

**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



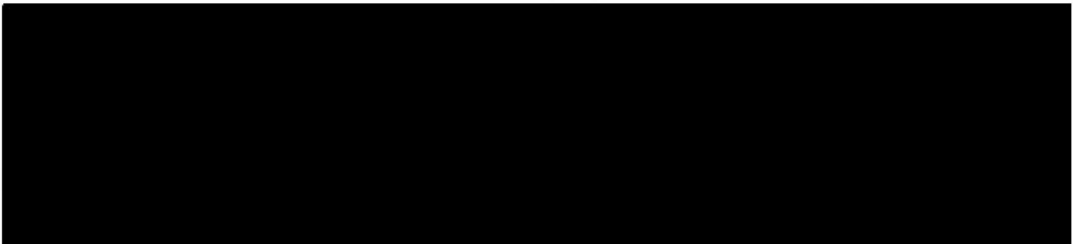
This form should be completed and mailed to the above address to the attention of the "Circuit Executive". The envelope should be marked "JUDICIAL MISCONDUCT COMPLAINT" or "JUDICIAL DISABILITY COMPLAINT". Do not put the name of the judge on the envelope.

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: Judge Brett Kavanaugh

Court: Federal Circuit Court

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: Sept. 30, 2018

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

Date: September 30, 2018

To Whom It May Concern:

We, as concerned citizens and Mental Health Experts, are offering this letter of complaint because we find the conduct recently demonstrated by Judge Brett Kavanaugh to be very troubling and in violation of the Judicial Rules of Conduct. We additionally would call for a full psychological and substance abuse assessment with the intent of assessing his fitness to serve as a sitting Federal Circuit Court Judge.

During the afternoon at the special senate judicial committee hearing on Thursday September 27th regarding the sexual assault allegation of Dr. Blasey Ford, we believe that Judge Kavanaugh exhibited behaviors that as a current Federal Circuit Court Judge are in violation of the Judicial Rules of Conduct, to wit:

- Throughout the hearing with an air of rage and contempt and in a demonstrably egregious and hostile manner, Judge Kavanaugh denigrated those who challenged him and accused Democrats and particularly the Clintons of conspiring against him, thereby engaging in partisan political activity and making inappropriately partisan statements. Judge Kavanaugh's strong accusations of political conspiracy demonstrated a strong partisan position that fails to meet the independence and neutrality that is necessary for a sitting Federal Circuit Court Judge.
- The contemptuous and hostile temperament that Judge Kavanaugh displayed during questioning and his aggressive challenging of senators, many of whom are attorneys, demonstrates a profound disrespect for our system of justice as well as difficulty tolerating frustration. These qualities are some of the greatest vulnerabilities to being found unfit to be a sitting Federal Circuit Court Judge.
- Judge Kavanaugh distorted the known definitions of entries in his yearbook. Statements by classmates were distorted by him to convey that they affirmed his innocence when, in fact, they stated they did not know what happened. Judge Kavanaugh thus possesses a willingness to deceive, even though under oath.

Significant concerns about Judge Kavanaugh's use of alcohol have been raised. Witnesses are coming forward who have spoken to his abuse of alcohol in college and how his testimony reflects deliberate distortions. He has admittedly been using alcohol since high school. Use, indeed abuse, of alcohol at a young age significantly increases the risk of developing alcoholism.

In his testimony, Judge Kavanaugh attempted to normalize his drinking behavior by angrily calling into question, via projection, the alcohol use of some of the Democratic senators. Indeed, the disequilibrium Kavanaugh jarringly evinced in the September 27 hearing compared to his calm demeanor under intense questioning by the Judicial Committee September 4-6 raises a red-flag reminder about the volatility and unpredictability of alcohol abusers. Federal court judges do not have the luxury of indulging in that volatility. Moreover, people who habitually abuse substances, including alcohol, use various forms of denial: rationalizing, minimizing, normalizing, and projecting. What they do not do is admit they have a problem. A sitting federal judge with a potential alcohol problem is a danger to the judiciary, to the public, and to our democracy.

Throughout the hearing, Judge Kavanaugh demonstrated a pattern that is consistent with someone struggling with an alcohol problem. Alcohol misuse includes an underlying emotional component, and Judge Kavanaugh's conduct raises concerns about whether his poor emotional regulation during the hearing, the abundance of behavior unbecoming of a judge, and having been accused of a violent crime are evidence of these underlying emotional issues. Should a problem with alcohol be found to exist and in combination with all the behavior referenced in this document, Judge Kavanaugh would very likely conduct himself and rule from a reactive place for which he takes no responsibility.

We believe that Judge Kavanaugh's behavior in the hearing violates many of the Judicial Rules of Conduct. As a group of concerned mental health experts we request that you investigate these allegations against Judge Kavanaugh as soon as possible and take whatever administrative action you deem appropriate.

Should you wish clarification or consultation regarding these issues, we would be happy to oblige.

Thank you for your consideration.

Declaration and Signature(s):

We declare under penalty of perjury that the statements made in this complaint are true and correct to the best of our knowledge.

Respectfully submitted,

