

Ex parte Virginia

100 U.S. 339 (1880)

Supreme Court of the United States

Issue: No immunity for ministerial/non-judicial acts; no immunity from criminal law

Holding on Judicial Immunity

A state judge who excluded Black citizens from jury service was subject to federal criminal prosecution. The Court characterized the selection of jurors as a ministerial act, not a judicial one, establishing early that a judge's non-adjudicative acts are not shielded and that immunity is no bar to criminal liability. The Supreme Court still cites *Ex parte Virginia* for the rule that administrative/ministerial acts are not 'judicial acts' (see *Forrester v. White*, 484 U.S. at 228).

Key Quotations (verbatim)

“Whether the act done by [the judge] was judicial or not is immaterial. ... [The selection of jurors] is merely a ministerial act, as much so as the act of a sheriff holding an execution, in determining upon what piece of property he will make a levy, or the act of a roadmaster in selecting laborers to work upon the roads.”

— *Ex parte Virginia*, 100 U.S. 339, 348 (1880).

Full opinion (authoritative source): <https://www.courtlistener.com/opinion/90041/ex-parte-virginia/>

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