

Judge Nottingham Cited For Pig Picture

DENVER (CBS4) — CBS4Denver has learned Chief U.S. District Judge Edward Nottingham was cited for poor taste by using a pig's picture to criticize an attorney's argument in a case.

Nottingham, in a written ruling, included a picture of a pig wearing pearls, lipstick and sunglasses, saying the attorney's argument was "no more availing than" the pig.

Judge Paul Kelly of the 10th U.S. Circuit Court of Appeals characterized Nottingham's inclusion of the picture as being "in poor taste."

Nottingham's use of the picture was cited as an example of alleged judicial misconduct in a complaint Kelly recently dismissed.

"Putting lipstick on a pig" is a term referring to someone trying to make something or someone appealing when it is not.



Judge Edward W. Nottingham

Nottingham used the picture a year ago in commenting on an attorney for a school district that was being sued for allegedly discriminating in employment. The judge said the attorney had used examples in a written argument that had nothing to do with the point of the argument.

Kelly was assigned to decide the complaint, which included several issues and was against most of the judges of the appeals court, as well as Nottingham. Kelly's recent decision was that the complaint did not meet the court system's definition of misconduct.

Nottingham, on the basis of other complaints, is under investigation by a committee of judges of the federal courts in the Denver-based 10th (judicial) Circuit. The complaints allege he intimidated a woman who complained he parked in a space for handicapped, he used his office computer for improper personal purposes and he spent \$3,000 one night at a strip club.

The complaint that included the pig picture was filed by a Kenneth Smith of Golden. The judge in 2001 decided against Smith in his lawsuit against the Colorado Supreme Court. He sued because the



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high court would not admit him to the bar because he refused to submit to a mental status examination for the state board of law examiners.

The appeals court concluded in 2003 Nottingham was correct in throwing out Smith's lawsuit.

Smith over the years has sued several judges and regularly uses the judicial system to complain about alleged unfair treatment he has received from judges. Smith and others have an ongoing crusade, using Internet web sites, against alleged misconduct by judges.

The picture example was in one of numerous misconduct complaints filed against Nottingham over the years at the higher appeals court. Many judges, if not most of them, have been the subject of complaints filed.

Many are filed by disgruntled litigants who have axes to grind because judges have ruled against them. The higher court dismisses many complaints on grounds they are meritless, without the public ever being aware a complaint was filed.

The pig picture may have been construed as an example of mocking of attorneys by judges in cases judges are considering. Mocking by judges is an issue nationally that has been raised by other judges concerned about misconduct of some of their colleagues.

Kelly concluded Nottingham's use of the pig picture "does not rise to the level of treating litigants or attorneys in a demonstrably egregious or hostile manner." That phrase refers to a type of misconduct specified in federal court system rules.