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Judges shouldn't gag themselves

THE HERALD'S VIEW

There's something wrong at the county courthouse, where three judges and maybe more apparently are under investigation by the state Commission on Judicial Performance.

Short term, that obviously can distract a bench still trying to recover from a stubborn sex scandal that ended the judicial career of Traffic Commissioner Richard Rutledge last fall. Long term, the obvious problem is the possibility that some of the allegations will be confirmed. The less obvious problem is that regardless of how things turn out, such investigations are blanketed in so much unnecessary secrecy that the public may never really know what happened or trust that everything that should have been investigated actually was. In other words, the reputation of the local bench is likely to suffer a serious hit no matter what.

As reported by The Herald's Virginia Hennessey, the commission has filed formal misconduct allegations against Judge Jose Velasquez, accusing him of unfairly treating several defendants, and is believed to be investigating at least two others -- Russell Scott for allegedly using an intermediary to coach prosecutors appearing in his court, and Michael Fields for a series of prejudicial remarks he allegedly made about a Southern California judge whose own conduct he was examining as part of a commission panel. Velasquez faces a public hearing, but in the cases of Scott and Fields, we may never know the details.

Though most judges are political appointees, the judiciary tries to minimize that truth by buffering itself from public scrutiny of the type other officeholders endure. By formally and informally imposing every possible layer of confidentiality, beyond what is truly required, California judges have trapped themselves in a no-comment zone, unable to explain their actions, defend themselves or even disclose corrective measures. Most commission inquiries end with no action or with censures, most of them private. When censures are private, judges found to have engaged in inappropriate behavior escape public scrutiny, and judges initially suspected of serious wrongdoing but essentially convicted of minor transgressions aren't able to broadcast the favorable outcome.

Though individual judges must stand for re-election periodically, the bench has removed itself from real public accountability, with unintended consequences.

Whatever happens to Velasquez will become public. The status of inquiries involving Scott and Fields and the status of rumored inquiries involving others, however, may remain in the none-of-our-business realm forever. That's a disservice to the public and, ultimately, to most judges as well.

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