



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

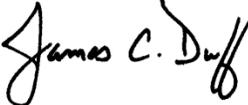
JAMES C. DUFF  
Director

WASHINGTON, D.C. 20544

December 20, 2017

MEMORANDUM

To: All United States Judges  
Circuit Executives  
Federal Public/Community Defenders  
District Court Executives  
Clerks, United States Courts  
Chief Probation Officers  
Chief Pretrial Services Officers  
Senior Staff Attorneys  
Chief Circuit Mediators  
Bankruptcy Administrators  
Circuit Librarians  
Judicial Assistants-Secretaries  
Law Clerks

From: James C. Duff 

RE: WORKPLACE CONDUCT (**ACTION REQUESTED**)

The Chief Justice has asked me to establish a working group to examine the sufficiency of the safeguards currently in place within the Judiciary to protect court employees, including law clerks, from wrongful conduct in the workplace. I plan to establish a working group in the coming weeks that will produce its report and recommendations by May 1, 2018.

In the meantime, this memorandum provides a reminder that processes and procedures exist for *all* Judicial Branch employees to report concerns of wrongful workplace conduct, including sexual harassment. This memorandum also provides information on the educational tools and materials available to help prevent illegal and prohibited conduct in our workplaces. It is important that all employees, including judges, court unit executives, and law clerks be aware of the applicable rules, recourse, and resources, that are available. **Please share this memorandum with all staff.**

*First*, any aggrieved employee may file a complaint regarding wrongful conduct under the Judicial Conduct and Disability Act (JC&D) which can result in remedial action against the subject of the complaint. Moreover, the [Judiciary's Model Employment Dispute Resolution \(EDR\) Plan](#), which every circuit court, all 94 district courts, and all bankruptcy courts have

adopted in whole or with local modifications, identifies the range of personnel actions that are prohibited and states the procedures to initiate, pursue, and obtain resolution of a complaint. The Model EDR Plan and related resources can be found on the [JNet](#). Court employees should follow their own court's EDR Plan and/or the JC&D process when filing a complaint. Coupled with the JC&D, these EDR plans provide all employees protection from wrongful conduct and recourse.

*Second*, the Administrative Office (AO) through its Office of the General Counsel, Office of Fair Employment Practices, and Office of Human Resources has created a range of on-line training through the [HR Academy](#) by video conference or, upon request, in-person, that addresses the EDR process, employment laws, wrongful conduct, and unconscious bias, among other relevant topics for the workplace.

*Third*, the Federal Judicial Center (FJC) added a statement in the Law Clerk Handbook this week that makes clear that nothing in the Handbook, nor the Code of Conduct, prevents a law clerk or any Judiciary employee from revealing or reporting misconduct, including sexual harassment. The FJC offers many in-person and video presentations that address prohibited workplace discrimination, as well as techniques to ensure a respectful and inclusive workplace. In-district training on the topic of "Preventing Workplace Harassment" has been utilized by many courts. Districts may request this training by contacting Phyllis Drum at the FJC at [PDrum@fjc.gov](mailto:PDrum@fjc.gov) or at 202-502-4134. Several videos provide valuable information for managers and employees on how to prevent and counter instances of prohibited misconduct, including harassment. The trainings and videos cover topics ranging from the definition of wrongful conduct, to the responses to it, to reducing the threats of it. The videos also provide training on techniques for improving overall communication, teamwork and morale. And they provide prevention and response tools for unwelcome behavior and procedures for reporting misconduct. The FJC is also assembling a list of relevant videos on its homepage. These can be accessed at <http://fjc.dcn/content/326872/preventing-sexual-harassment> or by clicking on [fjc.gov](http://fjc.gov) from this memorandum.

All of these resources are intended to help foster a safe, comfortable, and respectful workplace in the Judiciary. I encourage the courts to make full use of these resources and I also encourage all who are in the Judiciary to take action when they observe or encounter inappropriate conduct. Everyone who works in the Judiciary has recourse if they are subjected to inappropriate behavior.

As we re-examine our procedures, we welcome your input. You may contact me at 202-502-3000 or [JDuff@ao.uscourts.gov](mailto:JDuff@ao.uscourts.gov) with your suggestions.