

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

October 7, 2024

Chief Judge Diane S. Sykes

No. 07-24-90083

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge assigned to her bankruptcy case. She accuses the judge of hostile and egregious treatment during a videoconference hearing. She claims that the judge “constantly questioned my honesty,” “belittled me,” was “dismissive and cruel” in his questioning, and expressed a “general attitude of disdain for me.” She also accuses the judge of favoritism and alleges that he “had clear bias against me and was friendly with the opposing counsel.”

The recording of the hearing conclusively refutes these allegations. As part of my limited inquiry under 28 U.S.C. § 352(a) and Rule 11(b) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*, I directed the clerk of court to obtain the audio recording of the hearing from the clerk of the bankruptcy court. The recording, which lasts about 35 minutes, reflects no hostility or egregious conduct amounting to judicial misconduct. On the contrary, the judge was calm and appropriate, and his tone was steady and unvarying throughout the hearing. He asked probing questions pertinent to the substance of the proceeding and the complainant’s credibility and litigation conduct. He was firm in reminding the complainant that she was required to follow the law and the rules of the court. But he never raised his voice, expressed hostility, or belittled her. The recording of the hearing conclusively demonstrates that the complainant’s allegations of hostility lack a factual foundation and are refuted by objective evidence. 28 U.S.C. § 352(b)(1)(B). Her allegation of bias is similarly unsupported. An allegation of bias must be supported by sufficient facts to raise an inference of misconduct. *Id.* § 352(b)(1)(A)(iii). Adverse outcomes are not sufficient.

Accordingly, the complaint is dismissed pursuant to § 352(b)(1)(A)(iii) and (b)(1)(B). The complainant may petition the Judicial Council of the Seventh Circuit for review of this

order in accordance with Rule 18(b) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. 28 U.S.C. § 352(c); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC.

r. 11(g)(3). A petition for review must be filed in the clerk's office of the United States Court of Appeals for the Seventh Circuit not later than 42 days of the date of this order.