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Appeals court dismisses complaint against judge

Panel says that despite The Times' allegations of favoritism in judgments and fees, the jurist's ties didn't affect his impartiality.

By Ashley Powers, Los Angeles Times Staff Writer
December 11, 2007

LAS VEGAS -- The U.S. 9th Circuit Court of Appeals has dismissed a complaint against a federal judge who awarded more than \$4.8 million in judgments and fees to people with whom he had long-standing political and business ties.

U.S. District Judge James C. Mahan of Las Vegas, who was featured in a 2006 Los Angeles Times investigation into the Nevada judiciary, was cleared of allegations that he had personal connections with those involved in cases he heard.

Many of those relationships "were not of the nature or extent alleged" and didn't affect the judge's impartiality, the 9th Circuit Judicial Council said.

A special committee that interviewed more than 30 witnesses, got 16 affidavits and reviewed media coverage and court transcripts unanimously recommended that the complaint be dismissed.

Mahan, appointed to the federal bench in 2002, declined to comment. He told the Las Vegas Review-Journal in October that he was "very heartened" by the findings. "All a judge has is his integrity," Mahan said. "This whole thing was an attack on my integrity, and frankly, I felt like it was an attack on the Nevada judiciary."

The court launched its investigation after The Times' series detailed how Mahan's decisions in more than a dozen cases had benefited his former law partner, his former judicial campaign treasurer or the former treasurer's son.

On several occasions, the judge appointed George Swarts, his former treasurer, or Swarts' son to be a special master or receiver of businesses embroiled in legal disputes. The men were paid up to \$250 an hour.

Swarts -- who was assigned to either investigate the business disputes or run the companies until they were settled -- often hired Frank A. Ellis III, Mahan's former law partner, as his attorney. Rulings Mahan made from the bench instructed various parties to pay Swarts and Ellis a total of more than \$700,000.

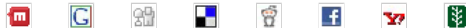
Mahan denied any wrongdoing in not disclosing his relationships with the men and said he appointed receivers based on their ability.

Mahan was one of several current and former Nevada judges featured in The Times' report, which has prompted the state to reexamine how its judges are selected.

After the series, U.S. District Judge Terry J. Hatter Jr. of Los Angeles urged an investigation by the 9th Circuit., which oversees nine Western states including Nevada and California. Hatter could not be reached for comment.

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