



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 01-0652-JP

PUBLIC ADMONITION

**HONORABLE JOHN ROBERT KLEIMANN
JUSTICE OF THE PEACE, PRECINCT 1
WILLIS, MONTGOMERY COUNTY, TEXAS**

During its meeting in Austin, Texas, on February 7-8, 2002, the State Commission on Judicial Conduct (the Commission) concluded a review of allegations against the Honorable John Robert Kleimann, Justice of the Peace, Precinct 1, Willis, Montgomery County, Texas. Judge Kleimann was advised by letter of the Commission's concerns and provided a written response. Judge Kleimann was given the opportunity to appear before the Commission and give testimony but declined to appear. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable John Robert Kleimann was Justice of the Peace for Precinct 1, Willis, Montgomery County, Texas.
2. On one occasion, a juror in Judge Kleimann's court observed the judge sleeping during a witness' testimony.
3. A former clerk who worked for the judge for nine years said that she observed Judge Kleimann sleep during court hearings approximately 50 times during her tenure with the court.
4. A county employee who witnessed many trials in Judge Kleimann's courtroom witnessed the judge sleep while presiding at various hearings.

5. Clerks who attend the judge's court during lengthy civil and criminal proceedings have often observed and discussed among themselves Judge Kleimann's propensity to fall asleep.
6. Judge Kleimann denied ever falling asleep during a trial, but admitted to napping on the bench during the time of day between bench trials and jury trials.
7. Judge Kleimann, in a sworn statement to the Commission, wrote that "[i]t is the judge's opinion that no one should say when the judge may rest during a 24 hour period."

RELEVANT STANDARD

Canon 3B(3) of the Texas Code of Judicial Conduct states that "[a] judge shall require order and decorum in proceedings before the judge."

CONCLUSION

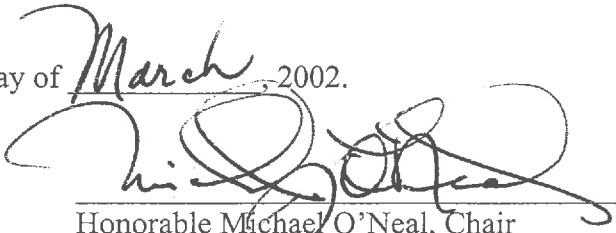
The Commission finds from the evidence presented that, by sleeping during official court proceedings on numerous occasions, Judge Kleimann failed to maintain order and decorum in the courtroom. Moreover, sleeping on the bench erodes public confidence in the judiciary by sending the message that the judge lacks concern for the proceedings at hand and for the judge's duties under the law. The Commission concludes that Judge Kleimann's actions violate Canon 3B(3) of the Texas Code of Judicial Conduct.

In condemnation of the above-recited conduct that violated Canon 3B(3) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable John Robert Kleimann, Justice of the Peace, Precinct 1, Willis, Montgomery County, Texas.

Pursuant to the authority contained in Article 5, §1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Signed this the 1st day of March, 2002.



Honorable Michael O'Neal, Chair
State Commission on Judicial Conduct