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COMMISSION ON
JUDICIAL PERFORMANCE

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

**INQUIRY CONCERNING
JUSTICE JEFFREY W.
JOHNSON,**

No. 204

**ANSWER OF JUSTICE
JEFFREY W. JOHNSON TO
THE NOTICE OF FORMAL
PROCEEDINGS**

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Attorneys for Justice Jeffrey W. Johnson

COMES NOW Respondent, Justice Jeffrey W. Johnson, and answering the Notice of Formal Proceedings (“Notice”) pursuant to Rule 119(c) of the Rules of the Commission of Judicial Performance, admits, denies and alleges as follows:

I. TO THE OVERALL NOTICE OF FORMAL PROCEEDINGS, Justice Johnson:

ANSWERS AND ALLEGES that he accepts full responsibility for his conduct where it is clear he has faltered. He recognizes his responsibility in these areas and has taken voluntary steps to change his demeanor and to improve. He cannot and does not, however, accept responsibility for the allegations that are false.

None of the allegations here involve a judicial act, conduct involving a case or person before the court, or an allegation that Justice Johnson has failed to perform, or was unable to perform, his judicial duties. Nor are there facts alleged that Justice Johnson acted to influence any person or matter involving the administration of justice. Finally, no act of bad faith conduct is alleged. In short, all allegations relate to private, non-public social comments and gestures, sporadically occurring over a period of years; Count Nine involves conversations and comments that allegedly occurred between 11 and 20 years ago. There

is no allegation that Justice Johnson was ever notified or apprised of a problem with his conduct prior to the investigation related to these matters; consequently, there are no allegations of a failure to reform or correct misconduct. Nor do the allegations acknowledge the reality that once apprised of the investigation, Justice Johnson took positive steps to address the apparent offense taken by others.

The allegations against Justice Johnson fall into two, distinct categories:

1) COUNT ONE AND COUNT TWO: sexual misconduct allegedly involving Justice Chaney and Officer Sauquillo (Officer Sauquillo alleged in Count Two parts A-D); and

2) REMAINING COUNTS: ostensibly inappropriate social comments and interactions which are subject to varying interpretations and/or may not in fact constitute judicial canon violations even if true.

The allegations involving Justice Chaney and Officer Sauquillo are not true and Justice Johnson denies them. In denying the allegations, Justice Johnson recognizes at the outset that claims involving a fellow justice (and law enforcement officer) are serious. His denial is based on facts and not upon opinion or characterization. Those facts emerge from a multitude of sources:

Where the counts involving Justice Chaney identify independent witnesses, those very witnesses have repudiated the allegations. In those allegations where Justice Chaney is purportedly present alone with Justice Johnson, documentary or other evidence – often in Justice Chaney’s own words – discredit the allegations.

Justice Chaney’s actions, as well as her failure to act at critical times, impeach the allegations. Her corroborated stark statements to Justice Johnson in 2010 and her continual endearing statements to him in writing and in person through 2018 discredit the allegations.

Justice Chaney met with Supervising Justice Mallano in what he describes as candid and open discussions at the same times she now recalls the violations were alleged to have occurred. As described by Justice Mallano, it is more than curious that Justice Chaney did not mention anything to him at the time about Justice Johnson’s alleged conduct which she now recalls since it purportedly occurred contemporaneously with those meetings.

In addition, Justice Chaney, Justice Mallano and Justice Johnson attended court-instituted counseling sessions in 2010 and 2011 for two main reasons: i) to prevent disputes similar to those which arose between predecessor justices; and ii) to welcome new Justices Chaney

and Johnson into a working environment that promoted open discussion and dealt with any issues before those issues could become problematic. Justice Mallano also describes those sessions as including nothing from Justice Chaney about any alleged improper conduct by Justice Johnson.

Officer Sauquillo's allegations are likewise false. Justice Johnson denies that he made the statements alleged. Based on corroborated communications made at the precise time the newly recalled allegations from 2014 were ostensibly occurring, law enforcement and Justice Johnson were reacting to an all-consuming serious threat of violence to Justice Johnson's daughter, himself and his family. The grave threat and broadscale, bi-coastal response are well documented. The allegation that Justice Johnson made salacious comments to Officer Sauquillo while he was simultaneously engrossed in this threat to his family and working to resolve it with Officer Sauquillo's colleagues is not credible.

The remaining counts, not involving Justice Chaney and Officer Sauquillo, are of quite a different tenor and substance. Indeed, the bulk of the additional, less serious allegations appear to have been included for the sole purpose of bolstering the untrue and therefore unprovable claims of Justice Chaney and Officer Sauquillo. In answer, Justice Johnson asks the Masters to resist the temptation to simply lump

everything together; he requests that there be a fair and close examination of each allegation on its own merits.

Clouding the investigation of Justice Johnson is the sad fact that will be disclosed in the evidence, of an unwarranted email release of a confidential, uncorroborated complaint against Justice Johnson (and its subsequent leak to the press), sent by a supervising justice to thousands of appellate court personnel and ultimately received by over 10,000 court personnel throughout California. That unwarranted release of a confidential complaint likely tainted others' subjective reinterpretations of Justice Johnson's past comments, which have now been included in some of the counts against him here. This leak and the undeniably post-leak allegations have created unfair and untrue impressions about Justice Johnson that virtually invited others to reinterpret exchanges previously thought to be innocent, as malevolent. Whether or not the leaks and gossip were orchestrated or negligent, the effect has been grossly unfair.

Justice Johnson denies that there is a "pattern of conduct" in these other allegations, but rather at most, occasional inappropriate offhand comments over decades that have been stitched together into the lengthy paragraphs of allegations. In several allegations, customary

communications and pleasantries in which many judicial officers have engaged and undoubtedly still engage have been recast in hindsight into something sinister.

Justice Johnson does not answer in a blanket denial, nor does he display an attitude resistant to honest self-evaluation. He admits to many of the phrases attributed to him in the less serious alleged counts. He denies, however, that there was any intent that these phrases would have the effect that some, but importantly not all, reported feeling in the allegations. Justice Johnson openly admits that no matter his intent, if he was misperceived, the failing was his alone. Justice Johnson recognizes that he had not maintained appropriate boundaries at times between the professional and personal, and admits that blurring boundaries is not acceptable professional behavior. He does not minimize the allegations nor try to deflect blame; he has taken his errors and shortcomings to heart.

Understanding that the appearance of impropriety can involve conduct within and apart from the courthouse, Justice Johnson emphasizes that none of the alleged statements involve oral communications and social gestures related to judicial conduct. They do not include any actions involving legal matters or subjects under the

court's consideration, or an attempt on his part to influence an action of a person related to a legal matter or their employment.

In preparing the answer and his defense, Justice Johnson took several steps to ensure the accuracy of anything set forth in this Answer:

- a) Obtaining sworn declarations to the statements described.
- b) Submitting himself to expert polygraph testing regarding the most egregious claims of Justice Chaney and Officer Sauquillo. The testing results were clear and unequivocal. Justice Johnson passed each question. The results are included below.
- c) Obtaining a psychological evaluation by a forensic court certified psychological expert, in order to provide insight into Justice Johnson's nature and psychological makeup.
- d) In-depth interviews by Mr. Meyer with fellow justices, judicial officers, court personnel and others who cooperated extensively in finding the truth which is contradictory to the allegations.

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II. TO THE INTRODUCTORY PARAGRAPH ALLEGING CHARGES OF WILLFUL MISCONDUCT, CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE AND IMPROPER ACTION, Justice Johnson:

DENIES that his conduct, even as alleged, constituted “willful misconduct.” There is no alleged fact that Justice Johnson acted in his judicial capacity or acted to influence or affect any matter or person before the court. Willful misconduct is defined as 1) unjudicial conduct that is (2) committed in bad faith (3) by a judge acting in his judicial capacity. (*Adams v. Commission on Judicial Performance* (1994) 8 Cal.4th 630, 662.) A judicial officer acts in bad faith by “(1) performing a judicial act for a corrupt purpose (which is any purpose other than the faithful discharge of judicial duties), or (2) performing a judicial act with knowledge that the act is beyond the judge’s lawful judicial power, or (3) performing a judicial act that exceeds the judge’s lawful power with a conscious disregard for the limits of the judge’s authority.” (*Broadman v. Commission on Judicial Performance* (1998) 18 Cal.4th 1079, 1091-1092.) There is no bad faith either alleged or existing in the alleged acts, and no willful misconduct occurred.

DENIES that his conduct as shown by the facts to be presented constitutes conduct prejudicial to the administration of justice.

ALLEGES that at worst, the conduct if proved, constitutes improper action by unintended mistakes when examined in context and by the applicable standard of Clear and Convincing Evidence.

III. COUNT ONE

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

DENIES that he engaged in a pattern of conduct toward Justice Chaney that was unwelcome, undignified, discourteous and offensive and that would reasonably be perceived as sexual harassment or as bias or prejudice, based on gender, in that:

The Justice Chaney allegations, that Justice Johnson unilaterally harassed her for nine years, from 2009 to June 2018 – painting her as a passive and uncomfortable recipient of abuse – are false and denied. The allegation that he used offensive language about Justice Chaney’s breasts in 2010 is false and denied. Justice Johnson did not use that offensive language about her breasts, nor has he ever intentionally or inappropriately touched Justice Chaney as alleged. In answer and defense, Justice Johnson produces corroborated evidence supporting his denial of these crude and vulgar unsubstantiated allegations.

Through examination of Justice Chaney’s conduct and words during these periods, and the statements of Justices Mallano and Boren, and others, a far different picture emerges. Justice Chaney, in her

statements and writings, never told Justice Johnson of a problem, nor behaved as if she were a victim at the time of the alleged events. Indeed, her behavior toward Justice Johnson conveyed the opposite message that they were friends and mutually respectful colleagues. And she never mentioned to him that she believed he had harassed her in any way. The allegations are not credible and are denied emphatically. The facts speak for themselves:

- The stark contradictory conduct of Justice Chaney in 2010 stands in contrast to the apparently newly recalled memories of years ago. This will be explicitly set forth in future presentation to the Masters.
- Justice Chaney's corroborated written and oral statements and continually warm and playful outreach to Justice Johnson whom she describes as her "conjoined twin" and "twin brother" belies the allegations (throughout the entire period of harassment).
- Candid private discussions between Justice Chaney and Justice Mallano during the same times in 2010 and 2011 contemporaneously with the alleged offensive conduct that was allegedly occurring support Justice Johnson's denial.

- A psychological counseling program in which Justice Chaney participated during the same times as the purported misconduct, and in which she mentioned nothing of these newly raised allegations, supports Justice Johnson's denial.
- Justice Chaney's written praise of Justice Johnson's character to the governor's office in 2014 supports Justice Johnson's denial.
- Forensic testing, including polygraph examinations and psychological profiles, supports Justice Johnson's denial. He passed (as truthful) each and every question of the examination.

A. COUNT ONE, PARAGRAPH A (2009 call), Justice Johnson:

DENIES with support of reasonably available information.

B. COUNT ONE, PARAGRAPH B (2010 incident in Reno), Justice Johnson:

DENIES with support of reasonably available information, including lie detector testing on the specific alleged facts; other factual information including sworn declarations, witness testimony and documents which undermine the veracity of Justice Chaney's recollections.

C. COUNT ONE, PARAGRAPH C (2010 discussion),

Justice Johnson:

DENIES with support of reasonably available information, including polygraph testing on the specific alleged facts and other factual information including sworn declarations, witness testimony and documents which undermine the veracity of Justice Chaney's recollections.

D. COUNT ONE, PARAGRAPH D (2010 hallway rude comments), Justice Johnson:

DENIES with support of reasonably available information, including polygraph testing, statements of supervising justices, and the absence of mandated reporting of a canon violation.

E. COUNT ONE, PARAGRAPH E (2010-2018 hugging and related conduct), Justice Johnson:

DENIES with support of reasonably available information, in that hugging was a mutual exchange, often repeatedly sought by Justice Chaney and did not include salacious comments by Justice Johnson.

F. COUNT ONE, PARAGRAPH F (repeated patting on backside), Justice Johnson:

DENIES, with reasonably available information, in that there was no intentionally suggestive touching of Justice Chaney or anyone else.

His relationship with Justice Chaney was collegial and informal, but did not involve this sort of behavior.

G. COUNT ONE, PARAGRAPH G (2010-2018 comments),

Justice Johnson:

DENIES with support of reasonably available information.

Justice Johnson had collegial and casual communications with Justice Chaney over time, but did not cross the line into rudeness and boorishness. The recollection by Justice Chaney of rude remarks by him while staring at her chest sometime within an eight-year span of time is not true. He did not do that. Justice Chaney has misperceived or imagined this sort of a look and, at best, has misreclected such remarks. It is submitted that information provided by those who have known and worked with Justice Chaney over the course of years will confirm her likely misperception of the effect she apparently believes she has on others.

H. COUNT ONE, PARAGRAPH H (Taix Restaurant),

Justice Johnson:

DENIES IN PART, in that he DENIES there was conduct of sexual or other harassment. He does not deny the allegation that he was at the bar at Taix when Justice Chaney walked up to the bar. Nor does

he deny the allegation that she moved next to him and could have squeezed herself next to him. He agrees that he likely did not change positions at the bar. Justice Johnson would be easily recognized at the bar. If Justice Chaney wanted to avoid him, it would have been easy to do so. Justice Johnson does not recall the alleged comment, but does not believe that such a statement, in that situation, would be taken as anything other than a joke at an after-hours holiday party. There is a lack of recall of which of them may have made such a comment five years ago.

I. COUNT ONE, PARAGRAPH I (2014 penis size), Justice Johnson:

DENIES that he made such a comment. He does not deny that in 2010 Justice Chaney made a stark, surprising remark to him which he reported to others which included her reference, not his, to this subject. Notably, the allegation here materialized only after Justice Johnson disclosed the 2010 remark of Justice Chaney in the course of this investigation.

J. COUNT ONE, PARAGRAPH J (2017-2018 discussion with fellow justices), Justice Johnson:

ADMITS WITH CONTEXT, in that Justice Johnson recalls a bantering comment which referred to a back-and-forth kidding and

which led nowhere and was done by himself, Justice Chaney and other justices. He believes the discussion involved Justice Rushing and/or Judge Kozinski. It is entirely possible that he made a joking comment. The making of such a comment is, he submits, an indicator that there was a mutually prankish and lighthearted relationship among several justices, rather than anything more serious.

IV. COUNT TWO

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

DENIES that he engaged in a pattern of conduct toward Officer Sauquillo that was unwelcome, undignified, discourteous and offensive, and that would reasonably be perceived as sexual harassment or as bias or prejudice, based on gender, in that:

Officer Sauquillo was one of several CHP officers who performed driving duties for Justice Johnson. The allegations of Officer Sauquillo are not true, by any standard. The subject of Officer Sauquillo's allegations was first made widely public by an email sent by Presiding Justice Lui on July 2, 2018 to more than 10,000 court personnel throughout California (including the unavoidable further propagation of the email by initial Justice Lui recipients) and the allegations appeared in a news article the very next day.

The email is noted because several statements by Officer Sauquillo contained in the email, and not in the current allegations, are helpful in evaluating credibility. Although an HR investigation conducted by an independent investigator with whom Justice Johnson was cooperating, was underway at the time, it is unknown why Justice Lui chose to institute his own inquiries rather than delegate or cede this to the professional, retained investigator. In the email Justice Lui stated that Officer Sauquillo sought to end her driving duties for Justice Johnson, and later asked for a transfer. If this was her statement, it is not true. As is shown, the incident regarding Baldwin Hills occurred in 2014, and Officer Sauquillo further confirms the date in an email specifying Baldwin Hills noted below. Officer Sauquillo continued to drive for Justice Johnson and others for several years thereafter. No transfer was sought after the alleged conduct in 2014. It would be a simple step to have others cover driving assignments involving him, if she were uncomfortable. This did not happen.

Nor was there a report to her superiors, which undoubtedly would have resulted in a report to the presiding justices. Justices Mallano and Boren confirm that during the periods of their tenure no such reporting occurred.

Because these allegations are so specific, they were found to be appropriate for forensic polygraph testing. Justice Johnson submitted to a polygraph examination. He told the truth. He passed. The questions asked were:

RELEVANT Q1: Did you ever tell Officer Sauquillo that you wanted to have sex with her?

ANSWER: No.

RELEVANT Q2: Did you ever tell Officer Sauquillo that you wanted to take her to your chambers for sex?

ANSWER: No.

RELEVANT Q3: Did you ever ask Officer Sauquillo to pull over the vehicle so you could have sex with her?

ANSWER: No.

The report stated: "No Deception Indicated." Polygraph Examination Report to be provided in evidence.

A. COUNT TWO, PARAGRAPH A (boorish comments on four occasions), Justice Johnson:

DENIES. From all appearances and indications perceived by Justice Johnson, his relationship with Officer Sauquillo was collegial and professional. He engaged in discussions with her that included references to his family as well as hers. She invited him to join her

friends at her home to watch a football game (he declined), and she talked over a number of life situations in an open and friendly manner that is completely contrary to what is now alleged to have occurred years before. In all of the time up to Justice Johnson and thousands of others receiving the misdirected email, there was no indication to Justice Johnson that Officer Sauquillo was ever offended or had a complaint against him.

B. COUNT TWO, PARAGRAPH B (compliment on clothing), Justice Johnson:

DENIES. To the best of his recollection, Officer Sauquillo was always in uniform when Justice Johnson saw her. The uniform was a standard issue. He did not make comments about her appearance, nor did he have an opinion about how the uniform looked.

C. COUNT TWO, PARAGRAPH C (hand on thigh), Justice Johnson:

DENIES, in that he did not have personal or offensive physical contact with Officer Sauquillo. Like other justices, Justice Johnson often sat in the front seat. Justice Mallano and Boren followed the same practice, and, like Justice Johnson, the front seat was to avoid having the officer feel like a chauffeur, and to have a more equitable way of relating

to the officer. At no time did Justice Johnson ever make a gesture to indicate an interest in inappropriate physical contact with Officer Sauquillo.

D. COUNT TWO, PARAGRAPH D (Baldwin Hills), Justice Johnson:

DENIES. This allegation is false and is contradicted by Officer Sauquillo's own previous statement about the incident and by the events of April 11, 2014 regarding the law enforcement and Justice Johnson's response to the aforesaid stalker violence threat.

E. COUNT TWO, PARAGRAPH E (CHP Officer Shawna Davison), Justice Johnson:

DENIES. The implication that this was a sexually or otherwise harassing conversation is false.

ALLEGES. Due to the tragic death of a close friend, Justice Johnson's wife, by arrangement, was waiting inside the home when Officer Davison dropped him off.

ALLEGES. The allegation, on its face, does not constitute a violation of the canons. It appears to be a sinister interpretation of a conversation that is neither harassing nor in violation of the canons.

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V. COUNT THREE

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

DENIES that the conduct was either a pattern or harassing toward Ms. Butterick, an appellate court attorney.

A. COUNT THREE, PARAGRAPH A (hallway September 2015), Justice Johnson:

DENIES. Justice Johnson has no recollection of meeting Ms. Butterick in 2015. If there was such an encounter, Justice Johnson DENIES the interpretation of a handshake as involving stroking of an arm. Ms. Butterick would have been a stranger to Justice Johnson. While shaking a hand may have included a hand clasp in a conventional sense of putting two hands on the person's one hand, this would have been a typical gesture offered by Justice Johnson to both men and women in order to convey a sincere welcome.

B. COUNT THREE, PARAGRAPH B (March 2018 encounter), Justice Johnson:

DENIES as to context with reasonably available information.

Justice Johnson agrees that he did encounter Ms. Butterick in the hallway. The count, however, mischaracterizes the encounter and misstates the facts. ALLEGES that a comment such as alleged in this Count, does not constitute willful or prejudicial misconduct.

C. COUNT THREE, PARAGRAPH C (second encounter the same week), Justice Johnson:

ADMITS as to a portion of the alleged comment and encounter; DENIES as to interpretation and characterization of the alleged hand gesture greeting.

ALLEGES that while a specific recollection of the exact words is not possible, the comment, at best, may be a social faux pas, and not a violation of the canons.

VI. COUNT FOUR

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

ADMITS that Andrea Blatchford is an appellate attorney who began work for him in approximately February 2018. He DENIES that he engaged in a pattern of conduct toward her that was unwelcome, undignified, discourteous and offensive, and would be perceived as sexual harassment or bias or prejudice based on gender.

ALLEGES that Ms. Blatchford herself was interviewed by Mr. Meyer and provided a declaration under penalty of perjury in which she stated that “I have never felt harassed by Justice Johnson, and I have never been sexually harassed by him.” She further swore to facts revealing that there was no pattern of conduct in a detailed description of her entirely professional relationship with Justice Johnson.

A. COUNT FOUR, PARAGRAPH A (improper tone on the phone, later hug and comment), Justice Johnson:

ADMITS conversation and ALLEGES that it is woefully lacking in context. This misimpression is clarified by the sworn declaration of Ms. Blatchford.

B. COUNT FOUR, PARAGRAPH B (tattoo discussion), Justice Johnson:

DENIES that this discussion expressed an unhealthy interest or was harassing, and ALLEGES that Ms. Blatchford's sworn declaration disavows the sinister and unhealthy characterization of the conversation in that she specifically stated that she did not feel that there was an expression of an unhealthy interest by Justice Johnson.

C. COUNT FOUR, PARAGRAPH C (boyfriend discussion)

1. Subpart i: (discussion of intellect and compatibility), Justice Johnson:

DENIES that the discussion would reasonably be perceived as sexual harassment, biased or prejudiced.

ALLEGES that Ms. Blatchford, in her own words, did not find the conversation to have any sexual or harassing overtones.

ALLEGES that the conversation, on its face, does not constitute a violation of the canons.

2. Subpart ii (necklace comment), Justice Johnson:

DENIES that the question was harassing, sexually or otherwise.

ALLEGES that the allegation omits the context provided by Ms. Blatchford in describing that she herself raised the subject of the necklace in a discussion, and described Justice Johnson's comment as brief and offhand, not amounting to harassment.

ALLEGES that the comment, on its face, does not constitute a violation of the canons, but is rather indicative of the overreach of the allegation as "filler" in an attempt to infuse innocent conversation with unhealthy insinuation.

3. Subpart iii (African American dating and poor joke), Justice Johnson:

ADMITS and apologizes. Justice Johnson did not intend to offend or to overstep a line, but recognizes that some people might take offense. Regardless of his ethnic origin, and the preceding context of the conversation, it was wrong to bring this up.

ALLEGES that the remark does not constitute a violation of the canons.

D. COUNT FOUR, PARAGRAPH D (lunch at Blue Cube),
Justice Johnson:

DENIES that the lunch conversation constituted harassment of any kind, or that his conduct was a violation of the canons.

ALLEGES that the allegation omits the information contained in the sworn statements of the participants to the lunch that Justice Johnson merely joined an ongoing conversation, and that his comments were not offensive to Ms. Blatchford or the other staff attorneys present. Justice Johnson further ALLEGES that including a lunchtime casual conversation which is unrelated to any judicial act or alleged attempt to influence a matter or person is indicative of the overreach and mischaracterizations throughout the noticed allegations.

ALLEGES that those bringing the charges, although well aware of the full context of the remarks, failed to include it in the allegation.

E. COUNT FOUR, PARAGRAPH E (“favorite” comments),

Justice Johnson:

ADMITS that he made the comments, and ALLEGES that he is in agreement with the sworn declaration of Ms. Blatchford that the comment referred to her work as an employee. Justice Johnson now recognizes with Ms. Blatchford that even in a work context, such a comment, even if innocently complimentary, is inappropriate in a discussion coming from someone in a supervisory position, and he apologizes.

DENIES that the comment as insinuated in the allegation was sexually or otherwise harassing, and ALLEGES that those bringing the charges were well aware of the full context of the remarks and failed to include them in the allegation.

F. COUNT FOUR, PARAGRAPH F (prostate comment),

Justice Johnson:

DENIES that the comment when considered in the context of the sworn statement of Ms. Blatchford (that Justice Johnson did not initiate the discussion, but made an offhand comment; that the comment was not considered offensive) and the confirmed interview of Justice Bendix that the alleged sexual reference in the comment was not recalled and further that Justice Johnson has never been seen by Justice Bendix to act in a way that she considered to be sexually inappropriate nor to make any comment that she considered to be sexually inappropriate to anyone.

ALLEGES that a casual comment made in the midst of a discussion of personal medical procedures instigated by others, which is not related to a judicial act or improper motive, is not a violation of the canons. It is further indicative of the overreach of the allegations overall.

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VII. COUNT FIVE

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

DENIES that he engaged in a pattern of conduct that would be reasonably perceived as sexual harassment or as bias or prejudice based on gender.

ALLEGES that amidst the tens of thousands or hundreds of thousands of conversations and comments made in a workplace situation between Justice Johnson and female court personnel over 34 years, the limited selected comments and encounters do not evoke a pattern nor the unhealthy implications alleged.

A. COUNT FIVE, SUBPARAGRAPH A (Ms. Velez)

Ms. Velez is an administrative assistant to Justice Chaney.

1. Subparagraph 1 (coffee between October and December 2013), Justice Johnson

DENIES that the alleged conversation was meant to be harassing or intentionally offensive. Rather, the conversation included personal discussions regarding both his own family and that of Ms. Velez in a casual atmosphere and is subjectively interpreted by one party. DENIES that the conversation, even as alleged, is a violation of the canons.

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ALLEGES that a broader understanding of the context, including statements by Ms. Velez, will provide a more balanced understanding of the events.

2. Subparagraph 2 (conversations two weeks later),
Justice Johnson:

ADMITS that Ms. Velez, Justice Chaney's administrative assistant, declined an invitation to have coffee; DENIES that she made a comment about never going anywhere with Justice Johnson again, and that Justice Johnson requested she come to chambers.

DENIES that on its face, the encounter and conversation alleged is a violation of the canons.

3. Subparagraph 3 ("favorite" comment), Justice
Johnson:

DENIES the allegation.

DENIES that the allegation on its face constitutes a violation of the canons.

4. Subparagraph 4 (discussion of personal
information with Justice Chaney), Justice Johnson:

ADMITS that the comments about Ms. Velez, Justice Chaney's administrative assistant, were made to Justice Chaney during an exchange of friendly information in a back-and-forth discussion. Justice

Johnson regrets revealing anything personal about another person to Justice Chaney. He did not discuss this information with anyone else.

DENIES that the comments in a private conversation between justices, not related to a judicial act or matter before the court, is a violation of the canons.

B. COUNT FIVE, PARAGRAPH B (Ms. Wohn), Justice Johnson:

ADMITS that he complimented Ms. Wohn on a very few occasions about her work as well as her attire when she was dressed for special occasions. He now fully appreciates that given the different status each had during their relationship, his attempts at friendliness and complimentary comments could have been, and apparently were (retrospectively), taken differently than he intended.

DENIES that the comments allege constitute a violation of the canons.

1. Subpart 1 (compliments), Justice Johnson:

ADMITS that he complimented Ms. Wohn.

DENIES that compliments, as alleged, constitute a violation of the canons.

2. Subpart 2 (comments at lunch), Justice Johnson:

ADMITS that in the seven years they worked together, he complimented her. While he has no recollection of the specific words, he DENIES that his comments were intended to be understood in a sexual, romantic or harassing manner.

DENIES that the comments constitute a violation of the canons.

C. COUNT FIVE, PARAGRAPH C (Ms. Currie), Justice Johnson:

ADMITS that in the 19 years he worked with Ms. Currie he complimented her attire and perfume on rare occasions in a spirit of friendliness and courtesy. He does not recall, and therefore does not deny that he may have used the words alleged.

DENIES that in the social environment of the times such comments would be found to be sexually harassing or inappropriate.

DENIES that the alleged comments constitute a violation of the canons.

D. COUNT FIVE, PARAGRAPH D (Justice Grimes), Justice Johnson:

DENIES that he made this comment.

ALLEGES that Justice Grimes, when questioned by Mr. Meyer in a monitored interview, denied that she ever heard such a comment, or

that Justice Johnson had ever been heard by her to say anything sexually inappropriate to anyone.

ALLEGES that a joking comment, even as alleged, would not constitute a violation of the canons. In casual workplace conversations, offhand comments to other adults of equal station are not a violation of the canons.

VIII. COUNT SIX (pattern of poor demeanor)

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

DENIES that he engaged in a pattern of poor demeanor toward colleagues and court employees. Supervising justices and colleagues of Justice Johnson were specifically questioned about the allegation of poor demeanor. None of them indicated that Justice Johnson had exhibited a pattern of poor demeanor, specifically in the area of anger, as alleged.

ALLEGES that he agrees with colleagues who have stated that he is a good debater and can be forceful in making a point; and who have also said in response to the questions about demeanor that he is also thoughtful and will change his mind and listens to reasoning.

A. COUNT SIX, PARAGRAPH A (display of anger), Justice Johnson:

DENIES that he angrily shook his finger six inches from her face and stated in a raised voice, words to the effect of “don’t ever do that again.”

ALLEGES that Justice Johnson’s fellow and supervising justices have never seen behavior similar to that from Justice Johnson; and that the allegation involving Justice Chaney, raised for the first time nine years after the event, is misreclected.

B. COUNT SIX, PARAGRAPH B (Ms. Currie), Justice Johnson:

DENIES that the conversations occurred as described, and that the context of the conversation, missing from the allegation, demonstrated in Ms. Currie’s and Justice Johnson’s own written conversation, reveals that the subjective interpretation alleged is inaccurate.

ALLEGES that the conversation, on its face, is not a violation of the canons.

C. COUNT SIX, PARAGRAPH C (Ms. Lin), Justice Johnson:

DENIES that the conversations occurred as described, and that the allegation mischaracterizes the facts as they occurred.

ALLEGES that independent witnesses disclose the lack of credibility of the allegation.

D. COUNT SIX, PARAGRAPH D (Mr. Alexander, staff attorney to Justice Chaney), Justice Johnson:

DENIES that the conversation occurred as alleged, and that independent witnesses and the circumstances underlying the conversation discredit the thrust of the allegation.

ALLEGES that independent witnesses and the case discussion as it unfolded do not constitute a violation of the canons.

ALLEGES that the allegation, on its face, does not constitute a violation of the canons.

IX. COUNT SEVEN (pattern of conduct toward other attorneys that demeaned the office and lent the prestige of judicial office to advance personal interests)

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

DENIES that he engaged in a pattern of conduct which demeaned the office and lent the prestige of the judicial office for personal interests.

ALLEGES that Justice Johnson had no personal interests to advance nor did he seek to do so. The allegation on its face does not reveal facts supporting conduct which demeaned the office and lent the prestige of judicial office for personal interests.

ALLEGES that independent witnesses have provided sworn declarations which disavow the facts alleged.

A. COUNT SEVEN, PARAGRAPH A (Ms. Palmer), Justice Johnson:

DENIES that he had any conversations with Ms. Palmer in which he demeaned the judicial office or lent the prestige of his judicial office to advance his personal interests.

DENIES, in that the allegations on their face do not constitute a violation of the canons.

1. Subparagraph 1 (dinner and offer to help with employment), Justice Johnson:

DENIES that the conversation occurred as alleged.

ALLEGES that he has no recollection of a dinner with Ms. Palmer, or of giving an impression that he would assist her in getting a job. Justice Johnson also ALLEGES that he did not do anything to assist her in any way in obtaining employment.

2. Subparagraph 2 (further conversation), Justice Johnson:

DENIES that the conversation occurred as alleged.

ALLEGES that he has made complimentary, non-harassing comments to many people on occasion, both men and women. Further

ALLEGES that he did not make a demeaning comment about his wife.

3. Subparagraph 3 (texts), Justice Johnson:

DENIES that he sent or intended to send sexually suggestive texts to Ms. Palmer.

ALLEGES that he does not recall sending such texts, and that given the opportunity to view any such alleged texts, if they exist, he will provide further information.

B. COUNT SEVEN, PARAGRAPH B (Ms. Schulman)

1. Subparagraph 1 (CAALA June 10, 2015), Justice Johnson:

DENIES that the conversation took place as alleged.

ALLEGES that independent witness statements discredit the context and substance of the allegations.

ALLEGES that the social conversation, on its face, does not constitute a violation of the canons.

C. COUNT SEVEN, PARAGRAPH C (Ms. Segall), Justice Johnson:

ADMITS, in that he does not contest that the conversation did occur; and DENIES, in that he does not recall the exact words of the conversation.

DENIES that there was any motivation or intent to make a sexually harassing or inappropriate comment or act.

ALLEGES that the allegation, on its face, is not a violation of the canons, and is in the category of offhand remarks that are made in everyday social situations without intended offense, and which are misinterpreted by the recipient.

X. COUNT EIGHT (alcohol innuendo)

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

DENIES the overall allegation.

ALLEGES that there is no assertion of the involvement of a judicial act nor of any failure or inability to perform judicial duties.

ALLEGES that independent sworn statements of percipient witnesses disavow the allegations.

ALLEGES that Justice Johnson is an insulin-dependent type 2 diabetic, and on occasion will have a drop in blood sugar which can produce brief symptoms such as weakness, speech problems and unsteadiness until the level is restored. He has been under continual treatment for this condition since October 2005. He not only takes daily oral medications for the condition, but also he is insulin-dependent – usually requiring two injections daily.

A. COUNT EIGHT, PARAGRAPH A (2010 observation),

Justice Johnson:

DENIES that the allegation is accurate.

ALLEGES that medical facts known to the commission are omitted in the allegation.

B. COUNT EIGHT, PARAGRAPH B (wedding in 2011),

Justice Johnson:

DENIES the context and circumstances as alleged.

ALLEGES that sworn relevant facts known to the commission are omitted in the allegation.

C. COUNT EIGHT, PARAGRAPH C (June 10, 2015

event), Justice Johnson:

DENIES the facts alleged.

ALLEGES that known undisputed facts by sworn independent witnesses are omitted in the allegation.

D. COUNT EIGHT, PARAGRAPH D (2016 observation),

Justice Johnson:

DENIES that he was intoxicated.

ALLEGES that the identification of Justice Johnson may have been mistaken.

ALLEGES that medical facts regarding Justice Johnson's diabetes, known to the commission, are omitted in the allegation.

E. COUNT EIGHT, PARAGRAPH E (Summer of 2017),

Justice Johnson:

DENIES that he was intoxicated as alleged.

ALLEGES that medical facts regarding Justice Johnson's diabetes known to the commission are omitted in the allegation.

XI. COUNT NINE (1999-2009 while employed as magistrate judge)

TO THE INTRODUCTORY PARAGRAPH, Justice Johnson:

DENIES that in the 10-year period alleged (a period 10 years ago), the limited comments alleged constitute a pattern of inappropriate conduct.

ALLEGES that the social comments alleged in 2004 and between 2006 and 2008 did not involve a judicial act, case, or a violation of the canons.

ALLEGES that at the times alleged, Justice Johnson was not a judicial officer for the State of California.

A. COUNT NINE, PARAGRAPH A (Ms. Martinez), Justice

Johnson:

DENIES the allegation and DENIES that the recollection of the comment from 14 years ago is accurate.

ALLEGES that a single comment, as alleged, from 14 years earlier, does not constitute an actionable violation of the canons.

B. COUNT NINE, PARAGRAPH B (Ms. Denow 2006),

Justice Johnson:

DENIES the statements in that they are not recalled.

ALLEGES that the comments, if any part or all did occur, do not constitute a violation of the canons.

ALLEGES that Justice Johnson apologizes for any discomfort felt by Ms. Denow, if the alleged comments were in fact made, and ALLEGES that if such occurred, had he known of her discomfort, he would have apologized at the time.

C. COUNT NINE, PARAGRAPH C (Ms. Denow 2006-2008), Justice Johnson:

DENIES, in that he has no recollection of any such conversation in 2006 to 2008. ALLEGES that had he known of her discomfort, he would have apologized at the time.

ALLEGES that the social comment alleged does not constitute a violation of the canons.

D. COUNT NINE, PARAGRAPH D (Ms. Denow and law clerk), Justice Johnson:

ALLEGES that he has no recollection of the alleged conversation. If such occurred, had he known of her uncomfortableness, he would have apologized at the time.

ALLEGES that the social comment alleged does not constitute a violation of the canons.

E. COUNT NINE, PARAGRAPH E (May 2008 comment to Ms. Denow), Justice Johnson:

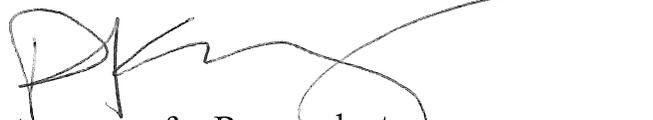
DENIES, in that he does not recall making such a comment in 2008.

ALLEGES that such a comment would be rude and inappropriate and, if he in fact made such a comment, he apologizes for the offense felt by Ms. Denow.

Dated: January 24, 2019

Respectfully submitted,

PAUL S. MEYER
WILLIE L. BROWN, JR.
REG A. VITEK
THOMAS J. WARWICK, JR.



Attorneys for Respondent
JUSTICE JEFFREY W. JOHNSON

VERIFICATION

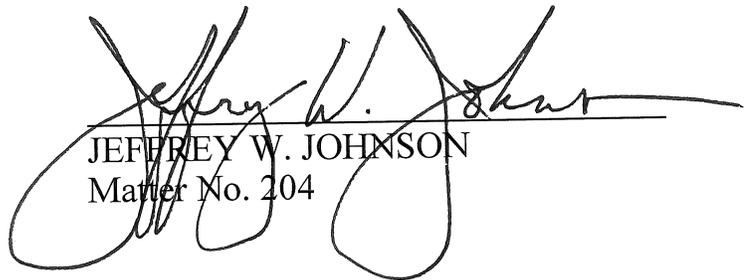
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I, JEFFREY W. JOHNSON, declare that:

I am the respondent justice in the above-entitled proceeding. I have read the foregoing Answer of Justice Jeffrey W. Johnson and all facts alleged in the above document, not otherwise supported by citations to the record, exhibits, or other documents, are true of my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 19, 2019 at Los Angeles County, California.


JEFFREY W. JOHNSON
Matter No. 204

PROOF OF SERVICE

I, Kathleen Vaughan, declare: I am a citizen of the United States, over the age of 18 years, and am not a party to the within action or proceeding. My business address is 695 Town Center Drive, Suite 875, Costa Mesa, California 92626.

On January 22, 2019, I served the **ANSWER OF JUSTICE JEFFREY W. JOHNSON TO THE NOTICE OF FORMAL PROCEEDINGS - INQUIRY NO. 204** for filing with the Commission on Judicial Performance by electronic transmittal, followed by enclosing the original document in a sealed envelope, with first class postage thereon fully prepaid, and depositing it with the United States Postal Service at Costa Mesa, California, addressed to Ms. Brickley, with a true copy thereof addressed to Ms. Drummer, as follows:

**Via Electronic Filing Followed
by U.S. Mail:**

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On January 22, 2019, I served the **ANSWER OF JUSTICE JEFFREY W. JOHNSON TO THE NOTICE OF FORMAL PROCEEDINGS - INQUIRY NO. 204** by electronic transmittal, followed by enclosing a true copy thereof in a sealed envelope, with first class postage thereon fully prepaid, and depositing it with the United States Postal Service at Costa Mesa, California, addressed as follows:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 22, 2019, at Costa Mesa, California.



Kathleen Vaughan