

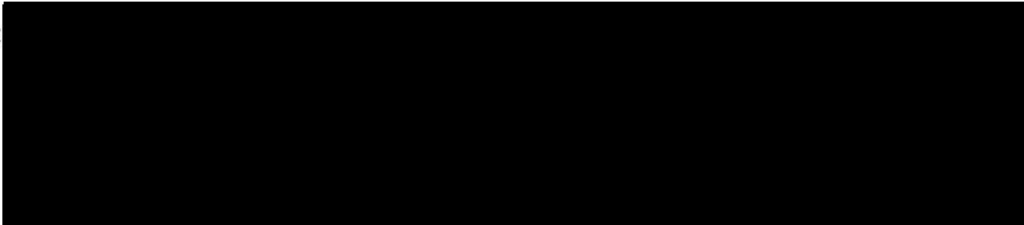
**JUDICIAL COUNCIL OF THE DISTRICT OF COLUMBIA CIRCUIT  
COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**

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: United States Court of Appeals - DC 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: \_\_\_\_\_

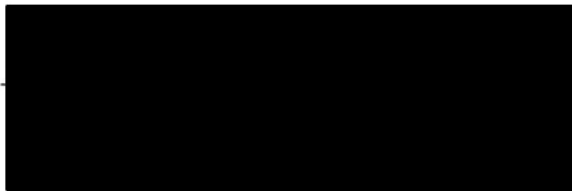
Present status of the appeal: \_\_\_\_\_

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: 10/05/2018 \_\_\_\_\_

U.S. Courthouse - William B. Bryant Annex  
Attn: Judicial Complaints Committee  
333 Constitution Ave., NW  
Washington, DC 20001

October 5<sup>th</sup>, 2018

Re: Alleged, repeated misconduct by Judge Brett Kavanaugh

To whom it may concern:

I am filing a complaint regarding the repeated disregard for both the law and the reputation of all federal courts. Please let me be very clear. Although I lean left, I believe matters of mis-conduct and of what is right and wrong go far beyond partisanship.

The Cornell Law School quotes the United States Code (18 U.S. Code § 1621) as follows:

*(A person who,) "having taken an oath that he will testify willfully and truly, and contrary to such oath states or subscribes any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years."*

This complaint includes multiple allegations of where Judge Kavanaugh committed perjury, as defined above, where it can also be argued that an additional remedy in addition to imprisonment is removal from his current position as a federal judge as well as removal from consideration for or the prevention from the ability to serve as a Supreme Court Justice.

Example #1:

It has been widely reported that Judge Kavanaugh stated – under oath – during Congressional hearings that he had 'no connection to Yale and was solely admitted due to his specific and exclusive hard work.' As Newsweek reported, the Judge was considered a Legacy student, meaning in this case, that his grandfather had attended the Ivy League School. While the official position on legacy students at most schools is that they do not exist, there are numerous examples of students admitted to said schools who may not have been if a relative had not preceded them.

According to one Ivy League website, legacy students may, "Receive a second look," when students without alumnus relatives would not. This is a clear and distinct advantage that is due to a student's connection to a school.

To wit: the idea that a Judge would not be completely truthful about information that is easily fact-checked or confirmed is extremely problematic.

Example #2:

Judge Kavanaugh stated he did not watch testimony of the witness making allegations of attempted sexual assault against him. However, he used significantly similar verbiage to the witness that it could be argued he may not have used if he did not watch the testimony. In addition to the apparent perjury here, a judge who watches a witness testimony in this situation is troubling. He is not in a court of law being tried for a crime. Therefore, he does not necessarily have the right to face his accuser. Essentially, he is testifying as a witness to his own character, beliefs, and the manner in which he would address cases if confirmed. Therefore, as an experienced judge, the idea he (a witness) watched the testimony of another witness shows disregard for the entire judicial process.

Example #3:

During a prior confirmation hearing where Judge Kavanaugh was also duly sworn, he stated that he had no involvement in specific situations. These included whether he was made aware of the theft of documents from a Senate Committee. According to email messages either archived on government servers or obtained via a Freedom of Information Act (FOIA) request, Kavanaugh was made aware of these specific situations and, at least once, stated he would look into or handle the matter. Additionally, it is my understanding that when an officer of the Court (i.e. litigator, clerk, etc.) has reason to believe wrong-doing has taken place, he has a clear mandate to report it. Just as nurses, teachers and social workers are 'mandated reporters' and are not expected to be judge, jury and arbiter, officers of the court are required to report potential wrong-doing, without determining the other person's intent, if there was room for interpretation, etc. Mr. Kavanaugh failed to do so. To me, when you ask questions about classified or top-secret information, you cannot swear or affirm you were not aware of the information on which you were inquiring about. Additionally, that a government official like Kavanaugh had no problem inquiring via email demonstrates either a mis-guided belief that he had done no wrong or the laws that apply to hundreds of millions of Americans do not apply to him. This also reflects poorly on all governmental entities Kavanaugh has been, is now or will be affiliated with. This would also be true if Kavanaugh was employed in the private sector.

Related to this, Kavanaugh acted in a clearly partisan manner while on government property, using government resources. This is in clear violation of the Hatch Act which specifically and expressly bans the aforementioned activity.

The Hatch Act defines partisan activity as that which strives to strengthen or weaken the position of candidates, political parties, etc. By commenting on proposed op-ed's in support of or against such candidates, elected officials, and policy/legislative initiatives, Kavanaugh has acted in a manner that is illegal and reflects poorly on the government.

Example #4:

Speaking of the Hatch Act, Kavanaugh spoke to alleged partisan conspiracy theories, witch hunts, and the like which appears to violate the Hatch Act, to be irrelevant to the issue at hand (his nomination), and he appeared to vow to take the necessary action to achieve suitable redress against those who appear against him, a certain political party's caucus, etc.

Therefore, I suggest that an immediate investigation with the possibility of grand jury involvement begin post haste. Official wrong-doing has occurred, laws were broken, and the reputation of the judiciary has been tarnished. These are reflected in relevant codes of conduct as reasons to initiate such investigations and take necessary action including removing a judge from the bench as well as from consideration of related governmental positions.

Most federal agencies are required to include specific time-frames within which they must respond to a complaint. Hence, I expect to receive a detailed reply reflecting that the complaint has been considered, what steps will occur going forward, and the time-frame within which this will occur.

Sincerely,

