

# Thousands of U.S. judges who broke laws or oaths remained on the bench



REUTERS ILLUSTRATION/Jason Schneider

In the past dozen years, state and local judges have repeatedly escaped public accountability for misdeeds that have victimized thousands. Nine of 10 kept their jobs, a Reuters investigation found – including an Alabama judge who unlawfully jailed hundreds of poor people, many of them Black, over traffic fines.

By [MICHAEL BERENS](#) and [JOHN SHIFFMAN](#) in MONTGOMERY, ALABAMA | Filed June 30, 2020, noon GMT

**J**udge Les Hayes once sentenced a single mother to 496 days behind bars for failing to pay traffic tickets. The sentence was so stiff it exceeded the jail time Alabama allows for negligent homicide.

Marquita Johnson, who was locked up in April 2012, says the impact of her time in jail endures today. Johnson’s three children were cast into foster care while she was incarcerated. One daughter was molested, state records show. Another was physically abused.

“Judge Hayes took away my life and didn’t care how my children suffered,” said Johnson, now 36. “My girls will never be the same.”



Fellow inmates found her sentence hard to believe. “They had a nickname for me: *The Woman with All the Days*,” Johnson said. “That’s what they called me: *The Woman with All the Days*. There were people who had committed real crimes who got out before me.”

In 2016, the state agency that oversees judges charged Hayes with violating Alabama’s code of judicial conduct. According to the Judicial Inquiry Commission, Hayes broke state and federal laws by jailing Johnson and hundreds of other Montgomery residents too poor to pay fines. Among those jailed: a plumber struggling to make rent, a mother who skipped meals to cover the medical bills of her disabled son, and a hotel housekeeper working her way through college.

Hayes, a judge since 2000, admitted in court documents to violating 10 different parts of the state’s judicial conduct code. One of the counts was a breach of a judge’s most essential duty: failing to “respect and comply with the law.”



DAUGHTERS ABUSED: When Marquita Johnson couldn’t afford to pay traffic fines that had accumulated for some eight years, Judge Les Hayes sentenced her to more than a year in jail. Her daughters were cast into foster care. One was physically abused, court records show, and another was molested. REUTERS/Chris Aluka Berry

Despite the severity of the ruling, Hayes wasn’t barred from serving as a judge. Instead, the judicial commission and Hayes reached a deal. The former Eagle Scout would serve an 11-month unpaid suspension. Then he could return to the bench.

Until he was disciplined, Hayes said in an interview with Reuters, “I never thought I was doing something wrong.”

This week, Hayes is set to retire after 20 years as a judge. In a statement to Reuters, Hayes said he was “very remorseful” for his misdeeds.

Community activists say his departure is long overdue. Yet the decision to leave, they say, should never have been his to make, given his record of misconduct.

“He should have been fired years ago,” said Willie Knight, pastor of North Montgomery Baptist Church. “He broke the law and wanted to get away with it. His sudden retirement is years too late.”

Hayes is among thousands of state and local judges across America who were allowed to keep positions of extraordinary power and prestige after violating judicial ethics rules or breaking laws they pledged to uphold, a Reuters investigation found.





The Teflon Robe: Read the series



Reuters database: Judges who were publicly disciplined – and what they did



Methodology and Q&A: How we examined misconduct



How to use the searchable database to explore the disciplinary files of judges across America

Judges have made racist statements, lied to state officials and forced defendants to languish in jail without a lawyer – and then returned to the bench, sometimes with little more than a rebuke from the state agencies overseeing their conduct.

Recent media reports have documented failures in judicial oversight in [South Carolina](#), [Louisiana](#) and [Illinois](#). Reuters went further.

In the first comprehensive accounting of judicial misconduct nationally, Reuters identified and reviewed 1,509 cases from the last dozen years – 2008 through 2019 – in which judges resigned, retired or were publicly disciplined following accusations of misconduct. In addition, reporters identified another 3,613 cases from 2008 through 2018 in which states disciplined wayward judges but kept hidden from the public key details of their offenses – including the identities of the judges themselves.

All told, 9 of every 10 judges were allowed to return to the bench after they were sanctioned for misconduct, Reuters determined. They included a [California judge who had sex](#) in his courthouse chambers, once with his former law intern and separately with an attorney; [a New York judge who berated domestic violence victims](#); and [a Maryland judge](#) who, after his arrest for driving drunk, was allowed to return to the bench provided he took a Breathalyzer test before each appearance.

The news agency’s findings reveal an “excessively” forgiving judicial disciplinary system, said Stephen Gillers, a law professor at New York University who writes about judicial ethics. Although punishment short of removal from the bench is appropriate for most misconduct cases, Gillers said, the public “would be appalled at some of the lenient treatment judges get” for substantial transgressions.

Among the cases from the past year alone:

### **PUBLIC WARNING (2019)**



**JACK ROBISON**

District Court, Texas

Burst into a jury deliberation room, exclaiming that God told him the defendant was innocent.  
The Herald-Zeitung/Handout via REUTERS

In Utah, [a judge texted a video of a man’s scrotum](#) to court clerks. He was reprimanded but remains on the bench.

[In Indiana, three judges attending a conference last spring got drunk](#) and sparked a 3 a.m. brawl outside a White Castle fast-food restaurant that ended with two of the judges shot. Although the state supreme court found the three judges had “discredited the entire Indiana judiciary,” each returned to the bench after a suspension.

In Texas, a judge burst in on jurors deliberating the case of a woman charged with sex trafficking and declared that God told him the defendant was innocent. The offending judge received a warning and returned to the bench. The defendant was convicted after a new judge took over the case.

“There are certain things where there should be a level of zero tolerance,” the jury foreman, Mark House, told Reuters. The judge should have been fined, House said, and kicked off the bench. “There is no justice, because he is still doing his job.”

Judicial misconduct specialists say such behavior has the potential to erode trust in America’s courts and, absent tough consequences, could give judges license to behave with impunity.

“When you see cases like that, the public starts to wonder about the integrity and honesty of the system,” said Steve Scheckman, a lawyer who directed Louisiana’s oversight agency and served as deputy director of New York’s. “It looks like a good ol’ boys club.”

That’s how local lawyers viewed the case of a longtime Alabama judge who concurrently served on the state’s judicial oversight commission. The judge, Cullman District Court’s Kim Chaney, remained on the bench for three years after being accused of violating the same nepotism rules he was tasked with enforcing on the oversight commission. In at least 200 cases, court records show, Judge Chaney chose his own son to serve as a court-appointed defense lawyer for the indigent, enabling the younger Chaney to earn at least \$105,000 in fees over two years.

ORDER

On proper filing of affidavit of hardship, the court finds the defendant partially indigent and able to contribute monetarily toward their defense.

Attorney Alex Chaney is appointed to represent this defendant.

It is further Ordered and Adjudged that the court reserves the right and may order the defendant to reimburse the State of Alabama for all the attorney fees, fines or any other costs as approved and ordered by the court.

DONE this 14<sup>th</sup> day of November, 2016.

/s/ KIM J. CHANEY  
DISTRICT JUDGE

NEPOTISM BY WATCHDOG: While serving on a state board on judicial misconduct, Judge Kim Chaney violated the very nepotism rules he enforced on other judges, appointing his own son to more than 200 cases in his hometown.

In February, months after Reuters repeatedly asked Chaney and the state judicial commission about those cases, he retired from the bench as part of a deal with state authorities to end the investigation.

Tommy Drake, the lawyer who first filed a complaint against Chaney in 2016, said he doubts the judge would have been forced from the bench if Reuters hadn’t examined the case.

“You know the only reason they did anything about Chaney is because you guys started asking questions,” Drake said. “Otherwise, he’d still be there.”





State and local judges draw little scrutiny even though their courtrooms are the bedrock of the American criminal justice system, touching the lives of millions of people every year.

The country’s approximately 1,700 federal judges hear 400,000 cases annually. The nearly 30,000 state, county and municipal court judges handle a far bigger docket: more than 100 million new cases each year, from traffic to divorce to murder. Their titles range from justice of the peace to state supreme court justice. Their powers are vast and varied – from determining whether a defendant should be jailed to deciding who deserves custody of a child.



‘GUT INSTINCT’: Judge Les Hayes served on the Montgomery Municipal Court in Alabama since 2000. “With my years of experience, I can tell when someone is being truthful with me,” he told Reuters. Courtesy Montgomery Advertiser/Handout via REUTERS

Each U.S. state has an oversight agency that investigates misconduct complaints against judges. The authority of the oversight agencies is distinct from the power held by appellate courts, which can reverse a judge’s legal ruling and order a new trial. Judicial commissions cannot change verdicts. Rather, they can investigate complaints about the behavior of judges and pursue discipline ranging from reprimand to removal.

**REPRIMANDED (2017)**



**SAM BENNINGFIELD**

General Sessions Court, Tennessee

Granted jail credit to women who received surgical implants for birth control and men who received vasectomies.  
TNCourts.gov/Handout via REUTERS

Few experts dispute that the great majority of judges behave responsibly, respecting the law and those who appear before them. And some contend that, when judges do falter, oversight agencies are effective in identifying and addressing the behavior. “With a few notable exceptions, the commissions generally get it right,” said Keith Swisher, a University of Arizona law professor who specializes in judicial ethics.

Others disagree. They note that the clout of these commissions is limited, and their authority differs from state to state. To remove a judge, all but a handful of states require approval of a panel that includes other judges. And most states seldom exercise the full extent of those disciplinary powers.

As a result, the system tends to err on the side of protecting the rights and reputations of judges while overlooking the impact courtroom wrongdoing has on those most affected by it: people like Marquita Johnson.

Reuters scoured thousands of state investigative files, disciplinary proceedings and court records from the past dozen years to quantify the personal toll of judicial misconduct. The examination found at least 5,206 people who were directly affected by a judge’s misconduct. The victims cited in disciplinary documents ranged from people who were illegally jailed to those subjected to racist, sexist and other abusive comments from judges in ways that tainted the cases.

The number is a conservative estimate. The tally doesn’t include two previously reported incidents that affected thousands of defendants and prompted sweeping reviews of judicial conduct.

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**“If we have a system that holds a wrongdoer accountable but we fail to address the victims, then we are really losing sight of what a justice system should be all about.”**

Arthur Grim, retired judge

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In Pennsylvania, the state examined the convictions of more than 3,500 teenagers sentenced by two judges. The judges were convicted of taking kickbacks as part of a scheme to fill a private juvenile detention center. In 2009, the Pennsylvania Supreme Court appointed senior judge Arthur Grim to lead a victim review, and the state later expunged criminal records for 2,251 juveniles. Grim told Reuters that every state should adopt a way to compensate victims of judicial misconduct.

“If we have a system that holds a wrongdoer accountable but we fail to address the victims, then we are really losing sight of what a justice system should be all about,” Grim said.

In another review underway in Ohio, state public defender Tim Young is scrutinizing 2,707 cases handled by a judge who retired in 2018 after being hospitalized for alcoholism. Mike Benza, a law professor at Case Western Reserve University whose students are helping identify victims, compared the work to current investigations into police abuse of power. “You see one case and then you look to see if it's systemic,” he said.

The review, which has been limited during the coronavirus pandemic, may take a year. But Young said the time-consuming task is essential because “a fundamental injustice may have been levied against hundreds or thousands of people.”



## ‘Special rules for judges’

Most states afford judges accused of misconduct a gentle kind of justice. Perhaps no state better illustrates the shortcomings of America’s system for overseeing judges than Alabama.





**SCOTT STEINER**

Superior Court, California

Had sex in his chambers with his intern and with an attorney practicing before his court.  
Twitter/Handout via REUTERS

As in most states, Alabama’s nine-member Judicial Inquiry Commission is a mix of lawyers, judges and laypeople. All are appointed. Their deliberations are secret and they operate under some of the most judge-friendly rules in the nation.

Alabama’s rules make even filing a complaint against a judge difficult. The complaint must be notarized, which means that in theory, anyone who makes misstatements about the judge can be prosecuted for perjury. Complaints about wrongdoing must be made in writing; those that arrive by phone, email or without a notary stamp are not investigated, although senders are notified why their complaints have been summarily rejected. Anonymous written complaints are shredded.

These rules can leave lawyers and litigants fearing retaliation, commission director Jenny Garrett noted in response to written questions.

“It’s a ridiculous system that protects judges and makes it easy for them to intimidate anyone with a legitimate complaint,” said Sue Bell Cobb, chief justice of the Alabama Supreme Court from 2007 to 2011. In 2009, she unsuccessfully championed changes to the process and commissioned an American Bar Association report that offered a scathing review of Alabama’s rules.

In most other states, commission staff members can start investigating a judge upon receiving a phone call or email, even anonymous ones, or after learning of questionable conduct from a news report or court filing. In Alabama, staff will not begin an investigation without approval from the commission itself, which convenes about every seven weeks.

By rule, the commission also must keep a judge who is under scrutiny fully informed throughout an investigation. If a subpoena is issued, the judge receives a simultaneous copy, raising fears about witness intimidation. If a witness gives investigators a statement, the judge receives a transcript. In the U.S. justice system, such deference to individuals under investigation is extremely rare.

**“It’s a ridiculous system that protects judges and makes it easy for them to intimidate anyone with a legitimate complaint.”**

Sue Bell Cobb, former chief justice of the Alabama Supreme Court

“Why the need for special rules for judges?” said Michael Levy, a Washington lawyer who has represented clients in high-profile criminal, corporate, congressional and securities investigations. “If judges think it’s fair and appropriate to investigate others for crimes or misconduct without providing those subjects or targets with copies of witness statements and subpoenas, why don’t judges think it’s fair to investigate judges in the same way?”

Alabama judges also are given an opportunity to resolve investigations confidentially. Reuters interviews and a review of Alabama commission records show the commission has met with judges informally at least 19 times since 2011 to offer corrective “guidance.” The identities of those judges remain confidential, as does the conduct that prompted the meetings. “Not every violation warrants discipline,” commission director Garrett said.

Since 2008, the commission has brought 21 public cases against judges, including Hayes, charging two this year.

# 496

Number of days Judge Hayes sentenced Marquita Johnson to jail for unpaid traffic tickets.

Two of the best-known cases brought by the commission involved Roy Moore, who was twice forced out as chief justice of the Alabama Supreme Court for defying federal court orders.

Another Alabama justice fared better in challenging a misconduct complaint, however. Tom Parker, first elected to the state’s high court in 2004, pushed back when the commission investigated him in 2015 for comments he made on the radio criticizing the U.S. Supreme Court's decision legalizing gay marriage.

Parker sued the commission in federal court, arguing the agency was infringing on his First Amendment rights. He won. Although the commission had dropped its investigation before the ruling, it was ordered to cover Parker’s legal fees: \$100,000, or about a fifth of the agency’s total annual budget.

In 2018, the people of Alabama elected Parker chief justice.

These days, Parker told Reuters, Alabama judges and the agency that oversees them enjoy “a much better relationship” that’s less politically tinged. “How can I say it? It’s much more respectful between the commission and the judges now.”

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■ David Sachar, director of the Arkansas Judicial Discipline & Disability Commission: “People can be scared for their life.”



“Gut instinct”



Montgomery, Alabama has a deep history of racial conflict, as reflected in the clashing concepts emblazoned on the city's great seal: "Cradle of the Confederacy" and "Birthplace of the Civil Rights Movement."

Jefferson Davis was inaugurated here as Confederate president after the South seceded from the Union in 1861, and his birthday is a state holiday. As was common throughout the South, the city was the site of the lynchings of Black men, crimes now commemorated at a national memorial based here. Police arrested civil rights icon Rosa Parks here in 1955 for refusing to give up her seat on a city bus to a white passenger.

Today, about 60% of Montgomery's 198,000 residents are Black, U.S. census records show. Even so, Black motorists account for about 90% of those charged with unpaid traffic tickets, a Reuters examination of court records found. Much of Judge Hayes' work in municipal court involved traffic cases and the collection of fines. Hayes, who is white, told Reuters that "the majority of people who come before the court are Black."

City officials have said that neither race nor economics have played a role in police efforts to enforce outstanding warrants, no matter how minor the offense.



CONFLICTING HISTORY: The great seal of Montgomery on the entrance to the city council chamber. Reuters/John Shiffman

In April 2012, Marquita Johnson was among them. Appearing before Hayes on a Wednesday morning, the 28-year-old single mother pleaded for a break.

Johnson had struggled for eight years to pay dozens of tickets that began with a citation for failing to show proof of insurance. She had insurance, she said. But when she was pulled over, she couldn't find the card to prove it.

Even a single ticket was a knockout blow on her minimum-wage waitress salary. In addition to fines, the court assessed a \$155 fee to every ticket. Court records show that police often issued her multiple tickets for other infractions during every stop – a practice some residents call "stacking."

Under state law, failing to pay even one ticket can result in the suspension of a driver's license. Johnson's decision to keep driving nonetheless – taking her children to school or to doctor visits, getting groceries, going to work – led to more tickets and deeper debt.

"I told Judge Hayes that I had lost my job and needed more time to pay," she recounted.

By Hayes' calculation, Johnson owed more than \$12,000 in fines. He sentenced Johnson to 496 days in jail. Hayes arrived at that sentence by counting each day in jail as \$25 toward the outstanding debt. A different judge later determined that Johnson actually owed half the amount calculated by Hayes, and that Hayes had incorrectly penalized her over fines she had already paid. To shave

time off her sentence, Johnson washed police cars and performed other menial labor while jailed.

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■ Reiko Callner, director of the Washington state Commission on Judicial Conduct: Judges have unique power.

Hayes told Reuters that he generally found pleas of poverty hard to believe. “With my years of experience, I can tell when someone is being truthful with me,” Hayes said. He called it “gut instinct” -- though he added, in a statement this week, that he also consulted “each defendant's criminal and traffic history as well as their history of warrants and failures to appear in court.”

Of course, the law demands more of a judge than a gut call. In a 1983 landmark decision, *Bearden v. Georgia*, the U.S. Supreme Court ruled that state judges are obligated to hold a hearing to determine whether a defendant has “willfully” chosen not to pay a fine.

According to the state’s judicial oversight commission, “Judge Hayes did not make any inquiry into Ms. Johnson’s ability to pay, whether her non-payment was willful.”

From jail, “I prayed to return to my daughters,” Johnson said. “I was sure that someone would realize that Hayes had made a mistake.”

She said her worst day in jail was her youngest daughter’s 3rd birthday. From a jail telephone, she tried to sing “Happy Birthday” but slumped to the floor in grief.

“She was choking up and crying,” said Johnson’s mother, Blanche, who was on the call. “She was devastated to be away from her children so long.”

When Johnson was freed after 10 months in jail, she learned that strangers had abused her two older children. One is now a teenager; the other is in middle school. “My kids will pay a lifetime for what the court system did to me,” Johnson said. “My daughters get frantic when I leave the house. I know they’ve had nightmares that I’m going to disappear again.”

Six months after Johnson’s release, Hayes jailed another single Black mother. Angela McCullough, then 40, had been pulled over driving home from Faulkner University, a local community college where she carried a 3.87 grade point average. As a mother of four children, including a disabled adult son, she had returned to college to pursue her dream of becoming a mental health counselor.

Police ticketed her for failing to turn on her headlights. After a background check, the officer arrested McCullough on a warrant for outstanding traffic tickets. She was later brought before Hayes.

“I can’t go to jail,” McCullough recalled pleading with the judge. “I’m a mother. I have a disabled son who needs me.”

Hayes sentenced McCullough to 100 days in jail to pay off a court debt of \$1,350, court records show. Her adult son, diagnosed with schizophrenia, was held in an institution until her release.





HOPES DASHED: Before she was pulled over for failing to turn on her headlights, Angela McCullough carried a 3.87 grade point average at a local community college. Jailed by Judge Les Hayes, she put her tuition money toward fines she owed. “I don’t think I’ll ever be able to afford to go back” to college, she says today. REUTERS/Chris Aluka Berry

McCullough said she cleaned jail cells in return for time off her sentence. One day, she recalled, she had to clean a blood-soaked cell where a female inmate had slit her wrists.

She was freed after 20 days, using the money she saved for tuition to pay off her tickets, she said.

Jail was the darkest chapter of her life, McCullough said, a place where “the devil was trying to take my mind.” Today, she has abandoned her pursuit of a degree. “I don’t think I’ll ever be able to afford to go back.”

**SUSPENDED 6 MONTHS (2017)**



**CHRIS KUNZA MENNEMEYER**  
Circuit Court, Missouri

Deliberately postponed the appointment of public defenders in probation violation cases.  
Pike County News/Handout via REUTERS

A clear sign that something was amiss in Montgomery courts came in November 2013, when a federal lawsuit was filed alleging that city judges were unlawfully jailing the poor. A similar suit was filed in 2014, and two more civil rights cases were filed in 2015. Johnson and McCullough were plaintiffs.

The lawsuits detailed practices similar to those that helped fuel protests in Ferguson, Missouri, after a white police officer killed a Black teenager in 2014. In a scathing report on the origins of the unrest, the U.S. Department of Justice exposed how Ferguson had systematically used traffic enforcement to raise revenue through excessive fines, a practice that fell disproportionately hard



on Black residents.

“Montgomery is just like Ferguson,” said Karen Jones, a community activist and founder of a local educational nonprofit. Jones has led recent protests in Montgomery in the wake of the killing of George Floyd, the Black man whose death under the knee of a cop in Minneapolis set off worldwide calls for racial justice.

In Montgomery, “everybody knew that the police targeted Black residents. And I sat in Hayes’ court and watched him squeeze poor people for more money, then toss them in jail where they had to work off debts with free labor to the city.”

It was years before the flurry of civil rights lawsuits against Hayes and his fellow judges had much impact on the commission. The oversight agency opened its Hayes case in summer 2015, nearly two years after plaintiffs’ lawyers in the civil rights cases filed a complaint with the body. Hayes spent another year and a half on the bench before accepting the suspension.



OUTRAGED: Community activist Karen Jones says she watched Judge Les Hayes “squeeze poor people for more money, then toss them in jail where they had to work off debts with free labor to the city.” REUTERS/Michael Berens

Under its own rules, the commission could have filed a complaint and told its staff to investigate Hayes at any time. Commission director Garrett said she is prohibited by law from explaining why the commission didn’t investigate sooner. The investigation went slowly, Garrett said, because it involved reviewing thousands of pages of court records. The commission also was busy with other cases from 2015 to early 2017, Garrett said, issuing charges against five judges, including Moore.



## “Slap in the face”

A few months after Judge Hayes’ suspension ended, his term as a municipal judge was set to expire. So, the Montgomery City Council took up the question of the judge’s future on March 6, 2018. On the agenda of its meeting: whether to reappoint Hayes to another four-year term.



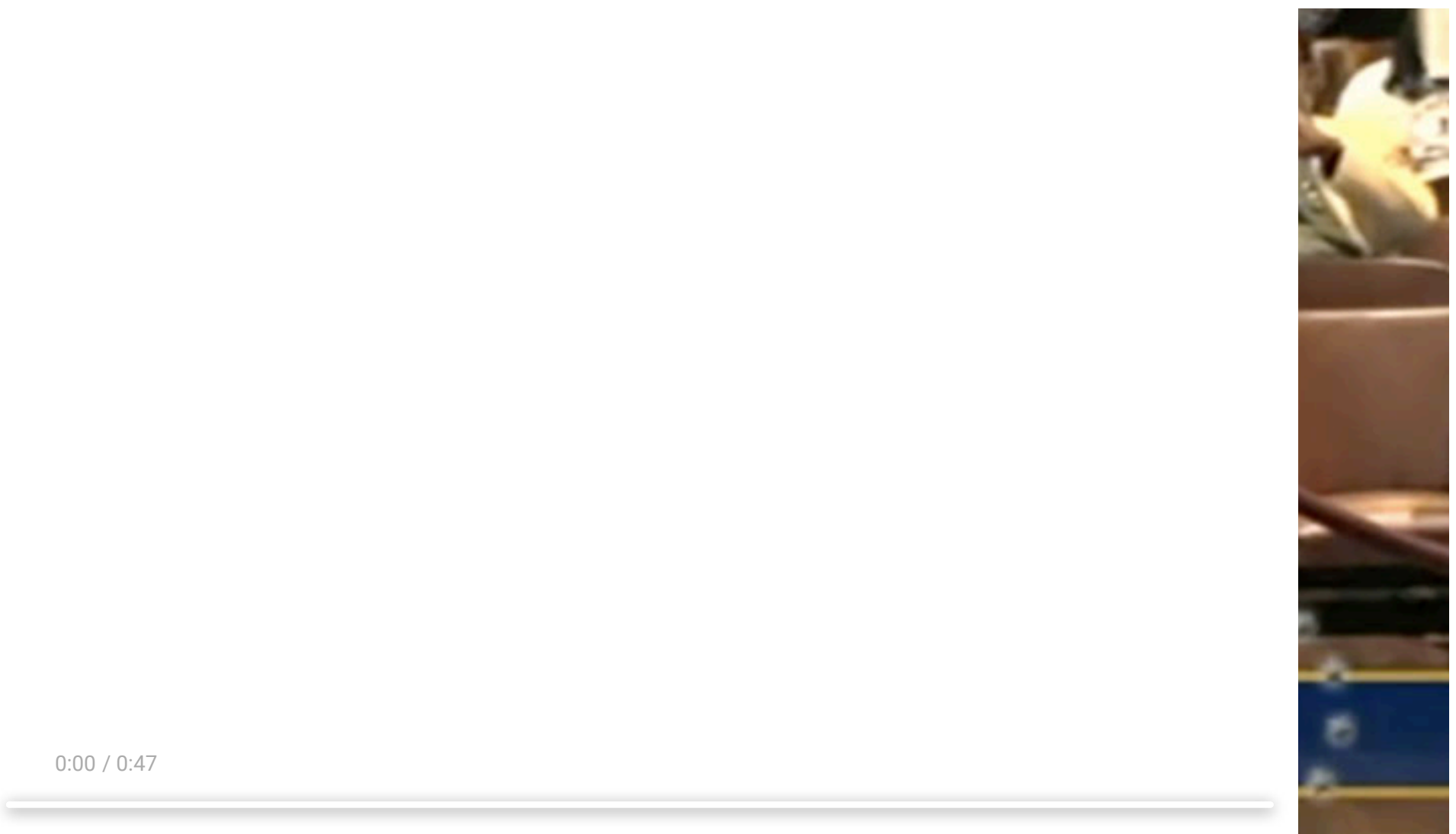
Judge Hayes failed to comply with the Constitution of the United States, the dictates of the United States Supreme Court, federal and state case law, the Alabama Constitution, Alabama statutes, and the Alabama Rules of Criminal Procedure.

UNLAWFUL RULINGS: The Alabama judicial oversight agency's determination on the wrongdoing of Judge Les Hayes.

Hayes wasn't in the audience that night, but powerful supporters were. The city's chief judge, Milton Westry, told the council that Hayes and his colleagues have changed how they handled cases involving indigent defendants, "since we learned a better way of doing things." In the wake of the suits, Westry said, Hayes and his peers complied with reforms that required judges to make audio recordings of court hearings and notify lawyers when clients are jailed for failing to pay fines.

As part of a settlement in the civil case, the city judges agreed to implement changes for at least two years. Those reforms have since been abandoned, Reuters found. Both measures were deemed too expensive, Hayes and city officials confirmed.

Residents who addressed the council were incredulous that the city would consider reappointing Hayes. Jones, the community activist, reminded council members that Hayes had "pleaded guilty to violating the very laws he was sworn to uphold."



■ Resident Phyllis Harvey-Hall told the Montgomery City Council that reappointing Judge Les Hayes was not fair.

The city council voted to rehire Hayes to a fifth consecutive term.

Marquita Johnson said she can't understand why a judge whose unlawful rulings changed the lives of hundreds has himself emerged virtually unscathed.

"Hiring Hayes back to the bench was a slap in the face to everyone," Johnson said. "It was a message that we don't matter."

On Thursday, Hayes will retire from the bench. In an earlier interview with Reuters, he declined to discuss the Johnson case. Asked whether he regrets any of the sentences he has handed out, he paused.

"I think, maybe, I could have been more sympathetic at times," Hayes said. "Sometimes you miss a few."

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# A watchdog accused, a pattern of rulings delayed, a repeat offender

By [JOHN SHIFFMAN](#)

*Three recent cases illustrate how Alabama judges who were cited for wrongdoing were able to remain on the bench for years.*

## Judge Chaney: Enforced, broke rules

*What happened when a trial judge who also served on the state's judicial oversight board was accused of misbehavior.*

Alex Chaney was just a year out of law school in 2015 when he started receiving lucrative appointments at taxpayer expense. A district judge began assigning him to represent people too poor to afford a lawyer.

That judge was his dad, Kim Chaney.

Judge Chaney is a powerful figure in rural Cullman County, where he was first elected to the bench in 1992. Chaney serves on a local bank board and has led several statewide justice associations.



Court of the Judiciary finds Judge Chaney guilty of nepotism ([AUDIO](#))

In 2012, the governor honored Chaney by selecting him to also serve on Alabama's nine-member Judicial Inquiry Commission, which investigates misconduct by judges. While on the commission, Chaney broke its ethics laws in his own courtroom.

In 2016, local attorney Tommy Drake filed a complaint against Chaney, alleging that the judge was appointing his son to represent indigent defendants, violating ethics rules that prohibit nepotism. Alex Chaney was paid \$105,000 from 2015 to 2017 by the state for such court-appointed work, accounting records show.

Because Judge Chaney served on the judicial commission, Drake sent his complaint to a different state watchdog agency, the Alabama Ethics Commission. On October 4, 2017, the Ethics Commission found that Judge Chaney violated ethics rules and referred the case to the state attorney general.

The following day, records show, Judge Chaney resigned from the Judicial Inquiry Commission. But he remained a trial judge in Cullman. Eighteen months passed.

Last summer, a Reuters reporter began asking state officials about the status of the case. The officials declined to comment.

In November, Reuters sent Judge Chaney and his son queries. They did not respond. The judge's lawyer, John Henig Jr, wrote to Reuters: "Judge Chaney is a person of remarkably good character and would never knowingly do anything unethical or wrong."

Henig said that Judge Chaney appointed his son from a rotating list of lawyers to represent indigent defendants. Henig called the appointments "ministerial" in nature.

"If Judge Chaney's son's name was the next name on the list for appointments, Judge Chaney would call out his son's name and thereafter immediately recuse himself from the case," Henig wrote.

A Reuters review of court records showed otherwise: Judge Chaney participated in several cases after appointing his son and issued substantive decisions. For example, records show that the judge reduced bond for one of his son's clients, and approved another's motion to plead guilty. Henig did not respond to questions about these records.



This February 7 – eight months after Reuters began inquiring about Chaney – the commission charged the judge with appointing his son to more than 200 cases and making rulings in some of them. Chaney struck a deal with the commission and retired from the bench, avoiding a trial.

“The nepotism provision is clear and unequivocal without exception,” she said.

Drake, the lawyer who filed the complaint in 2016, said that absent the Reuters inquiries, he doubts Chaney would have retired from the bench because he is so politically powerful.

Of Chaney, the local lawyers said, “He has always maintained the highest ethical and moral standards of the office and has been an example to all, what a judge should represent.”

## Judge Kelly: “Callous indifference”

Montgomery Circuit Court Judge Anita Kelly hears time-sensitive family matters such as child custody, adoption and divorce – cases in which a child remains in limbo until she rules.



In May 2014, foster parents Cheri and Travis Norwood filed a complaint about Kelly with the judicial commission. They alleged the judge's incompetence led to a traumatic, years-long delay in which a foster child who began living with the Norwoods as an infant was taken away from them at age 3 ½ and returned to live with her teenage biological mother.

“If Judge Kelly thought they should have been together, fine,” Travis Norwood said in an interview. “Why didn’t this happen sooner? Because children can’t wait. You can’t freeze a child, hold her in suspended animation until her mother is ready.”

Social workers who heard about the Norwood complaint forwarded their own concerns about Kelly’s conduct in several other cases. Nonetheless, the commission dismissed the Norwood complaint in early 2015, finding “no reasonable basis to charge the judge.”

Over the next year, more red flags emerged. State appeals court judges raised concerns about Kelly’s “continued neglect of her duty,” citing at least five cases that had untenable delays. In November 2015, a supreme court justice criticized the nearly three years it took to determine one child’s fate.



YOUTHFUL INNOCENCE: A handprint by a 3-year-old girl whose foster parents filed a judicial complaint against Circuit Court Judge Anita Kelly. The complaint alleged incompetence in a case that lingered for years. REUTERS/John Shiffman

“I refuse to be another adult who has totally failed this child,” Justice Tommy Bryan wrote.

Another 20 months passed before the judicial commission took action. In August 2017, it charged Kelly with delays that “manifest a callous indifference or lack of comprehension” to children’s well-being. One child’s case, it noted, had dragged on for five years.

Kelly took her case to trial before the Court of the Judiciary, the special tribunal that weighs charges against judges. Her attorney argued that the judge worked hard and had shown no ill intent.

In 2018, the tribunal found Kelly failed to “maintain professional competence.” Kelly was suspended for 90 days. Still, she kept her job. The court said it likely would have removed Kelly from the bench if not for two factors: Voters re-elected her in 2016, and she exhibited “good character and the lack of evidence of scandal or corruption on her part.”

Her lawyer, Henry Lewis Gillis, applauded her reinstatement and said the delays never affected the quality of her decisions.

“Judge Kelly cannot change yesterday,” Gillis said. “Rather, she chooses to learn from her past experiences as she continues to handle the many, many, many cases that come before her today.”

## Judge Wiggins: Give blood or go to jail

*A judge who is a repeat offender – four times over – remains on the bench.*



Circuit Judge Marvin Wiggins has been hit with misconduct charges by Alabama’s judicial conduct commission four times over the past decade. In 2009, he was reprimanded and suspended for 90 days for failing to recuse himself from a voter fraud investigation involving his relatives.

“The public must be able to trust that our judges will dispense justice fairly and impartially,” the Court of the Judiciary concluded. “Judge Wiggins, by his actions, disregarded that trust.”

In 2016 – in a case that made global headlines – Wiggins was censured for offering defendants the option of giving blood instead of going to jail for failing to pay fines. A local blood drive happened to be taking place at the courthouse that day.

“If you do not have any money and you don’t want to go to jail, as an option to pay it, you can give blood today,” Wiggins told dozens of defendants, according to a recording. “Consider that as a discount rather than putting you in jail, if you do not have any money.”

Forty-one defendants gave blood that day, and the commission called Wiggins’ conduct “reprehensible and inexcusable.” Wiggins acknowledged that his comments were inappropriate, but noted he did not send anyone to jail that day for failure to pay fines.



FAMILIAR FACE: Alabama Circuit Judge Marvin Wiggins.  
Courtesy Selma Times-Journal/Handout via REUTERS

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#### ALERT US TO WRONGDOING



Not all judges who have violated their oaths of office, broken the law or misbehaved on the bench have been brought before their states’ oversight commission. If you know of a judge who may have committed misconduct, please send us details at [tips@thomsonreuters.com](mailto:tips@thomsonreuters.com). Include the name of the judge, the state, details of what the judge may have done wrong, and a way for us to contact you. Reuters investigates such tips and will contact you before publishing.

Wiggins’ lawyer, Joe Espy III, said that the judge “has always tried to cooperate” with authorities. Espy noted that Wiggins is a community leader, an ordained pastor and has been repeatedly re-elected to the bench for more than 20 years.

“He is not only a good judge but a good person,” Espy said.

Last year, Wiggins was reprimanded for directly calling the father in a custody dispute – a conversation that violated a rule prohibiting a judge from discussing a case without both sides present. A recording of the call became a key piece of evidence against Wiggins.

In preparation for trial in that case, the commission said it found a “pattern and practice” of similar one-sided calls. The commission also said it found evidence that Wiggins was meeting with divorce litigants in his chambers without lawyers present.

In November, this prompted a new commission case against Wiggins – his fourth in 10 years.

“At a very minimum,” the commission alleged, his track record indicates a “pattern of carelessness or indifferent disregard or lack of respect for the high standards imposed on the judiciary.”

But at a pretrial hearing in January, and in a subsequent order, Wiggins scored a victory before the Alabama tribunal that issues final judgment on such cases, the Court of the Judiciary. The presiding judge raised questions about whether proper procedures had been followed in the case against Wiggins.

Three weeks later, the commission dropped the case. And Wiggins returned to the bench.

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## Judges who were publicly disciplined – and what they

In the first comprehensive accounting of judicial misconduct nationally, Reuters identified and reviewed 1,509 cases from the last dozen years – 2008 through 2019 – in which state or local judges resigned, retired or were publicly disciplined following accusations of misconduct. Explore judges in your STATE by using the dropdown menu on the left. To find a specific judge, type in the judge’s LAST NAME. To read official records about the judge’s conduct, click on a judge’s name.

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The Teflon Robe

By Michael Berens and John Shiffman  
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Yurri’s stand

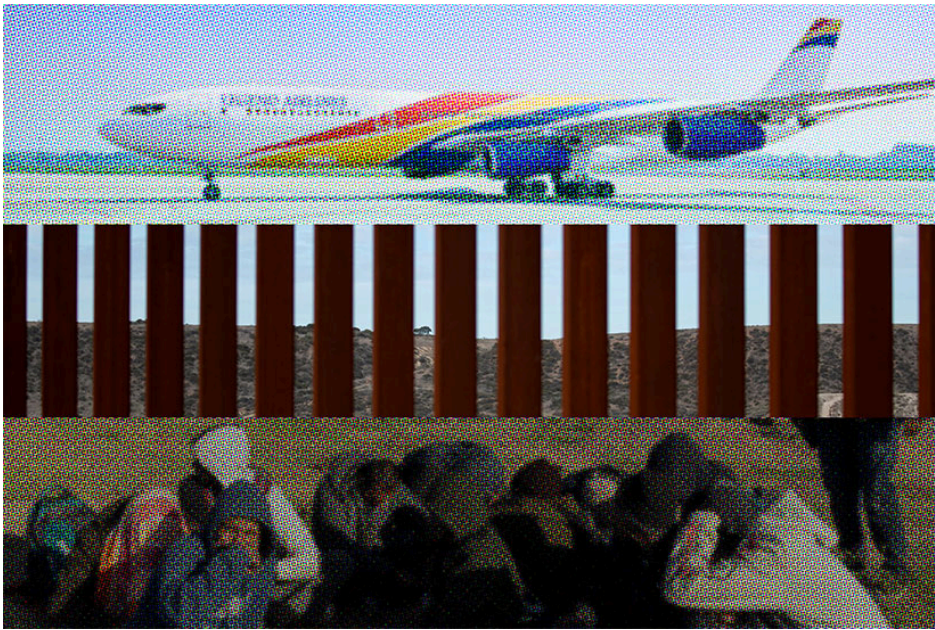
In the devastated village of Dolyna, Yurii maintains a lonely vigil. There were 500 residents living here – until the Russians came. Now there are a handful.





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