

Judge Bailey resigning from EDC Superior Court

By Kathryn Reed

El Dorado County Superior Court is about to be down three judges.

Steve Bailey this week made it known he would be resigning effective Aug. 31. Jim Wagoner is retiring effective Sept. 1. Nelson Brooks left earlier this year.



Steve Bailey

The biggest surprise is the departure of Bailey, whose six-year term doesn't expire until 2020.

He has made it well known that he plans to run for attorney general in 2018, and has even filed the requisite paperwork. He had also filed paperwork with the state to retain his current job just in case he were to lose the AG post.

Conventional wisdom is that it is easier to win an elected position while holding one – not being out of office for a year and having resigned midterm.

Bailey has had his share of controversies since first being elected to the bench in 2008. In this time he has been working out of the South Lake Tahoe courthouse.

His in-laws are well entrenched in the state's Republican

Party, and he brought some of that political fervor to the job – a job that is not supposed to be partisan. His wife, Kathleen, is executive director of the El Dorado County Bar Association. Bailey's brother-in-law is Ron Briggs, the former county supervisor who sued the county for back pay after being termed out and who is running for recorder-clerk in 2018. His father in-law is John Briggs, the former state senator who is famous for the 1978 proposition called the Briggs Initiative that had it passed, would have meant all employees in California's education system who are gay or lesbian and their supporters would have been fired.

The family has been embroiled in the **Placerville courthouse saga**.

Bailey was the supervising judge for the **2012-13 civil grand jury**. That body had to be disbanded before a report was written; a first in county history. While he claimed it was because of lack of volunteers, the truth is jurors wanted to investigate people who Bailey and his family had ties to.

If Bailey were under investigation now for conduct involving his job, it may not be a public record. A deal could be worked out for him to step down from the bench and the matter could go away. This would allow him to campaign without another public ding on his record, but might also keep him out of the lucrative visiting judges' pool.

Don't expect to see Bailey much in the next six weeks. He has vacation time he can use.

Bailey chose not to talk to *Lake Tahoe News*.

Bailey faces stiff competition next year from current Attorney General Xavier Becerra, who was appointed to the position in December by Gov. Jerry Brown to fill the seat vacated by Kamala Harris when she was elected to the Senate.

As for the other judges:

- Brooks was first appointed to the bench by Gov. Arnold Schwarzenegger in 2009, and was elected a year later to a six-year term. He was re-elected in a bitter battle in June 2016. However, he never worked after suffering a cardiovascular event in August 2016. He was officially off the bench in March. The term expires in 2022.

- Wagoner was first elected in 2002. His term expires in 2020.

- The remaining judges are Suzanne Kingsbury, Kenneth Melikian, Vicki Ashworth, Dylan Sullivan and Curt Stracener.

It will be up to Gov. Jerry Brown to fill the vacancies. If that doesn't happen, then when the term expires it will be anyone's race. Brown's office did not respond to an inquiry from *LTN*.

For now, the court will continue to use the Assigned Judges Program through the Judicial Council. These are visiting retired judges.