

POSNER LAW CORPORATION
16133 Ventura Blvd., Suite 700
Encino, CA 91436-2406
Telephone: (310) 475-8520
ASHLEY D. POSNER, State Bar No.: 106195

ADAMCZYK LEGAL PC
1237 Victoria Ave. #256
Oxnard, CA 93035
Telephone: (818) 564-6556
PAIGE L. ADAMCZYK, State Bar No.: 257428

Attorneys for Hon. ROBERT S. DRAPER, an individual

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING
JUDGE ROBERT S. DRAPER,

No. 212

[VERIFIED] ANSWER TO
NOTICE OF FORMAL
PROCEEDINGS

Respondent in the above-entitled matter, Robert S. Draper, answers the formal charges of the Commission on Judicial Performance on file herein as follows:

As a prefatory statement, my appointment by Governor Edmund G. (“Jerry”) Brown, Jr. to the Los Angeles County Superior Court on December 31, 2012, was the greatest honor of my, at that point, 44-year professional career. For the last 14 years since then, I have been and continue to be honored to serve

as a Judge on the Los Angeles County Superior Court. After I was appointed by Governor Brown, I was reelected twice for successive 6-year terms. I now have the privilege of standing for one last 6-year term, and I intend to do so, because I have not been able to complete the changes in how our Court operates that I believe are necessary to effectively serve the people of Los Angeles County.

The Notice of Formal Proceedings to which I am responding in this Answer is based in all material respects on a persistent refusal by the staff of the Commission on Judicial Performance (“CJP”) to conduct anything other than “investigations” accepting as true unsworn statements made by persons having reasons unrelated to the best interests of the Los Angeles County Superior Court or the people we are charged with serving. Much of the content that forms the basis for the counts in the Notice of Formal Proceedings is additionally based on statements and/or allegations of conduct that the staff of the Commission for Judicial Performance knew at the time they publicly filed these charges was contrary to all credible evidence and/or taken wholly out of context. I appreciate the opportunity to file this Answer under oath and look forward to a public proceeding out of the darkness with room for all to attend who wish to do so in which the truth can be publicly determined and made known.

COUNT 1

Respondent denies violation of Canons 1, 2, 2A, 3, 3B(4), 3C(1), 3D(4), 4, and 4A of the Code of Judicial Ethics; section 68725 of the California Government Code; and rule 104 of the Rules of the Commission on Judicial Performance, which relate to Respondent’s purported failure to cooperate with the CJP’s investigation. Respondent made every effort to cooperate and did fully cooperate with CJP staff. Admit and allege that in furtherance of this goal, on November 7, 2022 Respondent had personally delivered a binder with the table of contents copied on page 7 of the Notice, and alleges that the binder, receipt of

which was belatedly acknowledged by Anne Hunter on November 29, 2022, contained the table of contents as well as the substantive contents of tabs 1-8. Respondent further Alleges that despite Ms. Hunter’s claim that she was investigating the allegations against Respondent, she never responded to the information provided to her by Respondent in this binder, unfortunately verifying in Respondent’s view the fact that no investigation was in fact being conducted or would be conducted by the staff of the CJP.

Respondent denies violation of Canon 3D(5) of the Code of Judicial Ethics, concerning the CJP’s allegations related to Respondent’s purported retaliation against Anne Hunter, Esq. for her actions in conducting the CJP’s “investigation.”

Respondent objects to the inclusion of Canon 3A of the Code of Judicial Ethics related to courtroom conduct and Respondent’s adjudicative responsibilities. No facts are alleged in Count One that in any manner relate to Respondent’s courtroom conduct.

Without waiving any reservation of rights and in the spirit of cooperation, Respondent further responds as follows: Respondent denies violating Canon 3A. Respondent, at all times, competently and impartially decided assigned matters consistent with his judicial responsibilities. The substance of this Notice of Formal Proceedings is predicated on attempting to prove that Respondent failed to do so; however, no facts are alleged in this Count sufficient to address that issue and the allegation is in fact false.

COUNT 2

A. Respondent admits in part and denies in part. Respondent admits the accuracy of the portions of the dialogue quoted from the partial record of the February 15, 2023, hearing on *Odom v. Los Angeles Community College Dist., et al.* (April 7, 2025, B327997) review denied and opinion ordered depublished, July

23, 2025, S290976). Respondent denies violating Canons 1, 2, 2A, 3, 3B(4), and 3B(5) of the Code of Judicial Ethics. The quoted portion of the dialogue is taken wholly out of context and does not accurately depict the nature of the conversation.

Respondent's comments to Janice Brown, Esq. did not reflect any bias or prejudice, nor were they intended to be or reasonably subject to an interpretation of harassment based on race, ethnicity, or national origin. The substance of the comments is not disparaging to nor targeted at Ms. Brown. The comments are taken out of context to present a rhetoric portraying Respondent in a negative manner and completely misrepresents Respondent's intent, demeanor, and character. By way of example, Ms. Brown provided a sworn statement in which she changed just a few words regarding comments Respondent made in chambers to reframe that conversation as disgusting harassment rather than the expression of pride Respondent intended and in fact expressed in the progress made by our country since Respondent first started practicing law.

B. Respondent denies violating Canons 1, 2, 2A, 3, 3B(4) and 3B(5) of the Code of Judicial Ethics. Respondent has always conducted himself fairly, impartially, and has performed the duties of his office diligently, and is widely recognized for having done so. Respondent did not at any time engage in conduct that was intended to be or reasonably could be interpreted as sexual harassment or bias based on gender or sex.

C. Respondent denies violating Canons 1, 2, 2A, 3, 3B(4) and 3B(5) of the Code of Judicial Ethics. At no time did Respondent "touch, stroke, or h[o]ld" Ms. Medina's hair "for a few seconds" or at all. Every witness to this alleged event other than Ms. Brown and Ms. Media, which include three interviewed by the Commission staff and three who provided statements under oath which were

available to the Commission staff, has told the Commission or stated under oath that this did not occur and in fact could not have occurred.

D. Respondent admits in part, denies in part. Respondent admits that quotes taken directly from the record are accurate, despite being presented out of context. Respondent denies violating Canons 2, 2A, 3, 3B(4) and 3B(5) of the Code of Judicial Ethics and wholly denies any bias or embroilment. Moreover, Respondent alleges that he acted impartially, fairly, with patience, dignity, and courtesy.

E. Respondent admits in part, denies in part. Respondent admits contacting Richard Morton, attorney for the defendants in *Odom*, by phone and leaving a voicemail. Respondent denies violating Canons 1, 2, 2A, 3, 3B(2) and 3B(7) of the Code of Judicial Ethics. Respondent's voicemail specifically noted that Respondent believed he had made all decisions in the *Odom* case and that he would not be changing anything. Respondent requested feedback in the *Odom* case as well as the *Bedrossian* case (20STCV03693) (*See Bedrossian v. Tunnickliffe*, 2021 Cal. Super. LEXIS 111144) contemporaneously tried by Respondent, via his assistant, to obtain information for the CJP staff as to his competence and fairness. Respondent directed his assistant to seek feedback from counsel on both sides of these two most recent jury and nonjury cases he had recently tried to assist the CJP in what he still thought at the time was their investigation.

F. Respondent admits in part, denies in part. Respondent admits that quotes taken directly from the record are accurate, despite being presented out of context. Respondent denies violating Canons 2, 2A, 3, 3B(1), 3B(2), 3B(7), 3C(2), 3D(5) and 3E(1) of the Code of Judicial Ethics. Moreover, Respondent alleges that at all times in the events alleged he acted impartially, fairly, with patience, dignity, and courtesy.

COUNT 3

Respondent repeats and incorporates by this reference each and every admission, denial and allegation made in response to the allegations made against him in Counts One and Two and incorporates them herein by this reference.

A. Respondent denies violating Canons 1, 2, 2A, 3B(4), 3C(1), and 3C(2) of the Code of Judicial Ethics.

At the time of the conversation in question, Respondent had known Judge Jessner for several years, had served as a mentor and ally within the judiciary for her, and the two had what Respondent believed was a friendly relationship. Accordingly, Respondent's comment that Judge Jessner looked cute when she was mad was made in jest and was consistent with the camaraderie Respondent believed he shared with Judge Jessner, in the context of what Respondent believed was their long friendship and working relationship.

Respondent alleges that the meeting on March 23, 2023 was when Respondent first became aware that Judge Samantha Jessner was essentially sabotaging his efforts to respond to the prior "Notices" from the Commission on Judicial Performance rather than assisting him in responding to those Notices since the information Respondent relied upon for his response to those prior responses came in large part from Judge Jessner.

Respondent also alleges that at this time he was still subject to medical restrictions by the doctors who performed his recent surgery on his a detached retina. Thus, Respondent should not have been at the March 23, 2023 meeting nor required to meet deadlines which required Respondent to ignore his doctor's instructions. Respondent provided documentation to Ms. Hunter confirming his inability to respond due to his detached retina and concomitant medical directives.

B. Respondent denies violating Canons 1, 2, 2A, 3B(4), 3C(1), and 3C(2) of the Code of Judicial Ethics.

Respondent's comment that Lindsay McFarlane was "cute" was not intended to be any form of harassment or invitation and was obviously not interpreted in that fashion by Ms. McFarlane, because she did not even remember it when interviewed by Commission staff.

C. Respondent does not have any recollection of ever having personally met Ms. Nguyen. Respondent confirmed with her after hearing of this allegation that she likewise had no recollection of at that time of personally meeting him. Respondent denies violating Canons 1, 2, 2A, 3B(4), 3C(1), and 3C(2) of the Code of Judicial Ethics.

D. Respondent admits to sending the email in question. Respondent denies violating Canons 1, 2, 2A, 3B(2), and 3B(11) of the Code of Judicial Ethics.

E. Respondent admits to sending photos of his injuries to Matt Garcia using first his court email and then his and Mr. Garcia's personal emails when Judge Samantha Jessner illegally cut him off from access to LA court.org.. Respondent denies violating Canons 1, 2, 2A, and 3B(4) of the Code of Judicial Ethics.

COUNT 4

A. Admit in part, deny in part. Respondent admits to having conversations with Judges Frank, Sepe-Wiesenfeld and Levanas about testifying for Dr. Jonathan Nissanoff concerning his and their personal observations. Respondent denies violating Canons 2, 2A, 2B(1), 2B(2), 3B(7), 4, and 4A of the Code of Judicial Ethics.

At the 2023 annual retreat involving all Los Angeles County judges, Respondent raised the issue of whether he was able to serve as a witness on behalf

of Dr. Nissanoff. Upon speaking with his colleagues, Respondent was advised that he could not serve as a witness. Respondent accepted the counsel given by his fellow judges and communicated to Dr. Nissanoff that he could not serve as a witness. Respondent did not testify at any proceeding on behalf of Dr. Nissanoff. Respondent engaged in an evaluation of the viability of testifying only, and sought counsel and input from his colleagues regarding same. Moreover, he accepted the directives he discovered in that evaluation without issue.

B. Admit in part. Respondent admits to meeting with Mr. N in his chambers together with Mr. N's pastor. Respondent admits to having telephone conversations with Mr. N which were wholly proper. Respondent denies violating Canons 2, 2A, 2B(1), 3B(7), 3B(1 1), 4, and 4A of the Code of Judicial Ethics.

C. Admit in part, deny in part. Respondent admits to having a conversation with Commissioner Laura Cohen but denies that that conversation was as stated by the Commission staff. Respondent denies violating Canons 2, 2A, 2B(1), 2B(2), 3B(7), 3B(9), 4, and 4A of the Code of Judicial Ethics.

COUNT 5

A. Admit in part, deny in part. Respondent admits to having made reference to a Nashville song about "liars and cheats." Respondent denies violating Canons 1, 2, 2A, 3B(4), and 3B(5) of the Code of Judicial Ethics and asserts that his conduct was appropriate and required.

B. Respondent denies violating Canons 1, 2, 2A, and 3B(4) of the Code of Judicial Ethics.

COUNT 6

Respondent admits in part and denies in part. Respondent admits that he invited Christian Bendey into his courtroom. Respondent denies violations of Canons 2A, 2B(1), 2B(2), and 4 of the Code of Judicial Ethics.

On or about the date in question, when Respondent encountered Christian Bendey, Respondent learned that Mr. Bendey needed shelter for the night. Respondent invited Mr. Bendey to his courtroom in furtherance of Respondent's commitment to public service and his human compassion. Specifically, Respondent wanted to provide Mr. Bendey with information regarding the Union Rescue Mission in downtown Los Angeles that could offer him shelter.

Respondent denies inviting Mr. Bendey into his chambers, denies directing Ms. Salcido to bring Mr. Bendey into his chambers, and denies that Mr. Bendey ever entered Respondent's chambers. Rather, Respondent encountered Mr. Bendey in the corridor of the courthouse, observed that Mr. Bendey appeared troubled, spoke with him to discern the source of his problem, and sought to help by inviting Mr. Bendey to his courtroom where Ms. Salcido could provide Mr. Bendey with information related to the Union Rescue Mission, which has facilities and beds. Ms. Salcido provided the requested information to Mr. Bendey, and Respondent had no further interactions with Mr. Bendey to the best of his recollection.

COUNT 7

Respondent repeats and incorporates by this reference his admissions, denials and allegations made in response to the allegations made against him in counts one through six.

A. (1) Respondent admits in part and denies in part. While Respondent admits that he sent the various emails referenced in this Count 7A(1), Respondent denies violations of Canons 1, 2, 2A, 3B(4), 3C(1), and 3C(2) of the Code of Judicial Ethics.

During the time encompassed by the email communications referenced between mid-March and April 2022, Respondent was prescribed dopamine

antagonist medications which were disastrous physically for a person with Parkinson's disease. The doctors who prescribed these medications are subject to a medical malpractice action Respondent has filed which has been transferred to Orange County. These medications had severe physical side effects. During the entire time Respondent was taking these medications he was on approved leave from the Court and was reporting on his progress because he had a professional obligation to do so. The emails cited, beginning on or around April 26, 2022, detail Respondent's successful attempt to regain his health and return to presiding over Department 78 of the Mosk Courthouse in the Los Angeles County Superior Court. Respondent achieved this goal on June 1, 2022 and successfully presided over Department 78 for the rest of that year except for one mandatory 10-day leave caused by Covid and his extended absence caused by his detached retina which began on December 22, 2022 and resulted in emergency surgery on December 28, 2022

(2) Respondent admits that he sent the various emails referenced in this Count 7A(2), Respondent denies violations of Canons 1, 2, 2A, 3B(4), 3C(1), and 3C(2) of the Code of Judicial Ethics.

(3) Respondent admits that he sent the various emails referenced in this Count 7A(3), Respondent denies violations of Canons 1, 2, 2A, 3B(4), 3C(1), and 3C(2) of the Code of Judicial Ethics.

B. Respondent admits that he accessed his chambers during the period between March 23, 2023 to June 5, 2023. Respondent admits that he accessed his computer and spoke to staff in order to respond to the CJP and perform all of the judicial duties for which he was responsible as a Judge in charge of Department 78, with the knowledge of both the Presiding judge, the newly elected Assistant Presiding Judge and the Supervising Judge, but denies each and every remaining

allegation and denies that he violated Canons 1, 2, 2A, 3B(4), 3C(1), and 3C(2) of the Code of Judicial Ethics.

Respondent further denies that his conduct evidences any disability that interfered with his performance of his judicial duties, temporary or otherwise. Indeed, Respondent's written work product, none of which has been referred to or apparently even reviewed by the CJP in crafting its charges, evidences on its face the contrary. Respondent is competent to resume his judicial duties. A lifelong athlete, Respondent has taken and continues to take all reasonable measures to sustain his health and remain up to date on the evolving law which he looks forward to interpreting and applying as soon as he has successfully defended these charges and placed the question of his continued service before the people of the County of Los Angeles in the upcoming election.

Dated: February 4, 2026

POSNER LAW CORPORATION

By: _____
ASHLEY D. POSNER
Attorney for HON. ROBERT S. DRAPER

Dated: February 4, 2026

ADAMCZYK LEGAL PC

By: _____
PAIGE L. ADAMCZYK
Attorney for HON. ROBERT S. DRAPER