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*Judge Lamberth's Reign of Terror at the Department of Interior*

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Abstract by Melissa Sutton

The author looks at *Cobell v. Norton*, a case involving Indian trust accounts created by the General Allotment Act of 1887, and the alleged breach of fiduciary duties by the Department of Interior and Treasury Department in managing those accounts. The article argues that the actions taken by Judge Lamberth in that case are intolerable and explores the potential ways in which the legal system can reduce the risk of a judge acting inappropriately in the future.

The article discusses the long history of the *Cobell* case noting that it is the first modern case in which a cabinet officer has been held in contempt of court, and where a judge has ordered a cabinet department to disconnect its computers from the Internet. In addition, it is the first case since 1973 in which a court has issued a structural injunction against a federal agency.

The first part of the article describes the underlying dispute in *Cobell*. The second part of the article discusses two types of collateral actions Judge Lamberth has taken in the case, orders he has issued in contempt proceedings and orders he has issued requiring the DOI to disconnect its computers from the Internet. Part three of the article outlines the costs of Judge Lamberth's actions, and part four explores and evaluates the mechanisms that are presently available to limit a judge's ability to engage in similar actions. Finally, in part five of the article, the author proposes a new means of reducing the risk of judges engaging in such abusive behavior.