

# JUDICIAL CONDUCT REPORTER



★★★★★ A PUBLICATION OF THE NATIONAL CENTER FOR STATE COURTS CENTER FOR JUDICIAL ETHICS

VOLUME 42, NO. 4 • WINTER 2021

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### JUDICIAL CONDUCT REPORTER Winter 2021

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National Center for State Courts  
ISSN: 0193-7367

An index and past issues are  
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## State judicial discipline in 2020

In 2020, there were approximately 127 public state judicial discipline proceedings. Approximately one-third of the sanctions were entered pursuant to the judge's agreement.

Eleven judges were removed from office. (For more information about those cases, see [Removal cases in 2020, \*infra\*](#).)

Five former judges were barred from serving in office again. One of those former judges was also suspended from the practice of law for one year; two were also publicly censured, fined \$1,000 each, and permanently barred from public office; one was also publicly censured and barred from public office for 10 years.

Thirteen judges or former judges resigned or retired in lieu of discipline pursuant to public agreements with conduct commissions. One judge was retired for disability.

Seven judges were suspended without pay for 14 days to six months. The six-month suspension was stayed conditioned on the judge completing two hours of education and not engaging in further misconduct. There were three suspensions for 30 days; one of those judges was also reprimanded; one was reprimanded and fined \$1,000. One of the 30-day suspensions was held in abeyance based on several conditions, including that no meritorious complaints are filed against the judge during the remainder of his current term. One judge was suspended for three months. One judge was suspended for 90 days, reprimanded, and fined \$2,000.

There were 85 judges (or former judges in approximately seven cases) who received public censures, reprimands, admonishments, or warnings. In approximately 15 of those cases, the judge was also ordered to obtain additional education, training, mentoring, or counseling. There were 16 censures. There were 37 reprimands; one reprimanded judge also forfeited seven days of vacation. There were 24 admonishments, one of which was severe. There were eight warnings.

In attorney discipline proceedings for conduct while they were judges, one former judge was disbarred, and two former judges had their law licenses suspended. One of those suspensions was stayed conditioned on the former judge completing four hours of education and engaging in no further misconduct.

In two cases, the judicial conduct commissions made public findings of misconduct but did not impose a sanction.

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## What judges said to or about litigants that got them in trouble

- “[I could] split [you]r baby in half like Solomon and sleep like a baby that night;” and “And when I say communication, I don’t mean ‘and den da b\*\*ch done dis, and den da b\*\*ch done dat.” Judge affecting an Ebonics accent and dialect to a couple during a custody dispute. [Tranquilli](#) (Pennsylvania Court of Judicial Discipline 2020) (ordering that a former’s judge pledge not to serve be irrevocable and that pay that had been withheld during his interim suspension be permanently withheld).
- “And good luck to [the child], because it ain’t going to turn out well for her;” and “she’s going to get divorced. And your grandkid is going to go through the same things she’s going through because this is all she knows.” Judge to parents in a family law case. [Gary](#) (California Commission 2020) (admonition for this and related comments).
- “And the reason I raised religion is not to get into a deep philosophical religious discussion, but to address this witness’s concern with these two parents that a child not understanding the permanence of death, that is true, but parents or adults also struggle with the permanence of death. And one of the ways they cope with the permanence of death is through religion, through the promise of when you die, somehow you will live again. The Christian religion—I know dad goes to church, or at least I’ve heard testimony. The Christian religion, you will have everlasting life, John 3:16. If you go through that, what is the purpose for that for adults?” Judge to social worker testifying in family law case. [Gary](#) (California Commission 2020) (admonition for this and related comments).
- “For the record I’ve known Al Carbonetto and his wife since high school.” Judge before reducing the amount of support a husband had been ordered to pay. *Russo*, 231 A.3d 563 (New Jersey 2020) removal for this and other misconduct).
- “I’m going to throw you out and put you in handcuffs in about 30 seconds, all right? So you can either walk out or get thrown out if I have to look at another outrageous expression from you. Clear? Because if I have to tell you again, I’m just going to ask the officer to put you in handcuffs, and then you’ll—you’ll experience the Sullivan County Jail.” Judge in a custody and visitation matter to a party’s mother sitting in the back of the courtroom. [McGuire](#) (New York Commission 2020) (removal for this and other misconduct).
- “[If your daughter] has to endure anyone that Mr. H dates is a drug addict, a slut, whatever, or anyone that Ms. M dates is a drug addict, a slut, a child abuser, whatever, then she is going to have a very difficult

time of this.” Judge to parties in a child custody and visitation matter when there was no allegation either party had a history of dating such individuals. *McGuire* (New York Commission 2020) (removal for this and other misconduct).

- “Okay, time-out;” “If you open your mouth one more time, you’re adding on to your misery ma’am;” and, “Deputies, she’s in your custody for contempt of court for causing a ruckus which interrupted our hearing. Three days in jail.” Judge responding to a woman who had screamed in the hallway outside his courtroom. *Bachman* (Ohio 2020) (six-month suspension from practice of law for former judge).
- “He is a most obnoxious mean man.” Judge in email to law clerk about a party in a case. *Leahy* (Minnesota Board 2020).
- “You know, sounds like she was using meth and she’s a meth head.” Judge referring to the victim in a domestic violence case. *Bennett* (California Commission 2020) (censure for this and other misconduct).
- “Stop, now, just stop with that! Jesus . . . . Come on. That’s getting old, that’s getting really old;” and “Why can’t you just be quiet when other people are talking?” Judge to pro se litigant in a small claims case in which a close friend was representing the other party. *Gorski*, 937 N.W.2d 609 (Wisconsin 2020) (reprimand for this and related misconduct).
- “Deadbeat.” Judge referring to the tenant in an eviction proceeding. *Knopf* (New York Commission 2020) (censure for this and related misconduct).
- “[A]t the end of this, who looked like . . . an as\*\*\*le and who looked like a good guy?” Magistrate to one party after the other party left the courtroom following a hearing in a protection order case. *Porzio*, 153 N.E.3d 70 (Ohio 2020) (stayed six-month suspension without pay).
- “[Fish] said he was a minister. What’s the story with that? . . . A Christian minister even though he’s Jewish;” and “Do Jewish people have halos? I think they have angels though, right? . . . The Catholics got lots of angels or uh . . . ‘Halos.’” Magistrate to one party after the other party left the courtroom following a hearing in a protection order case. *Porzio*, 153 N.E.3d 70 (Ohio 2020) (stayed six-month suspension).

## Removal cases in 2020

From 1980 through 2019, approximately 451 judges were removed from office as a result of state disciplinary proceedings. In 2020, 11 judges were removed.

### “Intolerable for a sworn officer of the court”

Several judges were removed following disciplinary proceedings that began relatively soon after they assumed the bench based on pre-bench conduct or conduct that took place right after they took office.

For example, in January 2020, based on a formal complaint filed in April 2018, the Illinois Courts Commission removed a judge for failing to disclose information relevant to a homicide investigation and providing false statements to the police on December 30, 2016, which was 25 days after he took office, as well as making false statements during the discipline proceedings. [\*In re Duebbert, Order\*](#) (Illinois Courts Commission January 10, 2020). The Commission concluded that intentionally withholding “relevant information for a homicide investigation within a month of being sworn in as a judge” was “totally unacceptable.”

In 2013, before he was a judge, Ronald Duebbert developed a close personal relationship with David Fields. In 2015, Fields pled guilty to aggravated assault on a pregnant person and was incarcerated. While Fields was incarcerated, Duebbert and Fields remained in contact through telephone calls, written correspondence, and Duebbert’s visits.

On October 24, 2016, Fields was released on mandatory supervision. On November 4, Fields moved into the judge’s home. On November 8, Duebbert was elected judge. On December 2, Fields moved out of the judge’s home. On December 5, Duebbert was sworn in as a judge.

On December 29, the judge and Fields exchanged texts; Fields used a cell phone with a 650 area code that was in the judge’s name and that the judge had given him to use.

Early the next morning, Carl Silas was murdered.

Later that morning, Fields called the judge; their conversation lasted just over three minutes. By noon, the judge knew that Fields was a suspect in Silas’s murder.

That afternoon, two state police officers investigating the murder interviewed the judge at his home. The interview was recorded.

When the officers asked who had the 650 phone, the judge said that Fields had given it back to him in late November or early December, but he failed to tell them that he had returned the phone to Fields the night before, that Fields had used that phone to text him the night before, and that Fields had called him earlier that day. The judge told the officers more than once that, “if” he heard from Fields, he would tell Fields to turn himself in to the police. The Commission found that the judge’s testimony that he had told the detectives about his texts and phone call with Fields during an

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In 2020,  
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off-camera interview was “seriously wanting and unworthy of any belief” and “insulting and disturbing” from a former defense attorney and elected judicial officer.

The Commission concluded that, “rather than being forthcoming about his contact with Fields, respondent purposely deceived the investigators by failing to provide significant information he knew was relevant to the investigation,” “hinder[ing]” and “effectively misdirect[ing] the police investigation,” and “wast[ing] significant police time . . . during the critical investigation of a homicide.” Rejecting the judge’s explanation, the Commission stated that being “petrified” did not “excuse lying to the police during a homicide investigation” or “absolve his subsequent lies and misstatements . . . .” It also concluded that, although made outside the courtroom and in his private life, the judge’s “repeated falsehoods are intolerable for a sworn officer of the court.” Finally, the Commission noted that the judge had “exploited his position to satisfy his personal desires” and “to shift the focus away from his involvement with Fields,” valuing “his reputation and position as a judge over providing truthful statements to the police.”

Other judges were also sanctioned in 2020 for not being candid with law enforcement officials in their personal lives. See [Gillis, Order](#) (Arizona Commission on Judicial Conduct January 11, 2020) (reprimand of pro tem judge for providing false information to law enforcement investigating her client); *In the Matter of Brady*, 235, A.3d 175 (New Jersey 2020) (three-month suspension of former judge for withholding from the police information about the whereabouts of her boyfriend even though she knew there were warrants for his arrest, in addition to related misconduct).

### “Conduct so wanton and willfully disrespectful for the office”

In November 2020, the Louisiana Supreme Court removed a part-time justice of the peace who had taken office in February 2018; complaints about his failure to respond to his constituents began in September 2018. [In re King](#) (Louisiana Supreme Court November 19, 2020). The judge admitted that he had difficulty finding time to perform his judicial duties because he worked as a welder 60 to 70 hours a week and traveled for that work from one week to 50 days at a time. The Court concluded:

Respondent’s utter disregard for the integrity of the judiciary, his apparent failure to perform any duties he owed through his office, and his failure to return a litigant’s unearned filing fee together constitute conduct so wanton and willfully disrespectful for the office he holds that anything short of removal would be inadequate to protect the citizens in his Ward and the integrity of the judiciary.

### Oppression in office

In December 2019, the Oklahoma Supreme Court publicly sanctioned a judge who took office in January 2019. The Court (1) reprimanded the judge for, while a candidate, violating the rules on election expenditures and reports and (2) admonished her for neglecting to pay over 60 parking

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tickets and county, state, and federal taxes for several years. The Court also placed her on probation with requirements that she report monthly about the status of her tax delinquencies, meet with a mentor, and comply with all laws and the code of judicial conduct. *In the Matter of Coleman*, 454 P.3d 1280 (Oklahoma 2019).

In [a petition in June 2020](#), based on information from the Judicial Council, the Court alleged that the judge had violated the conditions of her probation and failed to arrange a payment schedule for her tax delinquencies, failed to obey an order of the Ethics Commission to produce documents, violated contempt statutes, refused to recuse from cases involving the district attorney, and demonstrated a temperament unfit for judicial office. According to the petition, the judge's "pattern of judicial excess and inappropriate behavior in the courthouse . . . worsened" after the Court placed her on probation.

Following a 13-day hearing that was livestreamed during the pandemic because the courthouse was closed to the public, the trial division of the Court of the Judiciary removed the judge for violating the terms of her probation, city, state, and federal laws, and the code of judicial conduct; committing oppression in office; and her ethics reporting. [Oklahoma Supreme Court v. Coleman, Journal entry of judgment](#) (Court on the Judiciary September 18, 2020). One member of the court criticized the majority for failing to "outline what conduct they determined to be 'oppression in office.'" The judge did not appeal, and that decision is final.

### **"Repeated exercise of extremely poor judgment"**

Affirming the [decision of the Judicial Conduct Commission](#), the Kentucky Supreme Court removed a judge for a variety of misconduct, including failing to be candid and honest with the Commission. *Gentry v. Judicial Conduct Commission*, 612 S.W.3d 832 (Kentucky 2020).

During her election campaign for the seat to which she had initially been appointed, the judge coerced members of her guardian ad litem panel to donate the maximum amount to her campaign and to use personal time to campaign for her and had her court staff work on her campaign during work hours by delivering campaign signs, writing thank-you notes, and holding a campaign sign on election day. After the campaign, the judge removed an attorney from the guardian ad litem panel to retaliate for his failure to campaign on her behalf.

The judge forced her case manager to resign to create a job opening for Stephen Penrose, not on the basis of merit, but because she and Penrose had a personal, sexual relationship. She engaged in inappropriate behavior with Penrose during work hours, including simulating sexual activity in a courthouse office. The judge engaged in Snapchat conversations with members of her guardian ad litem panel and Penrose, some of which were sexual. She also improperly delegated judicial functions to Penrose.

The judge approved timesheets for court employees that she knew did not accurately reflect the hours the employees worked. On numerous occasions, she left the courthouse with staff members during regular court

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hours, which left the office without any staff coverage. The judge permitted Penrose to play his guitar and sing in his office during work hours, which disrupted other court employees. She permitted staff to store and consume alcoholic beverages in court offices.

The judge directed school liaison officers to file school dependency, neglect, and abuse cases only once a month and to file some as truancy cases. When one of the officers did not follow the judge's directions, the judge retaliated against her, referred to her as a "b\*\*\*h," and refused to recuse from her cases.

The judge made inappropriate sexual advances to a female attorney, refused to recuse from cases in which the attorney represented a party, and filed a bar complaint against her in retaliation for her cooperation with the Commission investigation.

The judge appointed personal friends who supported her campaign to the "permanent custody roster" to represent individuals seeking de facto custodian status without requiring those individuals to come to court to receive appointments.

Following an in-person hearing that complied with the judiciary's COVID-19 restrictions, the Commission concluded: "This case does not involve one or two isolated occurrences, but instead involves a pattern of misconduct and repeated exercise of extremely poor judgment—on and off the Bench—by [Judge Gentry] that continued for over a year, including after [Judge Gentry] was informed that a complaint was filed with the Commission against her." On appeal, although she admitted some of the misconduct, the judge challenged the adequacy of proof on some of the counts. The Court rejected that challenge and affirmed the Commission's decision.

### **"Unwelcome, undignified, discourteous, and offensive"**

Adopting the findings of three masters, the California Commission on Judicial Performance removed a judge from office for (1) unwelcome, undignified, discourteous, and offensive comments to female attorneys, his court reporter, and female defendants; (2) remanding a defendant into custody without resetting bail in open court and engaging in an ex parte communication with the deputy district attorney about the case; (3) improperly revoking a criminal defendant's own recognizance release; and (4) failing to always disclose his son's employment in the district attorney's office. [\*Inquiry Concerning Laettner, Decision and order\*](#) (California Commission on Judicial Performance November 6, 2019). The judge petitioned for review, but the California Supreme Court [\*denied his petition in 2020\*](#). For a discussion of the allegations related to the judge's inappropriate comments, see [\*What judges said to women that got them in trouble\*](#), *infra*.

Acknowledging substantial evidence that the judge had "an exemplary work ethic" and had been "a responsible, conscientious judge, and an asset to his court" during his 13 years on the bench, the Commission stated that it would have censured him if it had considered only his misconduct. However, the Commission found that the judge had not been credible when he testified in the discipline proceeding and that he had not accepted

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responsibility for his behavior. Therefore, the Commission concluded that removal was the appropriate discipline.

### **“Flagrant and serious acts of misconduct”**

Based on the findings and recommendation of a three-judge panel, the New Jersey Supreme Court removed a judge from office for (1) his “coarse” questioning of an alleged domestic violence victim and his “sophomoric” comments to staff members after the hearing; (2) asking a court employee to contact her counterpart in another court to request that his personal guardianship matter be rescheduled to accommodate him; (3) failing to recuse himself from a matrimonial matter when he had known both parties since high school and “drastically” reducing a judgment based solely on the husband’s testimony; and (4) threatening and belittling an unrepresented litigant in an ex parte conversation. *In the Matter of Russo*, 231 A.3d 563 (New Jersey 2020). For a longer discussion of his conduct in the domestic violence case, which the Court called “the most serious matter,” see [What judges said to women that got them in trouble](#), *infra*.

The Court concluded: “The series of ethical failures that Respondent committed are not errors of law, innocent missteps, or isolated words taken out of context. Viewed as a whole, they are flagrant and serious acts of misconduct. . . .”

### **“Truly egregious”**

The New York State Commission on Judicial Conduct removed a judge from office for (1) abusing his contempt power in six cases; (2) being discourteous to court personnel; (3) being discourteous to litigants; (4) presiding over matters in which his friend appeared without disclosing the relationship and failing to disclose that a construction company affiliated with a party in a matter was performing work at his law secretary’s home; (5) conducting gun permit interviews on Saturdays at the Elks Lodge and in conjunction with a Friends of the NRA dinner at a restaurant and requiring his court secretary to work on Saturdays without compensation; (6) representing his son, his wife, his friend’s in-laws, and three clients of his former law practice while a full-time judge; and (7) using a [judgemcguire@](#) email address for his personal correspondence. [In the Matter of McGuire, Determination](#) (New York State Commission on Judicial Conduct, March 18, 2020) The judge withdrew his request for review, and [the New York Court of Appeals ordered](#) his removal.

For example, in four child custody and visitation matters, the judge ordered three mothers and a grandmother handcuffed and held at the courthouse for 15 minutes to two hours. The judge admitted that he did not warn them that their behavior could result in a contempt finding, did not give them the opportunity to stop their conduct or to make a statement, and did not issue an order “stating the facts which constitute the offense,” as required by statute. In an example of his impatience toward court personnel, when the deputy chief clerk told him there was no one available in the IT department to help him with a computer problem at 7:50

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a.m. one day, the judge threw a computer jump drive at her and threw files across the desk and onto the floor.

In aggravation, the Commission noted the judge's "pattern of various types of serious misconduct" and his lack of candor. The Commission concluded: "Respondent's misconduct, particularly his repeated abuse of the summary contempt power and his representation of his son and others while a full-time judge, meets the standard of 'truly egregious' conduct for which his removal is warranted."

### **"A pattern of injudicious behavior"**

Accepting the determination of the Commission, the New York Court of Appeals upheld the removal of a judge for (1) a pattern of inappropriate behavior toward court staff, including unwelcome comments of a sexual nature; (2) allowing his court secretary to prepare a letter as part of his effort to obtain payment for legal work that he had performed prior to becoming a full-time judge; and (3) failing to file timely and accurate disclosure reports of his extra-judicial income with the ethics commission, federal and state tax authorities, and the clerk of his court. *In the Matter of Miller*, 158 N.E.3d 87 (New York 2020). For a discussion of the judge's inappropriate behavior toward court staff, see [What judges said to women that got them in trouble](#), *infra*.

In aggravation, the Commission had noted its public censure of the judge in 2002 and a letter of dismissal and caution it had issued to him in 2015. Rejecting the judge's argument that his prior discipline history should not have been considered, the Court stated: "A judge's behavior must be considered 'in the aggregate'" and a prior censure is relevant regardless "whether it was related to the instant misconduct" because "a heightened awareness of and sensitivity to any and all ethical obligations would be expected of any judge after receiving a public censure." The Court concluded: "Considering petitioner's misconduct in the aggregate, along with his prior disciplinary history, petitioner 'exhibited a pattern of injudicious behavior . . . which cannot be viewed as acceptable conduct by one holding judicial office' . . ."

### **No divorce from judicial role**

Similarly, in a second case, the New York Court included a prior caution by the Commission in its finding that a part-time judge should be removed for an "unacceptable and egregious pattern of injudicious behavior." *In the Matter of Senzer*, 150 N.E.3d 21 (New York 2020). In 2002, the Commission had issued the judge a private letter of dismissal and caution for making sarcastic, disrespectful comments during a court proceeding.

In 2020, the Commission found that the judge committed misconduct by using inappropriate language in nine emails to two clients about their daughter, their daughter's attorney, and the referee in a case regarding visitation rights to their grandchild. The Court concluded that the judge's "derogatory statements directly targeted the legal system and its participants writ large, and, thus, cannot be divorced from his judicial role,

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notwithstanding that petitioner communicated them when off the bench. . .” For a longer discussion of the judge’s inappropriate comments, see [What judges said to women that got them in trouble](#), *infra*.

Other part-time judges were also disciplined for conduct related to their practice of law in 2020. See also [Gillis, Order](#) (Arizona Commission on Judicial Conduct January 11, 2020) (reprimand of pro tem judge for providing false information to law enforcement investigating her client); [In re Cobb](#) (Vermont Judicial Conduct Board December 24, 2020) (reprimand for leveraging part-time position as probate judge to gain an advantage for a client in a matter pending in his court’s criminal division and attempting to do so for a second client).

## Crimes

Two former Pennsylvania judges were removed from office and barred from serving again after they were convicted of crimes. One judge had pled guilty to federal charges of mail fraud and filing a false personal income tax return and, in a separate case, had been convicted of federal perjury charges. [In re Mulgrew, Opinion and order](#) (Pennsylvania Court of Judicial Discipline May 6, 2020). In an unrelated matter, the second judge had pled guilty to federal charges of conspiracy to commit money laundering and extortion under color of official right. [In re Waltman, Opinion and order](#) (Pennsylvania Court of Judicial Discipline May 6, 2020).

For a discussion of these cases and summaries of seven additional cases involving former judicial officers who were disciplined following criminal proceedings, see the post “[Crimes and schemes](#)” on the blog of the NCSC Center for Judicial Ethics.

## What judges said to or about criminal defendants that got them in trouble

- “Frankly it would be my desire to sentence you to life without parole because you really have demonstrated you have no desire or intention to ever be a productive member of society, to ever be a parent, to ever be anything that resembles a mother. You merely gave birth to the children but then you—you have emotionally abandoned them.” Judge in sentencing hearing. [McGuire](#) (New York Commission 2020) (removal for this and other misconduct).
- “[N]o matter what happens, I am putting him in jail for 10 days for wasting the court’s time. Unless he gets a not guilty, he should expect to go to jail for 10 days. If the jury gives him 30 days, I will give him forty. If he pleads, he’s going in for at least 10 days as a condition.” Judge after defendant rejected a plea agreement. [Gray](#) (Texas Commission 2020) (warning for this and other misconduct).

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Throwback  
Thursdays.

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- “[I will] cast [the defendant] down among the [S]odomites . . . in state prison.” Judge during sentencing. [Tranquilli](#) (Pennsylvania Court of Judicial Discipline 2020) (ordering that a former’s judge pledge not to serve be irrevocable and that pay that had been withheld during his interim suspension be permanently withheld).
- “I think you’re a f\*\*\*ing addict and maybe you need treatment. I don’t think it’s got nothing to do with anger management. You think I give you anger management and that’s gonna get you clean and sober? What the hell are you talking about? Have a seat, over here... Percocet and alcohol... I’m gonna relax a little bit and then figure out what to do with him. . . .” Judge to defendant in drug court. [Wilson](#) (Washington Commission 2020) (censure for this and similar misconduct).
- “Then you can just leave. And I’m going to order a bench warrant for your arrest when you do.” Judge to defendant before ordering his arrest for contempt for “constructively” failing to appear and disruptive behavior. [Jurado](#) (Washington Commission 2020) (reprimand).
- “We’re done here.” Judge during a settlement conference when the defendant was overcome with emotion at the prospect of a lengthy prison sentence. [Hopkins](#) (Arizona Commission 2020) (reprimand for this and other misconduct).
- “[Stop] shucking and jiving.” Judge to African-American defendant who gave what the judge believed to be evasive answers to his questions. [Bennett](#) (California Commission 2020) (censure for this and other misconduct).
- “If he’s not using the illicit drugs, then what is he transporting them up his backside for?” Judge in the courtroom about a case pending in a different court. [Pebler](#) (New York Commission 2020) (censure for this and related misconduct).
- To “make a point.” Judge explaining why he was proceeding with a defendant’s probable cause hearing without the defendant’s counsel present at the time the judge had directed. [Clontz](#) (North Carolina 2020) (reprimand).
- “Defendant has made excuse of being busy due to being a full time college student, an employee making minimum wage and a Mormon. The Mormon’s [sic] the Court are [sic] associated with are good people that live up to their responsibilities. The court knows because He is the Sunday School President at an LDS ward.” Judge in minute order. [Staggs](#) (Arizona Commission 2020) (reprimand for this and other misconduct).
- “[I have] heard 19 different stories.” Judge to staff at county jail about ex parte contacts he had with family member of three men who had been arrested during a fight. [Scaff](#) (Florida 2020) (reprimand for this and other misconduct).

## What judges said to women that got them in trouble in 2020

*Top judicial ethics and discipline stories of 2020*

Approximately 15 judges were sanctioned in 2020 for offensive comments they made to women. Sometimes, litigants were the subject of the judge's unprofessional comments. Often, the unwelcome comments were directed at attorneys, particularly prosecutors or public defenders who appeared frequently before the judge. Most often, the target of the gendered comments was court staff.

### **Inappropriate humor**

Some of the judges may have been trying to be funny, but courts and commissions have rejected that excuse. For example:

- “On a lighter note, I can take judicial notice that women can drive you crazy,” and, “You know, a judge could get in trouble for something like this.” Judge while presiding over a domestic violence case. [\*Inquiry Concerning Laettner, Decision and order\*](#) (California Commission on Judicial Performance November 6, 2019).
- “The only person you should be sending naked pictures to [is] . . . Hugh Hefner. He will pay you \$100,000 for the use of them.” Judge to woman who sought the return of photographs taken of her for the benefit of her boyfriend. [\*In the Matter of Rivas, Order\*](#) (New Jersey Supreme Court March 23, 2020), [\*accepting\*](#) (censure for this and related comments).
- “I don’t care what anybody wears, Ms. McKeegan, if you wear yoga pants to court, it’s okay with me;” and “Oh, I should not have said that. Are there cameras in here?” Judge to assistant district attorney. [\*In the Matter of Gerber, Determination\*](#) (New York State Commission on Judicial Conduct June 27, 2020) (admonition for this and other misconduct).
- “[Do you] want a room?” and “[Should I] turn off the lights?” Judge to female assistant district attorney and her male friend as judge was leaving the courtroom. [\*In the Matter of Gerber, Determination\*](#) (New York State Commission on Judicial Conduct June 27, 2020) (admonition for this and other misconduct).
- There was “no pan ocha [sic].” Judge explaining to court staff why he left the priesthood, using a term he believed meant “brown sugar,” but which is slang for the female anatomy. [\*Pollard, Order\*](#) (Arizona Commission on Judicial Conduct September 15, 2020) (reprimand).
- “Gag Order, Esquire” and, “Thinking of you, Billy.” On patch depicting a man with a ball gag that judge gave to a female judge and female staff members. [\*In the Matter of Potter, Stipulation and order of consent to public\*](#)

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[admonishment](#) (Nevada Commission on Judicial Discipline September 30, 2020).

- “Get to work woman!” and “Let’s go woman!” Judge referring to female employees. [Staggs, Order](#) (Arizona Commission on Judicial Conduct November 17, 2020) (reprimand for this and other misconduct).
- “Free game tomorrow night.” Judge about the wife in a divorce proceeding in text to friends. *In the Matter of Kamada*, 476 P.3d 1146 (Colorado 2020) (censure of former judge).

In *In the Matter of Miller*, 158 N.E.3d 87 (New York 2020), the judge said to the chief clerk, after a potluck lunch, that, if he “knew [she] could also cook, [he] would have gone for [her].” Once when she apologized for fanning herself because she was having a hot flash, he told her that “[i]t’s nice to know [he] still ha[s] that effect on [her]”. One day as he was walking by her office, the judge remarked to her: “You look really hot in that outfit. You should always wear that outfit.”

The judge downplayed his comments as “an attempt at humor,” but the New York Court of Appeals noted that it had “long recognized that such comments, ‘even if made in jest, are, without question, . . . entirely inappropriate.’” Accepting the [determination of the State Commission on Judicial Conduct](#), the Court upheld the removal of the judge for his inappropriate behavior toward the court clerk, in addition to other misconduct. For a summary of the other misconduct, see [Removal Cases in 2020](#), *supra*.

Before the Commission, the judge had argued that the clerk should have said to him, “Judge, I’m uncomfortable with your manner or the statement you made,” so that he could have changed his behavior. However, the Commission found that it was not the clerk’s obligation to tell the judge that she did not like his comments, but the judge’s responsibility “to not make sexist comments to a court employee.” The Commission noted that 20 years ago it had held that, “[r]emarks of a personal and sexual nature to a subordinate are especially egregious, even if the woman does not protest and even if the judge makes no explicit threats concerning job security.”

The Commission also emphasized that, as “an experienced lawyer as well as an experienced jurist,” the judge should have known that a judge’s observations about appearance to a court employee “were especially inappropriate given the imbalance of power in their respective positions.” It quoted a 1985 decision:

The cajoling of women about their appearance or their temperament has come to signify differential treatment on the basis of sex. A sensitized and enlightened society has come to realize that such treatment is irrational and unjust and has abandoned the teasing once tolerated and now considered demeaning and offensive. Comments such as those of respondent are no longer considered complimentary or amusing, especially in a professional setting.

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Approximately  
15 judges were  
sanctioned  
in 2020 for  
offensive  
comments they  
made to women.

## Appearance

Similarly, the California Commission on Judicial Performance rejected a judge's argument that he had not known that comments about a woman's appearance were improper in the workplace, finding that he "should have been on notice" based on the ethics training that judges receive and the information in the *California Judicial Conduct Handbook*. [Inquiry Concerning Laettner, Decision and order](#) (California Commission on Judicial Performance November 6, 2019), [review denied](#) (California Supreme Court June 10, 2020). The Commission removed the judge for a pattern of unwelcome, undignified, discourteous, and offensive comments, in addition to other misconduct. For a summary of the other misconduct, see [Removal cases in 2020](#), *supra*.

For example, the judge repeatedly made comments to his court reporter such as, "You're so pretty. I don't know how you do it," and "You are hot." Several witnesses testified that the judge would refer to his court reporter as "very pretty" or "beautiful" when introducing her to the jury. A deputy public defender testified that the judge occasionally told prospective jurors that his court reporter was "quite tall" and "very pretty," and that they would "enjoy looking at her." The judge also made comments about the physical appearance of female defendants, telling some that they were "pretty" and should not get tattoos.

The judge also made comments about the appearance of attorneys. The judge told a deputy public defender 12-20 times that she looked like the actress Caroline Catz from the television show, "Doc Martin," often saying, "I saw you on TV last night." On five or six occasions, in the presence of grand jurors, the judge referred to a deputy district attorney as "beautiful" or "lovely" and one of his "favorite" attorneys. The judge described a deputy district attorney as "the attractive young Asian woman" to an attorney who was looking for her.

The Commission repeated the masters' explanation for why for a judge should not compliment an attorney's appearance.

Saying that a female attorney is beautiful or otherwise commenting upon her looks lifts Lady Justice's blindfold by suggesting that one of a person's immutable characteristics, her appearance, matters to the judge; suggesting that the judge is partial to the woman he has declared to be beautiful. Even though the judge may have meant the comment to be an innocent courteous compliment, intended to create and maintain a "friendly" and "collegial atmosphere," does not excuse such a statement.

The Commission also found that the judge "failed to maintain the necessary professional distance between himself and female attorneys appearing before him." For example:

- The judge told a deputy public defender, "Sometimes having you in here is like having a teenage daughter—you constantly argue with me and you just keep talk, talk, talking until you get what you want," and, "It's a compliment. Take a compliment," or words to that effect.
- The judge winked at the deputy public defender during a hearing and called her to the bench to ask her if she saw him winking at her.

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- During a conversation with her in his chambers, the judge called the deputy public defender a “hard one” and told her, “Your parents hadn’t spanked you enough.”
- The judge called the deputy public defender to the bench to ask if she was mad at him 10 to 15 times in 2016 and 2017.
- The judge questioned a deputy district attorney about her ethnicity, her childhood, and her relationship with her father, asking once “what kind of Asian” she was.
- In an ex parte communication, the judge told a deputy district attorney, “You don’t have to act like a scared little girl in my courtroom,” or words to that effect.

### **Crude conduct in the workplace**

Based on the judge’s consent, the California Commission publicly censured a second judge for “undignified, discourteous, and offensive sexualized (or otherwise crude) conduct in the workplace,” in addition to other misconduct. [\*Inquiry Concerning Bennett, Decision and order\*](#) (California Commission on Judicial Performance March 25, 2020). The Commission found that the judge “use[d] crass or sexist words and imagery” that “diminish[ed] the dignity of his office” and that “his use of profanity . . . degrades the decorum of the court and reflects negatively on the judiciary.”

- The judge repeatedly stated, while in chambers and in the presence of a female deputy district attorney, that he was the “only one in the courthouse with the balls to make a ruling,” or words to that effect.
- While standing in the hallway, the judge told a female deputy public defender and a female deputy district attorney, “I have the biggest balls in the courthouse. I’m probably the only judge who has the balls to admit when I’ve made the wrong decision,” or words to that effect, gesturing with his hand over his genital area.
- While seated on the bench and wearing his judicial robe, with his judicial assistant, a bailiff, and several attorneys present, the judge told a story about driving a Rolls Royce, adding, “Chicks really dug that car,” or words to that effect.
- While in chambers with two female attorneys, the judge laughed and said that when he goes with the other judges to get a flu shot at the employee health center, “You should see their faces. They start to roll up their sleeves, and I just drop ‘trou’ and take my shot in the a\*\*,” or words to that effect. The judge then stood up and repeated the statement while pretending to unfasten his belt.

### **“The tone for the courtroom”**

Based on the findings and recommendation of a three-judge panel, the New Jersey Supreme Court removed a judge from office for his questioning of an alleged domestic violence victim and his comments to staff members in

open court after the hearing, in addition to other misconduct. *In the Matter of Russo*, 231 A.3d 563 (New Jersey 2020). For a summary of the other misconduct, see [Removal cases in 2020](#), *supra*.

During a hearing on an application for a restraining order, an unrepresented plaintiff testified that defendant had forced her to have sex with him. During cross-examination, defense counsel asked the plaintiff whether she had received “many unwanted advances from men that were overly sexual” when she was an exotic dancer. The judge took over the questioning and “asked the plaintiff at length about her efforts to stop the alleged assault.”

RESPONDENT: Do you know how to stop somebody from having intercourse with you?

PLAINTIFF: Yes.

RESPONDENT: How would you do that?

PLAINTIFF: I'd probably physically harm them somehow.

RESPONDENT: Short of physically harming them?

PLAINTIFF: Tell them no.

RESPONDENT: Tell them no. What else?

PLAINTIFF: To stop.

RESPONDENT: To stop. What else?

PLAINTIFF: And to run away or try to get away.

RESPONDENT: Run away, get away. Anything else?

PLAINTIFF: I — that's all I know.

RESPONDENT: Block your body parts?

PLAINTIFF: Yeah.

RESPONDENT: Close your legs? Call the police? Did you do any of those things?

PLAINTIFF: I didn't call the police 'til later when —

RESPONDENT: I understand that. I mean, right then and there to stop, did you do any —

PLAINTIFF: I told him to stop.

RESPONDENT: — did you do those things?

PLAINTIFF: I told him to stop and —

RESPONDENT: Did you try to leave?

PLAINTIFF: — I was trying to block him.

RESPONDENT: Block him, meaning?

PLAINTIFF: Like I was trying to like, you know, like push him off me.

RESPONDENT: Okay. Did you try to leave?

PLAINTIFF: Yeah.

RESPONDENT: Did he stop you from leaving?

PLAINTIFF: Yeah.

RESPONDENT: And how did he do that?

PLAINTIFF: He was like holding me like—there was like a chair and he was like holding me like, you know, like he was like forceful, like I really couldn't do anything.

RESPONDENT: You answered my questions. I'm going to let [defense counsel] continue.

The judge declined to enter a final restraining order, finding that the plaintiff was not credible and referring to his questioning of her.

In the discipline proceeding, the Court emphasized: “No witness, alleged victim, or litigant should be treated that way in a court of law. . . .”

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“Judges set  
the tone for a  
courtroom.”

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The questions . . . shamed the alleged victim by intolerably suggesting that she was to blame.” The Court concluded that the judge’s “questions . . . were not relevant” because sexual assault “turns on the alleged aggressor’s use of physical force, not the victim’s state of mind or resistance.”

When the parties left the courtroom, the judge spoke about the case with his court staff and law clerk.

RESPONDENT: What do you think of that? Did you hear the sex stuff? . . .

UNIDENTIFIED SPEAKER (U/I): Please don’t make me re-live.

RESPONDENT: You think it’s all fun and games out here.

U/I: Please don’t make me re-live everything I heard.

Confirming that “we [are] off the record,” the judge continued:

RESPONDENT: Well, then, as an exotic dancer, one would think you would know how to fend off unwanted sexual —

U/I: I do remember that, I do.

RESPONDENT: I’m like all right, all right, stop.

Later, the judge “returned to the subject,” referring to a staff member’s neat handwriting:

RESPONDENT: What I lack in handwriting skills, I am the master of on the record being able to talk about sex acts with a straight face.

U/I: Without laughing?

RESPONDENT: Yup.

The Court rejected the judge’s explanation that the exchange was “an instructive lesson.” The Court stated: “Judges set the tone for a courtroom. Especially when it comes to sensitive matters like domestic violence and sexual assault, that tone must be dignified, solemn, and respectful, not demeaning or sophomoric. Respondent failed in that regard.”

### **Toxic work environment**

A 2020 case demonstrates that judges are responsible not only for their own conduct but also for ensuring that those under their direction and control do not harass others. In *In re Inquiry Concerning Murphy*, 852 S.E.2d 599 (North Carolina 2020), adopting the findings of the Judicial Standards Commission, the North Carolina Supreme Court found that a court of appeals judge had committed misconduct by allowing his executive assistant/law clerk, who was his close friend, to create a toxic work environment for the female law clerks in his chambers.

After he became a judge in January 2017, the judge hired his close, personal friend from high school, Ben Tuite, to serve as his executive assistant and permanent third law clerk. The judge also hired Clark Cooper and Lauren Suber as his term law clerks. In March 2017, after Cooper suddenly resigned, the judge hired Mary Scruggs. After Suber completed her clerkship in August 2017, she was replaced by Chelsey Maywalt. The judge gave

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Tuite “express and implied authority to supervise and manage the term law clerks and the operations of his chambers.”

The Commission found that Tuite “regularly used profanity during the workday, belittled others;” “used fear and intimidation while interacting with and supervising the law clerks;” “engaged in profane, violent and angry outbursts in the office;” and made “lewd or sexually inappropriate comments in the workplace.”

- Tuite frequently used the word “f\*\*\*” in the workplace.
- Tuite referred to the female law clerks more than once as “b\*\*\*h” or “b\*\*\*hing.”
- Tuite told Suber and Scruggs on separate occasions early in their clerkships that “he likes to have relationships with female co-workers but that they should not misconstrue his efforts to spend time with them.”
- Tuite told Suber that “he would like to see her in a wife beater’ tank top and shorts on a cold day” and that he “was married but not blind.”
- While reviewing a law clerk application with the judge, Suber, and Scruggs, Tuite repeated “derogatory and belittling online comments” that called the female applicant’s breasts “fun bags.”
- On one occasion, Tuite, “after being told of a problem with his work product, yelled ‘f\*\*k’ loud enough for everyone in Respondent’s chambers, including Respondent who was in his office with the door open, to hear, and slammed his fist on a table hard enough to activate a panic alarm that was attached to that table.”
- On another occasion, during a meeting, Tuite, in the judge’s presence, got angry at Maywalt, slammed his fist on his chair, said, “Goddamn it, Chelsey,” and told her to shut her mouth and that “her opinion did not f\*\*king matter.”

The judge observed some of Tuite’s conduct, and Suber, Scruggs, and Maywalt told him about the other incidents, but he failed to take any action. The female clerks “were miserable, felt unsafe and uncomfortable working in Respondent’s chambers and did not trust Respondent to accurately portray their reports of workplace misconduct to others or to protect their well-being.” Two of the clerks resigned before their terms were over; one did not accept the judge’s offer to extend her term.

Another judge reported his concerns about the environment in Judge Murphy’s chambers to the Chief Judge. In subsequent meetings with and emails to the Commission and the human relations department, the judge did not disclose the law clerks’ complaints about Tuite or any of the incidents he had observed and “downplayed, minimized, and mischaracterized” Tuite’s actions, “influenced by his close personal friendship with and loyalty towards Mr. Tuite.” The judge dismissed the female clerks’ concerns as complaints about “‘how things are handled’ inside and outside of chambers.” The judge also regularly assured Tuite and indicated to others that

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Tuite's employment at the court of appeals would continue. However, after a judicial colleague advised him to ensure that "his female law clerks were not uncomfortable" and after learning that Scruggs was interviewing for another position, the judge asked Tuite to resign, which he did.

The Commission found that, by failing to act, the judge condoned "Tuite's workplace misconduct and therefore . . . contributed to and enabled a toxic work environment." The Court rejected the judge's argument that he could not be sanctioned for others' actions, noting that the code of judicial conduct specifically states that a judge should require "dignified and courteous' behavior of his staff" and require "staff and court officials subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge." The Court concluded:

The incidents for which respondent was present . . . were sufficient to warrant corrective action with regard to Mr. Tuite. Instead, respondent continued to turn a blind eye. This shortcoming is not, as respondent contends, simply a matter of managerial style. Rather, it is a failure to recognize the gravity of Mr. Tuite's sexually explicit language and profane and suggestive language directed toward respondent's law clerks and the impact on the law clerks of such unprofessional behavior.

The Court censured the judge.

### **"Manifestly vulgar and offensive"**

In *In the Matter of Senzer*, 150 N.E.3d 21 (New York 2020), the New York Court of Appeals removed a part-time judge from office for, in emails, calling his clients' daughter names and referring to her attorney as "eyelashes" and by a "vile" and "an extremely crude gender-based slur," as well as making a derogatory comment about the referee presiding in their case. The Court's opinion does not quote the judge's language but accepted the **determination of the State Commission on Judicial Conduct**. The judge was representing the couple in a suit seeking visitation rights to their grandchild.

The Court held that the judge's repeated use of such "manifestly vulgar and offensive" language "to insult and demean others involved in the legal process showed a pervasive disrespect for the system, conveyed a perception of disdain for the legal system, and indicated that he is unable to maintain the high standard of conduct we demand of judges." The Court stated that his misconduct was not "an isolated or spontaneous slip of the tongue, as the statements—repeated multiple times—were included in deliberative, written communications petitioner made to these clients relating to their legal representation." It emphasized that the judge was "acting as an officer of the court representing clients in an ongoing litigation—a professional function integral to our legal system." The Court also concluded that the judge's belief that the emails would not be shared did not excuse his conduct, explaining, "because judges carry the esteemed office with them wherever they go, they must always consider how members of the public, including clients or colleagues, will perceive their actions and statements." For more discussion of the case, see **Removal Cases in 2020**, *supra*.

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**A 2020 case demonstrates that judges are responsible not only for their own conduct but also for ensuring that those under their direction and control do not harass others.**

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## Litigants and social media

Two judges used social media to engage in inappropriate communications with female litigants.

Based on the judge's consent, the Tennessee Board of Judicial Conduct suspended a judge for 30 days without pay and publicly reprimanded him for sending messages "ranging from flirtatious to overtly sexual" on social media platforms to women and soliciting pictures from them. *Re Young* (Tennessee Board of Judicial Conduct October 5, 2020). The judge was pictured in his judicial robes in his profile picture on the platforms. The women included a litigant who formerly had a child custody matter before him and a legal professional employed at a law firm that conducts business in his court. Some attorneys learned of the communications and sought advice from the Board of Professional Responsibility about their obligation to disclose to clients what they knew. In at least one case, a party used knowledge of the judge's conduct to strategic advantage. The judge had to recuse himself from a case after a party learned of his social media activities and asked him to step aside.

The judge's suspension was held in abeyance provided no meritorious complaints are filed against him during the remainder of his current term. The judge also agreed not to use a picture of himself in his robes as a profile picture on any social media platform unless he is conducting court business; to complete a judicial ethics program on social media; and to recuse himself from all cases involving certain attorneys identified by the Board.

An Arkansas judge resigned when the Judicial Discipline & Disability Commission was preparing to file charges alleging that he had (1) failed to immediately recuse from all cases involving a female defendant with whom he was communicating on Facebook Messenger and by telephone and engaged in ex parte communications with her about her cases; and (2) called the mayor and the police chief after his wife received a traffic ticket and used unprofessional language and exhibited unbecoming demeanor during the call. Pursuant to his agreement, the Commission permanently barred him from holding judicial office in the state. *Letter of resignation and prohibition from office (Throesch)* (Arkansas Judicial Discipline & Disability Commission May 1, 2020).

On April 15, 2018, the judge began communicating with a woman by Facebook Messenger and telephone, "progress[ing] over time from friendly to flirty..." On June 4, the woman told the judge that she was facing charges in the district court where he sits and a potential probation revocation in the circuit court. The judge did not immediately recuse himself from her cases, and he continued to communicate with her. On July 11, the woman entered a plea to the charges in the judge's court. After her plea, the judge recused.

After he recused, the judge told the woman that he would help with her charges, messaging, for example, "I am going to look at those [sic] traffic stuff and see what we can do. Your [sic] really trying and I hate to see u [sic] buried in fines. I would do that for anyone who's trying," and "Well I want u [sic] to get everything behind u [sic]. We need to talk so I k ow hoe

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[sic] to help u [sic].” He also told her, “Make sure you don’t tell anyone ur [sic] talking to me for lots of reasons.” After she sent explicit photographs to his cell phone, the judge “requested additional photographs of the same nature.”

### Closed cases

In addition to the Arkansas case, investigations of sexual misconduct allegations against several other judges were closed after the judges left office.

Based on his agreement not to seek judicial office in the future, the Georgia Judicial Qualifications Commission disposed of a complaint that a judge had engaged in behavior towards employees that constituted harassment based on gender and/or sex. [\*In re Jordan, Report of disposition\*](#) (Georgia Judicial Qualifications Commission December 11, 2020). The judge left office after his term expired on December 31, 2020.

Following a hearing on a formal complaint filed by the New York Commission, a referee found that a judge had (1) repeatedly asked a court employee to work on his campaign even after she declined and kissed the employee twice in his chambers without her consent when her transfer was announced; (2) expressed interest several times in dating a second court employee and kissed her three times on the cheek without her consent after she told him that her father had cancer; and (3) falsely denied in his deposition during the investigation that he had expressed romantic interest in the second employee. The judge then resigned and affirmed that he will not seek or accept judicial office in the future, and the Commission closed the proceeding. [\*In the Matter of Hanuszczak, Decision and order\*](#) (New York State Commission on Judicial Conduct September 17, 2020).

In January 2020, the New York Commission notified another judge that it was investigating allegations that, from 2005 through 2019, “he made improper and at times abusive personal demands of court staff, directly or indirectly conveying that continued employment required submitting to such demands, and creating a hostile workplace environment.” The judge had just been re-elected to a new term but vacated his office and agreed not to seek or accept judicial office in the future. The Commission concluded the proceeding. [\*In the Matter of Rosenbaum, Decision and order\*](#) (New York State Commission on Judicial Conduct January 23, 2020).

Newspapers also reported resignations or retirements by judges that deprived the commissions in their jurisdictions of authority over the now-former judges.

According to the [\*Chicago Sun-Times\*](#), a judge resigned after the Illinois Courts Commission found, following a hearing, that the judge (1) on two occasions, made unwanted sexual advances to a court reporter while alone with her in an elevator at a courthouse; (2) made unwelcome sexual comments to and attempted unwanted physical contact with a police officer while she was in his chambers to obtain his signature on a search warrant; and (3) made sexually suggestive comments about an assistant state’s attorney after she appeared before him. The Commission had been

scheduled to consider the question of sanction 10 days after it entered its findings. [In re Araujo, Order](#) (Illinois Court Commission November 6, 2020).

According to the [Washington Post](#), a judge retired from the D.C. Superior Court in 2020 after receiving questions from the newspaper about allegations that he sexually assaulted a 16-year-old girl in 1976 when he was a 32-year-old public defender.

### What judges said to or about attorneys that got them in trouble

- “You weren’t out of strikes when you decided to put Aunt Jemima on the jury,” and “[you] knew darn well that when she goes home to her baby daddy, he’s probably slinging heroin too.” Judge to assistant district attorney about a black female juror who wore her hair in a kerchief during the trial. [Tranquill](#) (Pennsylvania Court of Judicial Discipline 2020) (ordering that a former’s judge pledge not to serve be irrevocable and that pay that had been withheld during his interim suspension be permanently withheld).
- “Neither you nor your office have a right to tell this Court what it’s going to do in its own courtroom.” Judge denying prosecutor’s request to have the victim present telephonically during a sentencing hearing. [Wilson](#) (Washington Commission 2020) (censure for this and similar misconduct)
- “This level of ‘service’ is far below what the citizens of this community expect and deserve.” Judge in email to district attorney about handling of criminal case. [Tamietti](#) (California Commission 2020) (admonishment for this and other misconduct).
- “So if you tell me that you don’t know, you’re lying to me counsel, and I don’t appreciate being lied to.” Judge to prosecutor who could not tell him how long his cross-examination would be. [Hopkins](#) (Arizona Commission 2020) (reprimand for this and similar misconduct).
- The district attorney’s office was “unprofessional,” “stupid,” and “superfluous.” Judge in a chambers conference. [Mason](#) (California Commission 2020) (admonishment for this and other misconduct).
- “You don’t have the right to make a record,” and “I am not going to proceed in this case with this counsel in front of me. The matter will be stricken, and re-note it in front of another judge. You may take him.” Judge to attorney in drug court and to jailer about the in-custody defendant. [Wilson](#) (Washington Commission 2020) (censure for this and similar misconduct).

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- “I’m not sure I want to shake your hand;” and “Do you know how much trouble you have caused me? Do you know how much money I have had to pay lawyers because of you?” Judge to attorney he believed had complained about him to the Commission on Judicial Performance. *Bennett* (California Commission 2020) (censure for this and other misconduct).
- “I don’t need a cheering section okay? So, if I need something from you, I’ll ask you, all right.” Judge after attorney said, “That’s correct, Your Honor.” *Bennett* (California Commission 2020) (censure for this and other misconduct).
- “You can tell [Attorney General Xavier] Becerra that’s what he gets for going against my president;” and “It’s my job to give the government a bad time,” or words to that effect. Judge after excluding most of the prosecution’s evidence in a case. *Bennett* (California Commission 2020) (censure for this and other misconduct).
- “Tell [DDA Brent] Nibecker he’s an idiot. I’ve told him to his face, I don’t care.” Judge to deputy district attorney. *Bennett* (California Commission 2020) (censure for this and other misconduct).
- “He is an awful attorney;” “Kill me;” “Deep sigh;” and “the [S]tate will ask a million dumb questions about burden of proof, etc.” Judge in emails to her law clerk. *Leahy* (Minnesota Board 2020) (reprimand).
- “So you’re going to hear that all the time, and you’re going to be sick of hearing it, just like I get sick of reading it, but it’s—it’s what I have to do.” Judge about his duty to disclose on the record information concerning his relationship with an attorney. *Mason* (California Commission 2020) (admonishment for this and other misconduct).
- “Ridiculous.” Judge yelling about a defendant’s sentencing memorandum. *Hopkins* (Arizona Commission 2020) (reprimand for this and similar misconduct).

### What judges said to court staff that got them in trouble

- “EEEEEEEEEEEEkkkkkkkkkkkkkkkkkkkkkk.” Judge in email response to email from law clerk that said, “[Y]our last sexual experience” during a jury trial on a criminal sexual conduct charge. *Leahy* (Minnesota Board 2020) (reprimand).
- “This conversation never happened.” Judge to court manager after asking her to contact another court for a scheduling favor in his personal matter. *Russo*, 231 A.3d 563 (New York 2020) (removal for this and other misconduct).

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- “I’ll talk to you the way I want. If you weren’t so incompetent I wouldn’t talk to you like that.” Judge to her secretary. [Pineda-Kirwan](#) (New York State Commission 2020) (censure for this and similar misconduct).
- “How can you do that? I have more seniority than he does. . . . You treat me like sh\*\*.” Judge to courthouse supervisor about giving a table loaned to her courtroom to a new judge. [Pineda-Kirwan](#) (New York State Commission 2020) (censure for this and similar misconduct).
- “Do not shake your head at me,” and “Do you want to be held in contempt?” Judge to court staff member in lobby while trying to quiet a group leaving an investiture. *Miller*, 304 So.3d 1214 (Florida 2020)
- “It was much easier in the old days when they used to call them all [English and Spanish derogatory slurs for undocumented immigrants from Mexico].” Judge to court reporter in courtroom during recess. [Luitjen](#) (Texas Commission 2020) (admonition).

## Judicial participation in demonstrations, protests, marches, and rallies

*Top judicial ethics and discipline stories of 2020*

In 2020, tens of millions of Americans participated in thousands of racial justice demonstrations across the country, and six judicial ethics committees responded to inquiries about whether judges could join them.

Some of the opinions advised that judges could not participate in such events in a general.

- Judges “should not participate in political marches or rallies supporting the Black Lives Matter or Blue Lives Matter movements.” [Colorado Advisory Opinion 2020-2](#).
- A judge may not participate in a protest, march, or rally associated with the Black Lives Matter movement. [Maryland Advisory Opinion Request 2020-13](#).

Some of the opinions advised that judges could not participate in specific events.

- Judges may not participate in a “walk for justice” organized by a bar association in which participants would “walk silently on the sidewalk past governmental buildings and ‘take a knee’ in front of a depiction of the U.S. Constitution, ‘as a way to both remember George Floyd’ and to recognize judges and court personnel at every level ‘who strive every day to accomplish Dr. King’s goal of justice for everyone.’” [New York Advisory Opinions 2020-92/93](#).

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- A judicial officer may not participate in “A Silent March of Black Female Attorneys of Connecticut” by meeting marchers on the steps of the Supreme Court and reading aloud part of the state constitution even if he is not introduced, does not identify himself by name or title, does not wear a robe, does not permit his name or title to be used in advertising, does not elaborate on the constitutional provision, and does not speak with the media. [\*Connecticut Informal Opinion 2020-3\*](#).

Some opinions did not definitively approve or disapprove judicial participation in racial justice demonstrations but conditioned such involvement on long lists of factors that suggest it would almost never be appropriate.

The Indiana ethics committee stated that “a judge may participate in many public events aimed at addressing social issues if the judge can do so in a manner that does not impinge upon the independence, integrity, and impartiality of the judiciary.” [\*Indiana Advisory Opinion 2020-1\*](#). The committee noted that that determination “often will be fact sensitive” and encouraged “judges to consult with [Judicial Qualifications] Commission staff to evaluate the wisdom of participating in certain events.” The opinion identified the following “guiding principles/factors that a judge should consider” in evaluating whether to participate.

- “The title of the event—The more provocative or advocacy-oriented the title of the event is in promotional materials, the more likely the judge should abstain. . . .”
- “The purpose of the event—If the event primarily serves an advocacy or political purpose or is a fundraiser (and the judge is a featured speaker), the judge should not participate due to concerns regarding frequent subsequent disqualification requests of the judge and concerns about the appearance of partiality. . . . Also, if the event touches upon a pending matter currently before the judge, then the judge should not attend (i.e., the protest/march is aimed at raising awareness about police practices, and the judge currently has a civil lawsuit on his/her docket regarding the city’s response to excessive force incidents). . . .”
- “The organizers and sponsors of the event—If the event primarily is sponsored or affiliated with a political party or candidate or seeks to influence the actions of a particular political official, the judge should not participate due to impartiality and independence concerns. . . . If the event is held by an advocacy group or a frequent litigant in the judge’s court, the judge should carefully weigh the purpose of the event.”
- “The details about the event—If the event is being held in a time, place, or manner where participants likely will violate the law (i.e., by not following imposed curfews or by becoming violent), then a judge should not participate. . . . [I]f there has been a past history of violent eruptions at an event, a judge would be well advised to avoid attendance.”
- “The potential role of the judge at the event—If a judge is requested to be a featured speaker or guest of honor at an event, the judge should carefully review all invitational materials to determine whether his/her

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featured presence may cause frequent disqualification or might subject the judge to concerns that the judge is improperly using the prestige of judicial office to further the organization's goals. . . . If the matter does not specifically involve matters concerning the law, the legal system, or the administration of justice, the judge should not allow his/her legal title to be referenced during the event and should not wear any clothing identifying him/her with the judiciary."

Similarly, the California committee directed judges to "examine the official title of the event, its stated mission, its sponsors, and its organizers." *California Supreme Court Committee on Judicial Ethics Opinions 2020-14*. The committee also stated that judges should take reasonable efforts to determine "the messages that will be delivered by other participants," "the risks that the demonstration or rally might depart from its original mission," and the meaning of "any unfamiliar terms, symbols or abbreviations" used in promotional materials. The opinion notes that "practically speaking, this [evaluation] may be difficult."

The California committee also explained:

When participating in a public demonstration or rally, judges should always assume that their attendance will be known and that their conduct may be subject to comment and reporting in press coverage or on social media. In small gatherings, for example, it is likely that the judge will be recognized by other participants. In larger demonstrations, it is likely that there will be members of the public or press present recording the event . . . .

The committee warned that, even if judges may attend an event, "they should consider whether engaging in a symbolic act, carrying a sign, wearing clothing or buttons that might identify them as siding with a particular viewpoint, or making a public statement on even permissible topics would undermine the public's confidence in the judiciary."

Both the California and Indiana committees emphasized that a judge who decides to attend a demonstration must be vigilant while there and leave if, for example, other participants are carrying signs or "chanting slogans that are inflammatory, derogatory, and inconsistent with the judge's own ethical duties" (California) or "if the majority of protesters are carrying signs supporting/opposing a political candidate" (Indiana).

### Rationale

The opinions' analysis relies on numerous provisions in the code of judicial conduct. For example, the California opinion explained:

Judges may not participate in a public demonstration or rally if: (a) participation might undermine the public's confidence in the judiciary; (b) the event relates or is likely to relate to a case pending before a court, relates to an issue that is likely to come before the courts, or is reasonably likely to give rise to litigation and the judge's attendance might lead to disqualification; (c) participation would or is likely to cause a violation of the

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**Six judicial ethics committees responded to inquiries about whether judges could participate in racial justice demonstrations.**

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law, for example by violating a curfew; (d) participation would create the appearance of speaking on behalf of, or lending the prestige of office to, a political candidate or organization; or (e) participation would interfere with the proper performance of judicial duties [by requiring disqualification from cases].

The opinions also focus on the risk that participating in protests could undermine a judge's impartiality, particularly given the judge's inability to control what will happen at the event. For example, the Maryland committee reasoned:

[These events] often involve participants carrying signs, including messages such as "Defund the Police," or . . . "We Can't Breathe." A depiction of a judge, on social media or otherwise, at an event with signs such as these, could lead a reasonable person to question the judge's impartiality in cases involving the police. And the judge, particularly in a large gathering, generally would not have knowledge of, or the ability to control, the signs that are displayed by others.

Similarly, the Connecticut committee noted that a judge could not know what other demonstrators' signs would say, particularly "whether they will reference police brutality and/or other pending cases." The opinion concluded that because a judicial official "may be called upon to rule in cases that involve claims of police brutality or police abuse, his participation in this extrajudicial activity may appear to a reasonable person to undermine the judge's independence and impartiality."

The opinions also emphasize the controversial nature of the issues that motivate the demonstrations. For example, although recognizing that "racial justice should not be controversial," the New York Committee explained that the demonstrations involved "not just the broad principle of racial justice but many fact-specific controversies concerning the impact of race on the criminal justice system, police tactics in interactions with African-Americans and minority communities, the legal doctrine of qualified immunity, and the need for law enforcement accountability." The committee noted that "[s]imilar issues, involving competing legal principles and disputed facts, will surely come before New York's judges at every level of the judiciary" and that "judges must inspire confidence on all sides that they can be just and fair to all litigants in all proceedings." It concluded that "'participation in a high-profile silent 'walk for justice,' organized around an intensely emotional appeal concerning a man whose death in police custody has roiled the nation in ongoing protests, could 'create an appearance of particular sympathy toward one side in court' and necessarily cast doubt on the judge's ability to be impartial . . . ."

The 2020 racial justice protest opinions often cited previous opinions regarding participation in demonstrations about other issues. See [\*Arizona Advisory Opinion 2018-6\*](#) (attending a march, rally, or protest such as the Women's March or the March for Science); [\*Illinois Advisory Opinion 2019-1\*](#) (participating in the March for Science); [\*Massachusetts Letter Opinion 2016-10\*](#) (participating in the Women's March on Washington); [\*New York Advisory\*](#)

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[Opinion 2017-38](#) (participating in the March for Science; participating in a local demonstration, for example, in opposition to the Trump Muslim Ban).

### Court staff

There were also opinions issued in 2020 regarding participation by court staff in such events. The Colorado committee stated that judges should inform staff under their direction and control to conform to the same constraints that apply to the judges, that is, they “should not participate in political marches or rallies supporting the Black Lives Matter or Blue Lives Matter movements.” [Colorado Advisory Opinion 2020-2](#). Similarly, the D.C. committee advised that, even if they do not identify their association with the court, judicial law clerks and interns should not attend rallies or protests concerning issues that have become the subject of intense public debate. [D.C. Memorandum to judicial law clerks and interns](#) (2020).

In contrast, the New York committee stated that a judge may permit the judge’s law clerk to participate in peaceful “Black Lives Matter” protests away from the courthouse during non-working hours. [New York Opinion 2020-141](#). The committee added, however, that the judge must instruct the clerk not to carry a sign calling for the arrest or prosecution of the police officers involved in the Breonna Taylor shooting, for example, and not to remain with any protestors who are engaging in vandalism or violence.

### What judges said in election campaigns that got them in trouble

- “Norm Miller’s projected revenues from traffic tickets for 2017 was \$50,000. He failed to reach that by over \$13,500 and he overspent his court budget by over \$10,000. Can Princetown afford to keep Norm Miller as Judge?” Judicial candidate’s campaign advertisement about incumbent judge. [VanWoeart](#) (New York Commission 2020) (censure for this and other misconduct).
- “Like.” Judicial candidate reacting to others’ posts about the incumbent on her campaign Facebook page, stating, for example, “Time to take out the trash!!;” and “I’d like to shove the flyers up Norm’s butt!” [VanWoeart](#) (New York Commission 2020) (censure for this and other misconduct).
- “Bruce Staggs—Justice of the Peace, Benson JP Court.” On nail files distributed by judge during court hours. [Staggs](#) (Arizona Commission 2020) (reprimand for this and other misconduct).
- “Her boyfriend went to prison for assaulting her several times.” Judge about a woman who clapped for her opponent at a campaign forum. [Howard](#) (Texas Commission 2020) (reprimand).

## JUDICIAL CONDUCT REPORTER

WINTER 2020



View [online CourtClass tutorials](#) from the Center for Judicial Ethics about:

- Judges and court staff participating in demonstrations,
- Ex parte communications, and
- Ability to pay hearings

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- “Friendly Judge Barth loves to stop what he’s doing and meet all community members. Even the stuffed ones! Judge Barth with Eileen and her sloth family at Walmart.” Photo caption in post on Facebook page for a part-time judge’s campaign for sheriff. *Barth* (Arizona Commission 2020) (reprimand for this and related posts).
- “I haven’t knocked it down. I have taken signs down prior that were placed illegally.” Judge in interview in chambers about video on YouTube purportedly showing him removing from his neighbor’s property the campaign sign of a candidate for the Texas legislature. *Metzger* (Texas Commission 2020) (admonition).
- “Now, we need you to watch our backs, we need you to vote for Cheryl Johnson.” Judge at a fund-raising event for the county tax assessor-collector’s re-election campaign. *Cox* (Texas Commission 2020) (warning).

### What judges said to law enforcement that got them in trouble

- “Yeah, you can’t arrest us for this. This is not—this is not a jailable offense.” Magistrate to Department of Natural Resources officers who had witnessed him and his father violating a state fishing regulation. *Ferguson*, 841 S.E.2d 887 (West Virginia 2020) (90-day suspension, \$2,000 fine, and reprimand).
- “Big mistake, I should have been in Lucas County. I’m a judge there. I’m not trying to play that up, but.” Judge to police officer during traffic stop. *Gonzalez*, 153 N.E.3d 70 (Ohio 2020) (reprimand).
- “I am so intoxicated[!]” Judge to law enforcement officer during traffic stop. *Doherty*, 150 N.E.3d 949 (Ohio 2020) (reprimand).
- “Two beers.” Judge’s false response to trooper’s question about whether he had consumed any alcoholic beverages. *Miranda* (New York Commission 2020) (censure for this and related misconduct).
- “No, f\*\*\* you.” Judge to police officer during traffic stop. *Petucci* (New York Commission 2020) (censure for this and related misconduct).
- “I’m a judge and I was trying to get home but I just got lost.” Judge to officer responding to a report of an intoxicated driver. *Hawkins*, 161 N.E.3d 613 (Ohio 2020) (reprimand for this and related misconduct).
- “I’ve been vetted, take the cuffs off,” and “All I did was help this person. He was my boyfriend. There was never any incident before this.” Judge to police officers who arrested her for hindering apprehension of her boyfriend. *Brady*, 235 A.3d 175 (New Jersey 2020) (three-month suspension without pay).

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- “None of them had driver[’s] licenses, since they are Mexican.” Judge requesting that law enforcement officers issue traffic citations to commercial vehicles for a solar farm next to her family property. [Plaster](#) (Texas Commission 2020) (warning).

## Judicial ethics and discipline during a pandemic

*Top judicial ethics and discipline stories of 2020*

Like everyone else, judicial conduct commissions had to adjust their operations at short notice during the COVID-19 pandemic. Many posted notices on their webpages to describe those modifications and to manage the expectations of complainants. For example, the [Washington State Commission on Judicial Conduct site](#) explained:

In light of Governor Jay Inslee’s coronavirus proclamations . . . and the World Health Organization’s declaration of a coronavirus global pandemic, the Commission on Judicial Conduct’s physical office will be closed or minimally staffed until further notice. . . . We appreciate your patience as we take measures to safeguard the health and safety of the public and staff.

The Commission stated that it would “continue to accept complaints online via our website” and gave instructions on how to reach the Commission, noting that “staff working remotely will try to respond within 24 hours during business days.”

In its [annual report for fiscal year 2020](#), the Texas State Commission on Judicial Conduct explained that the challenges of COVID-19 “frustrated normal operations” but that it had adopted “new and innovative practices,” with staff “effectively work[ing] remotely” and “hybrid meetings allowing remote or in-person appearances by Commissioners, staff and judges using Zoom technology and holding meetings around the State—thus far, in West, Central and North Texas.” (The Texas Commission also had to cope with a “devastating ransomware attack” on its information technology provider, the Texas Office of Court Administration).

Many other commissions also held their meetings by teleconference or on videoconferencing platforms while stay-at-home orders were in place. Commissions were more prepared for the remote model if they had previously, for reasons unrelated to public health, adopted on-line complaint filing, developed electronic case management systems, had remote access to court records, distributed meeting materials electronically, and otherwise had shifted to a “paperless” office.

As the statistics illustrate, the commissions and courts did rise to the challenge; the number of public dispositions in 2020—127—is

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approximately the same as in 2019. In addition, there were new charges, oral arguments, and even hearings. For example, in July, a hearing officer held a three-day formal hearing on [charges filed by the Massachusetts Commission on Judicial Conduct](#) “with all parties and participants appearing remotely through the ‘Zoom’ videoconference platform.” Because hearings on charges are public, the Commission provided a meeting ID and password “for those wishing to observe the hearing.” The Commission also adopted [emergency protocols](#) for the hearing, for example, requiring display names and asking witnesses where they were physically, who was physically in the room with them, what materials and devices they had with them, what was currently on their screen or screens, and whether they were in communication with any other person.

### Compliance

As the pandemic began to affect court operations, two commissions issued statements emphasizing to judges that compliance with administrative orders regarding court business was mandatory and encouraging judges and others to contact the commission with questions and concerns. In [its statement](#), the Georgia Judicial Qualifications Commission acknowledged “the challenges for parties, litigants, attorneys, court staff, and judges in navigating these uncharted waters” and the differing opinions about “how best to handle the novel circumstances that our world faces today.” However, it warned that “refusals to abide” by the Chief Justice’s state-wide judicial emergency order “may require action by the JQC.” Similarly, explaining that “it is possible that never in our lifetime has the rule of law been more important,” the [Judicial Discipline & Disability Commission](#) emphasized that the Arkansas Supreme Court’s order implementing precautionary measures in response to the pandemic is “clear and detailed” and “is not a suggestion. It is an order. Full compliance is expected.”

In 2020, there were two judicial discipline cases involving judicial misconduct directly related to the pandemic, both from Tennessee.

With the judge’s acceptance, the Tennessee Board of Judicial Conduct publicly reprimanded a judge for “conducting judicial business outside the parameters of the COVID-19” plan for his judicial district as approved by the Tennessee Supreme Court. [Hinson](#) (Tennessee Board of Judicial Conduct December 15, 2020). The judge had failed to limit the number of persons in his courtroom and had not enforced social distancing requirements. At times, his courtroom had “been filled to capacity, even to the point of members of the public having to stand shoulder to shoulder along the walls because all the seats are taken.”

The Board acknowledged that the judge’s courtroom was small and that he was trying to avoid a backlog of cases, but it emphasized that the COVID-19 guidelines adopted by the Court “are not mere suggestions” and compliance “is not optional.” It explained:

By requiring all judicial districts to adopt measures designed to protect users and employees of the court system from the risks associated with COVID-19, the Supreme Court has recognized that the health

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Like everyone else, judicial conduct commissions had to adjust their operations at short notice during the COVID-19 pandemic.

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and safety of litigants, witnesses, attorneys, court staff, and others is of utmost importance. Thus, regardless of how logistically or administratively inconvenient, and no matter a judge's personal views concerning the pandemic generally, all judges are obligated to comply with and enforce the pertinent guidelines.

The Board also reprimanded the judge for stating to a court audience that he “wished Chief Justice Jeff Bivens would win an award so that the COVID-19 mandates” would end.

Similarly, the Tennessee Board publicly reprimanded a second judge for stating that “the Grand Wizard of our Supreme Court said we have to wear these masks,” or words to that effect, to a courtroom audience of criminal defendants, some of whom were African-American. *Re Ledsinger* (Tennessee Board of Judicial Conduct September 28, 2020). The Board explained that “participants in a legal proceeding” who hear such “racially insensitive comments . . . may reasonably perceive that the judge is biased or prejudiced” and “reasonably question whether they received impartial and unbiased treatment” even if, “as here, there is nothing to suggest bias or prejudice in any case.”

The Board added that the comment “was neither dignified nor courteous.” The judge, who consented to the reprimand, had explained that his statement was spontaneous and intended to “soften any resistance by those present in the courtroom to the requirements of wearing a mask, as we have had negative feedback to this [Supreme Court] mandate.” However, the Board explained that the judge's comment impugned the supreme court even if he did not intend “to cast aspersions on any member.” In both reprimands, the Board stressed: “[T]hose who heard [the judge's] comment had no way of determining [his] intent apart from the words used. Once such comments are made, the damage is done.”

See also *Disciplinary Counsel v. Carr, Complaint* (Ohio Board of Professional Conduct September 16, 2020) (alleging judge presided over docket and ordered warrants for defendants who failed to appear despite administrative order rescheduling all criminal cases in response to the Coronavirus); *In re Disqualification of Fleegle, Order* (Ohio Supreme Court December 10, 2020) (order by chief justice disqualifying judge from two criminal cases because he had not proven that he had taken steps to protect individuals in his courtroom or “articulate[d] the necessity of proceeding with jury trials during a dangerous stage of a pandemic”).

For a summary of judicial ethics advisory opinions responding to judges' inquiries about managing courts and hearing cases during the pandemic, see the blog post “[Pandemic advice](#)” on the Center for Judicial Ethics blog.

## What judges said **off-the-bench** that got them in trouble

- “By now it is a truism that Chief Justice John Roberts’ statement to the Senate Judiciary Committee that a Supreme Court justice’s role is the passive one of a neutral baseball ‘umpire who [merely] calls the balls and strikes,’ was a masterpiece of disingenuousness. Roberts’ misleading testimony inevitably comes to mind when one considers the course of decision-making by the Court over which he presides.” Judge beginning a law review article. [Adelman](#) (7th Circuit Judicial Council 2020) (admonishment).
- “Sit tight” and, “Do you have any questions?” Judge on cell phone to the boyfriend of his friends’ daughter after arranging for the boyfriend’s release on a recognizance bond before arraignment. [Goulding](#) (Ohio 2020) (six-month-suspension, stayed with conditions).
- “Is this what you are talking about?” Judge displaying handgun during a heated public confrontation. [Williams](#) (Texas Commission 2020) (reprimand).
- “I know where you are!” Judge in “a rude and hateful tone” during a call to a woman about a horse that allegedly had been bequeathed to his aunt. [Foley](#) (Texas Commission 2020) (admonition).
- “Stay away.” Judge to a friend after law enforcement requested a search warrant for a mutual friend as part of a drug trafficking investigation. *Kamada*, 476 P.3d 1146 (Colorado 2020) (censure of former judge).

## What judges said **on social media** that got them in trouble

- “This makes me so sad. I wonder how Judge Johnson would feel if the woman that was pistol whipped was his daughter, wife, or sister? He sounds like an activist judge trying to prove a point. That doesn’t help the woman who was hurt.” Judge in Facebook post about another judge’s bond determination. [Crow](#) (Texas Commission 2020) (admonition).
- “WHAT DOES THE SHEEP SAY? WE NEED COMMON SENSE GUN CONTROL.” Meme posted by judge on Facebook. [Schmidt](#) (New York Commission 2020) (admonishment for this and other posts).

The Center for  
Judicial Ethics  
has links to  
judicial conduct  
commissions  
and judicial  
ethics advisory  
committees at  
[www.ncsc.org/cje](http://www.ncsc.org/cje)

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- “Sign of the time.” Judge in Facebook post linking to a newspaper article entitled, “Fatal DWI suspect bragged about bail reform: ‘I’ll be out tomorrow.’” [Schmidt](#) (New York Commission 2020) (admonishment for this and other posts).
- “Like.” Judge on Facebook reacting to post referring to town council candidate. [Schmidt](#) (New York Commission 2020) (admonishment for this and other posts).
- “Re-elect Kelly Allen Gray! Fort Worth City Council, -District 8. #teamkelly.” Judge on Facebook about friend’s campaign for city council. [Woodard](#) (Texas Commission 2020) (warning for this and other misconduct).
- “Write short letters stating the ‘irreparable harm’ cutting teachers at [City Honors School] will cause to your children. Students should write as well. Post on Twitter & send to [Buffalo Public Schools] & [Buffalo Teachers Federation]!” Judge on Twitter supporting the teachers at her daughter’s school in litigation with the board of education. [Panepinto](#) (New York Commission 2020) (censure).

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