



October 18, 2022

Dear Chairmen Durbin, Whitehouse, Nadler and Johnson; Ranking Members Grassley, Kennedy, Jordan and Issa:

We, the undersigned organizations, write to encourage you to draft legislation that will close a disclosure loophole in the judiciary and ensure that judges, justices and the American people can more fully appreciate and account for potential judicial conflicts of interest.

Our recommendation comes as a new report¹ has illustrated how the work of several judicial spouses — those in the legal and legal services industries and those who do consulting work² — might intermingle with the cases and petitions considered by the Supreme Court. These concerns are no doubt more acute in circuit and district courts, which, including senior judges, comprise close to 1,400 jurists.

We therefore seek the following insertion into 5 U.S.C. App. § 102(e)(1), with the current subsections (B) through (F) being redesignated as (C) through (G):

“(B) If a spouse renders legal services; strategic or legal advice related to litigation, lobbying, or business activities; lobbying or public relations services; or testimony as an expert witness, and the value of that service, advice, or testimony in the reporting year is greater than \$5,000 or its equivalent in billable hours or bonuses, then the name of the payor for that service, advice, or testimony and the amount of compensation need be reported.”

We believe \$5,000 to be the proper threshold since that number is used elsewhere in government financial disclosure rules as a reporting floor, including in the rules that govern reporting of major clients by incoming officials and nominees.³

We applaud your recent work⁴ to ensure that judges’ and justices’ annual disclosures reports and reports on their stock transactions are posted online in a timely manner. We hope we can work with you in the coming weeks to improve judicial disclosures once more.

Sincerely,
Citizens for Responsibility and Ethics in Washington (CREW)
Fix the Court

Free Law Project
Project On Government Oversight

¹ See Hailey Fuchs, Josh Gerstein and Peter S. Canellos, “Justices shield spouses’ work from potential conflict of interest disclosures,” *Politico*, Sept. 29, 2022 ([link](#))

² Jane Roberts is managing partner at legal recruiting firm Macrae, where she “advises high-profile law firm partners and [...] senior government attorneys” ([link](#)); Ginni Thomas is president of Liberty Consulting ([link](#)), which has been involved in several high-profile political and policy battles in Washington; Jesse Barrett in 2021 opened the Washington-based practice for Southbank Legal ([link](#)); and Patrick Jackson receives “self-employed consulting income [...] from consulting on medical malpractice cases” ([link](#))

³ See 5 U.S.C. App. § 102(a)(6)(B); U.S. Office of Government Ethics, Financial Disclosure Reporting Guidelines, § 2.07: Part 4

⁴ See the Courthouse Ethics and Transparency Act, P.L. 117-125