



## ***"Naughty" Nottingham: When Judges Go Bad***

*Fri Mar 14, 2008 at 02:09:15 PM*



Lawyers take a back seat to no one in the muffled expression of their delight in the suffering of others. So, now that one of the meanest, most imperial judges in the history of Colorado finds himself under investigation after his phone number was reportedly found in the files of an alleged brothel operator, you can almost feel the schadenfreude oozing from the pores of the hundreds of barristers and litigants whose lives and careers have been unpleasantly impacted by Chief U.S. District Judge Edward Nottingham.

The "Sheriff of Nottingham," as he has been called, made his mark upon the law in Colorado by being independent, a straight-shooter and good about responding in timely fashion to dispositive pre-trial motions. But he has earned notoriety by treating the lawyers before him with disdain and disrespect. For the Bush I appointee (1989) the modus operandi was usually the same. His signature move is to force lawyers to attend and participate in hearings at 6 a.m. so he could berate them.

This was Judge Nottingham's style when I was practicing in federal court in Colorado and I am reliably informed that time and age have not diminished his penchant for kicking people when they are down. Just last month, for example, he told a woman who had allegedly hit her children on a flight that she could no longer fly and that if she wanted to visit her kids – now living with relatives in Hawaii – she could "travel by sailboat" to get there. This is language unbecoming a lifetime appointee to the bench.

Such verbal abuse alone, however, rarely is enough to take down a tenured judge. The Constitution virtually guarantees them the freedom to be louts and bullies. The Constitution even protects federal judges who are generally incompetent or disorganized or just plain in over their heads. It's the price

of judicial independence. And, to be honest, the level of misfeasance and malfeasance from the bench pales in comparison to the levels it reaches in the other two branches of government.

Now, I'm sure there are plenty of judges, state and federal, who drink more than they ought to drink. And I'm fairly certain that more than a handful of judges have, from time to time, illegally paid for sex. But with Nottingham it now seems apparent, or at least worth debating anyway, that there is a pattern of reckless behavior -- some alleged, some proven -- that raises serious questions about the judge's continuing qualification to serve in office. Should he retain the ability to determine the rights and freedoms of others?

Last year, the judge's brief marriage ended in divorce when his wife found credit card receipts from a strip club (for two nights' worth of revelry) totaling approximately \$3,000. When asked about those evenings the judge said he was too drunk to remember what had occurred. Stay classy, Judge! There was also an allegation back then that the judge frequented an online dating service (or a porn site, according to one witness). And also that he improperly parked in a handicapped parking spot. A former judicial investigation ensued. Actually, two. That was last year.

Apparently, the whoring if not the drinking has continued. On Friday we learned, courtesy of a local TV station in Denver, that Judge Nottingham's name is linked to a criminal investigation into an alleged prostitution ring. Today it was reported that the judge is under investigation himself. Moreover, a man has come forward to claim that he drove prostitutes to meet with Nottingham, that the ladies affectionately called him "Naughty," and that he allegedly paid between \$300 and \$400 for his trysts. This vital witness thus far has not been identified by the journalists who ran the story. And Team Nottingham has not yet commented upon the new allegations.

If Nottingham could explain away last year's scandal by arguing that he was going through a rough patch in his marriage and made a series of bad judgments, then how does he respond to this new round of allegations? At what point does his lack of judgment and respect for the law begin to create more than just the appearance of impropriety? Why should any party or litigant before him now treat him with the respect to which all judges are due?

Plenty of lawyers in Colorado are asking that question today; asking it even as they say sarcastically to themselves: "couldn't happen to a nicer guy." Call it karma. Call it justice. Call it the manifestations of a troubled mind. Whatever. Perhaps it's time for Chief Judge Nottingham to step down from the bench and focus upon fixing the same apparent dysfunctions within his own soul that he has so cavalierly rendered judgment upon in countless others.

**--Andrew Cohen**