

Judicial Immunity Study Guide

Short Answer Questions

1. Define "judicial immunity" and explain its purpose.
2. What is the two-part test used to determine if judicial immunity applies in a given situation?
3. What is the distinction between acting in "excess of jurisdiction" and acting in a "clear absence of all jurisdiction"? How does this relate to judicial immunity?
4. List and briefly explain four factors used to analyze whether an official was acting in a "judicial capacity."
5. Explain the significance of the case *Stump v. Sparkman* in understanding judicial immunity.
6. Why might a law clerk be granted judicial immunity? Cite a relevant case example.
7. Under what circumstances can a judge be sued for injunctive relief despite the doctrine of judicial immunity?
8. How does the principle of protecting the "integrity of the court" relate to the justification for judicial immunity?
9. What is the meaning of the statement, "immunity is justified and defined by the functions it protects and serves, not by the person to whom it attaches"?
10. What are two case examples recommended for further reading and why are they considered helpful for understanding judicial immunity?

Short Answer Key

1. Judicial immunity is the doctrine that protects judges from civil liability for actions performed in their official capacity, as long as they are acting within their jurisdiction. The purpose is to safeguard the independence of the judiciary and ensure judges can make decisions without fear of reprisal.
2. The two-part test is: (a) the official's act is within his/her jurisdiction; and (b) the official was acting in a judicial capacity.
3. "Excess of jurisdiction" refers to errors or mistakes made by a judge within their authorized area of power. "Clear absence of all jurisdiction" means the judge acted completely outside their authority. Judicial immunity generally protects against liability for actions taken in excess of jurisdiction, but not for those in the clear absence of all jurisdiction.
4. Four factors: (a) the act was a normal judicial function; (b) it occurred in chambers or open court; (c) it involved a pending case; (d) the confrontation arose directly from a visit to the judge in their judicial capacity.
5. In *Stump v. Sparkman*, the Supreme Court upheld judicial immunity even when a judge's decision was arguably wrong. The case emphasized the broad protection offered by the doctrine.
6. Law clerks can be granted judicial immunity because their work is essential to the functioning of the court and is performed under a judge's supervision. *Oliva v. Heller* is a case where a law clerk was granted immunity.
7. A judge can be sued for injunctive relief despite judicial immunity if a declaratory decree was violated or if declaratory relief was unavailable.
8. Judicial immunity is seen as crucial to protecting the "integrity of the court" because it allows judges to make decisions free from undue influence or fear of lawsuits, ensuring public confidence in the judicial process.

9. This statement emphasizes that the focus of immunity is on the *function* being performed, not the individual holding the position. It underscores that the purpose of immunity is to protect the role itself to ensure its proper execution.
10. The study guide recommends *Mireles v. Waco* and *Young v. Selsky*. Both cases deal with judicial immunity, are considered succinct, and provide a useful summary of other fundamental decisions on the topic.

Essay Questions

1. Analyze the arguments for and against the doctrine of judicial immunity. Consider the balance between protecting judicial independence and ensuring accountability for potential wrongdoing.
2. Discuss the historical development of judicial immunity, highlighting key cases and the evolution of the doctrine over time.
3. Explain the distinction between absolute and qualified immunity, and discuss how this distinction applies to judges and other government officials.
4. Analyze the scope of judicial immunity and the circumstances under which it might not apply. Provide specific case examples to illustrate your points.
5. Critically evaluate the application of judicial immunity to non-judge actors within the judicial system, such as law clerks, court personnel, and probation officers.

Glossary of Key Terms

- **Absolute Immunity:** Complete protection from civil lawsuits, regardless of the official's intent or motives.
- **Civil Liability:** Legal responsibility for harm caused to another person, often resulting in financial damages.
- **Declaratory Decree:** A court order that clarifies the legal rights and obligations of parties involved in a dispute.
- **Excess of Jurisdiction:** Actions taken by a judge that exceed their authority but are still within the general scope of their jurisdiction.
- **Injunctive Relief:** A court order requiring a party to do or refrain from doing a specific action.
- **Judicial Capacity:** Actions taken by a judge that are directly related to their official duties and responsibilities.
- **Jurisdiction:** The legal authority of a court to hear and decide specific types of cases.
- **Qualified Immunity:** Protection from civil liability for government officials, as long as their actions did not violate clearly established statutory or constitutional rights.
- **Section 1983 Lawsuit:** A civil lawsuit brought under 42 U.S. Code § 1983, alleging a violation of constitutional rights by a state or local government official.
- **Semblance of Jurisdiction:** A situation where a judge appears to have jurisdiction over a matter, even if that jurisdiction is later found to be lacking.