

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

November 12, 2008

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-08-90103, -90104, and -90105

IN RE COMPLAINT AGAINST THREE JUDICIAL OFFICERS

MEMORANDUM

Complainant asserts that the judges who handled portions of a suit he filed as agent for a corporation have engaged in extortion, bribery, and other criminal conduct.

These are serious charges, but the complaint shows that the judges have done nothing wrong. Complainant, who is not a lawyer, sought to represent a corporation. The judges concluded that he is not entitled to do this, because 28 U.S.C. §1654, which allows every person to appear in federal court with or without counsel, does not entitle anyone to act as counsel for someone else. A corporation may appear only by counsel. See, e.g., *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993); *United States v. Hagerman*, No. 08-2670 (7th Cir. Sept. 26, 2008). When the corporation declined to appear through counsel, the suit was dismissed. An appeal is pending.

The Judicial Conduct and Disability Act of 1980 does not cover judges' rulings in litigation. 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). The allegations of this complaint fit that description. "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).

Complainant insists that he is concerned not about the suit's dismissal but about what he calls extortion and bribery. The "extortion," as he sees it, is conditioning the corporation's access to court on willingness to be represented by counsel, who usually (though not always) are paid for their services. Enforcing rules that limit the practice of law to licensed attorneys is not extortion; no matter what one thinks about the wisdom of these rules, debates about their scope cannot be resolved by hurling baseless charges of criminal conduct. Likewise with the allegation of bribery. Complainant supposes that the judges would not demand that the corporation appear through counsel, unless the

lawyers were paying off the judges. Taking a bribe would be a crime, but the complaint offers no evidence that the judges' motivation is financial. Complainant does not allude to any fact suggesting that any of the three judges received (or expected to receive) compensation from any lawyer in exchange for dismissing this suit. This aspect of the complaint is dismissed under §352(b)(1)(A)(iii) because it is unsupported by evidence.

All of the complaint's remaining assertions are variations on the same theme and need not be separately discussed.