

Hercules and the umpire.

THE ROLE OF THE FEDERAL TRIAL JUDGE. PLEASE NOTE THAT THIS BLOG ENDED FOREVER ON JULY 9, 2015

The complaint against Judge Edith Jones for her death penalty speech

JUNE 5, 2013 *By* RGK *in* UNCATEGORIZED *Tags:* DEATH PENALTY SPEECH AND ALLEGED ETHICS VIOLATION, JUDGE EDITH JONES 7 COMMENTS

As someone who once prosecuted Nebraska's Attorney General in an impeachment case based upon alleged ethical violations, and as a judge who spent six years writing opinions regarding the Code of Conduct for United States Judges, I was interested in the complaint filed against Edith Jones, a judge (and former chief judge) of the Fifth Circuit. That complaint has generated a lot of publicity (http://sentencing.typepad.com/sentencing_law_and_policy/2013/06/complaint-filed-against-notable-notorious-fifth-circuit-judge-based-on-comments-about-death-penalty.html#comments).

I spent a little time today examining the complaint and the four affidavits that were reproduced on a newspaper's website (<http://www.texastribune.org/2013/06/04/complaint-judges-comments-show-bias-death-penalty/>). Part of the complaint deals with the content of what the judge allegedly said during a speech to the Federalist Society at the University of Pennsylvania Law School. The speech dealt with the death penalty.

Evidently, there is no recording of the judge's speech. There are, however, affidavits of four attendees—a lawyer with a death penalty group, and three other audience members. You can't clearly determine if the other audience members were all law students, but that appears to be the case. The affidavits of the other audience members were redacted in the published versions of the affidavits.

While it's only my opinion, even if one takes the facts stated in the affidavits as generally true, the content of Judge Jones' remarks at the law school seem to me to be a very weak basis for claiming that she violated the Code of Conduct.* Indeed, I find it more than a little frightening that a serious but plainspoken and outspoken judge like Jones can be forced to defend herself for the content of a law school speech on the death penalty that offended some of the audience members.**

RGK

*The rambling complaint does an extremely poor job of tracking the affidavits. That is, the complaint appears to grossly overstate the specific facts recounted in the affidavits.

**To be clear, I have met Judge Jones once in my life and that was about ten years ago at a conference with other judges. I don't think Judge Jones would know me from a hot rock. Furthermore, I have agreed with some of her judicial opinions, and I have disagreed with others.

page: 2

All good things must come to an end: ugly truck deadline and readers' choice solicitations

JUNE 6, 2013 By RGK in UNCATEGORIZED Tags: UGLY TRUCK 2 COMMENTS

On Sunday, I will announce the winner of the ugly truck contest. All submissions must be received no later than 11:59 PM CST this coming Saturday. Remember, you can't win if you don't play.

Using [the comment section to this post](#), readers are invited to tell me what truck they think should win and why. See [here](https://herculesandtheumpire.com/2013/05/29/a-very-ugly-truck/) (<https://herculesandtheumpire.com/2013/05/29/a-very-ugly-truck/>), [here](https://herculesandtheumpire.com/2013/05/29/equitable-tolling-and-an-ugly-truck/) (<https://herculesandtheumpire.com/2013/05/29/equitable-tolling-and-an-ugly-truck/>), and [here](https://herculesandtheumpire.com/2013/05/30/1982-dodge-rampage-not-only-ugly-but-a-prime-example-of-detroit-gone-mad/) (<https://herculesandtheumpire.com/2013/05/30/1982-dodge-rampage-not-only-ugly-but-a-prime-example-of-detroit-gone-mad/>) for the candidates as of now. I will place great weight on the quality and quantity of supporting comments. In that same vein, readers should also feel free to trash any truck in the contest; that is, tell me why a truck shouldn't win. Snarky is good, and even greater weight will be given to those comments. All comments must be received before the deadline noted above.

RGK

page: 3

I bet Judge Jones has an ugly truck

JUNE 6, 2013 By RGK in UNCATEGORIZED Tags: ETHICS COMPLAINT, JUDGE JONES, UGLY TRUCK 1 COMMENT

Yesterday, I posted <https://herculesandtheumpire.com/2013/06/05/the-complaint-against-judge-edith-jones-for-her-death-penalty-speech/> about the ethics complaint filed against Judge Edith Jones for a speech she gave at a law school regarding the death penalty. Her talk seemed dissonant to a few tender-eared lawyers and law students. They apparently went to the gathering on the mistaken belief that the judge was there to direct a sing-along of the more mellifluous "Kumbaya." That got me thinkin.

Since the judge is from Texas (and we all know precisely what that means), I bet she has an ugly truck.

As of now, however, she has not submitted a photo for consideration in my ugly truck contest. To be perfectly clear, it's not an excuse that she's busy defending herself for being frank.

Like other federal judges and law clerks, Judge Jones has a few days yet to submit her truck for consideration. Everyone should remember that I give extra points if the truck has a gun rack. (I hope that reminder does not seem redundant.)

RGK

7 responses

MARK W. BENNETT says:

June 5, 2013 at 2:04 PM

I cannot speak for Judge Jones but I suspect most of us could distinguish between a hot rock and a hot rockstar federal judge fom Nebraska:)

RGK says:

June 5, 2013 at 2:42 PM

Mark, I will not wear David Bowie's high heel boots (but I would like to).

RGK

Pingback: [I bet Judge Jones has an ugly truck « Hercules and the umpire.](#)

ROBERT SPARKS says:

June 7, 2013 at 6:28 PM

If I was a black inmate looking at being sentenced in federal court by Judge Jones, the comments attributed to her would certainly make me wonder if the sentence that she was going to give me was because of my actions or because of her belief that my race is prone to violent acts.

RGK says:

June 7, 2013 at 7:19 PM

Dear Mr. Sparks,

I get your point. I wonder, however, whether that ought to be used as grist for an ethics complaint, particularly when the complaint itself may not accurately represent the facts as stated in the affidavits.

All the best.

RGK

JC says:

July 9, 2013 at 8:55 AM

Ethics rules require that judges not present themselves in a way that would lead the public to believe they are biased. You, my friend, are seeing the actions of Judge Edith Jones through your conservatively tinted glasses. If the allegations in the affidavits are correct, Judge Jones stated explicitly that she does not believe in the validity of legal defenses that are currently available to defendants under the law. What then is the likelihood that she would be willing to apply the law equitably regarding those defenses? What's more, she seemed to suggest that blacks and hispanics commit more violent crime by virtue of their race. She seems unable or unwilling to comprehend or

consider whether other factors, such as a higher incidence of poverty, contributes to the higher incidences of crime by minorities. Finally, she talked about cases that she had heard that were on appeal, that could very well end up before her again. That is specifically prohibited under the Judicial Code of Conduct. This woman is an abhorrent racist, bigot and misogynist. She needs her bigotted backside kicked off the bench.

RGK says:

July 9, 2013 at 2:18 PM

JC,

I think we will have to agree to disagree on this one. On one point, I think I will take issue with you. Please don't confuse being a skeptic with being a conservative. While they are frequently the same thing, they are not always the same thing.

All the best.

RGK

Hercules and the umpire.

Blog at WordPress.com.

