

FEB 11 2026

David J. Smith
Clerk

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90212

ORDER

On September 30, 2025, Chief Circuit Judge William H. Pryor Jr. identified a judicial complaint against a United States district judge under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, and Rule 5(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States. Chief Judge Pryor appointed a Special Committee to investigate the complaint, and on December 10, 2025, the Special Committee issued a Final Report recommending the issuance of a private reprimand.

The Judicial Council of the Eleventh Judicial Circuit hereby adopts the findings and recommendations in the Special Committee's attached Final Report. In accordance with the Final Report, the subject judge will be issued a private reprimand. In addition, the subject judge has agreed to (1) issue letters of apology to six

former law clerks interviewed by investigation counsel; (2) forego service as chief judge should the Subject Judge be otherwise eligible to serve in that capacity; and (3) indefinitely refrain from service on any Judicial Conference committee.

FOR THE JUDICIAL COUNCIL:

/s/ William H. Pryor Jr.
Chief Judge

MEMORANDUM

DEC 10 2025

David J. Smith
Clerk

TO: Judicial Council of the Eleventh Circuit

FROM: Special Committee Appointed to Investigate Judicial Conduct
Complaint No. 11-25-90212

DATE: December 10, 2025

RE: Amended Final Report of the Special Committee

CONTENTS

SUMMARY 2

I. FACTUAL AND PROCEDURAL HISTORY 2

 A. Memorandum to Chief Judge Pryor Reporting Potential Misconduct 2

 B. Letter to the Subject Judge 3

 C. The Subject Judge’s Initial Response and Follow-up Emails 4

 D. Identification of the Judicial Misconduct Complaint..... 5

 E. The Investigation 5

 1. Information About Sexual Activity in Chambers Involving an Officer 6

 2. Information About the Subject Judge’s Attendance at a Political Event 8

 3. Information About the Staff-Treatment and Staff-Supervision Allegation 8

 F. The Subject Judge’s First Supplemental Response 9

 G. Order Expanding the Scope of the Investigation 10

 H. Additional Information from the Subject Judge11

 1. Supplemental Information Regarding the Political Event11

 2. Supplemental Response Regarding Candor 12

 3. Supplemental Response Regarding Civil Case Work 13

II. MISCONDUCT FINDINGS 14

 A. Misconduct Finding 1 – Improper Sexual Activity in Chambers with a Law Enforcement Officer 15

 B. Misconduct Finding 2 – Attendance at a Partisan Political Event 16

C. Misconduct Finding 3 – Lack of Candor	17
III. RECOMMENDED SANCTION	20

SUMMARY

The Subject Judge is a United States District Judge. In September of 2025, the chief judge of the Subject Judge’s court received information indicating that the Subject Judge had engaged in judicial misconduct by, among other things, engaging in an extramarital affair with a law enforcement officer and, in the course of the affair, having sexual intercourse in the Subject Judge’s office during work hours and within hearing distance of the judge’s clerks. The chief judge of the district court relayed the information to Chief Judge Pryor and he asked the Subject Judge to respond to the allegations. The Subject Judge promptly denied them. Thereafter, Chief Judge Pryor identified a complaint of judicial misconduct under the Judicial Conduct and Disability Act and appointed a special committee to investigate the complaint. The special committee retained counsel to assist in the investigation. During its investigation, the special committee corroborated the primary allegation regarding the affair and the sexual activity in chambers. In the midst of the investigation, the Subject Judge recanted the initial denial and admitted to the affair with a law enforcement officer, including sexual intercourse in the judge’s office during working hours. The Subject Judge also eventually admitted another allegation—that the Subject Judge attended a partisan political event. In light of the information gathered during the investigation, including the Subject Judge’s admissions, the special committee finds that the Subject Judge engaged in misconduct by: (1) engaging in the above-described affair and sexual activity in chambers; (2) attending the partisan political event; and (3) making false statements to, among others, Chief Judge Pryor. The special committee recommends that the Judicial Council issue the Subject Judge a private reprimand. The Subject Judge has also agreed to (1) issue letters of apology to certain law clerks affected by the judge’s misconduct; (2) decline to serve as chief judge of the district court when the judge would otherwise be eligible to do so; and (3) indefinitely refrain from serving on any Judicial Conference committee.

I. FACTUAL AND PROCEDURAL HISTORY

A. Memorandum to Chief Judge Pryor Reporting Potential Misconduct

On September 22, 2025, the Chief Judge of the Subject Judge’s court sent a memorandum to Chief Judge Pryor.¹ The memo reported information that, if substantiated, could give rise to findings of judicial misconduct by the Subject Judge.²

The information in the Chief District Judge’s memo came from Law Clerk A, who was, at the time, a term law clerk for the Subject Judge. According to the Chief District Judge, Law Clerk A reported that: (1) on multiple occasions, the Subject Judge had engaged in sexual activity with a uniformed police officer in the judge’s office during work hours and while staff, including Law Clerk A, were present in chambers and within earshot of the judge’s office (with such conduct

¹ Ex. 1 (Chief District Judge 9.22.2025 Memo).

² *See id.*

appearing to be in the course of an extramarital affair); (2) the Subject Judge did not mentor the judge's clerks or substantively edit clerks' written work product; (3) on one occasion, the Subject Judge "displayed visible anger, including yelling and cursing, directed toward [the judge's] staff"; and (4) once, after presiding over a criminal hearing, the Subject Judge told staff members that the judge "had too many martinis the night before" at an event for a District Attorney.³

As for the sexual conduct allegations, the memo identified discreet occasions on which Law Clerk A, who sat at a desk located immediately outside of the Subject Judge's private office, reportedly either saw the officer in chambers or heard sounds consistent with sexual activity. Those occasions were: (1) in November or December of 2024, when the judge introduced the officer to Law Clerk A; (2) on January 3, 2025, when the clerk encountered and spoke with the officer in the hallway outside of the chambers and then overheard the judge say to someone on a phone call, "[The clerk] knows [the clerk is] not supposed to be talking to you"; (3) on February 27, 2025, when the clerk heard kissing sounds and other noises consistent with intimate activity; (4) on May 29, 2025, when the clerk heard sounds of moaning and heard the officer say the word "affair"; and (5) on August 27, 2025, when the officer briefly visited chambers around lunchtime.⁴ As for corroborating evidence, the Chief District Judge reported that: (1) according to Law Clerk A, at least one other term clerk, identified in the letter, saw and heard similar things; and (2) one of the cushions on a sofa in the Subject Judge's chambers was stained in a manner that was consistent with being caused by semen.⁵

B. Letter to the Subject Judge

On September 29, 2025, pursuant to 28 U.S.C. § 352(a) and Rule 11(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Judicial-Conduct Rules), Chief Judge Pryor notified the Subject Judge of the report and requested that the judge respond to the factual allegations raised in the Chief District Judge's memo (without identifying the source of those allegations).⁶ The letter described the allegations as follows: (1) "On February 27, 2025, May 29, 2025, and other occasions, you allegedly had sexual intercourse with a law-enforcement officer in your office while employees in your chambers could hear your sexual conduct"; (2) "You failed to provide your clerks with proper supervision, and yelled, cursed, and engaged in abusive conduct toward your staff on more than one occasion"; and (3) "Immediately after you presided over . . . a criminal hearing, you told an intern that you had too many martinis the night before at what may have been a political event for a District Attorney."⁷

In addition to responding to the factual allegations, Chief Judge Pryor asked that the Subject Judge's response address whether the judge engaged in judicial misconduct and cited provisions the alleged conduct may have violated.⁸ The Subject Judge's response was to be submitted on or before October 20, 2025.⁹

³ *Id.* at 3–8. Law clerk A subsequently filed a complaint through the district court's employee dispute resolution (EDR) process. The district court then offered Law Clerk A, and the clerk accepted, a new position.

⁴ *Id.* at 3–7.

⁵ *Id.* at 9.

⁶ Ex. 2 (C.J. Pryor 9.29.2025 Letter to the Subject Judge).

⁷ *Id.* at 1.

⁸ *Id.* at 1–3.

⁹ *Id.* at 3.

C. The Subject Judge's Initial Response and Follow-up Emails

Later that same day, the Subject Judge submitted a response.¹⁰ The Subject Judge characterized the allegations as “outrageous” and “baseless” and specifically denied each one.¹¹ Apparently aware that Law Clerk A was the source of the allegations, the Subject Judge noted that the judge had repeatedly chastised Law Clerk A for performance issues, including “being on [the clerk’s] cell phone in court and in the office,” “arriving to the office late,” and wearing attire that the judge considered “too casual.” The Subject Judge implied that Law Clerk A might have made allegations as a means of retaliating against the Subject Judge.¹²

Also on September 29, 2025, the Subject Judge sent two emails to the Chief District Judge (and copied the district court clerk). In the first, sent at 9:54 AM, the Subject Judge wrote:

Good morning. I was just now told that one of my law clerks has accused me of some very inappropriate conduct, including the way I treat my law clerks. I also received a letter from Chief Judge Pryor I am astounded and confused, and have no idea what this clerk is referring to or why [the clerk] has made such allegations. My only thought is that because I spoke with this same law clerk about being on [the clerk’s] phone while in court, and I also recently told [the clerk] I wanted [the clerk] to work in the office rather than remotely, [the clerk] is upset with me. I just went and asked my career law clerk whether anything close to what [the clerk] is describing has ever occurred (including cursing my law clerks and claiming I had martinis with my friend... prior to having court). My career clerk said [the career clerk] had no idea what I was talking about. I invite you to please do a full investigation, including speaking with all of my staff. As you may imagine, I am very upset about this, and am not quite sure what steps to take next.¹³

In a subsequent email, sent at 10:13 AM, the Subject Judge denied knowing the identity of the alleged visitor to chambers, writing: “Because so many lawyers, law students and officers from my cases as a prosecutor have stopped by to visit me, I don’t even know which law enforcement officer [the clerk] is referring to, or if [the clerk] alleges it was different officers.”¹⁴ The Subject Judge suggested that Law Clerk A was retaliating against the judge for disciplining the clerk for “being on [the clerk’s] phone so much in the office and while in court during a hearing” and for requiring the clerk to work in the office.¹⁵

The following day, the Subject Judge sent a follow-up email to Chief Judge Pryor. In it, the Subject Judge speculated that Law Clerk A may have been motivated to fabricate information about the Subject Judge in retaliation for the judge requiring the clerk to work in the office.¹⁶

¹⁰ Ex. 3 (Subject Judge’s 9.29.2025 Response to C.J. Pryor). For ease of reference, throughout this report, this document is referred to as the Subject Judge’s “initial response.”

¹¹ *Id.* at 1–2.

¹² *Id.* at 2.

¹³ Ex. 4 (Subject Judge’s 9.29.2025 Email to Chief District Judge) at 2–3.

¹⁴ *Id.* at 1–2.

¹⁵ *Id.*

¹⁶ Ex. 5 (Subject Judge’s 9.30.2025 Email to C.J. Pryor) at 2–3.

D. Identification of the Judicial Misconduct Complaint

After receiving the Subject Judge's initial response, on September 30, 2025, Chief Judge Pryor entered an order pursuant to Rule 5(a) of the Judicial-Conduct Rules identifying a judicial misconduct complaint.¹⁷ The same day, in accordance with 28 U.S.C. § 353(a) and Rule 11(f), Chief Judge Pryor appointed a special committee to investigate the allegations in the complaint.¹⁸ Thereafter, the special committee retained experienced counsel to assist in conducting its investigation.¹⁹

E. The Investigation

On behalf of the special committee, investigation counsel took various steps to gather information pertaining to the allegations at issue. Those measures included:

- Conducting voluntary, unsworn interviews of six of the Subject Judge's former clerks (including Law Clerk A), with those six clerks serving, collectively, between May of 2020 through September of 2025;
- Gathering from witnesses and court officials relevant documents, including copies of emails and text messages;
- Inspecting the layout of a judge's chambers similar to the Subject Judge's chambers to determine whether a law clerk seated outside of a judge's office (with the door closed) could hear the noises Law Clerk A claimed to hear;
- Removing the above-referenced sofa cushion from the Subject Judge's chambers and arranging for a qualified biological laboratory to conduct an acid phosphate test of the cushion to determine whether semen was present;
- Reviewing court security footage and visitor sign-in logs to determine whether a law enforcement officer had visited the Subject Judge's chambers on specific dates Law Clerk A provided to the Chief District Judge (and, if so, the identity of that law enforcement officer);
- Examining court records to determine whether the Subject Judge's relationship with the law enforcement officer might have given rise to a conflict of interest or an appearance of a conflict; and
- Searching publicly available information regarding a political event held by a certain individual's campaign for District Attorney.²⁰

¹⁷ Ex. 6 (9.30.2025 Order Identifying Complaint); *see* 28 U.S.C. § 351(b) (permitting the chief judge of the circuit to, by written order "identify a complaint . . . and thereby dispense with filing of a written complaint"); *see also* Judicial-Conduct Rule 5(a).

¹⁸ Ex. 7 (9.30.2025 Order Appointing a Special Committee); *see* 28 U.S.C. § 353(a); *see also* Judicial-Conduct Rule 11(f).

¹⁹ *See* Judicial-Conduct Rule 13(c) ("The Special Committee may . . . hire special staff through the Director of the Administrative Office of the United States Courts.").

²⁰ Investigation counsel conducted most of these activities between October 2 and October 10, 2025. The interview of Law Clerk A occurred on October 21, 2025, after the Subject Judge submitted the first supplemental response (described below).

The following briefly summarizes the information gathered as it pertained to each of the allegations.

1. Information About Sexual Activity in Chambers Involving an Officer

a. Initial Corroborating Information

The special committee began by gathering information corroborating the first allegation. A review of sign-in logs and court security camera footage revealed that an Officer of a certain Police Department (PD) had made frequent visits to the Subject Judge's chambers during the preceding year. Some of those visits occurred on the specific dates Law Clerk A provided to the Chief District Judge. The Officer generally: (1) visited around lunchtime; (2) came in uniform; (3) stored a weapon in a locker near the main security entrance; and (4) signed into and out of the courthouse using the law enforcement officer sign-in logs.

According to the PD website, the Officer currently serves as the commander of a certain division. The Officer has worked for the PD since 1998. The Officer's LinkedIn profile, accessed by investigation counsel on October 3, 2025, stated that the Officer has held this role since 2025.

b. Interviews of Law Clerks

Each of the six former clerks interviewed recalled seeing a visitor come to chambers whose description generally matched the Officer.²¹

Three remembered, first-hand, overhearing what may have been sexual activity occurring in the Subject Judge's office. First, one clerk, Law Clerk B, described an incident occurring in either late 2022 or early 2023 when the clerk heard, coming from the judge's office, sounds of music playing and the judge talking with a visitor. At some point, the conversation stopped, and the clerk could only hear the music. However, Law Clerk B had not seen anyone leave the judge's office, causing the clerk to conclude that the judge and the visitor might have been engaged in intimate contact.²² Second, Law Clerk C described two occasions on which the clerk heard unsettling noises coming from the judge's office. The first incident happened in June of 2024. On that day, Law Clerk C heard music and voices coming from the judge's office. After a period of time, Law Clerk C heard only music. Like Law Clerk B, Law Clerk C did not see anyone exit the judge's chambers when the voices stopped. The second instance occurred in August of 2024. That time, Law Clerk C heard what sounded like "kissing sounds" coming from the judge's office. Law

²¹ It was the Subject Judge's practice to require term clerks to serve two-year, staggered terms. Those terms generally ran from September to September. During a term clerk's first year, he or she worked from the desk located in the chambers reception area. That desk was directly outside of the Subject Judge's office. A clerk then moved into a private office on the other side of the chambers for the second year of the clerkship. Accordingly, the clerks who recalled hearing intimate contact noises heard such sounds during the first year of their clerkships, as they sat at the desk outside of the judge's office.

²² At the time, Law Clerk B worked at the desk outside of the Subject Judge's office. Accordingly, any visitor exiting the main door to the judge's office would have passed by that desk on the way out of chambers. At Law Clerk B's desk, the clerk also had a screen showing real-time footage from a security camera positioned near the back entrance to the Subject Judge's office. Therefore, had the visitor exited through the back door, Law Clerk B would have seen the visitor appear on the screen. Neither occurred.

Clerk C assumed, on both occasions, that the visitor to the office was not the Subject Judge's spouse, as, both times, the visitor had entered the office through the back door. As is relevant below in Section II, the misconduct findings, Law Clerk C reported that on September 29, 2025, after receiving Chief Judge Pryor's letter, the Subject Judge telephoned Law Clerk C. During the resulting conversation, Law Clerk C advised the Subject Judge that the clerk had once heard kissing sounds coming from the judge's office. The third clerk who reported hearing sounds of intimate conduct was Law Clerk A, who repeated for investigation counsel the information the clerk previously provided to the Chief District Judge.²³

Hearing the Subject Judge engaging in intimate contact in the judge's office had a significant and negative effect on the above-described clerks. Law Clerk A recalled losing focus at work and being unable to sleep. Law Clerk A was concerned about how the Subject Judge's conduct, if it came to light publicly, might adversely affect the public's view of the judiciary. Law Clerk C said that the clerk was made "very uncomfortable" by what the clerk heard coming from the judge's office. Law Clerk B stated that the clerk was so unsettled by the noises the clerk heard that the clerk had to leave the office for the day.

Even those who did not have first-hand exposure to the sounds of the Subject Judge and the visitor described being adversely affected by the judge's conduct. A former career clerk, who functioned as a quasi-supervisor of the term clerks, recalled two different term clerks asking for advice after hearing the judge and the visitor. The former career clerk described feeling powerless to prevent the term clerks from exposure to the relationship. Another term clerk said that the clerk's colleagues frequently discussed what the judge and the officer were doing behind closed doors, leading to an awkward working environment.

c. Testing of the Sofa Cushion

As for the cushion, after removing the cushion on October 3, 2025, on October 7, counsel transported the cushion to a qualified laboratory in another state. There, the laboratory director conducted an acid phosphate test, which returned a negative result.²⁴ At no point has the Subject Judge been advised of the testing or of the test result.

d. Research Regarding Potential Case Conflicts

Considering the Officer's role with the PD, there was a conflict-of-interest risk. The special committee determined that, from January 1, 2022 through October 10, 2025, the Subject Judge did not preside over any case in which either the Officer or the police department was a party. As for possible PD witnesses testifying before the Subject Judge, during the period of the intimate relationship, the Subject Judge presided over several criminal trials. It does not appear that a PD officer testified at any of those trials.

²³ As noted above, counsel visited the chambers of the Chief District Judge. Those chambers are configured almost identically to the Subject Judge's chambers. During the visit, counsel conducted tests to determine whether a law clerk seated outside of the judge's office could hear noises coming from the office even when the door was closed. Such testing confirmed that noises, even the sound of whispering, could be heard regardless of whether the door was opened or closed.

²⁴ Ex. 8 (10.8.2025 Lab Report).

During the period of the intimate relationship, the Subject Judge denied a motion to suppress evidence in a case in which the conduct of a PD officer was at issue (and that officer was a central witness in the suppression hearing conducted by the magistrate judge). However, the officer was no longer with the PD at the time of the suppression hearing and it does not appear that the Officer had any involvement in the case or supervised the officer involved. Moreover, in denying the motion to suppress, the Subject Judge adopted the magistrate judge's report and recommendation without adding any substantive analysis.

2. Information About the Subject Judge's Attendance at a Political Event

Three former clerks recalled the Subject Judge saying that the judge had consumed martinis at a victory party for a District Attorney. The episode reportedly occurred on the judge's summer interns' first day. That morning the Subject Judge presided over a criminal revocation proceeding. Two clerks took the interns to observe the hearing. Afterwards, those two clerks met with the interns in the chambers library. During the meeting, the Subject Judge came into the room and told the interns that the judge was going home and would not be able to join them for lunch. According to the two clerks present (and a third who heard the conversation from the clerk's office), the Subject Judge explained that the judge had consumed too many martinis the night before at the primary election victory party for a District Attorney. Two of the clerks reported being mortified by the judge's comments.

Based on news coverage, including video and photos, the District Attorney's campaign held an election watch party at which drinks or food in martini glasses appeared to have been served. The special committee did not locate any photographs depicting the Subject Judge at this event.

3. Information About the Staff-Treatment and Staff-Supervision Allegation

As for the staff-treatment and staff-supervision allegation, counsel, on behalf of the special committee, questioned the former law clerks about the allegation. The supervision aspect of the allegation related primarily to civil case work. The Subject Judge's longstanding practice was to handle all criminal case work without law clerk assistance. Each of the six former law clerks interviewed reported that: (1) when assigning a clerk to work on a substantive civil motion, the Subject Judge did not indicate to the clerk how the judge was inclined to rule on the motion or otherwise provide any direction; (2) it was generally understood that the Subject Judge did not wish to discuss substantive civil-case related issues with clerks; and (3) the Subject Judge rarely, if ever, substantively edited civil orders the clerks drafted. Multiple clerks stated that, given their inexperience, they were uncomfortable with the level of discretion they appeared to exercise in handling civil cases.

Clerks were generally unaware as to whether the Subject Judge reviewed pleadings or draft civil orders. The former career clerk recalled one instance in which, during the middle of a civil trial, the Subject Judge made a comment indicating that the judge had recently, for the first time, read the order denying summary judgment in the case. Law Clerk A stated that on multiple

occasions the judge emailed the clerk to docket an order within a few minutes of receiving it, indicating that the judge may not have had time to read it.

The special committee did not gather any information that would substantiate the staff-treatment aspect of the allegation. Law Clerk A described to counsel the incident that the Chief District Judge referenced in the judge’s letter to Chief Judge Pryor. During a July 23, 2025 staff meeting, the Subject Judge criticized Law Clerk A for routinely coming to work late and using the clerk’s personal phone excessively during work hours. The Subject Judge then told Law Clerk A that the judge wanted the clerk to come to the office every day (and told the other clerks that they were to work in-office four days per week). The Subject Judge went on, “You can call me mean; you can call me a [expletive]; I don’t care.” The following day, the Subject Judge apologized to staff members and lifted the in-office work requirement.²⁵ Law Clerk A shared with the special committee a message the clerk then sent to the Subject Judge in which the clerk wrote, among other things, “The opportunity to work in your chambers has been a real blessing.”

Aside from this single incident, the special committee did not learn of any other incident in which the Subject Judge directed profanity towards a staff member or raised the judge’s voice. Several clerks described incidents in which the Subject Judge’s supervision seemed inconsistent or unpredictable. One clerk characterized the chambers as having an “eggshell culture.” Another said that clerks were trained to “tread lightly” around the judge. However, no clerk described conduct which could, by any measure, be characterized as abusive.

F. The Subject Judge’s First Supplemental Response

On October 10, 2025, the Subject Judge, through an attorney, submitted to Chief Judge Pryor a supplemental response.²⁶ In that supplemental response, the Subject Judge: (1) admitted to having had an extramarital affair with the Officer; (2) admitted that, in the course of the affair, the judge had sexual intercourse in the judge’s office; and (3) maintained the judge’s denials of the other allegations.²⁷

On the sexual conduct issue, the Subject Judge stated that the intimate relationship with the Officer began in either late 2022 or early 2023.²⁸ The Subject Judge terminated the affair by the date of the supplemental response.²⁹ The Subject Judge neither admitted nor denied engaging in sexual activity with the Officer while staff members were present and could overhear the judge.

²⁵ In late September of 2025, just before the Subject Judge received Chief Judge Pryor’s letter, the Subject Judge informed Law Clerk A that the judge wanted the clerk to work in the office every workday during October of 2025.

²⁶ Prior to October 10, 2025, the Subject Judge proceeded without counsel.

²⁷ Ex. 9 (Subject Judge 10.10.2025 First Supp. Resp.). In this letter, the Subject Judge sought to withdraw the initial response and replace it with the October 10, 2025 letter. *Id.* at 1. The special committee declines this invitation and instead considers the October 10, 2025 correspondence to be a supplement to the September 29, 2025 letter. Accordingly, for ease of reference, this report refers to the October 10, 2025 document as the Subject Judge’s “first supplemental response.” The Subject Judge attached to the first supplemental response various exhibits. Each exhibit tended to address the allegation that the Subject Judge did not properly supervise law clerks. Because we make no finding of misconduct related to law-clerk supervision, we do not attach or reference those exhibits here.

²⁸ *Id.* at 2.

²⁹ *Id.* at 3.

The Subject Judge stated that the judge never realized that they were being overheard.³⁰ The Subject Judge’s supplemental response stated that the Officer never appeared before the judge in any case and, during the intimate relationship, the PD was not involved in litigation before the judge.³¹ The Subject Judge acknowledged that PD officers may have appeared before the judge during that period, but the judge had no recollection of this occurring and particularly did not recall any officer under the Officer’s command appearing before the judge.³² According to the Subject Judge, the judge and the Officer never discussed cases involving the PD or PD officers and rarely discussed work.³³

On the issues related to the Subject Judge’s alleged attendance at a political event, the Subject Judge acknowledged having been friends with a District Attorney since 1999.³⁴ The Subject Judge asserted that the judge has never attended a partisan political event with or for the District Attorney.³⁵ The Subject Judge stated that, on one occasion, at the District Attorney’s invitation, the judge went to a “mixer” of former employees of a District Attorney’s Office—where the Subject Judge previously worked.³⁶ This event reportedly occurred before the District Attorney’s victory party and at a separate location from the victory party, which the judge did not attend.³⁷ The Subject Judge contended that this mixer was “not a political or campaign event” and that “[t]here was no admission fee.”

Turning to the issues related to law clerk treatment and supervision, the Subject Judge: (1) described how the judge keeps track of civil case work; (2) pointed out that the judge has a low number of open civil cases; and (3) denied having ever directed profanity towards a staff member or otherwise engaged in abusive conduct.³⁸

G. Order Expanding the Scope of the Investigation

On October 20, 2025, pursuant to Rule 13(a), the special committee voted to refer to Chief Judge Pryor for purposes of expanding the scope of the investigation concerns relating to the Subject Judge’s perceived lack of candor.³⁹ Subsequently, on October 23, 2025, Chief Judge Pryor entered an order expanding the scope of the special committee’s investigation.⁴⁰ That same day, Chief Judge Pryor provided notice to the Subject Judge of the expanded scope of the investigation, as required by Rule 15(a)(1)(B).⁴¹

³⁰ *Id.* at 2.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Ex. 9 at 4.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at 3–4. The Subject Judge acknowledged occasionally using words like “damn” or “hell” around chambers, but insisted that those words had never been directed at a staff member. *Id.* at 3.

³⁹ See Judicial-Conduct Rule 13(a) (“If, in the course of the investigation, the Special Committee has cause to believe that the subject judge may have engaged in misconduct or has a disability that is beyond the specific pending complaint, the committee must refer that new matter to the chief judge for a determination of whether action under Rule 5 or Rule 11 is necessary before the committee’s investigation is expanded to include the new matter.”).

⁴⁰ Ex. 10 (10.23.2025 Order Expanding Scope).

⁴¹ Ex. 11 (C.J. Pryor 10.23.2025 Letter to the Subject Judge).

The specific additional allegation was that the Subject Judge demonstrated a lack of candor in the judge’s September 29–30, 2025 communications with Chief Judge Pryor and with the Chief District Judge.⁴² The order expanding the scope of the investigation noted that in communications to both chief judges, the Subject Judge: (1) falsely denied having had sexual intercourse in the judge’s chambers with a law enforcement officer with whom the judge was having an extramarital affair; and (2) suggested that a law clerk had made false allegations about the judge.⁴³ The order indicated that the Subject Judge could respond to the new allegations by November 14, 2025.

H. Additional Information from the Subject Judge

During November of 2025, at the request of the special committee, the Subject Judge, now proceeding *pro se*, provided additional written submissions and participated in a voluntary interview with investigation counsel.⁴⁴ The information the Subject Judge provided, both in writing and orally, pertained primarily to: (1) the judge’s attendance at the District Attorney event; (2) the allegation that the judge made false statements; and (3) the judge’s supervision and treatment of law clerks. The following summarizes the supplemental information the judge provided.⁴⁵

1. Supplemental Information Regarding the District Attorney Event

During the interview, the Subject Judge conceded that the District Attorney event could reasonably be considered a political function. The Subject Judge said that the District Attorney verbally invited the judge to attend and, although initially hesitant to accept the invitation, the judge ultimately did so based on the District Attorney’s assurances that the private “mixer” would be separate from the political function.⁴⁶

On the evening of the event, the Subject Judge arrived at the venue later than intended.⁴⁷ During the Subject Judge’s interview, the judge noted that upon arrival, the judge had to pass through a lobby area adorned with campaign signs. By the time the Subject Judge arrived, the District Attorney was already leaving the mixer and moving to the campaign event, which was

⁴² Ex. 10 at 1–2.

⁴³ *Id.*

⁴⁴ See Ex. 12 (Subject Judge 11.5.2025 Email to counsel); Ex. 13 (Subject Judge 11.10.2025 Supp. Resp. Regarding District Attorney Event); Ex. 14 (Subject Judge 11.10.2025 Supp. Resp. Regarding Civil Case Work); Ex. 15 (Subject Judge 11.12.2025 Supp. Resp. Regarding Candor). When the Subject Judge submitted the written responses, the judge informed counsel that the judge was still represented. However, the Subject Judge did not copy the attorney on the email sending those responses. Subsequently, on November 14, 2025, the Subject Judge and the attorney separately advised investigation counsel that the Subject Judge was no longer represented.

⁴⁵ At the invitation of the special committee, the Subject Judge also suggested sanctions the judge considered appropriate. Ex. 16 (Subject Judge 11.13.2025 Supp. Resp. Regarding Remedial Measures). In that document, the Subject Judge proposed that the Judicial Council: (1) require that either the Subject Judge or someone from the district court’s human resources department have quarterly check-ins with the judge’s law clerks; (2) require that the Subject Judge “issue a private apology to any law clerk affected by [the judge’s] [sexual] conduct”; and (3) at most, issue a private reprimand. *Id.* at 1–3.

⁴⁶ Ex. 13 at 1.

⁴⁷ *Id.* at 1–2.

being held in a different location at the same venue.⁴⁸ Accordingly, the Subject Judge did not interact with the District Attorney. Instead, the Subject Judge visited with former district attorney's office colleagues, leaving after about 45 minutes.⁴⁹

As the Subject Judge was leaving, the judge picked up an appetizer ("some sort of seafood or chicken salad") that was served in a martini glass.⁵⁰ The Subject Judge also noted consuming some of a glass of white wine while at the event.⁵¹ The Subject Judge wrote that the following day, someone sent the judge a photograph in which the judge can be seen holding the martini glass in which the appetizer was served.⁵² According to the Subject Judge, the next day, the judge showed the photograph to some of the judge's staff members.⁵³ The Subject Judge reiterated that the judge has never consumed a martini. However, the Subject Judge conceded that it was "possible that [the judge] joked about having martinis with [the District Attorney] since it was [the District Attorney's] event."⁵⁴ During the interview, the Subject Judge insisted that any comment the judge made about having had "a late night" would have been in jest. Nevertheless, the Subject Judge committed to refrain from engaging in banter with staff going forward.

The Subject Judge described personally thinking that it was appropriate to attend the event because: (1) no fundraising efforts occurred in the room in which the private mixer was held; (2) no one made any political speeches at the mixer; and (3) the judge did not personally endorse the District Attorney or any other political candidate. Nevertheless, the Subject Judge acknowledged that, even if it was apolitical, the private mixer was part of a larger function that was undoubtedly partisan political in nature

2. Supplemental Response Regarding Candor

In response to the lack-of-candor allegations, the Subject Judge explained that, when sending the initial response, the judge was "shock[ed], humiliate[ed][,] and fear[ful] of the impact [the] information would have on [the judge's] personal life, especially [the judge's] already-troubled marriage."⁵⁵ Those emotions caused the Subject Judge to "rashly react" and submit responses containing false statements.⁵⁶

The Subject Judge further clarified that, when reviewing Chief Judge Pryor's letter, the judge's attention focused on the allegations that the judge had yelled and cursed at staff members. The Subject Judge knew those allegations to be untrue and suspected that Law Clerk A had fabricated those claims as a means of "retaliation for [the judge] having disciplined [the clerk]."⁵⁷ The Subject Judge wrote, "I was shocked in reading this allegation, which regrettably, did

⁴⁸ *Id.* at 2.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* at 3. The Subject Judge wrote that the judge thought that the judge paid cash for the wine. *Id.* The Subject Judge acknowledged, however, that the cash payment may have been a tip. *Id.*

⁵² *Id.* at 2.

⁵³ *Id.*

⁵⁴ *Id.* at 2-3.

⁵⁵ Ex. 15 at 1.

⁵⁶ *Id.*

⁵⁷ *Id.* at 3.

somewhat overtake my reaction, although again, I make perfectly clear that this in no way justifies my absolute dishonesty in denying the sexual misconduct in which I clearly engaged.”⁵⁸ The Subject Judge went on to suggest that the false assertions regarding yelling and cursing led the judge to believe that “the complaint was ill-motivated, at least in part.”⁵⁹

At the conclusion of the written response, the Subject Judge asked the special committee to take into account the judge’s prompt recantation of the false statements.⁶⁰ The Subject Judge pointed to other contexts in which the retraction or recantation of a false statement serves as a defense to liability for the falsity.⁶¹ The Subject Judge then attributed some unspecified portion of the gap in time between September 29 and October 10, 2025 to the judge’s efforts to retain counsel and advice the judge received from attorneys, concluding that the judge “intended to recant [the] initial response well before [the] retraction letter was submitted.”⁶² The Subject Judge concluded by again expressing “utter remorse” for the judge’s initial dishonesty.⁶³

3. Supplemental Response Regarding Civil Case Work

In response to questions about engagement in civil-case work, the Subject Judge insisted that draft substantive orders are reviewed, and, from time to time, needed corrections are identified.⁶⁴ During the interview, the Subject Judge reported making edits to between 30 and 40 percent of draft orders. The Subject Judge acknowledged that parties’ submissions are not reviewed before assigning a clerk to draft an order. Accordingly, the Subject Judge does not offer clerks guidance, in advance, as to whether a motion should be granted or denied.⁶⁵ The Subject Judge stated that the practice of closely reviewing draft orders after they are written has proven to be the most efficient means of handling the large volume of cases assigned.⁶⁶ The Subject Judge challenged the assertion of being unavailable to answer clerks’ substantive legal questions, writing that the judge is always available, whether in or out of the office.⁶⁷ The Subject Judge said the same during the interview, reporting that clerks often come to the judge to discuss tricky issues.

Towards the end of the written response, the Subject Judge suggested that during a recent period involving “very sensitive family issues,” the judge was “not as engaged or affable as [the judge] needed to be.”⁶⁸ The Subject Judge accepted responsibility for such failings and recognized

⁵⁸ *Id.* at 3–4.

⁵⁹ *Id.* at 4.

⁶⁰ *Id.* at 5–6.

⁶¹ *Id.* at 5–7. Specifically, the Subject Judge noted that a “timely recantation” is a defense to the charge of making false statements to a grand jury, *see* 18 U.S.C. § 1623(a), if the recantation is made before the false statement “substantially affected the proceeding” and before it has “become manifest that such falsity has been or will be exposed,” *see Id.* § 1623(d). Ex. 15 at 6. The Subject Judge also suggested that “a ‘doctrine of retraction’ has been applied in the context of immigration proceedings to hold that where an alien in an immigration proceeding testifies falsely under oath as to a material fact, his voluntary retraction before his false testimony is exposed lifts the bar of ineligibility.” *Id.* at 6–7 (citing *Ruiz-Del-Cid v. Holder*, 765 F.3d 635, 637–39 (6th Cir. 2014)).

⁶² *Id.* at 7–8.

⁶³ *Id.* at 8.

⁶⁴ Ex. 14 at 2.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.* at 4.

⁶⁸ *Id.* at 5.

the responsibility to provide a good working environment for staff.⁶⁹ During the interview, the Subject Judge acknowledged the possibility of relying too heavily on law clerks in the past.

II. MISCONDUCT FINDINGS

Based on the factual record, including the Subject Judge's admissions, the special committee finds that the Subject Judge engaged in three instances of judicial misconduct. Those are: (1) the Subject Judge engaging in an extramarital affair with a high-ranking PD officer and, in the course of that affair, having sexual intercourse (and other intimate contact) in the judge's office, during business hours, and within hearing distance of staff; (2) the Subject Judge's attendance at a partisan political event; and (3) the Subject Judge's making false statements to Chief Judge Pryor and to the Chief District Judge that were material to the investigation of misconduct allegations and to the administration of the district court.

Before explaining these misconduct findings, the special committee notes that it does not find that the Subject Judge engaged in misconduct in the supervision or treatment of staff. Although the committee is troubled by the law clerks' assertion that the Subject Judge is not engaged in the resolution of civil cases (and, indeed, by the judge's own admission of such a lack of engagement), the facts established do not support a finding of judicial misconduct. The special committee takes the Subject Judge at the judge's word that, going forward, the judge will endeavor to be more engaged in civil cases and more open to substantive discussions with law clerks. As for the staff-treatment allegation, as noted above, the special committee did not gather any information that would support a finding that the Subject Judge's treatment of staff constituted judicial misconduct. The committee is confident that, with an increased level of engagement from the Subject Judge, some of the workplace atmosphere concerns raised by law clerks will dissipate.⁷⁰

⁶⁹ *Id.*

⁷⁰ When interviewed, the Subject Judge expressed dismay at Law Clerk A having falsely accused the judge of, on multiple occasions, yelling and cursing at staff. As stated, the special committee does not make any finding of misconduct regarding the Subject Judge's treatment of staff. Nevertheless, for clarity purposes, the following explains the origin of the allegation.

During a meeting with the Chief District Judge, Law Clerk A described to the Chief District Judge the July 23, 2025 meeting summarized above, in which the Subject Judge reported being unbothered if clerks called the judge "a [expletive]." Law Clerk A also told the Chief District Judge that, according to a co-clerk, during the previous year, the Subject Judge had acted similarly. In the Chief District Judge's memo to Chief Judge Pryor, the Chief District Judge wrote: "The law clerk further indicates that the judge has on one account displayed visible anger, including yelling and cursing, directed toward [the judge's] staff in what [the clerk] perceived to be unwarranted circumstances." Ex. 1 at 7 (emphasis added). The Chief District Judge then described in detail Law Clerk A's account of the July 23, 2025 meeting. After doing so, the Chief District Judge wrote: "At this point, the other term law clerk reached out to the law clerk, saying that the same thing had happened the previous year." *Id.* at 8. In the letter to the Subject Judge, Chief Judge Pryor summarized the allegations as follows: "You . . . yelled, cursed, and engaged in abusive conduct toward your staff on more than one occasion." Ex. 2 at 1.

Chief Judge Pryor's statement was a fair summary of the Chief District Judge's memo. Law Clerk A had indeed suggested to the Chief District Judge that the Subject Judge had engaged in yelling and cursing more than once. However, the letter omitted the fact that Law Clerk A had admitted having personal knowledge of only one such instance and that, on that occasion, the Subject Judge had not directed profanity towards staff. In short, Law Clerk A's allegations were not untrue. However, it is understandable how the Subject Judge, reading the one-sentence summary in the September 29, 2025 letter, perceived them as being such.

As for whether Law Clerk C falsely informed Law Clerk A that Law Clerk C had experienced similar conduct in the past, Law Clerk C did describe fearing the Subject Judge and recounted two instances in which, in the clerk's

The report now addresses each misconduct finding in turn.

A. Misconduct Finding 1 – Improper Sexual Activity in Chambers with a Law Enforcement Officer

The special committee finds that for a period of roughly two years (from around October of 2023 through October of 2025), the Subject Judge participated in an extramarital affair with the Officer. During that period, the Officer was a high-ranking PD officer. The PD, undoubtedly, was involved in numerous criminal and civil cases being litigated in the district. The Subject Judge did not disclose this affair to any other judge, court staff member, or litigating party. Accordingly, the undisclosed affair created the possibility that the Subject Judge would be assigned to handle a case in which the Officer or the Officer's employing agency had an interest, thus creating a conflict or the appearance of one. Although no such scenario occurred, this appears to be the result of happenstance and not any mitigating efforts by the Subject Judge.⁷¹

Far more troubling, on multiple occasions during the relationship, the Subject Judge and the Officer, while in the Subject Judge's chambers and during business hours, engaged in intimate contact (including, by the judge's own admission, sexual intercourse). They did so within earshot of the clerk assigned to work at the desk outside of the Subject Judge's office. At least three of the Subject Judge's former clerks heard sounds resulting from intimate contact. These experiences adversely affected those staff members and, generally, cast a pall on the chambers work dynamic.

The Subject Judge's conduct regarding the relationship—particularly when it came to sexual activity in chambers—demonstrated a gross lack of judgment. Regardless of whether the Subject Judge intended to do so, the judge created a chambers workplace that was extremely uncomfortable and troubling for clerks. As the Subject Judge admitted in written submissions, it was the judge's job as a judge to “provide the best working environment possible.”⁷² All judges owe the same to those who give their time and talents to serve the judiciary. The Subject Judge fell well short of that mark. It was not only the law clerks who suffered from the judge's behavior. So too did the court. The Subject Judge's staff, understandably, was distracted from their job duties by concerns over the judge's behavior. As recounted by multiple law clerks, efficiency suffered.

It is also worth noting the fact that the Subject Judge created a vulnerability to extortion. For two years, the Subject Judge was a federal district judge who routinely heard criminal cases

opinion, the Subject Judge chastised or disciplined the clerk without cause. However, Law Clerk C did not have personal knowledge of the Subject Judge yelling at or using profanity towards staff.

⁷¹ During the interview with investigation counsel, the Subject Judge stated that, had the judge been assigned a case in which the Officer or PD was a party, or that involved the testimony of an officer under the Officer's command, the Subject Judge would have recused and had the case reassigned. The special committee accepts this counterfactual conditional statement as true. Nevertheless, it is easy to imagine a scenario in which the Subject Judge might not have recognized the need for recusal until well into a case. For example, the Subject Judge might have presided over a criminal trial in which the judge did not realize that a central witness was an officer under the Officer's command until that officer began his or her direct examination. The point is, regardless of how sensitive the Subject Judge might have been to the potential for conflicts to arise, there is good reason that judges generally disclose their interests and thus give those litigating before them the opportunity to suggest, at the onset of a case, that a judge might need to recuse.

⁷² Ex. 14 at 5.

engaged in a secret extramarital relationship with a prominent officer of a large law enforcement agency in the judge’s district—with the affair consisting of sexual intercourse in the Subject Judge’s chambers during working hours. Moreover, during this period, the Subject Judge’s spouse was not aware of the affair. Undoubtedly, a bad actor could have used these facts to try to blackmail the Subject Judge. Even absent a blackmail attempt, the publication of these facts would have greatly damaged the Subject Judge’s credibility as a judge and brought disrepute to the federal judiciary.

The Subject Judge’s behavior violated multiple provisions of the Code of Conduct for United States Judges. Canon 2 provides that “[a] judge should avoid impropriety and the appearance of impropriety in all activities.”⁷³ Canon 2(A) adds: “A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”⁷⁴ The commentary to Canon 2(A) further explains that “[p]ublic confidence in the judiciary is eroded by irresponsible or improper conduct by judges, including harassment and other inappropriate workplace behavior.”⁷⁵ For all of the reasons stated above, the Subject Judge’s conduct violated these canons.

The Commentary to Canon 1 makes clear that “[n]ot every violation of the Code [of Conduct] should lead to disciplinary action” and that “[w]hether disciplinary action is appropriate, and the degree of discipline, should be determined through a reasonable application of the text and should depend on such factors as the seriousness of the improper activity, the intent of the judge, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.”⁷⁶ Applying these factors, it is clear that disciplinary action is appropriate. As described above, the misconduct that occurred here was serious. It had a significant effect on multiple members of the Subject Judge’s staff, including at least three who personally heard sounds of intimate contact. Moreover, the misconduct was not an isolated incident. Rather, it persisted over a two-year period and consisted of at least five instances in which a law clerk probably heard sounds associated with intimate contact. The appropriate degree of discipline is addressed in Section III.

B. Misconduct Finding 2 – Attendance at a Partisan Political Event

Next, the special committee finds that the Subject Judge engaged in judicial misconduct by attending a partisan political event. Specifically, the Subject Judge went to an event hosted by a District Attorney’s campaign. Considering the Subject Judge’s concession and the facts known

⁷³ Code of Conduct for U.S. Judges (Code), Canon 2 (Jud. Conf. of the U.S. 2019).

⁷⁴ *Id.*, Canon 2(A).

⁷⁵ *Id.*, Commentary to Canon 2(A). The special committee need not decide whether the Subject Judge’s conduct constituted sexual harassment as that term is used in Rule 4(a)(2) of the Judicial-Conduct Rules. *See* Judicial-Conduct R. 4(a)(2) (prohibiting a judge from “engaging in unwanted, offensive, or abusive sexual harassment or assault”). The special committee notes that the Judicial-Conduct Rules do not make clear whether the term “sexual harassment” requires the judge to act with intent. The special committee accepts as true the Subject Judge’s statement that the judge was unaware that clerks could observe the judge’s sexual activities and thus finds that the Subject Judge did not act with any intent towards the judge’s clerks. Nevertheless, it is beyond dispute that the Subject Judge’s reckless behavior created a deeply uncomfortable working environment for the clerks. Regardless of whether the Subject Judge technically engaged in sexual harassment, the judge’s conduct was wholly inappropriate and unfitting of a federal judge.

⁷⁶ Code, Commentary to Canon 1.

about the event, the special committee finds that this function was a partisan political one. We credit the Subject Judge’s assertions that the judge attended only for the purpose of reuniting with former colleagues, did not speak publicly, did not make any donation, and did not otherwise engage in political activity while at the venue. Nevertheless, the fact remains that the overarching purpose of the larger event—of which the “mixer” was a part—was to promote a District Attorney’s political campaign. Moreover, in light of the Subject Judge’s concession and absent any evidence to the contrary, the special committee finds that the larger event was sponsored by the District Attorney’s campaign or donors to that campaign.

The Code of Conduct makes clear that the Subject Judge should not have attended the event. Canon 5 states that “[a] judge should refrain from political activity.”⁷⁷ Canon 5(A)(1)(3) explicitly prohibits a judge from attending “a dinner or other event sponsored by a political organization or candidate.”⁷⁸ A “political organization” includes “a group affiliated with a political party or candidate for public office.”⁷⁹ The *Guide to Judiciary Policy* contains a similar prohibition, stating: “A judge may not attend any political meeting or rally, or otherwise associate himself or herself, with a candidate for political office, even when the candidate is the judge’s spouse.”⁸⁰

We acknowledge that this appears to be a one-time lapse in judgment and not part of a larger pattern of improper participation in partisan politics. Nevertheless, the factors set forth at Canon 1 counsel in favor of a misconduct finding. Importantly, the Subject Judge’s attendance at the political event—where someone photographed the judge—had the potential to erode public confidence in the independent and non-partisan nature of the judiciary. Again, it appears to be a mere matter of good fortune that the Subject Judge’s attendance did not garner media attention. Nevertheless, the potential for harm was significant and warrants a finding of misconduct.

C. Misconduct Finding 3 – Lack of Candor

Third, the special committee finds that the Subject Judge engaged in judicial misconduct by making false statements to Chief Judge Pryor and to the Chief District Judge in the judge’s September 29 and 30, 2025 messages.

The specific false statements are as follows. In the judge’s initial response to Chief Judge Pryor, the Subject Judge made the following false statements: (1) “I have never engaged in sexual intercourse in my office, nor anywhere else in the Courthouse”; and (2) “I am not sure who this allegation concerns or whether it is alleged to have occurred with different individuals.”⁸¹ The Subject Judge also falsely characterized the allegations as “baseless.”⁸²

In the Subject Judge’s September 29, 2025 emails to the Chief District Judge, the judge falsely asserted: (1) “I am astounded and confused, and have no idea what this clerk is referring to

⁷⁷ Code, Canon 5.

⁷⁸ *Id.*, Canon 5(a)(1)(3).

⁷⁹ *Id.*, Commentary to Canon 5(A).

⁸⁰ *Guide to Judiciary Policy*, Vol. 2B, Ch. 3, § 5.1(a).

⁸¹ Ex. 3 at 1.

⁸² *Id.* at 2.

or why [the clerk] has made such allegations”;⁸³ (2) “Because so many lawyers, law students and officers from my cases as a prosecutor have stopped by to visit me, I don’t even know which law enforcement officer [the clerk] is referring to, or if [the clerk] alleges it was different officers.”⁸⁴

The Subject Judge’s making false statements violated Rule 4(a)(5) of the Judicial-Conduct Rules, which provides that “cognizable misconduct” includes “refusing, without good cause shown, to cooperate in the investigation of a complaint . . . under [the Judicial-Conduct] Rules.”⁸⁵ The Subject Judge’s failure to truthfully respond to Chief Judge Pryor’s inquiry constituted a failure to cooperate in the investigation of the complaint and thus an instance of cognizable judicial misconduct. Moreover, the Judicial-Conduct Rules imposed upon the Subject Judge a duty to report the judge’s own misconduct to the relevant chief district judge or chief circuit judge.⁸⁶ Not only did the Subject Judge fail to fulfill this obligation, but the judge’s false statements to Chief Judge Pryor and to the Chief District Judge constituted attempts to prevent the chief judges from learning of the Subject Judge’s misconduct.

In addition to violating the specific Judicial-Conduct Rules, the Subject Judge’s making false statements clearly violated Canon 2 and Canon 2(A), set forth above. Judges expect attorneys, parties, and witnesses to exhibit absolute candor in their dealings before the court. Undoubtedly, public confidence in the judiciary would be significantly diminished were the public to perceive that judges do not expect the same truthfulness from each other—particularly in matters of utmost importance like a judicial conduct inquiry.

The Subject Judge’s eventual recantation might go to the ultimate sanction, but, contrary to the judge’s assertions, it does not absolve the judge of liability. Even if the special committee were to adopt the principle the Subject Judge articulates in one of the judge’s responses—that

⁸³ Ex. 4 at 2.

⁸⁴ *Id.* at 1. In the Subject Judge’s messages to Chief Judge Pryor and to the Chief District Judge, the Subject Judge repeatedly expressed thinking that the reporting clerk was ill-motivated because the Subject Judge had recently disciplined the clerk for various matters. *See* Ex. 4 at 2 (“My only thought is that because I spoke with this same law clerk about being on [the clerk’s] phone while in court, and I also recently told [the clerk] I wanted [the clerk] to work in the office rather than remotely, [the clerk] is upset with me.”); *id.* at 1–2 (“I am racking my brain trying to understand why [Law Clerk A] would say these things. [The clerk] and I have never even exchanged words or had any bad experiences, except that I did talk to [the clerk] about being on [the clerk’s] phone so much in the office and while in court during a hearing. . . . I also recently told [the clerk] I wanted [the clerk] to try working in the office instead of working remotely due to some cases [the clerk] had not completed, including one from two lists ago.”); Ex. 5 at 3 (suggesting that the judge requiring Law Clerk A to work in the office everyday due to the clerk being behind in work might be “possible motivation for the false reports”).

In the interview with investigation counsel, the Subject Judge insisted believing that: (1) the staff-treatment allegation was false; and (2) regardless of the truth or falsity of the allegations, the law clerk’s decision to make a report was, at least in part, retaliatory. As noted, the special committee found no basis for a misconduct finding related to how the Subject Judge treated staff. Whether or not the reporting clerk was motivated by animus towards the Subject Judge is unknown and irrelevant. In any event, the special committee does not find that the Subject Judge made knowingly false statements regarding the judge’s beliefs about the falsity of the staff-treatment allegation and the law clerk’s motivations.

⁸⁵ *Guide to Judiciary Policy*, Vol. 2E, Ch. 3 (Rules for Judicial-Conduct and Judicial Disability Proceedings (Judicial-Conduct Rules), R. 4(a)(5).

⁸⁶ Judicial-Conduct Rules, R. 4(a)(6) (“Cognizable misconduct includes failing to call to the attention of the relevant chief district judge or chief circuit judge any reliable information reasonably likely to constitute judicial misconduct or disability.”).

recantation is a defense to false-statement liability—that principle would not excuse the judge’s conduct.⁸⁷ Importantly, as the Subject Judge notes, two conditions must be present for the defense to apply, namely: (1) the falsity has not affected the course of the proceedings; and (2) the recantation came before the declarant knew that the untruth would be exposed.⁸⁸ Neither is present here.

By October 10, 2025, when the Subject Judge submitted the first supplemental response, the judiciary had devoted considerable time and resources to investigating the allegations at issue. As noted above, by that time, investigation counsel, on behalf of the special committee, had, among other things: (1) reviewed courthouse security camera footage; (2) reviewed courthouse sign-in logs; (3) conducted background research on the Officer; (4) interviewed five of the Subject Judge’s former clerks; (5) inspected the layout of a chambers similar to the Subject Judge’s so as to determine whether a law clerk could hear the noises Law Clerk A reported hearing; and (6) removed the sofa cushion from the Subject Judge’s office, drove it to a laboratory in another state, and had the cushion tested.⁸⁹ Most of these efforts would have been rendered unnecessary had the Subject Judge been honest from the beginning. The Subject Judge’s falsity undoubtedly altered the course of the proceeding.

Moreover, there is a high likelihood that, when the Subject Judge submitted the first supplemental response, the judge knew that the falsehood had been or would soon be exposed. Notably, by that point, the Subject Judge was aware that investigation counsel had removed the cushion from the judge’s office. While the stain ultimately tested negative, given the Subject Judge’s admissions, there seems to be a reasonable likelihood that the judge feared the test might return a positive result.⁹⁰ Additionally, as noted above, on September 29, 2025, former Law Clerk C informed the Subject Judge that the clerk too had heard the intimate-contact noises. When the Subject Judge submitted the first supplemental response, on October 10, 2025, the Subject Judge likely and reasonably assumed that Law Clerk C had shared or would share that information with investigation counsel and thus with the special committee. Third, as noted above, investigation counsel accessed the Officer’s LinkedIn profile. Counsel’s doing so may have sent a notification to the Officer, thus indicating that out-of-state attorneys were seeking to gather information about the Officer. If this occurred and if the Officer shared that with the Subject Judge, that information would have further suggested to the Subject Judge that the special committee was already aware of the judge’s actions.

⁸⁷ See Ex. 15 at 5–7.

⁸⁸ See, e.g., 18 U.S.C. § 1623(d) (“Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.”).

⁸⁹ As for why the cushion had to be transported to another state for testing, the laboratory used was the closest qualified laboratory to either the Subject Judge’s chambers or investigation counsel’s office that could: (1) test the sample without damaging the cushion; and (2) provide same-day test results.

⁹⁰ The Subject Judge was almost certainly subjectively aware of the stain’s presence. Law Clerk A informed the Chief District Judge that the clerk first noticed the stain when the clerk was in the Subject Judge’s office. Later, Law Clerk A saw that the stain had disappeared, leading the clerk to assume that the Subject Judge had cleaned the cushion. However, one day, when the Subject Judge was not in the office, Law Clerk A entered the office, turned over a cushion, and found the stain. This led Law Clerk A to reasonably surmise that the Subject Judge had attempted to conceal the cushion by turning it over.

In short, while the special committee appreciates the Subject Judge’s eventual candor, as well as the significant emotional toll the Subject Judge was operating under when the initial response was sent, there is no excuse for the egregious falsities the Subject Judge submitted to fellow judges.

III. RECOMMENDED SANCTION

In light of these findings, the special committee recommends that the Judicial Council issue the Subject Judge a private reprimand.⁹¹ The Subject Judge informed Chief Judge Pryor that the Subject Judge would not oppose or challenge this sanction. The Subject Judge has also agreed to (1) issue letters of apology to the six former law clerks interviewed by investigation counsel (with the special committee to provide to the Subject Judge a list of those law clerks);⁹² (2) forego service as chief judge should the Subject Judge be otherwise eligible to serve in that capacity;⁹³ and (3) indefinitely refrain from service on any Judicial Conference committee.⁹⁴

The special committee carefully considered whether to recommend a more severe sanction, including a public reprimand. The following mitigating factors dissuaded the committee from making such a recommendation: (1) the Subject Judge’s correction of the judge’s false statements and subsequent candor with the special committee; (2) the unlikelihood that the Subject Judge will engage in similar misconduct in the future, evidenced by the judge discontinuing the relationship with the Officer and commitment to avoid future partisan political events; and (3) the Subject Judge’s otherwise exemplary service to the court. Although the special committee is deeply troubled by the conduct in which the judge engaged, the Subject Judge has demonstrated a strong propensity for rehabilitation and continued diligent service to the judiciary. Although the sanction recommended allows the Subject Judge to continue the judge’s judicial service, the sanction also reflects the seriousness of the judge’s misconduct, and provides solace to those harmed by that misconduct.

⁹¹ See 28 U.S.C. § 354(a)(2)(A)(ii).

⁹² In the judge’s submission, the Subject Judge asked to be allowed to word the letters of apology vaguely so as to ensure that a letter could not be “used against [the Subject Judge] in some way.” Ex. 16 at 3. The special committee recommends that the Judicial Council instruct the Subject Judge to use the judge’s best judgment in drafting letters of apology that communicate the judge’s sentiments without risking undue embarrassment to the Subject Judge or the judiciary. Any apology should be sufficiently specific so as to make clear to the recipient the sexual misconduct for which the judge is apologizing.

⁹³ Cf. Judicial-Conduct Rules, R. 20(b)(1)(D)(vii) (upon a finding of misconduct by a district court chief judge, a judicial council may find “that the judge is temporarily unable to perform chief-judge duties, with the result that those duties devolve to the next eligible judge”).

⁹⁴ Given that we made no findings of misconduct related to the Subject Judge’s treatment or supervision of staff, we do not consider it appropriate to recommend that the Judicial Council require a court human resources staff person to conduct periodic meetings with the Subject Judge’s clerks. However, we encourage the Subject Judge to perform such periodic check-ins and to take advantage of management-skills-development resources.