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March 17, 2022

House Committee on the Judiciary  
Subcommittee on Courts, Intellectual Property, and the Internet

Re: Hearing on Workplace Protections for Federal Judiciary Employees

Dear Chairman Johnson, Ranking Member Issa, and members of this Subcommittee:

Thank you for the opportunity to submit a letter to the record today. My name is Deeva Shah, and I am an attorney at Keker, Van Nest & Peters LLP. I am also a former law clerk to Judge Raymond Fisher, who sat on the U.S. Court of Appeals for the Ninth Circuit, and to Judge Stephen Wilson, a Judge of the U.S. District Court for the Central District of California.

Just over two years ago, I testified before this Subcommittee about the federal judiciary's reporting procedures and what more could be done to encourage and facilitate the reporting of misconduct. I write to support the Judiciary Accountability Act of 2021 and to provide materials that explain the need for this legislation.

In August of 2021, my colleagues and I submitted an amicus brief in a case pending before the Fourth Circuit on behalf of current and former employees of the federal judiciary who had witnessed or experienced harassment and discrimination. That brief, which is attached as **Exhibit A**, recounts these instances of misconduct and the ways in which the judiciary's internal adjudication processes failed to prevent or remedy that misconduct. We described the ongoing, tangible impact of that misconduct on the lives and careers of these employees. A number of amici signed the brief anonymously because they still fear retaliation.

The flaws in the judiciary's reporting procedures impact its employees in different ways. Two individuals who have worked in the federal judiciary asked my colleagues and I to submit letters on their behalf to further explain these flaws. These individuals wished to provide this Subcommittee with specific examples of why the judiciary's Employment Dispute Resolution (EDR) Plan does not effectively address misconduct; however, they sought to do so anonymously because of their well-founded fears of retaliation. In providing these letters to the subcommittee, I have verified the identities of these individuals and confirmed that both have worked in the federal judiciary in the roles described in their letters. The letter from an anonymous former law clerk is attached as **Exhibit B** and the letter for an anonymous federal judiciary employee is attached as **Exhibit C**.

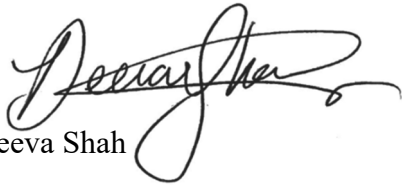
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I hope that the attached brief and letters can provide insight into the serious problem of misconduct within the federal judiciary and the significant lack of both effective reporting procedures and adequate remedies. Congressional action is necessary to guarantee basic workplace protections for the employees of the judiciary.

Regards,

KEKER, VAN NEST & PETERS LLP

A handwritten signature in black ink, appearing to read "Deeva Shah", with a stylized flourish extending from the end.

Deeva Shah