rights, and abused the judge's discretion.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(19) Complainant, an attorney, complained that the PJ compelled complainant to remain in two cases in order to "take my medicine," as punishment. This was done out of judicial prejudice not consistent with the ethical administration of justice. Complainant claimed that the PJ then removed complainant's name and email address from a bench and bar email list that the PJ maintained, effectively excommunicating complainant from the local workers' compensation community. The complainant complained that the PJ repeatedly rebuffed complainant's efforts to have the email and name restored to the bench and bar email list, effectively continuing the prejudice that the PJ displayed in deleting complainant's name. Complainant did not have any record of bar discipline or sanctions and did not deserve to be treated in this prejudicial manner.

Complainant also complained that the PJ has performed other prejudicial acts against complainant over the years, including making inappropriate comments to complainant's clients, repeatedly demonstrating animus or personal prejudice against complainant.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(20) Complainant, an unrepresented applicant, complained that the judge denied complainant's motion to compel defendants to provide a list of witnesses and denied a motion to compel a physician to provide a supplemental report. By denying these requests, complainant claimed that the judge violated the act of discovery and denied complainant's rights to due process. Complainant claimed that the denial of discovery was tantamount to tampering with evidence in violation of the Penal Code.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(21) Complainant, an unrepresented applicant, complained that a decision by the judge showed no respect for rules of law and that the judge violated various statutes and regulations. Complainant complained that the judge's order, decision, and findings show that the judge acted outside and in excess of the judge's powers. Complainant argued that the evidence did not justify the findings of facts, and the findings of facts do not support the decision and rules of law. Complainant complained that the judge failed to review and include complainant's evidence, information, and letters in the findings as part of the judge's ruling.

Complainant complained that the judge should have been disqualified from hearing complainant's case due to complainant's peremptory challenge, which was filed on January 30, 2019.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(22) Complainant, an unrepresented applicant, complained that the judge harmed complainant's case for the benefit of the insurance company and defense attorney. The judge denied complainant's request for doctors to testify as witnesses. Complainant complained that the judge did not allow complainant to explain the case. The judge told complainant not to talk and even screamed "No! No!" at complainant in a very aggressive, angry, and loud voice. Complainant complained that the judge allowed the defense attorney to talk freely while complainant was cut off. Complainant claimed that the judge did not allow complainant to explain the evidence and refused to allow complainant to use certain exhibits. Complainant also noticed that every time complainant spoke about the exhibits, the judge pointed a finger at the court reporter to stop writing. This happened more than 10 times, and then afterward, the judge would say "back on the record." The complainant felt that the judge was not being fair. Complainant would like the case transferred because it is obvious that complainant cannot get a fair judgment at this district office. Complainant claimed that the defense attorney threatened complainant by stating that the defense attorneys know all the judges and that a family member of one of the defense attorneys is a judge, and so it is in complainant's best interest to dismiss the case and leave.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(23) Complainant, an unrepresented applicant, claimed that the judge denied complainant's request for a change of venue without having read it. Complainant claimed that it was denied because complainant is a member of a minority group and was simply asserting complainant's rights. Complainant claimed it is discriminatory and that the decision was not based on the facts. Complainant complained that, if the judge had read the motion, the judge would never have sent the order to the old address because the motion clearly stated a change of address. On this basis, the complainant claimed that the judge should be investigated for an abuse of power.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(24) Complainant, a represented applicant, claimed that the parties went to court regarding complainant's owed back pay because complainant did not receive any cost of living adjustments. The parties appeared in court on December 31, 2018, and were told to return for trial. The parties appeared on February 28, March 4, April 22, June 19,

and June 24, 2019, and were told each time that the matter was proceeding to trial. However, the judge just kept having meetings in the judge's chambers that complainant was never allowed to attend. Complainant claimed that, at the last hearing, the judge lectured complainant about what a great attorney complainant had. The complainant disagreed and filed a complaint with the State Bar.

On July 24, 2019, according to complainant, the parties met again in the judge's office, and they had the disability evaluation unit rater calculate whether complainant was owed any additional money. Complainant claimed that the rater found additional money was owed, but the judge asked the rater to change the numbers, and the rater refused to do so. The rater also found that complainant's attorney was paid over \$20,000, and complainant told the attorney to pay it back. The judge stated that the attorney has been paid, and that is the end of that matter. Complainant claimed to have requested to see the figures that the rater came up with, but complainant's attorney and the judge refused to let complainant see them. Complainant claimed that the judge was trying everything to make things difficult for complainant. Complainant complained that the judge also gave a lecture about how the judge will not allow complainant to get a lump sum settlement. Complainant claimed that the judge said that the judge is in charge of complainant and decides what is best for complainant. Complainant complained that the judge is out of line and kept making false statements and never wants to be on the record.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(25) Complainant, an unrepresented applicant, claimed that the judge committed a dishonest act, committed petty theft, and possibly tampered with evidence. Complainant alleged that, at the initial hearing on February 24, 2019, the trial was taken off calendar and rescheduled for May 2019. Complainant claimed that none of the exhibits had been filed in EAMS by the court. Complainant claimed that, at trial, through manipulation, the court "switched" complainant's personal trial notes and exhibits with previously submitted, unfiled exhibits. Complainant indicated having submitted all 319 medical documents to be filed in EAMS.

According to the complainant, at trial, the judge started the court proceedings by reading from a stack of papers and realized they were the 319 exhibit documents that complainant had submitted in February. Complainant brought copies of some exhibits to trial that complainant previously filed along with personal trial notes (not submitted). Complainant was concerned about the slow start of the trial and offered to give some of complainant's personal copies of exhibit documents to the judge to speed things up. The judge accepted and read them to the court reporter, and then complainant gave the judge various exhibit documents throughout the trial when the judge asked for them. At the end of the trial, the judge handed back the stack of papers. A few days after the trial, complainant opened the backpack containing personal materials and looked at the papers that were given back, realizing that none of the exhibits were among them, and

the personal notes that had not even been given to the judge were also missing. Complainant claimed that the court stole complainant's personal notes and exhibits.

Complainant also claimed that complainant was denied due process. Complainant was denied the right to choose the specialty of the Qualified Medical Evaluator (QME) panel. Complainant claimed this is not just legal error but a biased and calculated attempt by the judge to manipulate the law with the intent to deny due process. Complainant complained that the minutes of hearing did not accurately reflect what had actually occurred. For example, the judge changed words from "applicant agreed" to "applicant decided," and, though seemingly small, these changes altered the meaning of the action.

Complainant claimed that there was ex-parte communication between the judge, the doctor's attorneys, and the defendant's lawyer. This is evidenced by the fact that the judge signed and dated the order quashing a subpoena three days before receiving an amended petition. The complainant claimed that this indicates that the judge had knowledge that the judge would receive new evidence in the points and authorities of the amended petition. Complainant claimed that the judge coached the doctor's lawyers on the defense to present.

Complainant complained about attempting ex-parte communication with the judge. The judge then ordered complainant to communicate only in writing and to appear in person at the DWC office on scheduled hearing dates. Complainant claimed that this demonstrates enmity and bias by not allowing access to any resources at the DWC.

Complainant complained that the defense was allowed to depose the QME, further enhancing their discovery, while overlooking complainant's petitions and allowing the defense's DOR to take priority. Complainant claimed this was based on the false pretense that defendant's DOR was filed before complainant's DOR. Complainant alleged this is an example of the judge's lack of integrity and impartiality.

Complainant also claimed that there is evidence of manipulation of documents by the staff to validate the judge's biased actions. Complainant claimed that the clerks have access to and edit EAMS file indexes because each time complainant went to a different board, complainant received a different version of complainant's EAMS case file.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

(26) Complainant, an applicant's attorney, claimed that while the client was speaking with the judge, the client gestured to complainant and said, "Look at [complainant] smiling like a dog." At the time, the client was making accusations against complainant, and the judge was responding to them, so complainant was downcast and not smiling. The judge did not make any comments to the client and complainant felt that the judge should have instructed the client to be civil when addressing complainant.

Based on its review of the complaint, the committee did not identify any violations of the California Code of Judicial Ethics or the division's ethics regulations.

2. *New Complaints Pending Ongoing Investigation (3 Total)*

(1) Complainant, an unrepresented applicant, complains about feeling abused by the judge and the judge's apparent prejudice against complainant, who is a dependent adult and in pro per. Complainant claims that the judge held an ex-parte hearing without complainant's presence, allowing complainant's attorney to be dismissed without complainant's knowledge. The attorney was the attorney on three of the four cases. The attorney maintained that the attorney could not represent the complainant, if the complainant was in pro per in one of the four cases.

Complainant complains about never receiving the attorney's petition and claims to have waited by the phone on the hearing day for a call from the board, as is the procedure for out-of-state pro per applicants, but no one called, so complainant could not participate in the hearing.

The complainant also claims that the PJ said, "Judges do a favor for applicant's attorneys in situations like that." Complainant complains that this is prejudicial and a violation of complainant's due process rights. The judge also presumably failed to order the attorney to bring complainant up to date on the process of complainant's cases and send the case files to complainant.

The PJ took over the cases after this judge. Complainant feels prejudicially abused by the PJ as well because the PJ did not go over complainant's concerns at a 2018 hearing after complainant sent the PJ a letter with a courtesy copy to all parties, which included approximately 236 pages with attachments.

The PJ called a hearing in May 2019 to see whether complainant was receiving medical care and to discuss requests for reimbursements that were three years old and other business. The PJ did not discuss the \$21,000 in medical bills that the doctors billed to Medicare instead of workers' compensation. Complainant also disagreed with the PJ's stance that payment for housekeeping has a time limit. Complainant also complains that the PJ said that the PJ did not need any more supplemental AME reports, but complainant believes that the prior attorney did not send all the pertinent records to the AME. The PJ also asked, "Do you really need the knee replacement surgery?" The defendant authorized surgery in 2010 and 2018, but complainant does not trust either set of surgeons and deferred surgery both times. The complainant claims that most knee arthritis gets worse over time, so the PJ's question was unusual and prejudicial, as if the complainant was lying about the surgery.

Complainant also complains that the judge and the PJ both go too fast for complainant to follow during hearings conducted by telephone. Complainant requires additional time, as any elderly disabled person might need.

Following its review, the committee deferred this matter for further clarification of the facts in the EAMS file.

(2) Complainant, a represented applicant, claims that, at trial, the judge and defense counsel smiled at each other after the defense offered his argument and the judge issued a ruling. There was also a wink of the eye. Complainant argues that this is indicative of bias. In addition, the judge and defense counsel also went to the same law school at approximately the same time, thus indicating not only bias but a major conflict of interest. Complainant claims that the judge was laughing and joking with defense counsel.

Complainant complains that the judge improperly threatened sanctions against complainant's attorney in the amount of \$5,000 for requesting that an objection be noted, for raising legal objections, and for not being able to appear in the afternoon because of a previously arranged matter. The judge, in a raised voice, said that the judge is the ultimate authority, whose decisions cannot be appealed.

The judge also ordered complainant not to speak. Complainant claims that the judge allowed defense counsel to slander complainant for over two hours, and the judge regarded those nonfactual assertions as evidence. When the defense counsel spoke with the judge, the judge was smiling and nodding. The judge asserted that the complainant was not credible, and the complainant felt personally insulted and violated by the judge's behavior.

Following its review of the complaint, the EAC recommended that this matter be investigated.

(3) Complainant, an unrepresented applicant, claims that the judge yelled at complainant and said that the judge wanted to fire the complainant's attorney, and the attorney agreed. The judge said that complainant would not be able to hire another attorney and that the trial judge will not "give you a dollar because you are a felon."

It appears that a CHP officer was present with the complainant at all times, and a member of the complainant's family attacked the CHP officer. The judge apparently yelled at complainant regarding this incident, but the complainant could not defend against the false claims made to the judge.

Following its review of the complaint, the EAC recommended that this matter be investigated.

3. *New Complaints Pending Consideration (3 Total)*

(1) Complainant, an unrepresented applicant, complains that the judge pushed very hard to settle complainant's case. According to the complainant, the judge insisted that the defendant and complainant come to an agreement, and they did so. The defense attorney asked for complainant's copy of the draft C&R and indicated that the defense

attorney would revise it per their agreement and that it would take three to four weeks to process. The parties returned to sign the document before the judge at the next hearing. However, according to the complainant, when the parties appeared before the judge, the defense attorney indicated there was an error regarding complainant's disability issues on the C&R. The judge then indicated that, because of the circumstances, the defense had the flexibility to change its position. The defense attorney also indicated that a re-evaluation was needed.

Upon leaving the office, the parties went to the clerk's window to arrange a new hearing date, but, prior to setting a date, the defense attorney went back to the judge, and when the defense attorney came back, a trial date was set. Complainant realized later that complainant was a victim of what seemed like a con game.

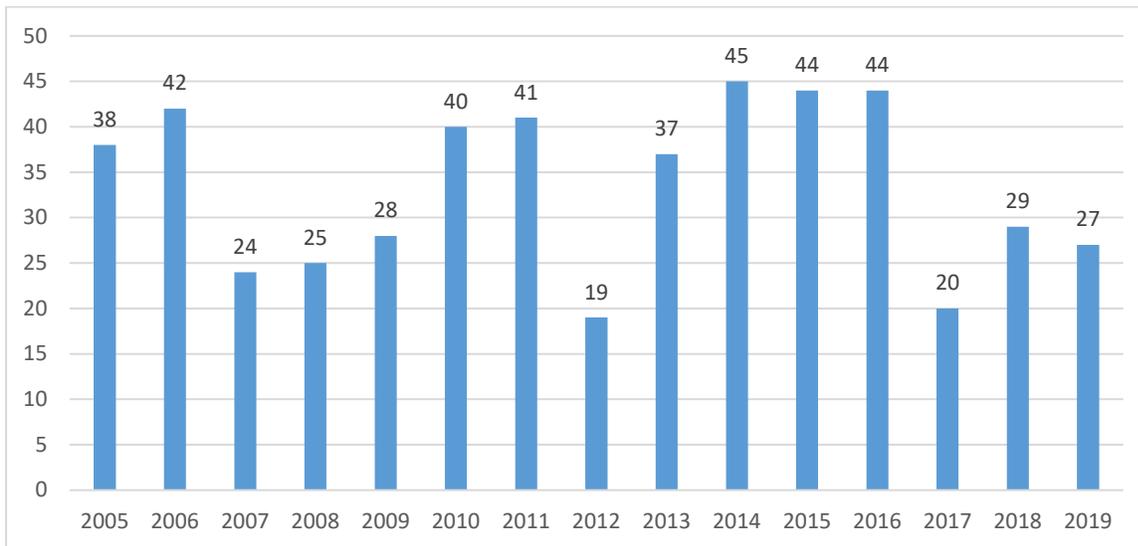
Complainant complains that the hearing was held outside the judge's chambers, with an unknown person observing the hearing without complainant's permission. In addition, the defense attorney assured the complainant that the I&A officer was going to meet with complainant in the judge's chambers, but the I&A officer did not appear. Complainant claims having been denied the right to an I&A officer. Complainant complains that the judge is biased against complainant and that complainant was forced into a re-evaluation, rather than moving forward with the original C&R.

(2) Complainant, an attorney, complains that the judge used offensive language in the Report and Recommendation on Petition for Removal, in which the judge described complainant as "inept."

(3) Complainant, a medical lien claimant, complains that the judge refused to hear complainant's case. Complainant complains that the lien had been set for trial before the judge two or three times, but the judge refused to hear the case, stating that another lien claimant had LC section 4615 legal issues pending. Moreover, because complainant made the referral as the primary treating physician, the judge did not allow complainant's lien to move forward. Complainant complains that there is no legal basis for not moving forward. Complainant complains of significant costs from lien representation fees and a denial of due process.

IV. Appendices

A. Number of Misconduct Complaints Filed with the EAC, 2005–2019



B. Committee Membership and Staff

2019 Ethics Advisory Committee Members

Vacant
Chair

Hon. Joyce Cram

Judge (Ret.), Contra County Superior Court
Member of the Public from Outside the
Workers' Compensation Community

Steven Siemers, Esq.

Member Representing Organized
Labor

Ellen Sims Langille, Esq.

California Workers' Compensation Institute
Member
Representing Insurers

Hon. Jamie Spitzer

Presiding Workers' Compensation
Judge
Workers' Compensation Appeals
Board, Anaheim

Jim Libien, Esq.

Former Defense Attorney
Workers' Compensation Law

Hon. Deborah Whitcomb

Workers' Compensation Judge
Workers' Compensation Appeals
Board, Stockton

Kenneth Peterson, Esq.

Former Applicants' Attorney
Workers' Compensation Law

Jim Zelko

Kaiser Foundation Health Plan
Member Representing Self-Insurers

Cristine E. Gondak

Member of the Public from Outside the
Workers' Compensation Community

Division of Workers' Compensation Staff

Hon. Paige Levy

Chief Judge

Karen Pak

DWC Attorney

Ursula Jones

Administrative Assistant

C. Acronyms

AME	Agreed Medical Evaluator
CCR	California Code of Regulations
CHP	California Highway Patrol
CJ	chief judge
C&R	Compromise and Release
DOR	Declaration of Readiness
DWC	Division of Workers' Compensation
EAC	Ethics Advisory Committee
EAMS	Electronic Adjudication Management System
F&A	findings and award
GC	Government Code
I&A	Information & Assistance
IME	independent medical exam
LC	Labor Code
MSC	Mandatory Settlement Conference
PD	permanent disability
PJ	presiding judge
QME	qualified medical evaluator
WCAB	Workers' Compensation Appeals Board
WCALJ	workers' compensation administrative law judge