

Judges Alter Rules for Sponsored Trips The Washington Post September 20, 2006 Wednesday

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HEADLINE: Judges Alter Rules for Sponsored Trips

BYLINE: Charles Lane, Washington Post Staff Writer

BODY:

The federal judiciary moved to defuse congressional concerns over judicial ethics yesterday, announcing that judges may not accept expense-paid trips to privately funded seminars unless the sponsors first disclose their donors.

Both Republicans and Democrats have criticized judges for going to corporate-backed legal education seminars, which sometimes involve issues that come before the courts.

House Judiciary Committee Chairman F. James Sensenbrenner Jr. (R-Wis.) and Sen. Charles E. Grassley (R-Iowa) introduced legislation in April that would have established an inspector general for the federal judiciary. Sen. Patrick J. Leahy (Vt.), ranking Democrat on the Senate Judiciary Committee, has proposed a bill to rein in expense-paid trips.

The new rules show that "some criticisms in Congress have been taken to heart by the judiciary," said Chief District Judge Thomas F. Hogan in Washington, chairman of the Judicial Conference's executive committee.

Separately, a panel headed by Justice Stephen G. Breyer released a report acknowledging that judges failed to properly investigate complaints of misconduct by colleagues in five of 17 "high visibility cases" between 2001 and 2005 -- an error rate the report called "far too high."

The new rules on expense-paid trips say any organization that offers to pay a judge's way to an educational seminar must report its funding sources for posting on the Internet by the Administrative Office of the U.S. Courts. Otherwise, the judge cannot attend. In turn, the judge must report his attendance within 30 days.

"It's a pretty dramatic change in judicial ethics rules," said Douglas T. Kendall, executive director of Community Rights Counsel, a nonprofit environmental organization that advocates greater disclosure about judges' trips.

But sponsors of the seminars said they could easily comply. Pete Geddes of the Foundation for Research on Economics and the Environment, which is funded in part by petroleum and timber companies, said that his group already posts its donors on its Web site.

Among the mishandled cases cited in the Breyer report were a complaint by Judicial Watch, a conservative nonprofit organization, that a chief circuit judge, Boyce F. Martin Jr., manipulated his court's docket in a crucial affirmative-action case, and complaints by two members of Congress

that a circuit judge, Richard D. Cudahy, leaked news of a coming grand jury investigation of President Bill Clinton on the eve of Vice President Al Gore's presidential nomination in 2000.

In both cases, the Breyer committee found that judges had concluded prematurely that corrective action had been taken and, in the case of the alleged docket manipulation, that they failed to get the accused judge's side of the story.

Though the committee found that all but about 2 percent of ordinary complaints were properly dealt with, it said that judges should do a better job of consulting one another about how to handle high-profile cases and that they should consider transferring particularly controversial matters to other circuits for resolution.

Like Hogan, Breyer, who met with reporters while accompanied by Chief Justice John G. Roberts Jr., sounded a conciliatory note toward Congress. "We decided to respond directly to the criticism, and the criticism turned out to be constructive," he said. Roberts urged the judiciary to take "prompt action" on the report, which was commissioned by his predecessor, William H. Rehnquist, in 2004, to assess judges' compliance with a law that tells courts how to handle accusations of judicial misconduct.

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