



COMMITTEE COMMENTARY

Federal law and judicial codes of conduct require federal judges to recuse themselves from sitting on cases in which they have a financial conflict of interest. Combining old-fashioned investigative-journalism skills with the opportunities for interaction and dissemination provided by the Internet, reporter Will Evans produced a series of online articles examining potential financial conflicts by two federal trial judges being considered for appellate appointments. The reports were published online by salon.com and the Center for Investigative Reporting's own site, muckraker.com. Mr. Evans exhaustively compared years of financial and court records to show how these federal judges were issuing rulings in cases, even though they owned stock in the very companies that were parties in their courts. "Conflicts on the Bench" had a major public impact, generating spirited debate in the "blogosphere" about conflict of interest rules and judicial ethics. One of the judges who Evans investigated withdrew his nomination. The other nomination stalled in the Senate. The stories were picked up nationally by major news media. By posting an online guide and explaining the applicable rules, "Conflicts on the Bench" provides an important public service, empowering citizens with the knowledge and means to independently monitor conflicts of interests by federal judges.

Conflicts on the Bench

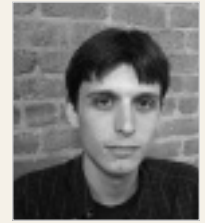
Center for Investigative Reporting
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Will Evans, *Reporter*

Dan Noyes and Mark Schapiro, *Editors for CIR*

Mark Follman, *Editor for Salon.com*



EXCERPT

Controversial Bush judge broke ethics law

By Will Evans

May 1, 2006

Starting in 2002, Terrence W. Boyle, a longtime federal district court judge in North Carolina, presided over a lawsuit against General Electric, in which the corporation stood accused of illegally denying disability benefits to a long-standing employee. Deep into the case, on Jan. 15, 2004, Judge Boyle bought stock in General Electric, according to a review of his financial filings. Two months later, he made his ruling: Boyle shot down the plaintiff's claims to long-term and pension disability benefits, granting him only a fraction of the money in short-term compensation for a debilitating mental condition. ...

Early in his nomination process in 2001, Boyle wrote to the Senate Judiciary Committee in response to its routine questionnaire: "I will avoid any conflict of interest, potential conflict of interest, or appearance of conflict of interest. I am disqualified from presiding over, or being involved with, any litigation involving any party with whom I might have any financial interest."

At the very time Boyle typed up that pledge of integrity, however, he was in the middle of a case involving Quintiles Transnational, a pharmaceutical service company in which he reported stock holdings, and on whose behalf he had been issuing favorable rulings.

In fact, since his May 2001 nomination, Boyle has issued orders in at least nine cases that involved five different corporations in which he reported stock holdings, according to financial and court documents. In most of the cases, Boyle ruled in favor of the companies in which he had financial interests—though his participation was a violation of the law regardless of how

he ruled. Federal law and the official Code of Conduct for U.S. judges explicitly prohibit judges from sitting on such cases—no matter how small their stock holdings—in order to ensure public trust in the judicial system. From 1999 to 2004 (the years that Boyle's financial disclosure forms are currently available), he broke the rules in at least one case per year. Boyle presided as chief judge of the U.S. District Court of the Eastern District of North Carolina during those years. ...

Professor Leslie W. Abramson, a judicial ethics expert at the University of Louisville's law school who reviewed Boyle's record, said it shows at least a pattern of negligence, if not one "heading toward intentional disregard" of federal law. "Judge Boyle's conduct," Abramson said, "places his own and the judiciary's integrity and reputation at risk."

Boyle did not return repeated phone calls to his office requesting comment. He also did not respond to a letter delivered April 19, detailing the cases at issue and asking for specific explanation.



Conflicts on the Bench is online at www.muckraker.org/pg_one_investigation-1238-7-0.html (or access via the link at www.abanet.org/publiced/gavel)