

Privacy Upheld as 96-Year-Old Judge's Fitness Hearing Remains Closed to Public



A federal circuit panel has rejected the plea of 96-year-old Judge Pauline Newman to open up a July hearing, which will assess her fitness to remain on the bench, to the public. The decision came in an order issued on Tuesday by Chief Judge Kimberly A. Moore and two other judges. The panel expressed concerns that publicly disclosing the details of Judge Newman's alleged mental and physical decline would be inappropriate, as the hearing relies on confidential information provided by undisclosed witnesses.

The order emphasized the potential risks associated with opening the July 13 argument to the public. It stated that such an action could lead to inadvertent disclosure of witnesses' identities and confidential details of witness statements, thereby jeopardizing the integrity of the investigative process. However, the panel did indicate a willingness to release a transcript of the hearing with appropriate redactions to protect confidential information and witness identities.

This order represents the latest development in a highly visible employment dispute within the judiciary, shedding light on the implications of lifetime appointments for federal judges. The US Court of Appeals for the Federal Circuit's Judicial Council scheduled the closed-door oral argument session to examine Judge Newman's conduct as part of an investigation initiated under the 1980 Judicial Conduct and Disability Act.

Initially focusing on Judge Newman's ability to fulfill her judicial duties, the probe has now shifted to evaluating whether she had valid reasons for refusing to comply with a Judicial Council special committee's request for a medical examination and the release of medical records. Chief Judge Moore initiated the proceedings earlier this year, citing numerous reports from judges and court staff alleging that Judge Newman had become difficult to work with and was impeding the court's progress.

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In a letter written by New Civil Liberties Alliance attorney Gregory Dolin, Judge Newman's representatives requested that the hearing be opened to the public. They argued that such transparency would not cast an unnecessary shadow on Judge Newman and would instead foster public confidence in her abilities and the disciplinary process. However, the panel's decision has maintained the closed nature of the hearing.

As a result of the ongoing probe, Judge Newman has been temporarily prohibited from presiding over new cases since March. In an effort to resume a full case load, she filed a lawsuit against her colleagues in the D.C. federal court, but the case is still pending.

The judicial council special committee investigating Judge Newman consists of Judges Richard G. Taranto and Sharon Prost, who sit alongside Chief Judge Moore. At this time, the Judicial Council, the special committee, and the court have refrained from making additional statements on the matter, as stated on the Federal Circuit's website.

The outcome of this case will not only shape the future of Judge Newman's career but also raise broader questions about the accountability and transparency of federal judges. The decision to keep the hearing closed to the public underscores the delicate balance between protecting sensitive information and upholding public confidence in the judiciary's disciplinary process.

Don't be a silent ninja! Let us know your thoughts in the comment section below.