

...to be able to...  
demand that...  
suit involving...  
"What's disquieting? Union busting?"

"Hey, hey! Ho, ho! John Murdock has got to go!"

After about an hour of this, they were arrested.

Such organized agitation is increasingly common at the employment law firm. Protesters have flocked to at least four of the ten Epstein Becker offices since the firm agreed to represent the Pacifica Foundation, the charitable trust that runs KPFA and four other politically progressive radio stations.

KPFA fans have long complained that a cadre of Pacifica board members improperly seized power over the stations and defied their normally provocative shows. The Pacifica board's supporters respond that it is doing what's best for the stations, acceding to pressure to boost ratings from the Corporation for Public Broadcasting, which determines federal funding for public radio.

The programming shift inspired three lawsuits alleging that the changes are illegal because they belie the foundation's idealistic mission, as written in its articles of incorporation. The suits also claim that

## LAWYERS IN THE COURTS

...members were placed on leave and  
d out of the station. Large crowds gath-  
demonstrators and ultimately security  
forces were called in.

Now, protesters are directing that same anarchic fervor to the legal process. They boo and hiss from the audience at court hearings. They march outside Epstein Becker offices in San Francisco, Los Angeles and New York. They crash the firm's seminars and client meetings.

Their tactics range from leaflets planted in firm's library books to Web sites encouraging protesters to "physically confront" lawyers.

"I am being harassed," said Murdock, a partner at Epstein Becker's Washington, D.C., office who is a target for much of the ire. "The irony is that people who claim to be about free speech and democracy are behaving like a lynch mob of 30, 40 years ago. They have only the passion and not the reason."

Some lawyers on the case say the rhetoric could poison settlement talks that were scheduled to start today. Others dismiss the activity as harmless attention-seeking.

See PACIFICA, Page 7

Orrick Herrington Chairman... said the main goal of his firm's 7... associate  
compensation system is to help... urge a  
fair distribution of work among b... associates  
at the firm, essentially reserving the raise for  
those who do their part and meet the minimum  
billables requirement.

"I think it is fair that the associates who  
make what we think is a fair minimum contribu-  
tion all get that initial \$10,000... Within the  
bonus program there's a clear message that  
we're not trying to induce associates to over-  
work. The key word is balance," Orrick said.

Bonuses come at 2,100-, 2,250- and 2,400-  
hour levels, although the highest level brings  
the smallest jump in pay. The firm also offers  
profit-sharing and a discretionary year-end  
bonus. Orrick is paying just \$5,000 to \$10,000

See ORRICK, Page 2

## JUDICIARY

# Embattled L.A. Jurist's Defense: He's a Pathological Liar

■ Patrick Couwenberg admits  
he lied about his credentials,  
but says he couldn't help it.

By Donna Domino  
Daily Journal Staff Writer

PASADENA — Los Angeles Superior Court Judge Patrick Couwenberg lied about his background and about receiving a Purple Heart because he suffers from a pathological compulsion to increase his self-esteem, a result of his childhood spent in war-torn Indonesia, his lawyer told a panel of special masters Wednesday.

During nearly three hours of pointed questioning at a judicial disciplinary hearing, the 56-year-old jurist was forced to admit that he lied extensively about his academic and professional background.

Couwenberg, a former Los Angeles prosecutor now presiding over the Norwalk family

court, faces several disciplinary charges for "providing false information regarding his background and qualifications," according to the Commission on Judicial Performance, the state's judicial watchdog agency.

Dismissing the falsehoods as "misrepresentations concerning a relatively narrow area" of Couwenberg's past, his attorney, Edward P. George of Long Beach, said the judge has been diagnosed with "pseudologica fantastica," a psychological term for pathological lying.

The condition, which George described as a "matrix of fact and fiction," resulted in Couwenberg's "compulsion to provide information for self-aggrandizement." The psychological impairment resulted from Couwenberg's upbringing "in a concentration camp atmosphere" when his family lived in Indonesia,



COUWENBERG

George told the three-judge panel. The condition is "very treatable," George said, and Couwenberg is already undergoing therapy.

During probing questioning by commission attorney Jack Coyle, Couwenberg admitted lying about the colleges he attended, even about seemingly inconsequential details such as the dates he graduated.

A distinguished-looking man with salt-and-pepper hair and beard, Couwenberg acknowledged that he lied to his wife about having a master's degree in psychology from California State College at Los Angeles "to make more of an impression on her." But when asked why he repeatedly lied on official questionnaires about attending Loyola Law School, being a Vietnam veteran and working for the prestigious Los Angeles firm of Gibson Dunn & Crutcher, Couwenberg appeared mystified himself.

"I don't know," he answered. "It kind of puzzles me."

Attempting to play down the significance of lying about which schools he attended,

Couwenberg explained, "I didn't think educational history was important. The important thing was the cases you handled and why you wanted to become a judge."

Couwenberg had also told attorneys that he had been late to court one day in the past "because of a medical appointment for shrapnel in the groin" that he sustained during combat. During Wednesday's hearing, he continued to assert claims about his involvement in a secret CIA mission in Laos, but admitted he only suffered a knee wound.

When Coyle pressed for details of his claimed South East Asia spy missions involving Scandinavian mercenaries, Couwenberg said he couldn't recall, because "I was over 30 years ago."

Though the jurist initially adopted an unrepentant tone during questioning about a long litany of falsehoods, after being forced to acknowledge that he had also perjured himself to the commission last year, he left the witness stand slightly shaken.

See JUDGE, Page 2

56 Daily Journal, Feb. 22, 2001

Business

High Tech

Electronic Discovery:  
The 93% Solution

**MCLE CREDIT**

4:00 p.m.

3. Law Office Administration

4. Litigation Support

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For  
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Going to War in Ten Days:  
Use of Technology in the  
200 Presidential  
Election Contest

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**GARRY ABRAMS**

issue has, become is that Los Angeles District Attorney Steve Cox, who campaigned on a pledge of more openness in the district attorney's office, has issued a gag order prohibiting his deputies from discussing their investigation of the April 21, 1975, bank robbery and its links to an attempt to bomb police cars in Los Angeles in August 1975.

The gag order apparently is a professional courtesy extended to — or perhaps extracted by — Sacramento District Attorney Jan Scully, who believes Los Angeles prosecutors have been trespassing on her prosecutorial property by urging her office to try the suspects of the bank robbery. Besides Scully, previous Sacramento district attorneys have declined to bring the bank robbery case to trial.

Now, some see the Sacramento press release as a breach of the zipped lips deal and as an effort to claim credit for recent developments in the bank robbery case — such as the shotgun pellet analysis — that really belongs to Los Angeles prosecutors.

And that no doubt explains why Cooley's office lifted the gag briefly last week to denounce another statement in the Sacramento sheriff's press release as "absolutely false."

losophy, members of the S.A. kidnapped news, after heirsch Patricia Hearst in 1974 and then allegedly brainwashed her into joining a terrorist rampage that riveted the cc Hearst, who wrote a book about her life with the SLA, is a key witness in both the bank and bomb cases.

The Sacramento sheriff's press release also said that that the bomb case should be tried first to "serve as a barometer to determine the quality of Patricia Hearst's testimony, which is critical to the Sacramento prosecution efforts."

Not all sources in the case have been muzzled. Dr. Jon Opsahl of Riverside, son of Myrna Opsahl, said in a telephone interview that Los Angeles Deputy District Attorney Michael Latin deserves credit for having tests done on the shotgun pellets. Latin said he couldn't comment on the case.

Opsahl said he believes Sacramento officials are signaling to witness Hearst, "If you do a bad job in L.A., we won't bother you." He also thinks the murder case should have "priority" over the bomb case.

Contact the writer at (213) 229-5131, or send e-mail to [garry\\_abrams@dailyjournal.com](mailto:garry_abrams@dailyjournal.com).

## ■ JUDGE: Admitted Pathological Liar

Continued From Page 1

When asked why he told retired Judge Charles Frisco, prior to his 1997 ennobling ceremony, that he had served in Vietnam and was awarded a Purple Heart, Couwenberg offered this strained explanation: "I didn't affirm it, but I didn't correct him," he said. "I thought it was basically a 'roast' as he had done before — a humorous thing."

Two groups — the governor's office and the State Bar's Commission on Judicial Nominees Evaluation — are

responsible for checking judicial candidates' credentials. After the disciplinary charges against Couwenberg were filed, both offices acknowledged that neither academic nor military backgrounds are verified. To check professional experience, the State Bar panel sends forms to firms listed on the applicant's official Personal Data Questionnaire, but doesn't check if the forms are not returned.

Couwenberg was appointed to the bench by Gov. Pete Wilson in April 1997. Bill Edlund, a San Francisco attorney, who chairs the Commission on Judicial

Nominees Evaluation, acknowledged during questioning that the group does not verify applicants' educational backgrounds, saying it lacked sufficient staff.

If Couwenberg is found culpable for willful misconduct, he could be removed from the bench by the commission.

The hearing continues today before the masters, Judges Ina Geyman of San Francisco, Thomas Hansen of San Jose and Peter Sifers of Stockton. They will make findings of fact, but not recommendations for discipline, to the commission.

## ■ Orrick: Bonuses, Not Base Increases

Continued From Page 1

to associates with more than 2,100 billable hours for its 2000 bonus. Gordon Davidson, chair of Fenwick & West in Palo Alto, said the structure his firm established in 2000 is sufficient for this year's needs. Fenwick & West starts with a \$125,000 first-year base salary and adds bonuses based on lawyer hours and other elements of performance.

"To some extent, we think that, given the very large increase last year, we need some time to catch up, meaning we can't keep increasing the rates we charge to our clients for our first year associates," he said.

Davidson said the performance-focused bonus system already

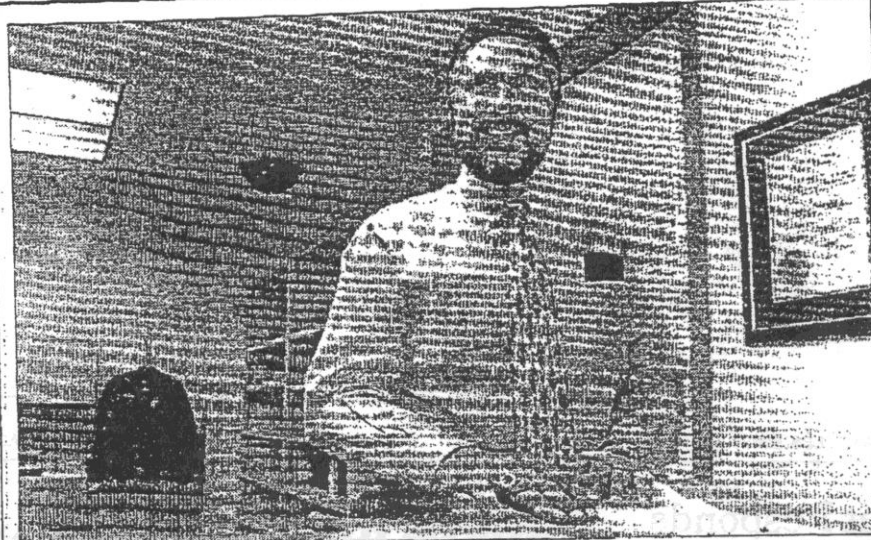
books are done each year to make sure that the compensation squares with everyone's overall performance. Associates' bonuses are determined individually.

"Having [raised associate salaries to \$125,000] in 2000 and assessed where we are in 2001, we didn't feel it was necessary to increase our bases," he said.

In the light of last year's huge salary leaps, Pitchford noted that \$10,000 doesn't much affect a firm's competitive edge.

Recruiter Caravello said she has noticed the same thing. "I'm not getting the phone calls that I was getting last year at this time. The reaction isn't there."

Also, she added, standing still has become a selling point with



**TRUE LIES** — Los Angeles Superior Court Judge Patrick Couwenberg told a panel of special masters at the Commission on Judicial Performance that he lied about his war record, academic and professional background and his qualifications as a judge. When asked why he repeatedly

lied on official questionnaires about attending Loyola Law School, being a Vietnam veteran and working for Gibson, Dunn & Crutcher, Couwenberg appeared mystified himself. "I don't know," he said. "It kind of puzzles me."

## At Hearing, Judge Admits His Lies

Lawyer Attributes False Boasts to Childhood in War-Torn Land

By Donna Domino  
 Daily Journal Staff Writer

Los Angeles Superior Court Judge Patrick Couwenberg lied about his background and about receiving a Purple Heart because he suffers from a pathological compulsion to increase his self-esteem, a result of his childhood spent in war-torn Indonesia, his lawyer told a panel of special masters Wednesday.

In a disciplinary hearing, the 56-year-old jurist had to admit that he lied extensively about his academic and professional background.

Couwenberg, a former Los Angeles prosecutor now presiding over the Norwalk family court, faces several disciplinary charges for "providing false information regarding his background and qualifications," according to the Commission on Judicial Performance, the state's judicial watchdog agency.

Dismissing the falsehoods as "misrepresentations concerning a relatively narrow area" of Couwenberg's past, his attorney, Edward P. George of Long Beach, said the judge has been diagnosed with "pseudologica fantastica," a psychological term for pathological lying.

As a result of the condition, George said, Couwenberg had a "compulsion to provide information for self-aggrandizement."

The psychological problem resulted from Couwenberg's upbringing "in a concentration-camp atmosphere" when his family lived in Indonesia, George told the three-judge panel.

The condition is "very treatable," George said, and Couwenberg is undergoing therapy.

During probing questioning by commission attorney Jack Coyle, Couwenberg admitted lying about the colleges

he attended, even about seemingly inconsequential details such as the dates he graduated.

Couwenberg acknowledged that he lied to his wife about having a master's degree in psychology from California State College, Los Angeles, "to make more of an impression on her."

But when asked why he repeatedly lied on official questionnaires about attending Loyola Law School, being a Vietnam veteran and working for the prestigious Los Angeles firm of Gibson Dunn & Crutcher, Couwenberg appeared mystified himself.

"I don't know," he answered. "It kind of puzzles me."

Attempting to downplay the significance of lying about which schools he attended, Couwenberg explained, "I didn't think educational history was important. The important thing was the

See Page 5 — JUDGE

**CIVIL LAW**  
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## Suit Responds To Commerce's Census Seizure

Continued from Page 1

on scientific issues," Currey said. "[Evans' decision] turns the matter into an ex parte free-for-all, subject to lobbying that will result in a recordless decision."

"There is no guarantee under the new rule that we'll ever get" scientifically correct information, he said.

At stake are millions of dollars in federal funds used for law enforcement, education and infrastructure, among other things.

Evans announced he was implementing a rule to take over the census late Friday, as the government closed down for a three-day weekend. The rule will become effective when it appears in the Federal Register, as early as today.

The city charges that Evans took power to choose the official census count — the enumerated count, announced Dec. 29, versus the statistically adjusted Accuracy and Coverage Evaluation, announced Feb. 14 — away from census director William Barron, without holding a formal notice and comment period, as required by the Administrative Procedures Act.

## Judge Admits He Lied

Continued from Page 1

cases you handled and why you wanted to become a judge."

Couwenberg also had told attorneys that he had been late to court one day in the past "because of a medical appointment for shrapnel in the groin" that he sustained during combat. During Wednesday's hearing, he continued to assert claims about his involvement in a secret CIA mission in Laos but admitted he only suffered a knee wound.

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Gov. Pete Wilson appointed Couwenberg to the bench in April 1997.

Bill Edlund, a San Francisco attorney who chairs the Commission on Judicial Nominees Evaluation, acknowledged during questioning that the group does not verify applicants' educational backgrounds, saying it lacked sufficient staff.

If Couwenberg is found culpable for willful misconduct, the commission could remove him from the bench.

The hearing continues Thursday before the masters — Judges Ina Gyem and Sa Francisco, Thomas Hansen of Los Angeles and Peter Sifers of Stockton — who will make findings of fact but not recommendations for discipline to the commission.

■ Donna Domino's e-mail address is donna\_domino@dailyjournal.com.



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## CJP Removes Couwenberg From Superior Court for Lying

By a METNEWS Staff Writer

Los Angeles Superior Court Judge Patrick Couwenberg was removed from the bench yesterday by the state Commission on Judicial Performance for lying about his education, his professional background and his military record.

The panel found Couwenberg guilty of willful misconduct in office, conduct prejudicial to the administration of justice and improper action under the state constitution.

"He lied to become a judge, elaborated on his misrepresentations for his enrobing ceremony and subsequently lied to the commission in an apparent attempt to frustrate its investigation," the commission said in a 16-page order signed by Chairman Michael A. Kahn.

"The commission is convinced that protection of the public and the judiciary's reputation requires Judge Couwenberg's removal from the bench," the panel said.

Couwenberg's attorney admitted

his client is a compulsive liar. But Edward P. George Jr. of Long Beach said Couwenberg suffers from a curable mental condition and should be allowed to return to the bench. George said the ex-judge has not yet decided whether to petition the state Supreme Court for review.

George noted that the panel took 30 days to reach its decision.

"That's the longest period I can remember the commission deliberating," the attorney said. "I commend the commission, because they did do a lot of thinking about this. This was not a slam-dunk case."

George also noted that the removal had nothing to do with Couwenberg's on-bench conduct.

He said his client has been in therapy four or five months, and that he has made progress in treating the condition that some doctors have called "pseudological fantastica" and consists of mingling truth and lies, and being unable to distinguish between the two.

(Continued on Page 5)



PATRICK COUWENBERG  
Former Los Angeles Superior Court Judge

## COUWENBERG

(Continued from Page 1)

The ex-judge's doctors said it was a result of his difficult upbringing in war-torn Indonesia.

Superior Court officials said Couwenberg officially is off the court as of yesterday. The Supreme Court does not have to take review, even if the former judge seeks it. The action becomes final after 30 days if the high court does not act.

Couwenberg, 56, was appointed in 1997 by then-Gov. Pete Wilson and served at the Norwalk courthouse. He becomes the seventh Los Angeles Superior Court judge—and the 16th statewide—to be removed in the commission's 40-year history, commission director Victoria B. Henley said.

Most recently, Judge Patrick Murphy left the bench following commission action. Murphy claimed that he resigned before the commission's removal order was filed. When applying to Wilson for a judgeship, Couwenberg claimed, falsely, that he went to Loyola Law School. He did not mention that he went to the unaccredited La Verne College of Law.

At his enrobing ceremony he falsely claimed to have been a corporal in the Army and to have received a Purple Heart. Later, he falsely told a group of attorneys that he went to college on the G.I. Bill, had a master's degree in psychology and was late because of a medical appointment for shrapnel in his groin.

He falsely claimed to have served in the CIA—or some other covert government agency—in Laos. George, the ex-judge's lawyer, said he hoped the experience would send a message to the Legislature that some type of discipline involving probation is warranted.

The commission action also serves to keep Couwenberg from returning to the practice of law, unless he reapplies and is readmitted by the State Bar.

"That," George said, "would mean we could end up retrying this whole case."

Court spokeswoman Jerianne Hayslett said the removal means the court is down 21 judges.

# Disgraced Judge Wants Bar Card Back

Novel bid could keep paycheck coming for L.A.'s Couwenberg

By MIKE MCKEE  
RECORDER STAFF WRITER

Former Los Angeles County Superior Court Judge Patrick Couwenberg, removed from the bench last year for lying about his academic credentials and his military record, is trying to reclaim his license to practice law.

But the state's Commission on Judicial Performance says the 56-year-old man is going about it the wrong way — a way that allows him to keep his former judge's salary a while longer — and the CJP has gone to the California Supreme Court to oppose him.

Couwenberg's petition, filed with the Supreme Court on Nov. 13, makes clear that the ex-judge — who served four years on the bench until leaving in September — isn't challenging his removal by the CJP, but simply wants to expedite the procedure for getting his law license back.

"[Couwenberg] is seeking this honorable court, following review, to refer this matter to the California State Bar Court," Long Beach solo practitioner Edward George Jr. wrote, "to determine the appropriate degree of

See BID page 6



**MAKING IT UP**  
Patrick Couwenberg, who was removed from L.A. bench for lying about his qualifications, wants the California Supreme Court to clarify the rules for reinstatement as an attorney.

## Today's C.D.O.S.

### Attorneys and Judges

#### ■ IN RE RIORDAN AND SANGER

Attorney's willful failure to comply with court's order to file already-overdue opening brief in death penalty case constituted contempt, Cal Sup Ct.

### Civil Litigation and Procedure

■ **PATTON v. COX**: Under Arizona law, witness immunity does not bar action for breach of contract where witness participated voluntarily in quasi-judicial proceeding, 9th Cir.

■ **SHELTON v. RANCHO MORTGAGE & INVESTMENT CORPORATION**: Post-judgment order denying sanctions was appealable, C.A. 4th.

See Today's C.D.O.S. page 2

## Power of Persuasion, or Plain Silliness

By JASON HOPPIN  
RECORDER STAFF WRITER

Anyone who has ever seen Al Gore speak is painfully aware that there's more to communicating than mere words. Body language tells a story, too.

Developing that language into a sort of science is something practitioners of "neuro-linguistic programming" think they've done. And for nearly 20 years now, some jury consultants have been applying the techniques to courtrooms.

Though the shine has faded from its once-bright star and many today dismiss its relevance, NLP still has its advocates. Like many counterculture ideas, aspects of NLP have been scattered into the larger culture. But there are still places to learn about it in its purest, and perhaps most controversial, form.

NLP, which sprung from the same Northern California counterculture of est seminars and the Esalen Institute, is known virtually every trial consultant around, though its usefulness is questioned by many. But Constance Bernstein, surrounded by trial briefs in her San Francisco home, is an exception. She believes in what advocates say is NLP's secret power — persuasion.

NLP is a system of communicating aimed at "synchronizing" the speaker and the listener to get the listener more receptive to the words, which is why it has become somewhat popular in the legal profession. Every lawyer wants every juror to hang on every word, a goal Bernstein and others say NLP can achieve.

"We naturally get in physical sync with people we are in agreement with," says Bernstein, who owns Synchronics Group.

See NEURO-LINGUISTS,

## Bid Could Keep Pay Coming for L.A.'s Couwenberg

Continued from page 1

discipline in order that [he] may seek reinstatement to practice law."

The CJP responded on Dec. 28, saying that if Couwenberg — a Gov. Wilson appointee who served on L.A. County's Norwalk bench — wants his license restored, he should petition the court directly for reinstatement rather than use the underlying removal case as a platform for appeal.

"The commission believes that its proceedings are concluded, that its decision is final and that the factual findings and legal conclusions underlying its decision should not be disturbed or reopened," Jack Coyle, a member of the CJP's Office of Trial Counsel, wrote in court papers.

Coyle also raised the fact that Couwen-

**'No judge since [Proposition] 190 has been removed by the court, so this is kind of a brand-new procedure.'**

— Couwenberg attorney Edward George Jr.

berg's method for seeking reinstatement would reopen the CJP proceedings and let Couwenberg continue receiving his old salary until a decision is made. "He could be receiving a judicial salary to which he clearly is not entitled," Coyle wrote.

The CJP's removal order, issued Aug. 15 and effective Sept. 14, followed reve-

lations that Couwenberg had, among several other things, lied about being a Vietnam veteran, receiving a Purple Heart, serving in covert operations for the CIA and earning a master's degree from California State University, Los Angeles.

Couwenberg's lawyers and doctors said the 1976 graduate of the University of La

Verne College of Law in Ontario suffers from a pathological lying condition called pseudologia fantastica, which they tied to his childhood in an Indonesian concentration camp at the end of World War II.

George, Couwenberg's lawyer, said Thursday he chose to petition the Supreme Court because the proper method for seeking reinstatement isn't clear in light of voters' 1995 passage of Proposition 190, which granted the CJP the authority to remove, retire or censure a judge. The measure — California Constitution Article VI, Section 18(e) — also strips such judges of their right to practice law, George said, but doesn't clarify how they should seek reinstatement of their law licenses.

"No judge since [Proposition] 190 has been removed by the court, so this is kind of a brand-new procedure," he added. He told the court that he thought the issue was one of first impression. "The easiest thing to do would be to petition the Supreme Court [Justices] and have them refer it to the State Bar Court."

CJP Director Victoria Henley could not be reached for comment, but commission lawyer Coyle said in court papers that Couwenberg chose "an inappropriate procedural vehicle" for reinstatement.

"As a result," he wrote, "the Commission on Judicial Performance, a party with no interest in the issue, is forced to respond, and the State Bar, the real party in interest, has not been provided with the opportunity to respond."

Couwenberg's lawyer, though, isn't convinced that the State Bar has jurisdiction, because judges relinquish their bar licenses when they join the bench. Couwenberg's "not a licensed lawyer in California," George said, "until he shows he has a right to be reinstated."

State Bar General Counsel Marie Morfai said Friday that her agency's records currently list Couwenberg as a judge.

"I understand he filed a petition for review," she said, "and, therefore, his removal from office is not final and until such time it is final, he would remain listed as a judge and as such would not be considered a member of the State Bar. However, we are, of course, monitoring this matter."

Morfai wouldn't comment on whether Couwenberg's petition for review is the proper route for reinstatement, but noted that "as the Supreme Court's administrative arm, we'd certainly follow any direction provided by the court."

Lawyers seeking reinstatement must prove rehabilitation, moral character, up-to-date skills and exemplary conduct by a preponderance of the evidence. If reinstated, George said, Couwenberg, a former prosecutor who has criminal defense experience, could have a good chance at success because his illness reportedly responds well to psychotherapy.

"He wants to do something. He's relatively young," George said. "He's between the rock and the whiplash right now."

The high court petition is *Couwenberg v. Commission on Judicial Performance*, S102066.

Associate editor Mike McKee's e-mail address is [mmckee@therecorder.com](mailto:mmckee@therecorder.com).

## 10 Truly Amazing Stories of Misdeeds From the Bench

By GAIL DIANE COX  
AMERICAN LAWYER MEDIA

**NEW YORK** — Call it "gavelitis." Something comes over a tiny percentage of those who sit in judgment of the rest of us, and weird things start happening — things involving firecrackers, wild turkeys and lingerie catalogs. Some judges suddenly think they have a license to do anything, including one judge in Arkansas who decided he had a license to issue licenses.

Welcome to the fifth annual survey of, for lack of a better term, the stench from the bench. Here are 10 judges and ex-judges who won't be presiding this May 1, Law Day, and whose absence is cause for celebration. Some are on suspension, others have been ousted and a growing number have resigned while under investigation by state conduct bodies.

These aren't garden-variety ticket fixers or sad-sack drunks. You won't find the poor guy who was caught by a hidden camera at Wal-Mart, twiggling stolen pills at a drinking fountain. This is truly amazing misconduct, hard to explain, except to say it's downright injudicious.

### PATRICK COUWENBERG

Judges under scrutiny usually clean up their act when a watchdog commission summons them. But Patrick Couwenberg of Los Angeles County Superior Court did just the opposite. The more investigators questioned him, the wilder and woollier his tales became.

First the question was whether he inflated his education and past employment on his application for a judgeship. He claimed a degree in physics from the California Institute of Technology in Pasadena. His real alma mater: a junior college. He falsely said he had a master's degree. He fudged dates so no one would guess he had to take the state bar exam six times to pass. He said he'd worked for Gibson, Dunn & Crutcher — the Los Angeles firm had no record of it.

At his exorbitant ceremony, he coined a judge into introducing him as a Renaissance man who'd earned a Purple Heart in the Army in Vietnam. The reality was he stayed home with the Naval Reserves.

OK, he finally told investigators, maybe he had made mistakes and his jokes misled people. But he really had been recruited by a shadowy fellow named Jack who he assumed was with the CIA, and The Company attached him to a Laotian general for clandestine operations alongside Scandinavian mercenaries in Southeast Asia.



TALL TALES:

Former L.A. County Superior Court Judge Patrick Couwenberg, who was removed from office last year, claimed he had earned a Purple Heart in Vietnam when actually he served in the Naval Reserves back home.

California's Commission on Judicial Performance observed "a lack of honesty is an ongoing problem." His attorney maintained his prevaricating was a treatable mental quirk caused by his being born in a refugee camp in Japanese-occupied Java. By that time the commission had stopped listening. It removed him from office last August.

### BARBARA BROWN

While visiting a Cash-Mart, one of those companies that makes loans against future paychecks, Judge Barbara Brown of the Bernalillo County, N.M., Metropolitan Court reportedly told an employee, "Do you know who I am? I'm a judge."

Using the prestige of her office to try to advance her financial interests was just one of seven allegations the state Judicial Standards Commission presented to the state Supreme Court last fall. The court ordered Brown suspended indefinitely as of Nov. 29 — first with a paycheck, then without.

Another allegation is that she used the prestige of her office to aid the private interests of her housemate, one Richard "Dickie" Hone.

Brown sat as a criminal court judge for a decade, but her office's prestige has been

a dwindling commodity since last year when her name started appearing in newspapers linked with Hone's in one incident after another.

Cash-Mart refused her the loan, according to police, who say she and Hone responded by throwing rocks at the employee. The conduct commission concluded: "While in a public place, [Brown] engaged in violent, abusive conduct, which created a clear and present danger to others."

Brown says Cash-Mart was ripping her off, she never threw a rock, the police are out to smear her and she is eager for her day in court. That day, however, was recently delayed when new charges were filed against her over allegedly threatening calls to a probation officer who had been assigned to her courtroom and who apparently doesn't get along with Hone. A fax she sent to the probation officer is said to have warned him that her friend is a for-

mer professional kickboxer and "Mr. Hone says anywhere — anytime."

The judge explained to reporters that Hone just has an "intense, Manhattan style" that plays poorly in New Mexico.

### STEVEN RAY KARTO

Steven Ray Karto was the only judge in Harrison County, Ohio. Maybe that's why

See ANNUAL page 8

### Correction

Due to a reporting error, an *American Lawyer* magazine story that appeared in the April 19 edition of *The Recorder* misstated the location of the Gary Hart trip that ended his presidential campaign 15 years ago. The trip was from Florida to Bimini, which is in the Bahamas. We regret the error.

### In This Issue

Classifieds	25
Comment	4
Court Calendars	13
In Brief	10
Meeting Notices	11
Professional Announcements	9
Public Notices	21

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### Today's C.D.O.S.

Continued from page 1

#### Individual Rights

**SANTOS V. GATES:** Mentally ill plaintiff's 1983 excessive-force claim against police did not necessarily fail due to his lack of clear recollection of acts that allegedly caused his physical injury. 9th Cir.

#### Labor and Employment

**COUNTY OF RIVERSIDE V. SUPERIOR COURT (RIVERSIDE SHERIFFS ASSOCIATION):** County could not be compelled to pri-

vetely arbitrate wage dispute with public safety employees' union. C.A. 4th

#### Real Estate

**TAHOE-SIERRA PRESERVATION COUNCIL, INC. V. TAHOE REGIONAL PLANNING AGENCY:** Tahoe planning agency's temporary moratoria on development pending formulation of comprehensive land-use plan did not require compensation under Takings Clause. U.S. Sup. Ct.

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