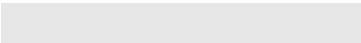


March 10, 2006

Dr. Richard Wehmhoefer
Colorado Commission on Judicial Discipline
899 Logan Street, Suite 307
Denver, CO 80203

RE: Inquiry concerning , 1st Judicial District

Dear Dr. Rick:

Thank you for your response-memorandum, dated February 10, 2006. In response to my February 6th 2006 complaint of a delay in decision making for over twenty months (directly implicating Canon 3A and indirectly implicating Canons 1A and 2A), you reminded me that you have “told” me repeatedly that the Commission “is not a court [and] does not have any authority to review legal or factual aspects of a person’s case. It also does not have the authority to review the rulings, orders or decision that a judge may make when presiding over a person’s case.”

I think the obvious question is, if the Commission is truly disallowed from reviewing the legal or factual aspects of [any] case, including rulings, orders or decision, then how is it even remotely possible for the Commission to enforce Canon 3A, which deals with the discharge of the duties of a judge’s office (which primarily involves making rulings, orders and decisions regarding the factual and legal aspects of a given case)?

In my letter, I explained that the gravamen of my complaint was the fact that the judge had not issued any ruling at all –a ruling on a unique matter that requires a prompt peremptory ruling.

The truth is, I disagree with the conclusion of your response and I am prepared to explain why: I have reviewed one of the Commission’s Annual Reports, published in the Colorado Lawyer. I note that examples of private letters of discipline issued to judges by the Commission included judges who, “Delayed issuing rulings in cases pending before the judges, violations of Canon 3A(5), Colorado Code of Judicial Conduct.” This quotation is excerpted directly from the Report of the Commission and has not been paraphrased.

Here are **all** the examples of disciplinary letters, as appearing in one such report:

- Engaged in *ex parte* contacts with litigants or attorneys in **cases pending before the judges**, violations of Canons 1, 2A. and B., and 3A.(4), Colorado Code of Judicial Conduct.
- Delayed issuing **decisions in cases pending before the judges**, violations of Canon 3A.(5), Colorado Code of Judicial Conduct.
- Experienced losses of temper or control with litigants or attorneys **in cases pending before the judges**, violations of Canons 1, 2A. and B., and 3A.(3), Colorado Code of Judicial Conduct.
- Made inappropriate remarks about the conduct of an attorney to the media, a violation of Canons 1 and 3A.(6), Colorado Code of Judicial Conduct.
- **Heard a case** involving an individual who was a client of the part-time judge's law firm, a violation of Canons 1, 2A. and B., 3C.(1)(a), (b), and (c), 8B.(7), and 8C.(1) and (3), Colorado Code of Judicial Conduct.
- Became intemperate and verbally abusive toward an employee and customer of a business establishment, a violation of Canons 1 and 2A. and B., Colorado Code of Judicial Conduct.
- Pled guilty to driving while the judge's ability was impaired by alcohol, a violation of Canons 1 and 2A., Colorado Code of Judicial Conduct.
- Was found to have sexually harassed an employee of the judge, a violation of Canons 1 and 3A.(3), Colorado Code of Judicial Conduct.

Please note that four of the eight examples excerpted, hereinabove, include matters dealing with the conduct, action or inaction of a judge in, "a person's case." As I have implied, *supra*, one of these examples deals specifically with, "legal or factual aspects of a person's case" but, which you stated in your response the Commission cannot investigate for want of jurisdiction. That one example, of course, pertains to delayed rulings, which is precisely the subject of my grievance.

By this letter, I am formally and respectfully requesting reconsideration of this matter or, in the alternative, an elaboration of the earlier decision.

. . . with kind regards,