

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING
JUDGE DIANA R. HALL,

NO. 175.

NOTICE OF FORMAL PROCEEDINGS

To Diana R. Hall, a judge of the Santa Barbara County Municipal Court from December 21, 1990 to August 2, 1998, and of the Santa Barbara County Superior Court from August 3, 1998 to the present:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute and improper action within the meaning of article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, to wit:

COUNT ONE

On December 21, 2002, in Santa Ynez, California, you committed the crimes of driving while under the influence of alcohol in violation of Vehicle Code section 23152(a) and driving while having a 0.08 percent or higher blood alcohol level in violation of Vehicle Code section 23152(b). You had a blood alcohol level of 0.18 percent. You were charged with these crimes in Santa Barbara Superior Court case number 1085616. Following a jury trial in August 2003, you were convicted of these crimes. Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

COUNT TWO

On February 3, 2002, Deidra Dykeman, with whom you resided at the time, wrote a check payable to you for \$20,000 from her personal checking account as a contribution to your reelection campaign. You told Ms. Dykeman not to write the check directly to your campaign account because you did not want to list her as a contributor in your campaign disclosure reports. On or about February 7, 2002, you deposited the check into your personal account at Vandenberg Federal Credit Union, and on February 8, 2002, you wrote a check for \$25,000 from your personal account payable to the Committee to Reelect Judge Diana R. Hall, thereby commingling Ms. Dykeman's campaign contribution with your personal funds, in violation of Government Code section 84307. You presented this check to Paul Moe, the treasurer of your reelection committee, without disclosing to him that \$20,000 of the amount was a contribution to your campaign from Ms. Dykeman.

The Campaign Statement (California form 460) filed on behalf of your reelection campaign for the period from January 20, 2002 through February 16, 2002, states that a contribution of \$25,000 was received on February 9, 2002, and lists you as the contributor. Ms. Dykeman is not listed in the Campaign Statement. On February 20, 2002, you signed this document, certifying under

penalty of perjury that the information was true and correct, when you knew that \$20,000 of the \$25,000 contribution had come from Ms. Dykeman.

On June 26, 2002, an amended Campaign Statement was filed on behalf of your reelection campaign for the period from January 20, 2002 through February 16, 2002. This document recharacterizes the \$25,000 contribution received on February 9, 2002, as a loan to the campaign, and reports you as the lender. On June 24, 2002, you signed this document, certifying under penalty of perjury that the information was true and correct, when you knew that \$20,000 of the \$25,000 contribution had come from Ms. Dykeman.

On July 30, 2002, a Campaign Statement was filed on behalf of your reelection campaign for the period from February 17, 2002 through June 30, 2002. This document reports you as the lender of the \$25,000 received February 9, 2002. On July 29, 2002, you signed this document, certifying under penalty of perjury that the information was true and correct, when you knew that \$20,000 of the contribution had come from Ms. Dykeman.

On October 30, 2002, a Campaign Statement was filed on behalf of your reelection campaign for the period from July 1, 2002 through October 26, 2002. This document reports you as the lender of the \$25,000 received February 9, 2002. On October 30, 2002, you signed this document, certifying under penalty of perjury that the information was true and correct, when you knew that \$20,000 of the contribution had come from Ms. Dykeman.

You failed to inform Ms. Dykeman within two weeks of receiving the \$20,000 that she may be required to file campaign reports, as required by Government Code section 84105.

During your testimony in the driving while under the influence trial described in count one, you characterized the \$20,000 you received from Ms. Dykeman as a loan to you for use in your reelection campaign. You failed to report this purported loan when it was received from Ms. Dykeman, and used it for political purposes, in violation of Government Code section 84216(b)(3). You

failed to disclose the terms of this purported loan, including the annual interest rate and security, if any, given for the loan, in violation of Government Code section 87207(a)(5). You received this purported loan while holding elected office, and it was not put in a writing that clearly stated its terms (including the parties to the loan agreement, the date and amount of the loan, the dates and amounts of payments due, and the rate of interest), in violation of Government Code section 87461(a).

You violated Government Code sections 84105, 84211(f) and (g), 84216(b)(3), 84301, 84302, 84307, 87207(a)(5) and 87461(a), made false statements under penalty of perjury, and engaged in inappropriate political activity in violation of the Code of Judicial Ethics, canons 1, 2A and 5.

COUNT THREE

On June 22, 2001, Deputy District Attorney Kevin Duffy filed a peremptory challenge against you on a criminal case, pursuant to California Code of Civil Procedure section 170.6. On June 25, 2001, you called DDA Duffy to the bench along with Deputy Public Defender Mary Johnston. At the bench, you said words to the effect of, "I know it is not appropriate to inquire as to why the prosecutor exercised a 170.6 challenge, but why are you doing this Mr. Duffy?" You asked if it was because that morning you had reduced three felonies to misdemeanors on a domestic violence case. DDA Duffy responded that the 170.6 was filed on a case by case basis and that a number of factors went into the decision. You asked DDA Duffy, "Does Tom Sneddon know you're doing this," or words to that effect. Thomas Sneddon was the district attorney of Santa Barbara County. You told DDA Duffy that, "You will be in Tom Sneddon's office explaining yourself for filing the 170.6 challenges," or words to that effect.

Your conduct in response to the filing of the peremptory challenge was improper and violated the Code of Judicial Ethics, canons 1 and 2A.

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102-3660. The answer shall be verified and shall conform in style to subdivision (b) of rule 14 of the California Rules of Court. The Notice of Formal Proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This Notice of Formal Proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: July 8, 2005

/s/

MARSHALL B. GROSSMAN
CHAIRPERSON