



Monday, October 1, 2018

Chief Judge Merrick Garland and  
Office of the D.C. Circuit Executive,  
E. Barrett Prettyman  
U.S. Courthouse and  
William B. Bryant Annex  
333 Constitution Ave., NW  
Washington, DC 20001

## **JUDICIAL MISCONDUCT COMPLAINT**

### **Regarding BRETT KAVANAUGH**

CONTACT INFORMATION IS BELOW

Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits? No

Have you filed any lawsuits against the judge? No

### **Brief Statement of Facts.**

This is a Judicial Misconduct complaint filed pursuant to the April 23, 2013 Statement of Judge Anthony J. Scirica, Chair, Judicial Conference Committee on Judicial Conduct and Disability. This Statement was before the Subcommittee on Courts and the Committee on the Judiciary U.S. House of Representatives on "An Examination of the Judicial Conduct and Disability System."

**THIS COMPLAINT OF JUDICIAL MISCONDUCT  
ARISES OUT OF THE SET OF FACTS DERIVED FROM THE  
NOMINATION OF BRETT KAVANAUGH TO THE U.S.**

**SUPREME COURT ALONG WITH THE DERIVATIVE FACTS  
EMANATING THEREFORE.**

Attached are the facts and legal support for this Complaint of Judicial Misconduct.

Declaration and Signature:

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

Signature:

[REDACTED]

Date: Monday, October 1, 2018

SHANIA'S (and the Professor's) UNHEARD LAMENT?

by

[REDACTED]

Shania (not her real name) was a short-order cook at a small college outside of metropolitan Portland, Oregon. Her male boss was taken with porno and made it his business to leave his office door open while he and the other male employees took their daily porno break. The porno could be easily seen from Shania's work station, but not by customers. The boys made it their raucous duty to ensure that she knew when the good parts arrived. To her chagrin.

Shania did all she could about reporting this show-and-tell to her bosses' boss. Nothing. She hired an attorney who put her through the

civil-rights reporting paces. All twelve (12) steps. The last step was before [REDACTED] who called her in for a pleading/status conference. [REDACTED] was not gentle in outlining the impossible civil rights case Shania had; almost yelling at her. Judge [REDACTED] mien was similar to Judge Kavanaugh's diatribe of September 27, 2018 to the U.S. Senate Judiciary Committee and America's live audience.

Shania was about 50 years old and had a comely, but a bit rough exterior. She was notably self-conscious of her missing front tooth. Her boyfriend and she lived in a one bedroom motel where they struggled to make ends meet.

At the conclusion of [REDACTED] diatribe I could see Shania was shaken. Devastated even. She missed our next appointment. A few days after that, I stopped by her place and spoke to her boyfriend. She apparently had told relatives in California she was on her way there. She never showed up. No one has ever heard from her again.

This comes at the moment of Senator Jeff Flake's postponement of the vote on the Judge Kavanaugh U.S. Supreme Court nomination. The handwriting is on the wall. Wake up Mr. Trump.

## SEPARATION OF POWERS

All the media and all the learned commentators are looking the wrong way. There is a principle contained in our government known as the separation of powers. Let us begin with a fact NOT in dispute. Brett Kavanaugh is a member of the judiciary. By enacting the Judicial Conduct and Disability Act of 1980 (28 USC Section 351-364) Congress entrusted to the Judiciary the responsibility to regulate judicial conduct and disability. The Act authorizes chief circuit judges to initiate complaints to the respective Judicial Councils. Here that would be the D.C. Circuit Court Judicial Council. The judiciary has come under fire in recent years for failing to use the act as intended. Critics accuse federal judges of going easy on their colleagues who committed egregious misdeeds, out of a sense of sympathy or undue favoritism.

The contretemps of it all in the Ninth Circuit occurred when seemingly safe and sane Chief Judge Schroeder gave way to an idiot like Kozinski. Worse is the tenure of Chief Judge Sidney Thomas who replaced Kozinski, the latter of which along with multiple Ninth

Circuit Judges.....should clearly have been impeached. That concept is now on all our minds for many protected bad judges.

**(2018) WHAT SHOULD HAVE HAPPENED:**

Chief United States Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit is Merrick Garland. Judge Kavanaugh works in that Circuit. Chief Judge Garland is required by law to refer the complaints against Kavanaugh to the Judicial Council of the D.C. Circuit for an evaluation of what investigation is warranted. Judge Kavanaugh is subject to: The JUDICIAL CONFERENCE OF THE UNITED STATES and their Rules for Judicial-Conduct and Judicial-Disability Proceedings as Amended September 17 2015. <sup>1</sup>

**A Page of History is Worth a Volume of Logic**

Many years ago, Chief Justice of the Supreme Court of the United States, William Rehnquist, got wind of some doings in the Ninth Circuit that was a part of the **Judge Alex Kozinski-con**. The usage of courthouse computers was skyrocketing. Judge Rehnquist put his loyal public servant, Leonidis Mecham, the Executive Director

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<sup>1</sup> <https://www.youtube.com/watch?v=7IYzbHW6ux8>

of the Administrative Office of the Judicial Conference of the United States to explore why. It was Judge Kozinski's love of porno.

Mr. Mecham began monitoring the Internet communications of the judicial branch as an administrator of the U.S. Judicial Conference.

Led by [Ninth Circuit Judge Alex Kozinski](#),<sup>[8]</sup> the Federal Judges Association, which represents about 85% of U.S. federal judges, adopted a resolution opposing that very monitoring. Mr. Mecham accused Kozinski of having a "great interest in keeping pornography available to judges."

In **2004**, Chief Justice of the U.S. Supreme Court William H. Rehnquist pointed out that there "has been some recent criticism from Congress about the way in which the Judicial Conduct and Disability Act of 1980 is being implemented." He appointed what came to be known as the Breyer Committee to look into that matter.

The Breyer Committee rendered their report in **2006**. Ninth Circuit Court Judge M. Margaret McKeown appeared before the House Committee on the Judiciary on behalf of the Judicial

Conference of the United States on December 10, **2009** to explain how these new requirements worked.

Senator Grassley and the Senate Judiciary Committee could have changed the laws of the United States to completely circumvent this acknowledged mess back in 2015. They could have done this by passing the proposed Judicial Transparency and Ethics Enhancement Act of **2015**. Viz.

**“Introduced in Senate (05/21/2015)**

**Judicial Transparency and Ethics Enhancement Act of 2015**

Amends the federal judicial code to establish the Office of Inspector General for the Judicial Branch, to be headed by an inspector general appointed by the Chief Justice. Sets a term of four years, which may be extended by additional reappointments. Authorizes the Chief Justice to remove an inspector general from office. Requires the office to: (1) conduct investigations of alleged misconduct in the judicial branch, including the Supreme Court; (2) conduct and supervise audits and investigations; and (3) prevent and detect waste, fraud, and abuse. Provides for whistleblower protection.”

## **AN EDUCATION IN THE LEGAL PROFESSION**

There is Something Wrong with the Entire Judge System.

It is hard to fathom a component of our government so broken.

In the same Circuit as Kavanaugh, a 51 year old woman is suing U.S.

District Court Chief Judge, Richard W. Roberts, because he had sex with her during a murder trial. It was a case in which she was a teenage

witness and he was a prosecutor at the time. He does not deny the charge. This is in the same D.C. Circuit where the Kavanaugh proceedings are happening.

Former D.C. Chief District Court Judge **Richard W. Roberts**—better known as “Ricky”—has had the ultimate Washington legal career. He was a longtime federal prosecutor. He worked for Covington & Burling, one of DC’s most powerful law firms. In 1998, President Clinton appointed him to the US District Court for DC, among the most influential benches in the country. In 2013, he became its chief judge.

In early 2016, the Utah Attorney General’s Office and Terry Mitchell filed complaints of judicial misconduct against Judge Richard W. Roberts (now retired) of the U.S. District Court for the District of Columbia under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (amended Sept. 17, 2015). Terry Mitchell alleged in part that Judge Roberts, prior to his judicial appointment, “used his authority and status as a federal prosecutor to manipulate and coerce [then-]sixteen-year-old Terry Mitchell”—a witness in a 1981 trial—“into numerous sex acts before and throughout the trial.”. When the D.C. Circuit was confronted with rape victim Terry Mitchell’s claims against



D.C. Circuit Chief District Court Judge Richard W. Robert, ***Chief Justice John Roberts*** dutifully assigned the matter to the Tenth Circuit where U.S. Circuit Court Chief Judge Tymkovich presided. Why is that procedure not being followed here??

Former Governor of Oregon Neil Goldschmidt had sex with his baby sitter. She never got over it and died young. He is still doing fine.

Federal Court Judge Cebull of Montana admits to racist correspondence which forced him to write a letter of apology to President Obama. Judge Real should get real. Judge Pickering too.

With former Ninth Circuit Chief Judge Alex Kozinski, the bad press is legion. He has judged cases where his wife had a financial interest in the 90's. In 2000's he was sanctioned by the Judicial Council for purloining pornography to a public internet site which he hosted. He defied that body and resumed his porno site at his Chambers. When his Chief Judge 'Gavel' was passed to incoming Ninth Circuit Federal Court Chief Judge Sidney Thomas he admitted that he should have been impeached. Judge Thomas is no better. Hundreds, even thousands of foreclosure cases in the Western States involve Bank of America, U.S. Bank and Wells Fargo. Ninth Circuit Federal Court Chief Judge's

former law firm represents all of these banks. Judge Thomas himself represented creditors against consumers in bankruptcy cases. Why is our judiciary ignoring this blatant conflict of interest? Where is the press?

### **SOMETHING ROTTEN HERE?**

Somewhere the sun is shining; somewhere children play, somewhere consumers and the '99%' are happy. Not anywhere close by.

Hold on to that thought. The 'System' requires that ALL federal court judges disclose these things to you. These very judges, sworn to uphold the law do not honor that requirement. Even though it is mandatory.

**2018** — Judge Gorsuch avoided meaningful evaluation because [the ABA Judicial Evaluation system](#) that Shania's attorney had reported on to the local Senators had never been reported on nor adopted. Moreover, Gorsuch avoided a conflict check evaluation because his Colorado office was not following the U.S. Judicial Conference Policy on Mandatory Conflict of Interest Reporting requirements. Mr. Kozinski— ignores these rules while diverting his attention to porno:



A former clerk for Judge Alex Kozinski said the powerful and well-known jurist, who for many years served as chief judge on the U.S. Court of Appeals for the 9th Circuit, called her into his office several times and pulled up pornography on his computer, asking if she thought it was photoshopped or if it aroused her sexually. Heidi Bond, who clerked for Kozinski from 2006 to 2007, said the porn was not related to any case. One set of images she remembered was of college-age students at a party where "some people were inexplicably naked while everyone else was clothed." Another was a

sort of digital flip book that allowed users to mix and match heads, torsos and legs to create an image of a naked woman.

Bond is one of six women — all former clerks or more junior staffers known as externs in the 9th Circuit — who alleged to The Washington Post in recent weeks that Kozinski, now 67 and just now forced off the bench, subjected them to a range of inappropriate sexual conduct or comments. She is one of two former clerks who said Kozinski asked them to view porn in his chambers.

Early friskiness is the subject of these jurists [planting a kiss](#).

Now, Judge Kozinski is retiring. Judge Richard W. Roberts is taking early retirement and medical leave. All former chief judges.

### IN SUMMARY

The U.S. Senate should follow its rules. The Judiciary should follow its rules. The rest of us should report these misdeeds to our local police departments for subsequent reporting to the Judicial Conference of the United States along with a complaint for judicial misconduct under their Rules for Judicial Misconduct.

