



Dave Palmer  
The Watchdawg  
Email: [Noethics1@aol.com](mailto:Noethics1@aol.com)  
URL: [www.noethics.net](http://www.noethics.net)  
October 9, 2008

Arnold Schwarzenegger  
California Governor  
State Capitol Building  
Sacramento, CA 95814

Re: Sacramento Superior Court Judge Peter McBrien

Dear Governor Schwarzenegger:

I trust that you are aware of the egregious misconduct involving Judge McBrien. In 2001 he was originally charged with felony destruction of Sacramento County property when he had several mature trees cut down in order to improve his view of the Sacramento River. Rather than remove McBrien from the bench, the California Judicial Commission opted to give him a complimentary reprimand.

On Sept. 25, 2008, the Judicial Commission filed formal charges against McBrien for (a) denying Mr. Ulf Carlsson his due process rights to a fair trial by abandoning a trial in midstream, (b) by engaging in vindictive/biased conduct by causing Mr. Carlsson to lose his years-long job with the State of California, and (c) for engaging in unlawful ex parte communications in two separate instances.

The Commissions complaint is a scathing indictment of a judge who was in all truth never fit to sit on the bench. The litigants he has cheerfully victimized over the years in Family Court are too numerous to be documented herein. Also, the 3<sup>rd</sup> District Court of Appeals also issued a scathing ruling regarding McBrien's egregious misconduct in regards to Mr. Carlsson, a Swedish born, naturalized American citizen.

I would invite you and/or a member of your staff to review the complaint filed by the Commission and to review news articles appearing in the *Sacramento News & Review*, *Sacramento Bee* and the *Metropolitan News*. Links to these stories can be found by going to [www.google.com](http://www.google.com) and using the search word Judge Peter McBrien.

I recently discovered that the taxpayers fund liability insurance for miscreants such as Judge McBrien. This insurance allows for the employment of attorneys that apparently bill \$350 to \$500 an hour, an hourly fee I personally find to be not only exorbitant but uncalled for. This is especially true when such overpriced legal counsel is a result of taxpayer funded liability insurance.

In reviewing the Sacramento County Conflict Criminal Defender's website, which provides free legal services to indigent defendants, I discovered that the hourly fee paid by the County for outside attorneys ranges from \$60 to \$150, with the median being \$90.

The hourly rate for Sacramento County and State employed public defenders ranges from \$28.19 to \$47.39, which equates to \$67,656 and \$113,736 per annum respectively. The Sacramento County Conflict Criminal Defender's office pays outside attorneys an average of \$90 per hour.

If find it outrageous in these times of severe budgetary constraints here in California that anyone can justify the use of taxpayer funds to purchase liability insurance for judges who are ethically deprived that allows them to employ overpriced attorneys at hourly rates of \$350 to \$500 an hour.

Although I am aware that due to the separation of powers that you may not have the authority to force McBrien off the bench, there's always the bully-pulpit. The costs to the taxpayers to rid themselves of McBrien could easily exceed \$500,000, a burden that cannot any under any circumstances be justified. And this doesn't include the \$14,304 McBrien receives monthly while he awaits his just rewards.

At a minimum, I would respectfully ask that you do whatever you can to remedy this abusive waste of taxpayer money in funding overpriced defenses for judges that treat their oath of office with total contempt and disdain. If in fact someone like McBrien actually deserves a taxpayer funded defense, then it should be provided by a state and/or county employed attorney at rates of \$28 to \$47 an hour. If a government attorney is good enough for someone sitting on death row, then it ought to be good enough for someone of McBrien's ilk.

Lastly, in Dec. 2003 and Jan. 2004, I submitted proposals to you that were intended to reign in waste and abuse in the judiciary and also in regards to uncalled for travel expenses incurred by government employees. With that said, and due to the dire financial straights California is experiencing, I will, in the near future, be submitting additional recommendations to your attention addressing further ways to eliminate waste, fraud and/or abuse. It has and remains my intention to provide you with any and all relevant information to assist you in eliminating all waste and abuse in the budget regardless of its origins, a cause I trust you totally agree with.

Thanks for your time and attention and I look forward to hearing from you.

---

Dave Palmer  
The Watchdawg  
Folsom, CA 95630

