

JUL 18 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-24-90138 through 11-24-90154,  
11-24-90171, and 11-24-90172

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**ORDER**

Nineteen 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](http://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 was one of the defendants. After various proceedings, the government filed a motion to modify the defendant's conditions of release to bar the defendant from making false and inflammatory statements. The Subject Judge denied the motion without prejudice for lack of meaningful conferral. The Subject Judge then scheduled a hearing on another issue, permitted three *amici curiae* to file supplemental briefs, and permitted the *amici curiae* to present oral argument. After additional proceedings, the Subject Judge issued an order dismissing the superseding indictment.

## **Discussion**

These complaints collectively raise seven allegations that have not previously been considered in connection with General Order 2024-J.

### **1. Requests From Other Judges**

Multiple complaints allege that the Subject Judge engaged in misconduct by accepting the above-described case after two federal judges asked her not to accept the case. One complaint contends that the Subject Judge's failure to recuse after "her boss" asked her to do so shows she acted in bad faith. One states, "In her selfishness and pride she refused and chose her own reputation and career over the wishes of the United States people who have a right to see this man brought to justice." One complaint asserts that "two senior federal judges ... urged [the Subject Judge] to give up the case

based on both her inexperience and her perceived bias in favor of the defendant. One states that reports that two of the Subject Judges' "more experienced colleagues urged her to pass on the case" proves that her impartiality "actually *was* questioned by someone with the highest legal qualification," which requires her disqualification by law. Finally, one complaint states that the Subject Judge "cavalierly dismissed the advice of senior judges that she step aside, given the appearance of a conflict of interest."

The allegations are based on an article reporting that after the Subject Judge was assigned to the case, two experienced federal judges, including the chief district judge, urged her not to take the case, but that the Subject Judge declined. The article states that the Subject Judge is not subject to the authority of the other judges and was free to ignore their advice.

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.

Initially, even if the Subject Judge chose to stay on the case after other federal judges advised her not to accept the case, that action would not constitute cognizable misconduct. Judicial-Conduct Rule 11(c)(1)(A). In addition, to the extent these claims concern the substance of the Subject Judge's decision not to recuse, 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 acted in bad faith, was not impartial, had a conflict of interest, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D).

## **2. Requirements for Financial Disclosure**

Multiple complaints allege that the Subject Judge failed to file timely Privately Funded Seminar Disclosure Reports after traveling to attend two all-expense-paid educational programs sponsored by an organization. In support, some complaints cite an article reporting 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.”

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.” But these claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge knowingly violated requirements for financial disclosure. Judicial-Conduct Rule 11(c)(1)(D).

### **3. Treatment of the Government**

Multiple complaints allege that, in the above-described case, the Subject Judge treated the government in a demonstrably egregious and hostile manner. One complaint states that the Subject Judge “rebukes the Prosecution for what turn out to be circular arguments over her lack of understanding of ‘discovery’ blaming the Prosecution for lack of pre-notification of issues that are irrelevant or have already been presented.” One states the Subject Judge “has repeatedly been publicly hostile and overtly abusive towards” the government. One states the Subject Judge treated the government with “outrageous disrespect.” And one states the Subject Judge engaged in “vindictive chastening of [the government] for disingenuously created reasons.”

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 an egregious and hostile manner. Judicial-Conduct Rule 11(c)(1)(D).

#### **4. Treatment of Law Clerks**

Multiple complaints allege that the Subject Judge created a hostile work environment for her law clerks. In support, the 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 working 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 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).

### **5. Holding Oral Argument**

One complaint takes issue with the Subject Judge allowing oral argument on an issue because the issue has already been decided by “multiple courts.” The complaint also questions why the Subject Judge allowed *amici curiae* to present oral argument on the issue as doing so would “allow the advocacy groups to parade their messaging to media outlets ... further making a mockery of this court.”

These allegations concern the substance of the Subject Judge’s official actions, rulings, and orders in the case, and they are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B).

### **6. Conflict of Interest**

One complaint states that the Subject Judge’s husband “worked for and is a good friend of” an individual “who is a current monetary contributor to” the defendant. The complaint states, “This is a complete violation of this Code of Conduct.”

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

## 7. Audio Recording

Finally, one complaint contends that an audio recording of a certain individual shows that the Subject Judge engaged in misconduct. The complaint states that in the recording, the individual “seems to be hinting that [the defendant] has one or more judges in his pocket,” opines that the Subject Judge is on the verge of dismissing the case against the defendant, and states that the defendant has the home phone number of “a lawyer and a judge” who could be called if an election was being stolen.

This claim, which is based on an audio recording that does not suggest any misconduct by the Subject Judge, is based on allegations lacking sufficient evidence to raise an inference that the Subject Judge engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(B).

### 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