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1 2 3	MULL & MULL 715 Crocker Bank Building 1007 Seventh Street Sacramento, California 95814 Telephone: (916) 443-4626
4	Attorneys for Respondent
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8	THE COMMISSION ON JUDICIAL PERFORMANCE
9	THROUGH ITS MASTER, THE HONGRABLE
10	ROTHWELL B. MASON
. 11	
12	INQUIRY CONCERNING A JUDGE No. 39
13	ANSWER TO SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS
14	,•
15	COMES NOW JERROLD L. WENGER, Judge of the El Dorado Justice
16	Court District, County of El Dorado, State of California, and
17	answering the Second Amended Notice of Formal Proceedings herein,
18	admits, denies and alleges as follows:
19	FIRST CAUSE OF ACTION
20	I
21	Answering Count One, A-1, Respondent admits having conversa-
22	tions with attorney JOHN R. OLSON in chambers concerning one
23	ROBERT ALDRICH. Respondent further admits referring to ALDRICH
24	in said conversations by the terms, "puke" and "psychopath".
25	Respondent further admits that a local newspaper published certain
26	of Respondent's remarks concerning a ruling of the El Dorado
27	County Superior Court, in which Respondent's contempt order re:
28 MULL & MULL ATTORNEYS AT LAW	ALDRICH was annulled.

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MULL & MULL ATTORNEYS AT LAW CROCKER BANK BUILDING SACRAMENTO 95814 443-4826

Except as expressly admitted, Respondent denies each and 1 every, all and singular, generally and specifically the allega-2 tions contained in Count One, A-1. 3

II

Answering Count One, A-2, Respondent admits the allegations 5 contained in the first paragraph of Count One, A-2. 6

Respondent further admits that attorney BRAUNSTEIN, after 7 June 3, 1977, requested a trial on the merits; that Respondent, 8 on June 20, 1977, notified the parties that "further proceedings" 9 would be held on July 1, 1977; and that attorney BRAUNSTEIN, on 10 June 22, 1977, filed a motion to disqualify Respondent pursuant to 11 Code of Civil Procedure, section 170.6. 12

Respondent further admits that a hearing in the case was 13 held July 1, 1977 in the absence of attorney BRAUNSTEIN and 14 defendant LeROY LePEILBET and that, Respondent issued a Notice of 15 Order to Show Cause hearing, dated July 7, 1977, regarding a contemp. 16 of court hearing against attorney BRAUNSTEIN and defendant LePEILBET, 17 Respondent further admits that, on July 29, 1977, Respondent 18 called and questioned witnesses in this case.

Respondent further admits that judgment was entered in 20 plaintiff's favor and that, on December 29, 1977, said judgment was 21 reversed on appeal to the Superior Court. 22

Except as expressly admitted, Respondent denies each and 23 every, all and singular, generally and specifically the allegations 24 contained in Count One, A-2. 25

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III

Answering Count One, A-3, Respondent admits the allegations 27 contained in the last two sentences of Count One, A-3. Except as 28

- 2 -

1 expressly admitted, Respondent denies each and every, all and 2 singular, generally and specifically the allegations contained in 3 Count One, A-3.

IV

5 Answering Count One, A-4, Respondent has no information 6 or belief sufficient to enable him to answer the allegation con-7 tained in the last sentence of the first paragraph thereof, and 8 basing his denial upon that ground, denies each and every, all 9 and singular, generally and specifically, the allegations contained 10 in the last paragraph of Count One, A-4.

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V

Answering Count One, A-5, Respondent has no information or belief sufficient to enable him to answer the allegation contained in the last sentence thereof, and basing his denial upon that ground, denies each and every, all and singular, generally and specifically, the allegations contained therein.

17

VI

18 Answering Count One, A-6, Respondent admits the allegations 19 contained in the first sentence thereof. Except as expressly 20 admitted, Respondent denies each and every, all and singular, 21 generally and specifically the allegations contained in Count One, 22 A-6.

23

VII

Answering Count One, B-1, Respondent admits the allegations contained in the first three paragraphs thereof.

26 Respondent further admits that, on May 15, 1978, Respondent 27 found attorney CLINE in summary contempt of court and imposed a 28 fine of \$300.00. Respondent further admits that attorney CLINE

- 3 -

refused to pay said fine and that, thereupon, Respondent ordered
attorney CLINE to surrender himself to the custody of the El Dorado
County Sheriff for incarceration until such time as the fine was
paid. Respondent further admits execution of said order was stayed
upon request, and that a written order was filed on May 16, 1978.

6 Except as expressly admitted, Respondent denies each and every 7 all and singular, generally and specifically the allegations con-8 tained in Count One, B-1.

VIII

10 Answering Count One, B-2, Respondent has no information 11 or belief sufficient to enable him to answer the allegations con-12 tained in the third sentence of the first paragraph thereof, and 13 basing his denial upon that ground, denies each and every, all and 14 singular, generally and specifically, the allegations therein.

Respondent denies each and every, all and singular, generally and specifically the allegations contained in the first and third sentences of the second paragraph of Count One, B-2.

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Answering Count One, B-3, Respondent admits the allegations 20 in the first sentence thereof.

21 Respondent has no information or belief sufficient to 22 enable him to answer the allegations contained in the second and 23 third sentences thereof, and basing his denial upon that ground, 24 denies each and every, all and singular, generally and specifically 25 the allegations therein.

Respondent denies each and every, all and singular, generally and specifically the allegations contained in the fourth sentence of Count One, B-3.

- 4 -

Х 1 2 Answering Count One, B-4, Respondent admits the allegations thereof. 3 XI 4 5 Answering Count One, B-5, Respondent denies each and every, all and singular, generally and specifically the allegations con-6 7 tained in the fourth and eight sentences thereof. 8 XII 9 Answering Count One, B-6, Respondent denies each and every, all and singular, generally and specifically the allegations con-10 tained in the last sentence thereof. 11 XIII 12 Answering Count One, B-7, Pospondent admits the allegations 13 thereof. 14 XIV 15 Answering Count One, B-8, Respondent refers to his answer 16 to Count One, A-2, and incorporates that answer herein by reference 17 as if fully set forth at length. 18 XV 19 Answering Count One, B-9, Respondent refers to his answer 20 to Count One, A-3, and incorporates that answer herein by reference 21 as if fully set forth at length. 22 XVI 23 Answering Count One, B-10, Respondent refers to his answer 24 to Count One, A-4, and incorporates that answer herein by reference 25 as if fully set forth at length. 26 XVII 27 Answering Count One, C-1, Respondent admits that, in the 28 - 5 -

1 case of People v. Cornblum, No. 7438, he dismissed the complaint. Except as expressly admitted, Respondent denies each and every, 2 3 all and singular, generally and specifically the allegations in 4 Count One, C-1. 5 XVIII 6 Answering Count One, C-2, Respondent admits the allegations 7 thereof. 8 XIX 9 Answering Count One, C-3, Respondent, refers to his answer to Count One, A-1, and incorporates that answer herein by reference 10 as if fully set forth at length. 11 12 ΧХ Answering Count One, C-4, Respondent refers to his answer 13 to Count One, A-6, and incorporates that answer herein by reference 14 15 as if fully set forth at length. XXI 16 17 Answering Count One, D-1 through D-7, Respondent refers to his answer to Count One, A-2; Count One, B-1; Count One, B-2; 18 Count One, B-4; Count One, B-5; Count One, B-6; and Count One, 19 B-7; respectively, and incorporates those answers herein by referenc 20 as if fully set forth at length. 21 SECOND CAUSE OF ACTION 22 Ι 23 Answering Count Two, Respondent refers to his answer to 24 Count One, A through D, respectively, and incorporates those answers 25 herein by reference as if fully set forth at length. 26 27 /// 28 111

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1	THIRD CAUSE OF ACTION
2	I
3	Answering Count Three, Respondent refers to his answer to
4	Count One, A through D, respectively, and incorporates those
5	answers herein by reference as if fully set forth at length.
6	AFFIRMATIVE DEFENSE TO FIRST CAUSE OF ACTION
7	Respondent has committed no acts amounting to wilful miscon-
8	duct in office.
9	AFFIRMATIVE DEFENSE TO SECOND GAUSE OF ACTION
10	Respondent has committed no acts prejudicial to the admini-
. 11	stration of justice. Respondent has committed no acts that bring
12	the judicial office into disrepute.
13	AFFIRMATIVE DEFENSE TO THIRD CAUSE OF ACTION
14	Respondent has committed no acts which amount to a persistent
15	failure, or a failure of any kind or amount, to perform his judicial
16	duties. Respondent has committed no acts which amount to a per-
17	sistent inability, or an inability of any kind or amount, to per-
18	form his judicial duties.
19	Dated: April 30, 1979
20	MULL & MULL -7
21	
22	By Richard M. Skinner
23	Attorneys for Respondent
24	
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	- 7 -

VERIFICATION

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• ;	
1	VERIFICATION
2	I, Richard M. Skinner, declare:
3	I am an attorney at law duly admitted and licensed to practice,
. 4	before all courts of this State and I have my professional offices a
5	1007 Seventh Street, Sacramento, Sacramento County, California.
6	I am one of the attorneys of record for respondent in the
7	above-entitled matter.
8	Said respondent is absent from the county in which I have
9	my office and for that reason I am making this verification on his
10	behalf.
· 11	I have read the foregoing ANSWER TO SECOND AMENDED NOTICE OF
12	FORMAL PROCEEDINGS and know the contents thereof.
13	I am informed and believe that the matters stated therein are
14	true and, on that ground, I allege that the matters stated therein
15	are true.
16	Executed on April 30, 1979, at Sacramento, Sacramento County,
17	California.
18	I declare under penalty of perjury that the foregoing is
19	true and correct.
20	Million M. Kinnes
21	Richard M. Skinner
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29	
20	

PROOF OF SERVICE BY MAIL [CCP §§ 1013a(1), 2009, 2015.5]

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	2	
	3	The undersigned states: I am employed in Sacramento County
	4	and my business address is: 715 Crocker Bank Building, 1007 -7th St.
	5	Sacramento, California 95814. I am over the age of 18 years and
	6	not a party to the within entitled action. On the date this Proof
	7	of Service by Mail is executed, I served the annexed
	8 9	ANSWER TO SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS
	10	by placing a true copy thereof (to which is attached a true copy of
	11	this Proof of Service by Mail) enclosed in a sealed envelope with
	12	postage thereon fully prepaid, in the United States Post Office
	13	mail box at Sacramento, California, addressed as follows:
	14	Charles P. Just, Esquire Deputy Attorney General
	15	Attorney General's Office 555 Capitol Mall
•	16	Sacramento, CA 95814
	17	Honorable Rothwell B. Mason Judge of the Superior Court
	18	Sacramento County Department One
	19	720 9th Street Sacramento, CA 95814
	20	and by similarly mailing the Original and ll copies to:
	21	Commission on Judicial Performance c/o Jack E. Frankel, Esquire
	22	3180 State Building - San Francisco, CA 94102
	23	
	24	I declare under penalty of perjury that the foregoing is
	25	true and correct, and that this declaration was executed in
	26	Sacramento, California, on May 1, 1979
	27	in the D
	28	Kristina Rice Killer Ki
MULL & MUL ATTORNEYS AT L POCKER BANK BUIL SACRAMENTO 93 443-4628	AW DING	

۰. ۱	COPY
	MULL & MULL 715 Crocker Bank Building 1007 Seventh Street Sacramento, California 95814
	Telephone: (916) 443-4626
	Attorneys for Respondent
(
2	THE COMMISSION ON JUDICIAL PERFORMANCE
(THROUGH ITS MASTER, THE HONORABLE
10	ROTHWELL B. MASON
1	
1	INQUIRY CONCERNING A JUDGE No. 39
1.	OF FORMAL PROCEEDINGS
1	
-	
1	Third Amended Notice of Formal Proceedings herein, admits, denies,
1	and alleges as follows:
1	FIRST CAUSE OF ACTION
2	I
2	Answering Count Qne, Respondent refers to his answer to
2	Count One, as set forth in his answer to the Second Amended Notice
2	of Formal Proceedings herein, and incorporates that answer herein
2	by reference as if fully set forth at length.
2	5 II
2	Answering Count One, E, Respondent denies each and every,
2	all and singular, generally and specifically the allegations contained
2	therein.
MULL & MULL A TTORNEYS AT LAW IF CKER BANK BUILDING GACRAMENTO 95814 443-4628	

	III
	Answering Count One, F, Respondent denies each and every,
	all and singular, generally and specifically the allegations
	4 contained therein.
	5 SECOND CAUSE OF ACTION
	5 I .
	Answering Count Two, Respondent refers to his answer to
	Count One, A through F, respectively, and incorporates those
	answers herein by reference as if fully set forth at length.
1	THIRD CAUSE OF ACTION
1	1 II
1	2 Answering Count Three, Respondent refers to his answer to
1	3 Count One, A through F, respectively, and incorporates those
1	answers herein by reference as if fully set forth at length.
1	5 AFFIRMATIVE DEFENSE TO THE FIRST CAUSE OF ACTION
1	6 Respondent has committed no acts amounting to wilful mis-
1	7 conduct in office.
1	8 AFFIRMATIVE DEFENSE TO THE SECOND CAUSE OF ACTION
1	9 Respondent has committed no acts prejudicial to the
2	0 administration of justice. Respondent has committed no acts that
2	1 bring the judicial office into disrepute.
2	2 AFFIRMATIVE DEFENSE TO THE THIRD CAUSE OF ACTION
2	3 Respondent has committed no acts which amount to a persistent
2	4 failure, or a failure of any kind or amount, to perform his judicial
2	5 duties. Respondent has committed no acts which amount to a per-
2	6 sistent inability, or an inability of any kind or amount, to perform
2	7 his judicial duties.
2	8 ///
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Dated: August 13, 1979 MULL & MULL By Richard M. Skinner **بہ** , ۲ -~ - 3 -

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, T	
1	VERIFICATION
2	I, Richard M. Skinner, declare:
3	I am an attorney at law duly admitted and licensed to practice
4	before all courts of this State and I have my professional offices
5	at 1007 Seventh Street, Sacramento, Sacramento County, California.
6	I am one of the attorneys of record for respondent in the .
7	above-entitled matter.
8	Said respondent is absent from the county in which I have
9	my office and for that reason I am making this verification on
10	his behalf.
11	I have read the foregoing ANSWER TO THIRD AMENDED NOTICE
12	OF FORMAL PROCEEDINGS and know the contents thereof.
13	I am informed and believe that the matters stated therein are
14	true and, on that ground, I allege that the matters stated therein
15	are true.
16	Executed on August 13, 1979, at Sacramento, Sacramento County,
17	California.
. 18	I declare under penalty of perjury that the foregoing is
19	true and correct.
20	DA MINT.
21	Bichard M. Skinter
22	Richard M. Skinner
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26	
27	
28	

PROOF OF SERVICE BY MAIL [CCP §§ 1013a(1), 2009, 2015.5]

1	PROOF OF SERVICE BY MAIL [CCP §§ 1013a(1), 2009, 2015.5]	
2		
3	The undersigned states: I am employed in Sacramento County	
4	and my business address is: 715 Crocker Bank Building, 1007 -7th St.	
5	Sacramento, California 95814. I am over the age of 18 years and	
6	not a party to the within entitled action. On the date this Proof	
7	of Service by Mail is executed, I served the annexed	
8	THIRD AMENDED NOTICE OF FORMAL PROCEEDINGS	
9		
10	by placing a true copy thereof (to which is attached a true copy of	
11	this Proof of Service by Mail) enclosed in a sealed envelope with	
12	postage thereon fully prepaid, in the United States Post Office	
13	mail box at Sacramento, California, addressed as follows:	
14	Charles P. Just, Esquire Deputy Attorney General.	
15	Attorney General's Office 555 Capitol Mall	
16	Sacramento, CA 95814	
17	Honorable Rothweel B. Mason Judge of the Superior Court	
	Sacramento County Department One	
	720 9th Street Sacramento, CA 95814	
20	Commission on Judicial Performance (by mailing the original and ll	
21	Jack E. Frankel, Esquire copies) 3180 State Building	
22	San Francisco, CA 94102	
23		
24	I declare under penalty of perjury that the foregoing is	
25	true and correct, and that this declaration was executed in	
26	Sacramento, California, on August 13, 1979	
27		
28	Kristina Rice	
L AW	Typed name Signed name	
LDING SB14		

MULL & MULI ATTORNEYS AT LA ROCKER BANK BUIL SACRAMENTO 951 443-4626

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