

# **UCLA**

## **UCLA Women's Law Journal**

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Timeline of Events

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# ARTICLES

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## TIMELINE OF EVENTS

### *UCLA Women's Law Journal*

**June 27, 2018** — *Justice Anthony Kennedy announces his retirement from the U.S. Supreme Court.* After serving more than thirty years on the Supreme Court, Justice Kennedy announced his retirement, effective July 31. He informed the President of his decision through a personally delivered letter. Rumors about President Trump's replacement for the Justice began to circulate immediately because Trump had pledged during the 2016 campaign to nominate conservative Justices.<sup>1</sup>

**July 6, 2018** — *Dr. Christine Blasey Ford calls the office of her Congresswoman, California Representative Anna Eshoo.* Although Kavanaugh had not yet been officially nominated, he was on Trump's short list, so Ford felt it was her civic duty to come forward.<sup>2</sup>

**July 9, 2018** — *President Trump announces Brett Kavanaugh as his nominee to replace Justice Kennedy.* Kavanaugh was a former clerk to Kennedy and had been serving as a judge on the U.S. Court of Appeals for the District of Columbia Circuit for twelve years.<sup>3</sup>

**July 10, 2018** — *Kavanaugh meets with two Republican leaders.* The day after being nominated, Kavanaugh met with U.S. Senate Majority Leader Mitch McConnell and Senate Judiciary Committee Chairman Chuck Grassley to begin lobbying for confirmation.<sup>4</sup>

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1. Lydia Wheeler, *Kennedy Announces Retirement from Supreme Court*, THE HILL (June 27, 2018), <https://thehill.com/regulation/court-battles/393357-kennedy-announces-retirement-from-supreme-court> [https://perma.cc/4Z2B-GRFD].

2. Christine Blasey Ford, CONFIDENTIAL I (2018).

3. Erin Kelly & Jessica Estepa, *Brett Kavanaugh: A Timeline of Allegations Against the Supreme Court Nominee*, USA TODAY (Sept. 24, 2018), <https://www.usatoday.com/story/news/politics/onpolitics/2018/09/24/brett-kavanaugh-allegations-timeline-supreme-court/1408073002> [https://perma.cc/ZP8Z-NTDU].

4. Sophie Tatum, *Brett Kavanaugh's Nomination: A Timeline*, CNN POLITICS, <http://www.cnn.com/interactive/2018/10/politics/timeline-kavanaugh> [https://perma.cc/ZP8Z-NTDU].

**July 30, 2018** — *Dr. Christine Blasey Ford sends a letter to Senator Dianne Feinstein.* Ford sent Feinstein a letter detailing her allegation of sexual assault by Kavanaugh. Out of respect for Ford's expressed desire for privacy, Feinstein withheld the letter from other lawmakers and the news media.<sup>5</sup>

**August 15, 2018** — *Kavanaugh holds meetings with Senate Democrats.* Among the topics discussed were his judicial record regarding the legality of criminal investigations against a sitting president and his views on *Roe v. Wade*, which legalized a woman's right to choose to have an abortion.<sup>6</sup>

**August 20, 2018** — *Senator Feinstein meets with Kavanaugh.* Feinstein and Kavanaugh met to discuss his nomination. During this meeting, Feinstein kept Ford's confidence and did not share her letter with Kavanaugh.<sup>7</sup>

**August 22, 2018** — *Democrats call for a delay in Kavanaugh's confirmation hearings before the Senate Judiciary Committee.* The Democrats, including Feinstein, called for a delay following a statement from longtime Trump lawyer, Michael Cohen, that during the 2016 campaign Trump ordered payments to Stormy Daniels and Karen McDougal, two women who claim to have had affairs with Trump in 2006. The Republicans refused to grant the delay.<sup>8</sup>

**September 4–7, 2018** — *Kavanaugh's confirmation hearings before the Judiciary Committee.* On Capitol Hill, Democrats questioned Kavanaugh on his views of presidential power, judicial precedent, and the possibility of overturning *Roe v. Wade*. During the hearings, Kavanaugh claimed to be a strong believer in judicial precedent.<sup>9</sup>

**September 12, 2018** — *Dr. Ford's letter detailing Kavanaugh's sexual assault is made public.*<sup>10</sup> *The Intercept*, a progressive news outlet, reported from multiple sources that a letter detailing sexual assault allegations against Kavanaugh was sent to Feinstein. Ford's name was not yet disclosed.<sup>11</sup>

**September 13, 2018** — *Senator Feinstein reports sending Dr. Ford's letter to the FBI.* At this point, the FBI had already completed

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5. Ford, *supra* note 2, at 1; John Bowden, *Timeline: Brett Kavanaugh's Nomination to the Supreme Court*, THE HILL (Oct. 6, 2018), <https://thehill.com/homenews/senate/410217-timeline-brett-kavanaughs-nomination-to-the-supreme-court> [<https://perma.cc/MC3R-WKU9>].

6. Bowden, *supra* note 5.

7. *Id.*

8. *Id.*

9. *Id.* See also Kelly & Estepa, *supra* note 3; Tatum, *supra* note 4.

10. Tatum, *supra* note 4.

11. Bowden, *supra* note 5.

Kavanaugh's background check. The FBI included Ford's letter in Kavanaugh's file but did not launch a criminal investigation, in part because the statute of limitations had long expired.<sup>12</sup>

**September 16, 2018** — *Dr. Ford comes forward publicly in an interview with The Washington Post.* Ford alleged that Kavanaugh sexually assaulted her in 1982 while at a high school party. According to Ford, a drunken Kavanaugh pinned her down on a bed, attempted to remove her clothes, groped her, and held his hand over her mouth to muffle her screams. Kavanaugh denied these allegations in a statement made from the White House.<sup>13</sup>

**September 23, 2018** — *A second accuser comes forward.* In an interview with *The New Yorker*, Deborah Ramirez accused Kavanaugh of sexual misconduct while the two were students at Yale University. Kavanaugh denied the allegation.<sup>14</sup>

**September 26, 2018** — *A third accuser comes forward.* Attorney Michael Avenatti, counsel to Stormy Daniels, disclosed the name of another client, Julie Swetnick. Swetnick claimed that during high school in the 1980s, Kavanaugh was present at "gang rapes." Kavanaugh denied the allegation.<sup>15</sup>

**September 27, 2018** — *Kavanaugh and Dr. Ford testify before the Senate Judiciary Committee.* Ford testified first, stating that she was "100 percent" certain that it was Kavanaugh who sexually assaulted her. She responded to questions from Democrats as well as a prosecutor hired by the Republican members of the committee. Later in the day, Kavanaugh became angry and upset in the course of his testimony defending himself against the allegations.<sup>16</sup>

*UCLA Law students and faculty wear black to show solidarity with survivors of sexual assault during the Senate Hearings and Dr. Ford's testimony.* During the hearings, lawmakers and celebrities made a national call to wear black in a show of solidarity with Ford and other survivors of sexual assault. Many students at UCLA participated.

**September 28, 2018** — *The Senate Judiciary Committee votes to advance Kavanaugh's nomination.* The vote was split along party lines. Senator Jeff Flake joined Democrats' call for a limited, one-week FBI investigation into the allegations. Trump authorized the investigation.<sup>17</sup>

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12. *Id.* See also Kelly & Estepa, *supra* note 3.

13. Kelly & Estepa, *supra* note 3.

14. Bowden, *supra* note 5.

15. *Id.*

16. *Id.*

17. *Id.*

**October 4, 2018** — *The FBI investigation comes to a close.* One at a time, senators were permitted to read the FBI's findings in a special room reserved for classified materials. Democrats criticized the FBI's failure to contact Ford, Kavanaugh, and other corroborating witnesses.<sup>18</sup>

*UCLA Law students and faculty walkout to protest the confirmation of Kavanaugh.* Joining the national call for a walkout, UCLA law students and faculty held an open mic in Shapiro Courtyard in order to send the message across campus and the legal community that survivors do not stand alone, but rather with a community by their side. The event was cosponsored by El Centro, the International Human Rights Law Association, and the UCLA student chapter of the National Lawyers' Guild (NLG-UCLA).

*Dean Mnookin sends an email to the UCLA Law community.* The Dean sent the email while traveling in order to "reach out to [the UCLA Law community] and address the tremendous strain of the last two weeks as the confirmation process for Judge Kavanaugh continues to unfold." First, the email acknowledged how painful the "spectacle" had been. Next, the Dean discussed the Senate Judiciary Committee's process and lack of desire to find evidence corroborating Dr. Ford's accusation. Finally, she encouraged the community to be kind and patient with one another.<sup>19</sup>

*UCLA Law shows Anita: Speaking Truth to Power.*<sup>20</sup> The Office of Student Affairs decided to screen this documentary in order to help place this moment in a broader historical context.

**October 5, 2018** — *The Senate ends debate on Kavanaugh's nomination.* Senator Susan Collins (R-Maine) announced that she would support Kavanaugh, solidifying his confirmation. Senator Lisa Murkowski (R-Alaska) was the only Republican to oppose his nomination. Senator Joe Manchin (D-W.Va.) was the only Democrat to support Kavanaugh's nomination. Trump had won West Virginia by double digits in 2016, and Manchin was up for reelection.<sup>21</sup> In November 2018, Manchin beat Republican Patrick Morrissey by only three percent.<sup>22</sup>

*UCLA's undergraduate newspaper, the Daily Bruin, runs an article about the open mic and walkout.*<sup>23</sup> Jintak Han of the *Daily*

18. *Id.* See also Tatum, *supra* note 4.

19. Email on file with *UCLA Women's Law Journal*.

20. ANITA: SPEAKING TRUTH TO POWER (Samuel Goldwyn Films 2013).

21. Bowden, *supra* note 5.

22. Sarah Almukhtar et al., *West Virginia U.S. Senate Election Results*, N.Y. TIMES (Jan. 18, 2019), <https://www.nytimes.com/elections/results/west-virginia-senate> [<https://perma.cc/C7NA-YSFG>].

23. Jintak Han, *UCLA School of Law Students and Faculty Stage*

*Bruin* reported that almost 100 law students and faculty walked out of class onto Shapiro Courtyard to protest Kavanaugh's confirmation. Online comments on the article, which were almost entirely negative, condemned what they saw as liberal hypersensitivity and criticized students for having "no clue about the reality of life." Others called the National Lawyers' Guild the "legal arm of the Communist party" and suggested that legal standards required only at trial should be applied to Kavanaugh's confirmation hearing.<sup>24</sup>

*The Senate conducts the final vote on Kavanaugh.* Kavanaugh's nomination was advanced by a 51–49 vote on the full senate floor. The swing vote was cast by Collins, who made a speech on the floor later that afternoon explaining her choice.<sup>25</sup>

**October 9, 2018** — *Over 100 UCLA Law students send a letter to Dean Mnookin, criticizing UCLA Law's institutional response to the Kavanaugh hearings.* The letter deemed the administration's response inadequate and insensitive, and made four explicit demands: "(1) A town hall forum at the law school, where students can speak directly to you and other members of the Administration; (2) An electronic comment period where individual students can anonymously raise their concerns; (3) A commitment to address the specific concerns raised by all students via these forums; and (4) The creation of a committee that will be tasked with addressing these issues through long-term, institutional change."<sup>26</sup>

*Several UCLA Law faculty members write a letter in support of the student letter.* The letter expressed "hope that [the faculty] can self-critically address how the law school is part of the legal profession's structures of power and privilege that are being scrutinized in connection with the confirmation process." In addition, the letter expressed "hope that understandable concern for avoiding partisanship or politicization not block our ability to speak firmly about important matters of principle."<sup>27</sup>

*Dean Mnookin emails UCLA Law faculty.* In her email, the Dean asked faculty members to be considerate of students that were impacted by the events of the past few weeks surrounding the hearings.

*Professor Bainbridge's tweet about Dean Mnookin's email offends many students.* Professor Bainbridge has been faculty at

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*Protest Against Kavanaugh*, DAILY BRUIN (Oct. 5, 2018), <https://dailybruin.com/2018/10/05/ucla-school-of-law-students-and-faculty-stage-protest-against-kavanaugh> [<https://perma.cc/FR7Q-VWGV>].

24. *Id.*

25. Tatum, *supra* note 4.

26. Letter on file with *UCLA Women's Law Journal*.

27. Letter on file with *UCLA Women's Law Journal*.

UCLA School of Law since 1997. His courses include Business Associations and Mergers & Acquisitions. The tweet read: “My dean sent an email around asking faculty to be considerate of students stressed by the Kavanaugh hearings. I asked in reply: When do we teach our students that they are going to be professionals who will often have to set aside their personal feelings and get on with the job?”<sup>28</sup>

**October 15, 2018** — *Dean Mnookin hosted an open forum with law students and faculty.* This open forum was held in response to the student letter. Its purpose was to open dialogue with students to inspire more supportive initiatives within the law school.

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28. Professor Bainbridge (@ProfBainbridge), TWITTER (Oct. 9, 2018, 2:43 PM), <https://twitter.com/profbainbridge/status/1049732047537811456?lang=en> [<https://perma.cc/VR44-XMTA>].