

1 JAMES R. ROSS #141  
1600 N. Hale Avenue  
2 Fullerton, Ca 92831

FILED

JUN 06 1997

Commission on  
Judicial Performance

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8 STATE OF CALIFORNIA

9 BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

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11 INQUIRY CONCERNING JUDGE ) ANSWER TO FIRST  
12 JAMES RANDALL ROSS, NO. 141 ) AMENDED NOTICE OF FORMAL  
PROCEEDINGS (RULE 199)

13  
14 COMES NOW JAMES R. ROSS, #141 and denies generally and  
15 specifically every allegation contained in the First Amended  
16 Notice of Formal Proceedings against him dated June 2, 1997.

17 Further, due to meshing of the claim against said James R.  
18 Ross, he incorporates this answer to Notice of Formal  
19 Proceedings attached hereto as Exhibit "A" and makes it a part  
20 hereof.

21 Further, in order to allay any confusion, James R. Ross  
22 incorporates his Answer to Allegations of letters of March 28  
23 and April 1, 1997 by the Commission on Judicial Performance  
24 attached hereto as Exhibit "B" and makes it a part hereof.

25 Dated: June 4, 1997

James R. Ross  
26 JAMES R. ROSS, #141  
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VERIFICATION

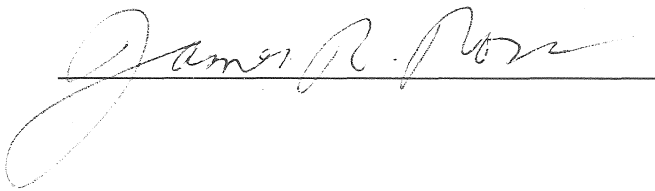
STATE OF CALIFORNIA     )  
                                  ) ss.  
COUNTY OF ORANGE     )

I have read the foregoing Answer to Notice of Formal Proceedings (Rule 119), and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on June 4, 1997 at Fullerton, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_ JAMES R. ROSS \_\_\_\_\_

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 ) ss.  
4 COUNTY OF ORANGE )

5 I am employed in the county of Orange, State of California. I am over the age of 18 and  
6 not a party to the within action; my business address is 1661 E. Chapman Avenue, 1-C,  
7 Fullerton, CA 92631.

8 On June 4, 1997, I served the foregoing document described as: Answer  
9 to Notice of Formal Proceedings (Rule 119) and Verification on the following parties at the  
10 address set forth below enclosed in a sealed envelope addressed as follows:

11 Commission on Judicial Performance  
12 101 Howard Street, Suite 320  
13 San Francisco, CA 94105  
14 Attention: Jack Coyle

Chairman  
Commission on Judicial Performance  
101 Howard Street, Suite 300  
San Francisco, CA 94105

15  (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in  
16 the United States mail at Fullerton, California.

17 Executed on June 4, 1997, at Fullerton, California.

18  (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the  
19 offices of the addressee.

20 Executed on \_\_\_\_\_, 19 \_\_, at \_\_\_\_\_, California.

21  (State) I declare under penalty of perjury under the laws of the State of California that  
22 the above is true and correct.

23  (Federal) I declare that I am employed in the office of a member of the bar of this court at  
24 whose direction the service was made.

25 CELIA DORR  
26 Type or Print Name

  
Signature

James R. Ross  
1600 No. Hale Avenue  
Fullerton, CA 92831  
(714) 526-1826

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

|                            |   |                            |
|----------------------------|---|----------------------------|
| INQUIRY CONCERNING JUDGE   | ) | ANSWER TO NOTICE OF FORMAL |
|                            | ) | PROCEEDINGS (RULE 119)     |
| JAMES RANDAL ROSS, NO. 141 | ) |                            |
| <hr/>                      | ) |                            |

COUNT ONE

Deny I exhibited unjudicial demeanor or conduct in either Zapone v. Jaridly or Harris v. Chevron, U.S.A.

A. Zapone v. Jaridly.

Deny in 1992, 1993 and 1994 in Zapone v. Jaridly, a personal injury case arising out of an automobile accident, I became embroiled, threatened contempt, demonstrated anger, impatience and lack of courtesy and appeared not to be impartial.

Admit I presided over several mandatory settlement conferences held in late 1992 and 1993. Deny I was advised at the December 16, 1992 mandatory settlement conference that there was an insurance coverage dispute until after I made my order. Admit that there was an action filed in Federal Court on Exhibit "A"

December 9, 1993 and whether the attorney there had a motion to stay the personal injury action until the federal court action was decided I had no knowledge of this until after I made my order of December 16, 1993.

Admit that I presided over December 16, 1993 mandatory settlement conference. Deny all else that occurred in Chambers.

I admit that I asked the insurance company representative in chambers if in fact they were willing to pay money to settle the case. I also admit that Mr. Spitz instructed the State Farm Representative that they were not to respond which was in violation of the Court Rules while in chambers. I admit that I left the chambers, took the bench and asked who the Chief Executive Officer of State Farm was. Spits told me that the out-of-state president of the company was Ed Rust, Jr. I ordered that Rust appear in my courtroom on January 3, 1994. I then asked the insurance claims representatives on the record if they would pay anything. The insurance representatives responded they would not.

I admit that State Farm's motion to stay the personal injury was set for December 29, 1993. Attorney Spitz was present on behalf of State Farm. After the attorneys stated their appearances, I refused to hear the motion on the grounds that State Farm was not a proper party and lacked standing to bring the motion. I made comments to Spitz, including the following:

Spitz: May I explain, your honor?

The Court: No, you cannot sir. . . [to the bailiff].

Therefore, if he says one more word even under his breath

in this courtroom, I will hold him in contempt of court and you will take him to the Orange County jail.

The Bailiff: Sir, please wait in the hallway.

The Court: Unless you want to say one more word.

However this statement, was taken entirely out of context.

I admit that on January 3, 1994, the CEO/President of State Farm did not appear in court, contrary to the Court's Order.

I deny that Carol Trueman, a senior regional employee with full authority to discuss and negotiate the insurance company's position regarding settlement, appeared in place of Rust.

I admit that I put on the record my version of what had happened in chambers with the insurance representatives at the December 16, 1993 settlement conference.

I admit that I asked Spitz if my version of what had occurred was correct. I admit that when Spitz disagreed with my characterization and asked to explain, that I stated: I did make the statement, "No, you can't because you're a liar because that's what you told them and I'll go up against you any time and my reputation against yours because you told them--" However, this statement is taken out of context and misapplied.

I admit that without notice to Spitz, I then put the two insurance representatives (Ellis and Syverson) who had been present at the December 16, 1993, settlement conference on the witness stand under oath and questioned them as to what had occurred at the settlement conference. I deny that I was argumentative and sarcastic with insurance representative Ellis, and threatened Spitz with contempt for objecting to my questions. However, I did state that the next time Mr. Spitz interrupted me, he would be in contempt of court.

I deny that I then asked Trueman how much authority she had from State Farm and she stated that she had authority of \$100,000, which was the policy limit. I admit that I stated that the "ramifications of this case could well be in seven figures, it might even rival Judge Jameson's award against Farmers for 60 million, and then you do not have authority like in the millions, do you?" However, this quote is taken out of context or text and is incorrect in its interpretation. I admit no such reference to a judgment for bad faith against Farmers Insurance Company. I admit that I ordered Mr. Rust to be present here so we could have somebody with real authority—I am talking about seven figures—and he's going to be the one that I have ordered and I'm going to reorder it."

I admit that I questioned Spitz and Cullins, the defendant's insurance company defense attorney, about whether they had personally notified Rust to be present in court. I deny that I imposed \$5,000 in sanctions against Spitz, \$5,000 in sanctions against attorney Cullins, and \$5,000 in sanctions against State Farm. I deny that I did not allow the attorneys to make a record regarding that order. I admit that I stated that if Rust was not present on January 12, "I will guarantee you \$5,000 will look minuscule." I also stated that I would consider striking the answer and entering a default judgment if Rust did not appear on January 12, 1994.

I admit that thereafter the case settled and that on January 26, 1994 I presided over a continuing conference and recited what I believed to be the terms of the proposed settlement. I admit that when attorney Wade and attorney Blum, the defendant's privately retained attorney, attempted to

correct the figures I had recited, I responded by stating that I would again order the president of State Farm to be present in court. In addition, all of the above is taken out of context.

In regard to Zapone v. Jaridly, I allege that Mr. Spitz and State Farm were in violation of the Court Rules.

B. Harris v. Chevron U.S.A. Inc.

I deny the allegations, and further it is completely taken out of context.

#### COUNT TWO

I admit that I wrote a book entitled I, Jesse James, published in 1989. I admit that the book was available for purchase at the court room and chambers. I deny all other statements made that I announced to counsel and others present in court that the book was available for purchase from the bailiff and that copies were available at the bailiff's desk at which time approximately 12 copies of the book were sold, thereby lending or appearing to lend the prestige of office to advance my own private interests.

#### COUNT THREE

I deny each and every allegation.

#### COUNT FOUR

I admit that I told a joke as alleged. I deny each and every other allegation.

Further, I admit that the jury was not present and other people were present in the courtroom. I deny that under the



circumstances the telling of the joke was inappropriate, undignified and offensive.

DATED: March 20, 1997

  
\_\_\_\_\_  
JAMES R. ROSS, #141

VERIFICATION

STATE OF CALIFORNIA        )  
                                  ) ss.  
COUNTY OF ORANGE        )

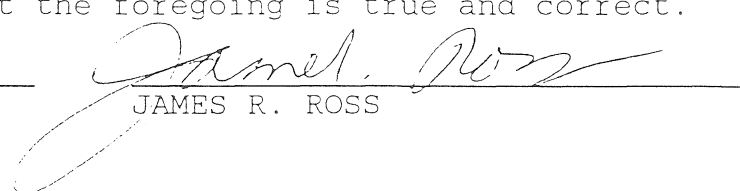
I have read the foregoing Answer to Notice of Formal Proceedings (Rule 119), and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on March 20, 1997, at Fullerton, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
JAMES R. ROSS

  
\_\_\_\_\_  
JAMES R. ROSS

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA )  
3 ) ss.  
4 COUNTY OF ORANGE )

5 I am employed in the county of Orange, State of California. I am over the age of 18 and  
6 not a party to the within action; my business address is 1661 E. Chapman Avenue, 1-C,  
7 Fullerton, CA 92631.

8 On April 4, 1997, I served the foregoing document described as: Answer to Notice of  
9 Formal Proceedings (Rule 119) and Verification on the following parties at the address set  
10 forth below enclosed in a sealed envelope addressed as follows:

11 Commission on Judicial Performance  
12 101 Howard Street, Suite 320  
13 San Francisco, CA 94105  
14 Attention: Chairman Roland Selman

Chairman  
Commission on Judicial Performance  
101 Howard Street, Suite 300  
San Francisco, CA 94105

15  (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in  
16 the United States mail at Fullerton, California.

17 Executed on 4/4, 1997, at Fullerton, California.

18  (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the  
19 offices of the addressee.

20 Executed on \_\_\_\_\_, 19 \_\_, at \_\_\_\_\_, California.

21  (State) I declare under penalty of perjury under the laws of the State of California that  
22 the above is true and correct.

23  (Federal) I declare that I am employed in the office of a member of the bar of this court at  
24 whose direction the service was made.

25 CELIA DORR  
26 Type or Print Name

*Celia Dorr*  
Signature

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1 James R. Ross  
1600 No. Hale Avenue  
2 Fullerton, CA 92831  
3 (714) 526-1826  
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8 STATE OF CALIFORNIA

9 BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE  
10

11 INQUIRY CONCERNING JUDGE ) ANSWER TO ALLEGATIONS IN  
12 ) LETTERS OF MARCH 28 AND  
13 JAMES RANDAL ROSS, NO. 141 ) APRIL 1, 1997 BY THE  
14 ) COMMISSION ON JUDICIAL  
15 ) PERFORMANCE

16 RE; WALKER-CRAIG

17 I deny that during the course of the trial, that I yelled  
18 loudly at the Walkers and their attorney on several occasions  
19 both in and outside the presence of the jury.

20 I admit that I agreed in court to sell a copy of my book,  
21 "I, Jesse James" and may have autographed the book while in the  
22 courthouse. However, I deny that I instigated any offer to sell  
23 said book, but instead answered a request by others.

24 I deny that I slept or appeared to be sleeping several  
25 times during the trial.

26 I deny that I indicated that Mr. Walker was lying and  
27 threatened to hold him in contempt and to have him arrested for  
28 comments reported to me by my bailiff.

Exhibit "B"

1 I admit that there were two stipulations signed by the  
2 parties and their attorneys. All else I deny.

3  
4 Re: Ann Krevche v. Santiago Air  
5 Conditioning Co. Inc. and Clifford Ties

6 I deny that, during the course of the jury trial, I fell  
7 asleep on more than one occasion causing counsel to resolve  
8 their objections in the absence of my ruling thereon or leading  
9 to embarrassing silence until I was awakened.

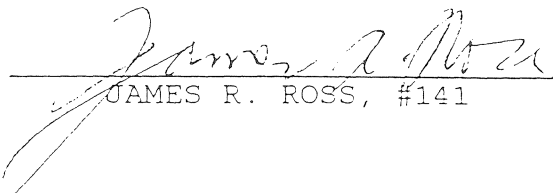
10 I may have told the same joke as in Willema v. Wall,  
11 however, I deny that the joke contained someone having sex with  
12 an animal. I have no knowledge or belief that at least one  
13 juror became visibly uncomfortable in reaction to the joke.

14 I further stated that I will not under any circumstances  
15 accept a private admonishment Rule 113 and especially 114(c).

16 I further state that I will not accept any Public  
17 Admonishment under Rule 115 and especially Rule 116(c).

18 Further, I request that the Commission allow all media at  
19 the hearing under Rule 124.

20  
21 DATED: April 11, 1997

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23 \_\_\_\_\_  
24 JAMES R. ROSS, #141  
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VERIFICATION

STATE OF CALIFORNIA            )  
                                          ) ss.  
COUNTY OF ORANGE            )

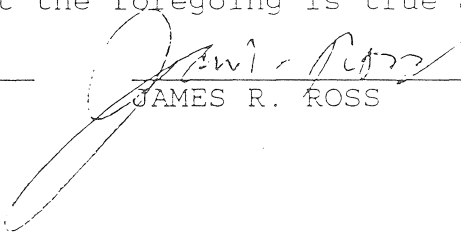
I have read the foregoing ANSWER DECLARATION IN LETTERS OF MARCH 28 AND APRIL 1, 1997 BY THE COMMISSION ON JUDICIAL PERFORMANCE, and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on April 11, 1997, at Fullerton, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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JAMES R. ROSS

  
\_\_\_\_\_  
JAMES R. ROSS

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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA )  
3 ) ss.  
4 COUNTY OF ORANGE )

5 I am employed in the county of Orange, State of California. I am over the age of 18 and  
6 not a party to the within action; my business address is 1661 E. Chapman Avenue, 1-C,  
7 Fullerton, CA 92631.

8 On April 11, 1997, I served the foregoing document described as: ANSWER  
9 DECLARATION IN LETTERS OF MARCH 28 AND APRIL 1, 1997 BY THE  
10 COMMISSION ON JUDICIAL PERFORMANCE and Verification on the following parties  
11 at the address set forth below enclosed in a sealed envelope addressed as follows:  
12

13 Commission on Judicial Performance  
14 101 Howard Street, Suite 320  
15 San Francisco, CA 94105  
16 Attention: Dennis Coupe

17 Mr. Roland Selman  
18 Commission on Judicial Performance  
19 101 Howard Street, Suite 300  
20 San Francisco, CA 94105

21 Robert C. Bonner, Esq.  
22 Chairman, Commission on Judicial Performance  
23 101 Howard Street, Suite 300  
24 San Francisco, CA 94105

25 9 (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in  
26 the United States mail at Fullerton, California.

27 Executed on April 11, 1997, at Fullerton, California.

28 9 (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the  
29 offices of the addressee.

Executed on \_\_\_\_\_, 19 \_\_, at \_\_\_\_\_, California.

30 9 (State) I declare under penalty of perjury under the laws of the State of California that  
31 the above is true and correct.

32 9 (Federal) I declare that I am employed in the office of a member of the bar of this court  
33 at whose direction the service was made.

34 \_\_\_\_\_  
35 CELIA DORR  
36 Type or Print Name

37 Celia Dorr  
38 \_\_\_\_\_  
39 Signature