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4 Attorneys for W. JACKSON WILLOUGHBY
5 Respondent

FILED

AUG 26 1999

Commission on
Judicial Performance

6
7 STATE OF CALIFORNIA

8 COMMISSION ON JUDICIAL PERFORMANCE

9
10 INQUIRY CONCERNING JUDGE
11 W. JACKSON WILLOUGHBY

NO. 154

12 ANSWER TO SECOND AMENDED NOTICE
13 OF FORMAL PROCEEDINGS

14 _____ /
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16 TO THE COMMISSION ON JUDICIAL PERFORMANCE, STATE OF CALIFORNIA:

17 RESPONDENT W. JACKSON WILLOUGHBY ANSWERS THE FIRST AMENDED NOTICE
18 OF FORMAL PROCEEDINGS as follows:

19
20 COUNT ONE

21 1. Respondent denies that from approximately November 1997 through June 1998, or at any
22 other time, he engaged in a pattern of inappropriate conduct in the workplace towards female court
23 employees.

24 2. Respondent denies that in November 1997, or at any other time, he pressed his groin area into
25 the buttocks of his clerk, Kim Maudlin.

26 3. Respondent denies that from 1997 through June 1998, or at any other time, he stared at
27 Maudlin's breasts.

28 4. Respondent denies that at any time in 1998 he stared at the breasts of his bailiff, Sue Moulton,
29

1 except when she expressly directed Respondent's attention to them.

2 5. Respondent admits that sometime in the spring of 1998, possibly in May, he momentarily
3 touched his hand to Moulton's breast. Respondent denies rubbing Moulton's breasts.

4 6. Respondent denies that between April and June 1998, or at any other time, he said to Moulton
5 something to the effect of "When do I get to see your breasts?"

6 7. Respondent does not recall ever telling deputy LuAnn Placeras "I could stand here and watch
7 you undress all day." If he did so it was not intended to offend or to have any sexual connotation or
8 implication.

9 8. Respondent does not remember ever calling a female deputy district attorney "Old Iron Tits."
10 However, he cannot deny that he may have done so. If he did it was only to repeat a nickname and was
11 not intended to have any sexual connotation or implication.

12 9. Respondent does not remember ever pressing his lips together and making a kissing sound
13 directed toward his clerk Julie Setzer as a way of thanking her for work she had done. However, he
14 cannot deny that he may have done so as alleged. If he did, it was not done with any sexual connotation
or implication intended.


16 10. Respondent denies that he ever said to clerk Setzer when she asked if she could do work in
17 her office because her presence in court was not necessary, "I just want you to sit there and look pretty."

18 **COUNT TWO**

19 1. Respondent denies that in August 1997 or at any other time during normal business hours in
20 the courtroom he asked Kim Maudlin if she wanted an alcoholic drink, gave her a drink, or drank an
21 alcoholic beverage.

22 2. COUNT TWO fails to state facts sufficient to state a cause of action in that the acts alleged
23 do not constitute a violation of Canon 1, nor Canon 2A, of the Code of Judicial Ethics, or either of
24 them.

25 DATED: August 24, 1999

26 
27 MICHAEL S. SANDS
Attorney for Respondent W. Jackson Willoughby

VERIFICATION

I, the undersigned, declare and say:

I am the Respondent in the above-entitled action. I have read the foregoing Answer to Second Amended Notice of Formal Proceedings. I am personally familiar with its content and know its contents to be true except as to those matters stated upon information and belief, and as to those I am informed and thereupon believe them to be true.

Executed at Redwood, California on Aug. 24, 1999.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated upon information and belief, and as to those matters I am informed and thereupon believe them to be true.



W. JACKSON WILZOUGHBY

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and a resident of the County of Sacramento. I am over the
3 age of eighteen years and not a party to the within above-entitled action; my business address is 901
4 F Street, Suite 200, Sacramento, CA 95814. On the below named date, I served the within

5 **ANSWER TO SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS**

6 on the parties in said action as follows:

7 xxxx (By REGULAR MAIL) by placing a true copy thereof enclosed in a sealed envelope with
8 postage thereon fully prepaid, in the United States post office mail box at Sacramento,
California, addressed as follows:

9 _____ (By U.P.S.) by placing a true copy thereof enclosed in a sealed envelope, prepaid, deposited
with the U.P.S. carrier/box at Sacramento, California, addressed as follows:

10 _____ (By PERSONAL SERVICE) delivering by hand and leaving a true copy with the person
11 and/or secretary at the address shown below:

12 _____ (By FACSIMILE) by placing a true copy thereof into a facsimile machine addressed to the
person and address shown below:

13 William E. Smith
14 Jack Coyle
Trial Counsel
15 Commission on Judicial Performance
455 Golden Gate Avenue #14424
16 San Francisco, CA 94102-3660

17 Hon. Paul Turner
Presiding Justice, Court of Appeal
18 Second District, Division Five
300 South Spring Street
Los Angeles, CA 90013

Hon. Ken M. Kawaichi
Judge of the Alameda Superior Court
1221 Oak Street, Dept. 20
Oakland, CA 94612

19 Hon. Marguerite Wagner
20 Judge of the San Diego Superior Court
325 South Melrose Drive
21 Vista, CA 92083-6698

22 I, Ben Harrell, declare under penalty of perjury that the foregoing is true and correct.

23 Executed this 25th day of August, 1999 at Sacramento, California.

24 
25 Ben Harrell