

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

September 1, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90054

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a federal prisoner, contends that more than a decade ago a probation officer disclosed information from a judicial file to the FBI, causing complainant injury.

The Judicial Conduct and Disability Act of 1980 is limited to judicial officers. A complaint about acts of a probation officer cannot be resolved under the 1980 Act. Although this complaint names the district judge who presided in the criminal prosecution, it does not allege that the judge did anything prejudicial to the effective and expeditious administration of the courts. The complaint therefore is dismissed as outside the scope of the Act.

What is more, the premise of the complaint—that because the Judicial Branch owns the papers created by the probation office, only judges can authorize disclosure of their contents—is incorrect. Most judicial documents are public records (meaning that anyone can see them; a property interest does not imply secrecy), and even with respect to non-public records disclosure to law-enforcement personnel may be authorized by statute. The complaint does not provide any reason to believe that any employee of the Judicial Branch has engaged in misconduct.