

Judge Disciplined for Conducting Investigation

By [Dan Trevas](#) | October 13, 2022

A Portsmouth judge was publicly reprimanded by the Supreme Court of Ohio today for independently investigating a juvenile court matter, failing to [recuse](#) himself from the case, and failing to perform the duties of judicial office fairly and impartially.

On Jan. 12, 2017, D.M., a father of five children, was arrested on a [charge](#) of corrupting a juvenile with drugs and held in the Scioto County [Jail](#). At the time, D.M. had legal custody of his three oldest children. A grandfather also lived with them. Another relative had custody of the two youngest children. The children's mother was [incarcerated](#).

Childrens Services Agency Says Children Should Remain at Home

When D.M. was arrested, a caseworker for Scioto County Children Services Board (SCCSB) visited the home where D.M. lived and, as an alternative to removing the children from the home, made an in-home safety plan for the children.

The following day, a school resource officer contacted a staff member of Scioto County [Probate](#) and Juvenile Court Judge Richard Lemons. The resource officer expressed concern for the well-being of the children. The member of the judge's staff and a probation officer went to the home. The staff member reported the water was turned off, the toilet was overflowing with human waste, the floor was littered with dog feces, the refrigerator was not working, and the children had no beds. He reported his concerns to the judge and SCCSB, which sent a caseworker to the home. SCCSB did not remove the children from the home.

Judge Visits Children's Home

The next day, Judge Lemons, accompanied by law enforcement officers, conducted his own investigation of D.M.'s residence. In addition to confirming what his staff member saw, the judge observed the grandfather had a wall heater with an open flame within a few feet of his oxygen tanks and a child was using the oven to warm himself, among other concerning conditions.

Judge Lemons returned to his [chambers](#) and issued an entry, "[u]pon the court's own [motion](#)" and without a case number, finding that two of the children in D.M.'s home were in imminent danger and ordering SCCSB to place the children in its temporary custody and to investigate the matter. Court staff notified SCCSB of the emergency order but did not notify D.M. or the children's mother, whose notification is required by [statute](#).

Within the week, SCCSB filed a new [complaint](#) alleging all five of D.M.'s children were dependent because their parents were incarcerated, and no other relatives could care for them. SCCSB's filing said the relative who had legal custody of the two youngest could no longer care for them. The agency asked for an [ex parte](#) order giving it custody of the children until the cases were resolved.

Judge Fails to Disclose Actions

Judge Lemons granted the order and presided over the probable cause [hearing](#), where no [evidence](#) was presented about the conditions of the home. Both parents, though incarcerated, appeared for the hearing. Judge Lemons mentioned the conditions of the home but did not inform the parents he had been there.

Judge Lemons continued to preside over the hearings involving custody of the children in 2017 and 2019 and never informed the parties or their counsel he had personally visited their home, triggering the entire custody action.

During his disciplinary hearing, Judge Lemons said he investigated because he did not trust SCCSB's judgment. He was upset with SCCSB for refusing to remove the children and wanted to "force [SCCSB] to do their job." He explained that as the opioid epidemic worsened in Scioto County, he felt the agency was not investigating or filing enough cases and its inaction had the court flooded with calls from grandparents, schools, and hospitals asking the court to act. Judge Lemons said his frustration got the better of him.

Judge Violated Conduct Rules

The Board of Professional Conduct found Judge Lemons violated three rules of the Code of Judicial Conduct, including prohibiting a judge from independently investigating facts in a matter, rather than considering only the evidence presented, and requiring a judge to disqualify himself from any proceeding in which his impartiality might be reasonably questioned. And the board found Judge Lemons usurped SCCSB's legal authority by disregarding its decision and conducting his own investigation, violating the rule against failing to apply the law and perform his duties fairly and impartially. The board concluded that no matter how well intentioned the judge was, he "could not be both the source of a private referral based on his knowledge and an impartial arbiter of the issues as a judge."

The board found Judge Lemons engaged in multiple disciplinary offenses, which was an aggravating factor. However, Judge Lemons had a clean disciplinary record, lacked a dishonest or selfish motive, and cooperated with the board's investigation, which were all mitigating factors.

In a 7-0 decision, the Supreme Court concluded that the judge's good intentions do not excuse him from complying with the Code of Judicial Conduct.

Chief Justice Maureen O'Connor, in a concurring opinion, wrote that she agreed with the public reprimand, which will remain a part of the judge's disciplinary record. She wished to "go a step further and observe that his actions ultimately benefited D.M.'s children by removing them from a dangerous environment devoid of capable caregivers that left the children at risk of a tragedy occurring at any minute." And the chief justice emphasized that, standing alone, Judge Lemons's disciplinary record will not inform the public that Judge Lemons was not acting in self-interest but in the best interests of D.M.'s children.

The chief justice noted that the judge felt compelled to act only when others neglected their duty to the children, which was the responsibility of the children services board.

The SCCSB has since disbanded, and there is a new children's services agency in Scioto County. Judge Lemons agreed to recuse himself from any remaining dependency cases involving D.M.'s children.

The Court ordered Judge Lemons to pay the costs of the disciplinary proceedings.

2022-0713.Disciplinary Counsel v. Lemons, Slip Opinion No. 2022-Ohio-3625.

Suspended judge is accused of trying to stop report that he walked around courthouse in underwear

BY [DEBRA CASSENS WEISS](#)

OCTOBER 11, 2022, 10:31 AM CD

A Kentucky judge who was [temporarily suspended](#) after he was accused of misconduct in connection with an ankle-monitoring program is facing new ethics charges.

The Kentucky Judicial Conduct Commission now alleges that Judge James T. Jameson intimidated witnesses in the ethics case against him and used his influence to try to stop a report that he roamed the courthouse in his underwear, report the [Lexington Herald-Leader](#) and [WFPL](#).

Jameson is a judge in the 42nd Judicial Circuit covering Calloway and Marshall counties in Kentucky.

According to the [new allegations](#), Jameson learned in April that the public radio station at Murray State University, WKMS, had made a public records request for security footage at the courthouse. Jameson called station manager Chad Lampe, said he had spoken with the university president and said the university president was not happy.

According to the ethics complaint, Jameson “asked Mr. Lampe to confirm that the news station was not going to run a story about the camera footage of you walking around in the courthouse in your underwear.” The university provost contacted Lampe a day or two after Jameson’s phone call seeking more information about the records request.

WFPL spoke with WKMS news director Derek Operle about the incident. The courts’ administrative office had denied the request for the video footage, and Operle decided not to appeal before Lampe contacted him about the judge’s call.

Lampe repeated the judge’s explanation for being in his underwear, and it was “of a highly personal nature,” Operle told WFPL. It was “not something really that rose to the level of a news story,” he said.

The [other new allegation](#) against Jameson claims that he intimidated witnesses in the ethics proceeding and instructed his judicial staff to “blatantly violate the law” by refusing to cooperate with a subpoena by the Kentucky Judicial Conduct Commission. Later, he asked his staff to send him documents that they intended to produce, so he could review them first.

The initial ethics charges [alleged that Jameson used his influence](#) to choose the provider for the ankle-monitoring program and used the prestige of his office to promote the program as a means to raise money for a substance abuse treatment facility that he was spearheading.

He was also accused of directing authorities to arrest people for allegedly violating terms of the program before a proper arrest warrant was issued. He also ordered people to participate in the program and didn’t allow them to use different monitoring services, according to the charges. And he was also accused of pressuring people to participate in a particular drug treatment program because of his personal connection with it.

The charges also allege that Jameson pressured a lawyer who appeared before him to file an ethics complaint against another lawyer and sought the firing or reassignment of a sheriff’s department employee who reviewed courthouse security footage based on an unsubstantiated belief that the employee leaked it to the media.

He was also accused of using the influence and prestige of his office to pressure lawyers and others to fund and support his political campaign. In some cases, he went “as far as saying that certain monetary contributions were not sufficient,” according to the ethics complaint.

Jameson has “strongly disputed” allegations of wrongdoing, according to the Lexington Herald-Leader. He said in a written response to the complaint that allegations against him came from people supporting his election opponent, according to previous reporting [by the Louisville Courier Journal](#).

Jameson’s lawyer has said Jameson never received fees from the ankle-monitoring program, he never showed bias against anyone, he never retaliated against anyone, and he never pressured anyone to donate to his campaign.

The lawyer, Richard L. Walter, told the Kentucky Judicial Conduct Commission that Jameson wanted to increase access to drug treatment, and he sometimes worked into the early-morning hours and then spent the night at the courthouse.

“No one that knows him would consider Judge Jameson anything other than an honest public official who has worked hard to ensure that justice is delivered the same for everyone that comes through the court he serves,” Walter wrote.

Dad accused of arranging teen's marriage to avoid child-custody deal wins in Idaho Supreme Court

BY [DEBRA CASSENS WEISS](#)

OCTOBER 19, 2022, 10:59 AM CDT

A magistrate judge no longer had jurisdiction in a child-custody dispute over a 16-year-old girl after the teenager married and obtained legal emancipation, the Idaho Supreme Court has ruled.

The state supreme court [ruled on Oct. 18](#) for William Eugene Hornish Jr., who was accused of arranging a sham marriage for his daughter, so that he could deprive the court of jurisdiction and take the teen to Florida with him. Idaho allows minors who are at least age 16 to marry with the consent of just one parent.

Hornish had taken the girl to Florida with him but brought her back as promised by Hornish's lawyer during a hearing on a request by the teen's mother for expedited enforcement of the initial custody agreement.

The mother, Erin Sue Carver, later alleged in an Oct. 28, 2021, motion that Hornish was planning to arrange the sham marriage and explained why she knew about it.

Carver had received a call from a Florida woman who said her 18-year-old son Patrick had received an unusual proposition from Carver and Hornish's daughter: The girl had offered to do Patrick's homework if he would marry her.

The Florida woman called Hornish, who allegedly said he approved of the plan. When the woman said Patrick would not participate, Hornish allegedly replied that he would "get Nick to do it," an apparent reference to another potential spouse.

Magistrate Judge Michael Dean agreed to block Hornish's consent to the marriage Nov. 5, 2021. It turned out, however, that the 16-year-old girl had already married Nov. 1, 2021. The new husband was neither Patrick nor Nick; the marriage took place in Idaho. Carver asked the judge to reissue the order with Oct. 28, 2021, date and to annul the marriage.

The judge ruled against Carver, saying the court lacked jurisdiction after the Nov. 1, 2021, marriage.

The Idaho Supreme Court agreed. In a divorce action, a judge only has subject matter jurisdiction to determine custody of "children of the marriage." But when a child reaches the age of majority or is legally emancipated by marriage or a legal proceeding, they are no longer a child of the marriage, the state supreme court said.

Even if the judge had dated the order Oct. 28, 2021, and retroactively nullified Hornish's consent to the marriage, it would not have nullified the marriage, the Idaho Supreme Court said. Under Idaho law, a marriage of a 16- or a 17-year-old without parental

consent is voidable but not void. That means that the marriage is valid until it is annulled or until the minor reaches the age of consent and cohabits with the spouse.

Idaho defines only two kinds of marriages as void from the beginning: those that are incestuous or polygamous.

Carver had also argued on appeal that the law allowing a minor's marriage with the consent of just one parent violates the due process clause of the 14th Amendment.

The Idaho Supreme Court said it would not reach the constitutional issue, however, because it was not raised before appeal, and any ruling "would have no effect unless we also jettisoned the long-standing distinction between void and voidable marriages."

Justice Robyn M. Brody wrote the majority opinion for the Idaho Supreme Court. Justice Gregory W. Moeller dissented.

"I believe the trial court had options available to it that would have allowed it to address the outrageous actions of a father who apparently consented to the sham marriage of his 16-year-old daughter ... simply to gain an advantage over his ex-spouse in a custody case," Moeller wrote.

Moeller said the lower court judge could have granted Carver's motion to make his order retroactive, appointed counsel for the daughter, and had an evidentiary hearing to make a best-interest determination of the daughter's interests. Such a hearing would also have given Carver time to seek an annulment in Idaho.

Hat tip to the [Associated Press](#), which had coverage of the ruling.

Lawyer who exclaimed 'gadzooks' at trial delayed but didn't disrupt justice, ethics hearing board says
BY DEBRA CASSENS WEISS

SEPTEMBER 15, 2022, 8:48 AM CDT

Updated: A suburban Chicago lawyer who clashed with a judge in an effort to make a record and exclaimed “gadzooks” in response to her ruling should be reprimanded, according to a recommendation by an ethics hearing board.

Lawyer David C. Thollander, who has offices in Lombard, Illinois, should be reprimanded for conduct prejudicial to the administration of justice, according to a Sept. 8 report and recommendation by the hearing board of the Illinois Attorney Registration and Disciplinary Commission.

The Legal Profession Blog has highlights.

The hearing board said Thollander should be reprimanded for continuing efforts to make a record after the judge ruled on his objection. But it rejected allegations that he engaged in conduct intended to disrupt a tribunal and violated other ethics rules.

Thollander’s “initial refusal to accept the court’s evidentiary ruling caused the court to expend time urging him to move on, precipitated a five-minute recess, and ultimately created a tense situation that culminated in the court ending the proceedings early on May 23, which caused a delay in the trial,” the hearing board said.

Thollander made the “gadzooks” remark during a May 2018 bench trial in Cook County, Illinois, before Judge Anna Demacopoulos, according to the report. Thollander was representing a client alleging age discrimination that arose out of his attempt to purchase property.

Thollander said something that was inaudible, and Demacopoulos asked him to speak a little louder.

“Oh, gadzooks,” Thollander replied.

Demacopoulos called a five-minute recess. When proceedings resumed, Thollander interrupted questioning to ask whether he could make a record. The judge refused. This exchange ensued:

Demacopoulos: “Mr. Thollander, I’m warning you at this time. Please have a seat. Mr. Thollander, please have a seat.”

Thollander: “I want to make a record.”

Demacopoulos: “Have a seat.”

Thollander: “I still want to make a record.”

Demacopoulos: “Have a seat.”

Thollander: “I’m sitting down.”

Demacopoulos: “Thank you.”

Thollander: “I want to make a record.”

Demacopoulos (addressing Thollander’s opposing counsel, Kevin Besetzny): “Mr. Besetzny, please. You may ask another question.”

Thollander: “Your honor, I’m objecting to the court. I want to make a record as to the issue of the offer. [My client’s] complaint sought among other things enjoining the sale and having the property sold to him and the discussions and offer around the sale all pertained to settlement or partial settlement of this case.”

Demacopoulos: “Ask another question, Mr. Besetzny. Mr. Thollander, if you make one more comment under your breath.”

Thollander: “I said, ‘gadzooks.’”

Demacopoulos: “Mr. Thollander, if you make one more comment that’s offensive to this court, I will hold you in contempt of court.”

Thollander: “Gadzooks is offensive to the court?”

Demacopoulos: “You are now in contempt of court. I’m fining you \$1,000. Ask another question, Mr. Besetzny.”

Thollander: “May I ask the court.”

Demacopoulos: “You are now [at] \$2,000. Ask another question, Mr. Besetzny.”

Demacopoulos increased the fine to \$3,000 after she said the witness was confused about an exhibit and asked Thollander what tab that he was looking at. Thollander replied, “25” in what Demacopoulos deemed to be a scream.

Demacopoulos later vacated the \$3,000 sanction and held a sanction hearing. She found Thollander in direct criminal contempt and fined him \$1,000.

Demacopoulos found that Thollander refused to comply with court orders, continually muttered under his breath during the trial, interrupted the court by yelling “gadzooks,” and “behaved in other rude, hostile and unbecoming manners.”

An Illinois appeals court affirmed the contempt judgment.

During the ethics hearing, Demacopoulos testified she didn’t know what “gadzooks” meant. But she considered it offensive, and it appeared to be a way to critique or undermine her ruling.

Thollander testified that he didn’t consider “gadzooks” to be offensive, and he said it out of frustration. He also said he did not yell, shout or scream “gadzooks” or “25.” When he did raise his voice, Thollander said, he did it so his 83-year-old client could hear him.

Besetzny said he heard Thollander mutter “gadzooks,” but he had no recollection of him yelling the word or screaming “25.”

The hearing board said its findings shouldn’t be construed as a comment on the judge’s contempt findings. Instead, the board said, it is examining a “snapshot of the events” and how they relate to ethics rules.

The board rejected allegations that Thollander engaged in conduct intended to interrupt a tribunal; represented a client in a way to embarrass, delay or burden a person; and committed a criminal act reflecting adversely on his fitness as a lawyer.

In mitigation, Thollander submitted testimony from three character witnesses, including a DuPage County, Illinois, judge he has appeared before. He has no prior discipline.

“By no means do we excuse [Thollander’s] misconduct, but neither do we find it particularly serious, given that it occurred on one afternoon of a four-day trial, caused no harm to the parties, and caused only a short delay in the proceedings,” the hearing board said. “We also find that [Thollander’s] misconduct is mitigated by the facts that he fully cooperated in his disciplinary proceeding, has an unblemished record in 33 years of practice, and presented impressive character testimony.”

Thollander told the ABA Journal that he doesn’t plan to oppose the recommendation for a reprimand. The ethics case has been an “albatross” that has been hanging over him for four years, and he is ready to put it behind him, he says.

Thollander says he was “delighted” that the hearing board saw that he didn’t yell and didn’t defy a court order.

“I was vindicated,” he says, “with the exception of the exchange concerning making a record. And that baffles me because at trial these things happen.”

Thollander expressed concern that the ethics case could discourage lawyers from pressing forward to make a record or raise other issues for their clients.

Thollander noted that he had filed a motion to disqualify the judge before trial, but she had denied it.

Updated Sept. 15 at 11:40 a.m. to include David C. Thollander’s comments.

Former district attorney disbarred for 'mass dismissal' of hundreds of cases, 'drastic reduction' in services

BY [DEBRA CASSENS WEISS](#)

APRIL 6, 2023, 8:36 AM CDT

A former Laramie County, Wyoming, district attorney has been disbarred following her “mass dismissal” of about 400 cases, including a case in which a defendant was already serving his sentence and another case in which a defendant was awaiting sentencing after entering a guilty plea.

The Wyoming Supreme Court approved disbarment in an [April 4 opinion](#) and ordered former District Attorney Leigh Anne Manlove to pay more than \$32,000 in fees and costs.

Manlove took office in January 2019. The district attorney’s office was having difficulty managing the caseload from the very beginning, according to the Wyoming Supreme Court’s opinion.

Part of the problem stemmed from Manlove’s decision to fire five out of six lawyers who remained in her office when she took over. The office should have 10 lawyers when fully staffed. The four new attorneys she hired had difficulty getting up to speed.

“Getting your arms around a thousands-of-case caseload was quite a pill to swallow,” one of the newly hired attorneys testified in Manlove’s disciplinary hearing.

The lawyer recalled working 18-hour days during the week and several hours on weekends.

Some employees reported that the “work environment was hostile” and difficult. Attorneys began looking for new jobs. Toward the end of 2020, five lawyers left the office.

Manlove reacted negatively when she learned that the Wyoming governor was ordering agencies to reduce budgets by 6% during the COVID-19 pandemic. There was also the possibility of more cuts in the future. Manlove made preparations but was later informed that vacancies in her office made it unnecessary to implement the initial round of cuts.

That didn’t stop Manlove from sending an email declaring that her office would primarily become “a felony-only prosecutor’s office,” the state supreme court said. Manlove proceeded to dismiss about 400 cases, citing budgetary reasons.

“Day after day, week after week,” one judge testified, “cases just being dismissed, dismissed, dismissed.”

Manlove “exaggerated the impact of budget restraints,” the Wyoming Supreme Court said, “and prematurely directed the wholesale dismissal of cases without considering the merits of each individual case, as evidenced by her filing of motions to dismiss in matters the defendant had already pled to the charge or had been convicted. We further agree Ms. Manlove unjustifiably made a drastic reduction of the services historically and statutorily required to be provided by the D.A.’s office. ...

“Dismissing approximately 400 cases due to a backlog caused by her own decision-making and falsely citing budgetary reasons to conceal her gross mishandling of her office’s caseload reflects negatively on the legal profession, impairs public confidence in the justice system, fails to ensure justice is done, and engenders a disrespect for the judicial system.”

The state supreme court also cited Manlove’s mishandling of two cases. In one, she failed to turn over DNA test results to a sexual assault and kidnapping defendant in a timely manner, resulting in exclusion of the evidence and dismissal of the case. In the other, she delayed reviewing reports in the case of a 14-year-old girl who reported that her mother’s boyfriend was sexually abusing her. She then blamed police for her failing to notify her about case documents.

Manlove also issued a press release falsely blaming court closures for her office’s failure to file the correct documents against a suspect before he was released from a 72-hour hold, the state supreme court said. The suspect shot four people, killing two of them.

The Wyoming Supreme Court concluded that Manlove demonstrated a pattern of misconduct, a pattern of dishonest or misleading statements, and a refusal to accept accountability.

Mitigating factors included “two great losses” that Manlove suffered in fall 2019 and fall 2020, the chaos caused by the pandemic, the heavy caseload in Laramie County and evidence that the prior administration left “a stack of uncharged cases,” the state supreme court said.

Manlove did not immediately reply to an email and voicemail message seeking comment.

Hat tip to the [Wyoming Tribune Eagle](#) and the [Cheyenne Post](#), which covered the disbarment.

Lawyer who missed deadline to watch son's professional baseball debut gets no sympathy on appeal

BY DEBRA CASSENS WEISS

NOVEMBER 15, 2022, 11:35 AM CST

Updated: A California lawyer was unable to get his client's case reinstated when a federal appeals court rejected his excuse for missing a court deadline—that he was in Illinois to see his son's professional baseball debut.

The 9th U.S. Circuit Court of Appeals at San Francisco affirmed dismissal of the case filed by lawyer Jerry L. Steering of California on behalf of his client, Mathew Rendon.

How Appealing noted the Nov. 9 unpublished opinion.

Steering had missed the deadline to file a response to a motion to dismiss the case that he filed on behalf Rendon. The client, who was known as the “BB Gun Bandit,” was suing Orange County, California, under the Prison Rape Elimination Act for a strip search that allegedly included sexual assault, according to an appellate brief in the case.

The appeals court didn't mention the lawyer's name, but the trial judge who tossed the case Sept. 20, 2021, identified him as Steering. U.S. District Judge Josephine L. Staton of the Central District of California, an appointee of former President Barack Obama, said she had already granted a deadline extension before Steering requested more time because he was “presently in Chicago” to watch his son “play American professional baseball.”

Steering first sought to push back a response to the motion to dismiss because he had a busy work schedule, and the associate helping him learned that his father had only two weeks left to live.

The 9th Circuit found no abuse of discretion. The lawyer's “excuse for not meeting a deadline that had already been extended 90 days at his request was frivolous: Counsel chose to attend a ballgame instead of timely filing his client's response to the motion to dismiss,” the 9th Circuit said.

The 9th Circuit opinion said Steering's son was making his minor league debut. But Howard Bashman of How Appealing noted that Steering's son made his professional debut with the Joliet Slammers, which technically is not a minor league team. Instead, it is part of the independent league.

The judges on the 9th Circuit panel comprised Judge Gabriel P. Sanchez—an appointee of President Joe Biden—and Judge M. Miller Baker of the U.S. Court of

International Trade (sitting by designation) and Judge Patrick J. Bumatay—two appointees of former President Donald Trump.

Steering told the ABA Journal that he didn't have much advance notice that his son would be playing a few games with the Joliet Slammers. His son was playing in Prague and was given an invitation to play with the team near the end of the season.

"Look, I've been doing this for 38 years," Steering says. "Most judges would give you a pass to see your kid's first professional baseball game."

Steering says he filed the Rendon case after his claims were severed from a larger case with several defendants. He was put down as counsel of record for Rendon in the larger case, without his knowledge or consent, he says. When Rendon's claims were severed, Steering says, he had to file the separate case within 30 days to save his claim.

Steering says he represented Rendon's girlfriend, but he had never met Rendon. Another lawyer was supposed to take over the Rendon case, "but then he just leaves me with my name hanging out there," Steering says. "I wanted to save this guy's case because [the other lawyer] wasn't doing it."

A separate case asserting the same claims for Rendon is pending in state court, Steering says. Is he counsel of record in that case? "It looks like it," Steering says.

Updated at Nov. 15 2:55 p.m. to include Jerry L. Steering's comments.

Ohio lawyer is accused of tossing poop-filled Pringles can into parking lot of victims advocacy center

BY [DEBRA CASSENS WEISS](#)

NOVEMBER 23, 2022, 11:46 AM CST

An Ohio lawyer has been accused in an ethics complaint of depositing his feces into a potato chip can and then tossing it into the parking lot of a victims advocacy center.

The lawyer, Jack Allen Blakeslee, allegedly threw the uncovered, poop-filled Pringles can into the parking lot of the Haven of Hope victims advocacy center in Cambridge, Ohio, in November 2021, according to the [ethics complaint filed Tuesday](#).

The Legal Profession Blog [covered the allegations](#) made by the Ohio Supreme Court's Board of Professional Conduct.

The executive director of the center, Michelle Wilkinson-Carpenter, saw Blakeslee throw the can from his vehicle into the parking lot, according to the ethics complaint. The can landed close to her car.

Blakeslee then sped off and drove to the Guernsey County common pleas courthouse to attend a pretrial hearing for a murder defendant he was representing. Wilkinson-Carpenter was the victim advocate in the case.

Blakeslee pleaded guilty to disorderly conduct and littering, both misdemeanors, in connection with the incident, according to the ethics complaint. He paid a fine and court costs.

According to the ethics complaint, Blakeslee engaged in similar conduct on 10 prior occasions, "indiscriminately choosing the location where he throws the chip cans containing his feces."

According to the complaint, Blakeslee violated an ethics rule banning conduct that adversely reflects on a lawyer's fitness to practice law.

Blakeslee [withdrew from the murder case](#) earlier this year because he had represented three potential witnesses, creating a conflict of interest, according to the Daily Jeffersonian.

Blakeslee is a graduate of the University of Akron School of Law who was admitted to the bar in 1976. He lives in Coal Ridge, Ohio, and practices in Caldwell, Ohio, according to the ethics complaint and the Ohio Supreme Court's [attorney directory](#).

Judge accused of lip-syncing racy songs in chambers and in bed in TikTok videos

BY [DEBRA CASSENS WEISS](#)

JULY 5, 2023, 3:32 PM CDT

Judge Gary N. Wilcox of Bergen County, New Jersey, has been accused of lip-syncing songs with graphic sexual references in inappropriate videos that he posted to TikTok in his chambers, in the courthouse and in his bed. Image from [Shutterstock](#).

A New Jersey judge is facing an ethics complaint alleging that he lip-synced songs with graphic sexual references in inappropriate videos that he posted to TikTok under the alias “Sal Tortorella.”

The accused judge, Judge Gary N. Wilcox of Bergen County, New Jersey, is 58 years old, his lawyer, Robert Hille, told the [New York Times](#).

The music detailed in the complaint is by “mainstream performers,” Hille said. “This is music that’s out there in the public. And clearly it elicits a different response depending on who is listening.”

Other publications covering the ethics complaint include [Law360](#), the [New York Post](#), [Law.com](#) and the [New Jersey Monitor](#).

Wilcox is accused of lip-syncing the songs in his chambers, in the courthouse and in his bed, according to the [June 30 ethics complaint](#) by New Jersey Supreme Court’s Advisory Committee on Judicial Conduct. His video apparel included his judicial robes and a *Beavis and Butt-Head* T-shirt. In the bed video, he was only partly dressed.

The TikTok videos included references “to violence, sex and misogyny,” the ethics complaint said. Some “contained profanity, graphic sexual references to female and male body parts and/or racist terms.”

Wilcox is a Harvard Law School grad, a former federal prosecutor and a former partner at McCarter & English, according to Law.com and Law360. He was admitted to the bar in 1989 and is currently assigned to the criminal court.

Wilcox posted 40 videos to TikTok in a public format from April 2021 to March 2023. Eleven of the videos “were inappropriate and brought disrepute to the judiciary,” the ethics complaint said.

The ethics complaint alleges that in the videos, Wilcox:

- Lip-synced “Jump” by singer Rihanna, with these words: “If you want it let’s do it. Ride it, my pony. My saddle is waitin’, come and jump on it. If you want it, let’s do it.”
- Lip-synced the words, “All my life, I’ve been waiting for somebody to whoop my ass. I mean business! You think you can run up on me and whip my monkey ass? Come on. Come on!”

- While sitting in a car and wearing a freedom of speech T-shirt, lip-synced these words: “Go ahead baby. You hittin’ them corners too g-ddamn fast. You gotta slow this mothaf- - -a down. You understand? I almost spilled my [Cognac] on this 200-dollar suit.”
- Posted a video with text on the screen that read, “When an ex-girlfriend calls you ‘Santa’ because of your new white beard.” “Touch It” by rapper Busta Rhymes, which contains graphic lyrics, plays in the background.
- Recorded himself walking in the courthouse while “Get Down” by rapper Nas played in the background. According to the ethics complaint, the song “contains explicit lyrics concerning a criminal case and a courtroom shooting, as well as derogatory and discriminatory terms, drug and gang references, and the killing of a doctor in a hospital who treated another gang member.”

Hille told the New York Times that he didn’t think that there was any desire to do harm. “Hindsight is 20-20,” he said.

Ethics lessons from Giuliani and the 2020 election

Jan. 16, 2023

The case against Rudy Giuliani offers four ethics lessons for lawyers across the country.

So said Hilary Gerzhoy, vice chair of the Legal Ethics and Malpractice Group at HWG LLP in Washington, D.C., at a American Bar Association webinar, "[Giuliani and the Ethics of Honesty](#)."

"Some of what has been alleged against Giuliani is perhaps somewhat surprising to lawyers," Gerzhoy said. "I think lawyers often think that there's a distinction between their conduct as a lawyer per se versus their conduct as a private citizen."

A New York appeals court suspended Giuliani's law license on June 24 for making "demonstrably false and misleading statements" about the 2020 presidential election. The court cited Giuliani's false statements that thousands of felons and dead people voted during the election and that Georgia voting machines had been manipulated.

A month later, the District of Columbia also suspended Giuliani.

Gerzhoy said Giuliani may have violated three ABA Model Rules of Conduct: [Rule 3.3](#) (Candor Toward the Tribunal), [Rule 4.1](#) (Truthfulness in Statements to Others) and [Rule 8.4\(c\)](#) (Misconduct).

Gerzhoy offered four tips to lawyers stemming from the Giuliani case:

Speak to the press at your peril. Lawyers in high-profile cases are often asked to speak to the media. The Giuliani case is a reminder that lawyers must approach these encounters with care, Gerzhoy said.

She cited [ABA Rule 3.6](#), concerning trial publicity, and the case of Doug Gansler, state's attorney of Montgomery County, Maryland. In 2003, the Maryland Court of Appeals censured Gansler for violating ethics rules prohibiting lawyers from making out-of-court statements before trial.

The appeals court unanimously ruled that Gansler improperly and repeatedly discussed evidence, including a defendant's confession, at news conferences involving three criminal cases. It was the first time a sitting prosecutor in Maryland had been publicly censured, she said.

Don't let the client dictate your strategy. While clients determine the goal of representation, attorneys must ensure that the means of achieving that goal are not dishonest, even if the client might prefer a different approach, Gerzhoy said.

She cited [ABA Rule 1.2\(a\)](#), which requires a lawyer to "abide by a client's decisions concerning the objectives of representation," but said clients "normally defer" to their attorney "with respect to the means to be used to accomplish their objectives."

Gerzhoy also cited [ABA Rule 3.3\(a\)\(3\)](#), which allows a lawyer to refuse to offer evidence that the lawyer reasonably believes is false, regardless of the client's wishes, even if the lawyer does not know for certain that the evidence is false.

An essential aspect of a lawyer's effectiveness as an advocate is his or her "ability to discriminate in the quality of evidence," Gerzhoy said. Likewise, she added, [ABA Rule 1.2\(d\)](#) bars a lawyer from assisting a client in committing fraudulent conduct. "The limits of advocacy and zealousness are not always easy to discern," she said.

Be honest about how you characterize the issues in your case. One notable aspect of the court's decision to suspend Giuliani concerned an exchange between Giuliani and a judge, in which Giuliani said that his civil complaint about the election alleged fraud. But the amended complaint did not allege fraud, Gerzhoy said, and the appeals court found that Giuliani's description of it was false and misleading.

While lawyers should make good-faith arguments about how to interpret a document, Gerzhoy said, the appeals court's decision shows that statements about the status of a proceeding or pleading are governed by a lawyer's duty of candor, just as any other statements to the court.

Associates cannot rely on partners to take the heat. A junior lawyer who watches his or her supervisor present a false and material statement may be responsible for failing to correct the statement. Gerzhoy cited the 2004 Connecticut case of *Daniels v. Alander* as "a cautionary tale for the associate who seeks comfort in the fact that he did not speak the falsehood."

In *Daniels*, a law firm associate and a partner at his firm represented a mother in a child custody matter. The court held that the associate breached his duty of candor to the court during a hearing when he failed to correct something the partner said that the associate knew was untrue and vital to the case.

The court rejected the associate's defense that only the lawyer making the false statement could be guilty of a violation.

The cases against Giuliani could affect many other disciplinary cases across the country, Gerzhoy said.

"As we see discipline being imposed on some of the people who were ringleaders — Sidney Powell, Lin Wood, Giuliani — what I think we'll see next is similar complaints against the more junior people who signed their names onto it," Gerzhoy said.

"Giuliani and the Ethics of Honesty" is among the more than 600 webinars and programs available for free to ABA members in the [Member Benefit CLE Library](#).

Why lawyers in Young Slime Life trial got a free lunch from strip club

BY [DEBRA CASSENS WEISS](#)

MAY 15, 2023, 4:50 PM CDT

A defense lawyer in the Fulton County, Georgia, racketeering case against the Young Slime Life gang treated other lawyers in the criminal case to a lunch of chicken wings as a result of a judge's order.

Chief Judge Ural Glanville ordered lawyer Suri Chadha Jimenez to supply lunch after holding him in contempt for being late to court last Tuesday, report the [Atlanta Journal-Constitution](#) and [WSB-TV](#).

Glanville bought the wings from Magic City, described as an "iconic strip club" in Atlanta by the Atlanta Journal-Constitution. Although the club doesn't open until 3 p.m., it was able to prepare lunch for Jimenez.

Jimenez said he was late because of another case in Cobb County, Georgia.

Among the 10 defendants expected to be tried together in the racketeering case is rapper Young Thug, who was taken to the hospital on Thursday and Friday after experiencing chest pains, according to [WSBTV](#).

Glanville has imposed other unusual punishments to wayward defense lawyers and jurors. He ordered a potential juror who skipped a return court appearance [to write a 30-page essay](#) focusing on the history of jury service in Atlanta. And he ordered a different lawyer to write a 17-page research paper on the importance of professionalism after he left the courtroom without permission, according to the Journal-Constitution.

Prosecutors allege the RICO conspiracy involved murders, armed robberies and assaults. Young Thug is not accused of murder or attempted murder, but prosecutors allege he rented a car used in the murder of a rival gang member, [by ABC News](#) reported in January. He is also accused of co-founding the Young Slime Life gang. His lawyer told ABC that his client "committed no crime whatsoever."

Twenty-eight people were indicted in the case last year. The state intended to try 13 defendants together, but two defendants will be tried separately because their lawyers are pregnant and will be taking maternity leave, the Brunswick News [reported on May 2](#).

That left 11 defendants—until a judge granted a separate trial to a defendant after he was diagnosed with schizophrenia, according to [Vibe](#), which cited information from the Atlanta Journal-Constitution. Before his evaluation, the defendant told the judge he was receiving help from former President Donald Trump and President Joe Biden.

Eight defendants have accepted plea deals. The rest are being tried separately.

Jury selection in the joint trial began in January and is ongoing.

Judge finds out why brief cited nonexistent cases—ChatGPT did research

BY [DEBRA CASSENS WEISS](#)

MAY 30, 2023, 12:30 PM CDT

A federal judge in New York City has ordered two lawyers and their law firm to show cause why they shouldn't be sanctioned for submitting a brief with citations to fake cases, thanks to research by ChatGPT.

Senior U.S. District Judge P. Kevin Castel of the Southern District of New York said in a [May 4 order](#) the firm's legal filing was "replete with citations to nonexistent cases."

When Castel ordered one of the lawyers to submit an affidavit with the cited opinions, he complied—but six of the decisions "appear to be bogus" with "bogus quotes and bogus internal citations," Castel said.

The fake cases were provided by ChatGPT, according to a [May 25 affidavit](#) by lawyer Steven A. Schwartz of Levidow, Levidow & Oberman. He has been practicing law in New York for more than 30 years.

"Affiant has never utilized ChatGPT as a source for conducting legal research prior to this occurrence and therefore was unaware of the possibility that its content could be false," Schwartz wrote.

ChatGPT had assured Schwartz that the cases that it cited were real "and can be found in reputable legal databases, such as LexisNexis and Westlaw," according to queries and answers Schwartz submitted to the court.

Another lawyer who signed Schwartz's brief, Peter LoDuca, was not aware of Schwartz's research method, Schwartz said. LoDuca [became attorney of record](#) after their case was removed to the Southern District of New York, where Schwartz has not obtained admission.

The show cause hearing is scheduled for June 8, according to [a May 26 order](#) by Castel.

Publications covering the case include the [New York Times](#) and the Volokh Conspiracy ([here](#) and [here](#)), which links to a [case page](#) from CourtListener.

Schwartz did not immediately reply to the ABA Journal's request for comment, which was sent by email and voicemail. LoDuca told the ABA Journal that he doesn't have any comment at this time.

Schwartz and LoDuca represent the plaintiff Roberto Mata in a lawsuit against airline Avianca Inc. Mata said he was injured when he was struck by a metal serving cart.

"The real-life case of *Roberto Mata v. Avianca Inc.* shows that white-collar professions may have at least a little time left before the robots take over," according to the New York Times.

The Volokh Conspiracy pointed out that some litigants representing themselves are also using ChatGPT.

Colorado bill limits 'reunification treatment' in child custody cases, requires training and expertise

BY [DEBRA CASSENS WEISS](#)

MAY 30, 2023, 3:37 PM CDT

Family courts in Colorado custody cases can't cut off a child's contact with a protective parent to whom they are bonded just to improve a relationship with a rejected parent accused of abuse or domestic violence, according to a bill signed into law last week.

Nor can Colorado courts order "reunification treatment" for children that is based on cutting off contact with the protective parent, according to [the law](#). And reunification treatment can't be ordered at all, unless there is generally accepted and scientifically valid proof of the therapeutic value and safety of such treatment, according to the [bill summary of House Bill 23-1178](#).

Other provisions in the law require family investigators and custody evaluators to undergo annual training with a focus on domestic violence and child abuse. The law also says Colorado courts should consider expert testimony in such cases when the expert has expertise and experience working with victims of domestic violence or child abuse. And courts making custody determinations must consider evidence of past sexual or physical abuse by the accused parent.

[ProPublica](#) and the [Denver Gazette](#) have coverage of the bill's provisions.

The new law makes Colorado the first state to pass a law that complies with the federal [Keeping Children Safe From Family Violence Act](#), which is also known as Kayden's Law, according to ProPublica. The federal law provides funds to states that improve their child custody laws.

The bill was passed following a ProPublica investigation on court-ordered reunification camps, which found that some programs try to force children to comply with treatment by "physical restraint, threats and the removal of personal items—including food, clothing and shower supplies."

Many reunification programs are based on the idea that the children are suffering from [parental alienation](#) that is caused by the influence of a protective parent seeking to undermine the other parent. According to ProPublica, parental alienation "has been rejected by mainstream scientific circles but continues to influence custody decisions."

Another ProPublica story reported that some custody evaluators in Colorado had been accused of domestic violence.

The Colorado law takes effect immediately, but it won't overturn current court orders on reunification programs. The protective parents can cite the law, however, when appealing orders removing children from their custody.

Kayden's Law is named after 7-year-old Kayden Mancuso of Bucks County, Pennsylvania, who was killed by her father during court-ordered custody time. Kayden's mother had presented evidence to the court regarding the father's criminal record and an order of protection against him. The father was nonetheless given unsupervised contact with Kayden.

Criminally convicted caseworker working with families in central Ohio, how common is this?

by Haley Nelson
Thu, May 4th 2023, 4:13 PM EDT



COLUMBUS, Ohio (WSYX) — Ronald Browder has spent years working in the child welfare field.

"The children are Ohio's children," said Ronald Browder of the Ohio Federation for Health Equity and Social Justice. "And we have an obligation for them to thrive and to be successful."

He's dedicated his personal life to helping children as well.

"I'm a foster parent and adoptive parent of four children," he said.

Browder's sharing his insight, as the ABC6/FOX28 Investigators continue to look into the child welfare system. This comes particularly after learning about one caseworker who is back working with kids and families after legal back and forth. That person is accused of failing to report a criminal conviction to [Franklin County Children Services](#).

"We really have to really be focused on making sure that we have people who are committed, people who are mission-driven, and people who want to be working with families," Browder said.

Personnel records obtained by ABC6/FOX28 via a public records request show this caseworker was charged with domestic violence and assault.

Because that person's charges did not happen on the job, we aren't naming them.

In July 2021, this person pleaded guilty to a lesser misdemeanor. But, FCCS did not find out until after that plea, according to arbitration records within this person's personnel file.

This caseworker was fired in November 2021.

But, this case ultimately went before an arbitrator.

FCCS argued this person was involved in something they are employed to defuse.

The union pointed out that a misdemeanor like this wouldn't prevent someone from getting a job with FCCS.

While the arbitrator found parts of this case "troubling," they decided in August 2022 this person would get their job back.

The arbitrator cited good performance reviews inside this person's file but marked this as a serious suspension with no back pay.

The FCCS team said they are limited about how much they can say about specific employees, but accepted the arbitrator's decision and reversed their decision on termination.

They say they follow Ohio's fair labor laws and the union-negotiated contract.

seconds of 0 secondsVolume 90%

This caseworker is part of a team of caseworkers, all of who work directly with children and families.

Browder did share his take.

Not knowing all of what happened with that particular caseworker, what I will tell you is that we as a society should have an expectation that the workers who are working with our families and our children adhere to the highest standards, that county, administrators are holding their workers to the highest standards,"

How often does something like this happen?

Rarely, according to the agency.

Only three employee discipline cases have gone to arbitration in the last three years.

"Caseworkers perform a vital function in that they are the touch point to the child and the family," Browder said.

I think that we can always do better. I think the profession could do better."

The arbitrator won't comment on past decisions.

The caseworker is not commenting either.

ABC6/FOX28 wanted to talk to the union about what it is like to be a caseworker today and about why they fought for this person's job.

A spokesperson for the Federation of Franklin County Children's Services Employees, Local 3143 shared this statement:

"The Federation of Franklin County Children's Services Employees, Local 3143 does not comment on personnel situations regarding individual employees. Local 3143 is not in charge of hiring, firing, or any other personnel decisions. In situations where Local 3143 and Franklin County Children's Services have a disagreement over the application of contract language, that disagreement is brought to a neutral, third-party arbitrator for a binding decision. As such, Local 3143 is unable to unilaterally rehire staff or prevent termination of staff.

As Child Welfare Professionals, we are committed to meeting the needs of the children and families we serve."

On Friday on ABC6/FOX28 we share even more of what we have uncovered. That includes a deeper look at what it means to be a caseworker today, from caseloads to the status of worker shortages.

NEWS

Child care workers charged in incident with teen in Cuyahoga County building: I-Team

by: [Ed Gallek](#), [Peggy Gallek](#)

Posted: Aug 10, 2023 / 11:34 AM EDT

Updated: Aug 10, 2023 / 03:23 PM EDT

CUYAHOGA COUNTY, Ohio (WJW) – The [FOX 8 I-Team](#) has found criminal charges have been filed against two [Cuyahoga County childcare workers](#) for an encounter with a teen in a county office building.

Misdemeanor charges of assault have been filed against Natalie Coats and Jacqueline Carter.

Video released to the [FOX 8 I-Team](#) shows an encounter [last month](#) that turned physical involving the workers and a teen in the headquarters for county social workers.

It happened where the county often holds troubled teens while waiting for foster homes for them, and the I-Team has exposed issues with violence and other trouble dating back years.

This case began July 7. On the video, a teen appears to throw something at one worker, and then the workers rush the teen, and that leads to a physical confrontation.

A sheriff's department report says only "the listed juvenile female was assaulted by two adult female Cuyahoga County Children and Family Services employees in the course of their job duties."

A criminal complaint says, the workers did "cause or attempt to cause physical harm...striking...multiple times on or about the body."

We've learned the teen is suspected of throwing a bottle of water in the face of one worker, sparking the incident.

Social workers have complained for years about the setup at county headquarters with the youth kept there. Workers even boldly spoke out before Cuyahoga County Council.

The county hired an agency to take in some of the kids waiting for foster care placement.

But kids still end up staying at the county building, sometimes, for extended periods of time.

In this case, the workers have been placed on paid leave while under investigation.

As of Thursday morning, the county told us that had not changed.

Court records show arrest warrants have been issued for the workers.

We have reached out to the union for a response.

BigLaw partner resigns after terminally ill ex-wife posted videos of his tirades

BY [DEBRA CASSENS WEISS](#)

JUNE 13, 2023, 3:24 PM CDT

A Greenberg Traurig partner has resigned from the law firm following its investigation into a situation arising from a four-year divorce and custody battle.

Greenberg Traurig didn't offer details. In a [June 2](#) statement, Greenberg Traurig said it was reviewing partner Allan Kassenoff's status with the firm, despite findings by four judges and two court-appointed forensic examiners who found no "wrongdoing or abuse as to his children" and no domestic violence.

In a [June 11 statement](#), the firm said it concluded its review, and Allan Kassenoff has resigned, effective immediately.

The June 2 statement said the judges in Allan Kassenoff's litigation had made their findings of no wrongdoing after reviewing evidence that included "some videos." Allan Kassenoff was awarded sole legal custody.

Allan Kassenoff's terminally ill ex-wife, Catherine Kassenoff, was a former federal prosecutor and former special counsel to the governor of New York. She is said to have posted the videos while announcing plans to die in a medically assisted suicide in Switzerland on May 27.

Videos circulating online show Allan Kassenoff yelling, telling Catherine Kassenoff that he hates her and regrets ever meeting her, calling her a "fat, old loser" and declaring that he won't take their "spoiled" daughter to school or activities, according to online videos and coverage by the [New York Post](#), [News12 Westchester](#), the [Daily Mail](#), [Ms. magazine](#) and [Above the Law](#).

"There's no excuse for the behavior captured in these videos," according to Joe Patrice in Above the Law. "No matter what's going on in a relationship, the 'BigLaw screamer' routine is a toxic environment for children. And insulting and denigrating the other parent in the presence of the kids is heartbreaking to watch. The children's reactions captured in these clips drive home how damaging it is to witness this sort of rage between caregivers."

Patrice cautioned, however, that "these are only a few minutes of the family story, captured by a former prosecutor in the midst of a contentious custody fight." Above the Law posted part of an opinion in the divorce that found "manipulative conduct" by Catherine Kassenoff and evidence that she made false allegations of abuse against Allan Kassenoff.

Kassenoff filed for divorce in May 2019, according to a [February decision](#) by the New York State Supreme Court's Appellate Division. He had sought sole legal and physical custody of the children based on text messages between Catherine Kassenoff and her friend, who is also a lawyer.

Catherine Kassenoff asked a court to compel Allan Kassenoff to return or destroy the messages. The appeals court affirmed a decision denying Catherine Kassenoff's request, based on a finding that the messages were not exchanged as part of an attorney-client relationship.

Catherine Kassenoff also filed a lawsuit seeking return of the texts in federal court, which was [tossed in March](#) because the issue had already been litigated in state court. Catherine Kassenoff claimed that Allan Kassenoff illegally obtained access to her texts and emails after she gave him her Apple ID to buy a song through the iTunes store on his laptop.

Greenberg Traurig referred to the children in its June 11 statement announcing Allan Kassenoff's resignation.

"The firm is sensitive to the needs of the three children, the primary victims of the situation, and therefore will be creating a dedicated trust fund with an independent trustee for the sole benefit of these children to be voluntarily funded by the lawyers and staff of our firm," the statement said. "We wish healing and privacy to the children during this very difficult situation."

Gus Dimopoulos, a lawyer for Allan Kassenoff, did not immediately respond to the ABA Journal's requests for comment in a phone message and an email.

Judge who hugged prosecutors after Parkland, Florida, shooter's trial is reprimanded

BY [DEBRA CASSENS WEISS](#)

JULY 25, 2023, 3:31 PM CDT



Nikolas Cruz pleaded guilty in October 2021 for the February 2018 mass shooting at the Marjory Stoneman Douglas High School in Parkland, Florida. Fourteen students and three staff members were killed.. Photo by Katherine Welles/Shutterstock.

The Florida Supreme Court on Monday publicly reprimanded a judge who hugged prosecutors after presiding in the penalty phase of the trial of Parkland, Florida, school shooter Nikolas Cruz.

The state supreme court [publicly reprimanded](#) Judge Elizabeth A. Scherer based on June 2 findings that she “unduly chastised defense counsel,” wrongly accused a defense lawyer of threatening her children, “failed to curtail vitriolic statements directed to defense counsel,” and embraced prosecutors after the sentencing.

“In limited instances during this unique and lengthy case, Judge Scherer allowed her emotions to overcome her judgment,” according to the [findings and recommendation of discipline](#) by the Investigative Panel of the Florida Judicial Qualifications Commission.

Scherer made the accusation about threats after a defense lawyer stated, “Judge, I can assure you that if they were talking about your children, you would certainly notice.” The defense lawyer [had made the statement](#) after Scherer refused to curtail victim impact testimony that contained what defense lawyers perceived to be threats.

Scherer had agreed to the sanction and did not contest the findings and recommendation in the ethics case, according to [a stipulation](#) filed with the Florida Supreme Court. She retired from the bench at the end of June, the [Associated Press](#) reports.

The investigative panel said Scherer had in her commission testimony “acknowledged that her conduct during and immediately after the Cruz trial at times fell short of the high standards of conduct expected of Florida judges, and she admitted that her treatment of members of the defense team was at times not patient, dignified or courteous.”

Scherer had also told the commission that she offered to hug defense lawyers, as well as prosecutors. But she acknowledged that at some points, her conduct created the appearance of bias.

Scherer had “an unblemished record” before the trial, and her resignation was not a condition of her agreement to accept a public reprimand, the panel said.

Scherer had sentenced Cruz to life in prison without parole in November 2022, after jurors could not agree on the death penalty. Cruz had pleaded guilty in October 2021 for the February 2018 mass shooting at the Marjory Stoneman Douglas High School in Parkland, Florida. Fourteen students and three staff members were killed.