

TO: CALIFORNIA COMMISSION ON JUDICIAL PERFORMANCE

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Re: Demand for Immediate Removal of Los Angeles Superior Court Judge
David P. Yaffe

Los Angeles Superior Court Judge David P. Yaffe engaged in fraud upon the court, obstruction of justice, misappropriation of funds, bribery, violation of Code of Judicial Ethics Canons 4D(1), 3E(2), 3E(1) and 2, violation of CCP § 170.1(a)(b)(A)(iii), violation of California Constitution Article 1; §§ 7 and 15 (due process) and section 3 (Petition Government for Redress of Grievances, violation of U.S. Constitution Fifth Amendment and Fourteenth Amendment (due process), First Amendment (Petition the Government for Redress of Grievances) and Article II, Clause 2 (Supremacy Clause), violation of the "Intangible Right to Honest Services (18 U.S.C. § 1346, and violation of his oath of office, in his actions in the case of *Marina Strand Colony II Homeowners Association v. County of Los Angeles*, LASC Case No. BS 109420 (Marina Strand case) and its ancillary contempt proceeding against Richard I. Fine (FINE).

The Marina Strand case was a writ of mandate proceeding brought to invalidate the County Board of Supervisors May 15, 2007 illegal certification of an environmental impact report (EIR) applied for by Los Angeles County and its co-applicant Del Rey Shores Joint Venture and Del Rey Shores Joint Venture North (collectively Del Rey Shores) to re-develop the Del Rey Shores Apartment Complex in Marina Del Rey, California from 200 plus units to 500 plus units extending five stories high with "sails" on the roof resulting in the buildings rising to approximately 100 feet above the ground level of the surrounding two story buildings . The proposed redevelopment also increased the parking spaces from 200 plus to 1,000 plus.

I. Judge Yaffe Committed “Fraud Upon the Court” By Presiding Over the Marina Strand Case While Having Received Illegal Payments From Los Angeles County and Not Having Disclosed Such Thereby Voiding All of His Actions.

Commencing in the late 1980’s Los Angeles County began paying state-elected Los Angeles Superior Court Judges “judicial benefits” in addition to their state salary and benefits. A November 10, 1988 letter from Roger M. Whitby, Sr. Assistant. Los Angeles County Counsel, approved and authorized by De Witt W. Clinton, Los Angeles County Counsel to Frank S. Zolin, County Clerk/Executive officer, Los Angeles Superior Court showed that the benefits violated Article VI, Section 19 of the California Constitution as only the state “legislature shall prescribe compensation for judges of courts of record”, that the word “compensation” includes salary and fringe benefits (which Los Angeles County was paying to the Los Angeles Superior Court judges, as shown in 59 Ops. Cal. Atty. Gen. 496, and 61 Ops. Cal. Atty. Gen. 388, that the legislature could not delegate its duty to “prescribe” the function to another body or person (*County of Madera v. Superior Court*, 39 Cal.App.3d 665 (1974) and that the superior court judges were “technically state constitutional officers.”

Despite this knowledge, Los Angeles County paid Los Angeles Superior Court judges continuously, and the judges received such payments, without disclosing such payments to the party opposing Los Angeles County in the case over which the judge receiving the Los Angeles County payments presided.

This resulted in a “fraud upon the court” which vitiated the case and voided the orders and judgments of each of the judges. United States Supreme Court cases have long held that “since fraud upon the court” vitiates the entire case, all orders of that court or any subsequent court are void, as none of the courts had subject matter jurisdiction. No court has the lawful authority to validate a void order. *U.S. v. Throckmorton*, 98 U.S. 61 (1878). A void order is void at all times, cannot be made valid by any judge, nor does it gain validity by the passage of time. The order is void *ab initio*. *Valley v. Northern Fire & Marine Co.* 254 U.S. 348 (1920).

In the Marina Strand case, the “fraud upon the court” was eminently clear. The case was filed on June 14, 2007 29 days after the Los Angeles County Board of Supervisors allegedly “certified” the EIR. The case was assigned to Department 86 of the Los Angeles Superior Court, the Writs and Receivers Department, presided over by Judge David P. Yaffe.

Neither Judge Yaffe, nor Los Angeles County, nor its lawyers disclosed that Judge Yaffe was receiving payments from Los Angeles County from the

commencement of the case until March 20, 2008, when Judge Yaffe admitted to such under questioning by FINE at a hearing. Judge Yaffe was immediately served with a CCP §170.3 objection to which he did not respond and was disqualified under CCP § 170.(3)(c) (4). Judge Yaffe refused to leave the case and refused to send the file to the presiding judge for “re-assignment” in violation of CCP § 17.3(c)(4) and Canon 3c(1) and (2) of the Code of Judicial Ethics.

The illegality of the Los Angeles County payments to the Los Angeles County judges, including Judge Yaffe, was not only shown in the November 10, 1988 letter, the payments were held to violate Article IV, Section 19 of the California Constitution in the case of *Surgeon v. County of Los Angeles*, 167 Cal.App.4th 630 (2008). Rev. Denied December, 23 2008, which was decided while the Marina Strand case was pending and prior to the institution of the December 22, 2008 ancillary contempt proceeding against FINE.

On December 22, 2008, Judge Yaffe was the first witness in the contempt proceeding, in which he was also presiding as the judge and “judging” his own actions” of having made orders in favor of Los Angeles County and its co-applicant Del Rey Shores while having taken payments from Los Angeles County and not disclosing such.

Judge Yaffe stated that he was “troubled” over conducting the contempt proceeding. He testified in response to questioning by FINE that he had received payments from Los Angeles County, that he had not disclosed such on his form 700 Statement of Financial Interests, that he did not place the Los Angeles County payments into his campaign account, that he did not have any employment agreement with Los Angeles County or an arrangement to provide services to Los Angeles County and that he could not remember any case in the last three years that he decided against Los Angeles County with the exception of the issue of the re-circulation of that part of the EIR regarding the movement of dirt in the Marina Strand case.

During the contempt proceeding, FINE showed that a further” fraud upon the court” was perpetrated in addition to the undisclosed Los Angeles County payments to Judge Yaffe. This “fraud upon the court” consisted of Los Angeles County, its attorneys and Del Rey Shores and its attorneys concealing from the court the illegality of the vote of the Los Angeles County Board of Supervisors to certify the EIR and the non-certification of the EIR and the lack of positive financial benefit to Los Angeles County from the re-development, which positive financial benefit was a requirement to certify the EIR.

The facts underlying the “non-certification” of the EIR and its “cover-up” were as follows: In April, 2007 Jerry B. Epstein, the trustee of the Epstein Family Trust

was the managing partner of Del Rey Shores, and its “Chief of Staff”, David D. Levine each contributed greater than \$500.00 to Los Angeles County Supervisors Michael Antonovich and Don Kanbe, Supervisors Antonovich and Knabe voted for certification of the EIR on May 15, 2007. These votes were illegal and violated the California Public Resources Code as held in the case of *Breakzone Billiards v. City of Torrance*, 81 Cal.App.4th 1205 (2000). Since four votes were cast and three were needed to certify the EIR, the EIR was not certified. Los Angeles County “covered up” the illegality and stated in documents that the EIR was certified.

Los Angeles County, its attorneys and Del Rey Shores and its attorneys, new the truth and withheld such from the court. In 2008, the 2007 Campaign Contribution Reports first came “on line”. At such time, FINE discovered the 2007 campaign contributions and showed the illegality of the certification of the EIR during the contempt proceeding. Despite being made aware of the illegality of the EIR, Judge Yaffe refused to invalidate the EIR, thereby perpetrating the “fraud upon the court”.

Additionally, during the contempt proceeding FINE demonstrated that nothing in the EIR showed a positive financial impact for the County from the “Re-Development”. FINE showed that Los Angeles County had even given Del Rey Shores an \$11 million rent credit for low cost housing when Del Rey Shores was mandated to construct such as its own cost under the *Miller-Roos Act*. R.J. Comer, a Del Rey Shores attorney was unable to testify to any specific part of the EIR when showed a positive financial impact. He identified the testimony of an individual, but such testimony did not show a positive financial impact.

Despite this knowledge, Judge Yaffe, refused to invalidate the EIR and perpetrated the “fraud upon the court”.

Judge Yaffe’s making orders in favor of Los Angeles County and refusals to invalidate the EIR also demonstrated that the Los Angeles County payments were “bribes”. His [Judge Yaffe’s] actions confirmed that the Los Angeles County payments were given for, and accepted with, a corrupt intent to induce or influence action or opinion of a person in any public or official capacity (judge). By accepting the Los Angeles County payments and ruling for Los Angeles County and its co-applicant, Judge Yaffe “closed the circle” of the bribe”.

The November 10, 1988 letter stated that the Los Angeles County “Board of Supervisors had evidently found that in order to attract and retained qualified judges to serve in this (Los Angeles] County, it is necessary and appropriate to provide them with benefits such as the flexible benefit plan contribution and the

401(k) match, which are available to many employees in the private sector, as well as to county employees and court officers and employees other than judges.”

This statement was a pretext as the Los Angeles Superior Court judges were state- elected constitutional officers. The payments could not attract them as they were already in office and could not “retain” them as they had to be re-elected in an open election. The payments could only influence their actions while in office which they did. By 2007, the payments were \$46,433.00 per judge per year or 27 percent of the judges’ annual state salary of \$178,800.00, in addition to such state salary and benefits. A Los Angeles Superior Court judge was earning approximately \$249,000.00 per year. The Chief Justice of the U.S. Supreme court had a salary of \$218,000.00 per year.

During the last number of years, the Los Angeles County annual budget in the section entitled “Trial Court Operations” has made the false statement that the 1997 Lockyer-Isenberg Trial Court Funding Act required Los Angeles County to pay the “judicial benefits”. The opposite was true. *Sturgeon, supra* held that *Lockyer-Isenberg* did not require the payment of benefits. (See last three substantive paragraphs of *Sturgeon, supra*.)

The payment of the “benefits” by Los Angeles County to the Los Angeles Superior Court judges, including Judge Yaffe, who were not Los Angeles County employees was a “misappropriation of funds was a violation of California Penal Code § 424, subdv. 1. Such section and subdivision states in relevant part:

“Each officer of this state, or of any county . . . and every other person charged with the receipt, safekeep, transfer or disbursement of public monies who either: (1) without authority of law, appropriates the same, or any other portion thereof, to his own use, or the use of another; or . . . (3) knowingly keeps any false account or makes any false entry or erasure in any account of or related to this same.”

See *People v. Sperl*, 54 Cal.App.3d 640, 655-656, 659 (1976) Rev. denied 3/24/76.”

Judge Yaffe was an active and knowing participant in such misappropriation of funds by accepting the Los Angeles County payments while knowing that he was not an employee of Los Angeles County, did not have a contract to perform services for Los Angeles County, and did not have any arrangement to perform services for Los Angeles County.

Based upon Judge Yaffe’s admission on December 22, 2008 that he could not remember any cases in the last three years that he had decided against Los Angeles County, while taking payments from Los Angeles County, Judge Yaffe

has demonstrated a clear pattern of “fraud upon the court” as he never disclosed such, misappropriation of funds as he took such, bribery as he took such and decided cases in favor of Los Angeles County and obstruction of justice as he interfered with this administration of the judicial process.

Judge Yaffe’s removal from his position as a judge and the forfeiting of any benefits and retirements is mandated based upon such reprehensible and criminal conduct which violates constitutional law, California law and the Code of Ethics.

II. Senate Bill SBX 211’s Retroactive Immunity is Limited to Just the Payments of the County Benefits to the Judges and Nothing More by its Terms.

After the *Sturgeon* decision, the administrative Office of the Court, a part of the Judicial Council of California, drafted Senate Bill SBX 211. It was enacted on February 20, 2009 and became effective on May 21, 2009. It acknowledged that the county payments to the judges were criminal by giving retroactive immunity to the judges and others from civil liability, criminal prosecution and disciplinary action for “judicial benefits” authorized by counties.

Senate Bill SBX 211 stated in relevant part:

“Notwithstanding any other law, no governmental entity or officer or employee of a governmental entity, shall incur any liability or be subject to prosecution or disciplinary action because of benefits provided to a judge under the official action of a governmental entity prior to the effectiveness of this Act on this on the ground that those benefits were not authorized under law.”

From the wording of Senate Bill SBX 211, the immunity is limited to “benefits provided to a judge under the official action of a government on the grounds that those benefits were not authorized by law.” The immunity does not extend to the judge committing “fraud upon the court” by not disclosing those payments, or the judge not disqualifying himself from cases in which the County who paid the benefits to him was a party, or the judge being “influenced” by the benefits and ruling in favor of the county who paid him the benefits, or the judge engaging in obstruction of justice by doing any of these acts along or in conjunction with the county.

Further, the immunity only applies to state law. It does not apply to violations of the U.S. Constitution or federal law.

III. Judge Yaffe Deliberately Lied in a Court Document

In a March 27, 2005 Order Striking the March 25, 2008 Notice of Disqualification in the Marina Strand case, Judge Yaffe described an alleged March 18, 2008 Order that he had purportedly issued striking part of FINE's February 19, 2008 Motion to Dismiss Judge Yaffe's January 8, 2008 order for FINE to pay attorneys' fees and costs to Los Angeles County and Del Rey Shores. Such January 8, 2008 order was made in violation of the California Public Resources Code and without Notice to File or FINE being present at the Hearing (a violation of due process).

There was not any March 18, 2008 order. No reference to such order existed in the "Case Summary" and no such order existed. Further, even if such order existed, it would have been unlawful as the time for Judge Yaffe to have "stricken" his perceived CCP § 170.3 objection to him (which did not exist in the February 19, 2008 motion) had long passed as of March 1, 2008.

IV. Judge Yaffe Violated CCP Section 170.3(c)(4) by Refusing to Leave the Marina Strand Case After he was Disqualified and by Refusing to Send the File to the Presiding Judge for Re-Assignment.

After Judge Yaffe was disqualified by not responding to the March 25, 2008 CCP § 170.3 objection, Judge Yaffe refused to leave the Marina Strand case and refused to send the file to the presiding judge for reassignment. These actions violated CCP §170.4(c)(3) and Canon 3c(1) and (2) of the Code of Judicial Ethics.

Further, all actions of Judge Yaffe were further void subsequent to his disqualification.

On April 15, 2008 Judge Yaffe signed and filed a judgment for FINE to pay attorneys fees and costs to Del Rey Shores in furtherance of the void January 8, 2008 order, over FINE's objection.

Subsequent thereto, Judge Yaffe refused to transfer a motion to the presiding judge to quash a writ of execution of such judgment. In the meantime, supervising Judge Edhon refused to void the actions of Judge Yaffe while knowing that he did not have jurisdiction to act.

V. From the Outset of the Marina Strand Case Judge Yaffe Violated Canons 4D(1), 3E(2), 3E(1)2 and CCP Section 170.1(a)(b)(A)(iii) by Taking the Los Angeles County Money, Not Disclosing Such and Not Disqualifying Himself.

Canon 4D(1) prohibits a judge from having financial or business dealings with an person who might appear before the court upon which he serves. This canon prohibited Judge Yaffe from taking money from Los Angeles County.

Canon 3E(2) required Judge Yaffe to disclose the Los Angeles County payments on the record at the outset of the case which he did not do.

Canon 3E(1), Canon 2 and CCP § 170.1(a)(b)(A)(iii) required Judge Yaffe to disqualify himself at the outset of the case which he did not do.

The violation of these Canons and CCP § 170.1(a)(b)(A)(iii) further show that Judge Yaffe is unfit to serve as a judge and mandate his removal.

VI. Judge Yaffe Violated CCP section 1216.

On November 3, 2008 Judge Yaffe issued an Order to Show Cause Re Contempt Against FINE in which he charged FINE with “attacking the Integrity of the Court”. Such charge is prohibited under CCP § 1211 as a cause for contempt.

Judge Yaffe knew of this prohibition and deliberately violated the law, demonstrating that he was unfit to be a judge.

VII. Judge Yaffe Violated Federal and State Due Process, His Oath of Office and the Supremacy Clause of the U.S. Constitution by Judging his Own Actions in the Contempt Proceeding Ancillary to the Marina Strand Case.

Judge Yaffe presided over the contempt proceedings which were ancillary to the Marina Strand Case. He “judged his own actions” of taking payments from Los Angeles County, not disclosing such, not disqualifying himself from the case, not removing himself from the case and sending the case to the presiding judge after having been disqualified, making a judgment after having been disqualified, refusing to send a motion to quash a writ of execution of judgment to the presiding judge for reassignment after having been disqualified and issuing an order to show cause re contempt amongst other things.

Judge Yaffe knew that “judging his own actions” violate the due process clause of the Fifth and Fourteenth Amendment to the U.S. Constitution, implemented by Article VI, Clause 2 of the U.S. Constitution – the Supremacy Clause and his oath of office. *In Re Murchison*, 349 U.S. 133, 136 (1955) states: “No man can be a judge in his own case . . . no man can try cases where he has in interest in the outcome”. Cited in *Caperton, et al. v. A. T. Massey Coal Co., Inc.* 566 U.S. ____ (2009) Slip Opinion, page 10.

By “judging his own actions” Judge Yaffe also violated Article I, sections 7 and 15 (due process) of the California Constitution.

VIII. By Taking Payments From Los Angeles County Which Were also Illegal and “Bribes” Judge Yaffe Violated Federal and State Constitutional Due process.

The U.S. Supreme Court stated the objective test for the violation of due process in *Caperton, supra*, at Slip Opinion page 7 as set forth in *Tumey v. Ohio* 273 U.S. 510, 532 (1927) as follows:

“Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the state and the accused, denies the latter due process of law.” *Tumey v. Ohio* 273 U.S. 510, 532 (1927)

In *Caperton, supra*, at Slip Opinion page 16 the Supreme Court stated: “Just as no man is allowed to judge his own cause, similar fears of bias can arise when, without the consent of the other parties – a man chooses the judge of his own cause...”

In *Offutt v. United States*, 348 U.S. 11, 14 the court stated: “A judge receiving a bribe from an interested party over which he is presiding does not give the appearance of justice.”

In *Taylor v. Hayes*, 418 U.S. 484, 501 (1974) the court held – a judge who has “become embroiled in a running controversy” with the defendant could not subsequently preside over that defendant’s criminal contempt trial. In the Marina Strand case, Judge Yaffe was in a controversy with FINE from the outset of the case, commencing with Judge Yaffe’s “fraud upon the court” through his illegal charge in the Order to Show Cause Re Contempt.

All of the above violations of federal constitutional due process are also violations of state constitutional due process and further demonstrates that Judge Yaffe is unfit to remain as a judge.

The Commission’s attention is invited to the “Not for Publication Not Precedent” memorandum opinion of the Ninth Circuit in the writ of habeas corpus case of *Fine v. Leroy D. Baca, Sheriff of Los Angeles County*, Case No. 04-56073. Such opinion did not address any of the holdings of the cases set forth herein, despite the fact that such cases were presented to the Ninth Circuit.

The U.S. District Court did not even address the issue of a judge “judging is own actions” and did not cite to any case to support its holding that the illegal Los Angeles County payments did not violate due process even though *Caperton, supra*, was presented to it with all of the precedent contained therein.

The U.S. Supreme Court denied certiorari. However, a Petition for Rehearing is pending. A request for a Judiciary Committee investigation is also being prepared.

IX. Judge Yaffe Violated Due Process by Holding Fine in Contempt and Ordering him and Keeping him in “Coercive Confinement” Without a Hearing.

On March 4, 2009 Judge Yaffe unlawfully held FINE guilty of contempt of court for refusing to answer questions at a debtor’s examination to enforce the unlawful April 15, 2009 judgment for attorneys fees and costs and for practicing law while not entitled to practice law. As to the latter charge Judge Yaffe admitted at page 9, LN 12 to page 10, LN 2 of the transcript of the March 4, 2009 hearing that there was not any court order of FINE inactive or removing his license to practice law. He also found FINE “not guilty” of “lying about his status with the State Bar in pleadings filed in this court and oral arguments made before this court.”

As to the first charge Judge Yaffe “sentenced FINE to confinement in the county jail [under CCP §1219(a) until he provides all of the information that he has been ordered to provide, or is hereafter ordered to provide by the Commissioner that is assigned by the presiding judge to preside over Department 1A of the Central District of this court”. (Judgment and Order of Contempt, page 14, LN 3-6).

As stated above, all of the orders of Judge Yaffe were vitiated and void by his “fraud upon the court”. Further the order of “coercive confinement” under CCP § 1219(a) violated due process, as the coercion was not working from the outset and could not fulfill the purpose of the order as the order was void.

On March 4, 2009 FINE informed Judge Yaffe that he would not answer any questions while he was pursuing his rights of appeal. (March 4, 2009 transcript, page 10, LN 8-12).

Judge Yaffe knew that the “coercive confinement” would not work from the outset and that it would not serve the purpose of the order as the order was void.

Further under the cases of *Jackson v. Indiana*, 406 U.S. 715 (1972) and *McNeil v. Director, Patuxent Institution*, 407 U.S. 245 (1972) confinement beyond the time that bears a reasonable relationship to the purpose for which the person is committed is a denial of due process under the case of *In Re Farr*, 36 Cal.App.3d 577, the California court adopted a “no substantial likelihood” test to determine the distinction between commitment for a proper civil purpose and incarceration to punish. The court stated at page 584:

“A coercive incarceration to compel compliance with an order of court presents a special problem where disobedience of the order is based upon an established articulated moral principle. In such a situation, it is necessary to determine the point at which the commitment ceases to serve its coercive purpose and become [sic] punitive in character. When that point is reached so that the incarceration of the contemnor becomes penal, its duration is limited by the five day maximum stance provide in *Code of Civil Procedure* section 1218.”

Since the coercion would not work while FINE was engaged in the appeal [established moral principle] and because the order was void [established moral principle], the commitment became punitive on March 4, 2009 and was limited to March 9, 2009.

As of the present time, 16 months later, FINE is still in “coercive confinement” in the LA County Jail.

On January 27, 2010 FINE filed a “Demand for Immediate Release from Los Angeles County Jail and Other Relief”. On February 3, 2010, Judge Yaffe filed a “Court’s Response to Contemnor’s Demand for Immediate Release from Los Angeles County Jail and Other Relief” stating in relevant part:

“When FINE notifies the court, by a declaration under penalty of perjury, that he has exhausted or abandoned his quest for writ of habeas corpus, the court will set a hearing to determine whether FINE will answer the questions put to him and if not, why not.”

Judge Yaffe knew that under the *Jackson*, *McNeil* and *Farr* cases, he had violated due process and held FINE 10 months beyond the limit set in the *Farr* case of five days.

On March 25, 2010, FINE made a second demand. Judge Yaffe did not respond. On May 21, 2010 FINE noticed a *Farr* Hearing for May 26, 2010 in the event the U.S. Supreme Court denied FINE’s Petition for Writ of Certiorari.

On May 24, 2010, Judge Yaffe's deputy clerk informed FINE that the noticed hearing would not occur, even, even though the Supreme Court had denied the Petition for Writ of Certiorari that morning.

On June 4, 2010, the clerk of Department 1A informed Jeannette Isaacs, a member of FINE's team, that the superior court would not order the sheriff to transport FINE to the court for a June 4, 2010 scheduled debtor's examination. The sheriff in the Department 1A gave her the same information. Commander Lopez, the executive officer to Sheriff Baca stated to her that he would have to check with his lawyers, and would "get back to her." He never called back. FINE was unable to appear at the June 14, 2010 hearing. Department 1A refused to accept FINE's "prepaid" calls.

These actions showed that Judge Yaffe's continuous violations of the due process clause of the Fifth and Fourteenth Amendments of the U.S. Constitution and Article 1, Sections 7 and 15 of the California Constitution. These actions also showed violations of the First Amendment and California's Constitution, Section 3, Article 7, - the right to petition the government for a redress of grievances.

X. Judge Yaffe's Actions are Not an Isolated Incident But a Continuing Course of Conduct that Mandates his Removal.

Judge Yaffe presides in Department 86 of the Los Angeles Superior Court, Writs and Receivers. He has been in such department for many years, deciding many cases involving Los Angeles County while taking illegal payments and "bribes" from Los Angeles County, not disclosing such and committing "fraud upon the court" in concert with Los Angeles County and its attorneys who also did not disclose the illegal payments and "bribes."

Judge Yaffe was the first witness to testify at the contempt proceeding. He testified on December 22, 2008, under questioning by FINE. He stated that he received payments from Los Angeles County, that he did not disclose such on his Form 700 Statement of Economic interest, that he did not deposit the payments into this campaign account, that he did not have any employment agreement with Los Angeles County or arrangement to provide services for Los Angeles County and that he could not remember any case in the last three years that he decided against Los Angeles County other than ordering that part of the EIR relating to dirt moved in the Marina Strand case to be recirculated.

The three-year time period of illegal payments and "bribes", "fraud upon the court" with literally all cases decided in favor of Los Angeles County mandate the removal of Judge Yaffe.

CONCLUSION

Judge Yaffe is the “tip of the iceberg” of the largest judicial scandal in American history. In Los Angeles County alone, approximately \$300 million of illegal payments have been made to Los Angeles Superior Court judges from Los Angeles County since the late 1980’s.

Illegal payments have been made to superior court judges in 55 of the 58 California counties. Approximately 90 percent of the court of appeal justices received illegal county payments when they were superior court judges. Based on their biographic records, five of the seven California Supreme Court judges, including the Chief Justice, received illegal county payments when they were superior court judges.

All of these superior court judges, court of appeal justices and superior court justices received retroactive immunity as of May 21, 2009 from civil liability, criminal prosecution and disciplinary actions for the illegal county payments. They did not receive immunity for failure to disclose the payments, “fraud upon the court”, federal criminal acts such as violating the Intangible Right to Honest Services – 18 U.S.C. 1346, violating federal and state constitutional due process and the right to petition the government to redress a grievance.

At the present time California has “the best judiciary that money can buy”. The corruption of the California judiciary due to the illegal county payments exceeds that of any country in the world as it affects over 90 percent of the judges and justices.

The commission must remove Judge Yaffe and then remove every other judge and justice who has taken illegal county payments until the integrity of the judiciary is restored.

Until such time, no Californian will receive a “fair trial presided over by an impartial judge.”

I, Richard I. Fine, declare under penalty of perjury under the laws of the State of California that the foregoing facts are within my personal knowledge and if called to testify, I could and would competently testify thereto. Executed this ____ day of June, 2010, at Los Angeles, California.

RICHARD I. FINE