



Public Information Office
United States Courts for the Ninth Circuit

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NEWS RELEASE

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Ninth Circuit Judicial Council Acts on Workplace Environment Recommendations

SAN FRANCISCO – The Judicial Council of the Ninth Circuit has adopted recommendations to revise policies and procedures that ensure a healthy workplace environment for all employees, including law clerks, working in the federal courts of the western states and the Pacific islands. The council action was announced today by Chief Judge Sidney R. Thomas of the United States Court of Appeals for the Ninth Circuit.

“In an effort to promote and safeguard a healthy working environment, our goal is to make our policies and procedures more accessible, more understandable and more effective,” Chief Judge Thomas said.

The recommendations, which were put forth by a special ad hoc committee appointed by the chief judge last December, include:

- Establishing a new position, the director of workplace relations, responsible for overseeing workplace issues in the Ninth Circuit courts generally. The director will be available to assist all courts and court units in the circuit and will oversee discrimination and sexual harassment training.
- Reducing barriers to reporting workplace misconduct.
- Providing multiple avenues for employees to seek informal advice on workplace issues, including through the director of workplace relations, the circuit’s Employee Assistance Plan, and other available circuit-wide resources.
- Providing the option for assisted resolution of workplace disputes, including through coordinated dispute resolution and voluntary mediation.
- Revising the model Employment Dispute Resolution policy to make the process accessible and easy to understand. Employees also would have up to 180 days to bring a complaint under

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the Policy, rather than the current 30-day window. Following additional input and revisions, the policy will be effective in October 2018.

- Revising the confidentiality policy to make clear that the confidentiality restriction does not prevent or discourage employees from reporting misconduct, including sexual or other forms of harassment.
- Developing ongoing workplace training programs for judges and court employees.

“These recommendations are the result of a broad outreach effort over several months to both current and former law clerks and other court employees,” noted Circuit Judge M. Margaret McKeown, who chairs the special committee. “There was an intensive effort to gather information and hear from court employees about workplace issues.”

Also serving on the committee are Chief District Judge Virginia A. Phillips of the U.S. District Court for the Central District of California, Senior District Judge Charles R. Breyer of the U.S. District Court for the Northern District of California, Magistrate Judge Candy W. Dale of the U.S. District Court for the District of Idaho, and San Diego attorney Abby Silverman, one of the nation’s top employment and alternative dispute resolution practitioners.

The outreach included a questionnaire sent to almost 6,000 current and former employees. The response was overwhelming and employees expressed their appreciation for being queried, Judge McKeown said. Responses are still being reviewed but have already netted a number of suggestions that are being incorporated into circuit initiatives. Other outreach included focus groups conducted by Ninth Circuit mediators for current and former law clerks in Los Angeles, San Francisco, Seattle, and Washington, DC. Additional focus groups for staff are in progress. The committee also sent letters to law school deans soliciting ideas for cooperation between the law schools and the courts with respect to law clerks and externs.

The committee also is focusing on workplace education, including training on sexual harassment and bullying, for judges, law clerks, and court employees; revising law clerk orientation programs; creating a special internet portal for law clerks; and developing an employee exit questionnaire.

In addition to leading the Ninth Circuit effort, Judge McKeown also serves on the Federal Judiciary Workplace Conduct Working Group established at the direction of Chief Justice John G. Roberts. The national group also is focused on improving workplace policies and procedures and has sought input from former and current law clerks and judiciary employees.

The federal courts of the Ninth Circuit include the Ninth Circuit Court of Appeals and the district courts and bankruptcy courts in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands.

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