

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT
MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:
Complaints of Judicial Misconduct

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* 06-26-90021
* 06-26-90042
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MEMORANDUM AND ORDER

Before me are two complaints of judicial misconduct and disability concerning the Honorable Thomas L. Ludington, United States District Judge for the Eastern District of Michigan. One was filed by Gabe Roth, the executive director of a national nonprofit organization, under 28 U.S.C. § 351(a) (the “outside complaint”). The other was identified by me under 28 U.S.C. § 351(b) and Rule 5 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (the “Rule 5 complaint”). I have consolidated the two complaints for consideration and resolution. Both complaints stem from Judge Ludington’s arrest on suspicion of drunken driving on October 3, 2025.

The complaints and the events that preceded them identify cognizable, and serious, grounds of misconduct and disability. Judge Ludington now acknowledges that reality and has committed to voluntary corrective action that respects the remedial goals of the Judicial Conduct and Disability Act. He has agreed to a lengthy leave of absence (roughly 18 months), treatment for alcohol use disorder, regular testing, and consistent reporting to the chief circuit judge about his progress. Should he seek to resume hearing cases as a district judge, he will do so only after taking senior status, only in connection with successful alcohol testing establishing his capacity to return to the bench, and only in connection with regular and random alcohol testing for as long as he sits on the bench. With these commitments and for the reasons elaborated below, I conclude these proceedings on the basis of Judge Ludington’s voluntary corrective action.

I.

The Judicial Conduct and Disability Act tasks the chief circuit judge with initial review of filed and identified complaints. 28 U.S.C. § 352(a). The chief judge may (1) “dismiss the complaint”; (2) “conclude the proceeding” because “appropriate corrective action has been taken” or “intervening events” have made action “no longer necessary”; or (3) refer the complaint to a special committee. 28 U.S.C. §§ 352(b), 353; Rule 11(a),

Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Judicial-Conduct Rules”).

In considering what to do, the chief judge “may conduct a limited inquiry.” 28 U.S.C. § 352(a); Judicial-Conduct Rule 11(b). As part of that inquiry, the chief judge may speak with the judge in question or people “who may have knowledge of the matter,” and he may “obtain and review” “relevant documents.” Judicial-Conduct Rule 11(b).

My limited inquiry into this matter includes review of a formal response from Judge Ludington as well as numerous conversations with Judge Ludington, his lawyer, his chief district judge, and others. I have also reviewed records from Judge Ludington’s state court matter and other documents and reports concerning Judge Ludington’s health and wellbeing.

On October 3, 2025, Judge Ludington presided over the selection of a grand jury at his duty station in Bay City, Michigan. He went home in the afternoon and prepared to drive to his cottage located several hours away. Judge Ludington admits that he drank one vodka and ice, with food, before his departure. He then began his drive. Judge Ludington “accepts that he must have consumed alcohol somewhere along the way, . . . and that he drank so much that it brought him to the point of dangerously high intoxication.” Resp. 3.

Shortly after 7:00 that evening, an eyewitness called 911 to report that a car was driving with its hazard lights on, had driven off the road twice, and had struck two road signs. The state police found Judge Ludington in his car at the entrance of a roadside market that is roughly two-and-a-half hours from Bay City. The car had significant damage and the side airbags had deployed. Judge Ludington denied having had anything to drink but showed signs of intoxication and performed poorly on field sobriety tests. After failing to complete a breath test, Judge Ludington was arrested and given a blood test. The test revealed a blood alcohol content of 0.27, significantly above Michigan’s legal limit. Judge Ludington was charged with operating a vehicle while intoxicated and operating a vehicle with a blood alcohol content of 0.17 or higher.

The bodycam footage of Judge Ludington’s arrest, released nearly five months after the arrest, largely speaks for itself. Judge Ludington was clearly incapacitated. He inappropriately invoked his status as a federal judge more than once. And while being placed in the cruiser by an officer, he directed an expletive at one of the officers.

Judge Ludington did not tell his chief district judge or me about the arrest for several weeks. The chief district judge of Judge Ludington’s district learned about the arrest several weeks later, in late October 2025, and promptly told me about it. At that point, and without the benefit of the bodycam footage, I worked with the chief district judge to “conduct an inquiry” to assess the situation. Judicial-Conduct Rule 5. As part of that initial inquiry, the chief district judge and another district judge colleague met with Judge Ludington to discuss the incident. The meeting went reasonably well, and Judge Ludington committed to undertake corrective action. See *id.* He agreed to (1) undergo an

alcohol assessment analysis with the state court handling the drunken-driving charge; (2) undergo a medical assessment of his alcohol consumption and any related issues that could impede his ability to perform his judicial duties; (3) cease consuming alcohol; and (4) maintain ongoing communication with the chief district judge. Initial internal reports suggested that Judge Ludington was complying with the corrective action plan.

In early 2026, concerns arose that Judge Ludington was not adhering to the corrective action plan. He had not yet completed an independent medical assessment. And he was not communicating with the chief district judge in a regular and satisfactory manner. These and other pieces of information raised questions about his commitment to the corrective action plan.

In January and February 2026, public reports of Judge Ludington's arrest and criminal charges, along with the release of the bodycam footage, disclosed the most damaging details about the arrest. On February 23, after conversations with the chief district judge and his district court colleagues, Judge Ludington volunteered to take a leave of absence pending resolution of the state criminal action. Judge Ludington has not presided over cases since that date.

The public exposure of the details of the arrest prompted Gabe Roth to file the outside complaint, which he did on February 24. See Complaint, *In re Complaint of Judicial Misconduct*, No. 06-26-90021. Drawing on public sources, the outside complaint focused on the October 3 incident and accused Judge Ludington of concealing the incident.

Relying on concerns expressed by the chief district judge that Judge Ludington was not complying with the corrective action plan, as well as on the new details of his arrest that emerged with disclosure of the bodycam footage, I identified a Rule 5 complaint on the ground that probable cause existed that Judge Ludington had engaged in misconduct and that he suffered from a disability. See Order, *In re Complaint of Judicial Misconduct*, No. 06-26-90042 (Mar. 20, 2026).

On April 8, 2026, Judge Ludington entered a no-contest plea to a charge of operating a motor vehicle while intoxicated in violation of Mich. Comp. Laws § 257.625(1)(a). On May 13, 2026, a Michigan judge sentenced him to six months of probation, including twice-weekly drug and alcohol tests. On September 1, 2026, due to Judge Ludington's compliance with these conditions, the state judge discharged him from probation several months early.

Since identifying the complaint, I have overseen extensive discussions between Judge Ludington, his lawyer, and others, and reviewed several medical reports supplied by his doctor and other medical professionals. During this period, Judge Ludington has expressed remorse for his conduct. "He is ashamed to have acted as he did, and he fully accepts responsibility for his conduct and for the embarrassment it has caused the court as a whole." Resp. 2. He has apologized to the arresting officer, to the Michigan drivers

who shared the road with him on October 3, to the judge who presided over his criminal case, and to his colleagues on the district court.

Judge Ludington has also admitted that “[a]lcohol consumption” became “an issue” for him in recent years. Resp. 2. He has committed himself to complete abstinence from alcohol. Resp. 4. He has submitted to testing that confirms his sobriety since February 2026. He has satisfied the conditions of probation arising from the state-court action, including successful alcohol testing. He has undergone other substance abuse assessments. And he has sought treatment for his condition.

II.

The Judicial Conduct and Disability Act, as its name suggests, creates a remedial framework for resolving concerns about a judge’s behavior and his capacity to fulfill the constitutional responsibilities of the office. The Act separately covers judicial misconduct and judicial disabilities.

Misconduct. The Act addresses conduct that is “prejudicial to the effective and expeditious administration of the business of the courts.” 28 U.S.C. § 351(a). Federal judges “should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved.” Code of Conduct for U.S. Judges, Canon 1.

Cognizable misconduct extends to actions “occurring outside the performance of official duties if the conduct is reasonably likely” to have a “substantial and widespread lowering of public confidence in the courts among reasonable people.” Judicial-Conduct Rule 4(a)(7). Not every ill-considered action taken by a judge falls under the Act’s purview. For example, the “categorization of conduct as an offense under state law” is not by itself “a sufficient basis for a finding of judicial misconduct.” *In re Charge of Judicial Misconduct*, No. 06-9056 (2d Cir. C.J. Dec. 14, 2007); see also *Report of the Nat’l Comm’n on Jud. Discipline & Removal* (1993), reprinted in 152 F.R.D. 265, 343 (1994) (noting that “some criminal conduct by a judge unquestionably does not fall within the Act’s jurisdiction”). The misconduct standard instead focuses on how a judge’s conduct affects the public’s confidence in the courts and the administration of justice, a fact-specific inquiry that turns on the nature of the criminal law at issue and the extent of any violation.

Gauged by this standard, Judge Ludington’s drunken-driving arrest on October 3, 2025, had a serious adverse effect on the judiciary’s reputation and the public’s confidence in his ability to carry out his responsibilities. Judge Ludington created a severe and unjustifiable risk to public safety when he drove his car with a blood alcohol content of 0.27. After law enforcement officers arrived, his interactions with them fell well short of what is expected of a federal judge. Fairly or unfairly, his arrest and behavior during it have been viewed over a million times on YouTube. It would be difficult to maintain that this flagrant misbehavior did not have a meaningful effect on public confidence in the courts.

Disability. Judges, like citizens, are not immune to health challenges. The Act separately provides a remedy for situations in which a “judge is unable to discharge all the duties of office by reason of mental or physical disability.” 28 U.S.C. § 351(a). Disability is “a temporary or permanent impairment, physical or mental, rendering a judge unable to discharge the duties of the particular judicial office.” Judicial-Conduct Rule 4(c). The Act extends to “substance abuse” and its stubborn capacity to lead people to do things they otherwise would not do. *Id.*

Several aspects of my inquiry raised serious questions about whether Judge Ludington’s use of alcohol is consistent with his ability to fulfill the responsibilities of a United States district judge. To his credit, Judge Ludington now acknowledges as much and admits that he had a drinking problem at the time of his arrest.

The two complaints, in short, identify cognizable grounds that Judge Ludington engaged in misconduct and has a disability.

III.

A.

If a chief judge identifies a cognizable claim, he may appoint “a special committee to investigate the facts and allegations contained in the complaint,” 28 U.S.C. § 353(a)(1), or he may “conclude the proceeding if the chief judge finds that appropriate corrective action has been taken,” *id.* § 352(b)(2).

As to the second possibility, a chief judge “may conclude a complaint proceeding in whole or in part if [he] determines that the subject judge has taken appropriate voluntary corrective action that acknowledges and remedies the problem raised by the complaint.” Judicial-Conduct Rule 11(d)(2). This mechanism “is premised on the implicit understanding that voluntary self-correction or redress of misconduct or a disability may be preferable to sanctions.” Commentary to Judicial-Conduct Rule 11. Resolution of a complaint on these grounds requires three things: (1) a voluntary agreement by the subject judge; (2) a sufficiently corrective remedy; and (3) an otherwise appropriate remedy.

Voluntary. The chief judge does not have authority to issue sanctions under the Act; that power is reserved for the Judicial Council. See 28 U.S.C. § 354(a). He may, however, “facilitate” a corrective action “by giving the subject judge an objective view of the appearance of the judicial conduct in question and by suggesting appropriate corrective measures.” Commentary to Judicial-Conduct Rule 11. The subject judge must voluntarily commit to any such plan. *Id.*

Corrective. The action must also be corrective. Where conduct “has resulted in identifiable, particularized harm” to an individual, the action “should include steps taken by that judge to acknowledge and redress the harm, if possible, such as by an apology, recusal from a case, or a pledge to refrain from similar conduct in the future.” *Id.*

Appropriate. The remedy also should be proportionate “to any plausible allegations of misconduct” and “to any sanctions that the judicial council might impose under Rule 20(b).” *Id.* When evidence suggests that a judge’s conduct was caused by “drugs, alcohol, or a medical condition,” appropriate action may include “referral to an assistance program.” Commentary to Code of Conduct for U.S. Judges, Canon 3B(6).

B.

I am satisfied that the proposed voluntary corrective action fairly addresses the two complaints.

Since his arrest, and especially since February 2026, Judge Ludington has taken essential steps to address and correct the behavior covered by the two complaints. He has committed to abstaining from any alcohol use. Resp. 4. He has participated in random alcohol testing as a condition of his probation and agreed to undertake additional testing to confirm his abstinence. Since February 2026, Judge Ludington has taken a voluntary leave of absence from the bench, resolved the criminal case against him, and sought help for his drinking problem, including through an independent substance use assessment and treatment. Judge Ludington publicly apologized for his conduct during his sentencing, issued private apologies to his district court colleagues and the arresting officer, and has conveyed to me sincere contrition for what happened.

In addition, Judge Ludington has volunteered to undertake the following actions:

- (1) He will remain on a leave of absence from his judicial duties until September 1, 2027, one year after his successful discharge of probation arising from the state court action, in order to ensure that his recovery is on a solid footing;
- (2) He will take senior status before concluding his leave of absence;
- (3) He will participate in ongoing treatment, as specified in an agreement between the two of us, and with any changes to that treatment reported to the chief circuit judge; and
- (4) He will undergo regular as well as random alcohol testing, with results disclosed to the chief circuit judge, for as long as he decides to handle cases as a district court judge.

Judge Ludington’s response, as it stands today, deserves credit. He has taken concrete steps to change his conduct and address his health problem. He has committed himself to sobriety and has accepted measures that provide support and objective accountability for that commitment, including consenting to the public disclosure of his name in this order. See Judicial-Conduct Rule 24(a)(1). These measures recognize the seriousness of his misconduct and demonstrate a sustained effort to address the health challenges that led to it. I find Judge Ludington’s commitment to be meaningful, verifiable, ongoing, and aligned with the objectives that formal discipline would otherwise seek to achieve.

Accordingly, it is **ORDERED** that the complaint be concluded under 28 U.S.C. § 352(b)(2) and Judicial-Conduct Rules 11(a)(2) and 11(d)(2). It is further **ORDERED** that the names of the complainant and subject judge be disclosed under Judicial-Conduct Rule 24(a)(1) and (5).

/s/ Jeffrey S. Sutton
Chief Judge

Date: September 21, 2026