



21 March 2022

Committee on Financial Disclosures
c/o Laurina Spolidoro
One Columbus Circle, N.E., Room G-330
Washington, D.C. 20544

Re: Committee Demand for List of Judicial Staff Members

To the Committee,

I am responding to the Committee on Financial Disclosure's March 4, 2022 letter, which stated that:

“each judge or employee whose report you request must be listed by name”

The Committee knows all too well that our request was for all staff disclosures and that a list of such people only exists in the judicial branch itself, outside the reaches of FOIA or just about any other public access law or doctrine. By requiring that Free Law Project compile this list, the Committee demands we do the impossible. Our request is blocked by procedural hurdle.

As I have explained in my recent phone call with Ms. Spolidoro, I do not believe this requirement finds basis in the law. Neither do I believe in this instance that this requirement is aimed at simplifying the important work of the Committee. Instead, I believe the sole purpose of applying this rule at this time is to stymie my organization's effort to inspect financial disclosure documents and expose malfeasance in the Judiciary. I cannot imagine why the Committee would take such a drastic step after our many years of working cordially together.

As the Committee knows, my organization, Free Law Project, has worked with the *Wall Street Journal* to expose over 1,000 instances of federal judges violating ethics laws. These findings have prompted a response by Justice Roberts in his annual letter and by both houses of Congress, which have passed legislation to bring additional transparency to this issue. Against this backdrop I am astounded that the Committee would hinder the furtherance of such investigations with an impossible and unnecessary procedural hurdle. The Committee may not realize this, but sev-

eral multi-billion-dollar lawsuits are now being re-evaluated in the aftermath of the *WSJ*'s investigation. That's evidence of impactful work that was made possible by the Committee simply doing for judges what it now refuses to do for judicial staff members.

As noted above, I do not believe this requirement finds basis in law. The governing statute for financial disclosures does not define any procedure for their request. Instead, it states that applicable agencies:

“shall, within thirty days after any report is received [...] furnish a copy of such report to any person requesting such inspection or copy”¹

I believe it's really that simple. The statute makes no mention of the necessity of a list and I ask that the Committee please explain the legal basis it is using to deny our clear request. I ask that we proceed according to the applicable statutes, not arbitrary policies.

I also note that the thirty day deadline delineated in the statute quoted above has long ago expired for our requests. This is an ongoing hindrance to transparency that we have not raised before now because we know the Committee is working hard under trying circumstances to fulfill our requests. Nevertheless, the fact that we *still* do not know about even judicial transactions that were made more than three years ago is, to put it mildly, not ideal.

I expect that it will take the Committee a moment to reply to this message and, while we do not believe a list is necessary or legally required, in an effort to prioritize work, I have enclosed a list of about forty high priority staff members for whom we request disclosures as soon as possible. Given that you have said there are thousands of applicable staff members, we plan to expand this list in the near future if you do not re-evaluate your approach to this matter.

In addition, please note that our requests dated Jan 1, 2021 and Jan. 1, 2022 ask for *all* applicable disclosures, not just those from the year prior. **That means that staff disclosures from 2014 until present are subject to pending requests and must not be deleted or otherwise destroyed.** (I am adding emphasis to my letter here to ensure that no irrecoverable mistakes are made.)

In closing, it is disappointing to see this anti-democratic roadblock erected now. Our relations thus far have been cordial and professional and I hope to keep it that

¹ Ethics in Government Act, U.S.C Title I, §5a 105(b)(1), available at <https://www.law.cornell.edu/uscode/text/5a/compiledact-95-521/title-I/section-105>.

way, but when the Committee refuses to follow the law and blocks my organization's efforts, I find that exceedingly difficult.

Please, I ask you to re-evaluate your application of this rule and I hope that we can continue working together to make the Judiciary a transparent and accountable branch of government.

Thank you,

A handwritten signature in black ink, appearing to read 'Michael Lissner', with a long horizontal line extending to the right.

Michael Lissner
Executive Director
Free Law Project

Enclosures: List of Judicial Staff Members

Partial List of Judicial Staff Members

This list is a supplement to our requests for financial disclosure documents dated January 1, 2021 and January 1, 2022.

Beverly A. Aimaro Pheto	John F. Martens
James R. Baugher	William E. Meyers
Lee Ann Bennett	Michael Milby
David T. Best	Laura C. Minor
Ronald Blankenship	Mary Louise Mitterhoff
Gary A. Bowden	Robert D. Morse
Joseph W. Bossi	Edward O'Kane
Terry Cain	Karin O'Leary
John Chang	Joseph R. Peters, Jr.
Cait T. Clarke	Michel Reid
John P. Cummins	Matthew Rowland
Daniel A. Cunningham	Farhad Safaie
Bethany De Lude	David A. Sellers
Nancy J. Dunham	Elena J. Simms
James C. Duff	Katherine H. Simon
Patricia J. Fitzgibbons	Diana C. Simpson
Melanie F. Gilbert	Cordia A. Strom
Lisa Rachelle Graves	Francis Sullivan
Tim Hanlon	Sheryl L. Walter
Veleda T. Henderson	Rebecca Womeldorf
Michel Ishakian	Gary Yakimov
Marybeth Jeri Lamanna Nassif	Andrew Zaso
Jill Langley	