



ETHICAL ISSUES

What Should Happen When a Judge Engages in Misconduct?

Because federal judges receive a lifetime appointment, they leave the bench only under four circumstances: resignation, retirement, death, or impeachment. Initial complaints of misconduct were alleged against Chief U.S. District Judge Edward Nottingham in 2007. President George H. W. Bush had appointed Nottingham to the bench in 1989. Nottingham's former wife made several of the allegations during their divorce proceedings. She claimed he spent thousands of dollars in a strip club. A subsequent news investigation discovered his association with a known prostitution ring. A prostitute claimed Nottingham asked her to mislead investigators about their relationship. In another incident, the judge parked illegally in a handicapped space and engaged in a shouting match with a woman who challenged his behavior. The woman, a former lawyer who had been shot and paralyzed by an angry litigant, blocked his vehicle using her wheelchair. Nottingham reacted by putting the car into reverse to make her move and then threatened to have her forcibly removed by federal marshals. Nottingham denied the allegations, though he did admit to being a patron at strip clubs, which is not illegal.

The other side of the picture portrays a judge who is greatly admired by his colleagues. One U.S. district court judge noted Nottingham's great leadership skills and the advancements he implemented, including electronic courtroom evidence and case filings. A U.S. senator praised Nottingham's performance and commented on his skills as a lawyer and jurist. Nottingham was known for his fair treatment of parties in the courtroom and efficient case management practices.

Think About It

1. In your opinion, what may have motivated this judge to engage in the alleged behavior?
2. Were the allegations unethical and/or illegal?
3. Does a lifetime appointment protect judges who engage in misconduct?
4. Is his behavior, if true, enough to warrant impeachment?
5. What is the best resolution for this case?
6. What are the benefits and disadvantages of a lifetime appointment?