

Circuit Executive Margaret A. Wiegand
U.S. Court of Appeals for the Third Circuit
22409 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1790

October 2, 2026

Dear Circuit Executive Wiegand:

We write to file a complaint under the *Judicial Conduct and Disability Act of 1980*, 28 U.S.C. §§ 351–364, against Third Circuit Judge Jennifer Mascott.

Based on recent reporting, it appears that Judge Mascott served as the manager of a Washington, D.C.-based public affairs firm called Adfero after she was confirmed to her federal judgeship.¹ In our view, the ethical implications of Judge Mascott’s decision to lead this firm while simultaneously serving on the U.S. Court of Appeals for the Third Circuit deserve review.

Adfero was founded approximately twenty years ago by Judge Mascott’s late husband, Jeff Mascott.² Per documents she submitted to the Senate Judiciary Committee at the time of her nomination to the Third Circuit, Judge Mascott appears to have inherited a 100 percent ownership stake in the firm after Mr. Mascott’s passing in 2023, valued at a substantial sum. We do not believe that Judge Mascott’s initial decision to maintain this ownership stake was unethical, and we appreciate that Judge Mascott faithfully disclosed her financial interest in the company.

Although ownership of an independent public affairs firm does not necessarily constitute judicial misconduct, ongoing and active engagement in managing that firm can be. Judge Mascott reportedly “first took an active role in the management of Adfero at the beginning of 2025” and, according to several former Adfero employees, was intimately involved in the firm’s day-to-day work

¹ E.g., Daniel Barnes & Jacob Wendler, ‘Is she even allowed to be doing this?’: Inside a federal judge’s side gig running a PR firm, POLITICO (Aug. 6, 2026, at 4:45 ET), <https://www.politico.com/news/2026/08/06/jennifer-mascott-federal-judge-adfero-pr-firm-01025871>.

² *Id.*

for at least six months after she received her judicial commission on October 10, 2025.³ That included “work[ing] at least once a week out of Adfero’s office in Washington and overs[eeing] the firm’s staffing, business development efforts and client relations in between her full-time judicial duties in Wilmington and Philadelphia.”⁴

Circuit judges, of course, may choose to engage in many activities beyond hearing cases and writing opinions without running afoul of judicial ethics rules. For example, they often sit on circuit-wide or nationwide committees involving the administration of justice. They give speeches at legal conferences and civic events and sometimes serve as adjunct faculty at a local law school. But, under a basic reading of the Code of Conduct for United States Judges (“Code of Conduct”), they may not maintain a second profession that could take time and focus away from their Senate-confirmed job.⁵ We are concerned that by dedicating extensive time and attention to her role in Adfero, Judge Mascott may have engaged in misconduct.⁶

Indeed, the extent to which this work detracted from her judicial duties deserves review. Since taking the bench last fall, it appears that Judge Mascott has issued only three written opinions in precedential cases, two of which are only about a page long.⁷ It is true that much of the court’s work is not done through precedential opinions, and that senators are not privy to the way in which federal courts divide up their workload. But because most other judges on the Third Circuit have written far

³ *Id.*

⁴ *Id.*

⁵ See, e.g., CODE OF CONDUCT FOR U.S. JUDGES, Canon 4 (2019), in *Guide to Judiciary Policy* Vol. 2A, Ch. 2, 12–16, <https://www.uscourts.gov/file/25752/download>; RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(a) (2019), in *Guide to Judiciary Policy* Vol. 2E, Ch. 3, 8–9, <https://www.uscourts.gov/file/25751/download>.

⁶ See RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(a)(7), *Guide to Judiciary Policy* Vol. 2E, Ch. 3, 8–9 (“Cognizable misconduct includes conduct occurring outside the performance of official duties if the conduct is reasonably likely to have a prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people.”).

⁷ See *Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Att’y Gen. of N.J.*, 183 F.4th 211, 265-66 (3d. Cir. 2026) (Mascott, J., concurring in part and concurring in the judgment); *Michelin v. Warden Moshannon Valley Corr. Ctr.*, 169 F.4th 160 (mem.), 186-87 (3d Cir. 2026) (Mascott, J., dissenting denial of sur petition for reh’g en banc); *Buele Moroch v. Warden Phila. FDC*, __ F.4th __, 2026 WL 2546223, at *10-31 (3d. Cir. Aug. 28, 2026) (Mascott, J., dissenting).

more in the same amount of time, we are concerned that Judge Mascott’s outside activities may have taken time away from judicial activities.

It is worth mentioning that the Code of Conduct does not fully account for the situation described here. Canon 4(D)(2) states: “A judge may serve as an officer, director, active partner, manager, advisor, or employee of a business only if the business is closely held and controlled by members of the judge’s family.”⁸ That appears to be the case here. The commentary to that section then states: “A judge has the rights of an ordinary citizen with respect to financial affairs, except for limitations required to safeguard the proper performance of the judge’s duties. A judge’s participation in a closely held family business, while generally permissible, ***may be prohibited if it takes too much time or involves misuse of judicial prestige[.]***”⁹ Though terms such as “active partner” and “manager” are not defined, the day-to-day management described by *Politico* would seem to “take[] too much time” and thus exceed what the Code permits.

Separately, we are concerned that Judge Mascott’s work at Adfero may have had political implications. Per *Politico*: “As staff left, Mascott brought on consultants with deep ties to the GOP to help fill the gaps[.] ... At least two clients declined to renew their contracts with Adfero in part because they felt Mascott was taking the firm in a more partisan direction, according to two former clients.”¹⁰ One former employee told *Politico*, “We’ve always been bipartisan or nonpartisan, and that was sincerely very, very true[.] ... And then there was a shift with the consultants that she hired. The politics-leaning was just very blatant, and that was a departure from what people were used to.”¹¹

⁸ CODE OF CONDUCT FOR U.S. JUDGES Canon 4(D)(2), *Guide to Judiciary Policy* Vol. 2A, Ch. 2, 17.

⁹ CODE OF CONDUCT FOR U.S. JUDGES Canon 4(D)(1), (2), and (3) cmt., *Guide to Judiciary Policy* Vol. 2A, Ch. 2, 17 (emphasis added).

¹⁰ Barnes & Wendler, *supra* note 1.

¹¹ *Id.*

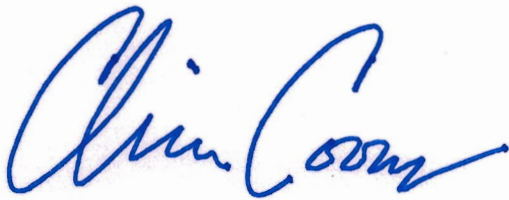
Moreover, as noted by *Politico*, “the firm’s website boasts examples of its marketing campaigns designed to ‘influence elected officials.’”¹²

Canon 5 of the Code of Conduct states that judges “should refrain from political activity.”¹³ Even if Judge Mascott believes her work with Adfero to be consistent with the strictures of Canon 4(D)(2), it seems clear that a significant component of such work—*i.e.*, making hiring decisions based on an individual’s political bona fides or actively changing the partisan direction of that firm—represents the type of political activity that Canon 5 proscribes.

As representatives for the people of Delaware in the United States Senate, we want to ensure that the judges serving our state on the Third Circuit are fully committed to doing their best work, free from undue distraction or unethical conduct.

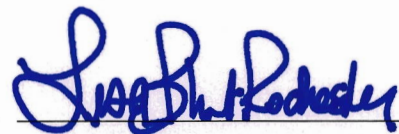
We look forward to your review of this complaint and thank you for your attention to this matter.

/We declare under penalty of perjury that the statements made in this complaint are true and correct to the best of our knowledge.



Christopher A. Coons
United States Senator

Sincerely,



Lisa Blunt Rochester
United States Senator

¹² *Id.*

¹³ CODE OF CONDUCT FOR U.S. JUDGES Canon 5, *Guide to Judiciary Policy* Vol. 2A, Ch. 2, 18.