

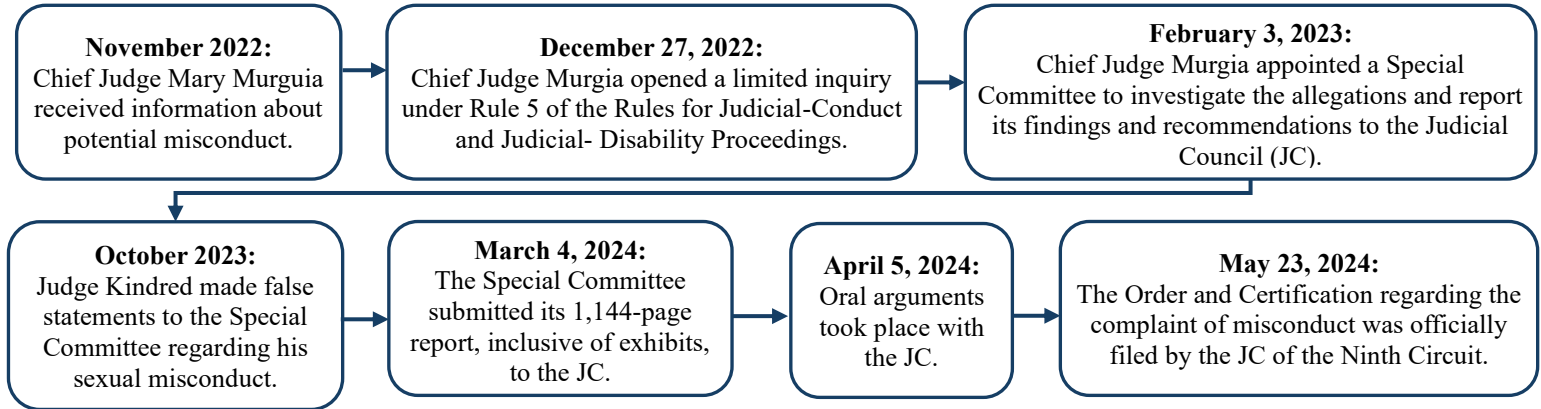


Case Study: United States District Judge Kindred of the District of Alaska



The Judicial Council of the Ninth Circuit filed a complaint of judicial misconduct against U.S. District Judge Joshua Kindred of the District of Alaska for creating a hostile work environment and having an inappropriate sexual relationship with a law clerk. He resigned on July 8, 2024. The Judicial Conference (JCUS) of the United States will continue to consider the matter including the certification with respect to impeachment.

TIMELINE OF JUDICIARY RESPONSE:



JUDICIAL COUNCIL FINDINGS:

Judge Kindred:

- created a hostile work environment for his law clerks through unwanted, offensive, and abusive conduct, and hostile treatment;
- engaged in misconduct by having an inappropriately sexualized relationship with one of his law clerks during her clerkship and shortly after her clerkship while she practiced as an Assistant United States Attorney in the District of Alaska;
- lied, throughout the proceedings, to the Chief Judge, the Special Committee, and the Council by maintaining that he “never had any sexual contact with the law clerk.” *Only under oath during the JC meeting of April 5, 2024, did he admit that he had deliberately lied to the Special Committee.*

OUTSTANDING CONCERNS:

Lack of Reporting Mechanisms

No evidence of employees engaging in a formal reporting process was provided. The Chief Judge launched the investigation after “receiving information”. Judge Kindred stated that he was unaware of any documented chambers protocol for a clerk to report discomfort with the atmosphere in the chambers.

No Employee Protection

No outline of safeguards, if any, were implemented to protect employees during the 21-month investigation. The Order notes that the workplace environment took a “personal and professional toll on multiple clerks.” Many clerks “expressed significant reluctance or discomfort” about their participation in the investigation, highlighting the clerks’ limitation to report other instances of misconduct.

Dismissal of Retaliation

Judge Kindred’s threats were outlined in the Order; however, the Judicial Court dismissed allegations of retaliation. One law clerk reported that Judge Kindred told her to “keep your head down and shut the fuck up.” Additionally, Judge Kindred allegedly joked that if she reported him, he could make her life miserable. Yet, the Committee found that no evidence rose to the level of retaliation.

Untimely Investigation Process

The 21-month long process left employees at risk of further misconduct. Additionally, Judge Kindred “repeatedly missed internal deadlines set by the Special Committee or the Chief Judge,” which further impeded and delayed the investigation.

Conclusion But No Solution

Judge Kindred resigned but the legal process provided no remedies to the law clerks, enduring the hostile workplace and the long investigation. Judicial misconduct rules do not provide remedial action once the perpetrator is removed from the environment.

History of Dismissal

Judge Kindred had far-reaching impact on victims of abuse -- a survey of his cases found that all sexual harassment claims that came before him were dismissed. He dismissed one case as not extremely serious when a female Alaska state trooper recruit reported that a male recruit came into her bedroom while she slept and watched her, and then came into her dressing room while she was undressed.