

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

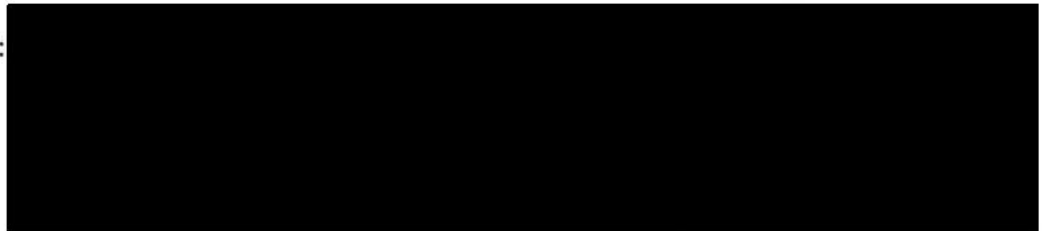


E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001-2800  
202-216-7340

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: Brett Michael Kavanaugh

Court: United States Court of Appeals for the District of Columbia 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?

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: October 5, 2018

## STATEMENT:

On September 27, 2018, in connection with his nomination to become an Associate Justice on the Supreme Court of the United States, Judge Brett Kavanaugh appeared and gave testimony before the Senate Judiciary Committee at a hearing related to allegations brought by Dr. Blasey-Ford. His testimony was provided under penalty of perjury.

I bring this complaint because I believe that his conduct demonstrates his unsuitability to maintain any judicial position, including his current one as a judge on the U.S. Court of Appeals for the D.C. Circuit.

Most importantly, it is apparent from even a cursory review of publicly available documents, news reports, sworn statements by witnesses, and Judge Kavanaugh's own prior statements, that the Judge provided willfully false and misleading testimony at this hearing, as well as at his prior hearings.

In his opening statement, Judge Kavanaugh's presented himself as angry, aggressive, entitled and highly emotional - almost to the point of hysteria. Moreover, throughout his statement, he engaged in highly partisan attacks, demeaning and vilifying the Democrats generally, and the Democratic senators particularly. He spewed conspiracy theories (the allegations from women, brought under penalty of perjury and a great personal risk, were "revenge on behalf of the Clintons") and threatened the Democrats with unspecified retribution ("You sowed the wind" and now "The country will reap the whirlwind").

Judge Kavanaugh's testimony was evasive, condescending and aggressive. When questioned by female Senators he acted like a bully, oftentimes interrupting and improperly posing questions to his interrogator. His conduct - especially towards the women - was appalling, undignified, and far below the decorum, respect and integrity that is to be expected by a sitting judge - especially one who is interviewing for one of the most powerful and long lasting positions in our government.

In all, Judge Kavanaugh has clearly and repeatedly demonstrated throughout this entire nomination process that he lacks the temperament impartiality and the character to be elevated to the Supreme Court.

I have reviewed the Code of Judicial Conduct that governs the District of Columbia courts (2018 edition). The rules state therein are "binding and enforceable" on all judges in the District of Columbia; Code of Judicial Conduct, page 2 (2018) (Scope). Judges may be disciplined for violating a Rule. See *id.* Judge Kavanaugh's conduct on September 27, 2018 (as described above and evident in more detail in any recording of the entire proceeding) violates the following rules:

Rule 1.1: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety



and the appearance of impropriety."

Rule 2.3 (B): "A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment, including not limited to bias, prejudice or harassment based upon... gender... or political affiliation..."

Rule 2.4 (A): "A judge shall not be swayed by public clamor or fear of criticism."

Rule 2.4 (C): "A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge."

Rule 3.1: "... when engaging in extra judicial activities, a judge shall not... participate in activities that would appear to a reasonable person to undermine the judges independence, integrity, or impartiality."

Rule 4. (A)(2): "... A judge or judicial candidate shall not... make speeches on behalf of a political organization."

Rule 4. (A)(6): "... A judge or judicial candidate shall not... publicly identify himself or herself as a candidate of a political organization."

Rule 4.(A)(7): "... A judge or judicial candidate shall not... seek, accept, or use endorsements from political organizations."

Rule 4.1 (A)(11): " ... a judge or judicial candidate shall not... knowingly, or with reckless disregard for the truth, make any false or misleading statement."

I, [REDACTED] declare:

"I have read the foregoing complaint and statement of facts and know their contents. The facts alleged herein are within my own personal knowledge based on my viewing of the hearing referenced above and my review of the 2018 Code of Judicial Conduct, and I know these facts to be true. I am willing to travel and testify under oath in person if required.

"I declare under penalty of perjury under the laws of the state of Oregon that the foregoing is true and correct and that this verification was executed on October 5th, 2018 in Portland Oregon.

Sincerely,

[REDACTED]