



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

March 8, 2018

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Senator Feinstein:

This is a follow up to my letter to you of February 16, 2018, on actions by the Judiciary's Workplace Conduct Working Group (Working Group) in its examination of policies and procedures within the Judiciary to protect employees from inappropriate workplace conduct and develop enhancements to those protections.

Our Working Group held its second in-person meeting on March 1, 2018. Our meeting included productive sessions with representatives from current and former law clerks, as well as a cross section of other Judiciary employees. We will meet again in about three weeks.

The Working Group made progress on several initiatives. In addition to actions we already have taken to revise law clerk and employee guidelines and handbooks, seek online comments from current and former Judiciary employees, and refine our data collection relating to misconduct complaints, we resolved to work with the Judicial Conference of the United States to:

1. Improve law clerk and employee orientations with increased training on workplace conduct rights, responsibilities, and recourse that will be administered in addition to, as well as separately from, other materials given in orientations.
2. Provide "one click" website access to obtain information and reporting mechanisms for both Employment Dispute Resolution (EDR) and Judicial Conduct and Disability Act (JC&D) claims for misconduct.

3. Create alternative and less formalized options for seeking assistance with concerns about workplace misconduct, both at the local level and in a national, centralized office at the Administrative Office of the U.S. Courts to enable employees to raise concerns more easily.
4. Provide a simplified flowchart of the processes available under the EDR and JC&D.
5. Create and encourage a process for court employee/law clerk exit interviews to determine if there are issues and suggestions to assist court units in identifying potential misconduct issues.
6. Establish a process for former law clerks and employees to communicate with and obtain advice from relevant offices and committees of the Judiciary.
7. Continue to examine and clarify the Codes of Conduct for judges and employees.
8. Improve communications with EDR and JC&D complainants during and after the procedures.
9. Revise the Model EDR Plan to provide greater clarity to employees about how to navigate the EDR process.
10. Establish qualifications and expand training for EDR Coordinators.
11. Lengthen the time allowed to file EDR complaints.
12. Integrate sexual harassment training into existing Judiciary programs on discrimination and courtroom practices.

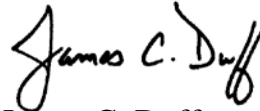
We also have added instructive programs on our policies and procedures for the upcoming meetings of the chief district court judges at the Federal Judicial Center (FJC) on March 16, 2018, as well as at FJC workshops and upcoming circuit conferences of judges throughout the country this spring. There also will be judge training at the FJC national workshops for district judges this summer.

Honorable Charles E. Grassley and Honorable Dianne Feinstein

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Following our March 1, 2018, Working Group meeting we were pleased to meet with your respective staff to summarize these developments. We were grateful both for their time and helpful suggestions for making further improvements in our policies and practices. We will continue to work closely with them and will keep you informed of our progress.

Sincerely,

A handwritten signature in black ink that reads "James C. Duff". The signature is written in a cursive style with a large, stylized initial "J".

James C. Duff
Director

cc: Judiciary Workplace Conduct Working Group