



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

June 30, 2023

The Honorable Roslynn R. Mauskopf  
Director, Administrative Office of the United States Courts  
Financial Disclosure Office, Room G-330  
One Columbus Circle, N.E.  
Washington, DC 20544

Re: Missing Financial Disclosure Statements

Dear Judge Mauskopf,

I am writing on behalf of my organization, Citizens for Responsibility and Ethics in Washington (CREW), to respectfully inquire about federal judges' missing annual financial statements for 2021. As a nonprofit, nonpartisan organization committed to ensuring the integrity of our government institutions and promoting ethical governance, CREW is concerned that the absence of these financial statements hinders accountability and threatens public trust in the courts.

Last year, President Biden signed the Courthouse Ethics and Transparency Act (CETA), requiring federal judges and justices to file annual financial disclosure reports online.<sup>1</sup> The passage of this law was a step forward in improving the transparency and accountability of the courts; however, its effectiveness hinges upon its enforcement.

Under the Ethics in Government Act, federal judges and justices are required to file their annual financial disclosure reports by May 15th of the following year, and now with the passage of CETA, the Administrative Office of the U.S. Courts is required to make those reports available in a searchable online database within 90 days.<sup>2</sup> The deadline for releasing 2021 disclosures passed over 10 months ago; however, as of March 28, 2023, 44% of judges' 2021 financial statement reports were missing from the public database.<sup>3</sup> These reports are long overdue, particularly given that the release deadline for the 2022 financial statements is fast approaching.

The Administrative Office of the U.S. Courts is responsible for "processing, maintaining, and releasing financial disclosure reports."<sup>4</sup> As such, we urge you to provide a public answer as to why the financial disclosures are missing and when they can be expected.

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<sup>1</sup> S. 3059, 117th Cong. (2022), <https://www.congress.gov/bill/117th-congress/senate-bill/3059>.

<sup>2</sup> 5 U.S.C. § 13107; 13101; Pub. L. No. 117-125, § 2(c)(2).

<sup>3</sup> Financial Disclosures. Fix the Court, <https://fixthecourt.com/fix/financial-disclosures/>.

<sup>4</sup> Guide to Judiciary Policy, Vol. 2D (Financial Disclosure), 2, <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

At a time in which public trust in the federal judiciary is low, it is of supreme importance that the Administrative Office take all steps possible to ensure that federal judges and justices comply with the law in a timely manner.<sup>5</sup> In addition to being required under CETA, the release of disclosure forms also provides crucial information to ensure that federal judges and justices are complying with 28 U.S.C. § 455 which requires a judge or justice to recuse from “any proceeding in which [their] impartiality might reasonably be questioned.”<sup>6</sup> In 2021, the Wall Street Journal reported that over a nine-year period, more than 130 federal judges presided over more than 680 cases in which they had a material financial interest in one of the parties, thereby potentially requiring their recusal under 28 U.S.C. § 455.<sup>7</sup>

Recent reporting by ProPublica revealed that in 2008, Justice Samuel Alito took an undisclosed flight on billionaire Paul Singer’s private jet to a luxury fishing trip, which was organized and attended by Leonard Leo, a leader of the Federalist Society.<sup>8</sup> After the trip, Justice Alito failed to recuse himself in at least 10 cases in which Singer’s hedge fund appeared before the court, despite the apparent conflict of interest. Justice Alito’s failure to report and recuse is just one of a number of recent examples of such failures, but it underscores the importance of enforcing financial reporting requirements for federal judges and justices. If he had reported a gift in connection with this luxury vacation, the public would have known of Justice Alito’s conflicts at the time these cases were heard, rather than only learning of them years later thanks to the dogged work of journalists. Missing and incomplete financial statements from a large number of judges only add to the widespread perception of an ethical crisis in the federal judiciary, which threatens the credibility of the judicial branch and, in so doing, threatens the foundations of the rule of law in the United States.<sup>9</sup>

Timely release of federal judges’ and justices’ financial disclosure reports as required by law is necessary to begin to restore public trust in the judiciary. Without access to these statements, the public has no meaningful way to even know when judges have a financial conflict of interest that should lead them to recuse themselves as required under the law. We thank you for your commitment to upholding the highest standards within the judicial system and await your response.

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<sup>5</sup> Just one indicator of this concern is recent polling finding that Americans’ disapproval of the Supreme Court has been rising, with 58% now having an unfavorable opinion of the high court, the highest disapproval rating since Gallup began polling the question twenty years ago. See Jeffrey M. Jones, *Supreme Court Trust, Job Approval at Historic Lows*, Gallup (Sept. 29, 2022),

<https://news.gallup.com/poll/402044/supreme-court-trust-job-approval-historical-lows.aspx>.

<sup>6</sup> 28 U.S.C. § 455.

<sup>7</sup> See James V. Grimaldi, Coulter Jones and Joe Palazzolo, *131 Federal Judges Broke the Law by Hearing Cases Where They Had A Financial Interest*, Wall Street Journal (Sept. 28, 2021),

<https://www.wsj.com/articles/131-federal-judges-broke-the-law-by-hearing-cases-where-they-had-a-financial-interest-11632834421>; Coulter Jones, Joe Palazzolo, and James V. Grimaldi, *Federal Judges or Their Brokers Traded Stocks of Litigants During Cases*, Wall Street Journal (Oct. 15, 2021),

<https://www.wsj.com/articles/federal-judges-brokers-traded-stocks-of-litigants-during-cases-walmart-pfizer-11634306192>.

<sup>8</sup> Justin Elliot, Joshua Kaplan, and Alex Mierjeski, *Justice Samuel Alito Took Luxury Fishing Vacation With GOP Billionaire Who Later Had Cases Before the Court*, ProPublica (June 20, 2023),

<https://www.propublica.org/article/samuel-alito-luxury-fishing-trip-paul-singer-scotus-supreme-court>.

<sup>9</sup> CREW, Letter to Judicial Conference, Sept. 20, 2022,

<https://www.citizensforethics.org/wp-content/uploads/2022/09/Letter-to-Judicial-Conference-re-Judicial-Ethics.pdf>.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Bookbinder". The signature is stylized and fluid.

Noah Bookbinder  
President and Chief Executive Officer

cc: The Honorable Dick Durbin  
Chair, Senate Judiciary Committee

The Honorable Lindsey Graham  
Ranking Member, Senate Judiciary Committee

The Honorable Jim Jordan  
Chair, House Judiciary Committee

The Honorable Jerry Nadler,  
Ranking Member, House Judiciary Committee