

Guide to Judiciary Policy

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§ 410 Overview

The Judicial Conference issued the following “Regulations of the Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees Under the Ethics in Government Act of 1978, as Amended” on December 2, 1999, and amended them on October 1, 2000 and October 1, 2007.

§ 420 Purpose

These regulations govern access to the financial disclosure reports filed by judges and judiciary employees under the Ethics in Government Act (“the Act”), [5 U.S.C. app. §§ 101-111](#).

§ 430 Application

These regulations apply to the processing of all requests for copies of the financial disclosure reports of judges and judiciary employees maintained by the Administrative Office of the U.S. Courts (AO).

§ 440 Responsibility

- (a) The Judicial Conference of the United States has delegated to the Committee on Financial Disclosure the responsibility for implementing the financial disclosure requirements for judges and judicial employees under the Ethics in Government Act of 1978, as amended.
- (b) The Committee on Financial Disclosure will monitor the release of financial disclosure reports to ensure compliance with the statute and the Committee's guidance. As provided in [§ 460.20\(d\)](#), the Committee will review and, within the Committee's discretion, approve or disapprove any requests for the redaction of statutorily mandated information where the release of the information could endanger a filer or a family member. It will review and approve or disapprove any requests for waiver of costs associated with a request for the release of a financial disclosure report. It will also provide guidance when questions not covered in these regulations arise. The Committee's Subcommittee on Public Access and Security is delegated the authority to act for the Committee where necessary to implement the provisions of these regulations.
- (c) The AO is responsible for processing and maintaining financial disclosure reports in accordance with the statute and these regulations.

§ 450 Procedure

- (a) The financial disclosure reports filed by judges and judiciary employees are maintained by the AO. In accordance with the statute, the reports are kept for six years, after which they are destroyed.
- (b) Under [5 U.S.C. app. § 105\(b\)\(2\)](#), all requests to examine, or for a copy of, a financial disclosure report must be in writing and contain the following:
 - (1) the requester's name, occupation, and address;
 - (2) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and
 - (3) that the requester is aware of the prohibitions with regard to obtaining or viewing the report.

§ 450.10 Requesting a Report

- (a) Requesters must submit a [Form AO 10A](#) to the staff of the Committee on Financial Disclosure. The form must:
 - include a list of the filers whose reports are requested,
 - be signed and dated by the requester, and
 - contain the information delineated above in [§ 450](#).
- (b) Each AO 10A received that results in the release or viewing of a report will be placed in the file and will be made available to the public throughout the period during which the report is made available to the public, except as provided in [§ 450.40](#).

§ 450.20 Request to View a Report

Financial disclosure reports may be viewed in the Committee on Financial Disclosure staff suite by appointment. Appointments must be made at least five working days in advance. Staff will provide the requester with a duplicate redacted copy of the filer's file. In no case will the original file be removed from the file room for review by a member of the public.

§ 450.30 Cost

Requesters will be charged \$0.20 per page to cover reproduction and mailing costs. A copy of the requested report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest. Requests for waiver must be presented in writing to the Committee on Financial Disclosure.

§ 450.40 Notification of a Request

- (a) The Committee on Financial Disclosure will immediately notify the filer when a [Form AO 10A](#) is received requesting the release of the filer's financial disclosure reports and will provide each filer with a copy of the requester's AO 10A form.
- (b) When a request involves a filer who is the subject of an ongoing criminal or ethics investigation by the U.S. Department of Justice or a committee of the Judicial Conference or a circuit judicial council, the Committee will not notify a filer of the request and subsequent release of a financial disclosure report where the originator of the request makes an affirmative request that the filer not be notified. The Committee staff will coordinate with the Chair on the release of reports in connection with such investigation

§ 460 Limitations on Release

§ 460.10 Incomplete or Improper Request

Under [5 U.S.C. app. § 105](#), financial disclosure reports will not be released to any individual who fails to properly complete [Form AO 10A](#) or pay assessed costs.

§ 460.20 Security

- (a) Committee staff will take every step to ensure the privacy and security of judges and judiciary employees required to file a financial disclosure report in accordance with the statute and the guidance provided by the Committee on Financial Disclosure. The reports will be maintained securely.
- (b) The staff will not release or allow the viewing of any report until notice has been given to the filer, except as provided in [§ 450.40](#).
- (c) In accordance with Committee direction, Committee staff will continue to monitor compliance with the Ethics in Government Act of 1978, as amended, while minimizing security risks by redacting information not required by the Act including without limitation:
 - (1) spouse's and dependents' names;
 - (2) home addresses;
 - (3) social security numbers;
 - (4) financial account and bank account numbers;
 - (5) street addresses of rental properties, financial institutions, and business properties;
 - (6) ownership codes; and
 - (7) filer's signature.
- (d) A report that may be disseminated to the public after release to a requester may be redacted pursuant to [5 U.S.C. app. § 105](#) to prevent public disclosure of personal or sensitive information that could endanger the filer or a family member directly, or indirectly by endangering another, if possessed by a member of the public hostile to the filer or a family member. The procedure for determining whether redaction is appropriate will be as follows:

(1) When an annual report is filed, the filer may request redactions believed to be appropriate before release of a report that may be disseminated to the public. Requests for redaction may also be made after a filer receives a notification of a request under [§ 450.40](#).

(2) Reports that will not be considered as ones that may be disseminated to the public after release to a requester include but are not limited to reports released upon request to:

(A) appropriate committees of the Senate or House of Representatives; or

(B) appropriate officials of the Executive Branch.

Note: In the case of (A) and (B), redaction of the filer's signature under § 460.20(c)(7) may not occur if so indicated by the requester.

(3) The filer must state with specificity what material is sought to be redacted. The filer must also state in detail the reasons justifying redaction. These reasons may include, but are not limited to:

(A) the purposes and need for an ongoing protective detail provided by the United States Marshals Service;

(B) particular threats or inappropriate communications;

(C) involvement in a high threat trial or appeal; or

(D) certain information on the form that could endanger the filer or a family member directly or indirectly if possessed by a member of the public hostile to the filer or a family member.

(4) The Committee will determine, in consultation with the U.S. Marshals Service, whether information sought to be redacted could, if disseminated to the public, endanger the filer or a family member directly or indirectly and grant or deny the request accordingly. Information that could facilitate the financial harassment of a filer or a family member, such as identity theft, may be deemed information that could endanger a filer or a family member. However, no redaction will be granted that eliminates disclosure of the existence, rather than extent, of an interest in an entity that would disqualify the filer from serving as a judge in litigation involving that entity, unless disclosure of that interest would reveal the location of a residence of the filer or a family member, reveal the place of employment of the filer or a family member, or might increase an existing danger to a filer or a family member based on

circumstances described in § 460.20(d)(3)(A)-(C). The Committee may redact material without a request from a filer if it has received credible evidence that the release of information contained in a financial report could endanger the filer or a family member.

- (e) Information may be redacted from a report in accordance with such finding to the extent necessary to protect the judge or judiciary employee who filed the report and their families, and the redactions will be made for as long as the reasons for redacting the report exist.
- (f) The Committee staff will notify a filer when a report is actually released or reviewed and provide the filer with a copy of the released report with any redactions. The staff will maintain a copy of the redacted material for as long as the original report is maintained.
- (g) A request for redaction and its supporting documents, except for copies of the financial disclosure report and any amendments thereto, are considered confidential and will only be used to determine whether to grant a request for redaction. Such documents are not considered to be a part of any report available for release under [5 U.S.C. app. § 105\(b\)\(1\)](#).

§ 470 Use of Reports

- (a) Under [5 U.S.C. app. § 105](#), it is unlawful for any person to obtain or use a report:
 - (1) for any unlawful purpose;
 - (2) for any commercial purpose other than by news and communications media for dissemination to the general public;
 - (3) for determining or establishing the credit rating of any individual; or
 - (4) for use directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.
- (b) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited by this section. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy may be in addition to any other remedy available under statutory or common law.

§ 480 Reporting Requirements

- (a) The Committee on Financial Disclosure will report to the Judicial Conference on an annual basis the following:

- (1) the total number of reports in which required information is redacted under exercise of the authority delineated in [§ 460.20\(d\)](#);
 - (2) the total number of individuals whose reports have been redacted under exercise of the authority in [§ 460.20\(d\)](#);
 - (3) the types of threats against filers whose reports are redacted, if appropriate;
 - (4) the nature or type of information redacted;
 - (5) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;
 - (6) principles used to guide implementation of redaction authority; and
 - (7) any public complaints received relating to redaction.
- (b) The Conference will provide copies of the report to the Committees on the Judiciary of the House of Representatives and of the Senate.