

SEP 25 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90211 and
11-24-90216 through 11-24-90218

ORDER

Four 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 was one of the defendants. After various proceedings, the Subject Judge scheduled a hearing on a certain issue and permitted *amici curiae* to present oral argument. The Subject Judge later issued an order dismissing the superseding indictment.

Discussion

1. The Above-Described Case

One complaint takes issue with the Subject Judge's dismissal of the above-described case and contends the Subject Judge issued multiple "unusual rulings," including questioning the constitutionality of a certain individual's appointment, dismissing the case on procedural grounds, refusing to delegate motions to a magistrate judge, permitting *amici curiae* to present oral argument, reversing her own decisions, and being inadequately prepared. The remaining complaints allege the Subject Judge used her office to obtain special treatment for the defendant, showed bias in favor of the defendant, treated the government in a demonstrably egregious and hostile manner, and granted hearings for "legally specious or erroneous reasons."

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, findings, 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). The remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge used her office to obtain special treatment for litigants, was biased, treated the government in a demonstrably egregious and hostile manner, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D).

2. Requirements for Financial Disclosure

Three complaints allege that the Subject Judge violated disclosure rules by failing to report a funded trip to a certain resort. The complaints cite a certain article, that in turn, cites another article reporting that the Subject Judge attended two seminars at a 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.”

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 Law Clerks

Three complaints state, “It has also been documented that [the Subject Judge] has created a hostile work environment for her 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 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. Purchase of Property

Finally, three complaints state that the Subject Judge’s purchase of certain property prior to her confirmation “has raised suspicions (and documents have been altered on the appraiser site since an initial investigation).” In support, the complaints cite to an article that states the Subject Judge’s husband purchased property after the Subject Judge was nominated, but before she was confirmed, which “suggests she was pretty confident, if not assured, that she was going to be confirmed.” The article also questions how the Subject Judge and her husband could afford to purchase the property.

This claim is based on allegations lacking sufficient evidence to raise an inference that the Subject Judge engaged in misconduct in connection with the purchase of certain property. Judicial-Conduct Rule 11(c)(1)(D).

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