

Not-so-honorable judge presides

By Al Lewis

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Here's a gritty little ditty from the Nacchio trial last year.

U.S. District Chief Judge Edward W. Nottingham Jr. — who frequently humiliated lawyers in open court during this trial — was jumping on Jeffrey Speiser, attorney for former Qwest CEO Joe Nacchio.

Speiser was fumbling in his effort to describe a court exhibit to a witness. Somehow, Speiser could not get the number

right. Nottingham grew impatient.

Nottingham: "Are we talking about 809?"

Speiser: "Yes."

Nottingham: "Well, you said 809, the witness just said no, so you're looking at something different."

Speiser: "I'm sorry, I was looking at the numbers upside down. (It's) 608."

Nottingham: "At least it's not 69."

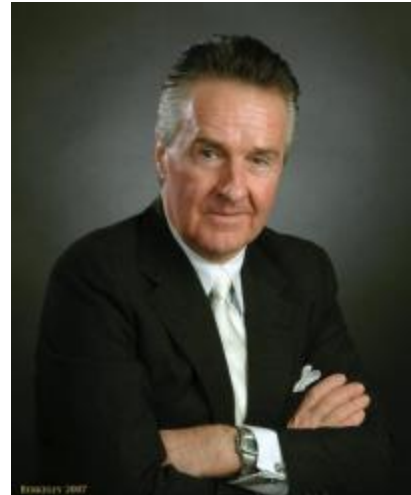
The court fell oddly silent.

My colleagues and I shook our heads in amused disbelief.

Did a federal judge just make a gratuitous reference to a somewhat acrobatic sexual position in the midst of otherwise mundane court proceedings? A proceeding where there would be transcripts? In a courtroom full of reporters and lawyers? And cameras that beamed video to an overflow courtroom upstairs because hundreds of other people wanted to watch this trial, too?

It was not until I retrieved the official court transcript that I could believe it.

Sure enough, the dude said 69.



The court system has hired an ex- FBI agent to investigate allegations of misconduct against U.S. District Judge Edward W. Nottingham, who presided over the Joe Nacchio trial.

Speiser: "I should point out it's a government exhibit."

Witness: "OK. I'm there."

No wonder some people are calling him "Judge Naughty."

Nottingham has been divorced three times. When documents from his third divorce revealed a \$3,000 strip-club tab, the judge said that he was too drunk to remember how he'd blown through so much dough at Denver's Diamond Cabaret.

His third ex-wife, Marcie Jaeger, alleged Nottingham surfed adult dating websites in his chambers. The sites she identified quickly link to pornographic content.

Her complaint has been echoed by another that was filed by Sean Harrington, the owner of a legal technology firm, who has said he is upset that Nottingham did not review a lawsuit he filed.

Last week, the chief judge of the U.S. Circuit Court of Appeals acknowledged he is reviewing the complaint.

Nottingham has not commented about this most recent complaint, referring questions to his lawyer, Stephen Peters. Peters said that he looked "forward to . . . prompt resolution."

The court system has also hired a former FBI agent to investigate allegations of Nottingham's misconduct.

Another complaint against Nottingham involves a tiff with a woman in a wheelchair over a handicapped parking spot outside a Walgreens.

It came in September from Jeanne Elliott, an attorney who was paralyzed in 1986 after an angry man shot her four times in the Arapahoe County Courthouse.

She was outraged that someone had illegally taken up a handicapped parking spot outside the store. She waited to confront the owner of vehicle.

What followed was a narcissistic episode reminiscent of TV's "Seinfeld."

Elliott claimed Nottingham strutted past her and threw his offending sport utility vehicle in reverse to coax her out of his way. When she refused to yield, she claims Nottingham threatened to call federal marshals and have her arrested, informing her that he was a judge.

Nottingham disputes Elliott's versions of events, but he did pay a \$100 parking fine. He said he regretted taking the handicapped spot and was only trying to pick up a prescription quickly.

I'm going to take a wild guess. Was it Viagra?

That would sure explain how a 59-year-old judge could get so naughty.

The judge is not always so naughty, though. When he sentenced Nacchio to six years in prison on insider- trading convictions last July, he gave the former CEO a moralistic tongue-lashing.

Nottingham complained about Nacchio's "over-arching greed," and even included a literary reference to "a devout practicing Catholic named Sir Thomas More."

"The law does not care about your station in life," Nottingham told Nacchio. "The court ... has a duty to promote respect for the law."

Nacchio now awaits word on his appeal, which could come out any day now. Whatever the appellate court decides, Judge Naughty has sure taught Nacchio a thing or two about respect for the law.

Meanwhile, it's hard to say what kind of sanctions Nottingham could face as a result of the increasing number of allegations about him.

Federal judges — who can be removed only after House impeachment hearings — are far more bulletproof than, say, Eliot Spitzer, who resigned as New York governor in a cloud of shame last week over allegations that he was "Client 9" of a high-end prostitution service.

Some speculate that Spitzer could be slapped with federal charges.

Spitzer would never get a fair trial in New York. They'd have to move his trial somewhere else.

I know just the place. And wouldn't it be something if "Client 9" had to stand before a judge who talks about 69?

Al Lewis' column appears Sundays, Tuesdays and Fridays. Respond to him at blogs.denverpost.com/lewis, 303-954-1967 or alewis@denverpost.com.