



October 1, 2018

Ms. Betsy Paret
Circuit Executive, U.S. Court of Appeals for the District of Columbia Circuit
and Secretary of the Judicial Council of the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866

Re: Kavanaugh-Judicial Misconduct Complaint

Dear Ms. Paret:

Attached is a copy of a Judicial Misconduct Complaint ("Complaint") against Judge Brett Kavanaugh. I am a recognized ethics and professionalism expert in the [REDACTED] and I have used my knowledge as such in analyzing and applying the *Code of Conduct for United States Judges* ("Code") for this Complaint.

I am compelled to file this Complaint against Judge Kavanaugh after observing his testimony before the Committee on the Judiciary of the United States Senate on September 27, 2018 ("Testimony") and my subsequent review the Code. This filing is intended to satisfy the requirements of *28 USC Ch. 16: Complaints Against Judges and Judicial Discipline*.

It is my belief that during his Testimony Judge Kavanaugh engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. I am hopeful that after your review of this Complaint, you will be in agreement and appropriate actions will be taken.

With voting on Judge Kavanaugh's U.S. Supreme Court ("Court") nomination expected to occur within the week, it is urgent that this Complaint be considered promptly.

The Supreme Court, as the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States, is the final arbiter of the law. The Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution. Therefore, it is imperative that each and every Supreme Court Judge possess the highest level of ethics and professionalism, and project the same to the public at all times.

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As per the Code:

- Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary
- Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities
- Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently
- Canon 4: A Judge May Engage in Extrajudicial Activities That Are Consistent with the Obligations of Judicial Office
- Canon 5: A Judge Should Refrain from Political Activity

I am convinced that Judge Kavanaugh seriously breached the Code during his Testimony by often: exhibiting uncontrolled anger, verbally attacking Senators as they tried to fulfill their responsibilities by questioning him, making extremely partisan statements, providing what appeared to be numerous false and/or misleading responses, etc. The media has reported that more than 20,000 individuals listened to or viewed his Testimony and I am sure many more have since become aware of his performance. Based on Judge Kavanaugh's Testimony and poor behavior I am convinced that he will not be able to be a fair and impartial judge, and with tens of thousands being aware of his Testimony, he has caused serious damage to, and diminished public confidence in, the judiciary and injured our system of government under the law.

Much of Judge Kavanaugh's behavior and words spoken during his Testimony violated the Code and supported the claim that he is unfit to serve as a judge.

If the allegations against Judge Kavanaugh are false, I can understand his anger. That said as a judge, and especially one being considered for a seat in the highest court of the land, I think it is only appropriate to expect him to understand that our elected officials have a responsibility to the American people to take the most appropriate steps to identify the truth in the Supreme Court confirmation process. Judge Kavanaugh's responsibility was to be objective, honest and take necessary steps to help the process, not frustrate it.

To end, following is a quote from Judge Kavanaugh's Testimony that I believe even in the best light can only be interpreted as a thinly-veiled threat and highlights the reason that we should all be concerned about him serving as a judge:

[Kavanaugh] *"And as we all know, in the United States political system of the early 2000s, what goes around comes around. I am an optimistic guy. I always try to be on the sunrise side of the mountain, to be optimistic about the day that is coming."*

I respectfully request that this Complaint be seriously considered, and appropriate action taken against Judge Kavanaugh. To the extent that it would be helpful, I will be happy to discuss this Complaint with you and/or provide additional details.

Sincerely,



Enclosure - Judicial Misconduct Complaint

**JUDICIAL COUNCIL OF THE DISTRICT OF COLUMBIA CIRCUIT
COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**

E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866
202-216-7340

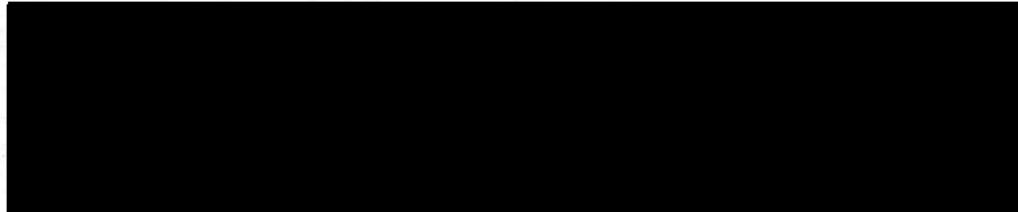
This form should be completed and mailed to the above address to the attention of the "Circuit Executive". The envelope should be marked "JUDICIAL MISCONDUCT COMPLAINT" or "JUDICIAL DISABILITY COMPLAINT". Do not put the name of the judge on the envelope.

The "Rules for Judicial-Conduct and Judicial-Disability Proceedings", adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. Your complaint (this form and the statement of facts) should be typewritten and must be legible. Only the original form and up to a five page statement of facts should be submitted. No copies are required.

1. Name of Complainant:

Address:

Telephone:



2. Name(s) of Judge(s) complained about: Judge Brett Kavanaugh

Court: U.S. Court of Appeals for the D.C. Circuit

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

Yes No

If "yes" give the following information about each lawsuit (use reverse side if more than one):

Court:

Case number:

Are (were) you a party or lawyer in the lawsuit? N/A

Party Lawyer Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

Docket number(s) of any appeals of above case(s) to the Court of Appeals, D.C. Circuit:

4. Have you filed any lawsuits against the judge?

Yes No

If "yes" give the following information about each lawsuit (use the reverse side if more than one)

Court: _____

Case number: _____

Present status of lawsuit: _____

Your lawyer's name: _____

Address: _____

Telephone: () -

Court to which any appeal has been taken in the lawsuit against the judge: _____

Docket number of the appeal: _____

Present status of the appeal: _____

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based on up to five double-sided pages (8.5 x 11"). Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation. See Rule 6 (a) for further information on what to include in your statement of facts.

Please see cover letter.

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: _____

Date: 10/1/2018 _____