

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

March 6, 2012

FRANK H. EASTERBROOK  
Chief Judge

No. 07-12-90009

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a pending civil suit. A trial is scheduled for later this year. Complainant believes that two defendants committed perjury in their interrogatory answers or depositions, and he contends that the district judge's failure to do anything about this perjury constitutes misconduct.

Although complainant professes confidence that the adverse parties have lied under oath, a judge is entitled to leave such contentions to the jury. A judge should be neutral between the parties rather than espouse one side's position, which is what complainant wants the judge to do. Perhaps the jury will agree with complainant; then he is likely to prevail in the suit, and the judge may choose to refer the matter to the United States Attorney for investigation and potential prosecution (which complainant also can do). But perhaps the jury will conclude that the witnesses are telling the truth. A judge does not commit misconduct by allowing the adversary process to take its course.