

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

April 30, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90029

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was the plaintiff in an employment-discrimination suit, which was settled and dismissed approximately a year ago. About nine months later, complainant filed a motion asking the court to set aside the settlement, asserting that she had been strong-armed and deceived by her lawyer and had not approved the settlement's terms. The judge denied that motion, and complainant accuses the judge of misconduct.

Any complaint that is "directly related to the merits of a decision or procedural ruling" must be dismissed. 28 U.S.C. §352(b)(1)(A)(ii). See also Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 145 (2006). The allegations of this complaint fit that description. The court of appeals, not the Judicial Council, is the right forum for an argument that a judge erred in declining to rescind a settlement. The time for appeal expired without action by complainant, however, and the 1980 Act does not provide an alternative means of obtaining review.

Complainant asserts that her lawyer committed misconduct, but the 1980 Act is limited to judicial officers. A bald assertion that the judge "conspired with" complainant's lawyer does not avoid §352(b)(1)(A)(ii).