

No. 25-

In the
Supreme Court of the United States



JULIUS JANISSE,

Petitioner,

v.

MARTIN LUTHER KING, JR –LOS ANGELES
(MLK-LA) HEALTHCARE CORPORATION,

Respondent.

**On Petition for a Writ of Certiorari to the California
Court of Appeal Second Appellate District, Division Four**

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a state appellate court may resolve a properly presented federal appearance-of-bias claim exclusively under state-law recusal doctrine without applying the governing Fourteenth Amendment standard articulated in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and its progeny.

2. Whether harmless-error doctrine may be used to affirm a judgment after a litigant has raised a federal structural-bias claim grounded in this Court's precedent, where adjudicative neutrality is plausibly implicated. *See Williams v. Pennsylvania*, 579 U.S. 1 (2016).

3. Whether the Fourteenth Amendment permits affirmance of a civil judgment where the jury's special verdict simultaneously affirms and negates the same legally operative predicate of liability, thereby sustaining a judgment resting on irreconcilable findings.

LIST OF PROCEEDINGS

Supreme Court of California

No. S293333

Julius Janisse, *Plaintiff and Appellant*, v. Martin Luther King Jr. – Los Angeles (MLK-LA) Healthcare Corporation, *Defendant and Respondent*.

Order Denying Review: November 25, 2025

Court of Appeal of the State of California,
Second Appellate District, Division Four

Nos. B326593, B328707

Julius Janisse, *Plaintiff and Appellant*, v. Martin Luther King Jr. – Los Angeles (MLK-LA) Healthcare Corporation, *Defendant and Respondent*.

Final Opinion: September 3, 2025

Date of Rehearing Denial: September 23, 2025

Superior Court of California, County of Los Angeles

No. 19STCV27233

Julius Janisse, *Plaintiff* v. Martin Luther King Jr. – Los Angeles (MLK-LA) Healthcare Corporation, Et Al., *Defendant*.

Special Verdict: November 16, 2022

Order Denying Motion for New Trial: January 17, 2023

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OPINIONS BELOW

The order of the California Supreme Court denying a petition for review is published at 2025 Cal. LEXIS 7849 and reproduced at App.1a.

The trial court issued its order on January 17, 2023, denying Petitioner's motion for new trial and/or motion for judgment notwithstanding the verdict. The order is not reported and is reproduced at App.42a. The Special Verdict of the trial court is reproduced at App.78a.

The California Court of Appeal, Second Appellate District, Division Four, issued its order affirming the trial court's order on September 3, 2025. The order is not published but is reported at 2025 Cal.App.Unpub. LEXIS 5528 and reproduced at App.2a.



JURISDICTION

The California Supreme Court denied a timely filed petition for review on November 25, 2025. App.1a. This Court has jurisdiction under 28 U.S.C. § 1257(a). This Petition is timely under Supreme Court Rule 13.1.



CONSTITUTIONAL PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in relevant part:

No State shall . . . deprive any person of life, liberty, or property, without due process of law.

California Labor Code § 1102.5 governs the retaliation framework submitted to the jury in this case.

California Code of Civil Procedure § 170.1 governs judicial disqualification under state law.



INTRODUCTION

The Fourteenth Amendment guarantees litigants a fair trial before a neutral adjudicator. *In re Murchison*, 349 U.S. 133, 136 (1955). This Court has repeatedly held that due process is violated not only by proof of actual bias, but where circumstances create an objectively intolerable probability of bias or undermine the appearance of impartiality. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 881, 886–87 (2009); *Williams v. Pennsylvania*, 579 U.S. 6, 14–16 (2016); *Rippo v. Baker*, 580 U.S. 285, 287 (2017).

This case presents three related constitutional questions arising from a final state-court civil judgment after Petitioner invoked this Court’s appearance-of-bias jurisprudence.

First, whether a state appellate court may resolve a properly presented federal appearance-of-bias claim exclusively under state-law recusal doctrine without applying the governing Fourteenth Amendment standard articulated in *Caperton* and its progeny.

Second, whether harmless-error doctrine may be used to affirm a judgment after a litigant has raised a federal structural-bias claim grounded in this Court's precedent, where adjudicative neutrality is plausibly implicated. *See Williams*, 579 U.S. at 14–16 (unconstitutional failure to recuse constitutes structural error).

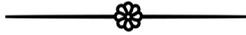
Third, whether the Fourteenth Amendment permits affirmance of a civil judgment where the jury's special verdict simultaneously affirms and negates the same legally operative predicate of liability, thereby sustaining a judgment resting on irreconcilable findings.

Petitioner invoked the Fourteenth Amendment and this Court's appearance-of-bias and structural-bias precedents in the proceedings below. The claim was grounded in record-based circumstances that included inter-judge communications during an active jury trial, trial-adjacent interactions between a judge with documented personal and professional ties to defense counsel and the defense team, and an appellate justice's simultaneous service on the Governor's Judicial Appointments Advisory Committee while trial counsel's judicial appointment was under review during the pendency of the appeal.

The court below affirmed without expressly applying the federal appearance-of-bias framework invoked by Petitioner and without determining whether the alleged neutrality defect implicated structural error under *Williams*. It also sustained a civil judgment

resting on verdict findings that both established and extinguished the same predicate element of liability.

This petition seeks clarification of the constitutional floor governing adjudicative neutrality and the due-process limits on affirming a civil judgment resting on irreconcilable findings.



STATEMENT OF THE CASE

A. Janisse’s Employment and Safety-Related Disclosures

Julius Janisse was a seventy-one-year-old surgical technician employed in the operating-room environment at Respondent Martin Luther King, Jr. – Los Angeles Healthcare Corporation (“MLK”). MLK is a privately operated hospital facility that receives state and federal funding and operates under public health regulation.

Janisse was recruited by MLK because of his extensive experience and was the most senior surgical technician at the facility. He began as a Surgical Technician I and was promoted in January 2017 to Surgical Technician II, a position requiring state certification. He received merit-based compensation increases in December 2016 and December 2017.

As a surgical technician, Janisse assisted surgeons during operative procedures. He worked alongside nursing and support staff in operating rooms but was not responsible for cleaning those rooms or sterilizing equipment between cases.

During his employment, Janisse raised repeated concerns regarding patient and employee safety. His complaints included verbal and written reports that operating rooms and surgical equipment were not being properly cleaned between procedures, as required by hospital protocols and safety standards. These concerns arose from his direct observations while on the job.

Janisse documented these safety issues internally and communicated them through established channels within the hospital. His complaints ultimately reached senior leadership, including executive management and members of the hospital's medical leadership.

Following these disclosures, Janisse's employment was terminated. He thereafter filed suit alleging retaliation for protected safety-related disclosures, including a claim under California Labor Code § 1102.5.

B. Proceedings Before Judge Fujie (August–September 2022)

While the Janisse matter was in trial proceedings before Judge Kristin K. Escalante, counsel appeared in a separate matter before Judge Holly J. Fujie.

On August 26, 2022, during that separate proceeding, counsel informed Judge Fujie on the record that she was currently in trial before Judge Escalante in the Janisse matter. The minute orders in the Janisse case reflected that trial proceedings were in progress. Judge Fujie stated on the record that she intended to contact Judge Escalante regarding counsel's trial status. App.133a.

On September 2, 2022, counsel again appeared before Judge Fujie. During that hearing, Judge Fujie

stated on the record that she had spoken with Judge Escalante and that Judge Escalante had denied that counsel was in trial at that time. These statements were made in open court and appear in the certified reporter's transcripts of the August 26 and September 2 proceedings. App.139a.

C. Trial-Adjacent Conduct of Judge Rupert Byrdsong During the Janisse Jury Trial

During the pendency of the Janisse jury trial, another Los Angeles Superior Court judge, Rupert Byrdsong—whose courtroom was located in close proximity to Judge Escalante's courtroom—had a documented prior personal and professional relationship with defense counsel. Publicly available materials and court records confirmed the relationship and that Byrdsong had previously recused himself in matters involving the same counsel. App.146a, 148a.

During active jury proceedings, Judge Byrdsong was observed interacting with defense counsel Roberts in the courthouse hallway in temporal proximity to ongoing trial sessions. On one occasion, he directed remarks toward Petitioner's counsel while the jury trial was in progress. Judge Byrdsong was not assigned to the Janisse case and had no formal adjudicative role in it.

These were not isolated social interactions; they occurred during active jury proceedings and involved a judge with documented prior ties to trial counsel in temporal proximity to adjudication. Petitioner did not contend that any single hallway interaction established actual bias. Rather, he argued on appeal that these circumstances—considered cumulatively and together with the undisputed inter-judge communication reflected

in the record—contributed to an objectively intolerable probability of bias under the Fourteenth Amendment as articulated in *Caperton* and its progeny.

D. Proceedings Before Judge Escalante (September 29, 2022)

The Janisse matter proceeded before Judge Kristin K. Escalante in the Los Angeles County Superior Court. As reflected in the minute orders, trial proceedings were underway during late August and September 2022.

On September 29, 2022, during proceedings in Janisse, counsel placed on the record that she had appeared before Judge Fujie in a separate matter and identified the case number of that proceeding. The transcript reflects that the trial court did not address on the record whether any prior communication with Judge Fujie had occurred. App.80a.

Janisse later sought to present a corrected reporter’s transcript of the September 29, 2022 proceedings to the Court of Appeal in connection with a motion to augment the appellate record. The Court of Appeal denied record augmentation. App.40a.

E. Judicial Appointments Advisory Committee Overlap

While the Janisse appeal was pending before Division Four of the California Court of Appeal, Justice Helen Zukin served as a member of the Governor’s Judicial Appointments Advisory Committee (JAAC).

Public JAAC rosters confirm Justice Zukin’s membership. App.99a, 103a, 107a, 108a, 119a, 120a,

124a. The roster also confirms Audra Mori, a justice of the same Division Four, as well as judge Holly Fujie’s membership. App.99a, 103a, 107a, 108a, 119a, 120a, 125a.

On January 3, 2025, JAAC member Angela Machala emailed confirming that the Committee was “actively reviewing Terrence Jones’s appointment to the Superior Court.” App.119a, 125a, 131a.

Terrence Jones was Petitioner’s trial co-counsel in Janisse.

Shortly thereafter, Governor Newsom publicly announced Jones’s appointment to the Los Angeles Superior Court. App.110a, 117a.

Thus, during the pendency of the appeal there was an appellate justice deciding the case, who served on the advisory body reviewing trial counsel while the appeal involving that counsel remained pending.

F. Personal and Institutional Relationships on the Appellate Panel

Justice Audrey Collins, also on the appellate panel, maintained a publicly documented professional association with Judge Rupert Byrdsong through shared judicial and bar association activities. App.85a. Public posts reflected Byrdsong celebrating Collins in connection with judicial appointments and professional events. App.129a-130a.

Petitioner argued that, when viewed cumulatively with Byrdsong’s trial-adjacent conduct and Justice Zukin’s simultaneous JAAC role, these relationships contributed to an objectively problematic appearance of adjudicative entanglement.

Petitioner moved for recusal of the appellate panel based on these cumulative circumstances.

The Court of Appeal denied recusal and affirmed the judgment. App.78a.

G. Jury Verdict and Post-Trial Motions

California's whistleblower statute protects employees who report unsafe conditions threatening public health. *Lawson v. PPG Architectural Finishes, Inc.*, 12 Cal.5th 703 (2022). The case was submitted to the jury on a special verdict form addressing Janisse's retaliation claim under California Labor Code § 1102.5.

The jury found that Janisse made safety-related disclosures. The jury also found that Janisse engaged in "no protected activity." App.75a.

Following the verdict, Janisse moved for a new trial and for judgment notwithstanding the verdict. He argued that the special verdict contained irreconcilable findings on an essential element of liability and that entry of judgment on such findings deprived him of a coherent and rational adjudication.

The trial court denied the motion for new trial and the motion for judgment notwithstanding the verdict and entered judgment in favor of MLK expressly. App.42a and 75a.

H. Proceedings in the California Court of Appeal

Janisse appealed to the California Court of Appeal, Second Appellate District, Division Four.

On appeal, Janisse raised federal due-process concerns regarding adjudicative neutrality. He argued

that the cumulative circumstances reflected in the record—including Judge Fujie’s on-the-record statements acknowledging communication with the trial judge concerning the case—created an objectively intolerable risk of bias under the Fourteenth Amendment.

Janisse also sought to augment the appellate record with transcript excerpts and moved for recusal of the appellate panel. The Court of Appeal denied record augmentation and denied recusal. App.40a and 78a.

With respect to adjudicative neutrality, the Court of Appeal evaluated the claim under California recusal doctrine and affirmed the judgment. The opinion does not apply the federal appearance-of-bias standard articulated in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

Janisse also argued that the jury’s special verdict contained irreconcilable findings concerning an essential element of liability. The Court of Appeal affirmed under state-law harmless-error principles.

I. Review in the Supreme Court of California

Janisse sought rehearing in the Court of Appeal, reiterating his federal due-process arguments concerning adjudicative neutrality and verdict integrity. Rehearing was denied. App.78a.

Janisse then filed a Petition for Review in the Supreme Court of California. In that petition, he again invoked the Fourteenth Amendment and cited this Court’s appearance-of-bias precedents, including *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and *In re Murchison*, 349 U.S. 133 (1955). He argued that the Court of Appeal had resolved a federal structural-bias claim without applying the governing

constitutional standard and had affirmed a civil judgment resting on irreconcilable special-verdict findings.

The Supreme Court of California denied review on November 25, 2025. App.1a.

This petition for a writ of certiorari followed.



REASONS FOR GRANTING THE PETITION

This petition presents three closely related Fourteenth Amendment questions concerning the structural integrity of civil adjudication in state courts.

First, whether a state appellate court may resolve a properly presented federal appearance-of-bias claim exclusively under state-law recusal doctrine without applying the governing constitutional standard articulated in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and its progeny.

Second, whether harmless-error doctrine may be used to affirm a judgment after a litigant has raised a federal structural-bias claim grounded in this Court's precedent, where adjudicative neutrality is plausibly implicated. *See Williams v. Pennsylvania*, 579 U.S. 1 (2016).

Third, whether due process permits affirmance of a civil judgment where the jury's special verdict simultaneously affirms and negates the same legally operative predicate of liability, thereby sustaining a judgment resting on irreconcilable findings.

Each question implicates structural constitutional safeguards. Each was preserved below. And each presents an unresolved or insufficiently clarified boundary in this Court’s jurisprudence.

I. The Decision Below Resolves a Federal Appearance-of-Bias Claim Without Applying the Governing Constitutional Standard

This Court has made clear that due process is violated not only by proof of actual bias, but where circumstances create “an unconstitutional potential for bias” or an “objectively intolerable probability of bias.” *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 881, 886–87 (2009); *Rippo v. Baker*, 580 U.S. 285, 287 (2017); *Williams v. Pennsylvania*, 579 U.S. 1, 13–16 (2016); *In re Murchison*, 349 U.S. 133, 136 (1955).

The inquiry is objective. The constitutional question is whether, under the circumstances alleged, “the average judge in his position is likely to be neutral,” *Caperton*, 556 U.S. at 881, and whether the circumstances present an unconstitutional potential for bias under the Due Process Clause. *Rippo*, 580 U.S. at 287.

The inquiry considers all circumstances cumulatively. *Id.* at 887.

Here, the record presented on-record inter-judge communications during trial, trial-adjacent judicial interactions, simultaneous appellate adjudication and judicial appointment review of trial counsel, including contemporaneous service by a member of the appellate panel on a judicial appointment advisory body reviewing trial counsel during the pendency of the appeal, and personal and institutional overlap bearing on matters under review.

Janisse invoked this Court's appearance-of-bias jurisprudence in the California Court of Appeal and again in the Supreme Court of California. The claim was framed as a federal Fourteenth Amendment challenge grounded in cumulative circumstances bearing on adjudicative bias.

The Court of Appeal affirmed the judgment under California's discretionary recusal doctrine and harmless-error principles. The opinion does not apply the objective constitutional standard articulated in *Caperton* and its progeny.

This petition therefore presents a defined federal question: when a litigant invokes this Court's appearance-of-bias precedent, must the reviewing court evaluate the claim under the governing constitutional framework, or may it resolve the issue exclusively through state recusal doctrine?

Clarification is warranted to ensure uniform application of the Fourteenth Amendment's appearance-of-bias standard once it has been invoked.

II. The Decision Applies Harmless-Error Doctrine After a Federal Structural-Bias Claim Was Raised

This Court has held that an unconstitutional failure to recuse constitutes structural error. *Williams*, 579 U.S. at 8–10, 14–16. (unconstitutional failure to recuse constitutes structural error even if the judge in question did not cast a deciding vote.); *Murchison*, 349 U.S. at 136. Structural defects concern the integrity of the tribunal itself.

Where adjudicative bias is plausibly implicated under *Caperton* and *Williams*, the constitutional

concern is not merely the correctness of a particular ruling, but the legitimacy of the adjudicative process.

Here, the Court of Appeal affirmed without determining whether the alleged appearance-of-bias defect implicated structural error under *Williams*. Instead, it sustained the judgment under harmless-error principles.

The petition thus presents a related question: whether harmless-error doctrine may be used to affirm a judgment after a federal structural-bias claim has been raised and plausibly implicates adjudicative neutrality.

This Court has not squarely clarified the sequencing and interaction between federal structural-bias claims and harmless-error affirmance in state courts. Guidance would promote consistency in the application of *Williams* and related precedent.

III. The Judgment Upholds Irreconcilable Special Verdict Findings on the Same Legally Operative Predicate of Liability

The petition also presents an independent due-process question concerning verdict integrity.

The jury returned a special verdict finding that Janisse made safety-related disclosures. The jury simultaneously found that he engaged in “no protected activity.”

Under the framework submitted to the jury, safety-related disclosures constituted the legally operative predicate for protected activity. The findings therefore both establish and negate the same predicate of liability.

This Court has required reconciliation of special verdict answers where reasonably possible. *Atlantic & Gulf Stevedores, Inc. v. Ellerman Lines, Ltd.*, 369 U.S. 355, 364 (1962); *Gallick v. Baltimore & Ohio R.R.*, 372 U.S. 108, 119 (1963).

But this Court has not addressed whether the Fourteenth Amendment permits affirmance of a civil judgment where the jury's special verdict simultaneously affirms and negates the same legally operative predicate of liability, thereby sustaining a judgment resting on irreconcilable findings.

The Court of Appeal affirmed under state harmless-error principles without resolving whether due process permits affirmance of a civil judgment resting on such internally contradictory findings.

The question presented is narrow and constitutional in dimension: whether the Fourteenth Amendment permits affirmance of a civil judgment where the jury's findings both establish and extinguish the same operative liability predicate.

Clarification would provide guidance concerning the constitutional limits on harmless-error affirmance in civil cases involving special verdict forms.

IV. The Case Is an Appropriate Vehicle for Review

The federal appearance-of-bias and structural error issue were raised in the Court of Appeal and in the petition for review to the Supreme Court of California. The verdict-integrity issue was likewise preserved.

The record is complete. The constitutional questions are cleanly presented. The Supreme Court of California denied discretionary review.

Although the Court of Appeal referenced state-law forfeiture principles in portions of its opinion, it proceeded to address the neutrality and verdict issues on the merits. The federal constitutional questions were therefore presented to the state court, and this Court's jurisdiction is secure under 28 U.S.C. § 1257(a).

There are no jurisdictional obstacles to this Court's consideration.

This case presents a defined and preserved opportunity to clarify the interaction among federal appearance-of-bias standards under *Caperton* and *Rippo*, structural error principles under *Williams*, and the due-process limits on affirming civil judgments resting on irreconcilable verdict findings.

For these reasons, the petition warrants review.



ARGUMENT

- I. The Court of Appeal Resolved a Federal Appearance-of-Bias Claim Without Expressly Applying the Governing Constitutional Standard**
 - A. The Fourteenth Amendment Requires Application of an Objective Appearance-of-Bias Standard**

The Due Process Clause guarantees “a fair trial in a fair tribunal.” *In re Murchison*, 349 U.S. 133, 136 (1955). This Court has consistently held that due

process is violated not only by proof of actual bias, but where circumstances create an objectively intolerable risk of bias or undermine the appearance of impartiality. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 881, 886–87 (2009); *Williams v. Pennsylvania*, 579 U.S. 6, 13–16 (2016); *Rippo v. Baker*, 580 U.S. 285, 287 (2017).

The constitutional inquiry is objective. The question is whether, under the circumstances alleged, the average judge in his position is likely to be neutral,” *Caperton*, 556 U.S. at 881, or whether the circumstances present an unconstitutional potential for bias under the Due Process Clause. *Rippo*, 580 U.S. at 287.

State recusal statutes may coexist with this federal guarantee. But once a litigant fairly presents a federal appearance-of-bias claim grounded in this Court’s precedent, the reviewing court must evaluate that claim under the Fourteenth Amendment standard articulated in *Caperton* and its progeny. State-law recusal doctrine cannot substitute for the constitutional inquiry where the federal claim has been invoked.

B. Janisse Presented a Federal Structural-Bias Claim Based on Cumulative Circumstances

Janisse’s appearance-of-bias claim was not predicated on a single event. It was grounded in multiple undisputed circumstances raised below that, taken together, bore on the objective appearance of adjudicative impartiality.

Those circumstances included on-the-record judicial statements acknowledging inter-judge communication concerning the Janisse trial; the absence of disclosure of that communication during trial proceedings; cumulative procedural rulings affecting counsel’s ability

to present the case; broader circumstances raised in connection with record augmentation and recusal; and circumstances casting doubts about the appearance of neutrality.

Those circumstances included: (1) Judge Fujie’s on-the-record statements that she contacted and spoke with the trial judge during the pendency of trial; (2) trial-adjacent interactions during the jury proceedings between Judge Byrdsong—who had documented personal and professional ties to defense counsel—and the defense team; (3) the appellate panel’s contemporaneous institutional entanglement with the Governor’s judicial appointment process through JAAC service while trial co-counsel’s appointment was under active review; and (4) publicly documented professional associations bearing on the issues presented for review. (See Statement of the Case, Parts B–F.)

Janisse expressly invoked *Caperton*¹ and the Fourteenth Amendment in the Court of Appeal and in his petition for review in the Supreme Court of California. The claim was framed as a federal due-process challenge to adjudicative bias.

The Court of Appeal resolved the issue under California’s discretionary recusal framework and affirmed without expressly applying the objective federal standard articulated in *Caperton* and *Rippo*. Janisse alleged

¹ Janisse cited *Caperton, supra*, 556 U.S. 868, in the Court of Appeal and in his Petition for Review in the Supreme Court of California. *Caperton* in turn, relies on and incorporates this Court’s broader appearance-of-bias jurisprudence, including *Murchison, supra*, 349 U.S. 133. Janisse’s filings consistently framed the issue as a Fourteenth Amendment structural-bias claim, thereby fairly presenting the federal question to the state courts.

that the circumstances created an objectively intolerable risk or probability of bias.

This petition therefore presents a defined constitutional question: whether a state appellate court may resolve a properly presented federal appearance-of-bias claim exclusively through state-law recusal doctrine without applying the governing Fourteenth Amendment standard.

C. An Unconstitutional Failure to Recuse Constitutes Structural Error

This Court has held that an unconstitutional failure to recuse is structural error. *Williams v. Pennsylvania*, 579 U.S. 6, 13–16 (2016). Structural errors are those that affect the framework within which the proceeding occurs and compromise the integrity of the adjudicative process itself. *Id.*

The constitutional concern addressed in *Caperton* and *Williams* is not limited to proof of actual bias. It extends to circumstances that create an objectively intolerable risk of bias. *Caperton*, 556 U.S. at 883–84. When such a risk is present, the defect concerns the neutrality of the tribunal — a prerequisite to lawful adjudication — and not merely the correctness of individual rulings.

In *Williams*, this Court did not apply harmless-error review to the unconstitutional failure to recuse. 579 U.S. at 14–16. Instead, it treated adjudicative impartiality as foundational to the legitimacy of the proceeding. The absence of a neutral adjudicator cannot be cured by post hoc speculation about the outcome.

Here, the Court of Appeal affirmed without determining whether the cumulative circumstances alleged

created an objectively intolerable probability of bias under the Fourteenth Amendment. Instead, it resolved the issue under state recusal doctrine and harmless-error principles.

The question presented is therefore not whether California's recusal statute was correctly applied. It is whether harmless-error review may sustain a judgment after a federal structural-bias claim has been properly presented under *Caperton* and *Williams*.

Where a litigant fairly presents a federal structural-bias claim grounded in this Court's precedent, the reviewing court must evaluate the claim under the Fourteenth Amendment standard articulated in *Caperton* and *Williams*. Harmless-error doctrine cannot substitute for that constitutional inquiry.

D. Application of State Recusal Doctrine Alone Does Not Discharge the Federal Constitutional Inquiry

State recusal frameworks vary. Some are narrower than the federal appearance-of-bias standard articulated in *Caperton*. If state courts may resolve federal structural-bias claims solely under local recusal doctrines—without engaging the constitutional inquiry—then the federal guarantee becomes contingent upon state procedural design.

This Court has emphasized that the Due Process Clause establishes a constitutional floor for adjudicative neutrality. *Murchison*, 349 U.S. at 136; *Caperton*, 556 U.S. at 883–84. When a federal appearance-of-bias claim has been fairly presented but is resolved solely under state recusal doctrine, the uniformity of that constitutional protection is compromised.

This Court intervened in *Rippo* to correct precisely such an analytical substitution. 580 U.S. at 287. The concern here is similar: whether the reviewing court evaluated the claim under the correct constitutional standard. This Court in *Rippo* clarified that when a litigant raises a federal due-process claim alleging an unconstitutional risk of bias, the reviewing court must ask whether, under the alleged facts, “the average judge in his position is likely to be neutral.” or whether there is an unconstitutional potential for bias. 580 U.S. at 287.

The concern addressed in *Rippo* was not the correctness of state recusal doctrine. It was the failure to apply the federal constitutional standard once the claim had been raised.

The decision below resolved Janisse’s appearance-of-bias claim solely under California’s discretionary recusal framework and harmless-error principles. It did not expressly analyze whether the alleged cumulative circumstances created an objectively intolerable probability of bias under the Fourteenth Amendment.

This petition therefore presents a focused doctrinal question: whether state courts may dispose of a properly presented federal appearance-of-bias claim without applying the governing constitutional standard articulated in *Caperton*, *Williams*, and *Rippo*.

The question is institutionally significant. Appearance-of-bias claims often arise not from explicit admissions of bias, but from cumulative circumstances bearing on the objective integrity of adjudication. Clarification from this Court is necessary to ensure that federal structural-neutrality principles retain independent force and are not subsumed within discretionary state-law analysis.

II. The Judgment Upholds Irreconcilable Special Verdict Findings on a Legally Operative Predicate of Liability

A. Due Process Requires Coherent Adjudication of the Elements That Govern Liability

The Fourteenth Amendment protects against arbitrary deprivation of property through civil adjudication. *Honda Motor Co. v. Oberg*, 512 U.S. 415, 430–32 (1994); *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428–33 (1982). At minimum, due process requires that a civil judgment rest upon coherent and rational factfinding as to the elements that govern liability.

This Court has required courts to reconcile special verdict findings where reasonably possible. *Atlantic & Gulf Stevedores, Inc. v. Ellerman Lines, Ltd.*, 369 U.S. 355, 364 (1962); *Gallick v. Baltimore & Ohio R.R.*, 372 U.S. 108, 119 (1963). Those decisions recognize that courts must attempt to harmonize verdict answers before entering judgment.

But neither *Atlantic & Gulf* nor *Gallick* addressed whether the Fourteenth Amendment permits affirmance of a civil judgment when reconciliation would require disregarding findings that cannot logically coexist on the same legally operative predicate of liability.

That is the constitutional question presented here.

B. The Special Verdict Contained Irreconcilable Findings on the Predicate for Protected Activity

California’s whistleblower statute protects employees who report unsafe conditions threatening public health. *Lawson v. PPG Architectural Finishes, Inc.*, 12 Cal.5th 703 (2022); *see also* the protections for

healthcare whistleblowers codified at California Labor Code section 1102.5.

The jury found that Janisse made safety-related disclosures.

The jury also found that Janisse engaged in “no protected activity.”

Under the framework submitted to the jury, safety-related disclosures were the conduct that constituted protected activity. The verdict therefore simultaneously affirmed and negated the same legally operative predicate required to proceed under the statutory scheme.

This is not a peripheral inconsistency. It concerns the threshold conduct that triggers the liability framework itself. It goes to the element that triggers liability and governs the allocation of burdens under the statute as explained in *Lawson v. PPG Architectural Finishes, Inc.*, 12 Cal.5th 703 (2022). The finding that safety disclosures occurred establishes the factual basis for protected activity; the simultaneous negation of protected activity eliminates it.

Where a verdict both affirms and negates the same legally operative predicate, the resulting judgment raises a serious constitutional concern regarding whether the adjudication reflects coherent and rational factfinding as required by the Fourteenth Amendment.

C. The Constitutional Question Is Whether Harmless-Error Review May Sustain Such a Judgment

The Court of Appeal affirmed the judgment under state harmless-error principles without resolving whether the Fourteenth Amendment permits affirmance

of a civil judgment resting on irreconcilable findings that both establish and negate the same legally operative predicate of liability.

The question presented is narrow and defined:

Whether harmless-error doctrine may constitutionally sustain a civil judgment when the jury's special verdict simultaneously affirms and negates the same legally operative predicate of liability.

This Court has not addressed the due-process limits on harmless-error affirmance in that circumstance.

D. The Question Warrants Clarification as the Issue Has Broader Institutional Significance

Special verdict forms are widely used in civil litigation to separate liability elements into discrete findings. Where special verdict answers cannot logically coexist on a legally operative predicate, the reliability of the resulting judgment is called into question.

The petition does not ask this Court to supervise routine inconsistency disputes. It asks whether the Fourteenth Amendment permits affirmance of a civil judgment where the jury's findings simultaneously establish and negate the same predicate required to trigger the liability framework.

That constitutional boundary has not been squarely addressed by this Court.

III. This Case Satisfies Supreme Court Rule 10

Supreme Court Rule 10(c) provides that certiorari is warranted where a state court has decided an important federal question in a manner inconsistent

with this Court's precedents or where an unsettled constitutional boundary warrants clarification.

This case presents both circumstances.

The federal appearance-of-bias issue was expressly raised in the Court of Appeal and in the petition for review in the Supreme Court of California. The structural-error question likewise was preserved. The verdict-integrity issue was raised in post-trial motions and on appeal. The record is complete, and the Supreme Court of California denied discretionary review.

The adjudicative-bias and structural-error issues turn on certified transcripts and procedural rulings reflected in the record. The verdict issue turns on the face of the special verdict form. Neither question depends on disputed factual development or further state-court proceedings.

This case therefore provides a clean vehicle for review.



CONCLUSION

The Fourteenth Amendment guarantees litigants a fair trial before a neutral adjudicator and a judgment grounded in coherent and rational factfinding. Janisse presented federal due-process claims implicating adjudicative bias, structural error, and verdict integrity. The Court of Appeal resolved those claims without applying the governing constitutional standards articulated in *Caperton* and its progeny.

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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