

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

September 19, 2017

Chief Judge Diane P. Wood

No. 07-17-90040

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against the judge assigned to her case. The complaint is that the judge did not adequately accommodate her hearing loss and that the judge erroneously dismissed her case. The judge's order of dismissal provides the details of complainant's prior litigation and states the reasons for the dismissal of the case.

The complainant alleges that she has a hearing impairment. Complainant alleges that she did not know her case was being called until opposing counsel went up to appear before the judge and then complainant also came up but could not hear very well. There is no record on the docket of complainant requesting an accommodation for hearing impairment. The underlying case was decided on a motion to dismiss so there was no evidentiary hearing. There was a status hearing which was continued to another date and then vacated when the case was dismissed. There was no misconduct in failing to accommodate complainant's hearing impairment under these circumstances.

As to the dismissal of the case, 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).

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