

PUBLIC ADMONISHMENT OF JUDGE LISA GUY-SCHALL

The Commission on Judicial Performance has ordered Judge Lisa Guy-Schall publicly admonished pursuant to article VI, section 18(d) of the California Constitution and commission rule 115, as set forth in the following statement of facts and reasons found by the commission:

STATEMENT OF FACTS AND REASONS

Judge Lisa Guy-Schall has been a judge of the San Diego County Superior Court since 1989. Her current term began in January 2003.

On the night of September 12, 2007, around 9:00 p.m., Judge Guy-Schall drove a vehicle in a reckless manner while under the influence of alcohol, and with a blood alcohol level of approximately 0.09 percent. She drove on the wrong side of a divided highway in Escondido, San Diego County; specifically, she drove southbound in the northbound number one lane of Centre City Parkway, at Grand Avenue. She turned onto Grand Avenue and then rapidly accelerated into a left turn. She was stopped by an officer of the Escondido Police Department who observed her conduct. She failed the field sobriety test and was placed under arrest. A blood test was performed within approximately an hour and yielded a result of approximately 0.09 percent blood alcohol. On October 10, 2007, a complaint was filed charging her with driving under the influence of alcohol, a violation of section 23152(a) of the Vehicle Code, and driving while having a 0.08 percent or higher blood alcohol level, a violation of section 23152(b) of the Vehicle Code.

On March 14, 2008, Judge Guy-Schall entered a plea of guilty to alcohol related reckless driving, a violation of Vehicle Code section 23103(a), pursuant to section 23103.5. She was found guilty and convicted of that charge.

Judge Guy-Schall's unlawful action described above evidences a serious disregard of the principles of personal and official conduct embodied in the California Code of Judicial Ethics, including failure to observe high standards of conduct so that the integrity and independence of the judiciary will be preserved (canon 1), and failure to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (canon 2). Judge Guy-Schall's conduct described above was, at a minimum, improper action pursuant to article VI, section 18(d)(3) of the California Constitution.

In determining that a public admonishment was appropriate, the commission noted that Judge Guy-Schall has been the subject of prior discipline. Specifically, Judge Guy-Schall received a private admonishment in 1995 and a public admonishment in 1999. The judge's 1995 private admonishment addressed her embroilment in a juvenile dependency case. The judge's 1999 public admonishment addressed her abuse of the contempt power.

Commission members Hon. Frederick P. Horn, Mr. Peter E. Flores, Ms. Barbara Schraeger, Ms. Maya Dillard Smith, Ms. Sandra Talcott and Mr. Nathaniel Trives voted to impose a public admonishment. Hon. Katherine Feinstein would have imposed a private admonishment. Commission members Hon. Judith D. McConnell and Mr. Marshall B. Grossman were recused. Mr. Samuel A. Hardage and Mr. Lawrence J. Simi did not participate.

Dated: September 5, 2008

PROOF OF SERVICE

I, the undersigned, am a citizen of the United States, over the age of 18 years, and not a party to or interested in the within action. My business address is 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102. I declare as follows:

On September 11, 2008, I served the attached:

PUBLIC ADMONISHMENT OF JUDGE LISA GUY-SCHALL

on all interested parties in this matter, by delivering a true copy as follows:

Reginald A. Vitek, Esq.
Seltzer Caplan McMahon Vitek
3100 Symphony Towers
750 B Street
San Diego, CA 92101
FAX: (619) 685-3100

- (BY U.S. MAIL)** I placed the original or a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid. I am readily familiar with our office's practice for collection and processing of correspondence for mailing with the United States Postal Service, that this mailing will be deposited with the United States Postal Service on this date in the ordinary course of business and that I sealed and placed each envelope for collection and mailing on this date following ordinary business practices.

- (BY FACSIMILE TRANSMISSION)** I caused such document to be transmitted to the addressee's facsimile number noted. The facsimile machine I used complied with Rule 2.301(3) and the transmission was reported as complete and without error. Pursuant to Rule 2.301(6), I caused the machine to print a transmission record of the facsimile transmission, a copy of which is attached to this declaration as required by Rule 2.306(g)(4).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed by me on September 11, 2008 at San Francisco, California.

Judith R. Starks