

**DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE**

515 FIFTH STREET, N.W., BUILDING A, ROOM 246
WASHINGTON, D.C. 20001
(202) 727-1363

April 2, 2018

The Honorable Anna Blackburne-Rigsby
Chief Judge
District of Columbia Court of Appeals
430 E Street, N.W.
Washington, D.C. 20001

The Honorable Robert E. Morin
Chief Judge
Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Washington, D.C. 20001

Dear Chief Judges Blackburne-Rigsby and Morin:

The Commission has been requested to address the issue of sexual harassment, and to provide guidance concerning the appropriate office where such complaints should be filed.

As you know, the Commission has the authority to remove a judge for willful misconduct in office, for willful and persistent failure to perform judicial duties, and for conduct prejudicial to the administration of justice or which brings the judicial office into disrepute. The Commission reviews complaints concerning the misconduct of all Associate and Senior Judges of the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. In considering claims of misconduct, the Commission first looks to the ABA Code of Judicial Conduct (2018) as adopted by the District of Columbia Joint Committee on Judicial Administration.

The Code of Judicial Conduct has four Canons that judges must adhere to, and Canon 2, Rule 2.3(B) unmistakably prohibits judges from engaging in any type or form of harassment, it states:

“A judge shall not, in the performance of judicial duties, by words or conduct manifest bias, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge’s direction and control to do so.”

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In addition, Comment [4] of the Canon is even more definitive in its description of what constitutes sexual harassment:

“Sexual harassment includes but is not limited to sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature that is unwelcome.”

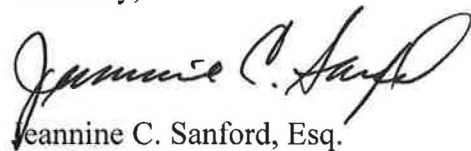
A judge who engages in any conduct or behavior as described in Canon 2, Rule 2.3(B), and Comment [4] of the Canon, will be deemed in violation of the Code, and such conduct or behavior will prompt the Commission’s attention. The Commission also considers retaliation by a judge against a complainant or other involved party to be a violation of the Code.

Any Court employee, law clerk, or judge who believes that they have been the subject of sexual harassment by an Associate or Senior Judge of the D.C. Courts, should file a complaint with the Commission forthwith. This also applies to sexual harassment not directed at a complainant but observed as a third party, or to a supervisor who receives information from an employee who has been sexually harassed. Complaints can be filed electronically through the Commission’s website, www.cjdt.dc.gov, and a complaint form can be obtained by calling the Commission office on (202) 727-1363. The Commission also accepts complaints sent to its agency email address, dc.cjdt@dc.gov, and it will review mailed, oral, and anonymous complaints. Questions concerning the filing of complaints or the complaint process should be directed to the Commission’s Executive Director, Ms. Cathae Hudgins, who can be reached on (202) 727-1363 or cathae.hudgins@dc.gov.

The Commission is sensitive to the concerns and fears that some may have in filing a complaint against a judge. Nevertheless, the Commission is powerless to act in the absence of any information, and I would emphasize that Commission complaints, investigations and proceedings are, by law, confidential.

The Commission would appreciate you circulating this letter to all Court personnel, law clerks, and judges of your Court. The Commission hopes the information provided is helpful.

Sincerely,



Jeannine C. Sanford, Esq.
Chairperson

jcs/cjh