

**NEWS RELEASE
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**THE RECALL EFFORT TO UNSEAT JUDGE PERSKY
IS A THREAT TO JUDICIAL INDEPENDENCE**

SACRAMENTO (Sept. 21, 2017) A fair and impartial justice system is at the heart of America's commitment to our rule of law. Since the judicial branch is prohibited from making comments about pending cases, it is important for lawyers involved in the judicial system to provide their insight when the independence of the judiciary is threatened. The California regional chapter of the American Board of Trial Advocates (CAL-ABOTA) is a statewide association with more than 1,700 highly experienced civil trial lawyers evenly divided between the plaintiff and defense bars. As a state organization within the American Board of Trial Advocates, our mission is to preserve and promote the right to trial by jury in civil cases; protect the fair and impartial administration of justice through support for an independent judiciary; and to champion civility, professionalism and high ethical standards among attorneys.

Recently, there have been media reports regarding the petition to recall Santa Clara County Judge Aaron Persky from the bench based on public criticism of his sentence in the Brock Turner case on the grounds that Judge Persky gave too light a sentence to the Stanford student convicted of the sexual assault of a 23-year-old woman.

While CAL-ABOTA supports the public's First Amendment right to criticize and protest on items of public interest, including issues related to appropriate sentencing in sexual assault cases and equal treatment of individuals adjudicated of crimes, CAL-ABOTA opposes efforts to recall any judge based solely on the unpopularity of a single decision as we believe it leads to political interference and intimidation.

Our judicial system has rules in place to review a trial judge's decision. When judicial errors occur they are dealt with in our system of justice through the appellate process. When judges are alleged to have engaged in misconduct, their actions are subject to an investigation by the State of California's Commission on Judicial Performance and if warranted by the circumstances, the judge may be disciplined. Should the misconduct be serious or part of a repeated pattern, removal may be warranted.

Since the recall effort began, the Commission on Judicial Performance completed an investigation of Judge Persky's actions in the Turner case and concluded that the sentence imposed comported with the law, and that there was no evidence of misconduct or bias in his decision. More than 90 professors from public and private law schools across the state have voiced their concerns that the recall effort sets a dangerous precedent to the core values of judicial independence and integrity.

The preservation of an independent judiciary is an integral and essential component of our system of justice and the proper functioning of our democracy. The concept of a fair and impartial judiciary requires that judges make decisions by applying the law to the facts, without regard for the popularity or politics of the result. Judges should never be placed in a position where their decisions are influenced by which way the political winds blow, how the media will react, or whether their decision is the most popular on any given day. This is not a new concept. It dates back to the foundation on which this country was built, and our Constitution.

In short, our judges are accountable to the Constitution and the laws, not to politicians or special interests. For these reasons, CAL-ABOTA opposes the effort to recall Judge Persky.

ABOUT ABOTA:

Founded in 1958, ABOTA is a membership organization of more than 7,600 civil trial attorneys who have been invited to join because of their outstanding trial skills, integrity and civility in the courtroom. ABOTA members are almost evenly divided between plaintiff and defense attorneys. The general purposes of ABOTA shall be to foster improvement in the ethical and technical standards of practice in the field of advocacy to the end that individual litigants may receive more effective representation and the general public be benefited by more efficient administration of justice consistent with time-tested and traditional principles of litigation.