

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

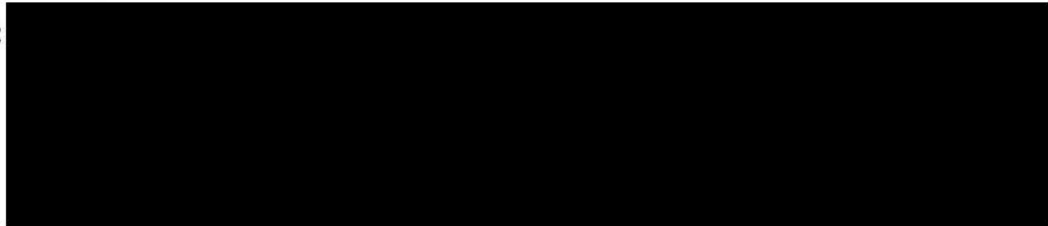
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866
202-216-7340



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: DC Court of Appeals

- 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.

Please see attached 2 pages

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: 9/28/18

STATEMENT OF FACTS

On September 27, 2018, in connection with his nomination to become an Associate Justice on Supreme Court of the United States, Judge Brett Kavanaugh appeared and gave testimony before the Senate Judiciary Committee at a hearing related to the allegations brought by Dr. Christine Blasey Ford. His testimony was provided under penalty of perjury. The testimony was televised and broadcast live. I watched the testimony from my office in San Diego, California, where I am a [REDACTED] litigator with nearly 20 years of experience.

Judge Kavanaugh's opening statement was angry, aggressive, entitled, and emotional; it was bordering on hysterical. His 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 level of decorum, respect and integrity that is to be expected of a sitting judge—especially one who is interviewing for one of the most powerful positions in the government. Moreover, throughout his shrill statement, he engaged in highly partisan attacks, demeaning and vilifying the democrats generally, and the democratic senators particularly. He spewed conspiracy theories (the allegations, brought under penalty of perjury and at great personal risk, from women 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”). Finally, it is apparent from even cursory review of publically-available documents, news reports, sworn statements by witnesses, and Judge Kavanaugh's own prior statements, that the Judge provided wilfully false and misleading testimony at this hearing, as well as his prior hearings. In all, Judge Kavanaugh has demonstrated that he lacks the temperament, impartiality and character to be elevated to the Supreme Court. I bring this Complaint because I believe that such conduct also 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.

I have reviewed the Code of Judicial Conduct that governs the District of Columbia Courts (2018 Edition). The Rules stated therein are “binding and enforceable” on all judges in the District of Columbia. Code of Judicial Conduct, p.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 extrajudicial activities, a judge shall not: . . . participate in activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality”

Rule 4.1(A)(2): “. . .a judge or judicial candidate shall not: . . .make speeches on behalf of a political organization.”

Rule 4.1(A)(6): “. . .a judge or judicial candidate shall not: . . .publically identify himself or herself as a candidate of a political organization.”

Rule 4.1(A)(7): “. . .a judge or judicial candidate shall not: . . .seek, accept, or use endorsements from political organization.”

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, , declare as follows:

I am a United States citizen, and an attorney at law in good standing in California, Texas and New York. 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 Code of Judicial Conduct, and I know these facts to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on September 28, 2018, at San Diego, California.

