

Workers' Compensation Ethics Advisory Committee

Annual Report, 2015



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I. The Ethics Advisory Committee: A Profile

A. The Committee's Functions

The Workers' Compensation Ethics Advisory Committee (EAC) is a state committee independent of the Division of Workers' Compensation (DWC). The EAC is charged with reviewing and monitoring complaints of misconduct filed against workers' compensation administrative law judges (WCALJs, or judges).

As civil servants, WCALJs are not subject to review by the California Commission on Judicial Performance, the agency responsible for investigating misconduct complaints directed at judges serving on the Supreme, Superior, and Appellate courts. The EAC's authority and duties are set forth in the California Code of Regulations (CCR), Title 8, Sections 9722 to 9723.

The EAC meets at regular intervals to review complaints of judicial misconduct and to make recommendations to the Chief Judge and the administrative director of the DWC if a complaint warrants a formal investigation by the administrative director's staff.

B. Committee Membership

Pursuant to CCR, Title 8, Section 9722, the EAC is composed of nine members, each appointed by the administrative director of the DWC for a term of four years.

The composition of the EAC reflects the constituencies within the California workers' compensation community and consists of members as outlined in Box 1.

Box 1. Members of the Ethics Advisory Committee

- 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
- A judge or retired judge
- Two members of the public outside the workers' compensation community

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

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

II. Complaint Procedures

A. Filing a Complaint

Anyone may file a complaint with the EAC. Complaints may be submitted anonymously, but all complaints must be presented in writing.

An EAC case is typically opened after the DWC receives a letter from an injured worker, an attorney, or a lien claimant (i.e., medical provider) who has been a party to a proceeding before a WCALJ employed by the DWC, and the complaint alleges ethical misconduct by that judge. The DWC then sends a letter to the complainant acknowledging that the complaint was received by the EAC.

Each complaint that alleges misconduct by a judge is formally reviewed by the EAC. To ensure objectivity by the reviewing members on the EAC, the committee adopted a policy requiring that the names of the complainant, the WCALJ, and witnesses as well as the specific DWC office where the alleged misconduct occurred be redacted from the copies of complaints reviewed at each meeting.

All complaints that fail to allege facts that constitute WCALJ misconduct are forwarded to the Chief Judge with a recommendation that no further action be taken on the complaint. In these cases, the complainant is advised in writing that the EAC considered the complaint and, inasmuch as no misconduct was either alleged or established, decided no further action is appropriate, and that the matter has been closed.

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 will recommend that the Chief Judge conduct an investigation. After the Chief Judge's staff completes its investigation, the EAC is briefed on the investigation's findings as well as any disciplinary or other remedial action taken. The 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 Chief Judge or administrative director is in the form required by Government Code Sections 19574 or 19590(b). The right of the Chief Judge 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 (Government Code Section 18500 et seq.). Furthermore, the rights and obligations of the Chief Judge or the administrative director and the WCALJ concerning the probationary period mandated by Government Code Sections 19170 through 19180 are not affected.

III. Complaint Digest

A. Complaint Statistics for Calendar Year 2015

1. Number of Workers' Compensation Administrative Law Judges

The DWC has 24 district office locations, each with a presiding judge (PJ). In 2015, the DWC had authority over 167 active judges (see Table 1).

Table 1. WCALJ Positions (as of December 31, 2015)

Number of presiding judges	24
Number of judges serving	143
Total number of judges serving	167

2. New Complaints

The EAC considered a total of 38 of the 44 new complaints it received in calendar year 2015, in addition to 6 complaints pending from 2014. Six complaints filed in 2015 are pending ongoing investigation, and six pending complaints were filed after the EAC final calendar meeting for 2015. The EAC also resolved 10 complaints pending ongoing investigation in 2014. The complaints set forth a wide variety of grievances. A large proportion of the complaints alleged legal error not involving judicial misconduct or expressed dissatisfaction with a judge's decision. (See Table 2.)

Please note the following definitions: "pending ongoing investigation" refers to ongoing complaints for which investigations have been requested and the investigations have not yet concluded. Complaints for 2015 received by the EAC after its final meeting for calendar year 2015 are classified as "pending" or "pending consideration."

New complaints filed in 2015	44
Complaints from 2014 resolved in 2015	10
Complaints from 2014 pending consideration (filed after last meeting in 2014)	6
New complaints considered in 2015	38
Total complaints resolved in 2015	48
New complaints pending ongoing investigation	6
New complaints pending consideration (filed after the last meeting in 2015)	6

3. Groups within the Workers' Compensation Community That Filed Complaints

The workers' compensation community is composed of a variety of groups, including, but not limited to, attorneys, injured workers, claims administrators, hearing representatives, and lien claimants (medical providers). A wide variety of these parties filed new complaints during 2015, but unrepresented employees make up by far the largest group of complainants. (See Table 3.)

Employees represented by attorneys	3 complaints
Employees not represented	26 complaints
Anonymous	3 complaints
Applicant attorneys	3 complaints
Defense attorneys	1 complaint
Claims administrators	0 complaints
Hearing representatives	2 complaints
Lien claimants (medical providers)	2 complaints
Attorneys representing a lien claimant	1 complaint
Other (Return-to-work counselor)	3 complaints

4. Digest of Actions Taken on Complaints

In 2015, 44 new complaints were filed by the workers' compensation community, of which the Committee considered 38; the 6 complaints not yet considered were filed after the last EAC meeting. Of the 38 new complaints considered, the Committee resolved 32, and 6 complaints remain under investigation. The 6 complaints filed at the end of 2014 were considered and resolved in 2015, as well as 10 complaints with pending ongoing investigations in 2014, for a total of 48 complaints resolved in 2015. (For summaries of these complaints, see Section IV, A, Complaints Resolved in 2015.) Of the 48 resolved complaints, the EAC identified 4 complaints resulting in judicial misconduct for which they recommended further action by the Chief Judge or the administrative director. Of the 38 new complaints considered, 12 resulted in investigations, of which 6 were concluded. The 6 complaints filed at the end of 2014 did not lead to any investigations.

New complaints filed	44
New complaints considered	38
New complaints resolved	32
New complaints pending ongoing investigation	6
New complaints pending consideration (filed after last meeting)	6
Total complaints resolved (filed in 2014 and 2015)	48
Complaints resulting in finding of no misconduct	44
Complaints resulting in finding of misconduct	4
Total complaints investigated in 2015	12
Complaint investigations filed in 2015	12
Complaint investigations filed in 2014	0

IV. Description of Complaints and Actions Taken

A. Complaints Resolved in 2015 (48 total)

1. The complainant, an unrepresented applicant, alleged that the judge lacked jurisdiction to preside over the complainant's workers' compensation case. The complainant claimed to be disabled and did not have a properly appointed guardian ad litem. The complainant alleged that the judge exceeded the judge's jurisdiction and acted in bad faith when the judge appointed the complainant's daughter as the guardian ad litem during the Compromise and Release (C&R) hearing. The complainant's daughter told the judge that she did not have any information regarding the complainant's case and could not properly represent the complainant. The judge told the complainant's daughter that if she did not accept the appointment, she would be held in contempt of court. The complainant claimed that the complainant's daughter was forced to sign the C&R under duress and undue force.

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

2. An anonymous complainant complained that the judge used the judge's name for judicial prestige by using hyphenated last names on checks to benefit the judge's spouse's office. The judge also used the judge's position to secure ratings for the judge's spouse more rapidly than for the rest of the public. The complainant claimed that the judge discussed pending matters with the judge's spouse, who appears at various boards.

The Committee concluded the complaint should be investigated. Following 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. The complainant, an unrepresented applicant, alleged that the judge violated the Code of Judicial Ethics by having personal knowledge of disputed evidentiary facts, having actual bias in favor of the defendant, and failing to perceive evidence properly to conduct proceedings.

The complainant alleged that the judge had personal knowledge of disputed evidentiary facts because the judge refused to accept the final medical reports of the Qualified Medical Evaluator (QME) that considered the complainant a qualified injured worker. Instead, the judge ordered the complainant to see an Agreed Medical Evaluator (AME) without the complainant's consent. In addition, the complainant claimed that the judge wanted to dismiss the complainant's case because the complainant did not attend a hearing due to illness.

The complainant alleged that the judge had actual bias in favor of the defendant because the judge refused to accept the final medical reports. The judge had the AME create medical reports without seeing the complainant.

The complainant also stated that the judge was unable to perceive evidence properly because of a physical impairment. The judge allegedly failed to put the judge's instructions on paper, and the judge's oral instructions were always contrary to the judge's own words as well as to the hearing notice that the complainant later received.

The Committee concluded that the complaint should be investigated. Following 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. The complainant, an unrepresented applicant, alleged that the judge was dishonest and omitted vital medical records. The complainant alleged that the judge, in the Findings of Fact and Order, lied by writing that the QME's "report did not

address causation and is written in terms of applicant's overall level of disability without consideration for what medical problems are non-industrial." The complainant claimed that the Disability Evaluation Unit (DEU) issued a consultative rating and found no fault in the report, but the judge omitted the consultative rating in the Findings of Fact and Order. The complainant further claimed that the judge not only was partial to the defendants and biased but expressed an unwillingness to perceive and acknowledge the truth. The complainant claimed that the judge also omitted several reports by physicians in the judge's Findings of Fact and Order.

The complainant stated that, at a hearing in March, the complainant was instructed to bring evidence, and, if the complainant did not have the exhibits, the complainant would not be allowed to proceed. The complainant stated that the complainant requested a pretrial conference to be scheduled in order to prepare the exhibits. The complainant believed that due process was denied and felt bullied on account of race and gender.

The Committee concluded that the complaint should be investigated. Following 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.

5. The complainant, an unrepresented applicant, complained that the PJ discriminated against a disabled unrepresented injured worker by restricting equal access to the Board. The complainant alleged that the PJ directed the clerk to use a California Highway Patrol (CHP) officer to restrict the complainant's access to the Board. The complainant alleged that when the complainant arrived at the clerk's window to view a case file, the clerk then contacted the PJ, who instructed the clerk to have the CHP remove the complainant. The CHP threatened arrest and escorted the complainant out of the building.

The complainant alleged that the PJ confirmed accepting an ex parte communication from the defense counsel in the form of a walk-through. The complainant believed that the PJ breached the judge's fiduciary duty to the complainant and the defendant by not upholding the law to protect self-represented claimants.

The complainant alleged that the Board refused to honor a request for public records at the direction of the PJ. The complainant claimed that the PJ had instructed the clerks to restrict access to the files. The complainant alleged that the complainant was told to limit the Petition for Reconsideration to 12 pages, and the PJ restricted any further filing by the complainant to 10 pages. The complainant stated that the PJ, over the complainant's objections, questioned the complainant about the merits of the objection and the stay. The complainant claimed that the PJ then began to remove documents from the case file and expressed that the PJ had signed the Order granting the Defendant's Petition to Compel. The complainant claimed not to have received notice of a walk-through that informed the complainant such documents would be submitted. The complainant alleged that this document was received ex parte and that the PJ failed to notify the complainant of the Motion to Compel filed by the defendant. The PJ was provided with a written complaint outlining the discrimination by the Information and Assistance (I&A) officers who refused to answer any questions regarding filing for sanctions and penalties, but the PJ took no action. The clerks also misinformed the PJ that the complainant was a vexatious litigant.

The Committee concluded that the complaint should be investigated. Following 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.

6. The complainant, an unrepresented applicant, complained that the judge dismissed the complainant's prior attorney. The complainant stated a desire to resolve many issues that the complainant's prior attorney created at the initial

hearing. The complainant stated that the judge dismissed the attorney despite the attorney's absence. The attorney was dismissed on the grounds of personal conflict because of "persistence of truth and completeness of case I did not have representation." The complainant stated that the judge told the complainant to work out unresolved issues with the defense attorney, saying that the attorney was one of the "good guys." The complainant complained that this is unethical and represents a conflict of interest. The complainant further complained that the complainant was unable to attend a meeting because of medical issues, and the judge allowed the defense attorney to be dismissed to attend another meeting.

The Committee concluded that the complaint should be investigated. Following 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.

7. The complainant, an unrepresented applicant, complained that the judge was prejudiced and biased against complainant. The complainant stated that, when entering the courtroom, the judge apologized for the way the judge's apparel. The complainant complained that the judge was wearing a t-shirt, blue jeans, and hiking boots under the robe.

The complainant claimed that the judge allowed the defense to submit surveillance photos as evidence without prior disclosure between the parties. The complainant provided a summary of the findings of facts that the complainant disputed, pointing to various reports and exhibits. The complainant also complained that the judge failed to consider newly discovered evidence. The complainant complained that the judge reprimanded and antagonized the complainant.

The Committee concluded that the complaint should be investigated. Following 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. The complainant, a lien claimant and the spouse of the represented applicant, complained that the judge who signed the C&R was not the trial judge. The complainant asserted that the judge had a conflict of interest and failed to recuse. The judge was a former law partner at the defense attorney's firm and engaged in full conversation and negotiation with the firm, outside the presence of the applicant and the lien claimant. The complainant also complained that the judge dismissed all liens without having any legal jurisdiction to do so and engaged in the obstruction of justice by aiding and abetting the denial of due process.

The complainant attached a copy of the applicant's C&R. The settlement included dismissal of complainant's bills and liens in exchange for payment to the applicant for settlement of all issues and bills for out-of-pocket expenses.

The Committee concluded that the complaint should be investigated. Following 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.

9. The complainant, a lien representative, complained that the judge called the lien claimant's office and stated that the doctor was ordered to appear at the hearing and that failing to comply with the order could result in arrest by a police officer. The complainant claimed that there was no such order and that the judge was being dishonest.

The complainant complained that the judge failed to be dignified and courteous. The complainant complained that the threats implied by the judge to an office staff member and the fact that the doctor was away from his office because of observing a religious holiday was disrespectful and harmful to the doctor's reputation. The complainant explained to the judge that the doctor was unable to be reached because of this observance of a religious holiday and would be unavailable for three days, but the judge adjourned the case to the following day. The following day, the

complainant stated that a letter was presented to explain that the doctor was unavailable because of the three-day observance of the holiday and that therefore a date certain as to when the doctor would be available could not be ascertained. The following day, the judge issued an order ordering the doctor's personal appearance without allowing the doctor the opportunity to object to the order. The complainant complained that such actions demonstrated intolerance and harassment of the doctor.

The complainant claimed to have reported this to the PJ, which resulted in a course of retaliation by the judge. The judge made statements concerning the judge's intention to issue sanctions and stating that it was not a matter of whether sanctions would be issued but for how much.

The complainant filed a Petition for Disqualification, and, as stated in the Petition, the complainant alleged that the judge, prior to beginning the trial, made statements committing the judge to a particular result. The complainant stated that, when the complainant explained that the lien claimant was taking part in a three-day religious observance, the statements by the judge included "I don't believe you."

The complainant also alleged that the judge conducted an independent investigation of the facts by initiating a phone call to the doctor's office to find out whether the doctor intended to appear. At issue in the sanction proceedings was whether the doctor's failure to appear was justified. The judge stated that the judge intended to award the defendant hourly fees because of the doctor's failure to appear.

Following its review of the investigation, the committee recommended to the CJ that further action be taken and recommended that this matter be referred to personnel.

10. The complainant, a lien representative, was aware that a complaint was made against the judge. However, this complainant felt so strongly about the fact that this

judge acted improperly that the complainant filed a separate complaint against this judge. The complainant appeared as a witness at the hearing. The complainant complained that the judge lied about the Notice to Appear, explaining in a telephone call to a staff member at the doctor's office that the doctor was ordered to appear. The complainant claimed that this was false. The complainant alleged that the judge appeared smug, negative, and downright abusive to all the parties. The matter was adjourned to the following day and the complainant appeared alone before the judge.

The complainant stated that the judge continued to threaten sanctions and issued a Notice of Intent to Issue Sanctions against the complainant even though the complainant appeared at the hearing to inform the judge that the doctor could not be reached and thus was unable to commit the doctor to a specific date to appear. The complainant felt that the \$500 sanction against the complainant was undeserved. The complainant believed that the judge was also abusive and disrespectful to the complainant.

Following its review of the investigation, the committee recommended to the CJ that further action be taken and recommended that this matter be referred to personnel.

11. The complainant, an unrepresented applicant, complained that the judge was biased and committed perjury. The complainant alleged that the judge's decision on the case was based upon perjury and the judge's perception of the complainant, and not the facts of the case. The complainant complained that the complainant's civil rights were violated by the employer based on age, race, disability discrimination, retaliation, battery, assault, defamation, prejudice, and inadequate legal representation from the judge, the complainant's attorney, the defense attorney, and witnesses for the employer.

Following 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. The complainant, a Return-to-Work counselor, complained that the judge approved a C&R that included settlement of the Supplemental Job Displacement Benefit (SJDB) voucher, in violation of Labor Code section 4658.7(g), resulting in the injured worker's loss of a \$6,000 voucher. The complainant complained that the complainant was contacted by the injured worker, requesting assistance in finding training appropriate to the injury and to obtain a copy of the voucher.

Following 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. The complainant, a Return-to-Work counselor, complained that the judge approved a C&R that included settlement of the SJDB voucher, in violation of Labor Code section 4658.7(g), resulting in the injured worker's loss of a \$6,000 voucher. The complainant was contacted by the injured worker to request assistance in finding training appropriate to the injury and to obtain a copy of the voucher. The complainant provided a copy of the C&R and the order approving it.

Following 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.

14. The complainant, a Return-to-Work counselor, complained that the judge approved a C&R that included settlement of the SJDB voucher, in violation of Labor Code section 4658.7(g), resulting in the injured worker's loss of a \$6,000 voucher. The complainant was contacted by the injured worker to request assistance in finding training appropriate to the injury and to obtain a copy of the voucher. The complainant provided a copy of the C&R and the order approving it. The order was a checklist with the box checked for a *Carter/Rodgers* release and next to it was hand

written: “supplement job displacement.” The C&R showed that the applicant was represented. The C&R also showed that no benefits were paid as this claim was denied.

Following 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. The complainant, a Return-to-Work counselor, complained that that the judge approved a C&R that included settlement of the SJDB voucher, in violation of Labor Code section 4658.7(g), resulting in the injured worker’s loss of a \$6,000 voucher. The complainant was contacted by the injured worker to request assistance in finding training appropriate to the injury and to obtain a copy of the voucher. The complainant provided a copy of the C&R and the order approving it. The order indicated in handwritten noted: “all voucher benefits are settled.” The C&R showed that applicant was represented.

Following 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. The complainant, a Return-to-Work counselor, complained that the judge approved a C&R that included settlement of the SJDB voucher, in violation of Labor Code section 4658.7(g), resulting in the injured worker’s loss of a \$6,000 voucher. The complainant was contacted by the injured worker to request assistance in finding training appropriate to the injury and to obtain a copy of the voucher. The complainant provided a copy of the C&R and the order approving it. The order had a checklist, however, the box indicating that the SJDB is settled is not checked. The C&R indicated that the applicant is unrepresented. The settlement was for \$20,000. The C&R also showed that no benefits were paid and the parties initialed settlement of SJDB benefits in the C&R.

Following 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. The complainant, a Return-to-Work counselor, complained that the judge approved a C&R that included settlement of the SJDB voucher, in violation of Labor Code section 4658.7. The order approving it was a checklist, with a box indicating that the SJDB was settled. The applicant was unrepresented. The parties initialed settlement of SJDB benefits in the C&R.

Following 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. The complainant, a Return-to-Work counselor, complained that the judge approved a C&R that included settlement of the SJDB voucher, in violation of Labor Code section 4658.7(g), resulting in the injured worker's loss of a \$6,000 voucher. The applicant was represented. In the C&R, the parties stipulated that the applicant was not entitled to the SJDB benefit because of a lack of medical evidence of permanent partial disability.

Following 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.

19. The complainant, an unrepresented applicant, alleged that the judge violated the Code of Judicial Ethics by collecting a salary between January 13, 2015, and January 17, 2015, more than 90 days after the matter had been submitted for a decision on October 14, 2014. The record showed that a hearing was held, at the direction of the WCABG, on the sole issue of whether the complainant should be declared a vexatious litigant. The judge's Opinion on Decision issued January 16, 2015, declared complainant a vexatious litigant. The complainant complained that

the judge also failed to respond to the complainant's "Requests and Orders to file New Litigation by alleged vexatious litigant."

The Committee concluded that the complaint should be investigated. Following 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. The complainant, a lien claimant, alleged that the judge was unfair and malicious toward workers' compensation lien holders. The complainant complained that the judge behaved like the defense, trying to overturn every stone to dismiss the lien. The complainant argued that the complainant should have been allowed time to add the billing statement to the bill. The complainant also alleged that lien claimants are sanctioned without having done anything wrong.

The complainant filed a Petition for Reconsideration and Objection to the Notice of Intention to Impose Sanctions. The Appeals Board denied reconsideration.

Following 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. The complainant, a represented applicant, attached the judge's Opinion on Decision and a copy of complainant's Petition for Reconsideration. The complainant did not make any specific allegations in the complaint. The judge's Opinion on Decision found that the applicant did not sustain any industrial injuries. The judge wrote that this is "based upon applicant's utter lack of credibility and lack of any other credible evidence of industrial injury." The applicant petitioned for reconsideration, contending that the judge erred in finding no compensable injury.

The Committee concluded that the complaint should be investigated. Following 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. The complainant, an unrepresented applicant, alleged that the judge was unethical because the Judge's Findings and Award of November 2011 awarded the complainant 11% permanent disability. The complainant complained that the judge failed to utilize the reports of the primary treating physician, the QME, and that of the AME to arrive at a Whole Person Impairment rating.

Following 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.

23. The complainant, an unrepresented applicant, alleged "expressions of bias or prejudice, accepting a payment or gift from litigant." The complainant referred to page 7 of the complainant's attachment submitted with the complaint. The attachment was a letter to the defense attorney rejecting the settlement offer. In the letter, the complainant wrote that every aspect of the workers' compensation claims process, specifically WCAB judges, who make critical decisions affecting the lives of injured workers, gave the complainant a negative perception of the process.

Following 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. The complainant, an applicant's attorney, alleged that the judge violated Canon 3 in the Code of Judicial Ethics by improperly engaging in gender-specific terminology. The complainant alleged that the judge had a long history of personal animosity toward the complainant. The complainant alleged that the judge was aware that the complainant was the target of irrational rage by an ex-client. The complainant believed that the judge's personal animosity toward the complainant as

a solo female applicant's attorney subjected the complainant to further harassment from her ex-client. The complainant believed that the ex-client was targeting her because of her gender and that the client did not behave this way toward the client's other two, male, attorneys.

The complainant claimed there was a dispute over whether the complainant returned an entire legal file to the ex-client. On March 13, 2014, before a different judge, the complainant delivered the entire file to the ex-client. The judge had instructed the applicant to review the file, and, if it was not complete, the applicant was advised to file an objection within 20 days. The applicant did not file any objection.

On February 2, 2015, this judge presided over a hearing based upon the applicant's Petition for an Accounting and Reversal of the Stipulation and Award. At the hearing, the applicant allegedly demonstrated inappropriate rage and anger directed at the complainant. The complainant offered both the applicant and the judge a simple solution: to subpoena the file and check it against the documents she had. The judge knew that the ex-client posed a potential danger and warned defense attorneys to request that the sheriff escort this person from the courtroom. A defense attorney told the complainant that the applicant has a history of violence against women. The complainant was escorted by a sheriff out of the building.

Shortly thereafter, the complainant received an order instructing the applicant to subpoena the file at the complainant's expense. At the hearing, the applicant produced a computer disk and said it was blank. The judge inserted the disk into the court's computer and said that the disk was blank, except for a photo of a field of flowers. The complainant asserted that this is a female-gender-specific comment that may be interpreted as dismissive of the complainant's legal competence.

The complainant filed a Petition for Removal. In the Judge's Report and Recommendation, the judge wrote that the disk that the complainant served on the

client did in fact contain a photo of a field of flowers, and the complainant recognized the image as being from her files. As to the issue of the records, the judge wrote that the complainant has the records on her computer that she can reproduce, and, if they are not on the computer, then the records should be obtained through subpoena. The judge further wrote that the cost is not a litigation cost that can be passed on to the defendant. The client is to be given the file by the complainant (applicant's attorney). The judge recommended that the Minutes of Hearing be amended to allow the complainant the opportunity to reconstruct the file electronically if possible. If the complainant is unable to do so, the existing order should be reaffirmed and the Petition for Removal denied. The WCAB granted the petition for removal, amending the judge's decision as recommended in the report.

Following 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.

25. The complainant, an applicant's attorney, filed the complaint on behalf of the applicant. The applicant provided a declaration of the events of the hearing. The complainant alleged that the judge's actions were appalling and highly unprofessional. The applicant stated that the judge was very friendly with the opposing side, but upset with the applicant and the applicant's attorney for showing up late. The applicant claimed to have arrived on time but spent 40 minutes talking with the applicant's attorney because the applicant was very upset. The applicant claimed that the judge appeared with wet hair and wearing a short-sleeved blouse that looked inappropriate for court. The applicant stated that it was not the applicant's attorney's comments that upset the applicant but, rather, the judge's total lack of regard for the attorney's repeated arguments regarding the delaying tactics of the defense counsel.

The applicant complained that the applicant was upset because the judge would not listen to the applicant's attorney regarding the doctor (the lien claimant). The

applicant complained that the judge scolded the attorney for writing mean letters to the doctor. The applicant alleged being subjected to sexual and racial abuse by the doctor. The applicant also claimed that the attorney told the judge that the insurance company had no basis for withholding permanent disability advances, however, the judge repeatedly ignored the attorney. The applicant claimed that there was some disagreement over the videotaping of a deposition. The applicant claimed that the attorney was tired of arguing with the judge and how amazing it was that the judge could not figure out that the attorney was being sarcastic. The attorney said to the judge, "that's the new trend, right? Attorneys are being videotaped, right, judge? That's the new trend in civil law." The applicant wrote that the applicant strongly trusted the attorney and objected to having the attorney called dishonest by the court. The applicant complained that the hearing was completely useless and long.

Following 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. The complainant, a lien claimant, alleged that the judge displayed rude, abusive, undignified, ill-mannered, intemperate, disrespectful, and discourteous conduct by yelling at the complainant and imposing sanctions for not producing the lien claimant representative at the hearing, even though no subpoena had been served. The judge ordered the lien claimant's appearance as a Minute Order. The complainant filed a Petition for Removal, which was dismissed as moot. The judge proceeded with the lien trial, and the complainant filed a Petition for Reconsideration. The Petition was granted for further review. The complainant also attached three panel decisions in different cases that found that the judge engaged in abuse of discretion.

Following its review of the investigation, the committee recommended further action and referred this matter to personnel.

27. The complainant, an unrepresented applicant, alleged that the judge refused to accept many documents in court to prove the complainant's case. The complainant alleged that the judge also rejected MRI reports submitted as proof of injuries and damage. The complainant asserted that the court denied receiving documents to prove the case even though personally brought to the court. The judge claimed repeatedly that the records were lost even though the judge previously had all the files in a large grocery cart in the courtroom. The applicant claimed to have recreated the files at least three times, which consisted of prior attorney's files, medical records, and med-legal reports. The complainant claimed that the judge accepted as true whatever the defense attorney stated, without proof, but the complainant had documented evidence to show otherwise. The complainant also claimed that the judge made at least three personal calls to the complainant's house to discuss the case "off the record," telling the complainant to compromise with the defense, saying that the case was too old, and claiming that it could be thrown out. The complainant complained that the court appearance was scheduled by phone, but the complainant was not allowed to speak, the judge and the defense kept interrupting, and the court made decisions without the complainant's input. The court continued to assign court appearances by telephone without the complainant's consent. The complainant claimed that, at one point during an actual appearance, the judge refused to allow the complainant to present any documents.

The complainant sought to have the judge removed. The complainant alleged that the judge told the complainant that the judge would not order anything else on the case for the complainant, and that the judge did not expect the disability rating to be as high as it was. The complainant claimed that the judge said that the judge might give the complainant medical care, but nothing else and ordered the complainant to leave the judge's office. The complainant also asserted that everything was "off the record," and after a stenographer entered the courtroom, the judge warned the complainant not to interrupt or volunteer any information, only to answer yes or no to the defense counsel and the judge.

The complainant claimed that the judge intercepted all the mail to the reconsideration board and that the judge advised the reconsideration board not to accept the complainant's request because the complainant had not proven the case. The complainant alleged that the judge refused to accept the reports of doctors proving injury to the back. The complainant claimed to have received incomplete court minutes, with the judge refusing to provide the minutes in full.

The Committee concluded that the complaint should be investigated. Following 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.

28. The complainant, an unrepresented applicant, complained of not receiving a fair trial. The complainant complained that the judge did not do what the complainant asked. The complainant was very displeased with the decision.

Following 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.

29. The complainant, an unrepresented applicant, complained that the judge denied the complainant's Petition to Reopen for New and Further Disability four years after it was filed. The complainant complained of having continuous symptoms of pain. The complainant's Petition for Reconsideration was also denied by the Reconsideration Unit.

Following 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.

30. The complainant, an unrepresented applicant, alleged that the judge who presided over the complainant's case told the complainant that the complainant did

not have an admitted case or any medical records to substantiate the claim. The complainant has had six surgeries, and another case that was not paid. The complainant complained of not having received any payments and, as an employee with a permanent disability, of having been subjected to racial, age, wage, gender, political, and disability discrimination from 2001 through 2010, when the complainant was wrongfully terminated for filing a discrimination claim and workers' compensation claim. The complainant claimed that perjury was committed by the Department of Industrial Relations and the State Personnel Board in dismissing the complainant's case.

Following 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.

31. The complainant, an unrepresented applicant, alleged that the judge told another judge not to hire the complainant for a position for which the complainant applied. The complainant claimed of being subjected to discrimination based on race and age.

Following 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.

32. The complainant, an unrepresented applicant, alleged that an insurance company breached its stipulated agreement to provide lifetime medical care. When the complainant filed a Declaration of Readiness (DOR) to Proceed and submitted a brief for a hearing, the judge denied receiving the brief and told the complainant to pay \$17,000 in order to have the case heard. The complainant asserted having seen the brief sitting on the judge's desk and pointed this out to the judge. The complainant claimed that the judge lied to the complainant, saying that the case belonged to another injured worker.

Following 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.

33. The complainant, an unrepresented applicant, alleged that, on the fourth day of introducing trial exhibits, the complainant addressed proper questions and made comments after requesting to speak; however, after these comments, the judge stood up with a threatening demeanor and yelled at the complainant. The complainant described the judge as showing "hateful anger on his eyes and mouth using utmost powerful controlling behavior frightening me as if I was seeing Nazi/Hitler in a warzone." The complainant wrote that the complainant was reporting the judge for an apparent hate crime, abuse of power, and obstruction of justice because the judge only helped the defense counsel. The complainant claimed this demonstrated bias against the complainant by not allowing the complainant to introduce evidence while allowing the defense counsel to remove and bring in new exhibits. The complainant alleged that the judge helped the defense counsel organize the exhibits and helped fix the defense counsel's mess before calling the court reporter to help. The complainant alleged that the complainant was not served with all the defendant's exhibits and did not have a chance to review the exhibits. After the judge asked whether the complainant had any objections, the complainant thought that the judge would make a copy of the exhibit list so that the complainant could review it. The complainant alleged that the judge responded by declaring that there were no objections. The complainant expressed a lack of agreement, and then the judge got up and yelled at the complainant, with a terrorizing look in the eyes and grinding of the teeth.

Following 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.

34. The complainant, an unrepresented applicant, alleged various instances of fraud in the complainant's case. The complainant stated that the judge wrote in a

document that the complainant did not appear for the mandatory settlement conference (MSC). The complainant expressed having every intention to attend but was prevented from doing so because of being placed in a 5250 involuntary hold for two weeks.

The complainant alleged being forced to see multiple professionals and QMEs without continuity of care or appropriate treatment to date. The complainant alleged being forced to sign a C&R by the defense counsel without being allowed to ask questions. The complainant alleged that no I&A officer was present. The complainant had questions about the Medicare Set-Aside document and did not know what it meant. The complainant questioned whether the judge who approved the C&R even knew about the attachment when the final order was issued. The complainant also alleged that inconsistent information was provided, including a change in the date of the cumulative trauma injury. Finally, the complainant alleged that because false information was provided to the State of California regarding the workers' compensation claim, the complainant suffered adverse actions, such as the denial of employment.

Following 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.

35. The complainant, an unrepresented applicant, alleged that the defense attorney presented false medical reports to the WCAB that the complainant did not have an opportunity to rebut. The complainant alleged that the complainant was forced to sign the settlement documents by the defense attorney. The complainant claimed that because the defense attorney reported false information and misrepresented the facts, the complainant has been subjected to mail fraud, identity theft, and false public records, resulting in adverse effects, such as denial of credit and employment.

Following 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.

36. The complainant, an unrepresented applicant, alleged an improperly settled C&R. Complainant settled the claim for \$35,000 less attorney's fees held in trust pending receipt of a written fee-split agreement. On the day of the settlement, the judge indicated that the judge and the defendant attended the same school. The complainant requested that the Committee launch an investigation into the I&A officer and the judge for approving the settlement without the I&A officer. At the time of the settlement, the judge said that if the complainant did not accept what the defendant offered, the case would go to trial, and the result might be nothing; therefore the complainant felt as if there were no choice but to take the offer.

Following 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.

37. The complainant, an unrepresented applicant, alleged that the judge refused access to the Electronic Adjudication Management System (EAMS) file after the case became final. The complainant alleged that the judge intentionally suppressed evidence (seven transcripts and medical evidence) and then attempted to hide this unlawful conduct by denying the complainant access to the EAMS file.

Following 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.

38. The complainant, an unrepresented applicant, alleged that the judge failed to answer the complainant's petition seeking to vacate the order dismissing a Petition for Reconsideration. The complainant complained that the Return-to-Work Unit denied the complainant's supplement, and the complainant appealed the decision within 20 days but did not receive a decision. The complainant believed that the

case would be subjected to prejudice and bias based on the complainant's background and politics.

Following 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.

39. The complainant, an unrepresented applicant, alleged that the judge failed to ensure the complainant's rights, showed bias toward proper litigation, and failed in the performance of judicial duties. The expedited hearing that the complainant requested was changed to a status conference. The complainant alleged that the entire environment of the status conference was hostile. The complainant complained that the judge did not allow the complainant to present any arguments, thus demonstrating bias and failing in the performance of the judge's functions.

Following 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.

40. The complainant, an unrepresented applicant, alleged that the judge engaged in ex parte communication. The complainant claimed that, after filing for a conference, the defense attorney called to request a continuance because of a scheduled vacation. The complainant attempted to reach an amicable solution but was unsuccessful and, on that basis, opposed the request for a continuance. The judge continued the status conference made at the request of the defense counsel, which was communicated ex parte. The complainant stated that the complainant was not allowed an opportunity to object to the request for a continuance.

The record showed a Minutes of Hearing dated March 18, 2015, that continued the status conference because of a calendar conflict. The complainant filed a Petition for Removal, however, because the conference already occurred, the Board dismissed it as moot.

Following 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.

41. The complainant, a represented applicant, questioned the amount of legal expenses compared to the funds the complainant received. The complainant did not recall receiving any monies from the claim. The complainant alleged being misled by the judge. The complainant believed that the judge and attorney formed a plan to take advantage of complainant's mental state. The complainant believed that the QME was in on it, too.

Following 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.

42. The complainant, an unrepresented applicant, complained of being a victim of verbal abuse, harassment, and racism at the hands of the judge. The complainant believed that the judge colluded with the defense attorney to change the order dated July 22, 2013, in which complainant was awarded temporary total disability (TTD) and medical benefits. The complainant complained that the judge conducted ex parte communications with the defense attorney. The complainant claimed that on January 24, 2013, and April 11, 2013, the judge struck the reports of the QME, with whom the defense attorney held ex parte communications. The complainant complained that the judge followed the report of the complainant's primary treating physician, who declared the complainant permanent and stationary on May 31, 2011. The complainant claimed that the judge refused to provide the complainant with an expedited hearing on unpaid benefits. The complainant claimed that the judge removed the case from the calendar, indicating that no issues were pending, when, in reality, all issues were and are still pending. The complainant alleged that the defense attorney used fabricated evidence during the trial and was never held accountable for it.

The complainant alleged that, during one of the hearings, the judge became hostile and once embarrassed the complainant by making the complainant repeat after the judge as if the complainant were a three-year-old child. The complainant found the judge's hostility humiliating, discriminatory, and racially motivated. The complainant claimed that, while cross-examining a witness, the complainant was met with threats of contempt, intimidation, and victimization by the judge, by stating that if the complainant continued to ask the same types of questions, the judge would have to order the complainant to write down the questions to be approved before asking them. The complainant ended up asking for permission to ask a question, which was whether there was something wrong with the question or whether it was a strategy to prevent the complainant from uncovering perjured testimony.

The complainant also alleged violation of due process rights when the judge refused to accept the complainant's evidence in rebuttal and in favor of the defense. The complainant previously filed two petitions for disqualification, which were denied because they were not filed in time. The complainant also filed a Petition for Removal/Reconsideration, which was also denied. The complainant stated that, in the judge's report and recommendation, the judge accused the complainant of improper "courtroom decorum" to cover up for the judge's conduct.

The complainant claimed that the judge was not fair and violated the complainant's constitutional rights to due process. The complainant wrote that there is nothing the complainant can do about the judge's attitude, but the judge is required by law to treat complainant fairly. The complainant complained about not receiving medical treatment or temporary disability payments because the money was used by the defense on a malicious criminal prosecution.

Following 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.

43. The complainant, an unrepresented applicant, alleged that the judge aided and abetted the PJ by issuing a void order on July 8, 2015, that violated the California Constitution by failing and refusing to enforce the “presumption of compensability” statutes and regulations.

Following 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.

44. The complainant, a represented applicant, alleged that the judge failed to set the complainant’s case for trial even though the claim was denied yet the panel QME found an injury. The complainant did not receive any benefits and did not return to work. The complainant complained that there was no reason the case should not have proceeded because both parties were ready to proceed. The complainant alleged that the judge said that the complainant’s new attorney was not licensed by the bar.

Following 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.

45. The complainant, an unrepresented applicant, stated being a senior citizen with disabilities, and the judge, during an impromptu mediation, yelled and screamed at the complainant, causing the complainant to seek a continuance and a change of venue. The complainant was fearful that the judge’s continued verbal assaults against the complainant would taint the other judges. The complainant alleged that the abusive remarks included “you do not have a disability!”

The complainant stated that the case was set for trial before another judge, but the judge had not arrived, so the opposing attorney asked this judge to step in. The judge indicated that a solution could be reached through mediation and then handed

the complainant a document to sign for mediation. The judge asked for the issues, which were then presented by the parties. The judge then yelled at the complainant. Afterward, the judge left and assigned a new trial date instead of mediating the case. It appeared to the complainant that the judge was a friend of one of the defense attorneys.

The Committee concluded that the complaint should be investigated. Following 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.

46. The complainant, an applicant's attorney, alleged that the judge violated the California Code of Juridical Ethics by making a public comment about a pending or impending matter. The complainant alleged that the judge disclosed an intention to rule on issues of permanent disability and apportionment in the case while the matter was pending. The judge subsequently issued a decision contrary to the one the judge disclosed. The complainant alleged that the judge's conduct nearly drove the injured worker to commit suicide. The complainant stated that this matter went to trial, and, after the matter was submitted, the judge asked the attorneys whether they wanted to hear the judge's "take" on the case. The judge indicated that one of the defendants was "out" and that the judge would find that the injured worker was 100% permanently totally disabled and that the entire burden of paying the award would fall on the one defendant. In response, the complainant requested time to discuss a settlement with the PJ; no settlement was reached. The complainant claimed that, contrary to what the judge said, the judge apportioned 50 percent of the injury. The complainant claimed that the judge misrepresented evidence in order to find non-industrial apportionment. The complainant stated that a Petition for Reconsideration was filed and granted, overturning the judge's decision.

The complainant also claimed that, over several years, the judge consistently demonstrated bias and partiality. The complainant complained that the judge (1)

indicated an unwillingness to adjudicate an issue the judge did not believe had adequate value to warrant adjudication; (2) prejudicially limited trial time; (3) misrepresented facts in official court documents; and (4) mischaracterized evidence admitted at trial. The complainant also complained that this judge was the only judge who recommended the imposition of sanctions in the seventeen years of the complainant's practice before the WCAB. In this case, the complainant filed two penalty petitions for unreasonable delay in authorizing diagnostic tests. In an off-the-record discussion before trial, the judge stated that the penalty was worth at most \$200 and that "we are not going to make a federal case out of two hundred dollars." The complainant claimed that, during the cross-examination of witness, the judge engaged in lengthy unsolicited testimony regarding the language in the C&R, which the judge approved. The complainant claimed that the judge expressed increasing frustration and continued to offer unsolicited testimony regarding facts that were germane to the issues being tried.

The complainant also complained that the judge allowed only 45 minutes for the trial on the issues. The judge said (complainant attached a copy of the trial transcript) that the trial needed to be completed by 11:45 a.m. The trial commenced at 10:51 a.m. However, in response to the complainant's Petition for Reconsideration, the judge stated that "counsel was provided all the time [counsel] needed to try the case. At no point did the court place any time restraints or construction on trial time." The judge also recommended the imposition of sanctions. The Appeals Board denied the Petition for Reconsideration and declined to impose sanctions.

In the judge's Report and Recommendation, the judge wrote that the court provided adequate time to try the case and that at no point did the court place any time restraints. The complainant became frustrated with the examination of the witness, which was abruptly ended by the complainant. The complainant did not offer any further witnesses and rested the case. The defendant did not have any redirect, the

defense rested, and the matter was submitted. The judge wrote that the summary of evidence is a summary and is simply supposed to summarize what the judge heard.

Following 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.

47. The complainant, an anonymous complainant, alleged that the judge failed to respect and comply with the law. The complainant complained that the judge failed to act in a manner that promotes confidence in the integrity and impartiality of the judiciary. The complainant alleged that the judge was discourteous in the treatment of the public. The complainant complained that the judge established a reputation for issuing Notices, Orders, and Reports on Reconsideration that contain substantially false and misleading statements of fact. The complainant attached several Appeals Board decisions finding that the judge made several false and misleading statements to the Board in the Report and Recommendation.

Following its review of the investigation, the committee recommended further action and referred this matter to personnel.

48. The complainant, an unrepresented applicant, complained that the judge did not conduct a fair trial. The complainant alleged that the judge's assistant intimidated the complainant. The complainant asked the assistant why the complainant had to pay attorney's fees when the attorney did not do anything and the complainant only signed a contract. The complainant then asked the assistant if the complainant can get an attorney's license so that the complainant could rob injured workers, and that's when a CHP officer was called. The complainant claimed that the judge discriminated against the injured worker.

Following 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.

B. New Complaints Pending Ongoing Investigation (6 total)

1. The complainant, a medical lien representative, alleged that the defendant sent the judge an ex parte letter, dated June 5, 2015. The letter was uploaded into EAMS by the judge's secretary as a Petition for Dismissal. The complainant claimed that this letter was acted upon by the judge by the judge's issuance of an Order Denying Lien dated June 24, 2015. Complainant complained that the judge failed to notify the opposing party of this ex parte communication or to allow a response to the opposing party, in violation of Canon 3 in the California Code of Judicial Ethics.

The Committee concluded that this matter should be investigated.

2. The complainant, an applicant's attorney, alleged that the judge violated the California Code of Judicial Ethics by stating that the complainant's argument was "silly." The complainant alleged having raised the right to call the defense attorney as a hostile witness under Evidence Code 776. The judge noted in the minutes of the hearing the view that complainant's argument was silly. The complainant complained that this comment was made in front of all the witnesses.

After the complainant told the judge about having won a few cases on Medical Provider Network (MPN) access standards violations against this defendant, the judge indicated, "Good for you, but it's not going to be the case with this judge." After the complainant indicated that a petition for removal could be filed, the judge replied, "Go ahead—I have friends in the Recon Unit." The complainant also alleged that the judge gave legal advice to the complainant's client, undermining the complainant's competency and professionalism. The complainant alleged that the judge told the client that a chiropractor is not needed as a Primary Treating Physician; rather, the client needs an orthopedic hand surgeon to treat the hand. The complainant alleged that the judge failed to take a neutral position, stating that the judge would rule against the complainant.

The Committee concluded that the complaint should be investigated.

3. The complainant, an anonymous complainant, attached seven 2015 WCAB decisions claiming that it found an abuse of discretion by the judge in issuing improper orders requiring the appearance of persons under threat of sanctions and/or denying due process or showing bias. The complainant alleged that the findings show that the judge failed to respect and comply with the law.

The Committee concluded that this matter should be investigated.

4. The complainant, an anonymous complainant, alleged that the judge failed to respect and comply with the law and failed to act in a manner that promotes public confidence. The complainant alleged that the judge had a reputation for issuing notices, orders, and reports on reconsideration/removal that contain substantially false and misleading statements of facts. The complainant attached a WCAB panel decision reversing the judge's decision. The complainant complained that the judge's continuing pattern and practice of disregarding the rights of lien claimants reduced the WCAB to a mockery.

The Committee concluded that this matter should be investigated.

5. The complainant, an unrepresented spouse of a decedent, alleged that the judge violated the complainant's rights and used the judge's power to overturn the law. The complainant alleged that the judge deleted information in the court computer as it pertained to reconsideration. This judge, along with another judge, and other parties committed fraud, perjury, and falsified documents.

Following its review, the committee asked for additional information/background on the case before making a recommendation.

6. The complainant, an unrepresented spouse of a decedent, alleged that the judge lied and helped to commit conspiracy and fraud. On December 1, 2008, the judge said that the matter at hand was proceeding to trial. The judge asked the attorneys whether they had any documents pertaining to insurance, and both attorneys replied they did not. The judge told the complainant that the complainant won the case, stood up, and shook the complainant's hand and expressed regret over the complainant's loss. The complainant claimed that the judge granted an order to pay the complainant the settlement, and the parties indicated that they would be in touch with the complainant. However, the complainant complained that they did not contact the complainant. The complainant contacted the attorneys, but they refused to pay. When the complainant filed to bring the parties back, the attorneys did not come to court and instead sent two substitute attorneys. The complainant claimed that the judge lied by stating that the judge never told the complainant that the complainant won the case. The complainant alleged that the judge deleted the information regarding the decedent.

Following its review, the committee asked for additional information/background into the case before making a recommendation.

C. Pending Complaints Filed after the Final EAC Meeting of 2015 (6 total)

1. The complainant, a Return-to-Work counselor, alleged that the judge approved a C&R that included the applicant's eligibility for an SJDB voucher. The complainant claimed this prevented the applicant from applying for the \$5,000 Return-to-Work Supplement Program, for which the applicant would otherwise have been eligible.

2. The complainant, an unrepresented applicant, alleged that on numerous occasions the judge was not prepared to discuss the complainant's case. The complainant alleged that the judge refused to listen to anything that the complainant said and would postpone the hearing again. The judge asked whether the

complainant wanted to withdraw the complainant's DOR. The complainant claimed that the judge purposely delayed the complainant's DOR and therefore acted unethically.

3. The complainant, an unrepresented applicant, alleged that the judge tried to force the complainant into an unwanted agreement. The complainant alleged that the judge tried to force the complainant to accept false documents. The complainant claimed that the judge was aware of fraudulent reports but tried to force the complainant to accept the fraud.

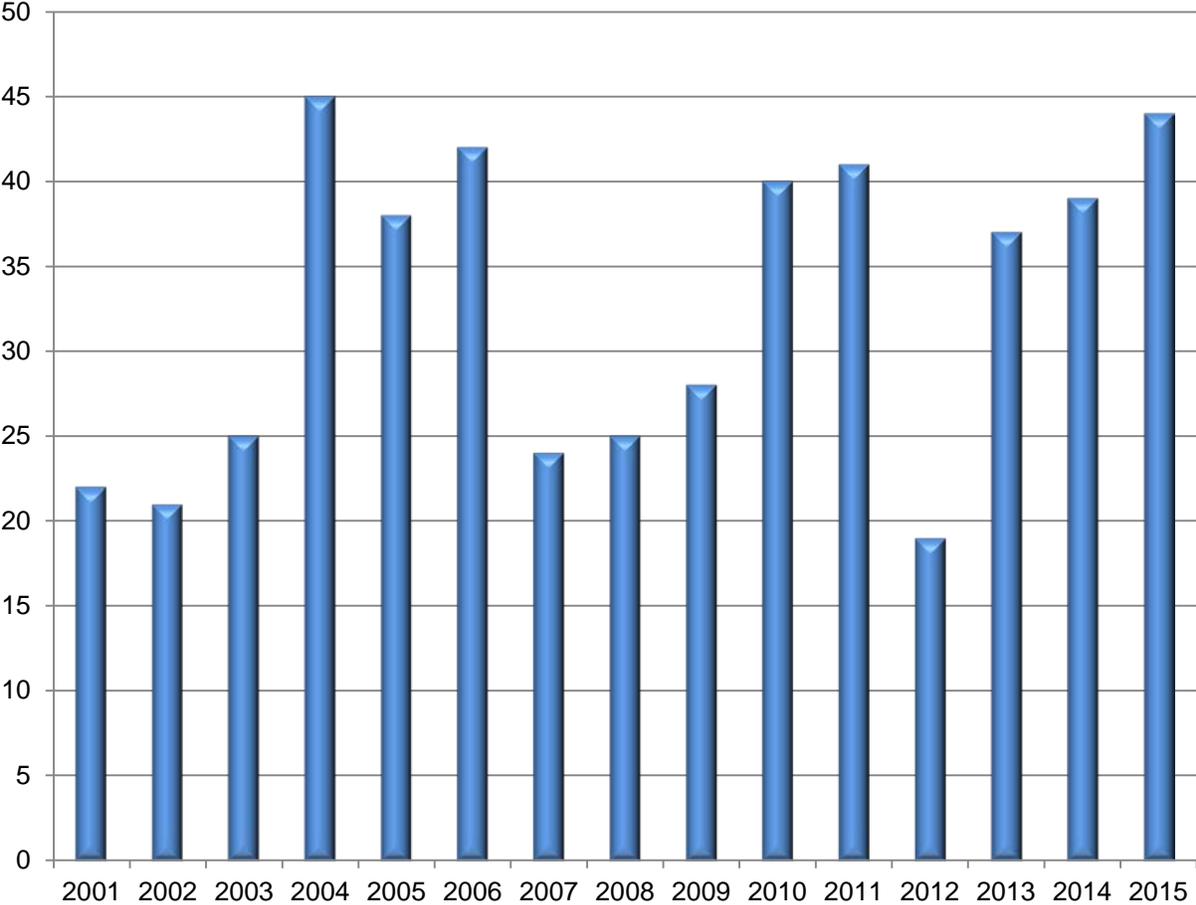
4. The complainant, an unrepresented applicant, alleged being repeatedly "stonewalled" by the judge on a number of issues on which the complainant had evidence to present. The complainant stated that the judge indicated being new to the bench. The complainant complained that the judge repeatedly allowed opposing counsel to derail any rulings and suggested that the complainant's evidence was without merit. The complainant complained of having requests repeatedly ignored, whereas the defense requested and was granted a new QME. In addition, the defense counsel requested a deposition, in which the attorney threatened to destroy the complainant and made other threats. The complainant claimed that the judge's continuing lack of due diligence helped the defense to practice medical terrorism in the case. The complainant alleged that the judge asked, "Which disability are you claiming—you have more than one?" The complainant felt insulted and discriminated against in front of other people.

5. The complainant, an unrepresented applicant, asserted the right to disagree with the decisions made regarding the claim. However, the complainant complained that no one told the complainant anything about the case.

6. The complainant, an unrepresented applicant, alleged that the judge intentionally misrepresented the beginning of trial dates on the Report and Recommendation.

The complainant also claimed that the judge failed to provide the complainant with a copy of the Minutes of Hearing and Summary of Evidence for all trial dates. The complainant alleged that the judge failed to identify the employer's bad faith personnel action as a cause of depression and anxiety. The complainant alleged that the judge knowingly misrepresented facts, concealed information, and committed acts of fraud in order to violate the complainant's due process rights and obstruct justice.

Chart 1: Complaints of Misconduct Filed with the Ethics Advisory Committee, 2001-2015 (number of complaints)



**2015
COMMITTEE MEMBERSHIP**

**vacant
Chair**

Member of the Public from Outside the
Workers' Compensation Community

HON. TIMOTHY HAXTON

Workers' Compensation Judge
Workers' Compensation Appeals Board
Salinas

HON. PAIGE LEVY

Presiding Workers' Compensation Judge
Workers' Compensation Appeals Board
Marina del Rey

HON. JOYCE CRAM

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

ROBERT RUBY, ESQ.

Former Defense Attorney
Workers' Compensation Law

MICHAEL McCLAIN, ESQ.

California Workers' Compensation Institute
Representing Insurers

JIM ZELKO

Kaiser Foundation Health Plan
Representing Self-Insurers

STEVEN SIEMERS, ESQ.

Member Representing
Organized Labor

KENNETH PETERSON, ESQ.

Former Applicants' Attorney
Workers' Compensation Law

DWC STAFF

Richard Newman

Chief Judge

Karen Pak

DWC Attorney

Ursula Jones

Adm. Assistant

Acronyms

AME	Agreed Medical Evaluator
CHP	California Highway Patrol
C&R	Compromise and Release
CCR	California Code of Regulations
DOR	Declaration of Readiness
DWC	Division of Workers' Compensation
EAC	Ethics Advisory Committee
I&A	Information and Assistance
PJ	Presiding Judge
QME	Qualified Medical Evaluator
SJDB	Supplemental Job Displacement Benefit
WCAB	Workers' Compensation Appeals Board
WCALJ	Workers' Compensation Administrative Law Judges