Judge Rader, Author of Controversial Email to Lawyer, to Resign from Bench

By ASHBY JONES

An embattled federal appeals judge who gave up his leadership position on the court last month in the wake of an ethical controversy involving a lawyer who appeared before him will retire from the bench, according to a brief statement posted on the court's website.

Randall R. Rader, who served as chief judge of the U.S. Court of Appeals for the Federal Circuit in Washington from 2010 until late last month, will leave his current post as judge on June 30, according to the statement.

In an email, Judge Rader explained: "the bottom line is that I was NOT happy after vacating the Chief position and then awoke to realize that I should leave while I am YOUNG and brimming with enthusiasm about the prospects of improving world legal systems. . . . With that in mind, my plan for the future is to TEACH . . ."

In the past, Judge Rader has taught intellectual property at universities around the world. In his email, he said this would now be his primary pursuit. "In sum," he said, "this is my chance to do what I love and I am going to seize it!"

A spokesman for the court did not respond to an email seeking comment.

Judge Rader's resignation marks a coda to a situation that erupted last month involving a patent lawyer who argued frequently before the court.

In March, Judge Rader sent a laudatory email to Edward Reines, a patent lawyer at Weil Gotshal & Manges LLP in Silicon Valley. The email described a recent conversation in which another judge purportedly told Judge Rader that Mr. Reines was "IMPRESSIVE in every way." Judge Rader signed the note "Your friend for life, mr."

Mr. Reines shared the email with a potential client, according to a person familiar with the

matter. The email, which circulated to other lawyers, raised questions among lawyers in the patent bar because Mr. Reines had appeared before the court—a key venue in U.S. patent law—in prior cases.

Mr. Reines did not immediately respond to a request seeking comment.

In a statement posted the day he stepped down as chief judge, Judge Rader said he regretted sending the email, adding that the email was "a breach of the ethical obligation not to lend the prestige of the judicial office to advance the private interests of others." He wrote: "I am truly sorry for the lapse and will work diligently to ensure that it does not recur."

The obligations cited by Judge Rader are included in a written code of conduct that governs U.S. judges. He replaced as head of the 18-judge, Washington, D.C.-based court by a current judge, Sharon Prost.

Judge Rader, a Nebraska native, was nominated to a seat on the Federal Circuit in 1990 by President George H.W. Bush, and became chief judge in 2010.

Brant Kendall contributed to this story.
Judge Rader is getting ahead of things before the entire story has to be rolled out. The idea that having an inappropriately close relationship with one or more counsel that argue before him and then somehow trying to recuse himself after the fact (a questionable remedy if there ever was one) would make it all go away was poorly conceived. Both the judge and the attorneys involved should have known better than to taint the role of unbiased adjudicator.

3:15 am June 17, 2014
Harold Miles wrote:
This surely is an overstatement of the whole thing!!

10:09 pm June 16, 2014
Jane Doe wrote:
This story is bogus...cover up..

11:21 am June 15, 2014
Lastcall wrote:
It seems an exaggeration this reaction!

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