

FEDERAL JUDICIAL BRANCH WHISTLEBLOWING



WHISTLEBLOWER.HOUSE.GOV

WHISTLEBLOWEROFFICE@MAIL.HOUSE.GOV

202-226-6638

OVERVIEW

This fact sheet identifies the principal avenues available to judicial branch employees and members of the public to report waste, fraud, or abuse; judicial misconduct or disability; and workplace misconduct involving the federal judiciary. It also summarizes related anti-retaliation rights. Coverage, authorized recipients, filing procedures, and available remedies vary by employing entity and type of allegation.

Individuals considering blowing the whistle should do so under advisement of a whistleblower attorney.

Allegations of Fraud, Waste, or Abuse:

Judicial policy dictates that employees disclose allegations of fraud, waste, or abuse to the appropriate authorities. However, unlike executive branch employees, judicial branch employees do not have clear statutory rights to challenge whistleblower retaliation. Instead, employees rely on a related judicial branch policy. Note that the policy does not apply to the Supreme Court.

Specifically, **employees have the right** to disclose what they reasonably and in good faith believe to be:

- Violations of any law, rule, or regulation
- Gross mismanagement
- A gross waste of funds
- Substantial and specific dangers to public health or safety

The policy **does not protect** disclosures that:

- Are prohibited by law
- Reveal case-sensitive information, sealed material, or the deliberative processes of the federal judiciary
- Reveal information that would endanger the security of any judge

To receive coverage, the disclosure **must be made to**:

- The appropriate federal law enforcement authority
- A supervisor or managerial official of the employing office
- A judge of the court
- The Administrative Office of the U.S. Courts.

Role of the Administrative Office:

The Administrative Office of the U.S. Courts (AO) oversees the judiciary's fraud, waste, or abuse program and can receive and refer complaints to the responsible judiciary official or entity such as the relevant chief judge or federal public defender organization. The AO also tracks and receives updates on investigations conducted locally and investigates allegations concerning its own staff and operations.

For allegations concerning courts and federal public defender organizations, the relevant chief judge, judicial council, or organizational head generally retains responsibility for resolution. The AO may provide investigative assistance upon request.

Disclosures to the AO are confidential with exceptions such as if disclosure is necessary to maintain safety or unless unavoidable during an investigation. Court units and federal public defender organizations are not required to establish confidentiality policies but are encouraged to do so by judicial policy.

Allegations of Judicial Misconduct or Disability:

Under the **Judicial Conduct and Disability Act**, anyone may file a complaint alleging that a covered federal judge engaged in "conduct prejudicial to the effective and expeditious administration of the business of the courts" or that a judge is "unable to discharge all the duties of office by reason of mental or physical disability." This may include allegations of harassment and discrimination, for example, as well as other wrongful conduct such as retaliation against a complainant.

Note that Supreme Court Justices are not subject to the Act. Further, allegations must be about a judge's conduct or capacity, not mere disagreement with the correctness of their rulings or a judicial decision.

Under the Act, chief judges, circuit judicial councils, and the Judicial Conference of the United States, when appropriate, investigate and resolve complaints. The public-facing website of each judicial circuit provides an overview of the related processes for each circuit and an initial review is typically conducted by the relevant chief circuit judge.

Judges who are found to have engaged in misconduct may face censure up to potential referral to the Judicial Conference for impeachment consideration.

Workplace Rights and Employment Disputes:

The judicial branch Workplace Conduct and Protections Policy prohibits discrimination, harassment, abusive conduct, and retaliation against current and former employees and interviewed applicants. The Policy applies to paid and unpaid employees, including interns and volunteers. Courts adopt the Policy's **Model Employment Dispute Resolution (EDR) Plan**, which outlines rights and related enforcement processes. Federal public defender organizations (FPDO) use a separate Model FPDO Plan or may be covered by their court of appeals' EDR plan. Note that the Supreme Court, AO, Federal Judicial Center, U.S. Sentencing Commission, and Judicial Panel on Multidistrict Litigation have **their own distinct policies**.

Covered individuals may report workplace misconduct or related retaliation to supervisors, chief judges, or to workplace conduct offices at the local, circuit, and national levels. The **National Office of Judicial Integrity** provides confidential advice. Circuit Directors of Workplace Relations and local EDR Coordinators are also available to provide confidential advice and support and can facilitate assisted resolutions.

While judges are subject to workplace conduct requirements, they cannot seek relief under the model EDR plan.

Retaliation Claims Under Judiciary Policy:

Anyone may submit allegations of fraud, waste, abuse or other judicial misconduct through the appropriate channels. However, the right to seek relief from retaliation depends on an individual's employment status and the applicable policy. For example, while interviewed applicants have anti-retaliation rights under the model EDR policy, the judiciary's fraud, waste, or abuse provision covers only current and former employees.

Retaliation is a materially adverse action taken against an employee for reporting wrongful conduct, assisting in the defense of rights protected by the applicable EDR

plan, or opposing wrongful conduct. The Model EDR Plan outlines three resolution options for complainants: informal advice, assisted resolution (e.g., voluntary mediation), and a formal complaint filed with an EDR Coordinator against the relevant employing office.

Employees who want to file a formal complaint have 180 days to do so and must meet a preponderance of the evidence standard to win their case. Either party may seek review by the circuit judicial council within 30 days of a decision.

Those who are successful may be entitled to remedies like reinstatement, back pay, and a corrected employment record. They cannot receive other compensatory damages.

Disclosures to Congress:

Judicial branch employees and other concerned individuals may want to disclose suspected wrongdoing or seek assistance from Congress. While Congress is not among the four recipients named in the judiciary's specific fraud, waste, or abuse whistleblower provision, there are two relevant statutes that address federal employee communications with Congress more broadly.

First, 5 U.S.C. § 7211 states that a federal employee's right to petition or furnish information to Congress may not be interfered with or denied. Second, an annual appropriations law restricts the use of federal funds to pay the salary of a federal official who prohibits an employee from communicating with Congress or who retaliates against an employee for doing so.ⁱ While these statutes outlaw retaliatory conduct, they do not provide judicial branch employees with a process to seek relief when their rights are violated.

More broadly, First Amendment rights protect the lawful speech of public employees when speaking in their personal (non-work) capacities on a matter of public concern. However, courts impose a balancing test between the speaker's and the government's interests and speech regarding official duties is generally not covered.

ⁱ Consolidated Appropriations Act, 2026, Pub. L. No. 119-75, sec. 2, div. E, tit. VI, sec. 713.

ADDITIONAL RESOURCES

Congressional Research Service: [**Policies Governing Employment Discrimination and Harassment in the Judicial Branch**](#)

United States Courts: [**Administrative Oversight and Accountability**](#)

United States Courts: [**Workplace Conduct in the Federal Judiciary**](#)

United States Courts: [**Judicial Ethics Policies**](#)

Online System for Clerkship Applications and Review (OSCAR): [**Workplace Conduct Resources**](#)