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## Campaign to Recall Judge in Brock Turner Case Clears a Major Hurdle

*Nearly 95,000 signatures were submitted to local officials in support of a recall of Santa Clara County Superior Court Judge Aaron Persky*

by SARA RANDAZZO

A rare campaign to recall a California judge who drew controversy for his handling of a sexual-assault case involving a Stanford University swimmer cleared a major hurdle this week and could be headed for a June ballot.

Backers submitted nearly 95,000 signatures Thursday to local officials in support of a recall of Santa Clara County Superior Court Judge Aaron Persky, a former prosecutor who has been on the bench since 2003.

In 2016, Judge Persky sentenced former Stanford University swimmer Brock Turner to six months in jail for sexually assaulting an unconscious woman, a punishment many critics considered too lenient. Mr. Turner had faced a maximum of 14 years in prison for the assault, and prosecutors had sought a six-year sentence.

Judge Persky sued to halt the signature-gathering effort last year, citing alleged violations in how the recall was unfolding and saying California's secretary of state should be the one to oversee the process, not local officials.

Elizabeth Pipkin, an attorney for Judge Persky, said Thursday that the recall campaign doesn't comply with the California constitution. "We look forward to defending the Constitution and the independence and discretion of superior court judges in the interest of protecting the rights of all citizens," Ms. Pipkin said.

The judge switched to overseeing civil cases in August 2016 following his own request to stop hearing criminal matters, citing the distraction the Turner case was causing.

In December of that year, a California judicial disciplinary panel found no grounds to sanction Judge Persky, saying Mr. Turner's sentence wasn't an abuse of judicial discretion.

If roughly two-thirds of the collected signatures clear a verification process, a vote seeking to remove and replace the judge could occur as soon as June 5, alongside the gubernatorial primary.

Sitting judges are rarely recalled; the last successful attempt was in 1977 in Wisconsin, according to Joshua Spivak, an expert on recall elections and a senior fellow at the Hugh L. Carey Institute for Government Reform at Wagner College. In California, no judges have been recalled since 1932.

Michele Dauber, the Stanford Law School professor leading the recall effort, said the criticisms against the judge extend beyond the Brock Turner case. She pointed also to a case in which the judge sentenced a man convicted of felony child pornography to four days in jail in 2015, and to leniency showed to a college athlete in a domestic-abuse case.

“There’s a pattern of bias here,” she said.

Judge Persky has said he “always tries to be fair and follow the law without regard to public opinion,” and said California judges must consider rehabilitation and probation for first-time offenders, even if it’s not always popular.

Ms. Dauber said that more than 200 volunteers spent four months canvassing neighborhoods and going to local events to gather the signatures.

Several dozen law professors spoke out to oppose the recall effort last summer, writing in a joint letter that it “threatens the fundamental principles of judicial independence and fairness that we all embed in the education of our students.”

Mr. Turner ultimately served three months in county jail of his six-month sentence and is appealing his conviction.