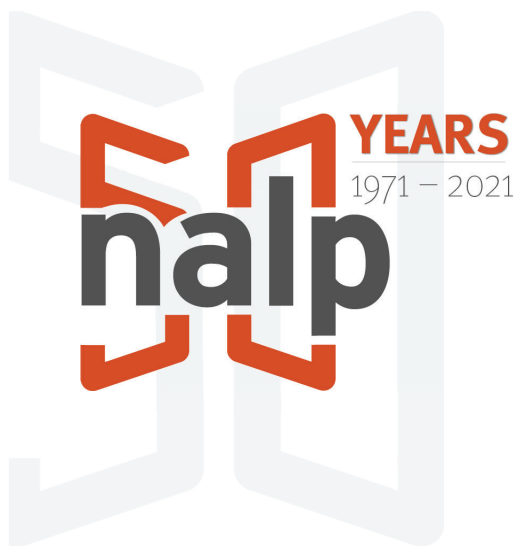


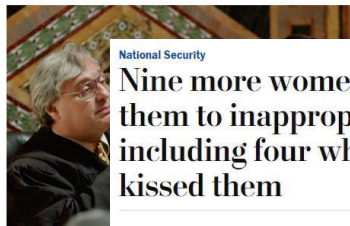


#METOO IN THE COURTHOUSE

The Federal Judiciary's #MeToo Movement

National Security

Prominent appeals court Judge Alex Kozinski accused of sexual misconduct

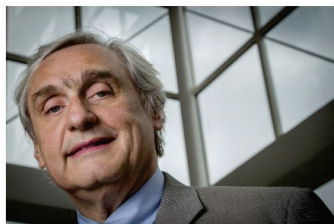


Nine more women say judge subjected them to inappropriate behavior, including four who say he touched or kissed them

Judge Alex Kozinski of the 9th Circuit last month, (AP)

By Matt Zapotosky

A former clerk for and well-known judge on the U.S. Court of Appeals for the 9th Circuit, Kozinski called her into his office and showed her pornography on his computer, she said. He also allegedly touched her and kissed her.

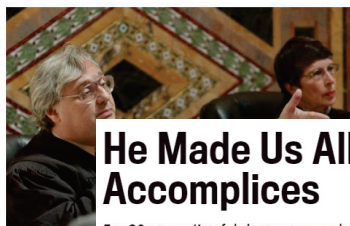


The total number of women who now accuse Alex Kozinski — a high-profile judge who sits on the U.S. Court of Appeals for the 9th Circuit — of some kind of inappropriate comments, touching or other behavior is 15. (J. David Ake/AP)

By Matt Zapotosky December 15, 2017 Email the author

Outlook • Perspective

Pressuring harassers to quit can end up protecting them



He Made Us All Victims and Accomplices

For 20 years, I've felt it was too early to speak up about Judge Alex Kozinski. Now I fear it's too late.



By Dahlia Lithwick

By Kath
Katherine
Angeli
for Kozinski
Ruth Bari

When I learned more than a dozen women had accused Judge Alex Kozinski of sexual misconduct and sexual harassment, I felt a mix of relief and anger.



The Federal Judiciary Takes Action

COURTS ~700 Sign Letter Advocating For Better Protections For Clerks Against Sexual Harassment

Standing up for a future generation of clerks.

By KATHERINE RUBINO

Dec 22, 2017 at 1:45 PM



I thought that I kind of owed it to the next generation of law clerks, to make sure they have the opportunity to serve their judges free of harassment.

—Jaime Santos, associate at Goodwin Procter and one of the organizers of a letter to judiciary officials demanding change in the



News

Nearly 700 Law Clerks Tell Judiciary to Reform Sexual Harassment Procedures

Hundreds of former and current law clerks have urged judicial officers, including Chief Justice John Roberts, to make meaningful reforms to how the judiciary handles sexual harassment and misconduct complaints.

By Cogan Schnier | December 21, 2017 at 06:20 PM

employees at both the national level and if added, providing no other details on how the

ome victims to come forward. But it could also entially hide wrongdoing. It is not known whether aints in a new process would become public or whether it would include a mechanism for sanctioning abusive judges.

"We think it's great that the judiciary is considering an additional, less formal, reporting option through which individuals concerned about the behavior they witness or experience can receive guidance about harassment and how to report harassment through formal channels," said Jaime Santos, a former law clerk on the 9th Circuit where Kozinski served until his December retirement.



Related Article: Federal courts say they'll now track sexual harassment data

2017 Year-End Report on the Federal Judiciary

We have a new challenge in the coming year. Events in recent

months have illuminated the depth of the problem of sexual harassment in the workplace, and events in the past few weeks have made clear that the judicial branch is not immune. The judiciary will begin 2018 by undertaking a careful evaluation of whether its standards of conduct and its procedures for investigating and correcting inappropriate behavior are adequate to ensure an exemplary workplace for every judge and every court employee.



2021 NALP Annual Education Conference

Federal Judiciary Workplace Conduct Working Group Formed

Published on January 12, 2018

James C. Duff, Director of the Administrative Office of the U.S. Courts, has established a Federal Judiciary Workplace Conduct Working Group to review the safeguards currently in place within the Judiciary to protect employees from inappropriate conduct in the workplace.

3

A Pervasive Problem, or One Bad Apple?

Wisconsin

Justices bar judge from bench for 3 years for harassment

By Associated Press | July 9, 2019 | 9:51 am

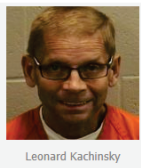
MADISON, Wis. (AP) — The state Supreme Court has barred a former Fox Crossing municipal judge from serving on the bench for three years after his clerk accused him of harassment.

Prosecutors charged Leonard Kachinsky with felony stalking in July 2018. The Supreme Court suspended him after he was arrested. A jury acquitted him in December and he didn't run for re-election this spring.

The court issued a unanimous order Tuesday barring Kachinsky from the bench for three years retroactive to July 2018. The court ordered him to demonstrate fitness to serve before he tries to work as a judge again.

Former Law Clerk Accuses New York Supreme Court Judge Of Sexual Harassment, Judicial System Of Covering It Up

August 20, 2018 | Admin



Leonard Kachinsky

his uncle
nn a Murderer."

Nebraska Supreme Court judge resigned after ethics complaint; sexual comments emerge

By Todd Cooper and Joe Duggan / World-Herald staff writers | Feb 6, 2018 | 7

Montana

Forsyth judge accused of sexual harassment plans resignation next year

By ZACH BENOIT | zbenoit@billingsgazette.com | May 5, 2015

NEWS • COURTS • News

Women describe pervasive sexism, toxic work environment in Colorado's judicial branch

Seven current, former employees spoke to The Denver Post about experiences working in judicial department

LI judge 'preyed' on clerk, called workers b-tches: lawsuit

By Shawn Cohen and Chris Perez

August 4, 2017 | 5:37pm | Updated

Long Island



Robert A. Bruno
Joseph D. Sullivan/Newsday

A state supreme-court judge from Long Island sexually "preyed" upon his clerk — grabbing her breasts and kissing her — while calling other female employees "bitches," a new lawsuit charges.



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4

A Pervasive Problem, or One Bad Apple?

Politics & Government

Judge Faces Sexual Harassment Allegations From 17 Women

A California Court of Appeal justice based in Los Angeles claims an attention-hungry female judge is behind the avalanche of allegations.

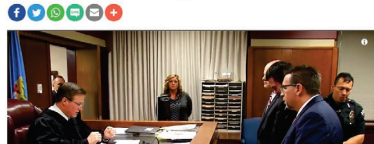
By California News Wire Services, News Partner
Aug 6, 2019 2:02 pm ET

Top State Judge Squeezed Woman Judge's Breast, Wrongly Touched Others, Appeared Drunk? Tough Times For Justice

POSTED BY CONTRIBUTING EDITOR ON AUGUST 5, 2019 IN CRIME | 462 VIEWS | LEAVE A RESPONSE

NEWS

Gov. Stitt calls upon OSBI to investigate former Oklahoma County judge who resigned after sexual misconduct allegations



Louisiana pays \$52K to woman who says former New Orleans judge groped her

by JULIE O'DONOGHUE, LOUISIANA ILLUMINATOR
MARCH 28, 2021

University of Miami Law Review

3-1-1991

Sexual Harassment by Judges

Marina Angel

Kansas

Sedgwick County judge accused of sexual harassment is reassigned

BY TIM POTTER

MAY 19, 2014 03:50 PM, UPDATED AUGUST 27, 2014 12:33 PM

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5

Reforms that have been implemented

- Established working groups to study the issues
- Hired directors of workplace conduct
- Surveyed law clerks and employees and implemented exit interviews
- Created mandatory reporting requirements
- Revised Code of Conduct to specifically prohibit retaliation
- Expanded definition of misconduct and universe of complainants
- Clerk and employee advisory councils
- Improved reporting options within some circuits
- Anti-harassment and bystander training



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6

Areas for Improvement: Confidential Reporting

- National, confidential reporting avenue
 - Give clerks options
 - Identify patterns of misconduct
 - Understand scope of problem
- Clarity about confidentiality
- Retrospective analysis
- Make it an ongoing conversation

Areas for Improvement: JC&D Act

- Make clearer how to handle situations where the Chief Judge has engaged in misconduct
- Treat filed and identified complaints the same
- Enhance public disclosure of judicial misconduct allegations
- Provide detail on power to study & address institutional issues

Areas for Improvement: Miscellaneous

- Transfer program
- Allow complaints rights comparable to those accorded employees that are the subject of complaints
 - Present argument and witnesses
 - Attend hearings
 - Reimbursement of fees in certain cases
- Do away with the judges-investigating-judges system altogether?
- Develop detailed plan to protect employees from retaliation

Law Schools as Positive Forces for Change

- Applicant Education
 - Data Collection: Law schools have access to anecdotal and actual data that applicants lack (e.g., which judges are good managers, have low turnover, and provide mentorship)
 - Data Distribution: Law schools can alleviate the effects of whisper networks by facilitating distribution of information
 - Process Education: Explain reporting avenues to future clerks
- Alumni Support
 - Assist current clerks who may wish to report misconduct
 - Normalize questions about misconduct

Law Schools as Positive Forces for Change

- Systemic Changes
 - Consider how law schools have sent clerks to judges despite knowing they engage in misconduct or abusive behavior
 - Consider which students tend to apply to (and receive) clerkships and consider how to diversify the application process
- Advocacy Efforts
 - Law schools have more institutional capability to ask for changes to reporting structures and report misconduct
 - Consider partnering with the judiciary to share information about misconduct concerns



Legal Employers as Positive Forces for Change

- Advocacy Efforts
 - Support advocacy efforts and provide resources to advocates and opportunities to speak
 - Provide pro bono assistance to those reporting misconduct (damages are not available for EDR complaints so finding counsel is difficult)
- Cultural Change
 - Consider how employment practices can prop up harassers or abusers (hiring clerks from certain judges)
 - Call out misconduct and normalize discussing misconduct



