Complaint Re: Judge Brett Kavanaugh

Executive Office
DC Courts
Moultrie Courthouse
500 Indiana Avenue, NW
Washington, DC 20001
(202) 879 - 1010

Name of Complainant: 

Address: 

Telephone: 

Email 

Name(s) of Judge(s) complained about: 
Brett Kavanaugh 

Court  
United States Court of Appeals for the District of Columbia Circuit 

Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits? 
NO 

Have you filed any lawsuits against the judge 
NO 

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: Tuesday, October 2, 2018
On September 27, 2018, Judge Brett Kavanaugh gave testimony to the Senate Judiciary Committee during his confirmation hearing. During the testimony, Judge Kavanaugh made partisan statements, and his behavior places Judge Brett Kavanaugh’s ability to be an impartial member of the Federal circuit court and Supreme Court into question. Judge Kavanaugh engaged in misconduct as defined by Rule 3. Furthermore, his conduct was a violation of the Code of Judicial Conduct, Rule 1.2:

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.  

It is important to note that Judge Kavanaugh’s testimony was not a spur of the moment reaction but a preplanned written response. The following are examples of the “inappropriate partisan statements” and behavior made by Judge Kavanaugh:

He accused Democrats of an "orchestrated political hit" against him.

He claimed that the Democrats were "lying in wait" with Ford’s claim that he attacked her when they were teens until it was nearly time for his confirmation vote.

He said that the allegations of sexual misconduct are “revenge on behalf of the Clintons.” “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.”

Kavanaugh shouted at Democratic senators during his hearing.

He continuously interrupted female senators.

He dodged questions about old high school yearbook entries loaded with innuendo about sexual conquests.

He threatened Democrats – “What goes around, comes around.”

Judge Kavanaugh’s language and tone provided a striking departure from the usual “judges as umpires” that Kavanaugh, and Chief Justice John Roberts in 2005, had invoked. Justice Neil Gorsuch, during his 2017 confirmation hearing, contended that “There is no such thing as a Republican judge or a Democratic judge. We just have judges in this country.” Judge Kavanaugh’s conduct is “prejudicial to the effective and expeditious administration of the business of the courts” because it places the court of appeals and other judges as being viewed as nothing more than partisan operators.

Statement of Fact
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Monday, October 1, 2018

The negative impact on the court and the damage to the appearance of neutrality and integrity is already occurring as evidenced in the following headlines:

- Brett Kavanaugh’s Damaging, Revealing Partisan Bitterness
- Civics Versus Partisanship at the Kavanaugh-Ford Hearing
- Kavanaugh is far too partisan, angry to be on Supreme Court
- Brett Kavanaugh’s Gale-Force Partisan Defense
- Brett Kavanaugh’s angry display of partisanship disqualifies him for the Supreme Court
- Brett Kavanaugh’s Partisan Rage At Hearing Calls Fitness Into Question
- Could Kavanaugh’s partisan call to arms secure a Supreme Court seat?
- Kavanaugh takes a partisan turn as he lashes out at ‘search and destroys’ Democrats
- Kavanaugh’s angry testimony may save his nomination, but undercut his claims of being an impartial jurist
- For Supreme Court, Kavanaugh marks a partisan turning point
- Dems say Kavanaugh should recuse from cases involving party: ‘He revealed himself as a partisan’
- All the Ways a Justice Kavanaugh Would Have to Recuse Himself

As a law professor for 20+ years, I taught professional responsibility. If Judge Kavananaugh is not discipline for half truths, lies and “inappropriate partisan” statements, it will send a clear message that legal ethics is situational.

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3Daily Comment, New Yorker, Jeannie Suk Gersen (September 28, 2018)
4The Current, the New Yorker, Benjamin Wallace-Wells (September 27th)
5The Washington Post, Jennifer Rubin (Sept. 27, 2018)
6The Atlantic, Todd S. Purdum (Sep 27, 2018)
7Readers’ Opinion, Los Angeles Times, SEP 28, 2018
8MSNBC, The Rachel Maddow Show, Sept. 27, 2018
9NBCNews, Jonathan Allen, (Sep. 27, 2018)
10Washington Post, Michael Kranish, Emma Brown and Tom Hamburger, September 27
11Los Angeles Times, David G. Savage Sep 29, 2018
12Joan Biskupic, CNN Digital Expansion September 29, 2018
13The Washington Times, David Sherfinski, Sunday, September 30, 2018