

**Even the investigator stated in his report that he couldn't prove Mindy fabricated any document.**

The reason for the termination is potentially debunked. Also, Mindy has a significant number of examples where "tone at the top" was not applied equally.

**Instances where Judges were NOT held to the "tone at the top" but who have violated policy significantly:**

- No investigation was held when the anonymous allegations of sexism and harassment were made against the Chief Justice and Chad. She was told to destroy the letter.
- Judge sends pornographic video over judicial email; nothing happened to him; he was appointed Chief Judge less than two years later. Judge sent a video over Judicial Branch email to another Judge. The video depicts a woman performing sexual acts on a bald man's head. The Judge suffered no repercussions for sending the video, and in fact, was promoted to Chief Judge a few months later. Turned the matter over to the Chief Justice who took no action.
- Negotiated a release agreement with a law clerk who accused her COA Judge of harassment in order to keep the COA Judge "safe" during the selection Supreme Court Justice selection process per the chief justice.
- Judge exposed and rubbed his hairy chest on a female employee's back; no action taken against the judge; judge is currently being considered for the senior judge program.
- Current pending EEOC complaint against two Justices.
- Mindy recommended to Chief Judge Kuenhold it was in the best interest of the branch to terminate Mr. Duarte due to the sexual relationships he had with his staff. Chief Judge Kuenhold stated that Mindy needed "to leave the courthouse and drive slowly out of town."

**Instances where top level Managers in and outside SCAO (including two in Finance) were NOT held to the "tone at the top" level of accountability.**

- Evidence a Financial manager accessed personal information on various leaders throughout the state using Accurint for no business reason; no discipline taken on him and he was promoted less than two years later to deputy director.
- Financial manager investigated twice for harassing behavior. Receives more staff and a better office. No mention of the complaints in his 2017 performance appraisal.
- Director of FSD complained about not working "even banker's hours" by staff. Staff of other division follow him to his bar and home and track that he does not place time in PTO system and is seen at home at 3:00 pm often or at bar.
- CPO takes picture of penis and sends to vendor; no disciplinary action taken.
- CPO has sex with a vendor on state time and on state property who later complains she felt she had to in order to keep her job; no disciplinary action taken.
- Court Administrator accused of asking an employee to backdate a document, no disciplinary action taken.
- Director of Court Services and FSD Director

- CPO directing all staff to swat a female on the backside, no disciplinary action taken.

### **Systemic examples of harassment**

- Female employees in the room snapping fingers in unison asking when opportunities for women will ever be provided.
- Requested to convert part of the access to justice position to address diversity and inclusion; request ignored and thereby denied.
- Mindy's the only female Division Director out of 7.
- Data shows 73% of all terminated employees are female.
- Data shows females are promoted at a slower rate than men but performance on average is higher.
- After attempting to create a diversity and inclusion committee was told creating a diversity committee would never fly with the court and we aren't going to create an affirmative action plan.
- Was told by Chief Judges she needed to seek their permission to conduct harassment and discrimination investigations in districts, and seek their permission to visit districts before coming after an intense investigation of a Judge and Court Administrator for sexual harassment. This directive was given in order to suppress complaints. Recollection of this event occurred in the 2018 Judicial Conference by a Chief Judge in the audience who was questioning if that matter ever resolved and recognizing that this was wrong.

### **Report from a Justice about why MM wasn't selected for the position:**

Insinuates the entire Supreme Court made the decision she didn't get the SCA position based on her gender by the following comments to Mindy after she didn't get the job:

- "You have to get inside these guys minds' when their thinking about picking a boss."
- "You don't look the part."
- "You're a small woman; you don't look the part."
- "There's sexism out there still, even in the government. If you don't think there is, you're wrong."
- "Need to dress less like a woman and more like an attorney on 17<sup>th</sup> street."
- When she ask if there was anything she could do to better position herself in the future, she was told, "Outside of running out and getting your law degree, there's not much you can do." The position only required a bachelor's degree and is currently occupied by a non-holding JD.