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Retired Superior Court Judge Robert Letteau Admonished by CJP

By KENNETH OFGANG, Staff Writer

Retired Los Angeles Superior Court Judge Robert Letteau was publicly admonished by the Commission on Judicial Performance yesterday for exhibiting bias in two cases he presided over before leaving the trial bench.

“A judge who displays evident bias against one side of a case, or one who is so personally embroiled as to lose the ability to consider the matter in a neutral and objective manner, violates” the Code of Judicial Ethics, the commission said in a unanimous decision.

The commission also disclosed that Letteau was privately admonished two years ago for misconduct in three separate cases, saying he exhibited bias by commenting favorably on the credibility of a witness at the conclusion of testimony, had improper ex parte communications with an attorney, and abused his authority by imposing more than \$50,000 in sanctions—overturned on appeal—without giving the sanctioned attorney the opportunity to respond.

The CJP said the “incidents described in the body of this admonishment...present a troubling pattern of repeated violation of ethical duties that are fundamental to the fairness, and perceived fairness, of the judicial process.”

Yesterday’s decision marked the first release of public information about the case. Under commission rules, if the CJP decides after preliminary examination that public admonishment is appropriate, the judge has three options—accept the admonishment; appear before the commission in closed session to contest it; or demand formal proceedings, including an evidentiary hearing open to the public.

Letteau, now a private judge with ADR Services, took the middle course, appearing before the commission May 11.

Phone calls to the judge’s home and office were not returned. His attorney, Edward George, said his client is “very successful” as a private judge and that the decision was unlikely to affect his standing.

Limited Effect

Being admonished by the CJP does not bar a retired judge from presiding over private arbitrations and mediations or doing court-appointed work. Had the commission imposed the greater discipline of censure, it could have barred him from all court assignments, but not from working in the private sector.

In one case cited by the CJP, a 1998 conservatorship matter, the commission cited an unpublished opinion of the Court of Appeal which found that Letteau cut attorney Marc Hankin’s fees to one-quarter of his request because of “palpable animosity.” The panel said the judge was trying to punish the lawyer for his

comment, as part of his fee motion, that “probate court practices deprive elder abuse victims” who are not affluent “of the protection that the courts have a responsibility to provide (to them) for elder abuse.”

The commission found that Letteau “acted with bias” and “never stated any reason or basis for the reduction of more than 80 percent in the amount of fees awarded to Mr. Hankin.” It noted that another attorney in the same case was awarded the full amount of fees he sought, even though he was billing at a higher rate than Hankin, and the conservator’s fee request was also approved in full.

Bias was also evident, the commission said, in the six-month delay in ruling on the fees and in Letteau’s decisions not to hold an evidentiary hearing on the request and to finally calendar the matter for a date he knew Hankin could not be present.

Onetime Law Partner

Earlier in the case, the CJP pointed out, Letteau appointed two referees to consider the fee request, one of whom was retired Los Angeles Superior Court Judge Edward Ross, a onetime law partner of Letteau. The commission explained that when Letteau raised the issue of a referee, Hankin said he would object to Ross, whom Hankin had earlier sought to disqualify. Letteau responded that Ross “would be one possibility” and that Hankin should “[f]eel free to submit his name.” Letteau later appointed Ross and denied Hankin’s peremptory challenge, but subsequently vacated Ross’ appointment, as well as that of the other referee, and said he would decide the matter himself.

The second matter that Letteau was admonished for mishandling was a 2000 malicious prosecution trial in which the defendant was Steven L. Mazza, a Mid-Wilshire sole practitioner. The commission found that Letteau “failed to maintain impartiality in several instances,” and that the judge “made remarks that were sarcastic, disparaging, belittling and discourteous” to the defendant and his counsel.

In one instance cited by the CJP, Letteau interrupted direct examination of the defendant to question him concerning a collection letter sent to the defendant after default judgment was entered in the underlying matter. The default judgment was later vacated, and the defendant prevailed on appeal, leading to the malicious prosecution suit.

The letter, Letteau said, consisted of “two paragraphs” reading “We have a default judgment. We’re going to go after all your property.”

Letteau informed Mazza that the letter was “totally classless, stupid,” “one of the more offensive things I’ve seen a lawyer, presumably a college graduate, a law school graduate do,” and “an embarrassment to the entire profession.”

The Court of Appeal, reversing Letteau’s \$35,000 judgment for the plaintiff on the ground that the underlying suit was supported by probable cause at the time it was filed, described his treatment of Mazza as “unorthodox” and criticized him for his open hostility toward the defendant.

The vote to admonish Letteau was 9-0. Commission member Marshall Grossman did not participate, and there is one vacancy.