

'Thin-skinned' judge loses appeal of libel suit dismissal

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NINTH CIRCUIT--A state court judge could not sue ABC for libel based on reports that he used a crystal ball to make his decisions, a federal appeals court panel in Pasadena, Calif., (9th Cir.) unanimously held in late May.

The three-judge panel upheld the decision of a federal trial court in Los Angeles that dismissed Judge Bruce Dodds' suit against the network. The trial court held that Dodds could not sue ABC for airing videotape of interviewees' claims that the judge used a crystal ball to decide cases because he failed to prove that the network aired the report with the knowledge that it was false or with a reckless disregard for the truth.

The appellate court's opinion, written by Judge Stephen Reinhardt, questioned the wisdom of some judges who file libel suits.

"Wise judges, even when wounded by unfair assaults, have learned that the best policy is ordinarily to dismiss the attacks as part of the baggage of their jobs. Abusive criticism simply goes with the territory. Often it is best not to dignify the assaults or to fall into the traps set by one's critics," Reinhardt wrote. "Thin-skinned judges sometimes make the problem worse by seeking retribution for the insults, instead of maintaining the dignity their office demands."

The appellate court also upheld the trial court's dismissal of Dodds' claim that the ABC report libeled him by implying that he was unfit to serve as a judge. The appellate court held that the implications of unfitness were expressions of opinion and thus were protected from libel suits.

"Part of our American heritage is the right of all citizens to express their views about politicians, officeholders, and umpires, frequently in highly unfavorable terms. Indeed, were we to conclude otherwise, millions of citizens and hundreds of political pundits would currently be committing libelous and slanderous acts on a daily basis," Reinhardt wrote.

According to Christine Johnson, an interviewee whose lawsuit was settled during a conference with Dodds, the judge pressured her into accepting a low settlement offer by suggesting a sum and then pressing a button on a toy crystal ball he kept on his conference table. Johnson told ABC that, when the word "yes" appeared in the crystal ball, Dodds told her "There it is. That's it. That's what you get."

The presence of the crystal ball in Dodds' chambers was confirmed by an ABC producer who, according to the appellate court, "took advantage of an open door to the chambers and forced his way inside where it sat in plain view." (Dodds v. ABC, Inc.; Media Counsel: Steven Perry, Los Angeles)