

**DENVER COUNTY COURT
JUDICIAL DISCIPLINE COMMISSION**

Commission Members:

**Dennis A. Jakubowski
Robert Johns
Nora D. Kimball, Chairperson
Christopher Miranda
Judge Michael Mullins
Lee Rudofsky
Judge Sheila Rappaport
Judge Raymond Satter, Ex-Officio**

March 10, 2003

[REDACTED]

In re: Complaint to the Denver County Court, Judicial Discipline Commission
[REDACTED], Magistrate [REDACTED]

Dear [REDACTED]:

This letter is in response to your various complaints and correspondence regarding the above-captioned matter. As a result of your grievances, a special sub-committee of the Judicial Performance Commission ("Commission") was formed and your complaint was thoroughly investigated. The Commission finds as follows:

1. **Complaint against the Honorable [REDACTED], Presiding Judge of [REDACTED]**
[REDACTED]. (January 3, 2003)

The Commission finds no basis in support of this complaint. The reasons are set forth with specificity and particularity below in response to your complaint against Magistrate [REDACTED]. In addition to those reasons, the Commission will also advise you that it is not the duty or responsibility of the presiding judge to handle any matters requiring appeal as a remedy. It appears you filed an appeal motion with the Denver District Court. Judge [REDACTED] has no authority whatsoever over the District Court. [REDACTED]

Further, your complaint against Judge [REDACTED] is without merit because of your demands. The mere fact that you received no response from Judge [REDACTED] about a district court matter does not demonstrate that Judge [REDACTED] failed to diligently discharge his administrative responsibilities as you contend. As stated, it was a District Court matter requiring a proper appeal in that court and was not a matter for Judge [REDACTED] to oversee.

2. **Complaint against Clerk of the Court for Denver County District Court.** (December 14, 2002)

The City and County of Denver Judicial Performance Commission was created for the following purpose:

There is hereby created a Denver County Court Judicial Performance Commission established for the purposes of recommending to the Mayor censure, reprimand, or other discipline of Judges of the County Court of the City and County of Denver and recommending to the Mayor the suspension, removal, or retirement from Office of any Judge of the County Court for the City and County of Denver. The Denver County Court Judicial Performance Commission may also recommend to the Presiding Judge of the County Court the discipline or removal of any magistrate of the County Court of the City and County of Denver.

Revised Municipal Code of the City and County of Denver, Vol. 1; Subtitle B-Charter, Part 4, §4.4.1(A).

Administration and oversight of the Clerk of the Denver County Court is not within the umbrella of responsibility of either the Commission or the Presiding Judge. Please direct all complaints in that regard to Mr. Matthew M. McConville, County Court Administrator, 1437 Bannock Street, #111C, Denver, Colorado 80202.

Also please be aware that the City and County of Denver, *County Court*, and the City and County of Denver, *District Court* are two separate courts with separate administrations, different oversight bodies, and separate jurisdictions. Your complaint was made against the "Denver County District Court," which is an inaccurate combination of the two separate courts.

3. **Complaint to the Denver County Court Judicial Performance Commission against Magistrate [REDACTED].** (December 24, 2002).

A thorough review of the file indicates that you filed a Summons and Complaint in Small Claims Court, City and County of Denver, Colorado on [REDACTED]. This Complaint claimed against the Denver District Office of [REDACTED], [REDACTED]. An appearance date of [REDACTED], was docketed with the Small Claims Court.

Prior to the scheduled trial date, specifically [REDACTED], Magistrate [REDACTED] entered an order dismissing the case. This order was entered upon the Court's own motion. All judicial officers may act within their own jurisdiction based upon motions made by the judicial officer himself or herself. In your case, Magistrate [REDACTED] made a determination, as a matter of law, that an arbitration decision by the [REDACTED] was binding and therefore final for purposes of appeal. Magistrate [REDACTED] further decided that the appeal to the District Court of the adverse arbitration decision against you was your exclusive remedy and you were precluded from bringing a separate action against the [REDACTED] in Small Claims Court. This ruling, made as a matter of law, prevented you from asserting any claim against the [REDACTED] and therefore the matter was to be dismissed in the Small Claims Court. Magistrate [REDACTED] took this action on her own motion which she had the authority to so do.

Your motion, before Magistrate [REDACTED], asking her to reconsider the decision to dismiss the case and vacate the order of dismissal, filed November 11, 2002, was also denied. At that point, the dismissal of the action was reclassified as "with prejudice" instead of "without prejudice" so that the ruling would be final and you would then have the right to appeal Magistrate [REDACTED]'s decision to the Denver District Court. This action was also within the authority and discretion of Magistrate [REDACTED]. The record further indicates that the Small Claims Court advised both parties of the Court's rulings.

A thorough review of the facts and circumstances of your case and subsequent complaints indicate that Magistrate [REDACTED] did in fact act within her authority and discretion and your remedy was an appeal to the City and County of Denver, District Court. In the view of the Commission, Magistrate [REDACTED] took no action that would warrant any kind of disciplinary action.

Thank you in advance for your attention to this correspondence.

Very truly yours,

A handwritten signature in cursive script that reads "Nora Kimball".

Nora A. Kimball, Chair
Judicial Discipline Commission