

FILED

MAY - 3 2019

**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
SECOND AMENDED
NOTICE OF FORMAL
PROCEEDINGS**

PAUL S. MEYER, SBN 51146
PAUL S. MEYER, APC
695 Town Center Drive, Suite 875
Costa Mesa, California 92626
Telephone: 714 754 6500
Facsimile: 714 979 9047
Email: pmeyer@meyerlawoc.com

WILLIE L. BROWN, JR.
SBN 29656
WILLIE BROWN, JR. INC.
100 The Embarcadero Penthouse
San Francisco, California 94105
Telephone: 415 777 0310
Facsimile: 415 512 9277
Email: wlb@williebrownc.com

REG A. VITEK, SBN 41166
SELTZER CAPLAN McMAHON
VITEK
750 B Street, Suite 2100
San Diego, California 92101
Telephone: 619 685 3003
Facsimile: 619 685 3100
Email: vitek@scmv.com

THOMAS J. WARWICK, JR.
SBN 56200
GRIMES & WARWICK
101 West Broadway, Suite 810
San Diego, California 92101
Telephone: 619 232 0600
Facsimile: 619 232 8857
Em: twarwick@grimesandwarwick.com

Attorneys for Justice Jeffrey W. Johnson

COMES NOW Respondent, Justice Jeffrey W. Johnson, and answering the Second Amended 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:

TO THE ALLEGATIONS CONTAINED IN THE SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS,

Justice Johnson:

A. Herein incorporates his previously filed Answers to Notice of Formal Proceedings and First Amended Notice of Formal Proceedings.

B. DENIES AND ALLEGES to Count Ten as follows:

1. The offending phrase alleged in Count Ten, uttered in non-public conversation, outside the presence of the persons allegedly referenced, does not violate the Judicial Code of Ethics. A phrase in a casual conversation, even including mild profanity or colloquialisms, spoken outside the presence of the referenced persons, not including an allegation of a biased or mean-spirited intent, cannot be a violation

of the Judicial Canons. The Canons were not intended to render casual conversation and unguarded thought impossible, unless accompanied by an inappropriate intent. No such intent is alleged here.

2. The undisputed evidence in this matter has demonstrated that the hearer testified that the interpretation of the phrase could be taken to mean “tough minded woman.” This is not a violation of the Canons.
3. Justice Johnson denies the allegation in that he does not have distinct recall of the phrase in conversations, and submits that the witnesses have not confirmed a distinct recollection.
4. Further, the recollection by witnesses of the phrase from years ago is likely influenced by the review of joking text messages exchanged between the

///

///

///

witnesses. The characterization of the text messages
was confirmed by an independent witness.

Dated: May 1, 2019

Respectfully submitted,

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

A handwritten signature in black ink, appearing to be 'P. Meyer', with a long horizontal flourish extending to the right.

Attorneys for Respondent
JUSTICE JEFFREY W. JOHNSON

VERIFICATION

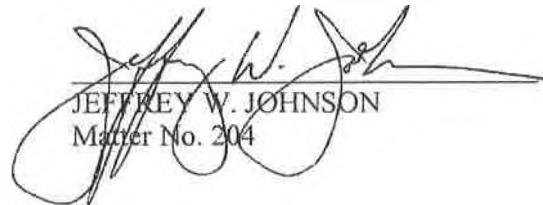
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

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 to Second Amended Notice of Formal Proceedings 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 April 26, 2019 at Los Angeles County, California.


JEFFREY W. JOHNSON
Matter No. 204