

Order denying respondents' motion to disqualify Harry R. Hinkes as administrative law judge in this case.

Appearances

For the Commission: *David R. Pender, Michael A. Katz and Thornton P. Percival.*

For the respondents: *Carl Pruzan, Casey & Pruzan, Seattle, Wash.*

ORDER DENYING MOTION TO DISQUALIFY ADMINISTRATIVE LAW
JUDGE

Pursuant to Section 3.42(g)(2) of the Commission's Rules of Practice, respondents have moved to disqualify Harry R. Hinkes as administrative law judge in the above-captioned matter. Judge Hinkes has replied to this motion and respondents have filed a response to the reply which, although unauthorized by our rules, has been considered.

Although respondents advance eight separate points in support of their motion, only their charges of prejudgment as to the merits and of personal bias could—if proved—serve as grounds for Judge Hinkes' disqualification. These charges are based primarily on statements made by the judge in a telephone conversation with respondents' counsel who recorded it without the judge's knowledge. Reading those statements in context, we conclude that they do not constitute prejudgment of factual issues or personal bias such as would warrant the disqualification of an administrative law judge. Respondents' other charges relate to the reasonableness of the judge's decision in setting the trial date and not to his ability to preside at that trial. Respondents do not argue that this decision is so unreasonable as to be explicable only by the judge's lack of objectivity, nor would the documents before us support such an argument if they had made it.

Although we have considered the transcript of the above conversation in reaching our decision, we most emphatically do not approve of the method by which it was obtained. If, as respondents' counsel states, he merely wanted an accurate record of the conversation, he should have so informed the law judge at the outset. We are, therefore, taking under consideration the question of whether the actions of respondents' counsel warrant any further Commission action. Accordingly,

It is ordered, That the aforesaid motion be, and it hereby is, denied.

IN THE MATTER OF

LEAR SIEGLER, INCORPORATED, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND CLAYTON ACTS

Docket C-2542. Complaint, Sept. 12, 1974—Decision, Sept. 12, 1974

Consent order requiring Santa Monica and Pasadena, Calif., manufacturers of safety helmets, among other things to cease interlocking directorates. Further, each corporation is required, for a five-year period, to obtain from each director or prospective director an annual report disclosing other corporations with sales over