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HEADLINE: CONTROVERSY OVER JUDGES WHO'VE ATTENDED CORPORATE FUNDED SEMINARS AND FAILED TO REPORT IT ON THEIR FINANCIAL DISCLOSURE FORMS

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BODY:

JACKIE JUDD, host:

Federal judges, like other high-ranking officials, file reports every year disclosing their finances, but new research shows that some judges have failed to disclose that they accepted legal training from two conservative think tanks. NPR's Peter Overby reports.

PETER OVERBY reporting:

A legal organization called Community Rights Counsel has spent weeks combing through judges' disclosure forms, going back to the early 1990s. The group is allied with environmental organizations. They're fighting conservatives, who seek to block environmental regulations by citing constitutional property rights. Douglas Kendall is a lawyer with Community Rights Counsel.

Mr. DOUGLAS KENDALL (Lawyer): At least 20 judges violated federal disclosure laws by attending a corporate funded seminar in a resort setting and not reporting it on their financial disclosure forms.

OVERBY: Kendall says it's not as if the judges weren't warned. Questions just like this cropped up in 1998, and the central office for the federal courts reissued an advisory opinion. It said that tuition and expenses for attending private seminars amounted to a gift, and gifts must be reported, including their value. A spokesman for the federal courts says the judges don't have to interpret the law that way. He says the seminars are considered to be incident to the travel involved, so judges should report that they went but shouldn't tell how much it was worth. He declined to speak for broadcast.

But one judge who did report two seminars on her disclosure form valued one at \$ 1,300, the other at more than \$ 7,000. Judges interviewed by NPR said their omissions were honest mistakes. One said he's just relieved his report didn't have any more serious errors, such as failing to identify an investment in a company involved in a pending case. And circuit court Judge Stanley Francis(ph) Birch Jr. in Atlanta says judges aren't trying to hide anything.

Judge STANLEY FRANCIS BIRCH Jr. (Atlanta): You know, we're all humans. We're going to make a mistake from time to time. It would be interesting to know, given the number of disclosures made by all of the federal judges across the country, the few thousand that there are, how many mistakes there really are and are they mistakes that are just technical mistakes or do they really mean anything?

OVERBY: Environmentalists say these mistakes do mean something because the seminars' sponsors are both strong proponents of property rights law. The Law and Economics Center at George Mason University's Law School has been running its institutes for federal judges for 25 years, typically at resorts like Hilton Head. Courses range from quantitative analysis to science and public health. The center's director, Francis Buckley, declined to be interviewed. In

Bozeman, Montana, John Baden is director of the Foundation for Research on the Environment and Economics. FREE, as it's known, brings judges out to a ranch for seminars on the interplay between economics and environmental law. FREE takes funding from corporations, including some involved in environmental lawsuits. But Baden says its programs for judges are run with money from foundations.

Mr. JOHN BADEN (Foundation for Research on the Environment and Economics): Because we didn't want to run the risk of anyone saying, 'You've taken money from corporation X for this judicial program. This clearly indicates that they would have the capacity to influence your content,' so we preclude that possibility. We've sent checks back, large checks.

OVERBY: Still, FREE is part of a conservative network of corporate and foundation money that fuels research, advocacy and litigation on environmental issues. But Baden says he takes pains to make sure his seminars are balanced. His claim is backed up by chief Judge Paul Magnuson of the federal District Court in Minnesota. He says he attended a free seminar on global warming, went in thinking environmentalists' claims were exaggerated and came out convinced global warming is a problem. Magnuson and other judges say they feel cloistered. They want to educate themselves. Magnuson says he doesn't think judges tilt in favor of moneyed interests that put on seminars like these.

Judge PAUL MAGNUSON (Federal District Court): As near as I can tell, virtually all perspectives of licensed society seems quite successful at raising their financial backing, whether it's the Ralph Nader's organizations or the other perspectives of life.

OVERBY: But Mike Casey of the Environmental Working Group says judges shouldn't go begging for knowledge, not when the Federal Judicial Center runs its own seminar programs.

Mr. MIKE CASEY (Environmental Working Group): Taxpayers already spend \$ 20 million for continuing education for judges. There is no reason why these judges need to go out to luxury dude ranches and hunting lodges and golf resorts on the dole of a lot of really big powerful polluters and corporate lobbying forces.

OVERBY: Meanwhile, in the federal court system, the Committee on Financial Disclosure is advising judges to stop disclosing how much they're reimbursed when they travel to private seminars. The committee says that kind of information isn't required. Peter Overby, NPR News, Washington.

(Soundbite of music)

JUDD: The time is 19 minutes past the hour.

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