

Recently Judge Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit (California and other western states) indicated, in a letter to Senator Orrin B. Hatch (Rep., Utah), that she would retire as a full-time judge upon the signing by her son of his commission as a judge on the same circuit court. Judge Fletcher wrote her letter in response to the position taken by Senator Hatch, who heads the U.S. Senate Judiciary Committee. Judge Fletcher's son, Professor William Fletcher, of the University of California, Berkeley's School of Law, was recently nominated by President Clinton for a position as judge on the Ninth Circuit court of Appeals. Senator Hatch stated he could not allow the judicial confirmation process to go forward until he received assurance from Judge Fletcher that she would retire from full time service on the court in the event that her son becomes a ninth circuit court of appeals judge. Senator Hatch has stated he considers it wrong both as a matter of principle and policy to have two individuals "closely related by blood" on the same federal judicial circuit.

Is Senator Hatch's position morally justifiable? If so, why? If not, why not?

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