

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

November 17, 2015

DIANE P. WOOD
Chief Judge

No. 07-15-90068

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Pursuant to 28 U.S.C. § 351(b), by order dated October 13, 2015, I identified a complaint for purposes of the Judicial Conduct and Disability Act with respect to a district court judge. I did so primarily based on public reports (both in the press and in filings with the district court) asserting that the subject judge appeared to fall asleep several times during judicial proceedings. I informed the subject judge about the complaint that had been identified, furnished him with a copy of both the complaint and the supporting materials, and invited him to respond. He did so promptly. At that point, as permitted by 28 U.S.C. § 352(a)(2) and Rule 11(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, I undertook a limited inquiry to determine whether the reports were either plainly untrue or incapable of being established through investigation. I concluded based on that investigation that it was at least possible that the reports were either true, or at a minimum that there could have been a public perception that they were true. On the assumption that the allegations could be established, I then considered “whether appropriate corrective action” could be taken without the need for a formal investigation. See *id.*, § 352(a)(1), and Rule 11(d) of the Conduct and Disability Rules. I concluded that this was possible, by making changes in the judge’s docket that will eliminate the possibility of recurrence. In particular, the judge has agreed to cease presiding over trials requiring more than two days of evidence. This corrective action fully addresses the issue that gave rise to this complaint.