

SEP 28 2007

Gregory A. Nussel
Secretary to the Council

THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT

Before: Edith H. Jones, Chief Judge, U. S. Court of Appeals for the Fifth Circuit; Jerry E. Smith, U. S. Circuit Judge; W. Eugene Davis, U. S. Circuit Judge; Jacques L. Wiener, Jr., U. S. Circuit Judge; Rhcsa H. Barksdale, U. S. Circuit Judge; Emilio M. Garza, U. S. Circuit Judge; Carl E. Stewart, U. S. Circuit Judge; James L. Dennis, U. S. Circuit Judge; Edith Brown Clement, U. S. Circuit Judge; Priscilla R. Owen, U. S. Circuit Judge; Sarah S. Vance, U. S. District Judge; James J. Brady, U. S. District Judge; Tucker L. Melancon, U. S. District Judge; Michael P. Mills, U. S. District Judge; David C. Bramlette, III, U. S. District Judge; Sidney A. Fitzwater, U. S. District Judge; Hayden W. Head, Jr., U. S. District Judge; T. John Ward, U. S. District Judge; Fred Biery, U. S. District Judge

DOCKET NO. 07-05-351-0086

IN RE: Complaint of Judicial Misconduct against United States District Judge Samuel B. Kent under the Judicial Conduct and Disability Act of 1980

ORDER OF REPRIMAND AND REASONS

A complaint of judicial misconduct was lodged on May 21, 2007 against the Hon. Samuel B. Kent of the Southern District of Texas, alleging sexual harassment toward an employee of the federal judicial system. A Special Investigatory Committee of the Council was appointed pursuant to 28 U.S.C. §353 to conduct an investigation of the original complaint. Following its initial investigation, the

Special Investigatory Committee notified the judge in question of an expansion of the original complaint under Rule 9(A) of the Rules Governing Complaints of Judicial Misconduct or Disability to investigate instances of alleged inappropriate behavior toward other employees of the federal judicial system, and ultimately recommended that a reprimand of the judge be issued along with the accomplishment of other remedial courses of action.

After due consideration of the report of the Special Investigatory Committee of the Council, and the response thereto by the Hon. Samuel B. Kent, the Council adopts the Special Investigatory Committee's Report, Findings of Fact, Conclusions of Law and Recommendations. Based thereon, by a majority vote, the Council accepted the recommendations of the Special Investigatory Committee and concluded these proceedings because appropriate remedial action had been and will be taken, including but not limited to the Judge's four-month leave of absence from the bench, reallocation of the Galveston/Houston docket and other measures.

Based on the Special Investigatory Committee's report, the Council reprimands Judge Kent for the conduct that the report describes. It further admonishes Judge Kent that his actions described in the report violated the mandates of the Canons of the Code of Conduct for United States Judges and are deemed prejudicial to the effective and expeditious administration of the business of the courts and the administration of justice.

This Order will be available in the public record upon request, consistent with the requirements of 28 U.S.C. §360(b), and will be placed on the website of the Fifth Circuit. The Special Investigatory Committee's Report, Findings of Fact, Conclusions of Law and Recommendations, and the Response to the Report are confidential under 28 U.S.C. §360(a) and shall not be disclosed.

For the Council:

Edith H. Jones

Chief Judge

September 28, 2007