

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

June 20, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90038

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was the plaintiff in civil litigation. The subject judge resolved four of the five claims against complainant on summary judgment; the fifth was settled. Complainant asserts that her own lawyer committed fraud on the court and that the judge is culpable for being taken in.

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. It does not help complainant to accuse the judge of “conspiring” with her lawyer; there is no evidence of “conspiracy” apart from the adverse decisions, and §352(b)(1)(A)(ii) cannot be evaded by phraseology.

Complainant believes that many statements in the judge’s opinions and orders are false and defamatory. This appears to represent her view that the judge should have favored her position in the litigation rather than her adversary’s. An argument of this kind is covered by §352(b)(1)(A)(ii). The judge’s choice of language to include in opinions and orders is part of the decisional process. See *In re Complaint of Judicial Misconduct*, 517 F.3d 558 (Judicial Conference 2008).