

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

June 6, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90031

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant contends that about 20 years ago, while conducting a proceeding in state court, the subject judge wrongly limited the receipt of evidence that would have established wrongdoing by public officials.

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). The allegations of this complaint fit that description. Section §352(b)(1)(A)(ii) applies to judicial decisions taken before appointment to the federal judiciary as well as to actions taken afterward.

It is also apparent from the transcript attached to the complaint that complainant misunderstands the nature of the subject judge’s ruling. It is important in any judicial proceeding to keep matters focused on the allegations being resolved and to avoid the introduction of evidence that could cause unwarranted prejudice to one of the litigants. The subject judge did this. A judge is not an ombudsman; a judge’s decision to keep proceedings focused on the allegations of a complaint or indictment, and to avoid detours, is not misconduct.