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8 STATE OF CALIFORNIA  
9 BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE  
10

11 Inquiry Concerning a Judge, ) ANSWER TO FORMAL PROCEEDINGS  
12 NO. 47 )  
13 )

14 I, JUDGE CHARLES S. STEVENS, JR., answering the charges of the  
15 "Notice of Formal Proceedings" heretofore served upon me, admit,  
16 deny and allege as follows:

17 COUNT ONE

18 I hereby answer the allegations of Count One of said Notice  
19 as follows:

- 20 (a) I deny each and every allegation of Division A.  
21 (b) Answering the allegations of Division B, I deny each and  
22 every allegation of subparagraphs 1, 4, 5, 6 and 7, and  
23 as an affirmative defense to subparagraph 6, I allege  
24 that the incident therein referred to is barred by the  
25 statute of limitations.  
26 (c) Answering the allegations of Division B, subparagraphs  
27 2 and 3, I have no recollection of making the statements  
28 therein attributed to me, and I therefore deny that I

1 made such statements. I may, however, have said words to  
2 the effect that attitudes in Spanish cultures are some-  
3 times different than ours, and Mexican people have a code  
4 of honor which causes them to frequently defend themselves.

5 (d) Answering the allegations of Division C, subparagraph 1, I  
6 deny that I made the statements attributed to me. I admit  
7 that in a settlement discussion concerning People v.  
8 Shapiro (a complex theft by false pretense case), I en-  
9 couraged the District Attorney to seriously consider a  
10 settlement proposal of defense counsel, and stated that  
11 Mr. Shapiro appeared to be a "pretty smart fellow",  
12 intending thereby to suggest that the case might be more  
13 difficult for the People to successfully prosecute. I  
14 meant nothing racially derogatory by my comment.

15 (e) Answering the allegations of Division C, subparagraph 2,  
16 I admit making the alleged statement. It was, however,  
17 made in response to a person I was then talking to, who  
18 remarked of Alan Abersman, our then Court Administrator,  
19 that he was Jewish. I was one of the proponents of Mr.  
20 Abersman's continued employment, and there were numerous  
21 people in authority in the Courthouse who were at the time  
22 proposing Mr. Abersman's termination. I intended by my  
23 remark to convey my feeling that Mr. Abersman's being  
24 Jewish had nothing to do with his employment, and that  
25 the important consideration was that he did a good job.

26 (f) I deny the allegation of Division C, subparagraph 3.

27 (g) Answering the allegations of Division D, subparagraph 1,  
28 I admit having referred to the case of People v. Yu as

1 the "Chop Suey case", but I deny the remaining allega-  
2 tions of that paragraph. I made the admitted remark to  
3 Judge John A. Westwick (the trial judge in People v. Yu)  
4 in a private conversation during lunch. In what was  
5 intended to be a humorous vein, I said to Judge Westwick  
6 that, since he was hearing the "Chop Suey case", he  
7 should have the Chow Mein which was on the menu.

8 (h) I admit the remark attributed to me in Division D, sub-  
9 paragraph 2. It was made by me to the Barristers Club  
10 of Santa Barbara, a group of practicing lawyers all of  
11 whom I believed were familiar with the facts of the  
12 Golden Dragon case and would accept my remark as an  
13 attempt at humor, and not as derogatory of Chinese people  
14 generally.

15 (i) I deny each and every allegation of Division D, subpara-  
16 graph 3.

17 (j) I deny each and every allegation of Divisions E, F, G,  
18 H, and I.

19 (k) I deny each and every allegation of Division J, subpara-  
20 graph 1.

21 (l) Answering the allegations of Division J, subparagraph 2,  
22 I admit that on one occasion I declined to speak by tele-  
23 phone to Assistant District Attorney Nancy Sieh for  
24 the reason that the purpose of my call was to discuss with  
25 our District Attorney, Mr. Roden, a personnel problem I  
26 was then having with Ms. Sieh concerning her attendance  
27 at Readiness and Settlement conferences. I deny all the  
28 remaining allegations of subparagraph 2.

1 (m) Answering the allegations of Division K. subparagraph 1,  
2 I admit that on one occasion I stated in open Court "I'll  
3 take up the criminals now". The remark was brought to my  
4 attention by my clerk, and I have not since used that  
5 language. My remark referred to the cases on the criminal  
6 calendar, rather than the individual defendants, and was  
7 not intended to suggest the guilt of the individual defend-  
8 ants.

9 (n) I deny each and every allegation of Division K, subpara-  
10 graph 2.

11 COUNT TWO

12 I deny each and every allegation of Count Two of the Notice  
13 for the same reasons set forth in my answers to Count One of the  
14 Notice.

15 COUNT THREE

16 I deny each and every allegation of Count Three of the Notice  
17 for the same reasons set forth in my answers to Count One of the  
18 Notice.

19 DATED: February 3, 1981.

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22 CHARLES S. STEVENS, JR.

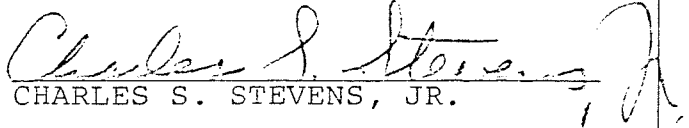
23 STATE OF CALIFORNIA )  
24 ) ss.  
24 COUNTY OF SANTA BARBARA )

25 I am the Respondent to the above-entitled proceeding. I have  
26 read the foregoing ANSWER TO FORMAL PROCEEDINGS and know the con-  
27 tents thereof; and I certify that the same is true of my own knowl-  
28 edge, except as to those matters which are therein stated upon my

1 information or belief, and as to those matters I believe it to be  
2 true.

3 Executed on February 3, 1981, at Santa Barbara, California.

4 I declare under penalty of perjury that the foregoing is true  
5 and correct.

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8 CHARLES S. STEVENS, JR.

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