

PRESS RELEASE

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FROM: CALIFORNIA COMMISSION ON THE FAIR
ADMINISTRATION OF JUSTICE

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CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF
JUSTICE ISSUES REPORT AND RECOMMENDATIONS ON
PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY OF
PROSECUTORS AND CRIMINAL DEFENSE LAWYERS.

The California Commission on the Fair Administration of Justice, created by the California State Senate to examine the causes of wrongful convictions and make recommendations and proposals to further insure that the administration of criminal justice in California is just, fair and accurate, released its sixth report and recommendation today, addressing the problems of professional responsibility and accountability of prosecutors and criminal defense lawyers. The Commission concluded there was a serious problem of underreporting of misconduct and incompetence of prosecutor and criminal defense lawyers to the California State Bar, and recommended a new Rule of Court and an amendment of the Canons of Judicial Ethics to address the problem. The recommended amendment would identify examples of egregious misconduct that should be reported to the State Bar by judges, regardless of whether the misconduct resulted in a modification or reversal of a judgment.

The Commission recommendations gained the full support of twenty members of the Commission, with two members, District Attorney Jim Fox of San Mateo County and District Attorney Greg Totten of Ventura County, dissenting in part. The Commission is chaired by former California Attorney General John Van de Kamp, and includes a broad spectrum of prosecution, defense, police and victim representatives.

The Commission's recommendations were based upon reports and research done for the Commission by Law Professors Laurie Levenson of Loyola Law School, Larry Benner of California Western Law School, and Cookie Ridolfi of Santa Clara University School of Law. A public hearing was convened in Los Angeles on July 11, 2007 to hear the testimony of experts and representatives of police, prosecutor and criminal defense agencies.

The Commission will continue its deliberations, examining issues related to the funding of defense services in California, policies governing compliance with constitutional requirements for the availability of exculpatory evidence, and remedies for wrongful convictions and access to post-conviction testing. The Commission will also examine the administration of the death penalty in California, convening hearings next year in Sacramento on January 10, Los Angeles on February 13, and Santa Clara on March 28. The Commission is scheduled to issue its final report in June, 2008.