

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

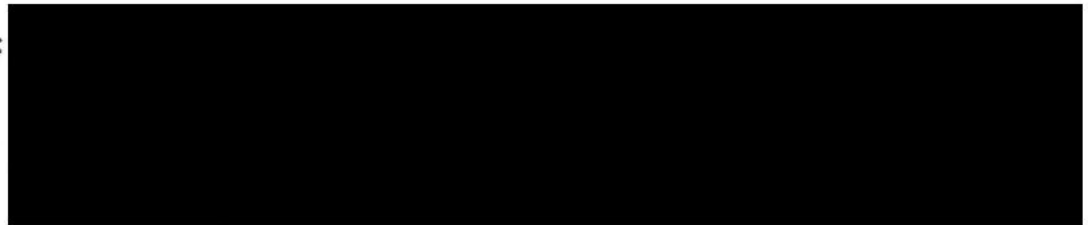


E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001-2866  
202-216-7340

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 District of Columbia

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?

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: \_\_\_\_\_

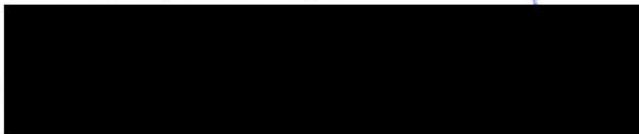
Present status of the appeal: \_\_\_\_\_

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.

**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: 10.4.2018 \_\_\_\_\_



My complaint focusses on four major areas of Judge Kavanaugh's culpability:

1. Multiple credible accusations of **sexual assault** or other sexual misconduct, in each case exacerbated and/or enabled by youthful binge drinking.
2. A plethora of **lies, disseminations and possibly perjurious statements** intended to cloud the multiple allegations in a fog of uncertainty, to cast himself as a saintly and innocent victim, and to whitewash his troublesome and partisan school, college and Bush White House years.
3. **A clear and troublesome lack of basic anger management** skills, as evidenced by his raging, self-righteous, rude and often unhinged testimony at the Senate Judiciary Committee hearings on September 27th 2018.
4. Compelling evidence of his blatant and inappropriate partisanship, unbecoming of a judge at any level, and singularly disqualifying for a Justice of the Supreme Court.

**1. Multiple credible accusations of sexual assault or other sexual misconduct, in each case exacerbated and/or enabled by youthful binge drinking.**

Judge Kavanaugh has been credibly accused of sexual assault or other sexual misconduct by several women, and in each case this alleged behavior appears to have been exacerbated and/or enabled by his well-documented youthful binge drinking.

Although Judge Kavanaugh has tried to downplay his youthful drinking, his denials are simply not credible. Multiple former roommates and classmates, including Chad Ludington (*"I can unequivocally say that in denying the possibility that he ever blacked out from drinking, and in downplaying the degree and frequency of his drinking, Brett has not told the truth"*) have come forward to state that Kavanaugh was often aggressively and/or obnoxiously drunk - a 'sloppy drunk' - and that this drunkenness sometimes led to unfortunate incidents, such as a fight at a bar in Boston, initiated by Kavanaugh, that led to the police being called.

With regards to the aforementioned allegations of sexual assault, the testimony of Dr Christine Blasey Ford was consistent, believable and damning, and to a certain extent corroborated: she voluntarily took a polygraph test (which, though inadmissible in court, was in the past approvingly described in general terms by Judge Kavanaugh); she affirms that she told both her therapist and her husband in 2012 (and according to the laws of evidence, her therapist's notes would be admissible in court); and she reached out to her member of Congress and to the press well before Judge Kavanaugh's name was nominated,

Although every allegation (at least four of which the Senate Judiciary Committee is now aware) has thus far been vigorously denied by Judge Kavanaugh, it is also a fact that his denials are overwhelmed by the mounting evidence of his hard drinking and unpleasant, abusive and perhaps unlawful behavior when under the influence.

**2. A plethora of lies, disseminations and possibly perjurious statements intended to cloud the multiple allegations in a fog of uncertainty, to cast himself as a saintly and innocent victim, and to whitewash his troublesome and partisan years in the Bush White House.**

By now Judge Kavanaugh's cavalier attitude towards truth-telling is well documented (*"one thing is certain: He lied repeatedly to the Judiciary Committee on Thursday. Some of his lies, about the testimony of witnesses and the integrity of investigations, go to the heart of our system of justice. Any senator who votes to put this man on the Supreme Court is saying that such lies don't matter."* - Slate magazine at <https://slate.com/news-and-politics/2018/09/kavanaugh-lied-senate-judiciary-committee.html>), but it should not be overlooked that the very least we should expect from a Supreme Court Justice is fidelity. Without that, our system of justice itself is in grave danger, and right now Americans have serious and well-founded doubts about the veracity of Judge Brett Kavanaugh.

As Senator Lindsay Graham said in January 1999, *"I have argued to you that when you found that a judge was a perjurer, you couldn't in good conscience send him back in a courtroom because everybody that came in that courtroom thereafter would have a real serious doubt."*

Here is a quickly-assembled list of articles documenting many of Judge Kavanaugh's lies:

*Kavanaugh Lied to the Judiciary Committee - Repeatedly* (Slate)

<https://slate.com/news-and-politics/2018/09/kavanaugh-lied-senate-judiciary-committee.html>

*All Of Brett Kavanaugh's Lies Distortions and Absurdities* (Washington Post)

[https://www.washingtonpost.com/blogs/plum-line/wp/2018/10/02/all-of-brett-kavanaughs-lies-distortions-and-absurdities/?noredirect=on&utm\\_term=.a39166727fd4](https://www.washingtonpost.com/blogs/plum-line/wp/2018/10/02/all-of-brett-kavanaughs-lies-distortions-and-absurdities/?noredirect=on&utm_term=.a39166727fd4)

*How We Know Kavanaugh Is Lying* (Current Affairs)

<https://www.currentaffairs.org/2018/09/how-we-know-kavanaugh-is-lying>

*Kavanaugh's Growing List of Lies Gets Longer And Longer* (ProChoice America)

<https://www.prochoiceamerica.org/2018/10/01/lies-longer-and-longer/>

*Five Times Brett Kavanaugh Appears to Have Lied to Congress While Under Oath* (Mother Jones)



<https://www.motherjones.com/politics/2018/09/five-times-brett-kavanaugh-appears-to-have-lied-to-congress-while-under-oath/>

*In Plain Terms, Judge Brett Kavanaugh Lies About Everything* (Esquire)

<https://www.esquire.com/news-politics/politics/a23511160/brett-kavanaugh-lies-about-everything/>

*The Unbearable Dishonesty of Brett Kavanaugh* (The Intercept)

<https://theintercept.com/2018/09/29/the-unbearable-dishonesty-of-brett-kavanaugh/>

*All Of Brett Kavanaugh's Lies* (GQ)

<https://www.gq.com/story/all-of-brett-kavanaughs-lies>

**3. A clear and troublesome lack of basic anger management skills, as evidenced by his raging, self-righteous, rude and often unhinged testimony at the Senate Judiciary Committee hearings on September 27th 2018.**

Even allowing that Judge Kavanaugh may have been righteously angry at the predicament in which he finds himself, at the maelstrom surrounding him and his family, and at accusations he claims to be unfair and partisan, his demeanor throughout his testimony was wholly and completely unbecoming of a judge. Furthermore, his anger and condescension would not have been tolerated under any circumstances from any accused or any witness at any hearing or trial presided over by any judge in any court in the land. Even in his own court.

**4. Compelling evidence of his blatant and inappropriate partisanship, unbecoming of a judge at any level, and singularly disqualifying for a Justice of the Supreme Court.**

In his prepared remarks to the Senate Judiciary Committee on September 27th 2018, Judge Kavanaugh began by launching into an aggressive and clearly partisan verbal assault on those whom he imagined had brought him to this place:

*"This whole two-week effort has been a calculated and orchestrated political hit, fueled with apparent pent-up anger about President Trump and the 2016 election, fear that has been unfairly stoked about my judicial record, revenge on behalf of the Clintons, and millions of dollars in money from outside left-wing opposition groups."*

He continued by describing the accusations as a "search and destroy" mission and darkly threatened that "what goes around comes around."

This partisan behavior clearly flies in the face of Canon 1 of the Code of Conduct, which states "A Judge Should Uphold the Integrity and Independence of the Judiciary."

In point of fact, the entirety of the reasoning for this complaint can be found in an article in The Atlantic entitled "*I Know Brett Kavanaugh, But I Wouldn't Confirm Him*", written by Judge Kavanaugh's friend, fellow conservative, and until very recently supporter for a seat on the SCOTUS, the legal scholar Benjamin Wittes (<https://www.theatlantic.com/ideas/archive/2018/10/why-i-wouldnt-confirm-brett-kavanaugh/571936/>). Wittes explained that "*His opening statement was an unprecedentedly partisan outburst of emotion from a would-be justice... I cannot condone the partisanship—which was raw, undisguised, naked, and conspiratorial—from someone who asks for public faith as a dispassionate and impartial judicial actor. His performance was wholly inconsistent with the conduct we should expect from a member of the judiciary.*"

He continued, "*Consider the judicial function as described by Kavanaugh himself at his first hearing. That Brett Kavanaugh described a "good judge [as] an umpire—a neutral and impartial arbiter who favors no litigant or policy."* That Brett Kavanaugh reminded us that, "*The Supreme Court must never be viewed as a partisan institution. The Justices on the Supreme Court do not sit on opposite sides of an aisle. They do not caucus in separate rooms.*"

A judge is duty bound to be impartial and non-political, independent and neutral. Judge Kavanaugh has shown himself to be none of those, and it simply cannot be trusted that he will exhibit any of those characteristics were he to sit on the Supreme Court of the United States.

In short:

As a Federal judge Brett Kavanaugh appears to be in clear breach of multiple canons of the Code of Conduct for U.S. Judges.

As an attorney and a member of the Maryland Bar Association, his frequent, provable, almost pathological lying alone is bringing disrepute to himself and by association to his fellow lawyers.

While each of the four areas of concern outlined above should, by themselves, be disqualifying for any judge, never mind a SCOTUS justice, taken collectively they demonstrate an overwhelming and overriding LACK OF JUDICIAL TEMPERAMENT.



Since writing this, the New York Times has published (<https://www.nytimes.com/interactive/2018/10/03/opinion/kavanaugh-law-professors-letter.html>) a letter, now signed by over 1700 law professors, making this exact same point:

*"Judicial temperament is one of the most important qualities of a judge. As the Congressional Research Service explains, a judge requires 'a personality that is even-handed, unbiased, impartial, courteous yet firm, and dedicated to a process, not a result'... at the Senate hearings on Sept. 27, Judge Brett Kavanaugh displayed a lack of judicial temperament that would be disqualifying for any court, and certainly for elevation to the highest court of this land".*

Judge Brett Kavanaugh has damned himself by his own words, deeds and actions. He does not deserve our respect, admiration or trust; he does not belong on the Supreme Court of the United States; he does not belong on the Federal bench; he does not belong at the bar. He deserves to be investigated, thoroughly and exhaustively, and if, as appears likely, he has committed perjury, *by his own previous standards of justice* he deserves to be prosecuted, to the fullest extent of the law.



