



Public Information Office
United States Courts for the Ninth Circuit

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NEWS RELEASE

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Ninth Circuit Committee to Review Workplace Environment Policies

SAN FRANCISCO – Chief Judge Sidney R. Thomas of the United States Court of Appeals for the Ninth Circuit today announced the members of a special ad hoc committee on workplace environment, which he created on December 17, 2018. Chief Judge Thomas said that the committee will coordinate its work with the Federal Judiciary Workplace Conduct Working Group established by Chief Justice Roberts. “We do have many effective procedures in place to avoid problems in the workplace. But we need to re-examine them, develop better means of communication, and assure our law clerks and staff of a healthy and productive workplace,” Chief Judge Thomas said.

Ninth Circuit Judge M. Margaret McKeown will lead the special committee, which also includes 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.

Judge McKeown chaired the national United State Judicial Conference Code of Conduct Committee and is frequently consulted by federal judges and court staff throughout the nation on judicial ethics. She was also appointed by Chief Justice Roberts to serve on the Federal Judiciary Workplace Conduct Working Group. In the past, she has served on various committees and panels related to workplace and gender discrimination, including the Ninth Circuit Gender Bias Task Force. She also served as President of the Federal Judges Association.

Judge Breyer formerly served as the district judge representative to the Executive Committee of the United States Judicial Conference, while Judge Dale currently serves on the Judicial Conference as the magistrate judge observer. Chief Judge Phillips leads the largest federal court in the Ninth Circuit, while Ms. Silverman serves as a mediator and an arbitrator in employment law disputes.

Ninth Circuit Clerk of Court Molly C. Dwyer, Circuit Executive Elizabeth L. Smith and Deputy Circuit Executive Marc Theriault will support the committee in liaison roles.

Every court unit within the Ninth Circuit, including the Court of Appeals, has established an Equal Employment Opportunity plan and an Employee Dispute Resolution plan with whistleblower protection. The Ninth Circuit also has implemented an Adverse Action Plan for situations specifically involving a demotion or denial of a promotions, and a Grievance Procedure, when the issue involves application of a policy or procedure related to employment.

Misconduct complaints against federal judges, whether by court employees or others, are governed by rules promulgated by the Judicial Conference of the United States pursuant to federal law. The rules guide proceedings under the Judicial Conduct and Disability Act (the Act), 28 U.S.C. §§ 351–364, to determine whether a covered judge has “engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts or is unable to discharge the duties of office because of mental or physical disability.” The Ninth Circuit Court of Appeals has also established informal procedures to identify and solve potential problems relating to judicial conduct and disability.

The new ad hoc committee will review the policies in place, propose revisions where necessary, and identify means of maintaining a healthy workplace environment. The committee will also employ focus groups of staff, law clerks, and other interested parties to ensure that all potential workplace issues will be identified and effectively addressed.

The Ninth Circuit Court of Appeals, the nation’s largest and busiest appellate court, hears appeals of cases decided by federal trial courts and certain Executive Branch administrative agencies in nine western states and two Pacific Island jurisdictions.

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