

Rare Investigation into Competency and Misconduct Launched against US Appeals Court Judge



Judge Pauline Newman, a federal appeals judge in Washington, D.C., is under investigation by her court for allegedly failing to carry out her duties and refusing to respond to other judges' concerns. An order signed by Federal Circuit Chief Judge Kimberly Moore stated that a three-judge committee had determined that Judge Newman, who is 95 years old, may "suffer a disability that interferes with her ability to perform the responsibilities of her office." Newman is also under investigation for misconduct for refusing to cooperate with the probe or submit to a medical evaluation.

Chief Judge Moore had issued an earlier order in March, stating that Newman had shown signs of cognitive and physical impairment, delayed filing opinions, disclosed sensitive medical information to her staff, and allowed one of her law clerks to exhibit unspecified "unprofessional and inappropriate behavior." The March order said half of the court's active judges expressed concern about Newman's mental fitness.

Newman, a leading intellectual property law jurist and a prominent dissenter on the patent-focused Federal Circuit, was appointed to the bench by Republican President Ronald Reagan in 1984. The Federal Circuit often hears major cases involving technology and pharmaceutical companies.

The March order also stated that Newman had refused to consider senior status, a form of semi-retirement, calling herself the only person on the court "who cared about the patent system and innovation policy." The order said that Newman has participated in 60 cases since June last year, while the average active judge participated in 116.

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The Federal Circuit acknowledged the probe in a Friday statement, saying that court officials "all recognize and admire the lifelong contributions of the justly esteemed Judge Newman" and "are committed to fulfilling their difficult obligations in this process."

It is highly unusual for a U.S. judge to face a complaint from a colleague on the bench, especially on an issue as delicate as their competence to serve. Federal judges serve lifetime appointments in the United States, and a 1980 law allows for complaints against them for misconduct or if a disability calls into question their ability to serve.

According to a report from the Congressional Research Service, the average age of federal appeals court judges was about 65 in 2017.

Newman and Moore did not immediately respond to emailed requests for comment. The investigation into Newman's fitness to serve is ongoing, and it remains to be seen what action will be taken.

In conclusion, the ongoing investigation into Judge Newman's fitness to serve has raised important questions about the age and competency of federal appeals court judges. The unusual situation of a judge facing a complaint from a colleague on the bench highlights the importance of ensuring judges can carry out their duties effectively and fairly. While Judge Newman's contributions to intellectual property law are admired, the investigation must be carried out thoroughly and fairly to ensure that justice is served.