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Congress of the United States
House of Representatives
Washington, DC 20515

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April 22, 2024

The Honorable Robert James Conrad Jr.
Director, Administrative Office of the United States Courts
Chair, Federal Judiciary Workplace Conduct Working Group
1 Columbus Circle NE
Washington, D.C. 20544

Dear Judge Conrad:

I write to you with urgent concerns about the Federal Judiciary's systems to prevent sexual assault, harassment, and workplace misconduct. With no process, there is no due process; without strong systems in place to protect the vulnerable, the Judiciary will fail in its duty to protect judges and employees in the workplace. I understand the Judiciary Workplace Conduct Working Group (WCWG) is determining how much of the results of the first national federal Judiciary workplace climate survey to make public. I urge you to do everything in your power to make the results public and to build up the transparency, effectiveness, and credibility of the Judiciary's systems to protect employees.

The American people deserve to have full confidence in the integrity of the Judiciary— its systems to prevent assault and abuse must be beyond reproach. Yet Congress has heard from Americans who have been assaulted, harassed, and mistreated while working in the Federal Judiciary. “[The workplace was so abusive], I daydreamed every morning about getting hit by a bus on the way to work,” one former law clerk shared with Congress¹. We cannot tolerate any corner of our government where a lack of oversight allows the powerful to prey on the vulnerable with impunity.

After years of Congress urging the Judiciary to improve these systems, I remain concerned with the lack of data available detailing the Judiciary's processes to prevent abuse. In 2022, I requested that the Judiciary allow an independent review of the national climate survey methodology by an appropriate expert to safeguard the highest standards of scientific integrity, guaranteeing full employee protections. The Judiciary did not acquiesce to my request. Today, I write to urge you as Chair of the WCWG to release a credible and transparent report with recommendations supported by the de-identified statistics provided to you by the Federal Judicial Center. Furthermore, I urge you as Director of the Administrative Offices of the Court to revisit the recommendations the WCWG made in March 2022 and to swiftly implement these improvements and others the WCWG recommends.

¹ U.S. Congress. Hearing of the House Subcommittee on Courts, Intellectual Property, and the Internet. “Workplace Protections for Federal Judiciary Employees.” March 17, 2022.

<https://docs.house.gov/meetings/JU/JU03/20220317/114503/HHRG-117-JU03-20220317-SD009.pdf>.

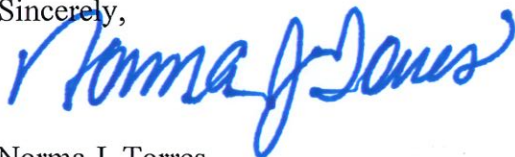
Specifically, I urge you to:

- Release a credible and transparent report to Congress and the public that includes recommendations for improving these systems supported by the de-identified statistics of the national climate survey.
- Commit to more transparency in these systems, including increased data collection and audits, and sharing the results with Congress, and when appropriate the public, to continuously strengthen the institution.
- Provide free legal counsel to employees regarding their workplace rights, similar to the Office of Employee Advocacy of the House.
- Incorporate additional monetary remedies into the Judiciary's employee complaint process.
- Request from Congress any additional resources you may need to accomplish the above.

I understand that implementing meaningful change in this arena is difficult—but it is necessary. Creating systems that effectively allow employees to report abuse would empower more people to report instances of abuse that previously went unchecked. I recognize this may be uncomfortable for those who value the reputation of our courts. To be clear, I do not expect the Judiciary to have zero instances of workplace misconduct. Rather, I expect the Federal Judiciary to create transparent and credible systems that work to protect employees, even when individuals fail in their responsibilities. As the Judiciary has previously noted, “Thus the Constitution established... that the integrity and independence of the branch must take precedence over the independence of the individual... [it] depends both on the courage and integrity of individual judges and on the public perception of the institution as fair, impartial and efficient”². I welcome the improvements made by the Judiciary since Chief Justice Roberts' call in 2017 to ensure an exemplary workplace, and I value the contributions of the many hardworking judges and court employees who place integrity above the whims of individual judges. Building transparent and credible systems is the path by which our nation's Judiciary can be a model of integrity and justice for years to come and safeguard the public's trust.

Thank you for your public service to the Judiciary and our nation. I value your partnership in ensuring an exemplary Judiciary. Together, Congress and the Judiciary must hold as our shared goal the strengthening of Judicial institutions to protect every employee, and I stand ready to support legislation providing additional resources to produce this change.

Sincerely,



Norma J. Torres
Member of Congress

² *Hastings v. Judicial Conference of U.S.*, 770 F.2d 1093 (D.C. Cir. 1985)

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Supreme Court of the United States
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CC: The Judiciary Workplace Conduct Working Group
Care of the Honorable Robert James Conrad Jr.
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