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Attorneys for

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING A JUDGE  
NO. 114

ANSWER TO NOTICE OF FORMAL  
PROCEEDINGS

TO THE COMMISSION ON JUDICIAL PERFORMANCE:

Respondent Judge GLENDA KRAFT DOAN does hereby answer the  
NOTICE OF FORMAL PROCEEDINGS service of which was acknowledged on her  
behalf on February 7, 1994, as follows:

**COUNT ONE**

Respondent denies that she conducted herself improperly in the matter of  
*People v. Meneses* No. H0503652 as alleged in the Notice of Formal Proceedings. All  
of Respondent's inquiries preceding the hearing over which she presided concerning  
Miguel Meneses were authorized by Penal Code, section 1269c. Respondent's prior  
business dealings with Meneses were legal, arm's length, unrelated transactions  
made in the normal course of Respondent's personal life and did not and would not  
affect her judgment. Respondent's statement to Meneses that he should not speak  
to anyone without consulting legal counsel was one that she ordinarily made to  
unrepresented defendants pursuant to her obligation to preserve the defendant's right

1 to a fair trial and to reduce the possibility that error will be found in the proceeding  
2 due to violations of defendant's right to counsel. Respondent's statements to the  
3 Corcoran Police regarding the possibility she may have to recuse herself were based  
4 upon her concern that Meneses' wife had sought her assistance locating Meneses.  
5 Subsequent research satisfied Respondent before presiding over Meneses' bail review  
6 that any knowledge she gained from Meneses or his wife would not constitute  
7 "personal knowledge of disputed evidentiary facts" for the purpose of the bail review  
8 hearing, particularly in light of the provisions of Penal Code, section 1269c.  
9 Respondent received no more information from Meneses and/or his wife than she did  
10 from the Corcoran Police Department in the Declaration of Probable Cause.  
11 Respondent's inquiries of the Corcoran Police Department as to the validity of the  
12 charges and their opinion as to "O.R." release were authorized by Penal Code, section  
13 1269c and common judicial practice.

14 Respondent's relationship with the defendant was no different from her  
15 relationship with the Corcoran Police Department. She inquired of both concerning  
16 the propriety of an O.R. release. She was discharging her duty as a magistrate in  
17 determining whether or not a particular O.R. release was warranted. She accurately  
18 stated that Officer Ray Garcia did not express opposition to an O.R. release.

19 Wherefore, Respondent denies the allegation that her conduct as alleged in  
20 Count One of the Notice of Formal Proceedings constituted wilful misconduct in office,  
21 persistent failure or inability to perform judicial duties, and conduct prejudicial to the  
22 administration of justice that brings the judicial office into disrepute within the  
23 meaning of California Constitution, Article VI, section 18, subdivision (c).

## 24 COUNT TWO

25 Respondent denies that she has engaged in a continuing pattern of failure to  
26 report income or loans on her Statement of Economic Interests (Form 721), that are  
27 legally required to be filed annually with the Fair Political Practices Commission.  
28 Respondent used all reasonable diligence in preparing the statement and that, to the

1 best of her knowledge, at the time it was completed the form contained true and  
2 complete information.

3 Respondent maintains that the personal loan from Russ Williams was a friendly  
4 "handshake" loan. At the time, her husband was involved in a failing business and  
5 the family debt was extensive. She maintained no paperwork concerning that Russ  
6 Williams loan. Her omission of that loan on her Statement of Economic Interests was  
7 inadvertent.

8 At the time she completed Form 721, Respondent understood from her husband  
9 that the Hugh Osborne loan was merely a promissory note to pay for accountancy  
10 services rendered. As such, it would not qualify as an item to be included within the  
11 Statement of Economic Interests.

12 Wherefore, Respondent denies the allegation that her conduct as alleged in  
13 Count Two of the Notice of Formal Proceedings constituted wilful misconduct in office,  
14 persistent failure or inability to perform judicial duties, and conduct prejudicial to the  
15 administration of justice that brings the judicial office into disrepute within the  
16 meaning of California Constitution, Article VI, section 18, subdivision (c).

17 **COUNT THREE**

18 Respondent denies that she improperly exploited her judicial position by  
19 engaging in financial dealings with court staff or that she involved herself, by  
20 obtaining loans or unpaid services, in continuing business relationships with  
21 individuals who appear before the court on which she sits.

22 Respondent maintains that the status of Helen Cabell as a court employee is  
23 irrelevant to any loans made between them. These loans were made pursuant to their  
24 personal relationship and Helen Cabell had no reason to believe and did not believe  
25 that by making such loans she would be in a position of judicial favor, nor did she  
26 have reason to believe or believe that by refusing any loan request she would be in a  
27 position of judicial disfavor. The previous admonition in this regard was made in  
28 1990 when Respondent presided over a Justice Court and Helen Cabell was therefore

1 subject to Respondent's direction and control. In July, 1992, the Justice Court over  
2 which Respondent presides was merged into the Kings County Consolidated Municipal  
3 Court and Helen Cabell was no longer subject to Respondent's direction and control.  
4 Thus, the admonition previously received had no validity on August 10, 1993.

5 Respondent maintains that she does not engage in continuing business  
6 relationships with Hugh Osborne, Morris Proctor, or Russ Williams. Each of those  
7 instances were limited to single transactions, except for Hugh Osborne who was her  
8 husband's business accountant. Respondent does not read Canon 4 D to prohibit  
9 her, in a small community, from dealing in arm's length transactions with persons and  
10 businesses who are likely to come before the court upon which she sits. If this were  
11 the actual requirement of Canon 4 D, either Respondent would have to transact all  
12 of her business in a community other than the one in which she is elected, causing her  
13 potential political difficulties, or those businesses with whom she transacts her  
14 personal affairs would be precluded from availing themselves of her court.

15 Respondent maintains that at the time she received the services from Miguel  
16 Meneses that were ultimately unpaid, she had no idea that he would ever come before  
17 her court. She understood at the time that those services were being rendered in the  
18 ordinary course of Meneses' business. She had no other relationship with Meneses.

19 Wherefore, Respondent denies the allegation that her conduct as alleged in  
20 Count Three of the Notice of Formal Proceedings constituted wilful misconduct in  
21 office, persistent failure or inability to perform judicial duties, and conduct prejudicial  
22 to the administration of justice that brings the judicial office into disrepute within the  
23 meaning of California Constitution, Article VI, section 18, subdivision (c).

#### 24 COUNT FOUR

25 Respondent denies that she made any false statement in a declaration filed  
26 under penalty of perjury in a bankruptcy matter before the federal court. Respondent  
27 maintains that the Commission on Judicial Performance has misread 18 U.S.C. § 152  
28 as requiring a complete list of creditors. That section only requires a complete list of

1 assets of the bankruptcy debtor. Respondent maintains that the bankruptcy petition  
2 and all attachments thereto were true and correct to the best of her knowledge,  
3 information, and belief. Respondent further maintains that the Commission on  
4 Judicial Performance misunderstands the nature of the "Creditor Matrix" she  
5 appended to her bankruptcy petition. That document only required that all of the  
6 creditors listed in the bankruptcy petition and attachments were included in the  
7 "Creditor Matrix," not that she list all creditors in the bankruptcy documents.

8 Respondent maintains that she did nothing improper in omitting certain  
9 creditors from her bankruptcy proceeding, that this is a standard and acceptable  
10 practice for creditors whose debts the bankruptcy debtor does not wish to discharge,  
11 and that the Commission on Judicial Performance's allegations are based upon an  
12 inadequate understanding of the United States Bankruptcy Code and Rules.

13 Wherefore, Respondent denies the allegation that her conduct as alleged in  
14 Count Four of the Notice of Formal Proceedings constituted wilful misconduct in  
15 office, persistent failure or inability to perform judicial duties, and conduct prejudicial  
16 to the administration of justice that brings the judicial office into disrepute within the  
17 meaning of California Constitution, Article VI, section 18, subdivision (c).

#### 18 COUNT FIVE

19 Respondent denies that during her tenure as municipal court judge she  
20 persistently failed to diligently perform judicial duties assigned in that she is  
21 habitually late for court.

22 Respondent maintains that the allegations contained in Count Five of the  
23 Notice of Formal Proceedings relate to the times she actually took the bench and fail  
24 to account for much time spent in chambers with counsel endeavoring to resolve  
25 matters before the court. Respondent maintains that the backlog of cases before her  
26 court necessitate this "in chambers" time and that such time is well spent performing  
27 her judicial functions.


28 Respondent further maintains that on a number of occasions cited in Count

1 Five of the Notice of Formal Proceedings, Respondent was not the judge presiding over  
2 the court calendar. Respondent further maintains that many occasions of late  
3 starting of court are occasioned by late arrival of attorneys, parties, and custodial  
4 officers.

5 Wherefore, Respondent denies the allegation that her conduct as alleged in  
6 Count Five of the Notice of Formal Proceedings constituted wilful misconduct in office,  
7 persistent failure or inability to perform judicial duties, and conduct prejudicial to the  
8 administration of justice that brings the judicial office into disrepute within the  
9 meaning of California Constitution, Article VI, section 18, subdivision (c).

10 DATED: 3/7/94

BEHRENS, SNYDER, & ROMAINE

11  
12 by:   
13 WILLIAM A. ROMAINE,  
Attorneys for Respondent.

14 VERIFICATION

15 I, GLENDA KRAFT DOAN, do hereby certify that I am the Respondent  
16 in the above-entitled matter. I have read the foregoing, understand its contents, and  
17 hereby declare under penalty of perjury that they are true and correct of my own  
18 knowledge, except as to matters asserted upon information and belief and, as to those  
19 matters, I believe them to be true. Executed at Hanford, California on:

20 DATE: 3-7-94

  
21 GLENDA KRAFT DOAN

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