

March 2010

NomineeAlert



this issue:

Judge Robert Neil Chatigny,
 Nominee to the U.S. Court of
 Appeals for the 2nd Circuit

Chatigny's Background

U.S. District Court Judge, District
 of Connecticut

Chatigny & Cowdery

Law Offices of Robert N. Chatigny

Chatigny & Palmer

Williams & Connoly

Law Clerk, Judge Jose A.
 Cabranes, U.S. District Court for
 the District of Connecticut

Law Clerk, Judge Samuel Conti,
 U.S. District Court for the
 Northern District of California

Law Clerk, Fulbright & Jaworski

Claims Adjuster, United States
 Fidelity & Guarantee Co.

EDUCATION

A.B., Brown University
 J.D., Georgetown University Law
 Center

Who is Chatigny?

On February 24, 2010 President Obama nominated Judge Robert Neil Chatigny for a position on the U.S. Court of Appeals for the 2nd Circuit. Judge Chatigny is currently a U.S. District Court Judge for the District of Connecticut.

Judge Chatigny is a personal friend and former campaign contributor of Sen. Dodd (D-CT) which has paid off nicely since the Senator recommended him for both the District Court and Court of Appeals positions.

Judge Chatigny's conduct in a 1987 death penalty case shows that he is not fit to be a federal judge and certainly should not be elevated to a position on the 2nd Circuit. In that case a Connecticut jury convicted Michael Ross kidnapping, raping, and murdering six women. Ross was sentenced to death and the Connecticut Supreme Court denied his appeal.

Judge behaving badly...

Ross did not attempt any federal appeals. In 2005 in a hearing regarding a federal habeas petition Judge Chatigny presided. Hearings

were called because of Ross' desire to not pursue any further appeals and the public defender filed a "next friend" brief claiming that the environment on death row had lead Ross to suffer "death row syndrome" leading to "sucidial despair as a result of long term solitary confinement." Fn.1. The behavior of Judge Chatigny during those hearings lead to ethics

charges being filed against him. Fn.2.

In one of the hearings, conducted via telephone, Judge Chatigny pushed Ross' attorney, T.R. Paulding, on why Paulding was following Ross' wishes to not pursue any further attempts to delay the execution. Judge

"Judge Chatigny should be impeached, not elevated. His shocking behavior in the Ross case aptly demonstrates his abject lack of judgment and temperament. As such his nomination is an abomination to anyone with decency."

-Bill Wilson, President, Americans for Limited Government.

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What you really need to know about Judge Chatigny

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Chatigny stated his belief that :

But looking at the record in a light most favorable to Mr. Ross, he never should have been convicted. Or if convicted, he never should have been sentenced to death because his sexual sadism, which was found by every single person who looked at him, is clearly a mitigating factor. Again we're looking at a record in a light most favorable to him. Fn.3.

Judge Chatigny didn't believe that Ross was really all that responsible for his conduct due to his condition:

I suggest to you that Michael Ross may be the least culpable, the least, of the people on death row.

Michael Ross, by what I see in the record, suffered from these intolerable obsessional bouts with sexual sadism, which were not relieved until he began that regimen of chemical castration, whereupon they were relieved. And then when it was taken away from him, they came back. And it was only when he got the alternative regimen that he found relief again.

He explains that the only people in the system who showed him any kindness were two women. The only ones who didn't treat him like a monster were these two women, yet in the grip of this disease he would lie awake all night thinking about sexually brutalizing them and killing them.

So is he a sick man? Boy, oh, boy.

So when he says, I feel that I'm the victim of a miscarriage of justice because they didn't treat it as a mitigating factor, I can well understand where he's coming from. Fn.4.

Judge Chatigny then proceeded to threaten the law license of Ross' attorney if he didn't comply with the Judge's wishes.

So I warn you, Mr. Paulding, between now and whatever happens Sunday night, you better be prepared to live with yourself for the rest of your life. And you better be prepared to deal with me if in the wake of this an investigation is conducted and it turns out that what Lopez says and what this former program director says is true, **because I'll have your law license.** Fn.5. (Emphasis added.)

In another case from 2001 Judge Chatigny struck down Connecticut's sex offender registry law on the basis that it violated the offender's rights under the Due Process Clause. The U.S. Supreme Court disagreed and unanimously reversed. Fn.6.

Sources for further reading:

Fn.1. *Ross v. Lantz*, 392 F.Supp.2d 236 (D. Conn. 2005).

Fn.2. *In Re Charges of Misconduct*, 465 F.3d 532 (2nd Cir. 2006).

Fn.3. Transcript of Telephone Conference in *Ross v. Lantz*, No. 3:05cv00116 and *Ross v. Rell*, No. 3:05cv00130, at 22 (D. Conn. January 28, 2005).

Fn.4. Transcript, *supra*, at 23-24.

Fn.5. Transcript, *supra*, at 29.

Fn.6. Judge Chatigny's order: *Doe v. Lee*, 2001 U.S. Dist. LEXIS 77281 (D. Conn. 2001). Supreme Court reversal: *Conn. Dept. of Pub. Safety v. Doe*, 538 U.S. 1 (2003).

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