

OPEN LETTER

To: ALL SACRAMENTO ATTORNEYS

From:

Date: 10/5/2008

Re: **WILL YOU RUN AGAINST JUDGE PETER J. MCBRIEN ON NOVEMBER 4?**

Sacramento Legal Community,

Irregardless of whether you believe a judge should be appointed or elected, the fact remains that on November 4, incumbent Sacramento Superior Court Judge Peter J. McBrien faces re-election – as long as a qualified write-in candidate can be found no later than October 21. Are you going to be the one and run against him? Elections are not just about popularity. They are about undergoing scrutiny which is why judge McBrien needs competition Voters deserve a choice!

As you may know, the State Commission on Judicial Performance has recently announced it is conducting a formal inquiry into Sacramento Superior Court Judge Peter J. McBrien – the second time it has done so. Judge McBrien was admonished by the judicial performance commission in 2002 for illegally cutting down some trees near his home along the American River Parkway

The inquiry this time stems from charges lodged against him over his handling of a 2004 divorce case in which the Court of Appeal reversed his decision. Two other allegations accuse McBrien of having had improper ex parte communications in two separate cases. It is alleged that these actions constitute willful misconduct in office, persistent failure or inability to perform his duties, conduct prejudicial to the administration of justice that brings the judicial office into disrepute and improper action

In May, the Third District Court of Appeal held that McBrien's behavior "openly violated" the precepts of due process and so infected the integrity of the process that reversal was required without an assessment of actual prejudice.

Will you become a legal hero, provide competition to Judge McBrien and give voters a choice?

ELECTION DAY NOV 4.