

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING A JUDGE

No. 69

ANSWER

The undersigned answers the allegations of Count One as follows:

Answering the allegations of paragraph A it is alleged that the Memorandum of Decision was mailed to the parties on October 31, 1985.

Answering the allegations of paragraphs C and D the undersigned denies each allegation thereof and further alleges that California Constitution, Article VI, Section 19, and Government Code Section 68210 has no application to the undersigned in that such sections apply only to judges of courts of record; that the justice court is not a court of record as set forth in California Constitution, Article VI, Section 1.

Answering the allegations of paragraph E thereof the undersigned admits the allegations thereof and alleges that such failure to respond was not out of disrespect for the Commission but out of a negative reaction against myself when I received it just after completing the proceedings

1 in Admonition No. 57, the notice therein being dated September  
2 13, 1985.

3 II

4 Answering the allegations of Counts Two and Three,  
5 the undersigned incorporates herein his answers to Count One.

6 III

7 In rendering its decision I would ask that the Commission  
8 consider the fact that while this matter is the latest to  
9 come before the Commission, its origin predates prior actions  
10 taken.

11 Further, the common factor in each of the cases which  
12 have come before the Commission is the taking of the matters  
13 under submission and the submission of briefs. Taking them  
14 off of the calendar has led to losing track of the cases.  
15 While that is not offered as an excuse of justification, it  
16 is a fact. There is no legitimate excuse for not doing what  
17 one is required to do.

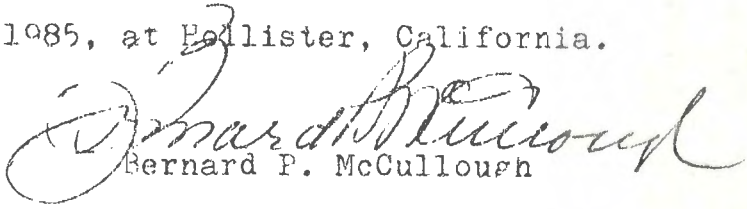
18 It is apparent that I, for whatever reasons peculiar  
19 to me and the staffing of this office, cannot take the matter  
20 off the courtroom calendar. No longer will I take a matter  
21 under submission with the parties to be notified. If a  
22 case requires a delay for briefing or other consideration,  
23 it will be rescheduled for argument and decision with the  
24 decision to be announced from the bench.

25 Finally, the Commission is requested, if this answer  
26 is permitted to be filed, to accept the apology of the

1 undersigned. Failure to file was the result of the frustration  
2 of the undersigned and not for any other reason.

3 I declare under penalty of perjury that the foregoing is  
4 true and correct.

5 Executed on December 5, 1985, at Hollister, California.

6   
7 Bernard P. McCullough  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26