

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

August 11, 2011

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-11-90050 to -90052

IN RE COMPLAINT AGAINST THREE JUDICIAL OFFICERS

MEMORANDUM

Complainants are the plaintiffs in a case recently decided on appeal. Although represented by counsel in the litigation, they have filed this complaint *pro se*. They contend that the judges who participated in resolving the appeal “fabricated” facts and rendered a decision that may expose them to a substantial award of attorneys’ fees. The complaint also could be understood as a contention that the judges misunderstood the nature of the publications at issue or reached incorrect legal conclusions.

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. The contents of an opinion, no less than the substance of the decision, are covered by §352(b)(1)(A)(ii). See *In re Complaint of Judicial Misconduct*, 517 F.3d 563 (Jud. Conf. Comm. on Jud. Conduct & Disability 2008). If the panel erred, the remedy is by petition for rehearing (one is pending) or certiorari.

Complainants ask me to advise them how they can avoid paying attorneys’ fees. They should ask that question of their attorney, not of a judge. It is enough to say that they are free to oppose their opponents’ request and to seek review (by appeal or certiorari) of any adverse decision.