

 New Civil Liberties Alliance

July 8, 2024

The Honorable Kimberly A. Moore
Chair of the Special Committee of the
Judicial Council for the Federal Circuit
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

VIA EMAIL

Re: In re Complaint No. 23-90015 (Complaint Against Circuit Judge Pauline Newman)

Dear Judge Moore:

I am in receipt of the Committee's Sealed Order of even date which states, citing alleged "past practice," that the Committee will release its Show Cause Orders (and other scheduling orders) "in a batch, not piecemeal or on a document-by-document basis." Although Judge Newman disagrees, as a factual matter, that this has been "past practice" of the Committee, this dispute need not be resolved at the present time.

As indicated previously, Judge Newman believes that the public has the right to know that the Committee has restarted its machinery and is seeking to continue her suspension from the bench. For that reason, as soon as the Show Cause Order was received, we asked for that Order's release. *See* Dolin Letter to Chief Judge Moore of May 29, 2024. Recognizing that the Committee may need time to review for the purposes of redactions her substantive response which was filed on June 28, 2024 (though we are confident that no redactions will be needed), at this time Judge Newman asks merely for the public release of the May 29, 2024 Show Cause Order as well as the Order of May 31, 2024, scheduling oral argument for July 10, 2024.

Following several earlier conversations with the Committee's counsel in the District Court litigation, I have been advised that the Committee will grant the above request and will publicly release the aforementioned orders by tomorrow, July 9, 2024. In light of these conversations, and pursuant to Rule 23(b)(7), Judge Newman now again requests that the Committee release its orders of May 29, 2024, and May 31, 2024. Absent such release, we will be forced to seek the necessary relief in the District Court, though we certainly hope that this will not be necessary.

We appreciate your timely consideration of this request.

Respectfully submitted,
/s/ Gregory Dolin, M.D.
Senior Litigation Counsel
NEW CIVIL LIBERTIES ALLIANCE