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# 900+ Law Profs Say Kavanaugh Lacks 'Judicial Temperament,' in Letter to Senate

The nominee's testimony before the Senate Judiciary Committee last week demonstrates that he can't be impartial on the U.S. Supreme Court, hundreds of law professors assert.

By Karen Sloan | October 03, 2018

Close to 1,000 law professors across the country have signed a letter to the U.S. Senate stating that Brett Kavanaugh lacks the “judicial temperament” necessary for a seat on the U.S. Supreme Court.

“We regret that we feel compelled to write to you to provide our views that at the Senate hearings on Thursday,



**Supreme Court nominee Brett Kavanaugh. (AP Photo/Jacquelyn Martin)**

September 27, 2018, the Honorable

Brett Kavanaugh displayed a lack of judicial temperament that would be disqualifying for any court, and certainly for elevation to the highest court of this land," the letter reads ([https://docs.google.com/forms/d/1j9eWOK\\_v5a11Z7tsRIQ8AX\\_VtzvAZXR03wAdKDxA/edit\\_requested=true](https://docs.google.com/forms/d/1j9eWOK_v5a11Z7tsRIQ8AX_VtzvAZXR03wAdKDxA/edit_requested=true)).

The list of signatories is growing by the hour, and organizers plan to send the letter to senators on Thursday. As of Wednesday morning, 907 professors from 154 law schools had signed on. They included University of California, Berkeley School of Law Dean Erwin Chemerinsky; former Harvard Law Dean Martha Minow; legal ethics expert and Stanford Law professor Deborah Rhode; and multiple professors from Kavanaugh's alma mater, Yale Law School, and Harvard Law School, where the nominee has taught a winter course for a decade. (Kavanaugh announced Monday that he will not teach

(<https://www.law.com/nationallawjournal/2018/10/01/kavanaugh-wont-teach-at-harvard-after-student-protest/>) at Harvard Law this January as planned, after student and alumni protests.) Other signers include City University of New York School of Law Dean Mary Lu Bilek; Georgetown University Law Center professor Deborah Epstein; five professors from the University of Texas School of Law; and at least 14 members of the University of Miami School of Law faculty.

A separate group of 660 female law professor are also planning to send their own letter (<https://images.law.com/contrib/content/uploads/documents/415/Lettr-re-Kavanaugh.pdf>) to the the Senate Thursday, arguing that Kavanaugh cannot be impartial and that he was especially condescending toward women senators during his testimony before the Senate Judiciary Committee last week.

"Judge Kavanaugh's lack of respect for our democratic institutions, and for women in positions of power in particular, revealed that he does not have the requisite judicial temperament," reads the letter from the female professors. "We would never allow our students to engage in such conduct even in mock proceedings or the classroom."

"I signed it because I agreed with its content," said Ruth Colker, a professor at Ohio State University Michael E. Moritz College of Law who signed both letters. "I watched every minute of the hearing, except the last 45 minutes, and I was expecting him to sound more like Neil Gorsuch. I was expecting him to do the judicial temperament dance, like a judge. I was listening to his opening remarks, which were scripted, and when he started talking about conspiracies and the Clintons, I thought, 'Huh?'"

The professors' letter argues that Kavanaugh "exhibited a lack of commitment to judicious inquiry." He interrupted his questioners on the Senate Judiciary Committee and was aggressive toward them, according to the letter. The letter goes on to cite statutes governing judicial bias and recusals, calling impartiality the "cornerstone of the courts."

"We have differing views about the other qualifications of Judge Kavanaugh," the letter reads. "But we are united, as professors of law and scholars of judicial institutions, in believing that Judge Kavanaugh did not display the impartiality and judicial temperament requisite to sit on the highest court of our land."

Colker said she thinks legal educators have a responsibility to weigh in on matters pertaining to the credibility of the judiciary. Whether or not senators will listen is an open question, she noted.

"All eyes are obviously on about four people," Colker said, in reference to a handful of senators who say they are undecided on Kavanaugh's confirmation. "It's hard to know what will be the tipping point for those four individuals. I would hope they

would take seriously this statement from such a large number of law professors from different political persuasions. I could imagine this will be one factor among many someone would care about."

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