

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

June 3, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90048

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

A federal prisoner has initiated a proceeding under the Judicial Conduct and Disability Act of 1980. He says that events that occurred during the course of his criminal prosecution led him to believe that the court reporter of the judge assigned to his case leaked valuable information to a relative involved in organized crime.

It is not possible to offer more detail in a public memorandum without transgressing the statutory requirement of confidentiality. See 28 U.S.C. §360(a). What I can say is that, although the prisoner in question has raised questions about the conduct of the court reporter, nothing in the information that the prisoner has provided implies that the judge knew or should have known that a court reporter was disclosing confidential information.

The 1980 Act does not cover the conduct of court reporters and other administrative personnel. It is limited to judges. I therefore dismiss this proceeding under 28 U.S.C. §352(b)(1)(A)(i), because it does not allege any inappropriate behavior by a federal judge. The judiciary will, however, endeavor to learn whether the court reporter has engaged in misconduct—and, should that inquiry turn up any reason to think that a judge was involved in or knew about any misconduct, I will identify a complaint under the 1980 Act. See 28 U.S.C. §351(b).

Portions of the complaint could be read to say that a judge engages in misconduct by using the services of a court reporter who is related to persons engaged in crime. Whether this court reporter's relatives are mobsters is not a question I need pursue. No rule of law or ethics precludes a court from hiring a person whose relatives engage in unsavory or criminal activities. Corruption of blood is not a principle of American law.