

**United States Court of Appeals  
for the Federal Circuit**

~~UNDER SEAL (NON-PUBLIC ORDER)~~

---

**IN RE COMPLAINT NO. 23-90015**

---

Before MOORE, *Chief Judge*, PROST and TARANTO, *Circuit Judges*.

PER CURIAM.

**ORDER**

By order of March 24, 2023, a special committee composed of Chief Judge Moore, Judge Prost and Judge Taranto (the Committee) was appointed to investigate and report its findings and recommendations with respect to a complaint identified against Judge Newman raising, *inter alia*, a concern that she has a mental or physical disability that renders her unable to discharge the duties of her office. Judge Newman has refused to comply with the Committee's order to undergo examination and testing in the order dated April 7, 2023.

To obtain information the Committee believes important to its fulfillment of its responsibilities, the Committee, by the present Order, requires that Judge Newman provide hospital records, medical, psychiatric or psychological, and other health-professional records that relate to the incidents of 2021 and 2022 described in the second paragraph of the Order dated March 24, 2023. These include records of treatment as well as consultation about those

incidents, whether from a time contemporaneous with the incidents or later.

The Committee also requires production of hospital records and medical, psychiatric or psychological, or other health-professional records of any treatment or consultation in the last two years regarding attention, focus, confusion, memory loss, fatigue or stamina.

Separate from the foregoing records requirement, the Committee also requests that Judge Newman sit down with the Committee for a video-taped interview.

The Committee proposes Judge Newman provide such medical records by May 5, 2023 (subject to an extension for good cause) and that Judge Newman be interviewed by the Committee thereafter at a mutually agreeable time and date.

Accordingly,

IT IS ORDERED THAT:

By 9:00 am Friday, April 21, 2023, Judge Newman is directed to (1) inform the Committee in writing (email response is acceptable) as to whether (a) she will provide the Committee with the identified medical information; and (b) she will consent to the proposed interview or (2) provide good cause why an extension of time is needed to respond to this Order. Refusal to comply with this Order without good cause shown may result in the Committee seeking to expand the scope of the investigation to include inquiry into whether the subject judge's non-cooperation constitutes misconduct under Rule 4(a)(5) of the Rules for Judicial Conduct and Judicial-Disability Proceedings. Failure to respond by 9:00 am April 21, 2023 will be deemed failure to comply and be treated by the Committee as a refusal to cooperate. So ordered April 17, 2023.