

Judicial Ethics
Hypothetical Fact Patterns
Federal Judicial Center

May 2005

1. Some lawyers and court staff have told you that a judge in your court has a problem with alcohol. The judge appears confused and disoriented in court and verbally abuses lawyers, litigants and court personnel. He sometimes adjourns court in the afternoon after falling asleep on the bench. The matter caught the attention of the media last month when police stopped the judge for driving erratically. The judge said he was adjusting to new medication and promised not to drive until his doctor adjusted his medication.
2. You have heard reports from lawyers and court staff that a judge in your court refers to women in inappropriate terms. On one occasion, he allegedly asked the jury: "Can you believe this pretty little girl is a prosecutor?" A friend of yours, a member of the bar, told you, "He is constantly saying things like, 'Sweetie, come up to bench along with Mr. Williams. We need to discuss his motion.' One of the new associates in our firm said he pulled her aside after adjourning court and asked her to go out with him for drinks."
3. You have received an unsigned letter alleging that a judge on your court smoked marijuana at a party in her home in violation of state and federal law, associates with users and sellers of illegal drugs, and was seen at a restaurant with a man currently facing criminal charges for drug possession.
4. You received a phone call from the chief prosecutor in your district saying that assistant prosecutors have complained that a judge on your court told them that he knew they were investigating his nephew for possible securities violations and that the prosecutors' chief witness was lying in order to settle a grudge against the nephew arising out of a business deal that failed.
5. One of the most courteous, efficient, and hard-working judges on your court suffered a major heart attack, which required surgery. His recovery from the surgery has been slow. His mobility is impaired and appears to be suffering from depression. He has been unable to maintain his former workload, and has accumulated an enormous backlog of cases. The judge is 50 years old and depends on his salary to support three college-age children.
6. You have heard rumors from your staff that one judge tells racist jokes in private conversations with attorneys and court personnel. This is surprising because the judge has decided several high profile civil rights cases in favor of racial minorities, and has a reputation for being scrupulously fair and even handed in the courtroom regardless of race.

7. A judge in your court has published articles in scholarly journals, both before and after becoming a judge, expressing views critical of capital punishment. This judge has a strong reputation for fairness. The judge has recently been assigned, through a random draw, a very high profile criminal case in which execution is a possible sentence. The local newspaper carries an editorial describing the judge's scholarly writings and saying, in part, "The chief judge should reassign the case to another judge, simply to remove a cloud that would otherwise hang over these proceedings."
8. You receive a letter from a local schoolteacher, which includes the statement: "Yesterday I brought my sixth grade class to your courthouse to see an actual judicial proceeding. To my great disappointment, Judge Jones put his feet up on his bench and stayed that way through the entire proceeding. My students asked me, 'Why could the judge do something that we can't do in the classroom?'"