

New Civil Liberties Alliance

June 2, 2023

The Honorable Kimberly A. Moore
Chief Circuit Judge
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 Chief Circuit Judge Moore:

We are in receipt of the special committee's Order of June 1, 2023, as well as accompanying affidavits and transcripts.

We write to respectfully request, pursuant to Rule 23(b)(7) of the Rules for Judicial Conduct and Judicial Disability Proceedings, the public release of that Order, as well as Orders of May 22, 2023 (denying request for extension of time) and May 26, 2023 (expanding the scope of investigation). We also respectfully request the public release of our letters to the special committee of May 20, 2023 (requesting extension of time) and of May 25, 2023 (responding to the request for medical records, medical examinations, and a recorded interview).¹ Although we do not believe that the aforementioned documents are in need of any redactions, because none of them lists the names or other identifying information of any witnesses, we nevertheless consent to appropriate redactions should such redactions be necessary to protect witness identity. We neither request nor expect the release of the affidavits and transcripts provided to us.

Please advise us, at your earliest convenience, whether you, in your capacity as the Chief Judge of the Federal Circuit, will consent to the requested releases as contemplated by Rule 23(b)(7). Because the commentary to that rule states that "[o]nce the subject judge has consented to the disclosure of confidential materials related to a complaint, the chief judge ordinarily will

¹ For your convenience and ease of reference, a copy of each of the documents which we are requesting to be publicly released is attached to this letter.

refuse consent only to the extent necessary to protect the confidentiality interests of the complainant or of witnesses,” and because we have consented to appropriate redactions that will satisfy any witness confidentiality concerns, we anticipate that this uncontroversial request will be met with a positive response.

Sincerely,

/s/ *Gregory Dolin, M.D.*

Senior Litigation Counsel
