



Hon. Claire Eagan
Chair, Executive Committee of the Judicial Conference of the United States
% U.S. District Court for the Northern District of Oklahoma
Page Belcher Federal Building
333 W. Fourth St., Rm. 411
Tulsa, OK, 74103
Delivered via e-mail

April 22, 2021

Dear Judge Eagan:

It is my understanding that the Judicial Conference Committee on Judicial Conduct and Disability currently comprises six Republican-appointed judges and one Democratic-appointed judge. This is according to the last publicly available Committee memorandum of decision¹, which was dated March 31, 2020.

Given that the Committee often has the final say in matters of alleged misconduct, and to encourage public faith in its work, I write today to request that future appointments be made in a way that ensures balance with respect to the partisanship of the president who appointed each judge. Further, I request that the Judicial Conference make the Committee's membership public.

I am not suggesting that these seven judges are acting anything but honorably in their Committee service. But I believe it's important to see the larger context in which the Committee is operating.

As the men and women charged by the Constitution to give advice and consent for judicial nominees become increasingly polarized, and as both parties remove various safeguards that had required broad consensus to advance nominees, it is critical for the judiciary to take steps to insulate itself. It is likely already the case that the judicial misconduct process is being used by groups and individuals to advance their own partisan goals, and I imagine that will happen more frequently in the future.

It is in the interest of justice that the Judicial Conduct and Disability Committee be reflective of the nation it serves, and no party should hold, or even appear to hold, a monopoly on determining what constitutes misconduct and what constitutes an appropriate remedy.

Finally, since the Committee's membership has not been made public, we ask that you make it so.

Sincerely,

Gabe Roth
Executive Director
Fix the Court

¹ Available at https://www.uscourts.gov/sites/default/files/c.c.d._no._19-03_march_31_2020_0.pdf.