

**REPORT OF THE PROCEEDINGS  
OF THE JUDICIAL CONFERENCE  
OF THE UNITED STATES**

**Special Session  
September 10, 2024**

The Judicial Conference of the United States convened in a special session by teleconference on September 10, 2024, pursuant to the call of the Chief Justice of the United States issued under 28 U.S.C. § 331. The Chief Justice presided, and the following members of the Conference participated:

First Circuit:

Chief Judge David Jeremiah Barron  
Judge William E. Smith,  
District of Rhode Island

Second Circuit:

Chief Judge Debra Ann Livingston  
Chief Judge Margo K. Brodie,  
Eastern District of New York

Third Circuit:

Chief Judge Michael A. Chagares  
Chief Judge Mitchell S. Goldberg,  
Eastern District of Pennsylvania

Fourth Circuit:

Judge John Bailey,  
Northern District of West Virginia

Fifth Circuit:

Chief Judge Priscilla Richman  
Chief Judge Debra M. Brown,  
Northern District of Mississippi

Sixth Circuit:

Chief Judge Jeffrey S. Sutton  
Judge S. Thomas Anderson,  
Western District of Tennessee

Seventh Circuit:

Chief Judge Diane S. Sykes  
Judge Jon DeGuilio,  
Northern District of Indiana

Eighth Circuit:

Chief Judge Steven M. Colloton  
Judge John R. Tunheim,  
District of Minnesota

Ninth Circuit:

Chief Judge Mary H. Murguia  
Judge Leslie E. Kobayashi,  
District of Hawaii

Tenth Circuit:

Chief Judge Jerome A. Holmes  
Chief Judge William Paul Johnson,  
District of New Mexico

Eleventh Circuit:

Chief Judge William H. Pryor, Jr.  
Judge Scott Coogler,  
Northern District of Alabama

District of Columbia Circuit:

Chief Judge Srikanth Srinivasan  
Chief Judge James Emanuel Boasberg,  
District of Columbia

Federal Circuit:

Chief Judge Kimberly A. Moore

Court of International Trade:

Chief Judge Mark Barnett

Also participating in this session of the Conference were Judge William B. Traxler, Jr., Chair of the Committee on Judicial Conduct and Disability, and from the Administrative Office of the United States Courts, Judge Robert J. Conrad, Jr., Director; Joshua C. Lewis, Judicial Conference Secretariat Officer; Karen A. Schroeder, Deputy Judicial Conference Secretariat Officer; William S. Meyers, General Counsel; and Annette Allard Emery, Assistant General Counsel. Judge Robert M. Dow Jr., Counselor to the Chief Justice, also participated.

## **PROCEEDINGS UNDER THE JUDICIAL CONDUCT AND DISABILITY ACT**

The Chief Justice called this special session of the Judicial Conference to consider a certificate issued on May 23, 2024, by the Judicial Council of the Ninth Circuit pursuant to 28 U.S.C. § 354(b)(2)(A), conveying a determination that then Judge Joshua M. Kindred, of the United States District Court for the District of Alaska, had engaged in conduct that might constitute one or more grounds for impeachment under Article II of the United States Constitution. On May 30, 2024, this matter, *In re: Complaint of Judicial Misconduct, No. 09-22-90121*, was referred to the Committee on Judicial Conduct and Disability, which issued a report with recommendations to the Judicial Conference, as required by the rules adopted by the Judicial Conference for processing such complaints. On July 3, 2024, Judge Kindred announced his resignation, effective July 8, 2024.

On August 28, 2024, in advance of the teleconference, the members of the Judicial Conference were given copies of the Judicial Conduct and Disability Committee's report and recommendations, as well as documents from the record of the proceedings before the Ninth Circuit Judicial Council. The report and

recommendations included a proposed certification to the U.S. House of Representatives that consideration of impeachment may be warranted.

At the special session conducted via teleconference, the Chief Justice afforded each member of the Conference the opportunity to comment upon the proposed certification. After discussion, the Conference agreed to certify to the House of Representatives, pursuant to 28 U.S.C. § 355(b)(1), the Conference’s determination that consideration of impeachment may be warranted, to transmit to the House of Representatives records of the prior proceedings, and to adopt and include the following certificate:

TO THE SPEAKER, UNITED STATES HOUSE OF REPRESENTATIVES:

Pursuant to 28 U.S.C. § 355(b)(1), the Judicial Conference of the United States certifies to the House of Representatives its determination that consideration of impeachment of former United States District Judge Joshua M. Kindred (D. Alaska) may be warranted. This determination is based on evidence provided in the Report of the Special Committee to the Judicial Council of the Ninth Circuit and the unanimous Order and Certification of the Circuit Judicial Council.

The Constitution entrusts impeachment of public officials to Congress. But the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, creates a distinct role for the Judiciary in the impeachment process. The Act mandates a process through which the Judicial Conference and its members identify and investigate allegations of misconduct by judges. However, there may be considerations relevant to impeachment of other officers outside the Judicial Branch that are different from those faced by the Judiciary under the Act.

In a case with less egregious conduct, the Judicial Conference may decide that resignation obviates the need for certification. However, given the severity of the misconduct outlined below, together with a finding of dishonesty, the Judicial Conference believes that certification of this matter “to the House of Representatives for whatever action the House of Representatives considers to be necessary” is appropriate. 28 U.S.C. § 355(b)(1).

The Judicial Conference also recognizes that, given Judge Kindred’s resignation, Congress may decline to pursue impeachment. In the event that the House of Representatives determines in its sound

discretion that impeachment is not warranted, this certification may also serve as a public censure of Judge Kindred’s reprehensible conduct, which has no doubt brought disrepute to the Judiciary and cannot constitute the “good behavior” required of a federal judge.

The determination is based on substantial evidence provided in Order and Certification issued by the unanimous Ninth Circuit Judicial Council, that:

(a) Judge Kindred created a hostile work environment for his law clerks by engaging in unwanted, offensive, and abusive sexual conduct, including sexual harassment, and treating the law clerks in a demonstrably egregious and hostile manner.

(b) Judge Kindred 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.

(c) Judge Kindred made false and misleading statements to the Chief Judge of the Ninth Circuit, the Special Committee, and the Judicial Council throughout these proceedings which impeded the judiciary’s ability to conduct an efficient investigation. These false statements, in combination with the actions outlined in (a) and (b), contributed to the overall determination that Judge Kindred’s conduct may constitute grounds for impeachment.

(d) The conduct described in (a)-(c) has individually and collectively brought disrepute to the federal Judiciary.

Executed this 10th day of September, 2024.

Chief Justice of the United States  
Presiding