

**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

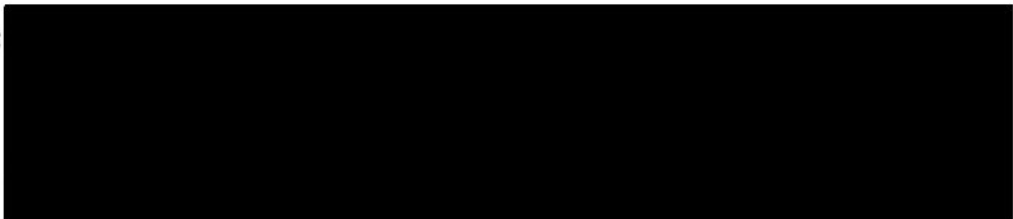
This form should be completed and mailed to the above address to the attention of the "Circuit Executive". The envelope should be marked "JUDICIAL MISCONDUCT COMPLAINT" or "JUDICIAL DISABILITY COMPLAINT". Do not put the name of the judge on the envelope.

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 Michael Kavanaugh

Court: U.S. Court of Appeals, DC 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: 10-03-2018

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To whom it may concern:

I submit this document as a formal complaint of judicial misconduct against U.S. Court of Appeals, DC District Judge Brett Michael Kavanaugh. Mr. Kavanaugh has performed judicial misconduct and conducted himself in a prejudicial manner that impacts his ability to serve by making inappropriately partisan statements.

His misconduct occurred live on nationally broadcast television during a hearing before the U.S. Senate Judiciary Committee on the consideration of Mr. Kavanaugh's nomination to the U.S. Supreme Court. This broadcast took place on Thursday, September 27, 2018.

During his opening statement<sup>1</sup> for the hearing, Mr. Kavanaugh said the following, addressing Democratic Senators:

"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."

Mr. Kavanaugh made no effort to explain how the initial hearing was an embarrassment or how it was a "Borking" and presented such opinions as objective fact. The term "borking" is a term used to claim Senators are somehow unfairly attacking a President's nominee as extreme, generally understood to be a partisan act and generally conducted by Democrats<sup>2</sup>. In doing so, Mr. Kavanaugh implied that all Democratic Senators are engaging in misconduct simply for asking him questions about his past record and previous activities in his career.

He later continued:

"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."



These comments are partisan in that they mischaracterize the nature of the hearings and reveal partisan assumptions about Democratic Senators' intentions. Members of the Senate Judiciary Committee had many legitimate questions to ask Mr. Kavanaugh, including ruling out the possibility that he had committed crimes in the past. Whether or not a Supreme Court nominee has committed a crime is a genuine concern that Senate Judiciary committee members must investigate. Merely asking questions about Mr. Kavanaugh's past activities falls within the job description of serving on the Senate Judiciary committee.

However, Mr. Kavanaugh chose to characterize this duty as a "revenge" scheme perpetrated by Democrats and Democrats alone—as though anyone who might have a different understanding than his own must be out for revenge. His invoking of the Clintons and "left-wing opposition groups" suggests a political conspiracy that is partisan in nature, and he presented these accusations without evidence.

Either these comments revealed Mr. Kavanaugh's partisan bias or served as an attempt to convince television viewers of a partisan belief. Whichever may be the truth, the partisan nature of his comments and their anti-Democratic, anti-liberal bias constitutes judicial misconduct.

As someone who is, myself, a grassroots Democratic party volunteer and activist in California, I do not believe Mr. Kavanaugh could be impartial should I ever appear before him. Through a simple Google search, Mr. Kavanaugh would be able to determine that I previously served as [REDACTED]. His comments about Democrats and the false implications that they engage in conspiracies against him undermines his ability to view Democrats like myself in a fair manner and, thus, would impede his ability to preside.

I ask you to take this complaint seriously and to take action as necessary to address and rectify Mr. Kavanaugh's partisan nature. Should he be unable to serve in an impartial manner, I ask that he be removed from the bench immediately. I also ask that you read Mr. Kavanaugh's opening statement in full, which can be found at the URL listed in the endnotes for this letter.

Thank you for considering this complaint. I look forward to hearing about any future actions on this matter from the Judicial Council.

Sincerely,

[REDACTED]

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<sup>1</sup> Brett Kavanaugh's opening statements on September 27 can be found on the New York Times website at <https://www.nytimes.com/2018/09/26/us/politics/read-brett-kavanaughs-complete-opening-statement.html>.  
<sup>2</sup> Safire, William: "The Way We Live Now." <https://www.nytimes.com/2001/05/27/magazine/the-way-we-live-now-5-27-01-on-language-judge-fights.html>