

Judge Kozinski admonished for explicit items on Web site

- \* **Alex Kozinski** is chief judge of the 9th Circuit U.S. Court of Appeals
- \* Items on judge's Web site included photos of naked women painted like dairy cows
- \* Judicial council says his actions embarrassed federal judiciary
- \* **Kozinski** has apologized for his "unfortunate carelessness"

By Bill Mears

CNN

July 2, 2009

WASHINGTON (CNN) -- A judicial council on Thursday admonished the chief judge of the nation's largest federal appeals court for having "sexually explicit photos and videos" on his personal Web site, but decided against any further punishment.

Judge **Alex Kozinski**, 58, of the San Francisco, California-based 9th Circuit U.S. Court of Appeals previously apologized and had recommended an investigation because of the public controversy over the material.

A panel of judges assigned to investigate concluded Kozinski's "possession of sexually explicit offensive material combined with his carelessness in failing to safeguard his sphere of privacy was judicially imprudent." His actions, the panel wrote, "can reasonably be seen as having resulted in embarrassment to the institution of the federal judiciary."

But Kozinski was not disciplined because he had removed himself from an ongoing obscenity trial when news broke of the visual material on alex.kozinski.com, which the judge launched in 2002, according to the 41-page opinion issued by the judicial council.

According to the council's written opinion, the material included a photograph of naked women painted like dairy cows, a woman shaving her pubic hair, and a video of a half-dressed man "cavorting with a sexually aroused farm animal."

Kozinski testified to a judicial conduct panel that much of the material was "like odd things that I've thrown into a room without looking at them." He said some of the files were e-mailed by friends, much of which he did not bother to view.

He admitted storing some of the sexually explicit photos, but said, "I don't know why I kept them."

The judge also said he never considered his site public and thought he had blocked access to the subcategory file in question, which was labeled "stuff."

There was no immediate reaction from Kozinski or his lawyer to the panel's admonishment.

Kozinski had earlier apologized to the investigative panel for his "unfortunate carelessness."

"I have caused embarrassment to the federal judiciary," he said. "And thus whatever shame was cast on me personally, it reflected on my colleagues and our system of justice as well."

The controversy erupted when Kozinski was about to serve as a trial judge -- separate from his work on the higher appeal court -- in a 2008 obscenity prosecution of adult film producer Ira Isaacs. Kozinski recused himself when the Los Angeles Times published a story about the Web site material, and he later asked for a probe into the incident.

The Isaacs case has not gone to trial, but is on appeal over pending motions at the 9th Circuit. Kozinski is not expected to take part in the matter.

Kozinski is one of the most colorful and outspoken members of the federal bench. Born in Communist Romania, he emigrated to the United States at age 12 and still speaks with an Eastern European accent. His parents were Holocaust survivors.

He was named to his current seat in 1985 by President Reagan, and he was the youngest federal appeals judge in the nation at the time.

A mainstream Jewish conservative with libertarian views on free speech, the judge is admired for his writing skills, intellectual curiosity and sense of humor. He is also one of the few federal judges who will do press interviews, speaking with CNN on several occasions about a variety of topics. He also wrote an online "diary" for Slate.com a few years ago.

He is especially outspoken in oral arguments on his appeals court, and his detractors say he tends to dominate the questioning, often to the dismay of his fellow judges.