

**Prominent appeals court
Judge Alex Kozinski
accused of sexual
misconduct**



Judge Alex Kozinski of the U.S. Court of Appeals for the 9th Circuit, pictured in 2003. Six women — all former clerks or externs in the 9th Circuit — alleged to The Washington Post in recent weeks that Kozinski, now 67, subjected them to a range of inappropriate sexual conduct or comments. (Paul Sakuma/AP)

By **Matt Zapposky**

December 8, 2017

A former clerk for Judge Alex Kozinski said the powerful and well-known jurist, who for many years served as chief judge on the U.S. Court of Appeals for the 9th Circuit, called her into his office several times and pulled up pornography on his computer, asking if she thought it was photoshopped or if it aroused her sexually.

Heidi Bond, who clerked for Kozinski from 2006 to 2007, said the porn was not related to any case. One set of images she remembered was of college-age students at a party where “some people were inexplicably naked while everyone else was clothed.” Another was a sort of digital flip book that allowed users to mix and match heads, torsos and legs to create an image of a naked woman.

Bond is one of six women — all former clerks or more junior staffers known as externs in the 9th Circuit — who alleged to The Washington Post in recent weeks that Kozinski, now 67 and still serving as a judge on the court, subjected them to a range of inappropriate sexual conduct or comments. She is one of two former clerks who said Kozinski asked them to view porn in his chambers.

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In a statement, Kozinski said: “I have been a judge for 35 years and during that time have had over 500 employees in my chambers. I treat all of my employees as family and work very closely with most of them. I would never intentionally do anything to offend anyone and it is regrettable that a handful have been offended by something I may have said or done.”

Kozinski provided the statement after The Post called and emailed a spokesman with a detailed list of the allegations this story would include. After the story posted online, the judge told the Los Angeles Times, “I don't remember ever showing pornographic material to my clerks” and,

"If this is all they are able to dredge up after 35 years, I am not too worried."

When Bond was clerking, Kozinski was on the precipice of becoming chief judge for the 9th Circuit — the largest federal appeals court circuit in the country, handling cases for a large swath of the western United States as well as Hawaii and Alaska. The other people who alleged that Kozinski behaved inappropriately toward them worked in the 9th Circuit both before and after her, up to 2012.

Bond said she knew that she was to come to the judge's office when her phone beeped twice. She said she tried to answer Kozinski's inquiries as succinctly and matter-of-factly as possible. Bond was then in her early 30s and is now 41.

If the question was about photoshopping, Bond said, she would focus on minor details of the images. If Kozinski asked whether the images aroused her, Bond said, she would respond: "No, this kind of stuff doesn't do anything for me. Is there anything else you need?" She said she recalled three instances when the judge showed her porn in his office.

"I was in a state of emotional shock, and what I really wanted to do was be as small as possible and make as few movements as possible and to say as little as possible to get out," Bond said.

Bond, who went on to clerk for the Supreme Court and now works as a romance novelist writing under the name Courtney Milan, and another clerk, Emily Murphy, who worked for a different judge on the 9th Circuit and is now a law professor, described their experiences in on-the-record interviews. The other four women spoke on the condition that their names and some other identifying information not be published, out of fear that they might face retaliation from Kozinski or others.

Federal Judge Kozinski Retires Following Sexual Harassment Allegations



Judge Alex Kozinski of the 9th U.S. Circuit Court of Appeals announced his immediate retirement Monday. Fifteen 15 women have alleged that Kozinkisi engaged in inappropriate sexual conduct.
Paul Sakuma/AP

Alex Kozinski, a distinguished federal appeals court judge, announced his retirement Monday, effective immediately, after sexual misconduct allegations continued to dog the once-respected justice.

In a [statement](#) released by his attorney, the 67-year-old Kozinski partially apologized for his behavior but also tried to frame parts of it as a misunderstanding.

"I've always had a broad sense of humor and a candid way of speaking to both male and female law clerks alike. In doing so, I may not have been mindful enough of the special challenges and pressures that women face in the workplace. It grieves me to learn that I caused any of my clerks to feel uncomfortable; this was never my intent," he wrote.

"For that, I sincerely apologize," he added.

The judge's career, which includes 32 years on the 9th Circuit Court of Appeals, appears to have been undone over 10 days, as 15 women continued to step forward with personal accounts of Kozinski allegedly making explicit remarks about them, exposing them to pornography or touching them inappropriately.

Accounts from a combination of former female clerks and junior staffers about the [abuses by Kozinski](#) were first reported by *The Washington Post*. They subsequently led to a formal inquiry by the 9th Circuit — [later reassigned to the 2nd Circuit](#). It is unclear what will happen with the investigation.
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Kozinski expressed regret over leaving the bench under the current circumstances, writing:

"Family and friends have urged me to stay on at least long enough to defend myself. But I cannot be an effective judge and simultaneously fight this battle. Nor would such a battle be good for my beloved federal judiciary."

As NPR's Ina Jaffe [reported](#) earlier this week, Kozinski was also investigated in 2008 for inappropriate behavior. According to the *Los Angeles Times*, Kozinski had [an email list](#) that he used to distribute rude jokes, some of which were sexually explicit. The *Times* also reported Kozinski maintained a publicly accessible website that contained pornography.

A judicial investigation determined that Kozinski had not intended for the public to be able to access that website and that the judge's "conduct exhibiting poor judgement with respect to this material created a public controversy that can reasonably be seen as having resulted in embarrassment to the federal judiciary."

In his announcement, Kozinski praised the successes of his former clerks.

"It has also been my privilege to help train the best and the brightest of several generations of new attorneys," he wrote. "I was made better by working with them."

Federal Judge Alex Kozinski Retires Abruptly After Sexual Harassment Allegations

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Alex Kozinski during a hearing on Capitol Hill in March. Credit...Justin Sullivan/Getty Images

By **Niraj Chokshi**

- Dec. 18, 2017

Alex Kozinski, a high-profile federal court judge in California, is retiring after multiple women accused him of sexual harassment, prompting a formal inquiry.

In a statement on Monday, Mr. Kozinski, 67, said his family and friends had urged him to remain and defend himself, but that doing so would make it difficult to do his job well.

“I cannot be an effective judge and simultaneously fight this battle,” he said in the statement. “Nor would such a battle be good for my beloved federal judiciary. And so I am making the decision to retire, effective immediately.”

Citing a “broad sense of humor and a candid way of speaking to both male and female law clerks alike,” Mr. Kozinski, who served on the United States Court of Appeals for the Ninth Circuit for 32 years, also offered an apology to his accusers.

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“It grieves me to learn that I caused any of my clerks to feel uncomfortable; this was never my intent,” he said. “For this I sincerely apologize.”

At least 15 women had accused Mr. Kozinski of subjecting them to unwanted sexual comments or physical contact, including kissing, hugging and groping, [according to The Washington Post](#). The allegations spanned decades and included colleagues as well as women who met him at events.

One woman, Emily Murphy, [said that](#) she was a 30-year-old clerk for a different judge when Mr. Kozinski suggested to colleagues that she exercise naked.

Ms. Murphy, now a professor at the University of California Hastings College of the Law in San Francisco, said in an email that power dynamics in the legal community make it “very challenging” to speak out about a sitting judge.

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“As an educator, I owe the next generation of lawyers a better version of the legal profession,” she said.

On Thursday, the current chief judge of the court began a misconduct inquiry prompted by [a Washington Post report](#) on accusations from six women against Mr. Kozinski. On Friday, [The Post published](#) allegations from nine more women.

This is not the first time that Mr. Kozinski has faced accusations of inappropriate behavior.

In 2008, [The Los Angeles Times reported](#) that he contributed to a website featuring sexually explicit photos and videos, including a photograph of naked women painted to look like cows.

At the time, Mr. Kozinski said that his son maintained the site, to which several people contributed material. “There is a ton of stuff on there,” [he told The New York Times](#). “It’s not a porn site. There’s some funny stuff on there.”

Mr. Kozinski, a libertarian known for writing colorful opinions, was first appointed to the Ninth Circuit by President Ronald Reagan in 1985. From 2007 to 2014, he served as chief judge of the court, the largest federal appeals court in the United States, covering the entire West Coast.

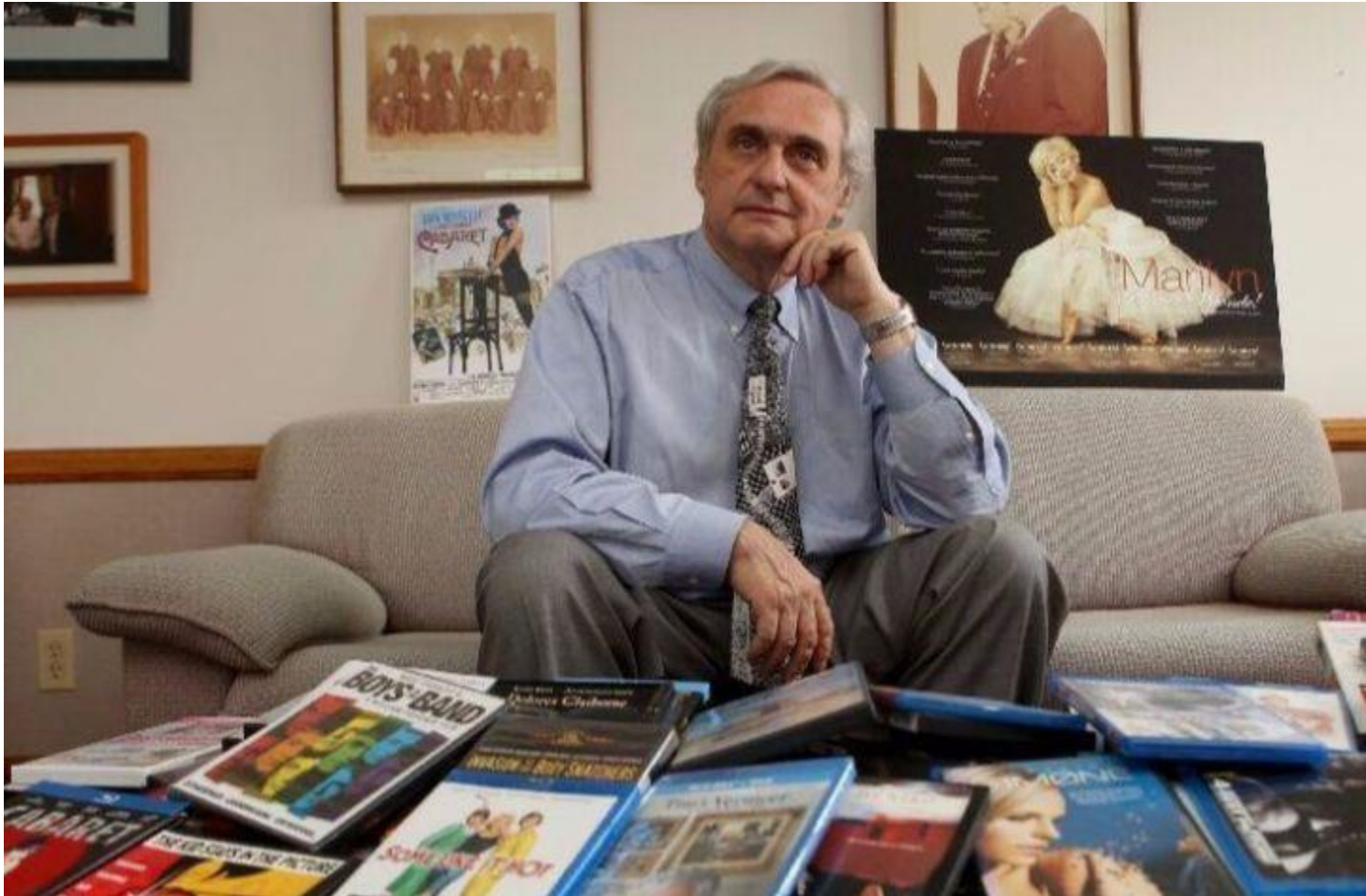
Editors’ Picks

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Adam Liptak and Jacey Fortin contributed reporting.

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9th Circuit Judge Alex Kozinski is accused by former clerks of making sexual comments



Judge Alex Kozinski of the U.S. 9th Circuit Court of Appeals is shown in his chambers in 2015.

(Irfan Khan / Los Angeles Times)

BY [MAURA DOLAN](#) STAFF WRITER

DEC. 8, 2017 5:45 PM PT

Six former clerks and externs said U.S. 9th Circuit Court Judge Alex Kozinski made inappropriate sexual comments to them, the Washington Post [reported](#) Friday.

Heidi Bond, a Kozinski clerk from 2006 to 2007, told the Post that Kozinski called her into his office repeatedly, showed her pornography on his computer and asked if it aroused her or if she thought it was Photoshopped.

Kozinski, 67, reached by the Los Angeles Times on Friday, said: “I have no recollection of that happening.”

He said Bond, now a novelist, was a “good clerk,” and he recommended her for two clerkships at the U.S. Supreme Court.

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After Bond left the legal profession, he said, she sent him an email asking if he wanted an audio version of one of her novels. Kozinski described it as a romance novel with one chapter containing “very torrid sex.”

Kozinski said he was unaware of any formal complaint against him and noted that he has employed 120 clerks and 400 externs over the years.

“If this is all they are able to dredge up after 35 years, I am not too worried,” he said in a telephone interview.

The Post said those who complained about Kozinski worked for him over the years, the latest in 2012.

Bond and Emily Murphy, now a law professor, were the only women who agreed to allow the Post to use their names.

Murphy, who clerked for a different 9th Circuit Court of Appeals judge, said Kozinski joked to her in front of other people that she should work out naked at a courthouse gym because so few people used it, according to the Post.

The Times [reported in 2008](#) that Kozinski kept sexually explicit materials on a private server.

Kozinski, then chief judge of the 9th Circuit, acknowledged in an interview with The Times back then that he had posted the materials.

They include a photo of naked women on all fours painted to look like cows and a video of a half-dressed man cavorting with a sexually aroused farm animal.

Kozinski acknowledged in the interview that some of the posts were inappropriate, but he defended other content as “funny.”

After The Times published its report, Kozinski asked for a judicial investigation. The probe determined that the judge had not intended the public to see the material and that Kozinski had not realized his private server could be viewed on the Internet.

A panel of federal judges from another circuit admonished him, saying the folder had been made public because of an improper security configuration and the judge’s “carelessness.”

Federal judges serve life terms. Congress can impeach them and the Senate convict them, but removal from office is rare.

Kozinski, appointed by President Reagan, is considered a Libertarian and an iconoclast who has used the bench to float quirky ideas.

In one case, he wrote that lethal injection should be scrapped for the firing squad, though he thought the guillotine the best method.

Kozinski said Friday that he wished “Heidi had said something to me.”

Although stressing he did not remember any such incidents, he said: “I wish she could have talked to me about it.”

He said he often uses “salty” language at work and once learned from his secretary that it offended a male clerk who was a Mormon. Kozinski said he stopped using the language.

“I don’t remember ever showing pornographic material to my clerks,” he said.

Kozinski said “lots and lots” of his former clerks reported to him in recent days that they had been contacted by the Post. In response to the Post, Kozinski issued the following statement:

“I have been a judge for 35 years and during that time have had over 500 employees in my chambers. I treat all of my employees as family and work very closely with most of them. I would never intentionally do anything to offend anyone and it is regrettable that a handful have been offended by something I may have said or done.”

David Madden, a spokesman for the 9th Circuit, forwarded a copy of Kozinski’s statement and referred further questions to a public relations firm in Los Angeles.

Madden did not respond to questions, posed in a telephone message and in emails, about whether the 9th Circuit might investigate the charges.

He referred questions to Winner & Associates, a Los Angeles firm that does public policy communications.

Chuck Winner, vice chairman of the company, said a friend asked him to assist Kozinski and that he was doing so without charge.

Winner said he interviewed both Kozinski and his wife and was unaware of any investigation into the allegations published by the Post.

An attempt to reach Bond through her agent was unsuccessful. In a [blog post](#), Bond described her interactions with Kozinski. She writes her novels and her blog under the pen name Courtney Milan.

She said in her post that Kozinski showed her pornographic pictures on his private server, and she told him they appeared to have been Photoshopped.

“Does this kind of thing turn you on?” she quoted him as saying. She told him no.

“It doesn’t do anything for me either,” she said he replied. “People just send me these things. I don’t know why. But I like to keep them as a curiosity. I don’t understand why people find this sort of thing arousing.”

Murphy, a professor at UC Hastings College of the Law, was reached through email.

She said she was unavailable for an interview Friday night because she was attending a wedding rehearsal.

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UPDATES:

7 p.m.: This article was updated with additional details and comments from Heidi Bond posted on her blog.

5:45 p.m.: This article was updated with Murphy saying she was unavailable to comment Friday night, and details about a public relation firm's representation of Kozinski.

5 p.m.: This article was updated with additional background and the full text of a statement Kozinski had given to the Washington Post.

4:20 p.m.: This article was updated to say that efforts to contact the accusers were not immediately successful.

This article was originally published at 3:55 p.m.

BY **ARIC JENKINS**

DECEMBER 8, 2017 7:05 PM EST

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lex Kozinski, a prominent judge for the **U.S. Court of Appeals for the 9th Circuit**, has been accused of **sexual misconduct** by at least six women, according to a new report.

A former clerk who worked for Kozinski between 2006 and 2007 **told the *Washington Post*** that the judge called her into his office multiple times and showed her pornography on her computer, asking if it sexually aroused her.

“I was in a state of emotional shock, and what I really wanted to do was be as small as possible and make as few movements as possible and to say as little as possible to get out,” Heidi Bond, 41, said to the paper. Another former clerk made a similar allegation against the 67-year-old Kozinski.

Four of the women who made the allegations to the *Post* asked to remain anonymous out of fear of retaliation, according to the paper. The other woman who spoke on the record, Emily Murphy — a former clerk who worked for another judge on the 9th Circuit — said Kozinski in September 2012 said she should work out naked at the courthouse gym during a discussion about workout routines with other clerks.



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“It wasn’t just clear that he was imagining me naked, he was trying to invite other people — my professional colleagues — to do so as well,” Murphy said. “That was what was humiliating about it.”

In a statement to the *Post*, Kozinski said: “I have been a judge for 35 years and during that time have had over 500 employees in my chambers. I treat all of my employees as family and work very closely with most of them. I would never intentionally do anything to offend anyone and it is regrettable that a handful have been offended by something I may have said or done.”

This is not the first time Kozinski has been the subject of controversy regarding sexually explicit material. A 2008 report from the Los Angeles *Times* revealed that the jurist had a publicly accessible website that contained pornographic material and additionally maintained an email list used to share crude jokes, sometimes with sexual themes.

Kozinski was ultimately cleared of any consequences as a judicial investigation found that Kozinski did not intend to distribute the material to the public. But, Bond recalled, according to the *Post*, Kozinski or his assistant reached out to her during that time to inquire if she would be willing to defend his character. She wrote her friend, novelist Eva Ortega, about the situation, according to emails both women shared with the *Post*.

“I know he brought you into his office to show you porn, I know he made sexual innuendos to you. I know this because you told me so in DC, and you even used the words sexual harassment,” Ortega wrote. “You said you would warn off other women thinking of clerking for him. And if there’s a woman out there he harassed worse than you, do you really want to be pitted against her? Because that’s what it would be.

“I’m worried that this is what he’s asking you to do — to be the female, intelligent face of his defense and make whoever it is accusing him look like a stupid slut, and then he hopefully never has to actually address those allegations,” Ortega continued.

Kozinski was appointed to the 9th Circuit by President Ronald Reagan in 1985. From 2007 to 2014, he was the chief judge of the court.