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## Federal Judges Take Steps to Improve Accountability

By LINDA GREENHOUSE

WASHINGTON, Sept. 19 — The federal judiciary's top leadership responded Tuesday to criticism from Congress and elsewhere about asserted lapses in judicial ethics by announcing several steps aimed at enhanced self-policing and greater public accountability.

All federal judges below the Supreme Court level will be required to install "conflict checking" software on their computers to avoid unwittingly participating in cases in which they have a financial interest. Such software has recently become available but is not being used widely by federal judges, said Judge Thomas F. Hogan, who leads the executive committee of the Judicial Conference of the United States, which took the action at its semiannual meeting at the Supreme Court.

The conference, a group of 27 judges led by the chief justice of the United States, sets policy for the federal courts, but its jurisdiction does not extend to the Supreme Court.

The conference also adopted a policy on the attendance by federal judges at educational seminars sponsored by outside groups, the source of considerable controversy in recent years.

Judges will be prohibited from accepting reimbursement for attending a private seminar unless its sponsor has filed a public disclosure statement on the content of the program and all sources of financing. Judges will have 30 days to report their attendance at such seminars, and both the judges' and the seminars' reports will be available on judicial Web sites. The policy does not apply to bar association activities.

Federal judges have been criticized for attending expenses-paid seminars on economic and environmental issues sponsored by business-oriented groups that oppose much government regulation. Since 2000, bills have been introduced in Congress to ban judges' attendance at private seminars.

The conference has opposed the legislation as raising concerns of free speech and the separation of powers. In 2001, Chief Justice William H. Rehnquist denounced it in a speech as "antithetical to our American system."

Douglas T. Kendall, a leading critic of judges' attendance at private seminars, called the new policy "a dramatic change for the better."

Mr. Kendall, executive director of Community Rights Counsel, a public policy group here, has pursued the issue for years, at one point publicizing the names of more than 200 judges who had taken trips sponsored by business interests. In an interview on Tuesday, he said the new policy was a "very positive development that should have a significant effect on this practice."

Separately on Tuesday, Chief Justice [John G. Roberts Jr.](#) endorsed a report proposing improvements in the handling of individual complaints against federal judges under the Judicial Conduct and Disability Act of 1980. The report was the product of a six-member committee, led by Justice [Stephen G. Breyer](#), that Chief Justice Rehnquist set up two years ago.

The 1980 law established a complex and decentralized system for dealing with complaints from members of the public that a judge had “engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.” Complaints are initially reviewed by each federal circuit’s chief judge, who has considerable discretion in how to proceed.

Justice Breyer’s committee found that while the bulk of routine complaints, about 700 a year, were handled properly, there was an “error rate” of nearly 30 percent in nonroutine cases, those in which complaints against judges had attained some degree of public visibility. That error rate was “far too high,” the report said in recommending various steps for dealing with the problem.

One proposal was to encourage chief judges to refer sensitive cases to another of the 13 federal circuits. Others dealt with better education and training for the chief judges, who serve seven-year terms and thus may encounter only a handful of serious complaints in their tenure.

With Justice Breyer by his side, Chief Justice Roberts briefed reporters on the 183-page report, describing it as a “very important step on the judiciary’s behalf in responding to criticism.”

With some members of Congress calling for an inspector general to police the judiciary, many federal judges have grown increasingly concerned about the judiciary’s public image and what they perceive as threats to the tradition of judicial independence. Earlier this year, Justice [Ruth Bader Ginsburg](#) called the independent counsel proposal “a really scary idea.”

A clear if unspoken theme of the presentation on Tuesday was that judges were capable of policing themselves. Referring to Congress, Judge Hogan told reporters, “I would hope they would let us handle our own matters.”

Justice Breyer described his committee’s work as a “direct response” to criticism about lapses in judicial discipline. “The criticism turned out to be constructive,” he said, adding that while the system was not “riddled with problems,” it needed improvement to maintain public confidence.

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