

Representation and Indemnification of Judges

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Administrative Director

The Attorney General in the attached letter has reassured us that his office will continue to represent any judge who is the subject of a lawsuit arising out of an action taken in the course of official duties, regardless of whether that action was commenced under State or federal law, and regardless of administrative capacity. Further, the Attorney General advises that the State will indemnify judges of any award of monetary damages, including an award of counsel fees and costs. Finally, we are advised that judges may even be entitled to indemnification of punitive and exemplary damages in the discretion of the Attorney General.

The letter from the Attorney General was prompted by a request from me which asked for reassurance that judges would be provided with representation and indemnification in actions brought under the federal Civil Rights Act, and in actions arising from official conduct not strictly "judicial" in nature. As you are aware, the U.S. Supreme Court recently held, in *Forrester v. White*, 484 U.S. 219, 98 L. Ed. 2d 555, 108 S. Ct. 538 (1988), that a state court judge could not invoke the traditional doctrine of judicial immunity to defend against a lawsuit which contested the judge's firing of an employee.

EDITOR'S NOTE

No change has been made to the original text. No further policy statements on this issue have been made.