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## LAW

# Case Sheds Light on Judge

By **SARAH N. LYNCH**

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WASHINGTON—An administrative law judge at the Commodity Futures Trading Commission heard and decided cases during a period when his wife said he struggled with mental illness and alcoholism, court records show.

Administrative law judge George H. Painter, 83 years old, issued rulings as recently as Feb. 26, 2010. A range of medical problems led to a 21-day stay in a geriatric psychiatric ward in June, according to Montgomery County (Md.) Circuit Court records filed by his wife's lawyer. Those records were filed in an effort by his wife to seek guardianship over the judge.

Nicholas J. Schor, an Olney, Md., psychiatrist, wrote on Aug. 26, 2010, that Judge Painter's disability was "profound" and it prevented him from making or communicating any responsible decisions, according to court records.

Judge Painter's lawyer, Jean Galloway Ball, said in an interview he is capable of "managing his person and property." A CFTC spokesman declined to comment.

The disclosure comes as the CFTC takes on a bigger role due to the Dodd-Frank financial-regulation law passed in July. The law gives the CFTC broad authority to tighten regulation over some of the financial instruments blamed for contributing to the 2008 financial crisis.

The agency's two administrative law judges have seen their role diminish in recent years. The CFTC can ask the Merit Systems Protection Board, an independent body in the executive branch, to remove or suspend an administrative law judge. Matt Shannon, a board official, said it doesn't have a record of any such request against Judge Painter.

In a separate action, a document dated Sept. 17 and signed by Judge Painter said the other administrative law judge, Bruce Levine, is biased against investors. The document said Judge Levine forces plaintiffs without legal representation "to run a hostile gauntlet until they lose hope."

Judge Levine declined to comment, but a former colleague defended Judge Levine's record and said he is fair.

Judge Painter's wife, Elizabeth Ritter, is a longtime lawyer at the CFTC. She and Judge Painter are in the middle of divorce proceedings, which the judge initiated.

Ms. Ritter's attorney, Kim Viti Fiorentino, said Ms. Ritter is just trying to take care of her ailing husband and that he should be able to receive "the kind of care and treatment and loving oversight that she thinks he deserves."

The judge's son, Douglas Painter, and a niece said in legal filings protesting the guardianship claim that the judge doesn't exhibit the mental problems described in court records by his wife. Judge Painter's lawyer, Ms. Galloway Ball, said he intends to fight the guardianship case.

"We are disputing the need for the establishment of a guardian and disputing that he suffers from Alzheimer's," said Ms. Galloway Ball.

In the Sept. 17 document, Judge Painter said he plans to step down in January and asked the agency to transfer his pending cases to an outside judge instead of Judge Levine.

Judge Painter has six cases pending before him, with total claims adding up to a little more than \$1 million, according to a CFTC spokesman.

In June, doctors at Johns Hopkins Hospital diagnosed the judge as having "probable Alzheimer's type dementia with behavioral disturbance," according to a discharge statement in court records.

"His wife states that although he has been getting a full-time paycheck, he mainly sleeps at work," according to the Johns Hopkins medical records that also cite an interview with Judge Painter's wife.

The son's legal filing contains results of a 30-question medical test, conducted by a geriatric-care manager and dated July 1, 2010, that describes Judge Painter as mentally competent.

A guardianship petition filed by Ms. Ritter on Aug. 30 says a Georgetown Hospital doctor first diagnosed Judge Painter with "cognitive impairment, alcoholism and depression" in March 2008. Before that, his wife said the judge "began to exhibit significant and abnormal behavioral changes" and he started "drinking up to eight martinis a day" in 2007.

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