



## CAL-ABOTA

California and Hawaii Chapters of the  
American Board of Trial Advocates

### MISUSE OF THE RECALL PROCESS POSES A THREAT TO JUDICIAL INDEPENDENCE

February 27, 2023

CAL-ABOTA vigorously opposes the misuse of the recall process as the basis for petitioning to recall Judge Cara Hutson. The recall process should not be weaponized to voice disagreement with the decision of any Judge in exercising her or his judicial discretion within the bounds of the law. The remedies for contesting a Judge's decision are provided through the process of appeal or reconsideration - not recall. Misuse of the recall process as retribution for a decision someone disagrees with, but comports with legal standards, undermines the fair and impartial administration of justice for all citizens.

Today, CAL-ABOTA rises to the defense of Judge Hutson, who is the unfair target of a recall effort based on misleading facts which were previously addressed by a letter of support on behalf of the San Bernardino/Riverside Chapter of ABOTA. That letter can be found on our website at <https://cal-abota.org/pdf/SBRReleaseMcKayCase.pdf>. CAL-ABOTA has since learned of efforts to fund and launch the gathering of signatures in support of a petition to recall Judge Hutson, which appears to be politically motivated. Such efforts create a dangerous precedent in creating unnecessary fear and intimidation for Judges in reaching decisions based on the good faith application of law to the facts. Rather, such efforts encourage decisions that ignore the law in order to avoid the threat of being recalled by a vocal minority who seek to promote their own selfish agenda.

CAL-ABOTA wishes to underscore their belief that the First Amendment guarantees the Right of Free Speech, including opinions that are critical of a Judge's decision. However, CAL-ABOTA strongly opposes the misuse of the recall process as a tactical weapon to punish a Judge by seeking to removing them from office, when that Judge has neither been convicted of a crime or engaged in serious ethical misconduct and where the remedies of an appellate review or reconsideration are the appropriate procedures to challenge the decision. To do otherwise jeopardizes public confidence in the Independence of the Judiciary and threatens to destroy the Constitutional basis of our democracy.

CAL-ABOTA is an organization of the nine independent Chapters of ABOTA in California and Hawaii comprised of over 1500 Plaintiff and Defense Trial Lawyers who are elected to membership by their peers based on demonstrated trial experience, skill in advocacy and commitment to civility in the legal profession. ABOTA was founded in 1958 to preserve and defend the rights granted to all Americans by the 7<sup>th</sup> Amendment to the Constitution. Among the key missions of ABOTA is advancing public education about our civil justice system and safeguarding judicial independence.

Respectfully,

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