

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

March 15, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90043

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant maintains that a district judge has committed misconduct by mischaracterizing his arguments.

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). Although complainant insists that he contests “fraud” and “willful” mischaracterization of his arguments, the fact remains that the genesis of his grievance is a judicial decision—and the way a judge understands and describes legal contentions is “related to” the merits. “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). Likewise, the language that a judge used to explain the decision is part of the “ruling” covered by §352(b)(1)(A)(ii). If the judge has misunderstood or misrepresented complainant’s arguments, and erred as a result, the error may be corrected by the court of appeals. The Judicial Council, an administrative body, does not review rulings in the conduct of litigation.