



CASE STUDY

A Real-Life Judge Judy Gets Smacked Down

By ADAM COHEN Wednesday, Aug. 18, 2010



When a defendant showed up on a traffic charge, Judge Judy delivered a zinger: "If you drive like an idiot 'cause you're late for work, you're gonna have to pay for it." Then she piled on: "You can see your picture on the headlines of the *Seattle Times*, stupid young man who shouldn't be driving."

Another defendant recalled that the tart-tongue jurist humiliated and bullied her until she broke down in tears. "She frequently interrupted answers with insults," the woman recalled.

This bullying Judge Judy was not Judge Judith Sheindlin, the tough-talking former New York City Family Court judge who has the top-rated judge show on syndicated television. It was Judge Judith Raub Eiler, her real-life doppelgänger, who sits at a county court in Seattle. Instead of high ratings and rich syndication fees, this Judge Judy's aggressive demeanor earned her a five-day suspension without pay courtesy of the Washington State Supreme Court. ([See "Top 10 Ye Olde British Criminal Trials."](#))

It is a good and important ruling, but the court did not go far enough. It should have pushed back against our rising smackdown culture by removing this judge running amok from her job.

Judge Eiler first ran into trouble in 2004. The State Commission on Judicial Conduct brought her up on disciplinary charges for her insulting and demeaning judicial style. It pointed to multiple instances showing that she had engaged in "a pattern or practice of rude, impatient and undignified treatment" of the people who appeared before her.

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Judge Eiler admitted to her misdeeds. She was required to participate in behavioral therapy and to refrain from similar conduct in the future. She completed the therapy, but soon she went back to her old ways. In 2008, the commission accused her of the same kind of abuse.

Judge Eiler defended herself by saying she was just a "tough, no-nonsense judge" and that the case against her was overblown. She also made the bizarre claim that the court was trying to infringe on her freedom of speech. Judges, after all, do not have a First Amendment right to abuse people just because they use words to do it. By that logic, bank robbers would have a First Amendment right to hand over notes saying "This is a stickup."

The Washington Supreme Court did the right thing, ruling this month that Judge Eiler had violated the state's judicial canons. Unfortunately, the punishment ultimately handed down was much less than initially recommended. The disciplinary counsel who originally brought the case urged the commission to remove Judge Eiler from the bench permanently. The commission instead recommended that she be suspended for 90 days without pay. The Washington Supreme Court knocked it down to five days.

It is hard to believe TV's Judge Judy was not a strong influence on Seattle's Judge Judy. TV's Judge Judy yells at litigants and belittles them, and her specialty is finding innovative new ways of calling people stupid. The woman who wrote a best seller called *Beauty Fades, Dumb Is Forever* makes no apologies for her courtroom tongue-lashings. "If I call someone an idiot," she told the Daily Beast, "they're an idiot." [\(See Judge Judy and nine other dubious Walk of Fame stars.\)](#)

The two Judge Judys have another thing in common: the targets of their wrath seem to be the most powerless members of society. TV's Judge Judy does not usually go after greedy Wall Street titans or corrupt elected officials. The person she is yelling at is almost always one of life's losers — poor, not very well educated and perhaps not altogether there.

Similarly, Judge Eiler's victims were mainly pro se litigants — people who go to court without a lawyer. Not understanding the law, they are often confused about how things work and, as a result, vulnerable — perfect targets for a bully.

The two Judge Judys say a lot about the sad state of our national discourse. If you turn on cable news, the odds are good that you will get a screaming match. Talk radio is worse. Polls show that workplace bullying is at epidemic levels.

There is clearly an audience for this sort of mean-judge shtick. Judge Judy regularly beats Oprah in the Nielsen ratings, and last year she hauled in a reported \$45 million.

There is an important difference, though, between TV and the real world.

Seattle's Judge Judy should have been tossed from the bench. She acted viciously, she was found to have violated the judicial canons and she did it again when she said she would not. It is also clear from the defense that she made in the Supreme Court that she still does not understand why her conduct was so offensive. That means she has no business being a judge.

Still, even with the lenient sentence, the Washington Supreme Court's rebuke sends an unmistakable message: judicial bullies may thrive on television, but they have no place in real courts of law.

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