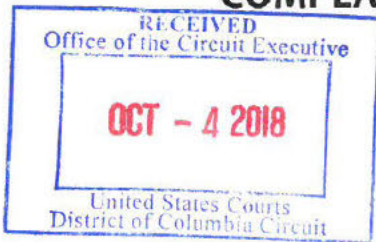


JUDICIAL COUNCIL OF THE DISTRICT OF COLUMBIA CIRCUIT COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY



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

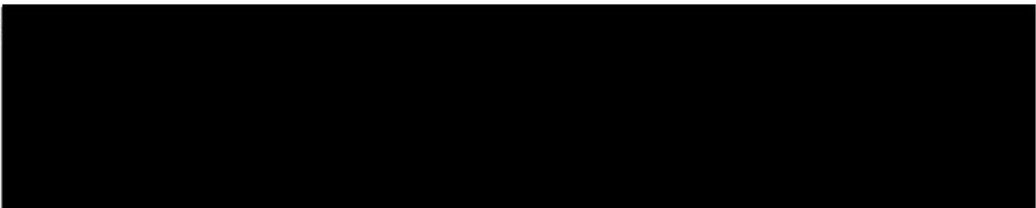
This form should be completed and mailed to the above address to the attention of the "Circuit Executive". The envelope should be marked "JUDICIAL MISCONDUCT COMPLAINT" or "JUDICIAL DISABILITY COMPLAINT". Do not put the name of the judge on the envelope.

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: Brett Kavanaugh

Court: US 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: 10/1/2018 _____

Complaint of Judicial Misconduct re Judge Brett Kavanaugh

Judge Brett Kavanaugh has violated Rules 3(h)(1)(D) and (E) and Rule 3(h)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, by “treating litigants, attorneys, or others in a demonstrably egregious and hostile manner;” and “engaging in partisan political activity or making inappropriately partisan statements;” and “conduct occurring outside the performance of official duties if the conduct might have a prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people.”

On September 24, 2018, Judge Kavanaugh, by his choice, was interviewed on Fox News. Judge Kavanaugh chose not to be interviewed on any other television station. Fox News is a partisan media company, strongly associated with the Republican Party. Judge Kavanaugh’s appearance on Fox News was widely and corrected perceived by the public as partisan political activity.

The Economist described Kavanaugh’s Fox News interview as: “The Supreme Court nominee pleads his case on one of America’s most partisan television networks.” (“Brett Kavanaugh’s Fox News Interview,” September 24, 2018.)

The editorial board of Bloomberg headlined an editorial: “If Kavanaugh Is Nonpartisan, Why Did He Choose Fox?” With the subheading: “So much for not taking sides.” (September 26, 2018.)

Politico Magazine wrote: “By appearing with his wife on Fox News on Monday night to defend himself against accusations of sexual misconduct, Kavanaugh threw himself into what Justice Felix Frankfurter called ‘the political thicket.’” And: “The striking aspect of this strategy is that it makes no pretense about keeping Kavanaugh outside the boundaries of blatantly partisan political tactics.” (“Kavanaugh Just Played ‘Checkers’ on Fox,” September 24, 2018.)

The Baltimore Sun observed: “Where else would the Trump appointee go except the channel that has become an arm of the Trump public relations operation?” (“A Very Friendly Fox Interview for Brett and Ashley Kavanaugh,” September 24, 2018.)

Many Americans, particularly those who identify as Democrats or independent voters, have a strong dislike and distrust of Fox News, and consider it a Republican propaganda outlet. By appearing on Fox News, Judge Kavanaugh both engaged in partisan political activity and engaged in conduct that could have a substantial and widespread lowering of public confidence in the courts among reasonable people, in violation of Rules 3(h)(1)(E) and 3(h)(2).

On September 27, 2018 in Washington D.C., in testimony before the Senate Judiciary Committee, Judge Kavanaugh stated:

Complaint of Judicial Misconduct re Judge Brett Kavanaugh

“This confirmation process has become a national disgrace. The Constitution gives the Senate an important role in the confirmation process, but you have replaced advice and consent with search and destroy.”

“The behavior of several of the Democratic members of this committee at my hearing a few weeks ago was an embarrassment.”

“And then — and then as no doubt was expected — if not planned — came a long series of false last-minute smears designed to scare me and drive me out of the process before any hearing occurred.”

“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.”

“This is a circus. The consequences will extend long past my nomination. The consequences will be with us for decades. This grotesque and coordinated character assassination will dissuade competent and good people of all political persuasions, from serving our country.”

During questioning by Senator Klobuchar, Judge Kavanaugh responded:

KLOBUCHAR: So you're saying there's never been a case where you drank so much that you didn't remember what happened the night before, or part of what happened.

KAVANAUGH: It's — you're asking about, you know, blackout. I don't know. Have you?

KLOBUCHAR: Could you answer the question, Judge? I just — so you — that's not happened. Is that your answer?

KAVANAUGH: Yeah, and I'm curious if you have.

By making these statements during the course of the hearing, Judge Kavanaugh treated others (the US Senate, Democratic Senators, Democrats, the Clintons, “left wing opposition groups,” and Senator Klobuchar) in “a demonstrably egregious and hostile manner” in violation of Rule 3(h)(1)(D). By doing so in a forum that he was aware was being nationally and internationally broadcast, he intentionally engaged in conduct that could have a substantial and widespread lowering of public confidence in the courts among reasonable people, in violation of Rule 3(h)(2).

Judge Kavanaugh has engaged in judicial misconduct, and should be subject to appropriate disciplinary action.