

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

March 17, 2017

Chief Judge Diane P. Wood

No. 07-17-90008

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

In this complaint, Complainant asserts that the subject judge has a financial conflict of interest in this case, because the subject judge holds certain mutual funds (disclosed in his annual financial disclosure report) that in turn invest in companies involved in a particular field. Complainant's case involves that same field. Upon my preliminary screening of this complaint, see 28 U.S.C. §352, I have concluded that it does not raise any inference that misconduct has occurred. Canon 3(C)(3)(c)(i) states that "ownership in a mutual or common investment fund that holds securities is not a 'financial interest' in such securities unless the judge participates in the managements of the fund." See also Committee on Codes of Conduct, Advisory Opinion No. 106. There is no indication that the subject judge participates in the management of the funds disclosed on his financial disclosure statement, nor that the judge's interest in any such fund might be affected substantially by the outcome of the case in which Complainant is a party. Furthermore, to the extent that Complainant wishes to raise an issue about the judge's handling of his case, this is an issue "directly related to the merits" that falls outside the scope of the Judicial Conduct and Disability rules. See 28 U.S.C. §352(b)(1)(A)(ii); Rules for Judicial-Conduct and Judicial-Disability Proceedings, Art. 3(h)(3)(A) ("An allegation that calls into question the correctness of a judge's ruling, involving a failure to recuse, without more, is merits related.").

This complaint is dismissed pursuant to 28 U.S.C. §352(b)(1)(A)(ii) and (iii).