

Legal Ethics

6th Circuit judge retired amid probe of travel expenses; allegations referred to DOJ

Posted Jan 21, 2014 7:20 AM CST

By [Debra Cassens Weiss](#)

A federal appeals judge announced his retirement this summer as an ethics committee was investigating his travel expenses, a federal panel on judicial conduct has revealed.

The ethics probe of Judge Boyce Martin Jr. was dropped as a result of his announcement, but the allegations will be referred to the U.S. Justice Department, according to an [opinion](#) (PDF) by the Committee on Judicial Conduct and Disability of the U.S. Judicial Conference. The committee denied Martin's request that his name not be disclosed and that the matter not be referred to the DOJ.

Martin offered to repay all travel expenses—nearly \$140,000—for the period under investigation, between Jan. 1, 2008, and Aug. 2, 2012. The questioned expenses amounted to just “a fraction” of that total, according to Martin's spokeswoman, Claire Parker, who spoke with several publications covering the revelations.

According to an affidavit by Martin's lawyer, outside counsel for the special committee had suggested his resignation and payment of the money “would conclude the matter and it would remain confidential.” But the judicial conduct committee opinion says those statements represented only advice or suggestions on how Martin could improve his legal position rather than a promise.

University of Pittsburgh law professor Arthur Hellman told the [Louisville Courier-Journal](#) that the referral to the Justice Department is “quite unusual.”

“I'm still trying to absorb that the federal judiciary has referred one of their own judges to the public integrity section,” he told the newspaper. “That is stunning.”

[TPM Muckraker](#) and the [Cincinnati Enquirer](#) also have stories, while [How Appealing](#) links to the coverage and the opinion.

Parker told the publications that the former judge voluntarily agreed to repay \$138,500, covering all travel expenses for the period, though the expenses questioned were just “a fraction of the total travel expenses incurred.”

“Judge Martin contested some of the expenses and conceded mistakes with others,” Parker told the Enquirer. According to the committee opinion, Martin blamed “internal chambers administrative errors” for the mistaken reimbursement requests.

Parker said Martin was a “distinguished judge with a lifetime commitment to public service and integrity” and looked forward to “working with the Department of Justice to resolve this matter expeditiously.”

The chief judge of the 6th Circuit, Alice Batchelder, made the initial complaint against Martin, which was referred to the Judicial Council of the New York-based 2nd U.S. Circuit Court of Appeals. Its special committee ended the investigation after Martin announced his retirement.

The Courier-Journal describes Martin as “a proud liberal who routinely fought with conservatives on the bench, including Judge Danny Boggs of Louisville, who once wrote that Martin and fellows liberals would issue a stay ‘based on a hot dog menu.’ ”

Parker sent the ABA Journal three statements in support of Martin.

Retired judge Nathaniel Jones of the 6th Circuit said Martin was “unfailingly honest and generous” in his advice and “he upheld the finest traditions of the court and the oath of office.”

Senior Judge Martha Craig Daughtrey of the 6th Circuit said Martin had a “stellar legacy” and “his character and integrity are beyond question.”

Boston University law professor Tracey Maclin, a former Martin clerk, said he has known and interacted with Martin for more than 30 years, and the judge “has always been honest, straightforward and a person of utmost integrity.”

Martin [had told the Louisville Courier-Journal](#) in July that he was retiring as he and his wife were battling cancer. “I want to go out at the top of my game rather than having to be carried up and down from the bench,” he told the newspaper.

Updated at 10:30 a.m. to include statements in support of Martin.

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