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SILICON VALLEY JUDGE RETIRES AMID DISCLOSURE **SCANDAL**



Santa Clara County Court Judge and BBMP co-chair, James Towery, having dinner at the December 2016, Santa Clara County Bar Association Family Law holiday party. (Photo by Stephen James)





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By Robert J. Hansen & Susan Bassi

Santa Clara Superior Court has announced the termination of the controversial Bench-Bar-Media-Police Committee (BBMP), and that the committee's most recent chairperson, Judge James Towery, will officially retire from the bench on May 17, 2023.

The Vanguard requested access to BBMP meetings, prompting the court's response that the BBMP no longer is active.

The Santa Clara BBMP is a by-invitation, members-only, off-the-record group of attorneys, judges, media professionals and government officials that have met behind closed doors for over thirty years.

Towery attended the BBMP as guest speaker while he was president of the local bar association in 1989. He remained an active member of the BBMP, attending regularly from then on.

Two years after he was appointed to the bench, Judge Towery co-chaired the BBMP from 2014-2022.

The court did not provide information to explain why the BBMP was shuttered in 2022, shortly after the BBMP records were produced to the Vanguard.

The Vanguard first reported on the BBMP after Santa Clara County Court Judge Carol Overton disclosed the existence of the committee during a restraining order hearing between the San Jose Mercury News and a former employee, <u>Paul Gackle</u>.

The goals [of the BBMP] were to "host dinner meeting programs five times a year with topics that have a cross-appeal between the core constituencies, which are the Bench, members of the Bar Association, media and law enforcement," according to a description by Santa Clara Judge James Towery and Judge Lori Pegg.



The outcomes of certain cases in Santa Clara County point to the possibility that BBMP members have received preferential treatment, particularly prosecutors and divorce attorneys, from the courts and that judges do not make the required conflict of interest disclosures about the relationships to opposing attorneys and parties.

Yet to be determined is how many and which litigants over the years were denied due process or otherwise adversely affected by secret court-conducted BBMP "backroom" arrangements with selected "favorite" attorneys or by surreptitious select media coverage.

In 2010 Towery accepted employment with the State Bar of California. A time when the scandal related to disbarred and bankrupted Los Angeles attorney Thomas Girardi unfolded, as reported by the Los Angeles Times.

<u>According to a California Bar report on</u> Girardi, Towery was Chief Trial Counsel (CTC) for the Bar during one investigation into Girardi.

Towery reportedly recused from the Girardi investigation, but appointed an outside attorney to investigate the Girardi complaint as referred by the Ninth Circuit Federal Court of Appeal in 2010.

By all accounts, the attorney Towery appointed mishandled the referred complaint by improperly determining that no discipline should be imposed on Girardi.

"There are a series of issues that arose as a result of the attorney's work on the Girardi case," the report said.

According to a profile published by the Daily Journal, Towery fought to keep the State Bar group intact, delivering an estimated 80 speeches on the issue to bar associations around the state, spending 120 nights in hotels.

Grand Juror Karyn Sinunu-Towery is a former Santa Clara county prosecutor who unsuccessfully ran for district attorney in 2006, The Silicon Valley Voice reported.

She is married to Judge Towery, who also was employed by Hoge Fenton in 2010 during the Cedar Fair litigation

Sinunu-Towery worked with District Attorney Jeff Rosen, as she and James Towery endorsed Rosen's campaigns for election and re-election over the past decade.

Judge Towery was also DA Rosen's attorney in a 2010 action about Rosen's campaign statement, according to the Silicon Valley Voice.

Since her retirement from the District Attorney's office in 2013, Siunu-Towery has reportedly volunteered for the Northern California Innocence Project and while serving as a BBMP member at her husband's invitation.

The Vanguard has requested records that would reveal how and why the BBMP was shuttered, but the records had not been produced at the time of publication.



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BBMP JEFF ROSEN JUDGE JAMES TOWERY

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