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Judge in porn tempest has distinguished career

Associated Press

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1 hour, 32 minutes ago

Alex Kozinski is more accustomed to appearing on lists to fill U.S. Supreme Court vacancies than headlines involving pornographic scandals.

But on Wednesday, the chief judge of the country's largest federal appeals court was forced to suspend an obscenity trial he was presiding over after sexually explicit images posted to his his family's Web site became public.

The Los Angeles Times reported that Kozinski had posted sexual material on his personal Web site and then blocked access after being interviewed about it Tuesday evening.

Kozinski, 57, told the Times he thought the material on his site, which included a video of a man cavorting with a sexually aroused farm animal, couldn't be seen by the public. The judge said he didn't believe any of the images were obscene.

"Is it prurient? I don't know what to tell you," he told the newspaper. "I think it's odd and interesting. It's part of life."

Yale Kozinski, the judge's film editor son, told The New York Times on Wednesday that the site is registered to him and he maintains it. Friends and family are able to post there, he said.

"The fact that it was publicly accessible actually is my fault, too," Yale Kozinski told the newspaper. "I made a mistake in configuring it."

Neither father nor son made clear Wednesday who posted the images in question. Judge Kozinski said earlier that he didn't believe any of them were obscene.

He suspended until Monday the trial of Ira Isaacs, who is charged with obscenity for selling movies depicting bestiality and extreme fetishes involving feces and urination. Appellate judges such as Kozinski occasionally handle trial court cases.

Kozinski told lawyers in the case he wanted to give them time to consider whether to ask that he be disqualified. Federal prosecutors were discussing their options, Department of Justice lawyer Kenneth Whitted said.

At best, the exposure of his Web site was an embarrassing turn of events for Kozinski, who reached the pinnacle of a long, illustrious and colorful judicial career in November when he was appointed chief judge of the 9th U.S. Circuit Court of Appeals, which has jurisdiction over nine western states.

The appointment capped a 26-year career on the bench that began in 1982 at age 32 when he was named chief of the newly created federal claims court, which handles lawsuits related to federal contracts.

Three years later, President Ronald Reagan appointed him to the 9th Circuit, making him the youngest federal appellate judge in the country.

President George H.W. Bush seriously considered nominating Kozinski for high court openings in 1990 and 1991, though the jurist hasn't received the same considerations from the current Bush administration.

Still, Kozinski enjoys a sterling reputation as an eloquent opinion writer and a titan on the bench even while his off-the-bench eccentricities run the gamut.

Kozinski, 57, was born in Romania to Holocaust survivors and came to America when he was 12. Six years later, he won a date in 1968 while appearing on the TV show "The Dating Game" after greeting the contestant with "good afternoon, flower of my heart."

He purports to build his own computers and said he was "an authority on snowboarding" while successfully vying to win a gossip blog's contest for "judicial hottie."

He has written video game reviews for the Wall Street Journal, and his prolific commentary on everything from the death penalty to the use of Yiddish in the law has appeared in legal journals and mainstream media alike.

Kozinski is notoriously independent-minded.

Seven years ago, he engaged Washington, D.C., federal court administrators in a battle over Web filters they installed to block porn from government computers. The computer-savvy Kozinski walked into a government computer room in San Francisco and personally disabled the filters for three appellate circuits, including his own, touching off a feud with administrators he ultimately won when they stopped blocking porn.

Kozinski often puts in 80-hour work weeks and is infamous for sending 3 a.m. e-mails to the recent law school graduates who successfully win coveted one-year appointments as his law clerk.

"He has an outlandish personality for a federal judge," said former clerk Harry Susman, a Houston lawyer. "He has a great sense of humor."

It's unclear whether Kozinski faces any court discipline. Circuit judges are appointed for life and can only be fired by Congress, though fellow jurists can impose censures.

Cathy Catterson, circuit executive for the 9th Circuit, said the issue was "a private matter of the judge at this point."

She said the material was on a home server that was maintained "for use by his family" and that it made up only a small percentage of the items, which also included family pictures and documents.

"Most of it was jokes," said Catterson, who hadn't seen the material.

She said that after the story broke, one of the judge's sons called Kozinski to say he had been responsible for uploading some of the material onto the computer. However, she could not say how much or what material was involved.

The Times reported that Kozinski said he must have accidentally uploaded the images to his server while trying to upload something else. He also said he would delete some material, including a picture of nude women on all fours painted to look like cows, which he called "degrading," the paper said.

Before his site was blocked, visitors to <http://alex.kozinski.com> saw a message: "Ain't nothin' here. Y'all best be movin' on, compadre." Visitors who knew about a subdirectory could see the sexually explicit materials, as well as some of Kozinski's legal writings and personal photos, the Times said.

The judge refused to comment as he left court.

"I'm not going to say anything," he said. "The trial is ongoing."

Associated Press writers Michael R. Blood and Robert Jablon in Los Angeles and Greg Risling in Pasadena, Calif., contributed to this report.

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