

# Ex-FBI agent aiding probe of federal judge

By **ROBERT BOCZKIEWICZ**  
THE PUEBLO CHIEFTAIN

March 13, 2008

**DENVER** - A retired FBI agent has been helping the federal court system investigate allegations of misconduct by the chief federal trial judge in Colorado, *The Pueblo Chieftain* has been told.

Sources in a position to know disclosed that the former agent for months has been probing allegations against Chief U.S. District Judge Edward Nottingham.

Nottingham has been under investigation by the federal court system in at least two matters since last year. A Denver television station reported Friday that a third investigation is under way after his name and personal cell phone allegedly appeared on a list of clients from a Denver prostitution business.

One source cautioned that prostitution rings sometimes include decoy names on their lists of clients.

Records of the prostitution ring recently were seized by Internal Revenue Service criminal investigators. They jointly with the U.S. Attorney's office are investigating suspected tax evasion by the ring.

Prostitution typically is not a federal crime, but is a state crime.

The investigation began when a former wife - after a bitter divorce - reportedly told the FBI last summer that Nottingham used his federal computer to view an Internet dating site that purportedly offered pornography. KUSA-TV reported in August the former wife, Marcie Jaeger, found credit card charges of Nottingham from a Denver strip club totaling more than \$3,000 in two consecutive days.

Last fall, a Denver attorney confined to a wheelchair filed a complaint with the federal court system alleging the judge threatened to use his official authority against her when she objected to him parking in a space designated for physically disabled people.

Steve Peters, a Denver attorney representing Nottingham, said he and the judge have no comment about the matters. He said only that

federal law provides specific procedures for investigation of allegations of misconduct by judges, including those allegations.

Under federal court rules, all aspects of complaints against judges are confidential until "final action on the complaint has been taken and is no longer subject to review."

The chief judge of the 10th U.S. Circuit Court of Appeals in Denver reviews complaints against federal judges in the six states that comprise the 10th Circuit. The chief judge may refer them to a committee of judges to investigate the complaint and make a recommendation to the Judicial Council of the federal courts in the 10th Circuit.

Sources in a position to know have confirmed to The Chieftain that a committee is investigating at least the first two complaints and that the retired FBI agent was hired to assist the committee.

The circuit's Judicial Council determines whether any action needs to be taken, including ordering "corrective action" or referring the complaint to the Judicial Conference of the United States, the policy-making body for the federal court system.

The Judicial Council is required to refer the complaint to the Judicial Conference if the council determines that the judge "may have engaged in conduct that might constitute ground for impeachment."

A "corrective action" may include, among other measures, "censuring or reprimanding the judge, either by private communication or by public announcement," by "requesting the judge to retire voluntarily."

Federal judges are appointed for life and can be removed only by impeachment.

The Judicial Council is composed of judges of the circuit appeals court and of judges of the U.S. District Courts within the circuit. The council has authority over administrative functions of the courts and has the important role in judicial misconduct complaints.