

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

No. 10-10-90002

Before **BRISCOE**, Chief Circuit Judge, **TACHA, KELLY, LUCERO, HOLMES**, Circuit Judges, **DANIEL, HEATON, ROBINSON**, and **JOHNSON**, District Judges

**ORDER**

In January 2010, then Chief Circuit Judge Robert Henry identified a complaint of judicial misconduct under the Judicial Conduct and Disability Act (“Act”), 28 U.S.C. § 351 *et seq.*, against District Judge Ronald A. White of the Eastern District of Oklahoma. Chief Judge Henry appointed a Special Committee pursuant to § 353 of the Act to investigate the allegations against Judge White, and the Special Committee has submitted a report of its findings and recommendations to the Judicial Council. Judge White responded to the findings and recommendations and appeared before both the Special Committee and the Judicial Council.

Judicial misconduct is conduct prejudicial to the effective and expeditious administration of the business of the courts. *See id.*, § 351(a). Our consideration of this complaint and of the Special Committee’s findings and recommendations is governed by the Act and by the *Rules for Judicial-Conduct and Judicial-*

*Disability Proceedings* (“Misconduct Rules”) issued by the Judicial Conference of the United States. We are also guided by the Code of Conduct for United States Judges, although a violation of the Code of Conduct is not necessarily misconduct under the Judicial Conduct and Disability Act. *See* Misconduct Rule 3 (commentary); Code of Conduct Canon 1 (commentary).

After consideration of the Special Committee’s report and Judge White’s response to the report and statements at the hearings, the Judicial Council unanimously agrees with the Special Committee that Judge White committed judicial misconduct by (1) using his office to appoint friends to serve as adjunct settlement judges, even though they were not qualified, and by ordering certain counsel and parties to pay them fees for their services, in contravention of a local court rule; and (2) making inappropriate oral, written, and non-verbal comments in orders and during court proceedings. *See* Misconduct Rule 3(h)(1)(A) and (D); Code of Conduct Canon 2A, 2B, 3A(2), 3A(3), 3B(3). The Judicial Council publicly reprimands Judge White for this conduct. *See* 28 U.S.C. § 354(a)(2)(A)(iii); Misconduct Rule 20(b)(1)(D)(i).

Judge White has acknowledged and apologized for this conduct. He has assured the Council that he will not engage in this or any other inappropriate conduct in the future.

Judge White has agreed to waive his right to seek review of this order from the Judicial Conference Committee on Judicial Conduct and Disability under

Misconduct Rules 21 and 22. Therefore, this matter is concluded, and this order shall be publicly available immediately. *See* Misconduct Rule 24. The Special Committee's report and other materials related to this matter shall remain confidential under 28 U.S.C. § 360.

So **ORDERED**, March 22, 2011, and  
Entered on behalf of the Judicial Council  
Of the Tenth Circuit

/s/ Mary Beck Briscoe

Honorable Mary Beck Briscoe  
Chief Circuit Judge