

Judicial Council of the Fourth Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The Rules for Judicial-Conduct and Judicial-Disability Proceedings, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The Rules are available in federal court clerks' offices, on individual federal courts' Web sites, including www.ca4.uscourts.gov, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. If filing by email, your complaint and any attachments must be in PDF format. Please email to 4CCA-JudicialComplaints@ca4.uscourts.gov.

In the alternative you can mail it to Clerk, United States Court of Appeals, 1100 East Main Street, Suite 501, Richmond, VA 23219-3517. **Do not put the name of any judge on the envelope.** Only the original is required to be filed if mailed.

1. Name of Complainant: Gabe Roth
Contact Address: [REDACTED]
City, State, Zip: [REDACTED]
Email address: Gabe@FixTheCourt.com
Daytime telephone: ([REDACTED]) [REDACTED]

2. Name(s) of Judge(s): Judge Joseph Dawson
Court: U.S.D.C. for the District of South Carolina

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

Yes No

If "yes," give the following information about each lawsuit:

Court: _____

Case Number: _____

Docket number of any appeals to the Fourth Circuit: _____

Are (were) you a party or lawyer in the lawsuit?

Party Lawyer Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

4. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

5. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature)  _____

(Date) February 16, 2021 _____



Gabe Roth



Hon. Patricia S. Connor, Clerk of the Court
U.S. Court of Appeals for the Fourth Circuit
1100 E. Main St., Ste. 501
Richmond, VA, 23219

Delivered via e-mail, 4CCA-JudicialComplaints@ca4.uscourts.gov

February 16, 2021

Dear Clerk Connor:

My name is Gabe Roth, and I am the executive director of Fix the Court, a national nonpartisan organization that advocates for greater transparency and accountability in the federal judiciary.

I write to submit a complaint against District of South Carolina Judge Joseph Dawson under Rule 6 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. For reference, President Trump nominated Judge Dawson to the U.S. District Court for the District of South Carolina on Oct. 23, 2020. His Senate Judiciary Committee hearing occurred on Nov. 18, and he was confirmed by the U.S. Senate on Dec. 16. He received his commission on Dec. 22.

On Dec. 7, 2020, Dawson signed an Employment Contract Separation Agreement¹ with his former employer, Charleston County, South Carolina, where Dawson was County Attorney. Item One, Clause B of the Agreement states that Dawson would receive a \$216,000 payment for providing “institutional and historical knowledge and insight on proceedings related to services performed or required to be performed, or non-legal advice on matters where he possesses pertinent knowledge for twelve months from the date of his separation,” that date being Dec. 21, 2020.

The Code of Conduct for U.S. Judges forbids outside paid employment during one’s tenure as a federal judge, save part-time teaching. Though the Agreement might read like severance arrangement, it includes language that makes it a contract to provide “professional services [...] for compensation².” What’s more, an attempt to soften the language by including the phrase “non-legal advice” in Clause B is dubious, as Dawson’s “knowledge and insight on [County] proceedings” would almost certainly by definition be a request for legal advice.

A second issue of concern is that per Item One, Clause C, Dawson is entitled to “a contingency fee in the amount of 1.5% of the gross amount recovered” from the County’s opioid litigation against Purdue Pharma. This arrangement is highly unusual for any public servant, let alone one recently elevated to the federal judiciary³.

Third, neither the “professional services” nor the “contingency fee” was noted in Dawson’s Senate Judiciary Questionnaire under questions about “Deferred Income” (Q20), “Future Benefits” (Q20) or “Outside Commitments During Court Service” (Q21)⁴. Though it is possible that the Agreement, which Dawson signed Dec. 7, had yet to be prepared by the time the Questionnaire was finalized, on or about Nov. 18, Dawson did not at any time, to my knowledge, update the Questionnaire to reflect the income and the commitments laid out in the Agreement.

Though the above information has been disclosed in publicly available news reports over the past week, it appears that the Chief Judge of the District of South Carolina has yet to identify a complaint under Rule 5 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, so I hope you will consider these facts carefully under Rule 6. I look forward to your acknowledgement of the complaint’s receipt.

Thank you,

Gabe Roth

¹ The Agreement is available at TinyURL.com/Dawson-Agreement and was obtained by an S.C. newspaper, *The Post and Courier*, via FOIA.

² See Guide to Judiciary Policy; Ethics Statutes, Regulations, and Judicial Conference Resolutions; §1020.35(a): “No covered senior employee shall (1) affiliate with [...] entity to provide professional services which involve a fiduciary relationship for compensation.”

³ Even so, it may not violate §1020.25(b)(2) of the Ethics Statutes, which permit “deferred compensation.”

⁴ Dawson’s Senate Judiciary Questionnaire is available at TinyURL.com/JD-SJQ.