

Stump v. Sparkman

435 U.S. 349 (1978)

Supreme Court of the United States

Issue: Immunity upheld on extreme facts (sterilization of a minor)

Holding on Judicial Immunity

The most notorious application of judicial immunity. A judge approved an ex parte petition to sterilize a 15-year-old girl, who was told she was having an appendectomy and discovered the truth years later when she could not conceive. The Court held the judge absolutely immune because approving the petition was a 'judicial act' and he was not acting in the clear absence of all jurisdiction.

Key Quotations (verbatim)

“A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the 'clear absence of all jurisdiction.'”

— Stump v. Sparkman, 435 U.S. 349, 356–57 (1978).

“[T]he factors determining whether an act by a judge is a 'judicial' one relate to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., whether they dealt with the judge in his judicial capacity.”

— Stump v. Sparkman, 435 U.S. 349, 362 (1978).

“[W]hat Judge Stump did on July 9, 1971, was in no way an act 'normally performed by a judge.' Indeed, there is no reason to believe that such an act has ever been performed by any other Indiana judge, either before or since.”

— Stump v. Sparkman, 435 U.S. 349, 367 (1978) (Stewart, J., dissenting).

Full opinion (authoritative source): <https://www.courtlistener.com/opinion/109820/stump-v-sparkman/>

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