

FILED

AUG 26 1999

Commission on
Judicial Performance

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE
W. JACKSON WILLOUGHBY,
NO. 154.

SECOND AMENDED NOTICE
OF FORMAL PROCEEDINGS

To W. Jackson Willoughby, a judge of the Placer County Municipal Court, from March 2, 1993 to May 12, 1997, and a judge of the Placer County Superior Court from May 13, 1997 to the present, and at all relevant times therein:

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

From approximately November 1997 through June 1998, as described below, you engaged in a pattern of inappropriate conduct in the workplace towards female court employees, in violation of the Code of Judicial Ethics, canon 1, 2A, 3B(4) and 3B(5).

In November 1997, you pressed your groin area into the buttocks of your clerk Kim Maudlin, while you were in chambers. The contact was not consensual. From approximately 1997 through June 1998, you frequently stared at clerk Maudlin's breasts, while you were in court and elsewhere in the courthouse.

In April 1998, your bailiff Sue Moulton had breast implant surgery, of which you were aware. Following her surgery, you frequently stared at her breasts, while you were in the courthouse. On a Monday in May 1998 in chambers, you rubbed Ms. Moulton's breasts. The contact was not consensual. Between approximately April and June 1998, in the courthouse on more than one occasion, you asked Ms. Moulton something to the effect of, "When do I get to see your breasts?"

In approximately April 1998, deputy LuAnn Placeras was changing out of her uniform shirt in a hallway in the courthouse. She was wearing a T-shirt underneath her uniform shirt. Deputy Placeras observed you standing nearby staring at her. When she asked if she was in your way, you responded, "I could stand here and watch you undress all day."

Between approximately January and June 1997, on at least one occasion in the courthouse, in the presence of your clerk and your bailiff, you referred to a female deputy district attorney as "Old Iron Tits."

Between approximately March 1996 and September 1996, on more than one occasion in the courthouse, you pressed your lips together and made a kissing sound directed towards your clerk Julie Setzer, apparently to thank her for work she had done. During the same time period, on at least one occasion, when Ms.

Setzer asked you if she could do work in her office because her presence in court was not necessary, you responded, "I just want you to sit there and look pretty."

COUNT TWO

In approximately August 1997, clerk Kim Maudlin was in your courtroom, during normal business hours, helping you prepare for a judicial conference. You came into the courtroom with a bottle of alcohol and asked her if she wanted to join you in a drink. Ms. Maudlin acquiesced and you made two alcoholic drinks, one of which you drank in the courtroom. Your conduct violated the Code of Judicial Ethics, canon 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, verified and shall conform in style to subdivision (c) of rule 15 of the Rules on Appeal. 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: August 19, 1999

Dumitry Houbin
CHAIRPERSON

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STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING
JUDGE W. JACKSON WILLOUGHBY,
NO. 154.

ACKNOWLEDGMENT OF SERVICE
OF THE SECOND AMENDED NOTICE
OF FORMAL PROCEEDINGS

I, Michael S. Sands, on behalf of my client, the Honorable W. Jackson Willoughby, hereby waive personal service of the Second Amended Notice of Formal Proceedings in Inquiry No. 154 and agree to accept service by mail. I acknowledge receipt of a copy of the Second Amended Notice of Formal Proceedings by mail and, therefore, that Judge Willoughby has been properly served pursuant to Rules of the Commission on Judicial Performance, rule 118(c).

Dated: August 24, 1999

Michael S. Sands
Michael S. Sands
Attorney for Judge W. Jackson Willoughby,
Respondent