United States Senate
WASHINGTON, DC 20510

July 21, 2026

The Honorable John G. Roberts, Jr.
Chief Justice of the United States
Supreme Court of the United States
1 First Street NE
Washington, D.C. 20543

Dear Chief Justice Roberts:

At the July 14, 2026, hearing of the Senate Appropriations Subcommittee on Financial Services and General Government, I asked Justice Kagan and Justice Barrett if the Court would adopt a prohibition against participation in prediction markets both for justices and for the staff of the Supreme Court. They responded that their understanding is that it is already covered by the "prohibition on using information that you know within the court to make financial gain," but Justice Kagan also said the Court would "willingly take on" the charge to "go back and look for any loopholes." I write in the spirit of that commitment and the Supreme Court's responsibility to avoid both impropriety and the appearance of impropriety to encourage you to take action that will bolster public trust.

As I noted in my questioning of Justice Kagan and Justice Barrett, the use of prediction markets by judges and judicial personnel can raise significant concerns. These instruments create new opportunities for conflicts of interest if judges or staff make wagers about ongoing litigation or matters that are likely to come before the courts. And I am concerned that prediction markets can compromise the judiciary's independence from other branches of government were judges or their clerk permitted to place bets on official action from Congress or the Executive Branch. Our courts work best when the public knows judges approach cases and litigants impartially. Judges' unrestricted participation in the wide range of bets that prediction markets allow risks compromising that confidence.

While the Justice's Code of Conduct, the Judge's Code of Conduct, and the Code of Conduct for Judicial Employees may protect against insider trading, they do not adequately prevent other inappropriate uses of prediction markets. [1] For example, if justices or their staff place bets on government activities, even without nonpublic information, it could create conflicts of interest with future cases or undermine perceptions of the Court's independence from other branches of government. Confidence in the Court is likewise undermined were a justice or their staff to hold a contract on an issue likely to come before the courts, or about a matter that could sow doubt about their impartiality, such as an election outcome. It is vitally important that the American public have trust in the courts, and taking further action to create a clear standard is critical to regaining that trust.

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[1] The Justice's Code of Conduct Canon 4, Part D, section (1) states that "A Justice… should refrain from financial and business dealings that exploit the judicial position…" and subsection (4) states that "A Justice should not disclose or use nonpublic information acquired in a judicial capacity for any purpose unrelated to the Justice's official duties." This language is mirrored in the Judge's Code of Conduct. Additionally, the Code of Conduct for Judicial Employees Canon 3, Part D, section (2) states that, "A judicial employee should not use for personal gain any confidential information received in the course of official duties," and Canon 4, Part A further states that, "A judicial employee's activities outside of official duties should not detract from the dignity of the court, interfere with the performance of official duties, or adversely reflect on the operation and dignity of the court or office the judicial employee serves."

On April 30, 2026, the United States Senate unanimously passed a resolution amending the Standing Rules of the Senate to prohibit Senators, Senate staff, and all officers and employees of the Senate from trading on prediction markets.[2] The Senate did so because it recognized that as public servants, we are uniquely responsible for upholding public trust in our democracy, and even the appearance of insider trading, conflict of interest, or other impropriety erodes that trust. The Senate resolution also stated that, "It is the sense of the Senate that the House of Representatives, executive branch, and judicial branch should establish restrictions similar to those [in the resolution] relating to participation in prediction markets."[3] I believe this step is crucial to strengthening the American public's trust in our courts.

I respectfully encourage the Court to review the codes for the judicial branch and consider clearly and expressly prohibiting all justices, judges, staff, clerks, officers, and employees of the judicial branch from participating in prediction markets. I also request that the Court make a public announcement of the resulting changes to ensure that the public knows the Court has a clear policy in place. The American public must be able to have confidence that the court and its officers are acting exclusively in the interest of justice.

Sincerely,

Chris Van Hollen
United States Senator

CC:

The Honorable Justice Clarence Thomas

The Honorable Justice Samuel A. Alito, Jr.

The Honorable Justice Sonia Sotomayor

The Honorable Justice Elena Kagan

The Honorable Justice Neil M. Gorsuch

The Honorable Justice Brett M. Kavanaugh

The Honorable Justice Amy Coney Barrett

The Honorable Justice Ketanji Brown Jackson

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[2] Text - S.Res.708 - 119th Congress (2025-2026): A resolution amending rule XXXVII of the Standing Rules of the Senate to prohibit Senators from trading on prediction markets. | Congress.gov | Library of Congress

[3] Ibid.

The Honorable Robert J. Conrad, Jr., Director, Administrative Office of the U.S. Courts

The Honorable Robert M. Dow, Jr., Counselor to the Chief Justice