

October 4, 2018

Dear Senators,

We are a non-partisan group of women law faculty from across the nation charged with training our students to become ethical lawyers and leaders of the bar. We believe in and embrace the Supreme Court and all that it represents – judicial independence, fair-mindedness, and justice and equality under the law. On a daily basis, we teach our students about the importance of the rule of law, impartiality on the part of judges in the United States’ legal system, and professionalism as a mandate for attorneys and judges.

Judicial professionalism is not an abstract ideal. At a minimum, judicial professionalism includes respecting and listening to parties who come before the bench, exercising honesty and integrity, and the ability to control one’s temper. The *ABA Model Code of Judicial Conduct* and the *Code of Conduct for United States Judges* give guidance to judges on how to perform their duties with impartiality and integrity. These characteristics are the building blocks of a fair and just legal system. They were, however, absent from Judge Brett Kavanaugh’s opening statement and testimony before the Senate Judiciary Committee on September 28, 2018. We are deeply concerned that if Judge Kavanaugh is confirmed, he will fail to perform his duties in a manner befitting our highest Court. For these reasons, we urge you to vote against Judge Kavanaugh’s nomination to the Supreme Court of the United States of America.

Canon 2 of the *Code of Conduct for United States Judges* requires that “[a] judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” Manifestations of bias or prejudice with respect to gender and political affiliation are inconsistent with Canon 2.

Judge Kavanaugh demonstrated disrespect towards Democratic senators vested with the constitutional authority to assess his ability to serve on the Supreme Court of the United States. He continually interrupted, speaking in a tone that was inappropriate given the seriousness of the proceedings. His condescension was especially evident in his responses to the questions of women senators. One of the worst instances of such behavior was exhibited when Senator Amy Klobuchar asked the Judge whether his drinking meant that he could not remember events. He responded, “You’re asking about blackout. I don’t know, have you?”

Judge Kavanaugh’s lack of respect for our democratic institutions, and for women in positions of power in particular, revealed that he does not have the requisite judicial temperament. We would never allow our students to engage in such conduct even in mock proceedings or the classroom. If the venue for Judge Kavanaugh’s conduct had been a courtroom, a judge might have found him in contempt.

Many of us have participated on search committees for faculty members, deans, provosts, university presidents, and other positions. If job candidates refused to answer probative questions and side-stepped with stock answers about their pedigrees and accomplishments, their behavior would leave us with serious questions about their honesty and credibility.

We are not alone in our assessment of Judge Kavanaugh. Although the Judge has cited the ABA's endorsement of his nomination in 2006, the ABA actually downgraded the Judge from well-qualified to simply qualified, in part, because of his temperament and concerns about his "ability to be balanced and fair."

We doubt that Judge Kavanaugh can be impartial. In his lengthy opening remarks during the Senate hearing, he stated:

This whole two-week effort has been a calculated and orchestrated political hit fueled with apparent pent-up anger about President Trump and the 2016 election, fear that has been unfairly stoked about my judicial record. Revenge on behalf of the Clintons and millions of dollars in money from outside left-wing opposition groups.

For over two centuries, Supreme Court justices have set aside their political views to evaluate claims and render rulings that advance the rule of law and reflect changes in our society. Judge Kavanaugh's pointed remarks suggest he does not have the capacity to give fair consideration to all cases.

We urge you to reject Judge Kavanaugh's nomination to the Supreme Court of the United States of America. Judge Kavanaugh has shown that he is unable to respect women in positions of power, manifests bias with respect to gender and political affiliation, does not meet basic standards of professionalism, and lacks independence, impartiality, and judicial temperament.

Sincerely,

** all signatories to this letter have signed in their individual capacities; title and institutions are listed solely for the purpose of identification.

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