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March 13, 2014

Judge Lisa Schall
Residential mailing address redacted
Personal email address redacted

Re: Questions offered to be answered by Judge Lisa Schall via email of March 7, 2014

Dear Judge Schall,

The March 7th email that you sent regarding the upcoming election was forwarded to others as your email directed its recipients to do¹. On March 8th, the day after you sent it and it was sent to us, we shared it on Katy's Exposure blog². Your email states that you will gladly answer questions posed by those in receipt of the email. We asked if anyone had questions for you to answer. Several questions were received for us to relay to you. The ones selected as appropriate to send may be read online at Katy's under the blog title of "*Voter Questions Posed to San Diego Judicial Candidate Lisa Schall*" by 5pm this afternoon. Short link: <http://wp.me/plYPz-3JB>

As you know, your challenger for San Diego County Superior Court ("seat 20") is federal attorney Carla Keehn. Because of questionable campaign tactics that have been used by local sitting judges, this race has gained media attention rarely seen in judicial elections. On February 24, 2014, the San Diego Union Tribune published an article regarding this race and the campaign tactics of sitting judges. The article is entitled "[Judge candidate feels gavelled down](#)"³. On February 28, 2014, the San Diego Free Press published an article regarding the tactics used to cause non-endorsements for Ms. Keehn entitled, "[Thou Shalt Not Challenge a Sitting Judge](#)"⁴. On March 6, 2014, the California Court Monitor published an article. This article claims that the local sitting judge tactics are indicative of a statewide problem impacting voters' rights to elect judicial court officers of their choosing. Their article is titled, "[Judicial Election Intimidation On Display in San Diego](#)"⁵

¹ March 7, 2014 Schall email <http://freepdfhosting.com/b7b95d4e0e.pdf>

² March 8, 2014 Katy's "Judge Schall offer to answer your questions" <http://wp.me/plYPz-3J8>

³ February 24, 2014 UT "Judge candidate feels gavelled down"

<http://www.utsandiego.com/news/2014/Feb/21/judge-candidate-feels-gavelled-out/>

⁴ February 28, 2014 SD Free Press "Thou Shalt Not Challenge a Sitting Judge"

<http://sandiegofreepress.org/2014/02/thou-shalt-not-challenge-a-sitting-judge-and-other-legal-oddities/>

⁵ March 6, 2014 Cal Court Monitor "Judicial Intimidation On Display in San Diego"

<http://californiacourtmonitor.com/community/judicial-election-intimidation-on-display-in-san-diego/>

Judicial Canon⁶ 2 states, "A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities. B. Use of the Prestige of Judicial Office (2) A judge shall not lend the prestige of judicial office or use the judicial title in any manner, including any oral or written communication, to advance the pecuniary or personal interests of the judge or others."

Judicial Canon 5 states, "A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary."

Given the above, the following are people's questions found to be most relevant to the race for seat 20 and relevant to the underlying issues at hand. Due largely to fear of reprisal from sitting judges for publicly asking pointed questions, the questions are posed to you anonymously. Please answer them prior to Judge Rosenstein's next known scheduled speaking engagement, March 18th, regarding San Diego sitting judges' desire for the local Democratic Party to not endorse your challenger, Keehn. Your answers will aid potential endorsers, campaign funders, and voters to gain greater understanding of underlying issues encompassed in the race for jurist seat 20.

1. On October 3, 2013, Tom Homann LGBT Law Association ("THLA") endorsed their Board of Director ("BOD") member, Carla Keehn, for election as a Superior Court jurist⁷. In February of 2014, the BOD withdrew their prior multi-seat endorsement by questionable means of changing policy after-the fact⁸ -- then claiming this change negated the prior endorsement of Keehn. On February 10, 2014, an email was sent from THLA BOD member, Mr. Fox, to Ms. Keehn⁹. The email details that the organization's members and BOD felt threatened that retaliation and ostracizing would come to them and to the LGBT community from San Diego County ("Superior Court") sitting judges; if they endorsed Keehn in her run against you, a sitting judge. According to the [Fox email](#), the message of potential retaliation and ostracizing was delivered to THLA by your fellow sitting judges, Judge Paula Rosenstein and Judge David Rubin.¹⁰

⁶ California Code of Judicial Ethics http://www.courts.ca.gov/documents/ca_code_judicial_ethics.pdf

⁷ October 3, 2013 THLA multi-seat endorsement of Keehn
<http://vc-thla.s3.amazonaws.com/files/2013-11-08-13/20131003thlabodminutes.pdf>

⁸ February 6, 2014 THLA Policy #2 after-the-fact change
<http://vc-thla.s3.amazonaws.com/files/2014-02-07-14/standingpoliciesprocedures.pdf>

⁹ February 10, 2014 THLA/Fox email to Keehn
<http://www.weightiermatter.com/wp-content/uploads/2014/02/Fox-Email.pdf>

¹⁰ Compiled fn 7, 8, 9: THLA mislead of Keehn's valid multi-seat endorsement after coercion by sitting judges. <http://freepdfhosting.com/2f4fd38cb9.pdf>

- a.) In light of the above information corroborated by the links read in footnotes 3-5 and 7-10; do you think Judges Rosenstein and Rubin could be perceived as violating Canons of Judicial Ethics 2.B.(2) and 5? I.e. misuse of prestige of judicial office to intimidate endorsers of a challenger to a sitting judge.
 - b.) Do you think your re-election campaign in the capacity as the incumbent sitting judge has been an intended beneficiary of Rosenstein's and Rubin's actions?
 - c.) Do you think that Judges Rosenstein's and Rubin's acts are beneficial to themselves and all Superior Court appointed judges by dissuading challenges to judicial office via voter election?
 - d.) Do you think their acts show intent to undermine the campaign credibility and funding of any citizen who dares to challenge a sitting judge by election?
 - e.) Do you think their acts show intent to increase difficulty of raising voter awareness of reasons to vote some appointed judges out of office?
 - f.) Given that Judges Rosenstein's and Rubin's campaign tactics have raised eyebrows to the point that they have been found newsworthy by several professional journalists; do you think that a reasonable person would conclude that they have given "the appearance of impropriety in their judicial activities" by misuse of "prestige of judicial office" and "judicial title" to "advance the personal interests" of themselves and other "judges".
 - g.) Do you think that a reasonable person would conclude that they have given "the appearance" they are "engaged in political and campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary"?
2.
 - a.) Have you and fellow sitting Judge Rosenstein communicated regarding her actions and/or communications with others which have aided to cause Keehn's potential endorsers, not to endorse her in a race against a sitting judge?
 - b.) If so, on what dates and is there any relevant communication in your possession that is in writing?
 3.
 - a.) Have you and fellow sitting Judge Rubin communicated regarding his communications to THLA members which have aided to cause Keehn's potential endorsers, not to endorse her in a race against a sitting judge?
 - b.) If so, on what dates and is there any relevant communication in your possession that is in writing?
 4. Judge Rosenstein is a Democrat. She is scheduled to speak before the San Diego Democratic Party Central Committee, on March 18, 2014¹¹ and again before the San Diego Democrats for Equality on March 27, 2014.*^{12 13}

¹¹ March 18, 2014 SD Democratic Party Central Committee meeting where Rosenstein is scheduled to speak again for non-endorsement of candidate Keehn <http://www.sddemocrats.org/events.asp>

¹² March 27, 2014* SD Democrats for Equality meeting: <http://democratsforequality.org/meeting/>

¹³ March 4, 2014 Comment Posts by Dems for Equality BOD members Re: Rosenstein lobbying them not to endorse Keehn. Mixed information received from sources of date Rosenstein is to speak* <http://freepdfhosting.com/7471fc2157.pdf>

The subject of her presentations is to encourage non-endorsement from the Democrats for Keehn's race against a Republican sitting judge, you. Rosenstein's prior speaking before the Central Committee of the San Diego Democratic Party on February 18, 2014¹⁴ prejudicially aided to cause Keehn to appear to voters to be the only Democrat judicial candidate not endorsed by her party.¹⁵ Judge Rosenstein's actions have also caused Keehn to have to timely file her ballot statement by March 7, 2014, while appearing to have no endorsement within the Democratic and the LGBT communities.¹⁶

- a.) As the sitting judge who is directly benefiting from sitting judges Rosensteins' and Rubin's actions, do you have an ethical obligation to dissuade your fellow sitting judges from abusing prestige of judicial office to your benefit?
 - b.) Are you intending to discourage sitting Judge Rosenstein from making further prejudicial presentations to Keehn's potential endorsers?
 - c.) Do you think the presiding judge of the Superior Court should dissuade sitting judges from violating Canons of Judicial Ethics?
5. a.) Do you think voters should have the right to elect the judges of the Superior Court?
b.) Why or why not?
6. In 1985, you were appointed to judicial office by a Governor Duekmajian.
a.) Prior to 2014, has there ever been an election challenger to your judicial seat?
b.) If so, in what years?
7. a.) Who are and have been donors to your campaigns for judicial office?
b.) Who are the persons in receipt of your solicitation for donations via your email sent from you to them on March 7, 2014?
8. Your campaign website now states that your re-election is endorsed by "*All 125 judges of the San Diego Superior Court*"¹⁷. This was changed approximately one week ago from the claimed endorsement of "*All 127 judges of San Diego Superior Court*"¹⁸.
a.) Who are the two people who are no longer Superior Court judges causing your number of "*All*" to be reduced by two?
b.) Did you include yourself among your stated 127 judicial endorsers?

¹⁴ February 18, 2014 Democratic Party Central Committee Member Duquette Email Regarding his concerns of Rosenstein's influence over Keehn non-endorsement at this meeting:
<http://freepdfhosting.com/5d87bcf215.pdf>

¹⁵ San Diego Dem Endorsement page: http://www.sddemocrats.org/democratic_candidates.asp

¹⁶ March 7, 2014 Keehn ballot statement <http://freepdfhosting.com/ae43cd3c8a.pdf>

¹⁷ Schall current endorsement page stating "125" <http://judgeschall.com/endorsements/>

¹⁸ Schall former endorsement page stating "127" <http://freepdfhosting.com/961054ec33.pdf>

9. How can the public access written proof of your stated endorsement from “*All 125 judges of the San Diego Superior Court*”?

10. Your website makes the claim that your re-election is endorsed by the “Alliance of California Judges” (“ACJ”).¹⁹ This is an organization which claims to be comprised of over 500 California judges and justices, statewide, who keep their members’ names confidential.

- a.) Why is the ACJ endorsement not stated on your ballot statement²⁰; but the claimed endorsement is on your website?
- b.) What proof do you have of who authorized this claimed endorsement from the ACJ?
- c.) Did each of the anonymous member of the unincorporated group provide their individual endorsement to you?
- d.) Can you provide evidence that each and every member of the ACJ endorses your re-election?
- e.) Have you received communication from anyone associated with the ACJ which caused you not to list them among your endorsers on your ballot statement?
- f.) What are the names of the ACJ members/sitting California jurists who you claim endorse your bid for re-election?

11. I was told that in 2008 when a local newspaper reporter tried to find the file of your plea bargain for your [2007 DUI arrest](#)²¹, that the court records department indicated that they could not locate the file.

- a.) Do you have information of why the records may be unavailable to the public and reporters?
- b.) What is the case number?

12. In 1995, a litigant refused to re-enter your courtroom for fear she would become angry because she claimed you would not let her tell her side of the story. According to the records, you sent your bailiff into the hallway to arrest the litigant who was then sent to jail for five days without a contempt of court hearing. In 1999, you were [publicly admonished](#) by the Commission on Judicial Performance (“CJP”) for this abuse.

- a.) Did you ever apologize to the litigant for your breach of judicial ethics causing her five days of false imprisonment?

¹⁹ Alliance for California Judges, confidential membership of state jurists
<http://allianceofcaliforniajudges.com/membership.html>

²⁰ February 12, 2014 Schall ballot statement <http://freepdfhosting.com/fe79eb4a55.pdf>

²¹ September 17, 2008 MetNews “San Diego Judge Publicly Censored Over Wet Reckless Plea”
<http://www.metnews.com/articles/2008/guys091708.htm>

- b.) If not, why not?
- c.) Was any restitution for the false imprisonment by your hand, ever paid to harmed litigant?
13. In 1995, were you privately admonished by the CJP for giving custody of a minor to her mother whose live-in boyfriend, “de facto father”, was known to the courts to have been established as molesting the child?²² (fn 24, 2008 public admonishment indicates a private admonishment involving a minor)
14. Did the CJP privately admonished you for unethical campaigning in 1986²³
15. You have received no less than two *public* admonishments from the CJP for violating the Code of Judicial Ethics.^{24 25}
- a.) How many non-published admonishments have you received from the CJP?
- b.) How many complaints are you aware exist, that have been filed against you for which no admonishment has been given by the CJP?²⁶
16. a.) Besides the embarrassment of being publicly admonished by the CJP, have you received any other form of punishment for your multiple violations of Canons of Judicial Ethics?
- b.) If so, punishment in what forms?
17. To date, how many times have you been named as a co-defendant with some of the current stated endorsers of your judicial re-election campaign?
18. Are you disclosing to your financial supporters that you are currently a defendant in a racketeering lawsuit;²⁷ and of the implications this may bring under 18 U.S. CODE § 2, 3, and 4?
19. Are citizens of the state of California, which also makes them citizens of the United States, entitled to protections of each entity’s constitutions?

²² November 1993 In re Kieshia E. (1993) 6 Cal.4th 68 , 23 Cal.Rptr.2d 775; 859 P.2d 1290
<http://scocal.stanford.edu/opinion/re-kieshia-e-31525>

²³ September 28, 1986 Complaint to the Commission on Judicial Performance for unethical campaigning
http://articles.latimes.com/1986-09-28/local/me-9731_1_judges-credibility-lacking

²⁴ September 5, 2008 Commission On Judicial Performance admonishment
http://www.cjp.ca.gov/res/docs/Public_Admon/Guy-Schall_09-05-08.pdf

²⁵ October 19, 1999 Commission On Judicial Performance admonishment
http://www.cjp.ca.gov/res/docs/Public_Admon/Guy-Schall_99.pdf

²⁶ November 2011 Angie’s Media “CJP Investigation of Judge Schall Heats Up, Citizen Input Sought”
<http://angiemedia.com/2011/11/09/cjp-investigation-of-judge-lisa-schall-heats-up-citizen-input-sought/>

²⁷ January 2014 California Coalition for Families and Children et al. v. San Diego County Bar Association et al., United States District Court, Southern District of California Case No. 3:13-cv-1944 CAB (BLM)
<http://www.weightiermatter.com/wp-content/uploads/2014/01/CCFC-Letter-to-Daphne-Hearn-Attachments.pdf>

20. In light of less California court employed court reporters, do you feel it is important that litigants have access to the original tapes of proceedings in which tapes are the official record? *Smith v. U.S. District Court Officers* 203 F.3d 440 (2000)

(Questions 21-23 are from Sharon Kramer)

21. As a judicial officer of the court, is it your standard practice that when a juror's declaration is submitted to you stating that prejudicial hearsay documents not discussed in a trial somehow entered your court's jury room, were read aloud by a juror, and influenced the verdict; that you refuse to even hear oral arguments for a new trial?²⁸

22. As a judicial officer of the court, is it your standard practice that when direct evidence of a litigant's material perjury is provided to you, for you to "*not be drawn into that kind of petty behavior*" of making the litigant's attorney explain himself regarding his client's perjury and his repeated suborning/benefiting from it in your court?²⁹

23. As you are well aware, several of your fellow sitting jurists who now endorse your re-election, have collusively committed criminal acts without subject matter jurisdiction by their continued usage of a 2008 void judgment issued from your court in the matter of Bruce J. *Kelman & GlobalTox, Inc. v. Sharon Kramer* Case No. GIN044539.^{30 31}

a.) As a sitting judge and candidate for voter re-election to public office, what do you intend to do to mitigate the continuing damage to the United States public caused by your endorsers using the void judgment that was falsified in your court?³²

b.) As a judge, your decisions impact the lives of many. Do you feel it is prudent for judges to admit error when error is proven to exist; or do you think people should have to sue judges in federal court to mitigate the damage from concealment of errors?

24. Do you think silence is a valid response when jurists are faced with irrefutable evidence of wrong-doing?

²⁸ Former THLA BOD member/Juror #5 Shelby Stuntz's, 2008 Declaration & Schall denial to even hear oral argument for new trial <http://freepdfhosting.com/96e00ed077.pdf>

²⁹ Direct evidence Schall knew of material plaintiff perjury impacting her rulings; Schall refusal to be "*drawn into that kind of petty behavior*" of punishing for crime in Schall's court, and CJP refusal to punish several court officers for their suborning perjury, etc. <http://freepdfhosting.com/246e6ad4b3.pdf>.

³⁰ Schall court falsified judgment in its current form <http://freepdfhosting.com/1f449984f8.pdf>

³¹ 2013, Sitting Justices Judith McConnell and Patricia Benke concealment and continued usage, coram non iudice, of Schall 2008 falsified judgment. Second demand for proof of jurisdiction – which never came. <http://freepdfhosting.com/6dcb2f89ba.pdf>

³² "Environmental Advocate Sharon Kramer ~US DOJ Lying Experts~Cal Courts & Mold~ Not a pretty story!!" <http://wp.me/PIYPz-3AJ>

25. Are you of the opinion that there are serious problems in the California judicial branch and its ancillary agencies; or do you feel that no real change is needed?

26. Your campaign motto is "*Injustice anywhere is a threat to justice everywhere*".³³ What does that sentence mean to you in relation to your role as a San Diego County Superior Court judge currently running for re-election by the voters?

27. Your challenger Carla Keehn's campaign motto is "*Its not just about knowing the law. Its about upholding the law and applying it equally and fairly*"³⁴ Do you agree with that statement?

On behalf of San Diego County voters and those who submitted questions, I thank you for your offer to answer questions in an effort to bring clarity to the matter at hand. We look forward to receipt of your timely reply.

Sincerely,



Mrs. Sharon Noonan Kramer

cc: Judge Paula Rosenstein
Judge David Rubin
San Diego County Superior Court Presiding Judge David Danielson

³³ Lisa Schall for Judicial Seat 20 <http://judgeschall.com/>

³⁴ Carla Keehn for Judicial Seat 20 <http://carlakeehnforjudge.com/>