



348 4th Ave., 1007, Brooklyn, N.Y., 11215

The Honorable Roslynn R. Mauskopf
Director, Administrative Office of the United States Courts
One Columbus Circle NE
Washington, D.C., 20544

Aug. 10, 2023

Dear Judge Mauskopf,

Thanks to [regulations](#) implemented by the Judicial Conference in 2007,¹ the public is able to catch a glimpse of the privately funded judicial educational seminars that federal judges attend each year.

Unfortunately, upon a review of the seminars that dozens of appeals court judges have recently reported participating in, it appears that the events are becoming more overtly ideological and, in many cases, more closely resemble paid luxury vacations than opportunities to catch up on trends and innovations in the field.

To any reasonable person, this level of luxury, coupled in many cases with the content of the seminars, appears inconsistent with Canon 2 of the Code of Conduct for U.S. Judges, which states, “A judge must avoid all impropriety and appearance of impropriety *in all activities*” (emphasis mine).

In June, for example, several judges (see [List of Trips](#)) reported attending the weeklong Alyeska Colloquium sponsored by Scalia Law and held at the [Alyeska Resort](#) in Girdwood, Alaska, about 40 miles southeast of Anchorage and 4,300 miles northwest of the law school’s campus. The resort had numerous amenities for the judges to enjoy, including a “Nordic spa” and an aerial tram boasting views of seven glaciers and “endless peaks deep into the Chugach Mountain range.” Some days the program [adjourned](#) at 10:45 a.m. It’s unclear why this symposium had to be conducted in the 49th state.

What’s more, some of the presentations at Alyeska were more doctrinaire than one would expect at a purportedly nonpartisan educational colloquium. The first day featured a talk on “bad” Supreme Court decisions, for which the suggested reading was an [essay](#) that ranked *Obergefell* and *Griswold*, respectively, as the fifth and sixth “worst” Supreme Court decisions of all time, even as both remain precedents the attendees are bound to follow. The third day featured Scalia Law Prof. Todd Zywicki speaking about the Consumer Financial Protection Bureau, an agency whose very existence he’s been [deeply critical of](#) and whose funding source remains a topic of federal litigation. The final presentation was from *Wall Street Journal* columnist Kim Strassel, who unironically gave a talk titled “Media Attacks on Judges and the Campaign to Delegitimize the Judiciary” just months after [referring](#) to Justices Kagan and Sotomayor as “radical judges.”

Also this past June, 22 judges—all but one of whom (Sutton) was appointed by President Trump—reported attending an “Originalism for Judges Seminar” [sponsored](#) by the Georgetown Center for the Constitution in Sarasota, Fla.,² a city nearly 1,000 miles from GULC’s campus. (The 2021 and 2022 GCC originalism seminars, also held in Sarasota,

¹ The regulations were implemented soon after an ABC News investigation into judicial seminars, that showed, in at least once instance, judges doing as much tennis-playing and fly-fishing as learning.

² We do not include this seminar in the List of Trips, as we are still working to ascertain whether it took place at a luxury resort, though the point on partisanship holds.

hosted 14 and 21 Republican-appointed judges, respectively.) “Originalism,” as you know, is a method of legal interpretation that has gained popularity in the last few decades and is almost exclusively practiced by judges appointed by Republican presidents—and in political and policy-related cases almost always leads to conservative outcomes.

There may be a bit of a chicken vs. egg situation here, where the growing number of self-styled “originalist” judges calls for more “originalist” educational opportunities. However, seeing as how there appear to be few other judicial [conferences](#) devoted to a specific interpretive method, and with all of this method’s practitioners on one side of the ideological divide, we question whether such an event comports with ethical norms and the goals of legal education.

We do not begrudge federal judges for wanting to stay at nice hotels, and we understand that there needs to be a draw to get judges on a plane. But there’s nice, and then there’s *nice*. From a survey of the seminars, one finds the destinations described as “Luxury Without Limits” (the Hawaii hotel where [this](#) seminar took place), an “Icon of Luxury & Refinement” (another Hawaii resort [two judges](#) stayed at) or a “luxury resort getaway” (the Montana destination of [this](#) seminar).³

The examples are not few but legion: Fix the Court has tracked at least 76 times in the last three years that 31 appeals court judges have attended seminars at luxury resorts (see [List of Trips](#)).

This is undoubtedly an undercount,⁴ as we did not include:

- Recent seminars in Scottsdale, Ariz.; Cape Coral, Orlando and Sarasota, Fla.; Maui, Hawaii; Park City, Utah; Florence, Italy; Madrid, Spain; and London, U.K., due to a lack of information on the accommodations; and
- Judges who we believe attended a seminar but did not file a private seminar disclosure report, such as Judges Michelle Childs and Gabriel Sanchez, who were scheduled to [attend](#) a retreat in Sun Valley, Idaho, last year; nor are their 2022 financial disclosures posted online.

And although we noted the sponsor of the seminars in the List of Trips, it’s worth mentioning that we do not, in fact, know who actually paid for the seminars to take place — e.g., if law schools or other organizations are receiving donations specifically earmarked for “judicial education.”

We hope that ahead of next month’s Judicial Conference meeting you will work with your colleagues in the Conference to look into these seminars — and work with their organizers to ensure that ethical protocols are being maintained. In the short term, one suggestion would be to require judges to list on their seminar disclosure reports the cost of their (and when applicable, their spouses) free flights, hotels, meals and entertainment, as members of Congress would have to do were they to attend similar events.

We look forward to your response.

Sincerely,

Gabe Roth

Executive Director

Fix the Court

Olivia Rae Okun-Dubitsky

Law Clerk

Fix the Court

³ We do realize there’s a bit of irony in this statement given recent judiciary-sponsored conferences at the Mohonk Mountain Resort in the Catskills or at the Big Sky Resort in Montana.

⁴ As noted above, we also do not include U.S. District Court judges in our data; at the June 2023 Baylor MDL Summit alone, held at the St. Regis Aspen Resort in Aspen, Colo., some 30 district judges were [scheduled](#) to appear.