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ONE HUNDRED FIFTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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May 8, 2018

James C. Duff, Director  
Administrative Office of the United States Courts  
The United States Courts  
One Columbus Circle NE  
Washington, DC 20002

Dear Director Duff:

We write today to express our support for the work you, as head of the Federal Judiciary Workplace Conduct Working Group, are doing to better protect employees from inappropriate conduct in the workplace. According to a status report issued by the Working Group last month, it appears that a number of reforms have either been implemented or are under development. As the authorizing Committee for the federal Judiciary, we accordingly request a bipartisan staff briefing on your progress to date.

We were pleased to see Chief Justice John Roberts address the ongoing concerns about sexual harassment in the Judiciary in his 2017 State of the Judiciary Report, and we appreciated the interim report your office released in March on the progress made by the Working Group formed at the Chief Justice's request. Much as Congress has begun the long process of addressing how our rules and procedures have failed to protect employees from abusive and harassing behavior, the Judiciary branch must do the same.

As you know, the inherently confidential work environment of the judicial branch can make it exceedingly difficult to discover inappropriate workplace behavior, especially instances of sexual harassment. The power imbalance between judges and employees, as well as confidentiality requirements, pose potentially substantial roadblocks to reporting harassment. Unclear or unknown procedures for pursuing a complaint against a judge or another employee may discourage victims from coming forward. These issues, and others that may create an environment for unreported harassment, must be addressed.

In advance of the requested briefing, we ask that you please respond to the following questions.

- 1) What process was used to select members of the Working Group? What criteria were considered and who made the final selection? Please also provide a list of all Members of the Working Group.
- 2) What schedule has the Working Group followed? How often have in person meetings taken place? When not meeting in person, how has business been conducted?
- 3) What are the current procedures for:
  - a. Clerks to report sexual harassment by a judge?
  - b. Clerks to report sexual harassment by another clerk or court employee?
  - c. Court employees to report harassment by a judge?
  - d. Court employees to report harassment by a clerk or other court employees?
- 4) Once a report has been filed in the above circumstances, what are the official procedures for investigation of the complaint and any resolution?
- 5) Will the Working Group address the current procedures for reporting, investigating, and resolving sexual harassment claims? If so, do you intend to make recommendations for how the judicial branch can improve these procedures?
- 6) Will the Working Group address ways to prevent sexual harassment from occurring within the judicial branch? If so, what specific topics will you consider?
- 7) Does the Working Group anticipate making recommendations for legislative reforms?

Thank you for your responses to these questions and your scheduling a briefing for Committee staff. We appreciate your ongoing commitment to this important issue.

Sincerely,



Bob Goodlatte  
Chairman  
House Judiciary Committee



Jerrold Nadler  
Ranking Member  
House Judiciary Committee