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DISCIPLINARY INQUIRY HALTED AFTER CLERK MAKES ACCUSATIONS Affidavit Leads Panel to Stop Proceedings

By Jason W. Armstrong
Daily Journal Staff Writer

VENTURA - The Commission on Judicial Performance has stayed disciplinary proceedings against Santa Barbara County Superior Court Judge Diana R. Hall, after a court clerk filed an affidavit accusing one of the judges on the disciplinary panel of making disparaging remarks about Hall.

In an affidavit, Crystal Powser, a former court clerk, contends she met with the member of the disciplinary panel, Monterey County Superior Court Judge Michael S. Fields, in his Ventura hotel room during the Hall-case proceedings, held last week in Ventura.

Powser said in the affidavit that Fields believes the judge is guilty.

In the declaration Powser filed Wednesday in an unrelated pending civil suit against another Monterey County judge, she claimed Fields told her the special masters thought Hall was "guilty of all three allegations" against her. The inquiry into Hall's actions was halted Wednesday after Powser filed her declaration.

The commission has accused Hall of violating campaign finance law by not reporting a donation from her ex-girlfriend, Diedre Dykeman, for Hall's 2002 re-election. Hall is also accused of driving while intoxicated. In addition, she's accused of improperly questioning a prosecutor about filing a motion to "paper," or disqualify, her from a case under Code of Civil Procedure Section 170.6.

Fields "made fun of the fact that her [Hall's] girlfriend's name was Dykeman and that he wasn't sure which one was the man or which one played the woman part," Powser said in her declaration.

Fields did not return a call to his chambers or cell phone Friday.

Victoria Henley, chief counsel for the Commission on Judicial Performance, declined to say Friday whether Hall's hearing had been stopped late Thursday because of Powser's declaration.

In a press release, the commission simply said the Hall proceedings had been stayed.

"I cannot comment beyond what the release says," Henley said.

Hall's lawyer, Edith Matthai of Los Angeles' Robie & Matthai, also declined to comment Friday.

It's not the first time Powser has been at the center of a judicial controversy.

Powser resigned her 16-year clerkship position earlier this year after a failed romance with former Monterey County Commissioner Richard Rutledge. Rutledge resigned from the bench in October under allegations that he was "fixing" tickets for friends and associates.

Powser accused Rutledge of the offense in e-mails to authorities and others. The Monterey district attorney's office looked into the allegations but declined to file criminal charges against the commissioner.

Powser could not be reached for comment Friday.

She filed her declaration about Fields in the case of *Forte v. O'Farrell*, M72599 (Monterey Super. Ct., filed 2004). Eugene E. Forte, a Los Banos man, charged in a lawsuit that Monterey County Superior Court Judge Robert O'Farrell caused him emotional distress and abused his due-process rights. Forte claims O'Farrell violated his rights when the judge had deputies arrest him because Forte announced his intent to "paper" O'Farrell in another civil suit he had filed.

Forte said Friday he has long alleged wrongdoing by Monterey County bench officers.

He began a friendship with Powser after he found out she accused Rutledge of fixing tickets, Forte said.

Forte said he encouraged Powser to file her declaration in his case to show a pattern of misconduct by Monterey judges.

According to Powser's declaration, she agreed at Fields' invitation to visit him in his Ventura hotel room on Tuesday night, the second day of Hall's commission hearing.

Powser said in her declaration that Forte drove her from Monterey to Ventura.

During the visit, Fields allegedly made sexual advances toward Powser, which she spurned, Powser said in her declaration.

Fields allegedly told Powser to be "quieter" because another member of the disciplinary panel was in a nearby hotel room, according to her affidavit.

In reference to the commission's accusation that Hall violated judicial ethics by improperly asking a prosecutor why he was papering her, Powser said Fields told her the masters thought she committed the offense.

"Judge Fields said that's another guilty allegation because Judge Fields believed the DA and the PD who testified against [Hall] in court," Powser said in her declaration. "Judge Fields said she was the only witness on her side and even her girlfriend testified against her," Powser said.

Powser said she and Fields went out to dinner, where they noticed Hall and her lawyer, Matthai, sitting nearby.

"At dinner, he said we couldn't talk about the case because the judge (the one on trial) and her lawyer were right behind us," Powser said in her declaration.

Diana Valenzuela, calendar coordinator for Monterey Superior Court, issued the following statement: "The court has become aware of the allegations in the declaration filed on November 16th, 2005. There are mandated procedures that the court is required to follow in these situations. These specific procedures are designed to ensure fairness and proper protection for the public the court and all parties. The court has initiated the required process and cannot provide any further information at this particular time."

Most sincerely,

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