

FULL DISCLOSURE Transcript

08/26/2011

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Protection Alliance

DUTTON: Does David Hernandez have any chance of getting a fair trial here in Los Angeles? He's spearheading the drive against 2007's Proposition R which loosened the rules for lobbyists and extended term limits for the L.A. City Council members. Now he's discovered that Judge Yaffee who decided his trial was getting over \$800,000 in bribes from the County, the same people who certified the integrity of the election. Dr. Richard I. Fine has been fighting these judicial bribes for more than a decade. We asked him what he thought of Mr. Hernandez's chances in the L.A. Superior Court.

FINE: His chances of getting a – of getting a fair hearing are zero and that's going to be based upon the following things. Number one, it's well-established that Judge Yaffee received illegal payments. I think the exact number that we had was \$827,000 and that was based upon from 1989 through 2010. I believe that Judge Yaffee became a judge somewhere around 1987 or so. So if you add those other couple of years that we didn't have you're probably looking around \$860,000. So basically in Hernandez's case Yaffee was disqualified before everything even began. And so now we're looking at a present L.A. Superior Court judge ruling on Judge Yaffee's actions. You take any judge that is sitting and you find out if this judge has

received L.A. County payments. If the judge received L.A. County payments that judge is going to be out. L.A. County basically says, I believe they're claiming that they're giving about \$30 million a year to the judges, and I believe that they're claiming that they're paying off every judge. So if they're paying off every judge what would happen that there's no judge in L.A. County that could even hear this case. As long as a judge is getting or has gotten a payment the chances of his being fair are zero. You have to go to a county where the judge has not received payments and where the county historically has not given the payments, then you stand a possible chance of the judge being fair.

DUTTON: Do is Dr. Fine advocating that Mr. Hernandez should get the trial moved to a different county?

FINE: Absolutely. I think that they don't really have a choice. They're going to have to change venue with him. So all he has to do is make the motion, put up the money to transfer the file, and the change of venue will take place.

DUTTON: In response to Mr. Hernandez filing against Yaffee's decision the L.A. City Attorney has just slapped Mr. Hernandez with a \$1,200 sanction for filing a frivolous lawsuit. We asked Dr. Fine to explain, "How could they do that?"

FINE: First of all, it's retaliation, it's a scare tactic, and it's illegal. Number one, you can't ask for sanctions without giving what they call a 21-day notice so they're breaking the law right off the bat. So what is happening is that they're trying to scare the hell out of him and that in and of itself is illegal. And the City Attorney knows this so what he's doing is that he's going forward, he is deceiving the court. He is intimidating Hernandez which is against the Code of Professional Conduct. So he's doing all of these things knowingly doing this.

DUTTON: Well, is Mr. Hernandez off base with this lawsuit? According to the judges what appears to be illegal and unconstitutional payments have been made perfectly legitimate by the state legislature when they passed senate bill SBX 211.

FINE: SBX 211 and particularly Section 5 of SBX 211 which gives the judges and the County employees and the County retroactive immunity from criminal prosecution, from civil liability, and from disciplinary action is unconstitutional.

DUTTON: So according to Dr. Fine, senate bill SBX 211 itself is unconstitutional. In this country the rule of law exists to assure that we are all working with a level legal playing field. If the judges can pass an unconstitutional law to protect unconstitutional payments to

themselves it appears that the judges think they are above the law and beyond the control of the citizens.

FINE: They are out of control with this immunity because of the fact that the retroactive immunity that they have been granted has placed them totally out of control, and totally outside of the law. They have become literally a kingdom unto themselves, no longer subject to the California Constitution and basically no longer subject to the United States Constitution. Bottom-line SBX 211 is unconstitutional anyway you cut it.

DUTTON: The judicial system is the third branch of our government. Without the checks and balances provided by that third branch everything America stands for is in jeopardy. Dr. Fine has a remedy.

FINE: We have no choice other than going in and getting rid of these people. If they're elected officials get them out either through recalls or if they run for office again get them out.

DUTTON: That requires an informed electorate. Voters need to know which judges are taking these illegal payments. If people will take the time to become informed we can regain our judicial system.

FINE: Now the question is a dirty judicial system and getting it cleaned up and that's where we're at.

DUTTON: We want to know what you the viewers think. Please respond to our survey and leave your comments below. Number one, do you think the state legislature has the authority to change the Constitution and make the payment to the judges legal? Yes or no. Number two, do you think any judge will decide against another judge if they have both received the same illegal payments? Yes or no. Number three, do you think the L.A. City Attorney is protecting his pals in the Superior Court by imposing sanctions on citizen watchdog David Hernandez? Yes or no. Please be sure to leave your comments below. I'm Leslie Dutton. Thank you.

(End of tape.)