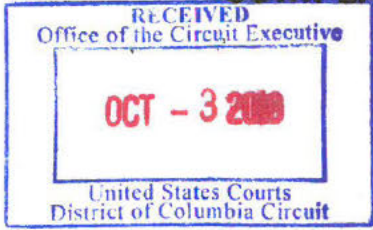


**JUDICIAL COUNCIL OF THE DISTRICT OF COLUMBIA CIRCUIT
COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**

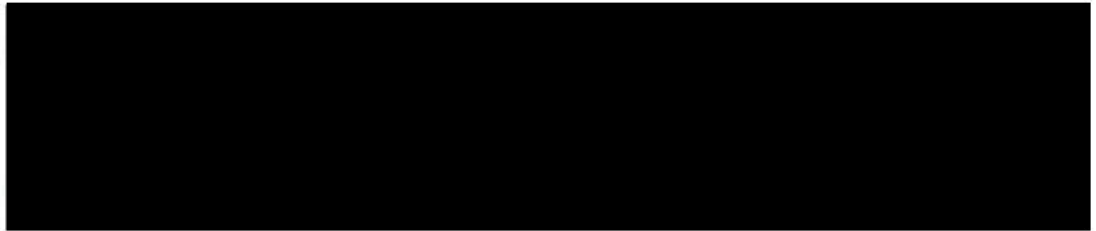


E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866
202-216-7340

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: The Honorable Brett M. Kavanaugh
Court: US Court of Appeals - 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: _____

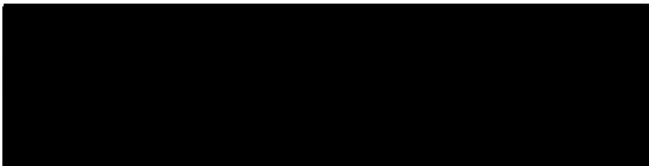
Docket number of the appeal: _____

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

5. Brief Statement of Facts

We respectfully believe Judge Kavanaugh violated several Canons detailed in the Code of Conduct for United States Judges when testifying before the Senate Judiciary Committee while under oath on September 27, 2018. We note that our statement below is based on our best recollection of his testimony which we watched in its entirety, our understanding of the Code of Conduct, and on some media accounts we have read about other witness statements regarding the events discussed with Judge Kavanaugh during his testimony. Obviously, we encourage you to review the actual transcripts of the testimony and other facts when investigating this complaint. We also note that all comments below relate to Judge Kavanaugh's testimony on the date noted above so we will refrain from repeating that throughout our statement.

Our complaint is based on three areas of judicial misconduct under the Code of Conduct: false or misleading statements, temperament, and lack of political impartiality.

1. False or Misleading Statements Made Under Oath

In our opinion, Judge Kavanaugh violated Canon 1 and Canon 2 of the Code of Conduct for United States Judges with his many false or misleading statements while under oath on September 27, 2018. Canon 1 states in part that "a judge should maintain and enforce high standards of conduct and should personally observe those standards..." and Canon 2, Section (A) states in part "a judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

These false or misleading statements by Judge Kavanaugh include the following:

A. When responding to question about Ms. Ford's allegation of sexual assault, Judge Kavanaugh said several times the other witnesses Ms. Ford references "said it didn't happen" or claimed the other witnesses "refuted" her account. In fact, other witnesses never said this. The other witnesses did make statements along the lines that they did not remember or have any recollection of the night in question which is fundamentally different from saying Ms. Ford's allegations did not happen or refuting her account. Judge Kavanaugh clearly lied under oath when making these false statements.

B. Judge Kavanaugh was questioned about the following terms he wrote in his highschool year book: boofing, Devil's Triangle, and the "Renate Alumni" and gave answers which, as stated in Canon 2A "...reasonable minds with knowledge of all relevant circumstances" would conclude were false and misleading. All of these terms used by Judge Kavanaugh have a different well known definition or meaning which we encourage you to research during this investigation. When examining these common definitions, compared with Judge Kavanaugh's explanation under oath, we trust you will agree he violated the Code by making such misleading statements.

C. Judge Kavanaugh also lied under oath about having no connections which helped him get into Yale. In fact, his grandfather, Everett Edward Kavanaugh, went to Yale and is

considered a “legacy” which we believe gives someone an advantage when applying for acceptance at Yale.

D. When questioned about his drinking in high school, Judge Kavanaugh acknowledged he drank in high school and stated the “drinking age was 18, and, yes, the seniors were legal and had beer there.” The time in question he was only 17 years old and he did admit to drinking at the party noted on his calendar, so he was drinking underage. While the fact that he was drinking underage does not concern us as being a violation of the Code of Conduct, attempting to mislead the Senate with coy statements about the facts is, in our opinion, a violation as it calls his ethics into question.

2. Judicial Temperament and Impartiality

The commentary in Canon 2A states “an appearance of impropriety occurs when reasonable minds with knowledge of all relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge’s honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.” The misleading or false statements noted previously meet the standard of appearance of impropriety with respect to honesty and integrity. Judge Kavanaugh also demonstrated he failed the appearance of impropriety test when it comes to impartiality when he said “The behavior of several of the Democratic members of this committee at my hearing a few weeks ago was an embarrassment...” He also made several other references to Democrats in an unflattering and condemning way which violates the Canon on remaining impartial politically. And, likely the worst partisan political statement made under oath by Judge Kavanaugh was calling the Senate hearing and recent allegations made against him “revenge on behalf of the Clintons.” Clearly this is a political statement which federal judges are barred from making.

With respect to temperament, Judge Kavanaugh demonstrated a profound appearance of impropriety in this area with the level of anger, disrespect, and, unprofessionalism with which he treated many of the Senators who were asking him questions during this hearing. Specifically, when asked by Senator Kloguchar if he had ever blacked out from drinking, Judge Kavanaugh responded with: “I don’t know, have you?” This was highly inappropriate. We do note he later apologized for that comment, but, his lack of restraint when asked that question leaves us doubting his judicial temperament. We understand this was an emotional event for Judge Kavanaugh, however, judges need to be restrained even under high stress situations. He clearly demonstrated an inability to handle his emotions in stressful situations with his heated emotional and disrespectful exchanges with Senators.

3. Political Activity

Canon 5 states “a Judge should refrain from political activity.” While there is not much commentary on this Canon, we believe Judge Kavanaugh’s statements about Democrats question being an embarrassment and his statement that the hearing was “revenge on behalf of the Clintons” violate this Canon. He also made the following references to one political party in his opening statement: “...the Democratic Senate leader said he would oppose me with everything

he's got"; "A Democratic Senator on this committee publically referred to me as evil", among several other references to Democrats. We believe all of these public statements being critical of one political party violate Cannon 5 and Cannon 2 of the Code.

Thank you for taking the time to consider this complaint.

