

No. 25-1303

IN THE
Supreme Court of the United States

CARYN DEVINS STRICKLAND,
Petitioner,

v.

NANCY L. MORITZ, IN HER OFFICIAL CAPACITY AS
CHAIR OF THE JUDICIAL CONFERENCE COMMITTEE ON
JUDICIAL RESOURCES, ET AL.,
Respondents.

On Petition for a Writ of Certiorari to the United
States Court of Appeals for the Fourth Circuit

**MOTION FOR LEAVE TO FILE BRIEF AS
AMICI CURIAE AND BRIEF FOR GEORGIA
ASSOCIATION FOR WOMEN LAWYERS AND
THE LEGAL ACCOUNTABILITY PROJECT AS
AMICI CURIAE IN SUPPORT OF PETITIONER**

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**MOTION FOR LEAVE TO FILE *AMICI CURIAE*
BRIEF IN SUPPORT OF PETITIONER**

Pursuant to Supreme Court Rule 37.2, Georgia Association for Women Lawyers (“GAWL”) and The Legal Accountability Project (“LAP”) (collectively “Amici”) respectfully request leave to submit a brief as amicus curiae in support of the petition for writ of certiorari filed by Caryn Devins Strickland in this case.

Rule 37.2(a) requires that amici notify all parties’ counsel of their intent to file an amicus brief in support of a petition for certiorari at least ten days before the due date, and further that the due date is 30 days after the case is placed on the docket or a response is called for, whichever is later. The case was docketed on May 21, 2026. On June 15, 2026, the Court called for Respondent to respond to the Petition. On June 13, 2026, the Court extended the time for the filing of the response to August 14, 2026.

Amicus notified Petitioner’s counsel of its intent to file an amicus brief as early as June 1, 2026, well before the prescribed date to do so. However, due to oversight in the preparation of brief of *amici*, Respondent’s counsel was not notified of Amici’s intent to file an amicus brief in support of the Petition until July 14, 2026, the day before the deadline to file the amicus brief.

On July 14, 2026, Amici received written consent from Petitioner’s counsel for the filing of this amicus brief. Amici further reached out to Respondent’s counsel to notify Respondent of Amici’s

intent to file this amicus brief but received no response and was unable to obtain written consent to file outside of the prescribed deadline.

Amici have a unique voice to offer the Court on this Petition because they are both dedicated to serving the interests of those employed by the federal judiciary and the legal profession as a whole. GAWL and LAP both regularly interact with the very people who will be most strongly impacted by the Court's ultimate decision whether to grant certiorari in this case, and the amicus brief reflects that understanding.

Amici are both non-profit public interest organizations that created this amicus through pro bono and volunteer efforts, primarily by law students and young attorneys. In light of the extension granted to the Respondent which would permit them ample time to review this amicus brief ahead of their Response, should they choose to address it, and in light of Petitioner's consent to this brief being filed, Amici respectfully ask the Court to grant them leave to file this amicus brief.

Respectfully submitted,

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INTEREST OF AMICI CURIAE¹

Amici curiae are two organizations that serve a population of attorneys, legal professionals, and law students who share a strong interest in eradicating harassment and discrimination in the federal judiciary.

Amici Georgia Association for Women Lawyers (“GAWL”) is a non-profit organization that primarily serves women attorneys and legal professionals in the state of Georgia. GAWL joins this amicus brief because persistent gender discrimination and sexual harassment in the workplace and the exclusion of women in the federal judiciary from protections against it are a direct threat to the promises guaranteed by the Fifth Amendment’s Due Process and Equal Protection clauses. For nearly a century, GAWL has worked to advance women in the legal profession, promote equal access to justice, and support the recruitment, retention, and advancement of women lawyers throughout Georgia. Ensuring that women are not subject to such harassment and discrimination in the workplace and are not barred from legal remedy is consistent with GAWL’s

¹ Pursuant to Sup. Ct. R. 37.6, *amici curiae* affirm that no part of this brief was authored by counsel for any party, person, or organization besides *amici*, and that no person or entity, other than *amicus curiae*, their members, or their counsel, has made a monetary contribution to the preparation or submission of this brief. While counsel for Petitioner received timely notice of *Amici*’s intent to file this brief pursuant to Sup. Ct. R. 37.2, Respondent’ counsel was not provided timely notice, and *Amici* refer the Court to *Amici*’s Motion for Leave.

longstanding advocacy for equality and the advancement of women's rights.

Amici The Legal Accountability Project ("LAP") is a non-profit organization whose mission is to ensure judicial law clerks, and judicial branch employees generally, have positive work experiences, while extending support and resources to those who do not. LAP joins this amicus brief because the lack of legal remedies available to federal judiciary employees, particularly law clerks, prevents employees from seeking real accountability when they are harassed or discriminated against and creates inadequate protections against resulting retaliation. The lack of accountability for judges who abuse their power and lack of transparency throughout the federal judiciary strike at the heart of judicial integrity and threaten not just judicial branch employees and the legal industry, but society generally.

Amici submit this brief to support the basic principle that employees of the federal judiciary—many of whom are women attorneys and legal professionals—have a right to be free from sexual harassment and sex discrimination in their own workplace. The legal profession demands it, and the fair administration of justice depends upon it.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

The federal judiciary is one of this country's largest employers in the legal profession, with over 30,000 employees. Yet it is exempt from basic

employment protections deemed essential for all other employees in the United States. The Employee Dispute Resolution (“EDR”) Plan should, in theory, bridge the gap between Title VII exemptions and claims brought by employees of the federal judiciary for sex and gender harassment and discrimination. But, as Petitioner’s case demonstrates alongside numerous other unsuccessful attempts to utilize the EDR Plan, there remains a chasm between the protections of Title VII and the EDR Plan.

This case presents the Court with the opportunity to reconcile the carve-outs from Title VII from which members of the federal judiciary benefit with the general concept that all employees should be free from harassment and discrimination in their place of work. As set forth more fully below, a ruling adverse to the Petitioner would permit sexual harassment and discrimination to remain relatively unchecked in the federal judiciary, not only harming all employees of the federal judiciary, but severely impacting all those with ties to the legal profession who may someday pursue such employment.

ARGUMENT

I. Carve-Outs from Title VII Have Permitted a Pervasive and Persistent Problem with Sexual Harassment and Discrimination in the Federal Judiciary.

While nearly all employees in the United States enjoy the well-established legal protections granted through Title VII of the Civil Rights Act of 1964, federal

judiciary employees are denied those same rights. Such employees are granted only one option: pursue claims of discrimination and harassment through the judiciary's EDR Plan—a system designed and administered by the judiciary itself.

Despite the subsequent passage of the Congressional Accountability Act of 1995, which provided similar Title VII protections enjoyed by private sector and government employees to judiciary employees, they have yet to be provided with equal protection under the law. Notably, women are overwhelmingly and detrimentally impacted by this intentionally-designed system.

**A. Sexual Harassment and Discrimination
Are Pervasive Problems in the Workforce,
Including in the Federal Judiciary.**

A 2022 publication by the U.S. Merit Systems Protection Board reported that approximately 14% of federal employees experienced one or more sexual harassment behaviors during a two-year period, including exposure to sexually oriented conversations, uninvited invasion of personal space, and unwelcome sexual teasing, jokes, comments, or questions.² Of that group, data shows a clear difference by gender—women were more than twice as likely as men to experience sexual harassment.³ Staggeringly, women were four times as likely as men to report that they

² U.S. Merit Systems Protection Board, *Sexual Harassment in the Federal Workplaces: Understanding and Addressing the Problem*, at pgs. ii–iii (Dec. 2022).

³ *Id.*

experienced an unwelcome invasion of personal space, and six times as likely to have experienced unwelcome sexually suggestive looks or gestures.⁴ This gender disparity is a fact that cannot be ignored by this Court.

Available information indicates that Petitioner's lawsuit is the first of its kind to survive dismissal. This is a testament not to the uniqueness of her experience, but rather the inadequacy of current systems to offer proper protections and procedural safeguards to employees of the judiciary. As indicated repeatedly throughout EDR processes and judicial proceedings, Petitioner asserted "a good-faith claim of sexual harassment against her immediate supervisor[.]"⁵ Yet, she has repeatedly been denied an effective remedy. Petitioner's experience demonstrates how the existing protections (or, rather, lack thereof) fail employees who report harassment and will likely discourage future reporting by others pursuing careers in the federal judiciary. This Court must rectify this gross injustice perpetuated by improper application of law.

Sexual harassment and gender discrimination in federal workplaces is neither rare nor isolated. A 2025 report published by the Federal Judiciary Workplace Conduct Working Group found that over 8% of federal judiciary employees, constituting nearly 1,200 people, self-reported experiencing sexual harassment, discrimination, or other forms of abusive conduct on

⁴ *Id.* at pg. 13.

⁵ *Strickland v. Moritz*, 149 F.4th 378, 385 (4th Cir. 2025), *petition for cert. filed*, U.S., May 21, 2026 (No. 25-1303).

the job (the “Report of the Working Group”).⁶ A 2025 report published by the Federal Judicial Center indicated that nearly 2,000 federal judiciary employees reported experiencing at least one harassing behavior (the “2023 Workplace Survey”).⁷ Further, over 1,200 indicated they observed or heard about harassing behavior happening to others.⁸ Less than 50% of respondents indicated they were currently willing to report misconduct in the workplace.⁹ Only 65% of respondents said their employer encourages reporting wrongful conduct.¹⁰ And nearly half of respondents expressed low or moderate confidence in current resolution procedures.¹¹

The staggering occurrence of underreporting misconduct in the federal judiciary is reflective of systemic failures that create a culture where employees reasonably fear that speaking out will be

⁶ *Report Of The Federal Judiciary Workplace Conduct Working Group On The Judiciary’s 2023 National Workplace Survey*, FED. JUD. CTR. RSCH. DIVISION, at pg. 7 (Mar. 31, 2025), available at <https://www.uscourts.gov/data-news/judiciary-news/2025/03/31/judiciary-releases-workplace-conduct-report-and-employee-survey-results>. This report is hereinafter referred to as the “Report of the Working Group.”

⁷ *2023 Workplace Survey for the Federal Judiciary Condensed Report to Accompany Working Group Recommendations*, at pg. 58 (Mar. 2025), available at <https://www.fjc.gov/content/392606/condensed-report-2023-federal-judiciary-workplace-survey>. This report is hereinafter referred to as the “2023 Workplace Survey.”

⁸ *Id.* at pg. 56.

⁹ Report of the Working Group, *supra* note 6, at pg. 12.

¹⁰ *Id.*

¹¹ *Id.*

futile or harmful to their careers. As Petitioner's experience demonstrates, employees who report harassment face investigatory processes marked by breaches of confidentiality, inadequate training of investigators, delayed responses, and structural conflicts of interest. Fear of retaliation and adverse career impacts cause employees to remain silent rather than voice concerns about their experiences. The lack of legal protection upheld by the current system causes those subject to harassment and discrimination to remain silent. Silence does not strengthen an institution. Institutions, especially those entrusted with administering justice, are strengthened when employees feel protected and can report misconduct without fear.

Retaliation and adverse career impacts are not unfounded fears. Of the thousands of federal judges who have served in the United States throughout history, only 15 have ever been impeached.¹² Only eight have been removed from office.¹³ And only one has been expressly impeached on charges of sexual assault.¹⁴ These problems go far beyond the judges themselves. Many, like Petitioner, experience harassment from their own co-workers or non-judge supervisors.

Current EDR processes create a closed system in which victims are denied the right to an impartial

¹² *Impeachments of Federal Judges*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/impeachments-federal-judges> (last visited July 9, 2026).

¹³ *Id.*

¹⁴ *Id.*

decision maker. The result is predictable—employees harbor distrust in the processes available, do not report misconduct out of fear of retaliation or inadequate recourse, and either endure hostile conditions or leave the judiciary entirely. Petitioner’s case illustrates this cycle, and it is a reality experienced by many other women in the judiciary. Even qualified employees with a strong performance record may be driven out when harassment is met with inadequate response. When judiciary employees are distracted by harassment, fear of retaliation, or leave their positions, the judiciary’s capacity to administer justice efficiently and effectively is compromised.

B. Carve-Outs from Title VII Allow the Issue of Sexual Harassment and Discrimination to Fester in the Federal Judiciary.

The central issue is not the dedication of those who serve within the federal judiciary. Rather, the root issue is whether the current statutory framework provides these employees with meaningful protections and effective remedies.

The harm of pervasive sexual harassment and gender discrimination extends far beyond individual victims. When such conduct is allowed to persist in the judiciary—an institution charged with upholding the law and administering justice—the consequences ripple outward to affect the 30,000 federal judiciary

employees nationwide.¹⁵ When harassment is allowed to pervade an institution, those who witness it—even if not directly targeted—experience their own workplace as less safe, less fair, and less committed to equal treatment. This is particularly detrimental to the judiciary, as all employees, from law clerks and court administrators to staff attorneys and judges, are to maintain public confidence in judicial integrity. The federal judiciary’s role as guardian and exemplar of legal integrity makes the institutional harm acute and far-reaching.

Judiciary employees who are victims of harassment and discrimination may use only the processes developed and applied by the judiciary itself to address workplace misconduct. The judiciary has long been an insulated body that largely polices its own employees. In doing so, many are deprived of proper investigation into their claims, and their harassers and abusers may not receive reprimand for sexual harassment and discrimination.¹⁶

This Court has repeatedly recognized that enforcement of workplace protections depends on employees being willing to report misconduct and participate in internal processes. In *Burlington*

¹⁵ Judge Roslynn R. Mauskopf, *Annual Report 2021*, U.S. CTS. <https://www.uscourts.gov/data-news/reports/annual-reports/directors-annual-report/annual-report-2021> (last visited July 9, 2026).

¹⁶ See Joan Bilskupic, *CNN Investigation: Sexual misconduct by judges kept under wraps*, CNN (Jan. 26, 2018, updated 12:35 PM), <https://www.cnn.com/2018/01/25/politics/courts-judges-sexual-harassment/index.html>.

Northern & Santa Fe Railway Co. v. White, the Court held that Title VII's antiretaliation provision reaches materially adverse actions that "well might have dissuaded a reasonable worker from making or supporting a charge of discrimination."¹⁷ The Court rejected the interpretation that a rule was limited to formal employment actions because effective enforcement depended on employees feeling free to approach officials with grievances, and retaliation can deter participation in ways extending beyond termination, demotion, or compensation.¹⁸

Crawford v. Metropolitan Government of Nashville & Davidson County applies that principle directly to internal investigations. The Court held that an employee who disclosed discriminatory conduct while answering questions during an employer's internal investigation was protected by Title VII's opposition clause.¹⁹ Denying such protection, the Court reasoned, would undermine the *Faragher-Ellerth* framework by giving employees "a good reason to keep quiet" and creating a "catch-22"—an employee who speaks may risk retaliation, while an employee who remains silent may later face criticism for failing to use available preventive or corrective procedures.²⁰

¹⁷ *Burlington N. & Santa Fe Ry. Co. v. White*, 548 U.S. 53, 68 (2006) (quoting *Rochon v. Gonzales*, 438 F.3d 1211, 1219 (D.C. Cir. 2006)).

¹⁸ *Id.* at 63–69.

¹⁹ *Crawford v. Metro Gov't of Nashville and Davidson Cnty., Tenn.*, 555 U.S. 271, 277–278 (2009).

²⁰ *Id.* at 278–279.

The en banc Fourth Circuit echoed that concern in *Boyer-Liberto v. Fontainebleau Corp.* The court emphasized that antidiscrimination law seeks to encourage employees to report harassment early so employers can stop it before it develops into a hostile environment.²¹ Employees, however, “will understandably be wary of reporting abuse for fear of retribution.”²² The court therefore recognized protection for employees who reasonably report threatening or humiliating harassment before waiting for further misconduct to occur.²³

These cases do not establish that the EDR Plan itself fails to comport with Title VII. After all, Title VII does not directly govern judicial employment. Their reasoning nevertheless provides a powerful benchmark for evaluating the adequacy of a system that substitutes for the protections available to other workers.²⁴ *Burlington Northern, Crawford*, and

²¹ *Boyer-Liberto v. Fontainebleau Corp.*, 786 F.3d 264, 282–284 (4th Cir. 2015).

²² *Id.* at 284.

²³ *Id.* at 284–285.

²⁴ The Fourth Circuit declined to evaluate Petitioner’s Title VII argument on appeal from the District Court, stating it “has repeatedly held that issues raised for the first time on appeal generally will not be considered and that exceptions to this rule exist only in very limited circumstances, such as where refusal to consider the newly-raised issue would be plain error or would result in a fundamental miscarriage of justice.” *Strickland*, 32 F.4th at 353 (quoting *Kadel v. N.C. State Health Plan for Teachers & State Emps.*, 12 F.4th 422, 430 (4th Cir. 2021)) (cleaned up). The Fourth Circuit states that “declining to consider an issue that was raised for the first time five years into the litigation does not constitute a ‘miscarriage of justice.’” *Id.* at 403 (cit. omitted). However, in contending such, the

Boyer-Liberto recognize that protection from retaliation is not collateral to an effective complaint process. It is a condition necessary to employee participation.

The governing cases show what an effective internal system requires. They recognize that no reporting system can fulfill its preventive purpose if employees are deterred from using it due to fear of retaliation.

Petitioner's case should therefore not be viewed in isolation. The procedural failures acknowledged in her case—delay, breaches of confidentiality, concerns of bias, fragmentation between parallel processes, and uncertainty surrounding discipline and remedies—are relevant not merely due to their effect on one employee, but because later institutional evidence reveals sweeping problems of nonuse, distrust, perceived investigative inadequacy, and fear of retaliation. This case, taken with the various reported data, provides reason to question whether the gap between formal protection and practical effectiveness has been closed.

Fourth Circuit views this case in isolation and fails to consider the far-reaching, negative implications constituting a miscarriage of justice by allowing the continuation of this exception to Title VII. This view is supported by both qualitative and quantitative evidence provided in this brief. Further, as the aforementioned cases illustrates, evaluating the validity and adequacy of protections offered through Title VII is not a new nor novel concept for this Court's consideration.

II. A Decision Adverse to Petitioner Would Permit the Federal Judiciary to Continue Implementing Subpar Internal Investigation and Dispute Resolution Measures.

The Title VII carve-out from which the federal judiciary benefits puts its employees in the unusual position of relying on internal processes created and administered by the judiciary itself to address discrimination, harassment, and retaliation.²⁵ The adequacy and success of internal measures therefore matters enormously—for these employees, these measures are the primary institutional mechanism available to vindicate substantive workplace protections. These measures cannot be so inadequate that they do virtually nothing to protect employees from discrimination, harassment, retaliation, and even being pushed out of the job entirely.

It is well-settled that internal complaint systems such as the EDR Plan are not effective or sufficient protections against harassment and discrimination by the mere fact of their existence.²⁶ They must be

²⁵ See GAO-24-105638, *Federal Judiciary: Additional Actions Would Strengthen Efforts to Prevent and Address Workplace Misconduct*, U.S. GOV'T ACCOUNTABILITY OFF., at pgs. 7–10 (July 2024) (summarizing the Model EDR Plan). This report is hereinafter referred to as the “GAO Report.”

²⁶ See, e.g., *Faragher v. City of Boca Raton*, 524 U.S. 775, 808–809 (1998) (holding city’s internal procedures were insufficient where it failed to disseminate its policy to relevant employees, monitor supervisor’s conduct, or make clear that employees could bypass supervisors to report wrongful conduct); *Smith v. First Union Nat’l Bank*, 202 F.3d 234, 244–245 (2000) (holding

evaluated for accessibility, clarity, implementation, investigative diligence, and capacity to produce meaningful corrective action. There is a reason for this type of analysis—a person only has the rights they can exercise. Where internal systems prevent the exercise of a person’s basic right to be free from harassment and discrimination in the workplace, the fact that a grievance method exists is simply not enough.

Government review and the judiciary’s own employee surveys have indicated significant deficiencies in the federal judiciary’s ability to assess and improve the effectiveness of its EDR policies.²⁷ These deficiencies bear out in the Report of the Working Group, which demonstrates widespread nonuse of EDR procedures, low confidence in the thoroughness and impartiality of investigations, and employee concerns about fairness and retaliation.²⁸

The 2024 GAO Report reinforces the significance of concerns about the adequacy of the federal judiciary’s EDR Plan. The Model EDR Plan may prohibit discrimination, harassment, abusive conduct, and

policy which appeared to require sexual advances order to qualify as harassment, discouragement of reporting from management-level employees, and lack of meaningful investigation rendered policies deficient); *Hoyle v. Freightliner, LLC*, 650 F.3d 321, 335–336 (2011) (holding employer’s failures to follow anti-harassment policy could allow a reasonable jury to find sexual harassment took place, and that the problem with the policy may lie “not in theory but in practice.”) (quotations and citations omitted).

²⁷ GAO Report, *supra* note 25, at pgs. 43–45.

²⁸ Report of the Working Group, *supra* note 6, at pgs. 12–13.

retaliation.²⁹ It may encourage reporting of wrongful conduct.³⁰ And it may establish mandatory actions for judges, supervisors, and unit executives who become aware of such conduct.³¹ But there are significant limitations on the judiciary's ability to determine the efficacy of those procedures.

Most fundamentally, the GAO Report found the judiciary had not even evaluated the effectiveness of those policies as of 2024, and no concrete plans appear to exist to do so.³² It is impossible for any institution—particularly one with as much regulatory autonomy as the federal judiciary—to determine the effectiveness of its procedures without such evaluation.

Petitioner's experience is a prime example of why proper implementation of internal protection measures matters. The lower court has recognized the failure of the EDR Plan Petitioner pursued, namely, that the investigator breached Petitioner's expectations of confidentiality and failed to complete a thorough investigation in a timely manner.³³

The Fourth Circuit noted that the procedure Petitioner pursued, which allowed for disciplinary

²⁹ GAO Report, *supra* note 25, at pg. 11.

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at pgs. 42–44.

³³ See *Strickland*, 149 F.4th at 386 (“Judiciary employees who were responsible for the EDR process also made various missteps. [The investigator] disrespected [Petitioner’s] expectations of confidentiality and failed to complete a thorough EDR investigation in a timely manner.”).

action to be taken against her supervisor, may have been inadequate, but that she had alternative options to seek recourse through procedures that did not allow for discipline.³⁴ The Fourth Circuit even recognized that a reasonable person may drop their complaint when faced with such perceived bias, the threat of embarrassing or damaging claims being disclosed to colleagues, or delays in administration of discipline.³⁵ Petitioner was not only driven to drop her complaint—she was effectively driven from her job.³⁶ Yet the Fourth Circuit decided that the procedures were adequate. Why? Because Petitioner could have pursued remedies under the EDR Plan that would have allowed for placement in comparable positions, prospective or priority promotional consideration, or leave from her work?³⁷ That is not adequate.

A decision of this Court permitting the judiciary to rely exclusively on internal procedures with no meaningful scrutiny for the validity and natural outcome of those procedures would allow the existence of a formal process to rule over the effectiveness of its protections. It is not enough that these procedures exist. An internal system tasked with protecting against discrimination and harassment must be more than available. It must be clear, accessible, prompt, diligent, trusted, and structured so employees may invoke it without fear that doing so will jeopardize their careers.

³⁴ *Id.* at 391.

³⁵ *Id.* at 395–396.

³⁶ Petition for Writ of Certiorari at pg. 19, *Strickland v. Moritz*, No. 25-1303, 2026 WL 1454727 (May 18, 2016).

³⁷ *Strickland*, 149 F.4th at 391; see *Strickland v. United States*, 744 F.Supp.3d 477, 494 n.14 (W.D.N.C. 2024).

III. Allowing Sexual Harassment and Discrimination to Persist Would Detrimentially Impact All Women Tied to the Legal Profession, Including Those in Georgia.

Sexual harassment and gender discrimination in the federal judiciary impacts each and every person who has ties to the legal profession. The federal judiciary is an institution charged with upholding the law and administering justice and a massive employer in the legal profession with 30,000 employees nationwide.³⁸

The implications extend far beyond the parties to this case and directly affect the pipeline of lawyers, law students, and legal professionals who seek careers within the federal judiciary. The failure to adequately address harassment sends a powerful signal to every person considering or pursuing a career in the federal judiciary and the broader legal profession that bears witness to it.

In Georgia specifically, this dynamic affects the tens of thousands of lawyers, 50% of whom are women.³⁹

³⁸ Judge Mauskopf, *supra* note 15.

³⁹ *Demographics*, AM. BAR ASSOC., <https://www.americanbar.org/news/profile-legal-profession/demographics/> (last visited July 8, 2026) (noting the state of Georgia has over 34,000 resident lawyers); *Women in the Legal Profession*, AM. BAR ASSOC., <https://www.americanbar.org/news/profile-legal-profession/women/> (last visited July 8, 2026) (noting that while no state has a women-majority bar, Georgia has a 50-50 split).

Georgia is home to three federal district and bankruptcy courts—the Northern, Middle, and Southern Districts.⁴⁰ There are eighteen federal district court judges in Georgia. Georgia is also home to the Eleventh Circuit Court of Appeals, with its twelve judges.⁴¹ Throughout the extensive federal judicial presence in the state of Georgia are judges, staff attorneys, federal defenders, law clerks, law enforcement officers, paralegals, secretaries, paid and unpaid interns, and court administrators, to name a few.

Many of these employees are hired from law schools around the country—law schools that now boast more women students than men.⁴² And, in turn, many of these employees are hired from law schools in Georgia. In fact, Georgia hosts thousands of law students across five different law schools.⁴³

When these law students and legal professionals consider their career paths and observe the federal judiciary’s persistent struggles with harassment and

⁴⁰ See generally 28 U.S.C. § 90.

⁴¹ See *Judges*, U.S. CT. APP. ELEVENTH CIR., <https://www.ca11.uscourts.gov/judges> (last visited July 9, 2026).

⁴² *New ABA report spotlights rise of women in the law*, AM. BAR ASSOC. (Nov. 18, 2024), <https://www.americanbar.org/news/abanews/aba-news-archives/2024/11/new-aba-report-spotlights-rise-women-in-law/> (noting that in 2024, 56.2% of law school students were women).

⁴³ See *Law School Enrollment by State, 2015 vs 2025 Comparison*, LAWHUB, <https://www.lawhub.org/trends/enrollment-by-state> (last visited July 9, 2026) (noting Georgia had approximately 1,100 first year law students alone in 2025).

discrimination, the absence of Title VII protections and internal remedies force them to make a choice—accepting employment without meaningful legal protections against harassment and discrimination, or pursuing opportunities elsewhere. In the prestige-driven field of law where clerkships and federal judicial involvement can change a woman’s career, that choice is even harder. If federal positions come with the implicit condition that women must tolerate harassment without meaningful protection or recourse, the federal judiciary functions as a discriminatory filter that pushes women out of the profession’s most influential and coveted roles—and, devastatingly, it creates a perverse incentive for harassers and abusers in the federal judiciary to force women out, depriving them of any internal remedies that they would have received, no matter how small.

This is not a hypothetical problem. Over the past several years, the number of current and former employees within the federal judiciary who have reported experiencing or witnessing misconduct in the workplace has increased.⁴⁴ Yet the fear of career repercussions and inadequate remedies prevents many from coming forward. This principle has been noted by this Court: “[f]ear of retaliation is the leading reason why people stay silent instead of voicing their

⁴⁴ Jacqueline Thomsen & Suzanne Monyak, *US Judiciary Reports Increase in Employee Workplace Disputes (1)*, BLOOMBERG L., (updated Nov. 20, 2024, 1:54 PM EST), <https://news.bloomberglaw.com/us-law-week/us-judiciary-reports-increase-in-employee-workplace-disputes> (noting workplace disputes in the federal judiciary “nearly doubled between 2021 and 2023”).

concerns about . . . discrimination.”⁴⁵ When the cost of leaving a job is too high because of financial needs, high investments into one’s career, or the “risk of being labelled a pariah, or ostracized,” that fear is often too great to speak out over.⁴⁶

Many lawyers and non-lawyers, and particularly women, are not willing to pay the price of leaving employment in the federal judiciary, as it is a section of the legal profession that is held in the highest regard.

This Court should not turn a blind eye to the persistent harassment and discrimination faced by its colleagues. The procedural failures of the federal judiciary’s investigation of Petitioner’s claims—delay, lack of confidentiality, bias, fragmentation of processes, and uncertainty of discipline and remedies—impact more than Petitioner. Allowed to stand, they chill future reports of harassment and discrimination.

This is not an isolated incident—it is an epidemic.

We are well beyond the age of women enduring harassment and discrimination for the sake of moving up in the world. Internal measures, such as the EDR Plan applied to Petitioner, and any like it, that merely

⁴⁵ *Crawford*, 555 U.S. at 279.

⁴⁶ *Summary of Findings: Sexual Harassment: A Severe and Pervasive Problem*, NEW AM., <https://www.newamerica.org/insights/sexual-harassment-severe-and-pervasive-problem/summary-of-findings/> (last visited July 8, 2026).

provide for promotions, transfer, and leave, are not adequate. They do nothing to protect women in the federal judiciary from harassment and discrimination—in reality, they give abusers and harassers a get out of jail free card.

When qualified women attorneys observe harassment complaints being met with investigatory delays, breaches of confidentiality, marriage metaphors that trivialize harm, and outcomes that leave harassers and abusers in positions of authority, all while complainants are constructively discharged or forced out of their employment, the message is clear—this institution will not protect you.

This message cannot be permitted from an institution like the federal judiciary, which is to be a guardian of justice and an exemplar of integrity. The judiciary is better than that.

As members of the legal profession, we expect more. Justice is not confined to the courtroom. Within its own workplace, the federal judiciary should meet the same standards of accountability, fairness, and equal treatment that are expected of every other employer. Our profession demands nothing less.

CONCLUSION

For the foregoing reasons, the judgment below should be reversed.

Respectfully submitted,

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