



Judge Merrick Garland in November 2017.

Photographer: Brendan Smialowski/AFP/Getty Images

Sexual Harassment Policies Adopted for Federal Judiciary (1)

By Kimberly Strawbridge Robinson

Mar. 12, 2019 2:51PM Updated: Mar. 12, 2019 4:40PM

- *Amendments make clear that failing to report misconduct is misconduct itself*
- *Changes come in response to sexual assault allegations against then-Ninth Circuit Judge Alex Kozinski*

The federal judiciary will change its response to workplace sexual misconduct charges effective immediately, the policy-making body for the federal courts announced today.

It is itself “misconduct not to report misconduct,” Chief Judge Merrick Garland, of the U.S. Court of Appeals for the D.C. Circuit, said in a press briefing following the bi-annual Judicial Conference meeting.

The changes clarify what behavior is prohibited, address informal methods to report misconduct, and provide for training mechanisms to educate employees on prohibited behaviors, said Garland, who heads the Executive Committee of the Judicial Conference.

The changes stem from a June 2018 report Chief Justice John G. Roberts Jr. commissioned after sexual harassment allegations against then-Ninth Circuit Judge Alex Kozinski emerged. Kozinski has since retired.

Roberts' year-end report detailed the steps the judiciary has already taken to address concerns in the #MeToo era, including the creation of a working group to address inappropriate workplace conduct for law clerks and court employees.

The working group made the recommendations implemented today and Garland said it will remain in place to "keep tabs" on the judiciary's progress and perhaps make suggestions in the future.

The codes of conduct don't officially apply to Supreme Court justices, but they have previously said they consult and follow them.

Justice Elena Kagan said during a budget hearing March 7 that Roberts is currently studying whether to develop a code of conduct that applies specifically to Supreme Court justices. It's something that's being "very seriously" weighed, she said.

There are also legislative proposals that would apply the current judicial code to the Supreme Court, but prospects for passage are uncertain.

(Added last two paragraphs regarding code for Supreme Court justices)

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