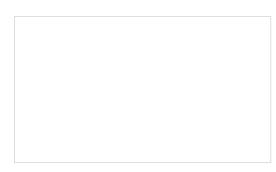
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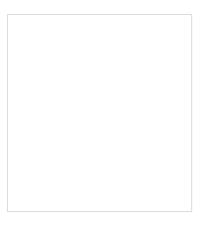
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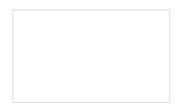
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US judge steps down after accusations of sexual misconduct



FILE - In this Sept. 22, 2003, file photo, Judge Alex Kozinski, of the 9th U.S. Circuit Court of Appeals, gestures in San Francisco. Krazinski announced his immediate retirement Monday, Dec. 18, 2017, days after women alleged he subjected them to inappropriate sexual conduct or comments. Kozinski said in a statement Monday that a battle over the accusations would not be good for the judiciary. (AP Photo/Paul Sakuma, Pool, File)

SAN FRANCISCO (AP) — A prominent U.S. appeals court judge announced his retirement Monday days after women alleged he subjected them to inappropriate sexual conduct or comments.

Judge Alex Kozinski of the 9th U.S. Circuit Court of Appeals said in a statement that a battle over the accusations would not be good for the judiciary. He said he'll step down, effective immediately.

The Washington Post reported last week that at least 15 women made allegations against Kozinski that go back decades. The allegations include inappropriate touching and lewd comments.

Kozinski said while speaking in a "candid way" with male and female law clerks, "I may not have been mindful enough of the special challenges and pressures that women face in the workplace," the statement said. "It grieves me to learn that I caused any of my clerks to feel uncomfortable; this was never my intent. For this I sincerely apologize."

Leah Litman, a law professor at the University of California, Irvine, told the Post that the judge talked about having just had sex and pinched her side and leg at a restaurant the night before they appeared together on a panel at her school in July.

Christine Miller, a retired U.S. Court of Federal Claims judge, said Kozinski grabbed her breasts during a car ride in 1986 after a legal community function in the Baltimore area. She said it came after she declined his offer to go to a motel and have sex.

A lawyer who was not identified said Kozinski approached her when she was alone at a legal event in Los Angeles in 2008 and kissed her on the lips and gave her a bear hug with no warning.

The newspaper said the woman's husband confirmed the incident and said the couple didn't think they could do anything because of the judge's position.

The Post reported last week that six former clerks or more junior staff members accused Kozinski of inappropriate behavior, including showing them pornography.

Kozinski, 67, was chief judge of the 9th Circuit, the largest federal appeals court circuit in the country, from 2007 to 2014. He is known for his irreverent opinions, and his clerks often win prestigious clerkships at the U.S. Supreme Court.

The 9th Circuit has opened a misconduct inquiry that was transferred Friday to the Judicial Council of the 2nd U.S. Circuit Court of Appeals in New York.

Kozinski's retirement leaves five seats open on the 9th Circuit, with two more judges already having announced their intention to retire next year. That gives President Donald Trump potentially seven seats to fill on the largest and most liberal appeals court in the country.

Even if all those judgeships are filled, however, Democratic appointees still will maintain a healthy majority on the court with 17 of the 29 seats.

1.

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Sen. Lindsey Graham slammed a so-called left-wing "takedown" of his preferred high court pick on the first day of Supreme Court nominee Judge Ketanji Brown Jackson's Senate Judiciary Committee ...

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Is Ginni Thomas a Threat to the Supreme Court? | The New Yorker

Ginni Thomas has declared that America is in existential danger because of the "deep state" and the "fascist left," which includes "transsexual fascists." Illustration by Chloe Cushman ...

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The Corruption of Clarence and Ginni Thomas | The Nation

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Fallout From Judges' Financial Conflicts Spreads to Appeals Courts

- Cases involving StarKist, Bank of America and Cisco are among those reviewed

- San Francisco Judges Feinstein, Alsup and 18 others under asset investigation for taking influence-buying payola



Federal appeals courts now have to decide whether affected judges' conflicts were great enough to warrant wiping out their rulings. The Walter E. Hoffman U.S. Courthouse in Norfolk, Va. Photo: Pictometry

By James V. Grimaldi , Joe Palazzolo and Coulter Jones

Fallout from federal judges violating financial-conflict laws is spreading to appeals courts across the nation.

In San Diego, StarKist Tuna is seeking to derail a lawsuit alleging a price-fixing conspiracy costing buyers more than \$1 billion. In New York, consumer lawyers want to revive a dismissed case alleging America's largest banks defrauded investors out of more than \$7 billion in bond deals. In Virginia, <u>Cisco</u>

Systems is challenging a \$1.9 billion patent-infringement judgment.In each case, federal judges had failed to properly recuse themselves after having financial ties to litigants in violation of a 48-year-old law. These violations are having real-world implications for people and companies who resolve disputes in court. The appeals courts now have to decide whether the conflicts were enough to warrant wiping out the rulings by the conflicted judges. Overall, at least 55 cases overseen by judges with recusal violations have been appealed, reconsidered or reassigned to new judges. How newly assigned judges or appellate courts resolve the conflicts could affect public perception of the judicial system, legal experts said. A Wall Street Journal investigation last year revealed that more than 130 judges violated the financial-conflict law



Judge Janis Sammartino directed a clerk to file notices of financial conflicts in 140 cases.

Illustration:

Art Lien for The Wall Street Journalthese contested cases, appellate judges will be faced with deciding between fairness and efficiency, legal experts said. Litigants crying foul are asking that judgments be vacated. The other sides argue that the judges' conflicts amounted to minor errors and that rehearing a case will cost time and money. Vacating a judgment "is inconvenient, it's inefficient, it's time-consuming," said James Sample, a Hofstra University law professor. Yet inconvenience and inefficiency are "problems that the judges themselves have created," he said. In considering the recusal violations, a 1988 U.S. Supreme Court ruling requires courts to consider the risk of injustice to litigants if they vacate rulings, the risk of injustice in other cases and the risk of undermining the public's confidence in the judicial process. Litigants in the appeals cases have leaned on the ruling, each side arguing that the test favors their desired outcome. In the tuna fish price-fixing case, StarKist, Bumble Bee and Chicken of the Sea were accused by retail and commercial buyers of conspiring to inflate prices. The cases were filed as StarKist and Bumble Bee pleaded guilty to federal charges of conspiring to fix tuna prices, with fines of \$100 million for StarKist and \$25 million for Bumble Bee. Judge Janis Sammartino in 2019 had sided with the plaintiffs in certifying a class action, which was overturned by a three-judge panel in April 2021 for abusing her discretion in how she certified the classes.As the Ninth U.S. Circuit Court of Appeal began hearing arguments, the Journal reported that Judge Sammartino's husband owned shares of companies shares of two members of the plaintiff's class, <u>Target</u> Corp. (\$15,001 to \$50,000) and <u>Sysco</u> Corp (less than \$15,000). StarKist filed a motion arguing that Judge Sammartino's recusal violation was yet a further reason to throw out her class certification in the case. "Her family held those interests for years while she was presiding over this case—including some througho



StarKist Tuna is seeking to derail a lawsuit alleging a price-fixing conspiracy costing buyers more than \$1 billion. Photo: Stephanie Strasburg/Pittsburgh Post-Gazette/Associated Press

Lawyers for the class said StarKist's objection should be rejected. "StarKist now seeks a 'do over' despite years of effort by the parties, the district court, and the Ninth Circuit—supported solely by atmospherics created by the Wall Street [Journal] article and a patently insufficient consideration of the record that is relevant to this case," the attorneys said in reply. A decision from the appeals court is pending. Judge Sammartino, an appointee of former President George W. Bush, directed a clerk to file notices of financial conflicts in 140 cases after the Journal contacted her. She didn't respond to a phone message left with her chambers. In another high-stakes appeal in New York, the Journal identified a financial conflict involving federal Judge Lewis Liman, an appointee of President <u>Donald Trump</u>, in a large antitrust class action. The 2020 suit against 10 banks seeks to recover damages that plaintiffs say exceed \$10 billion for overcharging them on bond purchases. Judge Liman didn't disclose that a family member owned as much as \$15,000 in <u>Bank of America</u>, a defendant. Last year, Judge Liman granted the motion of defendants including Bank of America to dismiss in the case. However, that sock ownership would have required recusal." A lawyer for the plaintiffs said they would consider whether to seek relief in the case; they are set to file briefs on the appeal next week. Judge Liman didn't respond to a request for comment. The bank case is one of 13 lawsuits in which the judge, after an inquiry last month from the Journal, asked a clerk to file notices to parties in those cases saying he should have disqualified himself. Judge Henry Morgan in Norfolk, Va., discovered his own financial conflict in a patent-infringement case that Centripetal Networks Inc., a Virginia company, filed against Cisco Systems. After a bench trial but before issuing an opinion, Judge Morgan disclosed that he had learned that his wife held \$4,700 of Cisco stock during the trial.



Judge Henry Morgan was required by law to recuse himself or his wife sell off her Cisco shares for him to continue to hear a case, Cisco Systems argued in legal briefs. Illustration: Art Lien for The Wall Street Journal

Centripetal raised no objection to him remaining on the case, but Cisco requested that Judge Morgan step aside. Though he hadn't said how he would rule in the case, Judge Morgan had asked the parties for information about damages, a good omen for Centripetal.

At a hearing, the judge said he would direct his lawyer to place the shares in blind trust instead of asking his wife to sell them off. He said he worried that dumping the stock ahead of his opinion on the merits of the case could look bad if he ruled against Cisco.

"I was concerned that, to the extent that the Court's ruling might have an adverse effect on the stock price—I don't know if it will or not—that that would be defeating the very purpose of the [ethics] Rules," Judge Morgan explained in a September 2020 hearing, according to a transcript.He denied Cisco's recusal motion in October 2020 and soon found that the company infringed Centripetal's patents, awarding \$1.9 billion in damages. Cisco appealed to the U.S. Court of Appeals for the Federal Circuit in Washington, D.C. The company has argued in its briefs that federal law required Judge Morgan to recuse or his wife to sell off her Cisco shares for him to continue to hear the case. Lawyers for Centripetal said in their briefs that Judge Morgan made an ethical decision in moving the Cisco shares into a blind trust. The appellate court has yet to issue a decision. Lawyers for Centripetal and Cisco declined to comment. Judge Morgan, an appointee of former President George H. W. Bush, didn't respond to a request for comment sent to his chambers.

HOW DID AMERICA'S LIBERAL JUDGES BECOME SUCH CORRUPT PERVERTS?

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Kristin Thorne reports on the Long Island judge who police say repeatedly broke into his neighbor's home to steal her underwear.

Eyewitness News

Updated 31 mins ago

EAST ISLIP, Long Island (WABC) --

A Long Island judge who police say repeatedly broke into his neighbor's home to steal her underwear has confessed to snatching panties on multiple occasions, even though he has pleaded not guilty.

Still, Suffolk County District Judge Robert Cicale has been removed from the bench and is facing up to 15 years in prison.

Cicale was arrested on burglary charges and appeared in court Friday morning.



The judge is a married father of three young children, and he is accused of sneaking into a home across the street and stealing the underwear of a 23-year-old woman who lives there with her parents. He reportedly knew the girl from when she worked as an intern at the lslip Town Attorney's Office, when he used to work there.

In his confession, he said he stole the underwear upon feeling "urges." He admitted that on several occasions, he entered the home, opened her hamper and took underwear.

Cicarle was taken into custody after an incident that happened around 9 a.m. Thursday, when the young woman was alone. Prosecutors said she was sleeping but woke up when she heard the door open. She called out, "Hello?" and that's when she saw Cicale at the doorway.

Authorities say he turned around and ran away, and the victim closed and locked the door and called her mother, who called 911. Responding officers say they saw Cicale walking up to a different house and pretending to knock on the door.

They approached him because he matched the description of the person the victim described. They reportedly found several pairs of soiled women's underwear on him, which the victim identified as her own.

Cicale has written letter of apology to victim and also provided a written confession.

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Cicale is accused of stealing his female neighbor's underwear.

"This is highly disturbing," Suffolk County District Attorney Tim Sini said. "This is an individual who swore to uphold the law. He violated it in a very serious way. The message here from both the Suffolk County Police Department and the Suffolk County District Attorney's office is that no one is above the law, and we'll prosecute this case to the fullest extent of the law."

A Nassau County district judge presided over Cicale's case to prevent a conflict of interest. Cicale is expected to receive mental health treatment.

"His reputation throughout the court is stellar," defense attorney William Wexler said. "Every judge, every lawyer respects him, and we just have to see how the process plays out."

Wexler went on to say that the judge's wife is standing by her husband through this process.

Cicale was ordered held on \$50,000. Cicale was "temporarily relieved of his judicial duties" and the matter was referred to the state's Court of Appeals to determine whether to suspend the jurist, court system spokesman Lucian Chalfen said.

A judge also issued a restraining order that prevents Cicale from contacting the victim and, as a condition of his bail, Cicale will also be required to wear a GPS monitor, Sini said.

Neighbors were shocked when they learned of the judge's arrest.

"From what I heard, it's a little perverted maybe," neighbor William Bloom said. "And that never makes sense to me."

Cicale is a graduate of St. John's Law School, a former legal aide attorney and a former Islip Town Attorney elected to the District Criminal Court in 2016.

"He's a family man, he's always outside playing basketball with his kids," neighbor Jay Moceri said. "He's always jogging. He's always friendly to everybody in the neighborhood."

(The Associated Press contributed to this report.)

AMERICA'S CROOKED, BRIBED, LEFT WING JUDGES ARE IN EVERY COURT IN THE NATION

Supreme Court Justice Ketanji Brown Jackson's transparency gaps were brought up during a hearing on high court ethics reform by Sen. John Kennedy (R-LA), who asked why the Democrats didn't lew the same scrutiny against her as they did with Justice Clarence Thomas.

Kennedy's questions came during a Senate Judiciary Committee hearing on ethics after reports revealed Thomas failed to disclose paid trips he went on with wealthy GOP donor Harlan Crow. Democrats have called on Congress to impose ethics rules, while Republicans large

John Kennedy

(Alex Brandon/AP)

"Justice Jackson made multiple amendments three days after President Biden nominated her. Not one senator brought that up during her confirmation hearings. Not one of my colleagues here walked into her hearings with the buckets of mud that they've thrown against Justice Thomas. Not one, "Kennedy said.

In September, Jackson disclosed that she had "inadvertently omitted" information about self-employed consulting income that her spouse received from consulting on medical malpractice cases. Her revisions also revealed new information about reimbursements for travel and board memberships stemming back to at least 2014, according to Bloomberg.

Senator John Kennedy perfectly sums up Democrat attacks on the legitimacy of the Supreme Court:

"My democratic colleagues should fill out a hurt feelings report and move on, for the sake of the Constitution!" pic.twitter.com/daavi5BrkP

- Townhall.com (@townhallcom) May 2, 2023

Kennedy then blasted the news reports surrounding Thomas, saying that "some Democrats and their media allies" have "attempted hit pieces" on the longest-serving sitting justice and his Republican-appointed colleagues.

The Louisiana senator was referring to at least two separate reports from *ProPublica* that highlighted Thomas's <u>failure</u> to disclose travel gifts from Crow and one Georgia property <u>transaction</u> the donor had with the justice, though Thomas recently said he didn't report the sale because he didn't make a profit. Last week, *Politico* reported Justice Neil Gorsuch was the joint owner of a <u>Colorado property</u> he sold to a major law firm CEO.

"This is untenable," committee Chairman Dick Durbin (D-IL) said Tuesday. "Ethics cannot simply be left to the discretion of the nation's highest court. The court should have a code of conduct with clear and enforceable rules."

Durbin had called on Chief Justice John Roberts to testify for the hearing but had his request <u>denied</u> last week. Roberts issued a letter signed by all the justices that included "a Statement of Ethics Principles and Practices to which all of the current Members of the Supreme Court subscribe."

The high court has repeatedly maintained it consults a code of conduct followed by lower court federal judges. The main difference is that the already advisory code for lower court judges is hardly enforceable for the high court, given the limited number of nine justices, legal experts have said.

Earlier in the hearing, ranking member Sen. Lindsey Graham (R-SC) called the recent reports on the justices a "concentrated effort by the Left to delegitimize the court and to cherry-pick examples to make a point."

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Clarence Thomas Is On a Quest to Be the Most Corrupt Justice In the ...

Clarence Thomas Is On a Quest to Be the Most Corrupt Justice In the Court The Supreme Court justice has reportedly spent decades accepting exorbitant gifts, luxury vacations, and yacht...

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Opinion | The Clarence Thomas Scandal Is About More Than Corruption ...

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The Supreme Court's corruption crisis goes beyond Clarence Thomas - Vox

As Bloomberg reports, the Supreme Court — including Justice Thomas — did briefly consider a \$25 million copyright dispute involving a company that Crow was a partial owner of in 2005. At that ...

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The Corruption of Clarence and Ginni Thomas | The Nation

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The Clarence Thomas Scandal Is What's Wrong With Our Democracy

Supreme Court Justice Clarence Thomas had been problematic even before a new report that he and his wife, Ginni, accepted lavish and unreported vacations from a wealthy Republican donor, Harlan Crow.

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What Democrats Can Learn From Reporting on Supreme Court Comption. The justices are sensitive to political pressure. Senate Democrats can impose that pressure through investigation. An activist speaks during a press conference to call on Supreme Court Justice Clarence Thomas to resign, April 19, 2023, on Capitol Hill in Washington.

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Clarence Thomas is one of the 'most corrupt justices in American ...

Clarence Thomas is one of the 'most corrupt justices in American history,' MSNBC guest declares 'For one of the - if not the - most corrupt justices in American history, to then be...

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'Corrupt as Hell': Demands for Clarence Thomas to Resign Follow New ...

U.S. Supreme Court Justice Clarence Thomas faced fresh calls to step down Thursday after new reporting revealed that his wife's involvement in efforts to overtum the 2020 presidential election was broader than previously known, extending to the battleground state of Wisconsin as well as Arizona. "Reminder that Clarence Thomas heard election cases while his wife compired to overhrow democracy."