

**Workers' Compensation Ethics Advisory Committee
Annual Report, 2018**



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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 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 through 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 Workers' Compensation Appeals Board (WCAB).

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 (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
- Two members of the public outside the workers' compensation community

The committee is assisted in carrying out its function 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 engages in the review and discussion of 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, and the complaint alleges 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 complaint copies.

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 through 19180 are not affected.

III. Complaint Digest

A. Complaint Statistics for Calendar Year 2018

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, 2018, the DWC had authority over 180 active judges, including 156 serving judges and 24 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 2018 was 32 complaints. (See Table 1.)

Table 1. 2018 Complaint Caseload

2017 complaints pending ongoing investigation	1
2017 complaints pending consideration (filed after the last 2017 meeting)	2
New complaints filed	29
Total complaints	32

In calendar year 2018, the EAC considered and resolved 3 complaints from 2017: 1 pending ongoing investigation (meaning that an investigation was requested and did not conclude by the end of the year) and 2 pending consideration (meaning that the complaint was filed after the last meeting of the year). The 2 complaints pending consideration led to investigations. Of 29 new complaints received in 2018, the EAC considered 28 and resolved 24. Of those considered, 14 resulted in investigations, 10 of which were concluded. A total of 27 complaints were resolved. Four complaints are pending ongoing investigation, and one is 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 27 resolved complaints, 4 resulted in findings of judicial misconduct for which the committee recommended further action on 3 cases by the CJ or the administrative director. (See Table 2.)

Table 2. 2018 Disposition of Complaints

2018 complaints received	29
Investigations filed based on 2017 complaints	3
New complaints considered	28
Investigations filed based on new complaints	11
Total complaints investigated	14
2017 complaints resolved	3
New complaints resolved	24
Total complaints resolved	27

Findings of no misconduct	23
Findings of misconduct	4
New complaints pending ongoing investigation	4
New complaints pending consideration (filed after the last 2018 meeting)	1

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 (medical providers). Many types of complainants filed new complaints during 2018, but unrepresented employees made up by far the largest group. (See Table 3.)

Table 3. Complaints Filed in 2018, by Type of Complainant

Employees represented by attorneys	6
Employees not represented	14
Employers	0
Applicant attorneys	3
Defense attorneys	3
Hearing representatives	0
Claims administrators	0
Lien claimants (medical providers)	1
Attorneys representing lien claimants	0
Other	2

B. Description of Complaints and Actions Taken

1. Complaints Resolved in 2018 (27 Total)

(1) Complainant, an applicants' attorney, complained that despite the fact that applicant had been represented by competent counsel who had already explained the panel process to the applicant, the judge become irate when complainant attempted to walk through a Compromise and Release (C&R) because no panel qualified medical evaluator (QME) waiver had been included with the C&R. When complainant told the judge that that complainant had never before been required to submit such a waiver on a represented case, the judge replied, "You're full of [expletive]!" When complainant asked the judge not to use expletives, the judge said, "If you don't like it, file a complaint."

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee identified an ethics violation and recommended to the CJ that appropriate action be taken.

(2) Complainant, a defense attorney, complained of having been to the courthouse four times and needing to return again for a matter that, if handled correctly, would have already been completed.

On the third visit, the judge asked for complainant's trial exhibits but said that the computer was not working so they could not move forward. On the fourth visit, the trial, scheduled to start at 8:30 a.m., started at 11:40 a.m. and concluded ten minutes later. On both occasions, complainant brought the client and a witness, waited for over six hours with no indication from the judge why they were being forced to wait or what would happen next. Complainant complained that the case remained unresolved and would require returning to court again.

On the third visit, the judge acknowledged that the claim was spurious. Nonetheless, the judge took no active responsibility in managing the trial or the case and instead bent over backward for the other law firm. The judge did not act impartially but demonstrated favoritism to the other lawyers, who regularly appeared in the judge's courtroom, and the disparity in treatment was extreme. Complainant had never witnessed such unprofessional and uncivil conduct as that exhibited by opposing counsel, except the judge's conduct, which was even more uncivil. The judge yelled at complainant, indicated that complainant should not produce the exhibits while on the record prior to seeking their admission, insulted complainant, and humiliated complainant in front of opposing counsel. With opposing counsel, the judge smiled, talked about weekend plans, and complimented counsel's appearance. Complainant's impression was that the other side had the upper hand.

Complainant also alleged that the judge intimidated complainant off the record with respect to exhibits. The judge told complainant that none of complainant's exhibits were relevant and admissible but refused to provide proper authority for excluding them. When complainant asked the judge to put that position on the record, the judge demanded to know why. When complainant informed the judge that the client might appeal, the judge lost all composure, and the belittlement and rage continued.

On several occasions, complainant had no choice but to ask the judge what complainant could do differently to calm the judge down and take responsibility for the uncivil atmosphere. The judge refused to respond to complainant civilly but, head in hands, told complainant repeatedly, "You just don't get it." The judge admitted to being "cranky," but was actually angry and frightening. Complainant said, "Your Honor, please tell me what the problem is so that I understand what you are trying to say to me." The judge was rude and behaved in a way that can only be described as a series of outbursts and tantrums. Having witnessed this behavior, complainant's client was embarrassed for complainant and now believes that the whole system is broken.

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, an unrepresented applicant, complained that the judge, without regard to complainant's opposition or resulting repercussions, had allowed complainant's attorney to withdraw. Complainant thought that the case was too complicated for complainant to handle, and obtaining a new attorney was not possible.

Complainant claimed that the judge and Information and Assistance (I&A) officer misled complainant into believing that help would be readily available through the I&A Officer, including help obtaining a new attorney, all of which turned out to be untrue. The judge's decision to allow the attorney to withdraw at the beginning of the settlement phase despite knowing full well that complainant could not handle the case was unethical and showed complete disregard for fairness.

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, an unrepresented applicant, complained of having asked for transcripts of a hearing, but the court denied the request. Complainant complained that this district office is taking a page out of the church's book, in which it knows what is being done but ignores it. Complainant claimed that the WCAB knows what these three judges are doing, but say or do nothing about the fraud, deception, sexual harassment/homosexual overtures that have been perpetrated upon the complainant for several years. Complainant claimed to have been made to disrobe for the first deposition. Complainant is in fear of complainant's life. At a hearing in 2015, complainant claimed that one of the judges continued to ask complainant questions on behalf of one of the attorneys and that the judge sent complainant a letter threatening to throw the cases out if complainant did not attend said hearing. Complainant asked the court for the transcript of the trial on two occasions but has not received them.

The complainant refused to appear before the court on this matter again because it is just another attempt by the judges, along with all the parties, to defraud complainant of the right to a fair hearing. Complainant complained of not receiving a fair hearing because the judges are acting solely on behalf of insurance companies.

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.

(5) Complainant, an unrepresented applicant, complained that the judge refused to accept evidence complainant was trying to submit regarding his mental state and documentation of fraud committed by his attorney. Complainant complained that in another instance, the judge refused to acknowledge a QME report, which could have benefited complainant's case and the final decision regarding the award. In addition, complainant complained that the judge allowed complainant's attorney to be awarded fees despite complainant's proof and declaration that the former attorney committed fraud while handling his case.

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.

(6) Complainant, an unrepresented applicant, complained that the case was not evaluated correctly, and therefore the correct amount was not awarded.

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 of having endured suffering, belittling, discrimination, and bias from the judge and the court. Complainant claimed to have filed numerous motions and requests that have never been heard, even though complainant inquired about it at every hearing.

Complainant complained that everything came to a stop at the settlement hearing, which ended without complainant's motion or request being heard. The complainant inquired about the cash complainant would be receiving since the judge ruled in complainant's favor. Complainant complained that not one penalty has been issued against defendants despite the motion for penalties. Complainant's case is just dragging on without any medical care. Complainant complained that the workers' compensation payments were erratic.

Complainant's Motion to Recuse alleged that the court told him to expect a windfall of money after judgment. The judge replied, "You're a goddam liar." The complainant then walked out of the courtroom hurt, depressed, scared, and full of anxiety.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the EAC found that it was a single, technical violation, with no past pattern. Based upon that conclusion, the EAC recommended no further action by the CJ.

(8) Complainant, a represented applicant, complained that the judge has not made a decision to resolve complainant's situation. Complainant complained of having provided all the evidence so that the EAC can speak with the parties and the judge to clarify the case. Complainant alleged that there have been many hearings, but nothing has been resolved.

The complainant complained that it has been a year and four months since "they" told him that in 90 days the judge would make a decision. However, complaint's request for surgery and workers' compensation benefits have not been approved.

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, an unrepresented applicant, complained about receiving a notice of a mandatory settlement conference with the judge. Complainant complained that this is harassment and a cover up by the DWC, as this notice was a mistake. Complainant alleged that it has become obvious that complainant can never file a workers' compensation claim, no matter what happens to complainant, due to repeated lying by the judge in the courtroom, fraud assisted and allowed by the judge in his courtroom along with two other judges. Complainant is waiting for a response to his original complaint against this judge and then will file one against the other two judges. Complainant claimed that this judge and the other judges have made it clear that these cases are not ready for trial. Complainant alleged repeated fraud by the employer and defense attorney and the judge's assistance with it. Complainant alleged repeated violations of privacy rights under the constitution. The judge allowed an insurance company that was not yet formally joined as a party to the case, access to complainant's medical records via subpoena.

Complainant complained that a California Highway Patrol (CHP) officer was present at the hearing. The officer went to the desk and told the person at the desk that they were there for

complainant's hearing. Complainant approached the officer and asked whether complainant was under arrest. The CHP officer only told complainant that somebody called the CHP. Complainant found this very suspicious. Complainant also complained that the judge is not allowing complainant to call any witnesses.

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, a represented applicant, alleged that the judge is guilty of judicial misconduct, as there was collusion between the judge and his lawyers, who took advantage of complainant's already impaired mental state. The complainant alleged that the judge and complainant's attorneys strongly advised the complainant to settle for \$10,000 at the end of the hearing. In addition, complainant was required to sign a form stating that complainant would never pursue this matter again. Complainant complained that the judge, in order to reject a claim regarding the cause of a stroke, informed complainant that the judge was involved in nuclear medicine for 10 years and that the judge did not believe that stress had caused the complainant's stroke. Complainant attempted to relay information about the work circumstances, but the judge insisted that the judge's previous profession in nuclear medicine superseded neurological medicine, which the complainant argued resulted in the judge not agreeing with complainant's argument. Complainant believed that the judge and the attorneys already made up their minds after deliberation without hearing the complainant's side of the story.

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.

(11) Complainant, an unrepresented applicant, complained that in all the past court appearances, complainant has been ignored and has not been able to show complainant's hospital reports, and evidence has been ignored by the judge and defense attorney.

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, an attorney, complained that the judge's behavior and comments were condescending and abusive. Complainant appeared at a hearing on August 9, 2017, before the judge in a case involving multiple defendants, some of whom were in the process of being joined as defendants in the case. A joint request was made to the judge that the last remaining party who had yet to appear be ordered to do so at a continued hearing date. In response to the request, the judge suggested, in open court, that complainant failed to do complainant's job. The complainant informed the judge that the absent party had been served with a copy of the minutes of a prior hearing showing the date of hearing, along with a letter explaining the proceedings and the need for an appearance. These were both sent with a proof of service to the address of record listed on the Order of Joinder. The judge responded by telling complainant that complainant had not done the job properly and needed to learn how to properly practice law. When complainant asked the judge to explain what the judge believed complainant should have done, the judge indicated that a competent practitioner would have called the other party to ensure their appearance.

Complainant refrained from pointing out to the judge that the Labor Code, Civil Code, and regulations only require service and notice by mail. Yet the judge continued by asking complainant which firm complainant worked for. Complainant informed the judge that complainant was a partner, naming the other two partners. The judge then informed complainant that the other two attorneys are both excellent practitioners with years of experience in complex litigation and that one of them could surely teach you how to do your job. Complainant complained that this was said in open court with numerous witnesses. The judge continued thereafter repeating these comments and making additional comments in the same vein for several minutes while preparing a disposition. The complainant complained that the behavior and comments were not only uncalled for, but condescending and demeaning. The complainant claimed this is typical of this judge's general demeanor and behavior on a near daily basis and the fact is widely known in the local workers' compensation community.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee did not have sufficient evidence to identify violations of the California Code of Judicial Ethics or the division's ethics regulations. Based upon that conclusion, the committee has recommended no further action.

(13) Complainant, an applicant's attorney, complained that the judge unreasonably awarded no attorney fees and falsely put in the minutes of hearing that applicant's attorney agreed to it. Moreover, the judge threatened sanctions if complainant chose to challenge the ruling by appealing. The complainant complained that applicant and defendant entered into an agreement by way of a Stipulation and Order in which the applicant agreed to dismiss the case for \$1,000.00. The applicant's attorney added language for \$150 (15%) to be deducted for attorney's fees. Both attorneys appeared and presented the proposed settlement to the judge. The judge ordered defense counsel to contact the client in an effort to increase the settlement to \$1,500.00. Defendant ultimately agreed to \$1,500.00. The Stipulation and Order was amended to reflect the amount of \$1,500.00. Shortly thereafter, the judge informed complainant that the award would be reduced to \$0.00 in applicant attorney's fees. When complainant inquired as to the basis for the reasoning, the judge stated the decision was based on a prior Mandatory Settlement Conference (MSC) that took place. The judge said that the applicant was forced by his law firm to travel by automobile for approximately 12 hours from Washington State to appear at that MSC. The judge asked complainant to strike the language from the Stipulation and Order regarding the attorney's fees, so the complainant did so. The judge went on to state that the judge would "love" for the law firm to "challenge" the decision not to award fees and suggested that the firm might face sanctions if it challenged the decision. No further discussion took place for fear of repercussion. The Minutes of Hearing and Stipulation indicate that the applicant attorney withdrew the request for fees, however, complainant did not verbally agree to waive fees but merely complied with the judge's request to strike the proposed language from the order.

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.

(14) Complainant, a witness, complained that the judge claimed complainant answered the questions before they were asked several times. Complainant tried to leave a pause after each question was answered and thought it was going well. Apparently, complainant did it again and was unaware. The judge was clearly angry and spoke to complainant very aggressively and asked complainant to wait for the question to finish; the judge alluded to the fact that complainant had consumed too much caffeine, which complainant denied. Complainant stated that this is an example of improper demeanor for a judge and willful neglect of proper decorum for a judge. The complainant was very nervous, and the judge was making complainant shake with each admonishment. With complainant's back to the judge, complainant was answering applicant's attorney's question, when all of sudden complainant heard a very loud bang, causing complainant to jump. Complainant believed the judge slammed the judge's hands down hard on the desk. Complainant immediately burst into tears and stated, "This is abusive. I don't have to take this." The judge then yelled at complainant and said, "If someone was getting in the way of you doing your job, you would do the same thing." The judge called a recess, and complainant was able to calm down and finish the testimony.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee found a single technical violation but no past patterns. The EAC acknowledged the challenges presented by a difficult witness. The EAC recommended further appropriate action.

(15) Complainant, a defense attorney, complained that the case was set for trial on the issue of new and further disability. Prior to the trial, the judge asked the parties to attempt to resolve the matter. After discussion and approval by applicant, the parties presented a stipulation at 22%, which was within the range of the evidence. The judge refused to accept the stipulation, saying that the judge rated the case at 23%. The judge then forced complainant to contact the client for additional authority. The judge clearly prejudged the case before any evidence. The judge misled the parties to attempt to negotiate when the judge clearly predetermined the outcome. The judge failed to accept the parties' resolution, which was within the range of evidence.

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.

(16) Complainant, an unrepresented applicant, complained about the conference judge's handling of a fee dispute with his attorneys. Originally, the trial judge approved the settlement in his case, but a different judge was assigned regarding the attorneys' fee dispute. A hearing was set to resolve the fee dispute issue. Complainant indicated that all five attorneys were notified of the upcoming hearing date. On the day of the hearing, complainant asked the conference judge to move the case back to the trial judge because that judge settled his case. The conference judge told complainant that the judge would not send it back to the trial judge, but would go forward with the hearing. Complainant stated that only two attorneys appeared. The judge asked his clerk for complainant's file to determine how much the attorneys were entitled to based upon the work they had done. The clerk could not locate the file, and the case was continued. The complainant also asked the judge for interest on the attorneys' fees of \$91,000, which was held in trust. The judge indicated that the judge would not know whether the check was in someone's desk. When the judge said that, the complainant told the judge that the judge was being biased; that

complainant didn't mean any disrespect but felt the judge was being biased. Complainant asked whether complainant could bring in two witnesses to help determine whether the two attorneys present were owed anything. The judge denied this request. In addition, the judge allowed the other three attorneys who did not show up to come to the next hearing. Complainant was told by the judge to go outside with the attorneys who were present and try to resolve the fee issue. They reached an agreement and when they came back into the courtroom, the judge said the matter would be continued to allow the other three attorneys to appear. Complainant said that he would withdraw the agreement made in the hallway. Complainant also asked the judge whether another judge as a witness (now retired) could be brought in as a witness. The judge denied this request. The complainant argued that the attorneys do not deserve any fees because they did nothing to move the case forward.

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, alleged that the actions taken by the judge were not legal. The judge became involved in complainant's fourteen-year-old case without any knowledge of it and refused to look at complainant's file and settled the case for a minimal amount. The judge wrote that complainant would receive \$30,000, but complainant only received \$10,000. The judge allegedly took the worst records to judge the case. Complainant would like to know why the judge was acting like the attorney for the defendant. The judge noted in the decision that some of the exhibits were "joint exhibits." Complainant claimed that this is a "lie" and that they were not joint exhibits.

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 fraud was committed involving complainant's workers' compensation case. Complainant reported the misconduct of complainant's former attorney and of the evaluating physician, but nothing was done. Complainant did not receive Disability Evaluation Unit (DEU) forms 100 and 101, and the QME's report was not timely. Complainant claimed the medical records were accessed with an invalid HIPAA (Health Insurance Portability and Accountability Act) form, but nothing was done about that. The complainant underwent a QME examination, but the QME refused to accept complainant's records. The complainant raised these issues with the PJ, who told complainant to request a supplemental report because of factual inaccuracies. The complainant had a trial and submitted a trial brief while the defense did not, but complainant still lost. Complainant appealed the case, and the judge stated that the attorney (whom complainant dismissed) filed an application for adjudication with a date of injury of May 16, 2012. Complainant stated that every step of the way, misstatements were submitted to the court defaming complainant. Complainant alleged that an order dated April 13, 2018, proved fraud was committed and complainant has had to live with the WCAB decision that defamed him.

Prior to the settlement conference, the complainant submitted the inaccuracies in the QME report to the PJ detailing misstatements, by page and paragraph, and the juxtaposition of different factual events, out of chronology. During the hearing, the PJ explained that complainant was

entitled to a supplemental report, and the PJ did not address issues of factual misrepresentations. The complainant was advised to submit a list of questions to the QME to correct factual inaccuracies. Supplemental reports are accompanied by new medical records that the QME did not have at the time of the exam, and factual inaccuracies with the report are accompanied by a Request for Factual Correction form. The report was not submitted to the DEU. Complainant felt deceived into thinking the doctor would correct the inaccuracies, and the PJ did not allow complainant to submit evidence for the report. Complainant alleged that the judge intentionally misinformed complainant about correcting factual inaccuracies in the report and was denied the right to due process.

On October 6, 2014, complainant appeared for another MSC and explained to the PJ that the QME refused to provide a supplemental report. The PJ told complainant that the letter the QME sent to complainant dated 9/22/14, denying the request, was the report. The complainant told the PJ that the QME did not answer any of the questions posed, and the PJ replied, "Look at your behavior." The PJ told complainant that complainant was not a doctor and cannot refute the QME's findings.

The matter proceeded to trial before the trial judge. Complainant received the minutes of the trial, and the trial judge defamed complainant by stating that complainant admitted to substance abuse as the cause of poor work performance, which complainant denied. The judge concealed the injury and allowed fraud to permeate the court.

Complainant sent a letter to the trial judge indicating complainant could not attend the upcoming hearing in March because of new employment. Complainant received a letter from the trial judge dismissing the case. Complainant called the WCAB and was informed that the case was put back on the calendar.

In June, trial resumed, and complainant's parents attended the hearing and were abused and asked to confirm a diagnosis of psychosis and behavioral problems since childhood. On July 3, 2015, the trial judge issued a Findings and Summary. The WCAB denied complainant's Petition for Reconsideration and complainant's Petition for Writ of Review was also denied.

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.

(19) Complainant, the decedent's daughter, complained about the behavior of the judge. The complainant's attorney asked the judge to order a DNA test to certify that the complainant was directly related to decedent. On April 18, 2014, the judge appointed a Guardian Ad Litem and trustee because according to the judge, complainant's mother was not making the right decisions for complainant. Complainant has not received any of the settlement funds. Complainant and complainant's mother suffered distress as a result.

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.

(20) Complainant, an unrepresented applicant, complained that the judge, along with the defense attorney, violated complainant's civil rights on June 12, 2018. Complainant claimed that what was supposed to have been a trial before the judge on that day turned out to be nothing short of an "intimidative accostment" of complainant. Complainant alleged that after two hours of listening to the judge yell and talk in circles, complainant signed the settlement agreement and then withdrew it the next day. The judge allegedly, at the top of his lungs, accused complainant of coercion and extortion. The judge allegedly yelled loud enough to be heard in adjacent hearing rooms, that the judge read complainant's letter of May 7, and found it to be slanderous. Complainant complained that the judge is incapable of rational thought and unwilling to adhere to the rule of law.

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.

(21) Complainant, an applicant's attorney, complained that the judge's behavior was unprofessional and inappropriate. Complainant's office received a notice of suspension of C&R by the judge and included an order for applicant and complainant to appear. Complainant's hearing officer appeared with the client and the defense attorney. The judge was attempting to persuade the applicant to file a complaint against complainant with the State Bar. Thereafter, the judge reduced the fees from 15% to 9%. The hearing officer and client provided a declaration of what transpired at the hearing. The client responded being happy with the settlement and was working for a different employer. The judge then turned to the defense attorney and said that the judge did not feel they had done the right thing. The judge then asked the hearing representative if they should be paid Labor Code (LC) section 5710 fees. Thereafter, the judge became very angry and stated they were committing fraud and scamming the system. The judge also recommended that the client file a complaint against the attorney. The client was then asked to leave the hearing room and changed the fees.

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 feeling defeated by the judge without even having a hearing. The complainant did not believe complainant could get a fair hearing with the judge. Complainant, upon arriving for the hearing, was told by the judge, "I do not have time to have a hearing today because I have other obligations to attend to in Sacramento," and that both parties needed to meet with the clerk. Upon meeting with the clerk, the clerk advised that there were a lot of things that were not done procedurally in the prior hearing with the previous judge. The clerk then called the judge to assist with papers complainant needed, and the judge started to advise complainant about how the judge would rule against complainant regarding defendant's failure at timeliness. The court pointed out that defendant failed proper protocol with its cover letters to both applicant and the physician, however, the judge brushed it off as a mistake with good effort or intent.

Complainant felt defeated by the judge because the judge said that should this appear before the judge, the judge would allow the defendants to send the doctor the reports even though the

defendants failed to meet the deadline per Regulation 10164. The complainant, while driving home, suddenly came to believe complainant was being intimidated and bullied into something when complainant was there to have a hearing. Thereafter, complainant called the defense attorney and stated complainant's objections.

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.

(23) Complainant, an unrepresented applicant, complained that the judge recused from the expedited hearing because the judge had a former business relationship with the agent for the defense. The complainant complained that a substitute judge should have been assigned before the court date. The complainant complained that the judge can see who is on the calendar when scheduled and had the responsibility to do something without imposing on complainant to appear for no reason. Complainant complained this mistake caused delays in the case. Complainant claimed that the defense then hired an attorney, so the judge was the same judge for the subsequent hearing, which ended up being a hearing regarding proof of employment. The complainant complained that there was no court reporter, but when the complainant mentioned an MRI suggesting that the complainant had carpal tunnel syndrome, the judge suddenly exclaimed, "You don't have carpal tunnel," at which complainant looked at the judge and asked respectfully, "Are you a doctor?" The judge replied, "No." Complainant also complained that the judge changed the numbering of the exhibits that complainant had prepared. Complainant also complained that the employer was ordered to appear but failed to appear. Instead of closing the hearing for contempt, the judge delayed an hour for the employer to appear and was again ordered to appear. Complainant also claimed that the judge rolled the judge's eyes at complainant's statements, interjecting, "I can read that for myself" and smiling at the defense attorney. Finally, complainant alleged that the judge is biased. Complainant alleged that while searching for representation online, complainant found the judge's name with listing for a defense firm.

The EAC concluded that the complaint should be investigated. Based on its review of the investigation, the committee found a technical violation for failing to put the disclosure on the record and recommended further action.

(24) Complainant, an unrepresented applicant, complained that the judge was being bribed by the defense. It appeared the complainant was complaining about the judge adding additional case numbers and body parts to a signed C&R agreement after it had been witnessed.

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.

(25) Complainant, a represented applicant, complained that the judge issued a biased decision. There was a mandatory settlement conference in the case. Complainant complained about the judge's decision asking for complainant's medical records repeatedly from complainant's treating physicians. Complainant alleged having undergone treatment by workers' compensation physicians more than 15 years ago, and complainant had given authorization for the release of medical records from the treating physicians. The complainant complained that parties keep asking for the medical records over and over again.

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, a represented applicant, complained that the judge violated a prior judge's order of December 4, 2017. The judge indicated no such order was ever recorded. The complainant claimed that the judge "knows that EAMS [Electronic Adjudication Management System] administrators make another EAMS report and that those reports sometimes have misleading information." The judge "even wrote in pencil 'case previously dismissed.'"

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.

(27) Complainant, a represented applicant, complained that, on May 5, 2016, the judge stole money from worker's compensation. The complainant submitted a copy of a State Bar complaint against complainant's attorney claiming that the attorney along with the employer stole complainant's Social Security Disability payment of \$68,000 or more. Complainant alleged that every court that complainant has been in has been unfair.

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 (4 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 being present, falsely deemed complainant a vexatious litigant, had ex parte communications, 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 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 disclose that information. Complainant wrote several letters to the PJ and the PJ ignored complainant's letter. Each complaint resulted in a retaliation by both judges.

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 would cancel the hearing and reschedule it with this judge. Complainant was told by the PJ that no one else could handle the case except this judge.
3. Over a six-and-a-half-year period, 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 EAMS system and wrote several complaints to the PJ, which were ignored.
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 alleges 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 and got a court reporter and turned the status conference into a trial. The PJ would not allow any kind of documents into evidence but of only documents that the judge chose. The PJ did not give any reason why the PJ was holding the trial on the issue of vexatious litigation.

On December 12, 2012, the defense attorney filed a DOR asking that a submission be made on the matter of the 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 court in the DOR was resolved. A decision on vexatious litigant was issued. When complainant tried to raise other issues, the WCJ said that complainant would have to file another DOR.

5. 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 is open, holding hearings.

6. The PJ planned a trial that was not scheduled on the calendar without complainant present, conspiring 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 continuing it with a 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 when no court conference occurred on that date.
7. The judge sanctioned the complainant for failing to appear despite having sent numerous letters and notices to the judge regarding a scheduling conflict.
8. 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 on the issue of the petition to compel. The judge forced complainant to turn over medical records that did not pertain to the current injury violation of HIPAA 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.
9. The complainant alleges that the judge and the PJ tried to transfer the case to another district office using false statements claiming that the complainant asked for the transfer.
10. On November 18, 2015, the PJ held a trial on the vexatious litigant issue, based on a number of letters that the PJ accused complainant of filing which violated the rules of the Administrative Director. Complainant claims 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.
11. The complainant claims 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.
12. 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, the complainant was harshly retaliated against by the judges. The PJ and WCJ failed to adjudicate complainant’s case with due diligence and fairness. The WCAB EAMS systems is inaccurate as to all the hearings and trials held by both judges.

The EAC concluded that the complaint should be investigated.

(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 an 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 complains that, only over one year after the original date of submission, after trial, after supplemental expert reports, and after two rounds of supplemental trial briefs, and only then did the judge allege a conflict of interest.

Complainant complains that the conduct of the judge, including the repeated delays, taking evidence and testimony, and only years after the file finally alleging a conflict that warranted recusal, is inappropriate and improper. Throughout the time the judge presided over the case, the judge continuously badgered the parties to settle the case, delayed resolution, and refused to issue a decision. Indeed, it is now almost six years to the date of the injury, and the injured worker wants 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 complains 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.

(3) Complainant, a represented applicant, complained that the judge supervised a 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 would not recuse from the case despite being a percipient witness as to the specific requirements of the C&R regarding payments for future medical. Complainant complains 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 his day in court.

The EAC concluded that the complaint should be investigated.

(4) Complainant, a defense attorney, writes of being reluctant to file a complaint for fear of possible retaliation against the law firm and its clients. Complainant complains 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. Up to the present, complainant complains that 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 ever were serious enough to jeopardize any due process rights or the ability to adequately represent the clients’ interests. However, on October 3, 2018, at trial on a particular case, it is the complainant’s belief that the judge exceeded judicial authority and acted in an unprofessional manner.

Complainant writes that the case at hand is particularly challenging because the unrepresented applicant is difficult and makes outrageous allegations at every appearance. Until 2018, complainant claims 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 notes 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 an Agreed Medical Evaluator (AME) re-evaluation. 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, applicant’s spouse, and the I&A officer. Applicant claimed that of 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 on the sole issue of PD before the judge. The applicant raised the physical therapy visits issue and alleged the defendant never authorized it. The applicant also raised other outrageous allegations, including alleged behavior by the AME in refusing to examine complainant. 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, the PD advances, and address the new allegations about the AME). However, the judge in a raised voice (yelling) told complainant not to speak, would not be allowed to explain, and would only be permitted to speak in chambers if asked a direct question, and then to only to respond to said question. Throughout the remainder of the hearing, the complainant claims that 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 LC section 5311.
2. The judge demanded complainant immediately advise how many physical therapy (PT) sessions the applicant attended in a five-year period. When complainant attempted to explain that complainant would have to contact the claims adjuster to procure the information, the judge yelled at complainant for being “unprepared for trial” and not being able to answer on the spot immediately. The judge would not allow further explanation, i.e., that defense attorneys do not typically have this information in their files, as PT 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 complainant could not answer this question on the spot.
3. The judge demanded complainant authorize 24 PT 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 made 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 apportionment 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) of the judge’s choosing, at significant time and cost to the client.
5. The judge made claims that to applicant, who is in pro per, that the judge would invalidate the AME, and 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 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 by stating that there was no cross-examination of the AME, despite there being no 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, 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 by 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.

3. *New Complaint Pending Consideration (1 Total)*

(1) Complainant, a lien representative, complains that over 43 lien hearings have been held without a final order on the doctor's lien. Complainant claims that since 2011, 30 hearings have been held before the judge, who has deliberately delayed final adjudication of the lien. Complainant states that the judge has ordered payment of the lien and an unspecified interest amount on July 11, 2018, and again on November 14, 2018, but refuses 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 alleges that the judge lied about the time spent with the parties at a lien conference. Complainant states that the judge falsely wrote in the Minutes of Hearing that the judge spent 60 minutes, when in fact no more than 30 minutes was spent with the parties. Complainant claims 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, as if putting grade school children 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 claims 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

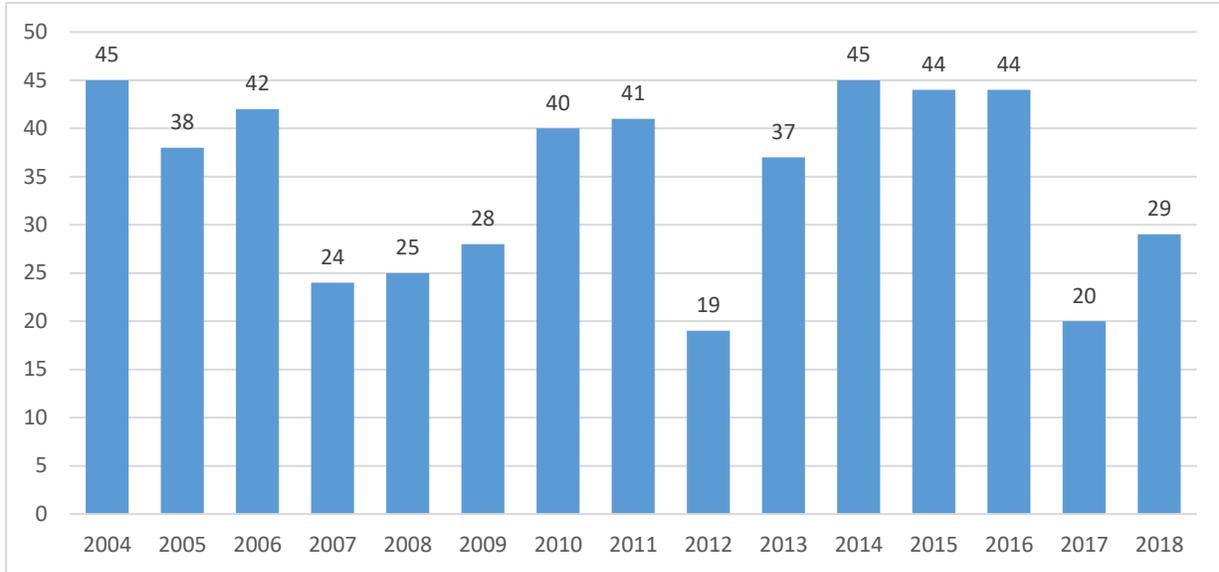
Complainant complains that the judge's unreasonably long delays, combined with the judge's dishonesty and discourteous treatment of parties, create the appearance of impropriety.

Complainant states that 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 complains that this date has now also been vacated and the matter reset for a lien conference to take place on February 12, 2019.

Defendant's petition for removal states that the lien claimant filed a petition for removal in relation to the judge's, setting the matter for a January 14, 2018, lien conference. In response, the judge's issued an order vacating the lien conference of January 14, 2019, and converting it to a lien trial for January 9, 2018. Based upon that, the defendant filed a petition for removal, the judge in response vacated the lien trial date and reset the matter for a conference.

IV. Appendices

A. Number of Misconduct Complaints Filed with the EAC, 2004-2018



B. Committee Membership and Staff

2018 Ethics Advisory Committee Members

Vacant
Chair

Hon. Joyce Cram

Judge (Ret.), Alameda 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
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,
Salinas

Kenneth Peterson, Esq.

Former Applicants' Attorney
Workers' Compensation Law

Jim Zelko

Kaiser Foundation Health Plan
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
DEU	Disability Evaluation Unit
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
HIPAA	Health Insurance Portability and Accountability Act
I&A	Information & Assistance
IME	independent medical exam
LC	Labor Code
MSC	Mandatory Settlement Conference
PD	permanent disability
PJ	presiding judge
PT	physical therapy
QME	qualified medical evaluator
UR	utilization review
WCAB	Workers' Compensation Appeals Board
WCALJ	workers' compensation administrative law judge