

SEP 24 2024

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90079

ORDER

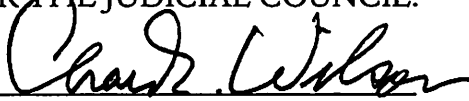
Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges; WALKER and BEAVERSTOCK, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

Done this 24th day of September, 2024.

FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

JUN 17 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90078 through 11-24-90105 and
11-24-90109 through 11-24-90128

ORDER

Forty-eight individuals have filed Complaints against a United States district judge under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States.

As an initial matter, these complaints are not being considered to the extent they raise allegations that have previously been considered. See General Order 2024-J (available at www.ca11.uscourts.gov); Judicial-Conduct Rule 11(c)(2) (indicating that when a complaint repeats allegations of a previously dismissed complaint, it is appropriate to address only allegations that have not previously been considered).

Background

The record shows that the Subject Judge was assigned to a criminal case in which a former political office holder is one of the defendants. After various proceedings, the government filed a motion to modify the defendant's conditions of release, contending the defendant made false and inflammatory statements that put law enforcement agents in danger and requesting that the defendant be barred from making such statements in the future. The Subject Judge denied the motion without prejudice for lack of meaningful conferral. The order set out requirements for future non-emergency motions and noted that a failure to comply could result in sanctions. The case remains pending.

Discussion

These complaints collectively raise six allegations that have not previously been considered.

1. Requirements for Financial Disclosure

First, multiple complaints allege that the Subject Judge failed to timely file Privately Funded Seminar Disclosure Reports after traveling to attend two all-expense-paid educational programs sponsored by a certain organization. In support, many complaints cite to a news article about multiple judges' failure to fully disclose free "luxury" travel. The article reports that the Subject Judge attended two seminars at a luxury resort, but did not post the disclosure reports online until the news organization began making inquiries. According to the article, the clerk of the district court stated that the absence of the reports was a result of technical issues and

was completely inadvertent. The article states, “There is no indication that the judges intentionally withheld information in order to deceive the public.”

One complaint alleges that the Subject Judge’s “failure to disclose the gifts until after the publication of [the] article further calls her judgment and her impartiality into question.” One complaint states, “The impact of this failure is an obvious inference of conflict of interest related to the trip’s sponsors.” Another complaint states, “She appears to be either oblivious to the requirements of her position or deliberately seeking to keep this information out of the public eye,” and that the incident “speaks to incompetence or disregard for ethics on her part and raises legitimate questions of her fitness to be a federal judge.” Finally, as to the clerk’s reported statement that the absence of the reports was a result of technical issues, one complainant states he has worked in the information-technology field and “can assure this Court that it is extremely likely [the clerk] is lying.”

Judicial-Conduct Rule 4(a)(1)(F) states that cognizable misconduct includes “violating rules or standards pertaining to restrictions on outside income or knowingly violating requirements for financial disclosure.”

These claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge knowingly violated requirements for financial disclosure, had a conflict of interest, is not impartial, or acted with an illicit or improper motive. Judicial-Conduct Rule 11(c)(1)(D).

2. Treatment of the Government

Second, various complaints allege that, in the above-described case, the Subject Judge treated the government in a “hostile” and “abusive” manner, has been “quarrelsome and clearly unfriendly” with the government, and “has repeatedly attacked, admonished, or otherwise shown unwarranted and obvious displeasure toward” the government. Most complaints that raise these allegations provide no facts or evidence in support, and some cite the Subject Judge’s order denying the government’s motion to modify the conditions of the defendant’s release. Certain complaints contend the order ignored the threats to government agents, “put people’s lives in danger,” and “endanger[ed] a large swath of the American people.”

Judicial-Conduct Rule 4(b)(1) provides in part that “[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse.” The Commentary on Rule 4 explains the rationale for this rule as follows:

Rule 4(b)(1) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations “[d]irectly related to the merits of a decision or procedural ruling.” This exclusion preserves the independence of judges in the exercise of judicial authority by ensuring that the complaint procedure is not used to collaterally call into question the substance of a judge’s decision or procedural ruling. Any allegation that calls into question the correctness of

an official decision or procedural ruling of a judge — without more — is merits-related.

To the extent these claims concern the substance of the Subject Judge’s official actions, rulings, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). Apart from the merits of the Subject Judge’s decisions or procedural rulings, the claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge treated the government in a demonstrably egregious and hostile manner, is biased against the government, or otherwise engaged in misconduct by denying the government’s motion in the case. Judicial-Conduct Rule 11(c)(1)(D).

3. Treatment of Law Clerks

Third, certain complaints alleges that the Subject Judge created a hostile work environment for her law clerks. One complaint states that the Subject Judge’s “staff is stressed and overworked” and asserts that “[s]everal clerks have resigned before fulfilling their contracts because of the difficult work environment.” Another complaint states, “There are reports of mistreatment of her clerks, and two of her clerks have left her clerkship as a result of this mistreatment.” That complaint continues, “It is now reported that she is mean, she is micromanaging her staff and requiring round-the-clock commitments, sometimes requires more than 100 hours per week, even when she herself is showing up for only a fraction of that amount of time.”

In support of these allegations, multiple complaints cite an article about the departure of two of the Subject Judge's law clerks. That article reports that early former law clerks gave positive feedback on their experiences clerking for the Subject Judge, but that, more recently, reviews of the Subject Judge's managerial style have been "less than kind," with one former clerk describing the Subject Judge to friends as "mean." The remainder of the article quotes an unattributed post on a certain internet forum in which the author states that the Subject Judge generally treats staff "very poorly," tends to get angry to the point of screaming, talks to staff in condescending ways, requires clerks to work on weekends and holidays when the Subject Judge is not in the office, sets unrealistic deadlines, and requires an average of 80 to 100 hours, and sometimes more than 100 hours, of work per week.

This claim, which is based on an article reporting that one former clerk described the Subject Judge to friends as "mean" and quoting a single unattributed internet post, is based on allegations lacking sufficient evidence to raise an inference that the Subject Judge created a hostile work environment for judicial employees, treated judicial employees in a demonstrably egregious and hostile manner, or otherwise engaged in misconduct in connection with her staff members. Judicial-Conduct Rule 11(c)(1)(D).

4. Conflict of Interest

Fourth, certain complaints allege that the Subject Judge has a conflict of interest stemming from her husband's relationship with a certain individual. One complaint asserts that the Subject

Judge's husband was friends with a man who was "associated with the mafia" and a former friend of the defendant in the above-described case. Another complaint states "[i]t has been reported that" the Subject Judge's husband worked for a certain "mobster" who is a "lifelong friend and current donor of the defendant," and that the connection "thickens the miasma of partisanship and partiality that surrounds" the Subject Judge. A third complaint states the Subject Judge's husband was employed by an individual who is a convicted felon, a member of a certain "crime family," and donated to the defendant's campaign.

This claim is based on allegations lacking sufficient evidence to raise an inference that the Subject Judge has or had a conflict of interest based on her husband's relationships. Judicial-Conduct Rule 11(c)(1)(D).

5. Bribes

Fifth, one complaint states that the Subject Judge "receives bribe gifts" from supporters of the defendant, and another complaint asserts that the Subject Judge "is hiding being bribed by" a political party and its nominating convention.

This claim is based on allegations lacking sufficient evidence to raise an inference that the Subject Judge accepted bribes. Judicial-Conduct Rule 11(c)(1)(D).

6. Paperless Orders

Finally, certain complaints assert that the Subject Judge improperly issues paperless orders with the intention of preventing her orders from being appealed.

This claim is based on allegations lacking sufficient evidence to raise an inference that the Subject Judge acted with an illicit or improper motive. Judicial-Conduct Rule 11(c)(1)(D). Issuance of a paperless order does not prevent that order from being appealed.

Conclusion

These Complaints fail to present a basis for a finding of misconduct. For the reasons explained above, these Complaints are **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge