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STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE
BEFORE ITS PRESIDING SPECIAL MASTER
THE HONORABLE RODNEY DAVIS

_____) ANSWER TO AMENDED
INQUIRY CONCERNING A JUDGE) NOTICE OF FORMAL
No. 109) PROCEEDINGS (Rule 911
_____) California Rules of
Court)

COMES NOW the Respondent and answers the Amended Notice of Formal Proceedings as follows:

COUNT ONE

Denies each and every allegation set forth therein, but admits and alleges as follows:

(a) Between July 25, 1988 and approximately January 1991, made several comments regarding Michel Wisemer's buttocks, including the comment, "That dress shows off your behind" or words to that effect.

(b) On or about the calendar year 1991, made comments to Jennifer Morris, in the presence of others, concerning the fact that Morris' black brassiere strap was showing.

COUNT TWO

Denies each and every allegation set forth therein.

COUNT THREE

Denies each and every allegation set forth therein, but admits and alleges as follows:

(b) In late May 1992, upon discovering an odor in Respondent's lavatory, Respondent made the comment, directed at

1 two bailiffs, "Gentlemen, someone has died in my bathroom," or
2 words to that effect. Michel Wisemer stated she had used the
3 bathroom, whereupon Respondent, in an attempt to alleviate
4 Wisemer's obvious embarrassment, attempted to direct the blame
5 away from Wisemer, by making the comment, "No, it must have
6 been a 40-year-old man," or words to that effect.

7 (c) It was Ramona Woodson herself who stated she had
8 PMS and was feeling bitchy, or words to that effect.
9 Respondent made no such statement.

10 (d) Someone, not a member of Respondent's staff,
11 read a joke about Helen Keller from a "Far Side" type joke
12 book. Respondent laughed, but Respondent and staff then
13 proceeded into the courtroom. Respondent did not demonstrate
14 the punchline of the joke in any manner.

15 COUNT FOUR

16 Denies each and every allegation set forth therein, but
17 admits and alleges as follows:

18 (e) One weekend, shortly before going to his office
19 to work, Respondent telephoned reporter Woodson at the number
20 assigned to her to determine whether or not she was also
21 working. When Respondent arrived at work he gave Woodson a
22 bottle of wine which Respondent and his wife had purchased for
23 Woodson as a gift. Respondent denies that any sexual advances
24 whatsoever were made by either reporter Woodson or Respondent.

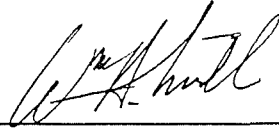
25 (g) In the common area next to chambers, Respondent
26 was asked by court reporter Leslie Bjerke to button a loose
27 button on the back of her dress. Respondent unbuttoned an
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1 additional button as a joke, but immediately buttoned up the
2 additional button and the original button.

3 Respondent denies that his conduct as charged in the
4 notice, constitutes conduct prejudicial to the administration of
5 justice that brings the judicial office into disrepute within the
6 meaning of California Constitution article VI, section 18,
7 subdivision (c).

8 As an affirmative defense Respondent alleges that there
9 are substantial mitigating factors that Respondent desires to
10 bring to the attention of the Commission on Judicial Performance
11 at an appropriate time.

12 Dated: March 21, 1994

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15 _____
16 WILLIAM A. SMITH
17 Attorney for Respondent
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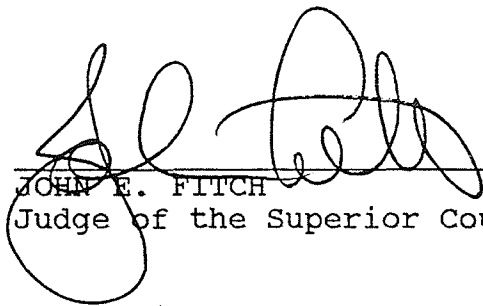
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VERIFICATION

I, the undersigned, am a party to this action. I have read the above Answer to Amended Notice of Formal Proceedings and know its contents. The matters stated in it are true of my own knowledge except as to those matters which ar stated on information and belief, and as to those matters I believe them to be true.

Executed On March 21, 1994, at Fresno, California.

I declare under penalty of perjury that the above is true and correct.



JOHN E. FITCH
Judge of the Superior Court