

To:

Barry P. Goode, Contra Costa County Superior Court

California Bar Association

Supreme Court Committee on Judicial Ethics Opinions

B.E. Witkin Judicial College

Contra Costa Times

East Bay Express

From: James R. Lindsay, a defendant 6/28/13

Re.: Lowell Richards, abuse of power, failure to preside impartially

Date: June 28, 2013

Today I went to traffic court. Lowell Richards, a man I thought was a judge, presided over the courtroom.

As each case was called, I noticed the following:

- (1) If the police officer was present, virtually 100% of the time he ruled for them. In one or two cases he said he'd decide on it later. In 0% of the cases that I observed was anyone found innocent unless the officer was not present.
- (2) He had zero sympathy or caring about defendants. When he (virtually inevitably) found for the prosecution, he never once lowered a fine, never once gave anyone additional time on a deadline, never once showed any sympathy at all for extenuating circumstances of any sort. He just didn't care at all. He was, however, very nice to staff and police officers.
- (3) He was brusque towards defendants. They would often finish giving their side of the story, and he'd say, "Guilty" within 10 seconds. He was paternalistic, patronizing, dismissive, sermonizing, and sometimes bordered on sarcastic.
- (4) If anyone was contesting a speeding ticket, 100% of the time he believed the officer, 100% of the defendants were found guilty, 100% of the time he applied the full fine, and 100% of the time he suspended their drivers' licenses! With speeding tickets, what would happen was predetermined. It might as well have been a machine. It was virtually a kangaroo court, unfortunately.
- (5) He never once told people he wasn't really a judge and asked them for their consent to have him hear the case, which may be a violation of law. I suspect he likes being mistaken for a real judge. He never allowed anyone to ask the officers questions. It seemed his goal was speed first, imposing his will second, and having a good time third. Actual justice appeared to be a distant fourth at best.

(6) Because of item (4), he is de facto taking away citizens' constitutional right to plead their case and have a fair trial. Anyone would be a fool to go to court with Mr. Richards on a speeding violation, because if you do go, it is virtually guaranteed that, as long as the police officer shows up, you will lose, pay your \$400, AND get your license suspended. In other words, you are punished for having the temerity to actually go to court. This has nothing to do with the merits of any particular case, it will happen virtually every time to anyone accused of speeding.

Before Mr. Richards is used like a judge again, please consider the realities above. Unless he actually starts listening to defendants, and stops being so heavy-handed, he should not get the power of a judge. He rather obviously enjoys that power. He obviously has very high regard for officers – it seems they never make mistakes and their equipment is perfect. He equally obviously has low regard for anyone who has received a ticket – he is arrogant, dismissive, and heartless towards them.

After my case was 'heard' and I received the same (apparently predetermined) result as the other speeders – a suspension of my driver's license --I spoke to some employees at the courthouse. They said that he is well known for that behavior, and that he thinks he is discouraging speeding. He is *\*not\** discouraging speeding. He is discouraging people from going to court! He is doing nothing but abusing his power and being mean. He is dispensing injustice.

Now, he will probably point to my case and claim I got what I deserved. Could be. Maybe I deserved the \$417 and the point on my record. But is it OK for me to have my 5 minutes in court, without losing my license for a week? He seems to think it is *not* OK for speeders to come to his court. Please do not let him point at me and claim this is sour grapes and nothing else. Yes, I am angry. But I'm not even asking for anything. I'm concerned that you have a rogue judge on your hands, and you don't know about it. God only knows how many people have been fired because they couldn't get to work because their license was spuriously suspended. How many parents can't get their kids to school or to a doctor because their license was suspended by a heartless, unthinking and uncaring lawyer acting as a judge and abusing his power?

One might ask why I don't just appeal the ruling. There are two reasons. First, I would obviously lose, because when you look at any individual ruling Mr. Richards makes, it seems quite reasonable. It is only when you step back and look at the *\*pattern\** of his rulings, when you see the broader picture, that you realize the gross miscarriage of justice that is going on. Second, this really isn't about me – what's done to me is done and will not change. It is about mistreatment of probably hundreds of defendants over probably many years. It is about seeing that future defendants are actually not scared to go to traffic court in Contra Costa County, and that they are actually are treated like adult human beings in court. It is about people receiving truly fair trials.

(By the way, afterwards, I had people come up to me and commiserate with me, saying that they had been to traffic court in other counties, and had never seen anything like this. They were aghast at Mr. Richard's behavior, based on how they saw other traffic commissioners / judges behave in other counties. Santa Clara and Alameda Counties were specifically mentioned.)

Mr. Richards may claim that he is only trying to discourage speeding. However, the \$417 fine and point on my record had already done that. I've been driving much slower since I got that ticket last year. Getting the ticket was my wake up call. The suspension of my license had no effect on my driving behavior, it was simply mean. These automatic, predetermined, formulaic suspensions of citizens' licenses are nothing more than abuse of authority, and worst of all, they discourage people from their constitutional right to seek relief before a judge because it is predetermined that one will be PUNISHED for nothing more than exercising that right. I seriously doubt his suspensions of drivers licenses do much in the way of changing behavior. They are simply punitive and abuses of power.

Please look at his record up until today, June 28, 2013, and look at the statistics. (Don't look after today – when he sees this letter, he will probably start changing his behavior, at least in the short term.) Look at the number of times he finds for the prosecution compared to state averages. Look at the rate of drivers' license suspensions in speeding cases compared to the state averages. Look at the number of minutes he spends per case compared to state averages. Look at the number of times he reduces fines compared to state averages.

Also, please ask him why he does not allow defendants to question the officers. Please ask him why he always assumes the officers are correct, that they virtually never err, and their equipment is always perfect. Please ask him why he thinks it is OK to act like a machine in speeding cases: defendants **will** be found guilty and their drivers' licenses **will** be suspended. Please ask him if he can provide any evidence that his suspensions of licenses have changed the behavior of the working people that came to plead their case, expecting justice from an impartial and ethical judge.

Finally, in research conducted by a friend of mine, apparently Mr. Richards sits on an ethics body and helps train younger commissioners? We both found that shocking and ironic; I'm including those bodies in this mail.

Please feel free to contact me if you have any follow up questions. Thank you very much for your time.

Respectfully yours,

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