

December 17, 2020

BY OVERNIGHT COURIER

Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102

Re: The Hon. David J. Cowan, Stanley Mosk Courthouse Los Angeles County Superior Court

To Whom It May Concern:

This letter is written on behalf of Bradford Lund (“Mr. Lund”) and his attorney, Sandra Slaton (“Ms. Slaton”). It is joined in by Sherry Lund¹ and Jim Dew, co-trustees of Mr. Lund’s self-settled trust (“92 Trust”), together with their respective counsel. We ask the Commission on Judicial Performance to find that Judge David J. Cowan of Los Angeles Superior Court (“LASC”), has engaged in willful misconduct and prejudicial conduct, and to accordingly remove him from office.

Confidence in the integrity of the judicial branch is crucial to the preservation of our country’s democracy. The judicial system must be free in reality as well as in appearance, from bias, personal agenda, or conflict of interest. Throughout this litigation, Judge Cowan has made false and discriminatory statements regarding Mr. Lund’s cognitive capacity, has failed to remain impartial, and has abused his judicial powers in retaliation against Mr. Lund and Ms. Slaton. It is for these reasons we bring this judicial complaint for the removal of Judge Cowan.

I. Factual Background:

Mr. Lund is the grandson of American icon Walt Disney and beneficiary of a number of trusts set up for his benefit. The Residuary Trust (the “89 Trust”) created by Mr. Lund’s mother includes her intent that the beneficiaries receive distributions of principal on their 35th, 40th, and 45th birthday. However, Mr. Lund has been denied all of his mandatory distributions despite the fact that he is now 50 years old.

¹ A separate judicial complaint will be filed as well on behalf of Sherry Lund through her own counsel.

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For over a decade Mr. Lund has been seeking to compel his birthday distributions from the '89 Trust and to remove hostile trustees for serious fiduciary violations.² Throughout this process Mr. Lund has fought malicious, hurtful, and humiliating allegations about his capacity to manage his inheritance and insinuations about his physical appearance all promulgated by the hostile trustees.

In 2013, the probate issues in California were presented in a two-week bench trial before the Hon. Mitchell L. Beckloff. During that trial, Mr. Lund was represented by counsel, did not have a guardian ad litem (“GAL”), and testified under oath. Judge Beckloff specifically found, *inter alia*, that Mr. Lund had the capacity to remove First Republic Trust Company as trustee from two of his trusts. Additionally, Judge Beckloff stated: “There is no direct evidence that Mr. Lund was unduly influenced to exercise the Trustee Removal Power.” (Ex. A, Statement of Decision, 6/3/2014 *at p.* 33). Ultimately, Judge Beckloff found: “Mr. Lund’s exercise of the Trustee Removal Power was knowing, voluntary, and intelligent.” (*Id.*, p. 35)

Separately, the hostile Trustees (L. Andrew Gifford, Robert Wilson, Douglas Strode, and First Republic Trust Company) conspired with Mr. Lund’s estranged family members to bring a guardianship/conservatorship action against Mr. Lund in the Arizona Superior Court (“Arizona Action”).

While the Arizona Action was pending, in 2015, Mr. Lund brought a new petition in California (“The California Action”) seeking to compel the Trustees to make his birthday distributions together with a request to remove the Trustees for various breaches of fiduciary duty.

In 2016, Mr. Lund ultimately prevailed overwhelmingly in the Arizona Action. The Hon. Robert H. Oberbillig of the Maricopa County Superior Court for Arizona, specifically found that Mr. Lund was competent, had capacity, and was not in need of a guardian or conservator. (Arizona Judgment). The Arizona court specifically found that: “Although not his burden of proof, Mr. Lund has proven that he deserves the freedom in life to make his own choices.” (Ex. B, Arizona Judgment p. 6 ¶ 22). Additionally, as part of this litigation Mr. Lund underwent genetic testing by the independent lab Athena Diagnostics,³ which conclusively determined that Mr. Lund does not exhibit the genome imbalance that would reflect and support a diagnosis of

² Trustees have been fighting these distributions in part because these distributions would drastically affect the amount of trustee fees that the hostile trustees receive from managing the trusts.

³ Dr. Winograd, Ms. Slaton’s husband, referred Mr. Lund to this lab, but did not administer the genetic tests, and did not serve as a witness in the case.

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Down syndrome. The Arizona Superior Court's decision was unanimously affirmed by the Arizona appellate court in a 33-page decision, and the Arizona Supreme court denied the Petition for Review. Ultimately, all stays were lifted, and Mr. Lund was finally able to receive multi-million dollars of liquid assets that had been temporarily blocked in the Arizona Action.

In 2018, the Hon. David J. Cowan was substituted for Judge Stratton as the new judge in the California Action. In December 2018, unilaterally, on his own motion, Judge Cowan issued an Order to Show Cause ("OSC") why a GAL should not be appointed over Mr. Lund. Judge Cowan refused to ever acknowledge the Arizona decision finding Mr. Lund had capacity and dismissing the guardianship/conservatorship action. He also disregarded the genetic testing proving that Mr. Lund did not have Down syndrome.

Despite his OSC, Judge Cowan nevertheless entered an order approving and scheduling private mediation between Mr. Lund and the Trustees without any GAL appointment. Mr. Lund personally participated in the two-day in person mediation before retired Probate Judge, the Hon. Lesley C. Green with two more weeks of subsequent negotiations before a written settlement agreement was signed by all parties, including Mr. Lund. There was no GAL present for these negotiations, and no one—not the Trustees or the mediator, ever suggested that Mr. Lund lacked competence to participate. The Trustees accepted Mr. Lund's signature as a competent party.

Following the presentation of the Trustees' petition for approval of the global settlement agreement, Judge Cowan denied approval of only those portions of the Petition which would have given Mr. Lund consideration. At the same time, Judge Cowan granted the hostile Trustees a \$14.5 Million termination fee.

Shockingly, without holding any evidentiary hearing and over Mr. Lund's objections, Judge Cowan appointed a limited GAL over Mr. Lund's case. Further, in a stunning public display of bias and prejudice, Judge Cowan humiliated Mr. Lund in open court stating:

"Do I want to give 200 million dollars, effectively, to someone who may suffer, on some level, from Down syndrome? The answer is no." (Ex. C, Transcript 6/25/19, pg. 11)

Mr. Lund does not "suffer" from Down syndrome and Judge Cowan was well aware of this fact when he made that comment. Indisputable genetic laboratory testing has conclusively established that Mr. Lund does not suffer from Down syndrome. Additionally, the Arizona Supreme Court and Los Angeles Superior Court had each separately determined that Mr. Lund is competent. Judge Cowan was well aware of both the testing results and the court decisions when he humiliated Mr. Lund in open court and stripped him of his due process rights. Furthermore,

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when Ms. Slaton asked Judge Cowan to retract the statement Judge Cowan responded by stating: “Denied.” (*Id.*, pg. 12)

On February 27, 2020, Mr. Lund filed suit in United States District Court against Judge Cowan and the Superior Court alleging that Judge Cowan’s comments and conduct violated the Civil Rights Act, 42 U.S.C. §1983, and Title II of the Americans with Disabilities Act (ADA). (“The Federal Action.”) *Lund v. The Honorable David J. Cowan, et al.*, No. 2:20-cv-1894-SVW-JC (C.D. Cal Feb 27, 2020) which is presently on appeal in the Ninth Circuit (Appeal Docket No. 20-55764).

Despite being named in a federal action by Mr. Lund, Judge Cowan refused to recuse himself. In fact when Judge Cowan moved from the probate division of LASC to the civil division, he refused to reassign the case, as is customary.⁴ Beginning on October 16, 2019, Mr. Lund filed a series of CCP §170.1 objections to Cowan’s continued participation in the California Action due to his inability to be impartial and his demonstrated bias which had prejudiced Mr. Lund. Judge Cowan struck or denied each and every one of Mr. Lund’s objections.

Due to Judge Cowan’s resistance to recusal and continued bias towards Mr. Lund, Mr. Lund made a request to the Supervising Judge of Civil to be reassigned to a new Judge. Mr. Lund also filed a complaint against Judge Cowan with the Presiding Judge of LASC. Mr. Lund took these necessary actions because Judge Cowan proved that he was unable to remain impartial in this case and would use further actions to retaliate against Mr. Lund.

On November 12, 2020, Judge Cowan ordered the case transferred back to the probate department. That same day Judge Cowan issued an OSC as to why Ms. Slaton should not be disqualified as Mr. Lund’s Counsel, and entered a ruling against Mr. Lund’s motion to seal. (Ex. D, Order to Show Cause).

In the OSC, Judge Cowan falsely alleged that:

- Ms. Slaton has a conflict of interest in representing Mr. Lund and that he was unable to give informed consent due to a lack of capacity (*Id.*, p. 2-4);

⁴ Due to the specialized nature of probate cases, it is customary for Judges moving out of the probate division to reassign the case to a different probate judge.

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- Ms. Slaton interfered with the GAL's ability to determine whether a revised settlement agreement could be negotiated in Mr. Lund's best interest (*Id.*, pg. 4-6);
- Ms. Slaton's husband, Dr. Winograd, was involved in Mr. Lund's genetic testing, giving Ms. Slaton an independent interest in this litigation (*Id.*, pg. 6-8);
- Sherry Lund, Mr. Lund's step-mother, exerted undue influence on Mr. Lund (*Id.*, pg. 8); and,
- Ms. Slaton's litigation strategy is in conflict with Mr. Lund's best interests. (*Id.*, pg. 8-9)

As described below, Judge Cowan filed the OSC in retaliation to Mr. Lund's federal lawsuit, recusal statements in the California Action, and complaint to the Presiding Judge of LASC. The OSC contains patently false and misleading allegations together with demonstrating a great level of bias and hostility towards Mr. Lund and Ms. Slaton. It also serves to delay Mr. Lund's efforts to resolve this case. For over five years Mr. Lund has repeatedly requested a trial on his claims against the hostile Trustees. In issuing this OSC, Judge Cowan issued a stay on all litigation in these cases pending a determination of the OSC. (*Id.*, pg. 11).

Additionally, although Mr. Lund filed the motion to seal sensitive documents about his health and mental competence a year before filing the federal action, Judge Cowan, *sua sponte* and without judicial notice, expressly cited the federal lawsuit and his personal involvement as a party as a basis for refusing to seal confidential and private documents together with holding that Mr. Lund had waived his privacy rights. Thus, it was clear that Judge Cowan denied Mr. Lund's Motion to Seal as retaliation for the Federal Action.

II. Legal Standard

A judge's behavior must constantly uphold the serious responsibilities of judicial office. *Geiler v. Comm'n on Judicial Performance*, 10 Cal.3d 270, 281 (1973). Censure or removal is appropriate if a judge fails to meet this standard by engaging in willful misconduct or prejudicial conduct. Cal. Const. art. VI §18(d); *Furey v. Comm'n On Judicial Performance*, 43 Cal. 3d 1297, 1304 (1987). The charge of willful misconduct refers to "unjudicial conduct which a judge acting in his judicial capacity commits in bad faith." *Id.* The question of bad faith rests on whether the judge (1) "committed acts he knew you should have known to be beyond his power, (2) for a purpose other than faithful discharge of judicial duties." *Id.* The charge of prejudicial conduct comprises actions that "the judge undertakes in good faith, but which would nonetheless appear to an objective observer to be unjudicial and harmful to the public esteem of the judiciary." *Id.*

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Here, Judge Cowan should be removed from office for engaging in numerous acts of willful misconduct and prejudicial conduct.

III. Judge Cowan's Misconduct

A. Judge Cowan's False and Discriminatory Statements about Mr. Lund's Cognitive Capacity Amount to Willful Misconduct.

Judge Cowan's false and discriminatory statements about Mr. Lund's capacity show his disregard for the truth, his inability remain impartial in this case, and his apparent bias to Mr. Lund's perceived disability. As described below, these actions amount to willful misconduct which warrant Judge Cowan's removal.

i. Judge Cowan Ignored Past Decisions and Scientific Testing When Falsely Claiming That Mr. Lund Lacked Capacity.

The California Supreme Court has held that making material misstatements or omissions amounts to willful misconduct that warrants removal from office. *Doan v. Comm'n on Judicial Performance*, 11 Cal. 4th 294, 319-20 (1995). In *Doan*, the court found that a judge committed willful misconduct when she made intentional misstatements and omissions of material fact to achieve her desired result in a hearing. *Id.* Here, like in *Doan*, Judge Cowan has made intentional misstatements in order to retaliate against Mr. Lund for naming him in a federal action, and to seek removal of Ms. Slaton.

Throughout the course of this litigation, and as highlighted in his OSC, Judge Cowan has ignored multiple court decisions and irrefutable genetic testing that proves that Mr. Lund is competent and has capacity to handle his own affairs. For example, Judge Cowan selectively cited to portions of Judge Beckloff's 2014 decision to argue that Mr. Lund had limited capacity,⁵ but then ignored Judge Beckloff's ultimate holding that Mr. Lund had capacity and that his "exercise of the Trustee Removal Power was knowing, voluntary, and intelligent." (Ex. D, Order to Show Cause, pg. 4; Ex. A, Statement of Decision, 6/3/2014 pg. 35). Judge Cowan also ignored the numerous decisions in the Arizona Action which found that Mr. Lund was competent, had capacity, and was not in need of a guardian or conservator. (Arizona Judgement). In fact, Mr. Lund has approved the appointment and replacement of trustees in other trusts, including the corporate trustees. Indeed, the hostile Trustees sought Lund's specific approval on a settlement

⁵ Judge Cowan cited to Judge Beckloff's finding that "there was substantial evidence...that Mr. Lund did not have the maturity and financial ability to manage and utilize substantial trust distribution." (OSC pg. 3-4)

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with US Trust (Bank of America) after they resigned.⁶ (Ex. E, Bank of America Settlement). Given his conduct throughout this litigation, it is clear that Judge Cowan made these allegations in part to cast doubt on Mr. Lund's ability to choose his own counsel and to direct the course of litigation.

Most egregiously, despite genetic testing to the contrary, Judge Cowan alleged in the OSC and in open court that Mr. Lund may have Down syndrome. (Ex. D, Order to Show Cause, pg. 6). These false statements not only are discriminatory and evidence of Judge Cowan's bias toward Mr. Lund's perceived disability, but they are also false. Judge Cowan notes that Mr. Lund's genetic tests for Down syndrome came back negative, but then casted doubt on the credibility of these results by falsely claiming that Dr. Winograd, Ms. Slaton's husband, conducted the tests and was a material witness on the subject in the Arizona conservatorship action. (*Id.*). As Judge Cowan undoubtedly knows, this baseless allegation is patently false. Dr. Winograd did not conduct the genetic testing. He merely referred Mr. Lund to Athena Diagnostics, an independent lab in Worcester, Massachusetts. Aside from this referral, Dr. Winograd played no role in the genetic testing, nor did he ever serve as a witness in the Arizona case. Like the judge in *Doan*, Judge Cowan's blatant disregard for the truth, and misleading allegations amount to willful misconduct.

B. Judge Cowan Failed to Remain Objective and Retaliated Against Mr. Lund for Exercising His Constitutional Rights.

Judge Cowan has discriminated against Mr. Lund on the basis of a perceived mental disability, which has resulted in various types of harm, including the unfounded stigma of incapacity and the unlawful loss of constitutional rights. The case law makes clear that Judge Cowan's bias against Mr. Lund amounts to willful misconduct.

In *Kloepfer v. Comm'n On Judicial Performance*, the California Supreme Court held that a Judge engaged in willful misconduct when he allowed his personal involvement and distaste for the parties to override his objectivity. *49 Cal. 3d 826, 858-62 (1989)*. In *Kloepfer* the judge disregarded evidence and refused to disqualify himself from a case despite prejudging the matter. *Id.* at 858-59. Additionally, in a second matter in which prosecutors sought a writ of mandate against the judge, the judge expressed his displeasure with the prosecutors in a memorandum distributed to all judges in the county, saying that the writ made him look bad and that the

⁶ Mr. Lund specifically signed off on that settlement and a waiver of claims against Bank of America.

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prosecutors had “pulled a fast one on him.” *Id.* at 860. Despite his personal involvement in the case the judge failed to recuse himself, which the court later found to be willful misconduct. *Id.*

Here, like the judge in *Kloepfer*, Judge Cowan has allowed his personal involvement and distaste for Mr. Lund and Ms. Slaton to override his objectivity. As described above, Judge Cowan disregarded evidence and chose to make disparaging comments about Mr. Lund’s cognitive abilities. Additionally, despite being named in a federal action by Mr. Lund, Judge Cowan waited 9 months to recuse himself. When he did finally recuse himself, he used this OSC and denial of Mr. Lund’s motion to seal as a means of retaliation against Mr. Lund and his attorney.

C. Judge Cowan’s Hostility to Ms. Slaton and Failure to Remain Objective Amounts to Willful Misconduct.

Judge Cowan’s lack of impartiality is also evident in his treatment of Ms. Slaton. Judge Cowan not only interfered with Mr. Lund and Ms. Slaton’s attorney-client relationship, but he also showed great hostility in criticizing Ms. Slaton’s litigation strategy and mischaracterized her advocacy for Mr. Lund as interference into the GAL’s assignment. These actions amount to willful misconduct and prejudicial conduct.

i. Judge Cowan Failed to Remain Objective When He Alleged That Ms. Slaton had a Conflict of Interest in her Representation of Mr. Lund.

A judge should be removed from office if he allows his personal biases to interfere in the attorney-client relationship. *See Geiler*, 10 Cal. 3d at 279-81. In *Geiler*, based on a preconceived bias against public defenders, a judge relieved, as counsel, public defenders in numerous cases. *Id.* The judge failed to remain objective, and this interference with the attorney-client relationship, in part, justified the judge’s removal from office. *Id.* The court found that even if the judge’s actions were lawful, a judge must be punished for actions that do not reaffirm fitness for the highest responsibilities of judicial office. *Id.* at 281.

Here, similar to the Judge in *Geiler*, Judge Cowan failed to remain objective when he alleged *sua sponte* in the OSC that Ms. Slaton has an uncured conflict of interest in her representation of Mr. Lund. (Ex. D, Order to Show Cause, pg. 2-3). Judge Cowan holds animosity against Ms. Slaton for filing the federal action against him and has used this allegation of an ethical violation as a means of retaliation. Even if it was within Judge Cowan’s legal authority to raise the issue, this action should be viewed as unjudicial because it stems from a personal bias.

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In making this allegation Judge Cowan promoted false and misleading statements. He argued that Ms. Slaton did not receive a written waiver to cure any potential conflicts that she may have from her previous representation of Sherry Lund. (*Id.*, pg. 3). However, Ms. Slaton has avowed to the Court *multiple* times, through oral arguments and written submissions, that she has obtained these waivers. Judge Cowan ignored this information, and continued to raise the issue. Judge Cowan also said, “It is unclear whether [Mr. Lund] could give informed consent in this situation given Judge Beckloff’s previous determinations related to his capacity.” (Ex. D, Order to Show Cause, pg. 3). As described above, any argument that Mr. Lund lacks capacity has been disproven numerous times.

Finally, Judge Cowan pointed to the fact that in this litigation Ms. Slaton has consistently aligned with Sherry Lund’s counsel, in support of his unfounded contention that Sherry Lund has unduly influenced Mr. Lund’s litigation strategies. (*Id.*, pg. 8). While it is Judge Cowan’s role to protect vulnerable litigants from undue influence, here, Judge Cowan has disregarded numerous court decisions that found that Sherry Lund has not exercised undue influence. (*See Ex. A, Statement of Decision, 6/3/2014 pg. 33*). The limited GAL specifically found that both the 2014 Statement of Decision and the 2016 Arizona Judgment determined that Mr. Lund was not subject to any undue influence. (Ex. F, Report of Guardian Ad Litem, 8/07/2020, pg. 13). Judge Cowan raised this issue in an attempt to disqualify Ms. Slaton for non-existent conflicts. Judge Cowan’s allegations must therefore be seen for what they are: Retaliation, and an attempt to disparage Ms. Slaton’s reputation.

ii. Judge Cowan Showed Bias and Hostility To Mr. Lund and Ms. Slaton by Criticizing Their Litigation Strategy.

It is impermissible for a judge to act as an advocate in a proceeding. *Roberts v. Comm'n On Judicial Performance*, 33 Cal. 3d 739, 748 (1995). In *Roberts*, the Supreme Court of California found that a Judge committed prejudicial conduct when he improperly acted as an advocate, prejudged issues, and treated litigants and witnesses in a rude, intimidating, and demeaning manner. *Id.* at 744, 748. The court found that even if the judge was expressing a legitimate concern, it was unacceptable for him to express it in a non-objective, hostile manner. *Id.* at 748.

Like the Judge in *Roberts* who inserted his personal bias into a case, Judge Cowan failed to remain impartial when he criticized Ms. Slaton’s legal strategies. Judge Cowan described Ms. Slaton’s advocacy for her client as a “scorched earth litigation strategy.” (Ex. D, Order to Show Cause, pg. 9). He also falsely claimed, without any evidence, that Mr. Lund is not guiding this expensive strategy and does not understand the scope of the expenses incurred. (*Id.*) This

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allegation is not only insulting to Mr. Lund, but it appears to arise from a personal hostility against Ms. Slaton.⁷ In describing actions that amount to this “scorched earth” strategy Judge Cowan cited the federal action that Mr. Lund brought against him, the appeal in that case, the CCP § 170.1 objections to his continued participation in the case, requests to change court rooms by way of request to the Supervising Judge of Civil and a complaint filed with the Presiding Judge of LASC. (*Id.*, pg. 8-9). Even if Judge Cowan were to argue that he raised this issue out of a legitimate concern for Mr. Lund, like the judge in *Roberts*, Judge Cowan expressed this concern in a non-objective hostile manner.⁸ When viewed in context with his behavior throughout this litigation, it is clear that Judge Cowan has become an impermissible advocate in this proceeding, and that this personal involvement amounts to prejudicial conduct.

iii. Judge Cowan Mischaracterized Ms. Slaton’s Advocacy for Mr. Lund as an Impermissible Interference with the GAL’s Assignment.

Judge Cowan’s hostility towards Ms. Slaton and lack of objectivity continued when he improperly alleged that she interfered with the GAL’s assignment to determine whether a revised settlement agreement could be negotiated on Mr. Lund’s behalf. (Ex. D, Order to Show Cause pg. 4-5). Judge Cowan mischaracterized Ms. Slaton filing an appeal in the federal action against him and her attempting to disqualify the GAL, as “frivolous” motions and interference with the GAL’s assignment. (*Id.*)

First, it is not apparent how filing a federal action against Judge Cowan for violating Mr. Lund’s rights under the Civil Rights Act and the ADA constitutes impermissible interference with the GAL’s assignment. Second, it was within Mr. Lund’s rights to move to disqualify the GAL because Judge Cowan appointed the GAL without an evidentiary hearing and based on the false allegation that Mr. Lund “suffered” from Down syndrome. Judge Cowan proved to be biased against Mr. Lund, and it was Ms. Slaton’s role as an advocate to pursue all available legal remedies.

Moreover, Cowan’s statement that Mr. Lund’s counsel interfered with the GAL’s assignment is demonstrably false and contradicted by the fact that the limited GAL made no such

⁷ Mr. Lund chose Ms. Slaton as his lead counsel because of her personal knowledge of the eleven-year history dealing with the hostile Trustees’ attacks on Mr. Lund in both California and Arizona. He has always been aware of and in support of her litigation strategy.

⁸ It is unlikely that Judge Cowan was legitimately concerned for Mr. Lund’s wellbeing because throughout this litigation he has failed to protect Mr. Lund and his assets from hostile trustees. He has also insulted, humiliated, and blatantly presented false representations in open court and written decisions available to the public about Mr. Lund.

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allegation that Ms. Slaton interfered with her charge. To the contrary, the GAL reported to the court that she had engaged in numerous productive discussions with Mr. Lund and his legal team, including most prominently Ms. Slaton. (*See* Ex. G, Preliminary Report of Guardian Ad Litem, 1/21/2020, pg. 4; Ex: F, Report of Guardian Ad Litem, 8/07/2020, pg. 2, 3)

Judge Cowan's untruthful allegations regarding Ms. Slaton's participation in the GAL's assignment are more focused on the actions Ms. Slaton took against him, than the GAL's actual assignment. Judge Cowan has abused his power to issue an OSC and used it to air his grievances with Ms. Slaton in a manner that is not impartial or competent. This failure to remain objective constitutes an abuse of power and willful misconduct. *See Geiler* 10 Cal. 3d at 281 (finding that a judge's failure to remain objective amounted to willful misconduct); *Kloepfer*, 49 Cal.3d at 838 (finding that abuse of the power to issue orders to show cause, amounted to willful misconduct).

IV. Relief Requested

Judge Cowan has engaged in numerous acts of willful misconduct and prejudicial conduct. He has made numerous false and misleading statements, has failed to remain impartial, has abused his power to issue orders to show cause, and has openly criticized Ms. Slaton's litigation strategy. Through these actions, Judge Cowan has harmed public esteem in the judiciary, and has used his judicial powers as a means of retaliation. For these reasons, we ask the Commission on Judicial Performance to remove Judge Cowan. However, in the alternative we ask that if the commission finds that Judge Cowan's actions do not warrant removal, the commission censure him.

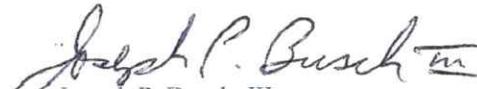
Respectfully,



Dario J. Frommer

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