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**HEADLINE:** Judges' failure to disclose junkets sparks new outcry

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**DATELINE:** SAN DIEGO

**BODY:**

For years, federal judges have attended free seminars at posh resorts in places like Hilton Head, S.C., and Marco Island, Fla.

Although the seminars are sponsored by groups that have received money from corporate foundations and politically conservative organizations, nothing about the practice is illegal. All the judges must do is list the seminars as gifts on federal disclosure forms they fill out every year.

However, after a public interest law firm last month unveiled a list of judges who attended seminars, it turned out that some of the judges had not reported the junkets. Since then, several public interest groups and members of Congress have renewed calls for an end to the practice.

"The appearance of these seminars undercuts the confidence that the public should have in the independence of the judiciary," said Rep. Zoe Lofgren, D-San Jose. "The judiciary needs to be above suspicion."

The only San Diego judge who did not report the seminars, U.S. District Judge John S. Rhoades, said he "goofed" by forgetting to list trips he took in 1992 and 1993. Rhoades had disclosed seminars in 1989 and 1998.

Rhoades said he regretted the oversight. But he also said concerns about the seminars' political leanings and funding were misplaced.

"Part of being a judge is that you become kind of like a hermit you're separated from the world by custom and necessity," Rhoades said. "So I think anything that exposes my mind to issues is a good idea. I don't see anything wrong with it as long as you go to these things with a certain skepticism. If you see something that's fishy, then you just don't do it."

The Community Rights Counsel, the Washington, D.C.-based law firm that released the list of judges who attended the seminars, takes a different approach.

"I think that some judges are embarrassed and not reporting it because they hope the issue will just go away," said Doug Kendall, director of the law firm.

**EDUCATION OR INFLUENCE?** Six, week-long seminars are provided each year by the Law & Economics Center, an educational foundation at George Mason University in Arlington, Va. More than 300 U.S. magistrate and district judges currently on the bench have attended the Law & Economics Center's seminars at Marco Island, Hilton Head and other resort areas.

"Our mission is to teach economics at the highest academic level to judges," said Francis Buckley, the Law & Economics Center's director.

The organization does not disclose its donors, Buckley said. However, the center's 1992 annual report lists more than 50 corporations and corporate foundations, including Amoco, IBM, the Philip Morris Cos. and the Xerox Foundation.

The Foundation for Research on Economics and the Environment, a Montana-based nonprofit organization, offers seminars at a restored railroad hotel near Bozeman, Mont., and at Elkhorn Ranch near Yellowstone National Park.

The foundation pays for the seminars with "dead man" funds, or money from organizations established by philanthropists who are long dead, said foundation chairman John Baden. The foundation has received funding from conservative organizations such as the Carthage Foundation, and from corporate foundations such as Amoco. Baden said those funds have not been used for the programs aimed at judges.

"I have never once had one of these foundations try to influence a program," he said.

The foundation is careful to invite speakers with varying points of view, said Jim Huffman, dean of Lewis and Clark Law School in Portland, Ore., and a board member of the Foundation for Research on Economics and the Environment.

But Huffman also believes the foundation is not unusual in wanting to promote a particular philosophy, which he describes as a free market approach to environmental protection.

"If people feel strongly about ideas and they want to influence someone in government they can that's the way the system works," Huffman said.

ANOTHER WAY Federal judges can take educational courses from a far less controversial source: the government-funded Federal Judicial Center in Washington, D.C.

But the Federal Judicial Center has not had a budget increase since 1995. And while Federal Judicial Center officials said the quality of their programs has not declined, some judges and academics say the budget should be increased.

The Federal Judicial Center offers more of a "how to" approach to legal issues, judges say, while the private seminars focus on more specialized issues, such as the environment or economics.

Richard W. Goldberg, an international trade judge in New York, said the privately funded courses are helpful because an increasing number of cases involve technical issues. Many judges view themselves as well-trained legal generalists, but few have specialized scientific or economic training.

This fall, the Federal Judicial Center and Georgetown University will co-sponsor a seminar on environmental law.

Richard Lazarus, a Georgetown University professor who is helping to organize the upcoming seminar, said he was invited to attend a Foundation for Research seminar after he left his job as assistant solicitor general with the Justice Department. But Lazarus decided against it.

"It seemed like the deal was so sweet that I was concerned about what the expectations were," Lazarus said. "I didn't want to look like I was being bought."

NO SALE The Community Rights Counsel, the law firm that released the judges' names, also has raised concerns that the seminars might be influencing the judges' rulings.

In six cases where environmental laws were struck down, the judges had attended seminars while the cases were pending, the law firm's recent report said. In three of the cases, judges ruled in favor of a litigant funded by the seminar's sponsors. None of the judges was from San Diego.

Like the groups that run the seminars it criticizes, the Community Rights Counsel is funded by foundations, including some that its critics describe as left leaning.

"It would be fair to say that we don't like what federal judges are being taught at these seminars," said Kendall, the law firm's director. "But the issue is not which side is funding these things, the issue is whether judges should accept gifts worth thousands of dollars. It's wrong whether it's the AFO-CIO or a major corporation."

Ten of the federal judges who did not report the trips told The San Diego Union-Tribune that they simply forgot to disclose them or did not realize they are required to do so. Eight others who were listed as attending seminars but did not disclose them as gifts did not return a reporter's phone calls.

Rhoades, a federal judge in San Diego since 1985, said he took a statistics and economics course taught by a Nobel Prize-winner.

"I never had a feeling in that course or any course that they were trying to sell me something," he said. "I don't think I left there with an agenda."

Supporters of the seminars say liberal and conservative judges attend the programs. Marvin E. Aspen, a federal judge in Illinois who failed to disclose a 1997 Foundation for Research seminar in Montana, was appointed by President Carter, a Democrat.

In the only major environmental case to reach Aspen's court, he ruled in favor of environmentalists who challenged Loyola University's attempt to fill in a bit of Lake Michigan, said Daniel J. Lehmann, a spokesman for the Northern District of Illinois.

**OPPOSING VIEWS** U.S. District Judge Tom Stagg in Louisiana said he resented any implication of wrongdoing for not reporting his 1993 trip to Hilton Head for a Law & Economics Center seminar.

"It was an oversight," Stagg said. "I am not for sale and I have never been for sale."

Mike Casey, vice president of the Environmental Working Group, a Washington D.C.-based watchdog group, argues that judges who attend privately funded seminars should pay for the programs themselves.

"We see these junkets as a way for corporations to reach out to judges," Casey said. "The fact the judges are going on junkets at all is outrageous."

Sen. John Kerry, D-Mass., recently proposed legislation that would prohibit judges from going to a privately funded seminar unless it was reviewed by a judicial group. If approved, federal money could be used to pay the judges' way.

The Law & Economics Center spends about \$4,500 per judge, including lecture fees and transportation. The Foundation for Research spends about \$170 a day to feed and house each judge; it also pays for transportation and lecture fees.

An advisory opinion revised in 1998 by the Committee on Codes of Conduct, a committee made up of 15 federal judges, says judges can "with propriety" attend free seminars, as long as they disclose them and as long as the seminars are not paid for by someone likely to be involved in litigation.

"That a lecture or seminar may emphasize a particular viewpoint or school of thought does not in itself preclude a judge from attending," the opinion states. "Judges are continually exposed to competing views and arguments and are trained to weigh them."

Most of the judges said they did not know who paid for the seminars they attended.

"I can't be influenced by something I don't know," said Ralph Guy Jr., a U.S. Court of Appeals judge in Michigan.

But Guy said if he considers attending another seminar, he would ask where the funding comes from.

"I would be careful to see what the sponsorship was," he said. "After I crossed that bridge, I wouldn't have the slightest hesitation. ... Each judge should make a decision on his own or her own."

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