



FOR IMMEDIATE RELEASE

Media Inquiries: Judy Pino, 202-869-5218

Renowned Federal Judge Retains NCLA to Oppose CAFC Chief Judge’s Unlawful Efforts to Oust Her

Re: Identified Complaint Against Circuit Judge Pauline Newman

Washington, DC (April 21, 2023) – The New Civil Liberties Alliance, a nonpartisan, nonprofit civil liberties group, has [written](#) to Chief Judge Kimberly A. Moore of the U.S. Court of Appeals for the Federal Circuit expressing concern with her efforts to remove fellow U.S. Circuit Judge Pauline Newman. Chief Judge Moore claims that Judge Newman “is unable to discharge all duties of the office by reason of mental or physical disability.” Moore has appointed a three-judge special committee—including herself—to investigate the matter.

Without citing any legal authority and prior to the conclusion of any investigation, Chief Judge Moore removed Judge Newman from hearing cases for an indefinite period. She also impeded Judge Newman’s access to chambers phone and computer, and unilaterally decided that the judicial assistant working for Judge Newman “is no longer an employee of the Newman chambers.”

Chief Judge Moore’s unlawful action to bar Judge Newman from carrying out the duties of her appointed office poses significant constitutional difficulties because it impinges on the Constitution’s guarantee that federal judges hold and exercise the functions of their office “during good behaviour.” Her action also violates due process of law and raises serious concerns about Chief Judge Moore’s ability to conduct this investigation impartially.

To preserve the public’s confidence in the federal judiciary’s ability to fairly resolve complaints against judicial officers, and to protect Judge Newman’s due process rights, NCLA is requesting that this matter be transferred to another Circuit’s judicial council for resolution, a step often taken in such cases. Meanwhile, NCLA has asked that Judge Newman’s participation as a judge of the Federal Circuit be immediately and fully restored.

Judge Newman has served with distinction on the United States Court of Appeals for the Federal Circuit since her appointment to that Court by President Ronald Reagan in 1984. She is renowned for her contributions to patent law and her views are often subsequently adopted by the Supreme Court as the law of the land. The power of her persuasive majority opinions and forceful dissents has been noted as recently as last month. Judge Newman vigorously disputes the unfounded allegations regarding her ability to continue performing her judicial duties.

NCLA released the following statements:

“The Constitution vested the power to remove judges in the United States Senate, and not in the Chief Judge of the Federal Circuit. Nothing will undermine the public’s confidence in the judiciary faster than the spectacle of judges themselves overstepping legal bounds and violating the basic norms of due process. Chief Judge Moore should immediately restore Circuit Judge Newman’s ability to exercise the authority of the office to which she was confirmed and request that all future proceedings in this matter be handled by another court.”

— **Greg Dolin, Senior Litigation Counsel, NCLA**

“NCLA is honored to represent a member of the federal judiciary, especially one as distinguished as Judge Pauline Newman. Whatever ulterior motive is driving efforts to remove Judge Newman, I don’t think attempts to portray her as having diminished capacity will work. I hope Chief Judge Moore thinks better of this misguided effort and

either withdraws the complaint or—at the very least—transfers it to a judicial council where an impartial review of the facts can occur. Under the circumstances, there is no good reason not to take that wise step.”

— **Mark Chenoweth, President and General Counsel, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

###