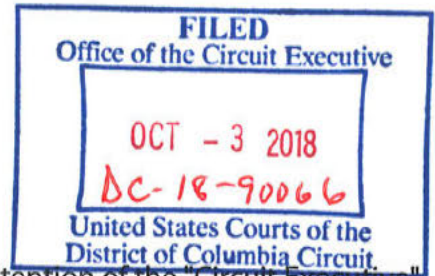


**JUDICIAL COUNCIL OF THE DISTRICT OF COLUMBIA CIRCUIT
COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**



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: 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: 9/30/18



In Re Complaint of Judicial Misconduct against Judge Brett Kavanaugh

September 29, 2018

BRIEF STATEMENT OF FACTS

On September 27, 2018, U.S. Circuit Judge Brett Kavanaugh testified before the U.S. Senate Committee on the Judiciary in support of his nomination to be an associate justice of the Supreme Court of the United States. National television and radio outlets broadcast the testimony live to, reportedly, twenty million people. Video and audio of the hearing is readily accessible in the public domain.

Judge Kavanaugh's sworn testimony was supposed to respond formally to allegations of sexual assault against him; allegations that, if true and in view of his previous denials, materially undermine his honesty, character, and fitness to serve on the bench of any court. His September 27 testimony did respond to those allegations, but also dissolved in a fit of unsubstantiated and intemperate, yet apparently premeditated, partisan accusations and ire.¹ Judge Kavanaugh:

- attacked Democratic members of the Judiciary Committee by their party affiliation,
- charged without evidence that his accuser's allegations were part of "a calculated and orchestrated political hit",
- imputed Democratic partisan intent to the supposed "hit" by ascribing "pent-up anger about President Trump and the 2016 election" as a motive instead of real concern about Judge Kavanaugh's history with women and girls, and

¹ The relevant full paragraphs containing Judge Kavanaugh's offending testimony are:

"You sowed the wind for decades to come. I fear that the whole country will reap the whirlwinds. The behavior of several of the Democratic members of this committee at my hearing a few weeks ago was an embarrassment. But at least it was just a good old-fashioned attempt at Borking. Those efforts didn't work...."

"When I did at least O.K. enough at the hearings that it looks like I might actually get confirmed, a new tactic was needed. Some of you were lying in wait and had it ready. This first allegation was held in secret for weeks by a Democratic member of this committee and by staff. It would be needed only if you couldn't take me out on the merits. When it was needed, this allegation was unleashed and publicly deployed over Dr. Ford's wishes...."

"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."

- alleged without evidence that “revenge on behalf of the Clintons” motivated his accusers.

Judge Kavanaugh’s unprecedented outbursts during that solemn public hearing will cause reasonable litigants to assume he could not be impartial or independent of his evident and deeply-felt partisan hostility in cases directly involving the political parties or that touch controversial issues that have partisan overtones or consequences. Before an audience of millions, and under oath, Judge Kavanaugh has thus violated his responsibility to uphold and promote the integrity and independence of the judiciary.

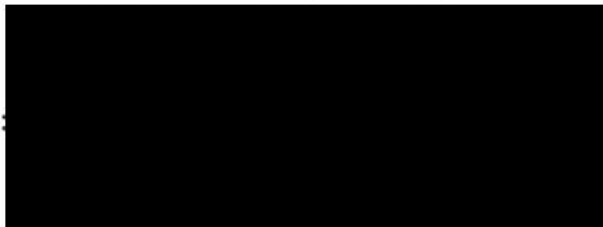
Furthermore, Judge Kavanaugh’s unbecoming and unprecedented conduct bitterly conveys to a reasonable observer that Judge Kavanaugh allows his political relationships and viewpoints to influence his judicial conduct or judgment. This is underscored by the fact that Judge Kavanaugh’s pointed partisan attacks are unsupported by evidence but display an apparently active imagination and propensity for biased assumptions about Democrats’ and the Clintons’ supposed conspiratorial reach and intent. All the relevant circumstances here point to the conclusion that Judge Kavanaugh’s honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.

Based on the foregoing, I respectfully request that that the Court hold Judge Kavanaugh in violation of the Code of Conduct for United States Judges, and that the Court sanction Judge Kavanaugh as it may deem appropriate.

Thank you for your consideration.

I declare under penalty of perjury that the statements made in this Brief Statement of Facts are true and correct to the best of my knowledge.

Signature:

A large black rectangular redaction box covering the signature area.

Date:

9/30/18