



Justice on Trial: The Broken Foundations of the Courts of America Nandana Arun Iyer

Abstract

This paper explores the ethical, legal, and societal consequences of bypassing judicial procedures in the pursuit of criminal convictions. It examines whether securing a conviction at the cost of due process supports or undermines the core principles of justice. Using landmark cases like *Williams v. Pennsylvania* and *Liteky v. United States*, the paper highlights how violations of judicial ethics—such as failing to recuse or showing bias—can lead to wrongful convictions and damage public trust in the legal system. Beyond individual cases, these failures point to broader risks, including systemic abuses of power and weakened accountability. The analysis ultimately argues that due process is not a formality, but a fundamental safeguard that ensures fairness, protects rights, and upholds the rule of law.

Introduction

The execution of Julius and Ethel Rosenberg in 1953 stands out as a striking example of judicial failure, highlighting the consequences of bias and political influence in the courtroom. Convicted of espionage during the height of Cold War hysteria, their trial was marked by unreliable testimony, prosecutorial misconduct, and a legal system more focused on appeasing public fear than on ensuring a fair verdict. The judge, influenced by the political climate, imposed the death penalty despite questionable evidence, illustrating how a lack of judicial impartiality can lead to irreversible injustice. Their case serves as a reminder that when the courts fail to remain neutral and independent, the very foundation of justice is compromised.

The American judicial system has encountered numerous challenges in its august history. On its path to its current state, a significant portion stems from judicial errors. These errors arise from several factors, the primary one being a lack of impartiality in verdicts. The consequences of these verdicts shape the judicial system we have today, setting precedents that guide courts in making decisions that affect cases now and in the future.

Judicial malfeasance may be defined as the unethical or improper act performed by judges in the course of their official action that can potentially demolish the public's confidence in the legal system. The most notorious instances of judicial malfeasance include bribery by judges. When a judge accepts money or other benefits from lawyers or parties in a case in exchange for favorable judgments, this constitutes corruption. Not only do such bribery scandals soil the fairness of particular cases, but they also impair the perceived integrity of the justice system in general. Another example is when a judge fails to uphold impartiality by deliberately turning a blind eye to a conflict of interest. Wherever there are personal relationships or vested interests in the outcome of a case and judges refuse to recuse themselves, such decisions are biased and unjust. Such impartiality is a violation of the right of the defendant to a fair trial and of the principle of equal justice before the law. Both these examples illustrate the devastating consequences of judicial delinquency and the necessity for accountability within the judiciary.

Part I of this paper provides an overview of two cases in which justice was compromised. Part II emphasizes the importance of judges being aware of the necessity for recusal and the implications of bending the law to ensure that the balance of justice remains intact in criminal



cases. This paper concludes by suggesting that judges need to be cognizant of recusal so that the balance of justice is not affected in criminal cases.

I Historical Overview of Cases Where Justice Was Bypassed

A. Overview and Analysis of Williams v. Pennsylvania

The case of Williams v. Pennsylvania highlights the importance of fairness and integrity within the justice system. At its core is a foundational idea: judges must remain impartial, especially when someone's life or freedom is at stake. The case began with Terrance Williams, who was convicted of murder and sentenced to death, as he sought a fair hearing for his appeal. What makes this case particularly troubling is that one of the judges on the Pennsylvania Supreme Court, Ronald D. Castille, had been personally involved in Williams' original prosecution decades earlier when he served as the District Attorney of Philadelphia.

Judge Castille's involvement raises serious concerns about impartiality; he could not genuinely be neutral due to his close ties to the case. His actions directly impacted Williams' right to a fair and just outcome through the legal system. When judges are expected to review cases fairly but have a personal stake in them, it creates a conflict of interest. Even in the absence of actual bias, the mere appearance of unfairness can undermine public trust in the courts.

Ultimately, the U.S. Supreme Court sided with Williams, ruling that Castille's involvement in the appeal violated his due process rights—the constitutional guarantee of a fair trial. The Court made it clear that judges must not preside over cases where they have significant personal connections to the facts or individuals involved. In this instance, Castille's dual role as both prosecutor and judge exemplified a conflict of interest that should never have occurred. The decision in Williams v. Pennsylvania not only granted Williams another opportunity for an impartial hearing but also set a crucial precedent, underscoring the necessity of maintaining separation between prosecutorial and judicial roles to avoid any hint of bias.

This case sparked broader discussions about judicial ethics and prompted legal experts to call for stronger rules to prevent similar conflicts of interest in the future. Williams v. Pennsylvania serves as a reminder of the vital importance of fairness in the justice system. Judges possess immense power, and when they are not—or do not appear to be—completely neutral, the integrity of the entire process is called into question. By siding with Williams, the Supreme Court reaffirmed a foundational principle: justice must not only be done, but the correct precedents also need to be set. Maintaining public confidence in the fairness and integrity of the legal system is essential, and Williams v. Pennsylvania stands as a critical example of how the American judicial system must protect that trust.

B. Liteky v. The United States: Case Overview and Analysis

The judgment passed in Liteky v. United States, 510 U.S. 540 (1994), marked a significant turning point in the principles surrounding the recusal of judges under 28 U.S.C. § 455(a). This case examined the concept of impartiality within the judiciary, offering a nuanced interpretation of the extrajudicial source doctrine. This doctrine has assisted courts in identifying situations where a judge's bias warrants disqualification. By balancing the demands of impartiality with the realities of judicial responsibilities, the court aimed to protect the integrity of the legal process while establishing clear boundaries for recusal.



At the heart of the case was the question of whether a judge's impartiality could reasonably be challenged based on prior judicial interactions. The defendants, including Catholic priest Roy Bourgeois, claimed that the trial judge exhibited prejudice during their 1983 trial, and that this bias persisted into their 1991 trial for vandalism of federal property during a protest. Their motions for recusal were based on the argument that the judge's comments and decisions demonstrated a bias against them and their political motivations. However, the trial judge denied these motions, asserting that the conduct in question was merely part of normal courtroom procedures and not influenced by any external bias.

In its evaluation of the case, the Supreme Court applied the extrajudicial source doctrine, which helps differentiate between bias arising from external sources and that which emerges within judicial proceedings. Although judges are expected to remain neutral and impartial, their role involves making rulings on contested issues and forming opinions based on the cases presented. Such opinions do not constitute disqualifying bias unless they indicate a level of favoritism that makes fair judgment impossible. The Supreme Court determined that the criteria for disqualification set by the trial judge did not meet this standard. By ruling that external influence bias stemmed from the judge's actions within the courtroom, the trial judge avoided recusal.

The implications of this decision for the judiciary are profound. The Court provided two key rulings: first, judges are not required to recuse themselves automatically based on their statements or actions; second, frivolous or unjustified motions for recusal should be strictly discouraged. At the same time, the Court emphasized the importance of maintaining judicial impartiality by establishing a clear boundary: bias must originate from external, extrajudicial sources to warrant recusal. This balance protects judges from unreasonable challenges to their authority while still allowing for redress in legitimate cases of bias.

This case also highlights the critical role of public perception in maintaining confidence in the judiciary. The Court noted in its opinion that not every negative remark made by a judge undermines impartiality. The justices did acknowledge, however, that extreme favoritism or hostility—whether real or perceived—could damage public trust in the legal system. The Supreme Court chose not to consider the lower court's standards for recusal, emphasizing that recusal should be a last resort to preserve judicial independence and ensure fairness.

In conclusion, the decision in *Liteky v. United States* underscores the need for rational deliberation regarding judicial impartiality. The ruling on the extrajudicial source doctrine under § 455(a) strikes a fair balance between protecting judges from unfounded accusations of bias and maintaining the integrity of the justice system. This case exemplifies situations in which judicial recusal is necessary, supporting the principles of fairness and functionality in a vital branch of government.

C. Impact of the Cases on Society

The cases of *Liteky v. United States* and *Williams v. Pennsylvania* will likely shape how the judiciary addresses issues of recusal and bias. Both cases reaffirm the commitment of the judiciary to impartiality and provide essential guidance regarding judges' conduct, contributing to the broader societal debate about fairness and transparency. These decisions have had a significant impact on judicial behavior, precedents, and the public's perception of justice.

However, these cases also influence public sentiment regarding justice. They act as benchmarks for acceptable behavior within the judiciary as society increasingly demands integrity and transparency in the administration of justice. The questions raised by these rulings have sparked discussions on whether existing recusal standards adequately address issues of fairness and impartiality. This may lead to calls for legislative reforms that could enhance public confidence in the courts. Litigants now have various arguments and perspectives to galvanize discussion on these critical issues.

Lietky and Williams represent two contrasting approaches to recusal-based judicial bias. In *Liteky*, the Supreme Court took a strict stance on recusal, limiting its application to maintain judicial efficiency and uphold judges' ability to function freely. In contrast, *Williams* emphasized the moral imperative of impartiality, suggesting that it outweighs higher administrative interests. Together, these cases illustrate the historical tension between judicial independence and the need to preserve public confidence in the integrity of the justice system.

While *Liteky* reinforced traditional standards to support judicial authority, *Williams* marked a significant shift toward greater accountability for judges, especially when their past conduct might threaten impartiality. Collectively, these rulings reveal an evolving interpretation of judicial conduct that significantly influences broader concepts of fairness and trust in the judicial process.

In *Liteky v. United States*, decided in 1994, the Supreme Court examined the threshold for disqualification of judges under 28 U.S.C. § 455(a), which allows for disqualification when a judge's impartiality might reasonably be questioned. The petitioners sought to disqualify the presiding judge, claiming he was biased based on his prior remarks and conduct in earlier matters involving the same defendants. However, the Court of Appeals upheld the conviction, asserting that the judge's conduct and statements did not meet the standard required for recusal. Specifically, the ruling stipulated that there must be evidence of "deep-seated favoritism or antagonism" to justify disqualification. This ruling established the doctrine of "extrajudicial source," indicating that evidence of judicial bias sufficient for disqualification must come from sources outside the judicial proceedings rather than from impressions formed during the performance of judicial duties. Consequently, this ruling imposed a stringent standard for proving bias, aimed at protecting judicial authority and discretion while also addressing concerns about frivolous recusal motions. However, it raised concerns from a litigant's perspective over the inadequacy of the standard in safeguarding against unfair treatment, especially when a litigant feels their case has been handled unfairly, even if it does not meet the strict criteria established by the Court.

Conversely, *Williams v. Pennsylvania*, decided in 2016, reaffirmed that impartiality is crucial, particularly when a judge has previously participated in the case. Terrance Williams was convicted of murder in 1986, and the District Attorney, Ronald Castille, approved the death penalty. Years later, during post-conviction proceedings, it was uncovered that crucial mitigating evidence had been concealed during the original prosecution. When the case reached the Pennsylvania Supreme Court, Castille, now the Chief Justice, declined to recuse himself despite his prior involvement in Williams's case. The United States Supreme Court found this refusal to disqualify violated Williams's rights under the due process clause. The Court emphasized that public confidence in the judiciary relies on both its actual impartiality and its appearance of impartiality. The decision, which vacated the Pennsylvania Supreme Court's order to reinstate Williams's death sentence, underscored the need to eliminate any possible perception of bias, particularly in life-and-death cases. This ruling not only impacted Williams's case but also



established a precedent for stricter standards regarding judges' recusal when they have significant prior involvement in a case.

The contrasting outcomes of these cases reflect differing views on judicial recusal. In *Liteky v. United States*, the Court prioritized judicial independence and the efficient administration of justice, setting a high bar for proving bias to prevent unwarranted challenges against judges. Yet, this approach risked undermining public confidence in judicial fairness when concerns about bias arise.

If the original verdict in *Liteky v. United States* had not been reversed, the petitioners' convictions for destruction of U.S. property would have remained in effect. This outcome would have also upheld the denial of the defense's motion to disqualify the District Judge, which was based on concerns about his conduct during a prior trial involving one of the defendants, Bourgeois.

Similarly, if the original decision in *Williams v. Pennsylvania* had not been overturned, Terrance Williams's conviction for first-degree murder and robbery, as well as his death sentence, would have remained in place. The Pennsylvania Supreme Court's affirmation of the conviction and sentence would have stood, and Williams's petitions for postconviction relief would have continued to be denied. The central issue in this case was judicial impartiality, specifically whether a judge who had previously served as a prosecutor in a case could later preside over an appeal related to that same case. If the original ruling had not been reversed, it would have set a precedent allowing judges to oversee cases in which they had prior involvement as prosecutors. This could have weakened the public's trust in the judicial system by creating concerns about fairness and bias in legal proceedings.

Preventing Injustice and Unfair Outcomes

Ensuring fairness and impartiality in the legal system requires proactive measures at various levels, particularly for judges and prosecutors. Judges can minimize bias by avoiding rushed decisions, using structured checklists, and taking breaks to prevent fatigue-related errors in judgment. Writing detailed opinions allows for deeper reflection and helps identify any unintended biases. Engaging in implicit bias training and promoting diversity within judicial chambers can further reduce the influence of stereotypes. Additionally, maintaining an open mindset by considering how a decision might change if the defendant had different characteristics fosters fairer rulings. These practices uphold the principles of justice and ensure that every case is evaluated based on evidence rather than unconscious prejudice.

Prosecutors also play a vital role in maintaining fairness by adhering to ethical guidelines that prevent public statements from unfairly influencing trials. Avoiding comments on a defendant's character or prior record ensures that cases are judged solely on legal grounds. Systemic measures, such as judicial independence, proper selection processes, and protections against external pressures, are crucial for maintaining integrity in the justice system. Judicial review further strengthens fairness by allowing courts to overturn unlawful or irrational decisions made by government authorities. While courts cannot change primary legislation, they can hold public officials accountable and ensure that laws align with human rights principles. By implementing these strategies, the legal system can better prevent unfairness and injustice, fostering greater public trust and protecting individuals' rights.

Conclusion

Judicial impartiality is essential for maintaining public trust in the legal system. The cases of *Liteky v. United States* and *Williams v. Pennsylvania* highlight the complexities of judicial recusal and bias. *Liteky* reinforced the high standard required for judicial disqualification, protecting judges from frivolous recusal motions while ensuring courtroom efficiency. However, it also raised concerns about whether judicial rulings alone could create an appearance of bias. In contrast, *Williams* emphasized the importance of preventing conflicts of interest, establishing that a judge's prior involvement as a prosecutor in a case necessitates recusal to uphold due process.

Together, these cases demonstrate the balance between judicial independence and accountability. While *Liteky* sought to protect judges from undue challenges, *Williams* prioritized public confidence in fairness. Both cases underscore the need for clear recusal standards to prevent injustice while maintaining the integrity of legal proceedings. Moving forward, strengthening ethical guidelines and judicial training can further ensure that the legal system remains impartial, transparent, and just.

Works Cited

- *Liteky et al. v. United States*. VLEX, 1 Jan. 2025, <https://case-law.vlex.com/vid/liteky-et-v-united-889422623>.
- *Liteky v. United States*, 510 U.S. 540 (1994). Justia Supreme Court, 1 Jan. 2025, <https://supreme.justia.com/cases/federal/us/510/540/>.
- *Liteky v. United States*, 510 U.S. 540 (1994). Legal Information Institute, Cornell Law School, 25 July 2016, <https://www.law.cornell.edu/supct/html/92-6921.ZO.html>.
- *Williams v. Pennsylvania*. Oyez, 29 Feb. 2016, <https://www.oyez.org/cases/2015/15-5040>.
- *U.S. Supreme Court. Liteky et al. v. United States*. Legal Information Institute, Cornell Law School, 25 July 2016, <https://www.law.cornell.edu/supremecourt/text/510/540>.
- *Liteky v. United States*. Casetext, <https://casetext.com/case/liteky-v-united-states/analysis?citingPage=1&sort=relevance>.
- *Liteky v. United States*. CourtListener, <https://www.courtlistener.com/opinion/112935/liteky-v-united-states/summaries/?page=463>.
- *Williams v. Pennsylvania*, 136 S. Ct. 1899 (2016). Casetext, <https://casetext.com/case/williams-v-pennsylvania-11/analysis?citingPage=1&sort=relevance>.



- *Williams v. Pennsylvania*. Constitutional Accountability Center, <https://www.theconstitution.org/litigation/williams-v-pennsylvania-u-s-sup-ct/>.
- "Liteky v. United States: The Supreme Court Restricts The Judicial Bias Exception." *University of Richmond Law Review*, <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2114&context=lawreview>.
- "Williams v. Pennsylvania: The Intolerable Image of Judicial Bias." *Loyola University Chicago Law Journal*, <https://lawcommons.luc.edu/lucj/vol49/iss1/7/>.
- "Judicial Recusal at the Court." *University of Pennsylvania Law Review Online*, https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1069&context=penn_law_review_online.
- "Judicial Disqualification: An Analysis of Federal Law, Third Edition." U.S. Government Publishing Office, <https://www.govinfo.gov/content/pkg/GOVPUB-JU13-PURL-gpo195239/pdf/GOVPUB-JU13-PURL-gpo195239.pdf>.
- "Non-Brady Legal and Ethical Obligations on Prosecutors to Disclose Exculpatory Evidence." *University of Michigan Law*, https://www.law.umich.edu/special/exoneration/Documents/NRE_Exculpatory_Evidence_Obligations_for_Prosecutors.pdf.
- "Prosecutorial Integrity - Transforming the System." *Transforming the System*, <https://transformingthesystem.org/pdfs/CJReport-Integrity.pdf>.
- "Prosecution Strategies for Avoiding Racially Biased Convictions." *USC Gould School of Law*, <https://gould.usc.edu/why/students/orgs/ilj/assets/docs/32-3-Bowman.pdf>.
- "A Policy Proposal to Reduce Unconscious Bias in the Criminal Justice System." *Behavioral Policy*, https://behavioralpolicy.org/wp-content/uploads/2017/05/BSP_vol1is2_-Sah.pdf.
- "Reducing Racial Bias Through Screening, Compassion, and Procedural Justice." *Boston University*, <https://www.bu.edu/pilj/files/2022/05/REVISED-3-Morris-for-Submission.pdf>.
- "Williams v. Pennsylvania: Strengthening Judicial Recusal Standards." *CaseMine Commentary*, <https://www.casemine.com/commentary/us/williams-v.-pennsylvania:-strengthening-judicial-recusal-standards-for-former-prosecutors-under-due-process/view>.
- "Protecting Fair and Impartial Courts: Reflections on Judicial Independence." *Judicature*, <https://judicature.duke.edu/articles/protecting-fair-and-impartial-courts-reflections-on-judicial-independence/>.



- "Providing Justice - United States Courts." United States Courts, <https://www.uscourts.gov/data-news/reports/strategic-planning/strategic-plan-federal-judiciary/issue-1-providing-justice>.
- "Judicial Immunities Promote Fair and Impartial Judgments." UNODC, <https://www.unodc.org/dohadeclaration/en/news/2020/03/judicial-immunities-promote-fair-and-impartial-judgments.html>.
- "Basic Principles on the Independence of the Judiciary." *Office of the High Commissioner for Human Rights*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>.
- "Strategies for Avoiding Conflicts of Interest." Brown & James Law Firm, <https://brownjames.com/news/strategies-for-avoiding-conflicts-of-interest/>.
- "Code of Conduct for United States Judges." United States Courts, <https://www.uscourts.gov/administration-policies/judiciary-policies/ethics-policies/code-conduct-united-states-judges>.
- "Judicial Ethics & Recusal." Brennan Center for Justice, <https://www.brennancenter.org/issues/strengthen-our-courts/promote-fair-courts/judicial-ethics-recusal>.
- "Recuse." Legal Information Institute, Cornell Law School, <https://www.law.cornell.edu/wex/recuse>.
- "Rule 2.11: Disqualification." American Bar Association, https://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct/model_code_of_judicial_conduct_canon_2/rule2_11disqualification/.
- "28 U.S. Code § 455 - Disqualification of Justice, Judge, or Magistrate." Legal Information Institute, Cornell Law School, <https://www.law.cornell.edu/uscode/text/28/455>.
- "To Recuse or Not to Recuse?" Texas District & County Attorneys Association, <https://www.tdcaa.com/journal/to-recuse-or-not-to-recuse/>.
- "Getting Explicit About Implicit Bias." Judicature, Duke University, <https://judicature.duke.edu/articles/getting-explicit-about-implicit-bias/>.
- "Standard 10.20. Court's Duty to Prevent Bias." Judicial Branch of California, https://courts.ca.gov/cms/rules/index/standards/standard10_20.



- "Fair Trial & Public Discourse." American Bar Association, https://www.americanbar.org/groups/criminal_justice/resources/standards/fair-trial-public-discourse/.
- "The Right to a Fair Trial." Fair Trials International, <https://www.fairtrials.org/the-right-to-a-fair-trial/>.
- "Prosecution Function." American Bar Association, https://www.americanbar.org/groups/criminal_justice/resources/standards/prosecution-function/.
- "Fair and Prompt Trial." Rule of Law Education Centre, <https://www.ruleoflaw.org.au/principles/fair-and-prompt-trial/>.
- "The Race to the Top to Reduce Prosecutorial Misconduct." *Fordham Law Review*, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=5799&context=flr>.