

Left-Out Judges Eye Protections Two Years After New Security Law

By Suzanne Monyak 2024-12-23T04:45:00000-05:00

- Advocates working on federal legislation to protect more judges
- Social security, immigration judges face workplace risks

Immigration and Social Security judges are among those who would gain greater protections under draft legislation circulating on Capitol Hill amid efforts to safeguard those left out of judicial security legislation enacted in 2022.

It's been two years since President Joe Biden signed legislation to limit public disclosure and sale of personally identifying information about federal judges and their family members. The bill, known as the Daniel Anderl Judicial Security and Privacy Act, was passed in the wake of the murder of a New Jersey federal judge's 20-year-old son by an attorney who posed as a delivery man.

State and local judges, who weren't included in the federal bill, have subsequently gained additional protections under more than two dozen new local laws. Now advocates are eyeing expanding federal privacy protections to administrative law judges and judges within federal agencies, according to draft legislative language viewed by Bloomberg Law. Separate legislation could help better monitor threats against state and local judges.

"All judges need to be protected," said Judge Esther Salas of the New Jersey federal trial court, who has spearheaded judicial security efforts after the murder of her son in 2020.

"It's important for us to be proactive, and come from an offensive standpoint, as opposed to a reactive one," Salas said. "By then it's too late."

Administrative judiciary

Immigration judges and Social Security judges, though not included in the 2022 legislation, face heightened risks due to the cases they handle, advocates say. Social Security judges make decisions

on individuals' disability payments, while immigration judges can make life-or-death decisions in deportation cases.

Claimants in Social Security proceedings have threatened to return to the courthouse with guns, to pay the judge visit at their home, to stab and kill the judge, to have the judge's children raped, and to blow up the building, according to a compilation of threats made against Social Security judges, reviewed by Bloomberg Law.

The Social Security Administration coordinates with the Department of Homeland Security's Federal Protective Service, which handles security for federal buildings, to provide a security officer for Social Security judges during hearings, and that hearings are rescheduled if no officer is available, an SSA spokesperson said.

The US Marshals Service doesn't extend the same protections to the Justice Department's immigration judges as it does to life-tenured judges and those who serve on bankruptcy, tax, and other Article I courts.

A spokesperson for the Justice Department's Executive Office for Immigration Review, which houses the immigration court system, said the "safety and security of the immigration judge corps and agency personnel remain a primary concern." The spokesperson declined to provide security specifics, but said security protocols at all immigration court buildings meet federal security requirements, regardless of whether the court is in a federally owned building.

Current and former immigration judges said security procedures vary by courthouse. Immigration courtrooms don't always have a dedicated guard, with security on the floor covering multiple courtrooms at once, said Mimi Tsankov, president of the immigration judges' union.

Paul Wickham Schmidt, a former immigration judge at the Arlington, Virginia courthouse, described immigration courts as the "Wild West" when it comes to security. While federal court judges typically have separate entrances, Schmidt said he's shared an elevator with attorneys and immigrants who appeared before him.

"The courtrooms are so small. The whole atmosphere, I think, is a stress builder," Schmidt said. "I did have the thought of, you know, it's just a matter of time before there is some disaster."

Advocates unsuccessfully tried to get those judges included in the 2022 bill, according to Matt Biggs, president of the International Federation of Professional & Technical Engineers, the national affiliate for the unions representing immigration and Social Security judges.

Extending the Daniel Aderl Act's protections to more judges would be "a very simple fix to a problem," Biggs said.

"If there seems to be a bipartisan opportunity to move something like this, we would certainly pursue it aggressively and make it a huge legislative priority," he said.

State efforts

The federal judicial security legislation provided a template for state legislatures to shore up privacy measures for state and local judges, and crack down on public information posted about all types of judges on state agency pages.

State court judges handle proceedings concerning intimate matters, including criminal sentencing, custody decisions, and divorce cases, said Bill Raftery, senior analyst with the National Center for State Courts, who tracks judicial security bills.

"Ultimately those types of cases you would associate with being the most emotionally fraught are exactly the ones that are taking place in state court," Raftery said.

More than a dozen states enacted or updated laws to ramp up protections for judicial officers in 2024 alone, including a number targeting judges' personal information online, according to the NCSC.

The Maryland General Assembly passed legislation this past spring to protect officials' personal information that was named for Andrew F. Wilkinson, a state court judge who was killed in his driveway last year. The judge had recently ruled against the suspected killer in a divorce proceeding.

The Senate [passed](#) legislation (S.3984) in June to create a centralized institute to track threats made against state court judges nationwide. The measure stalled in the House.

While the Marshals Service tracks threats against judges at the federal level and can detect patterns,

there aren't systems in place, either statewide or nationally, to keep track of individuals who threaten judges or otherwise pose security risks.

Salas said the creation of a central repository is the "next, real important step" to ramp up judicial protection for state courts.

"Many courts still rely too heavily just on physical security alone, and this puts too little emphasis on the prevention piece," said Judge Andrew Cooper of the Los Angeles County Superior Court, who chairs the county's judicial security committee. "If we're just relying on physical security, we're missing all of the activities along the path to attack."

To contact the reporter on this story: Suzanne Monyak at smonyak@bloombergindustry.com

To contact the editors responsible for this story: Seth Stern at sstern@bloomberglaw.com; John Crawley at jcrawley@bloomberglaw.com

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