

Central California resigns, 2nd admonished for misconduct

MERCED, Calif. — A Central California judge has resigned and another has been admonished over allegations of misconduct.

Marc Garcia, the youngest and first Latino Superior Court judge in Merced County, agreed to step down this week to end an investigation into \$250,000 he received from his former defense law firm.

Garcia, who was appointed to the bench in 2007, was due the money under an agreement to leave Merced Defense Associates for the bench, but he never disclosed it to the court. Some of the money came from Merced County under a contract with his former firm to represent poor defendants.

Garcia also acknowledged that he failed to disqualify himself when his former law partners appeared in his courtroom from 2009 to 2012.

In a statement, Garcia said he had notified Gov. Jerry Brown that he was resigning as of Friday, although he has been on vacation since March, when the state commission began proceedings against him. "It is an abrupt end to my career as a judge and one that I never envisioned. However, it is the most sensible and appropriate resolution for me, my family, and the community," Garcia said in the statement.

Garcia, 46, also said he agreed that California's Commission on Judicial Performance was correct in its analysis of his actions, although he told the Merced Sun-Star (<http://bit.ly/1Fp1v28>) that the non-disclosures were mistakes and he never tried to hide the money.

"I alone am responsible for bringing unwanted and unnecessary negative attention to our judicial system," Garcia said in the statement. "As painful as the experience is for me to come to terms with that, it doesn't change the fact I accept full responsibility for my decision, and I will pay the price with my judicial career."

Garcia told the paper that he intends to stay in Merced County and practice law related to agricultural issues.

In a second case, John Fielder, a Kern County Superior Court judge for 33 years, was publicly admonished Thursday by the state commission. It was the fourth time he has been disciplined for breaches of judicial conduct since 1992.

Fielder couldn't be reached for comment after court administration hours on Friday.

The commission found that Fielder abused his authority and violated rules against allowing personal relationships to influence his conduct.

The commission said that in 2013, Fielder wrongfully intimidated a court administrator in charge of staffing over a decision to reassign the clerk of a friend, Judge Cory Woodward.

"He stated words to the effect that before they would allow court administration to move courtroom clerks around, the judges 'would get together and fire' the court executive officer," the commission said, adding that Fielder conceded that his remarks were inappropriate.

The clerk and Woodward were having sexual contact, including inside the courthouse, and court staff had complained. Woodward later acknowledged the affair, apologized and was censured by the judicial commission.

Fielder also improperly suggested a lawyer "tone down" a motion filing that referred to allegations of inappropriate behavior by Woodward, the commission said. The attorney did change the motion's language.

