

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

May 24, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90034

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is a debtor in bankruptcy. A bankruptcy judge recently decided, after a bench trial, that one of complainant's debts is attributable to fraud and therefore cannot be discharged. Complainant asserts that this decision constitutes misconduct, because it was "based on conjectures, assumptions, and speculations rather than the reality of the matter".

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. If the judge erred, the remedy lies in an appeal to a district judge and, if necessary, the court of appeals. The 1980 Act does not permit the Judicial Council, an administrative body, to supervise the conduct of litigation.

Complainant asserts that the judge must be biased. He finds it suspicious that the judge was able to give an opinion, including quotations from precedent, within 15 minutes after the evidentiary hearing ended. This indicates good preparation, not bias. At all events, §352(b)(1)(A)(ii) applies to a claim of bias; appellate review, not the 1980 Act, supplies the appropriate means of redress.