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Advice on Filing a Judicial Misconduct Complaint Against a Federal Judge

If you do not want to give judges an easy excuse for dismissing your complaint, you must read and apply the Judicial Conduct and Disability Act (<http://Judicial-Discipline-Reform.org/docs/28usc351-364.pdf>) and the Rules for Conduct and Disability Proceedings (http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf) so that you state your complaint in terms of misconduct (Rule 3(h)) rather than a legal error, which can only be challenged on appeal.

That Rules pdf has very useful bookmarks on the navigation pane on the left. However, you need to download and check the Rules pdf on the website of the Court of Appeals for your circuit because it may contain additional local rules that you must comply with as well as the form that you must fill out and attach to your complaint. Substitute the 9 for the number of your circuit in <http://www.ca9.uscourts.gov> and click on the judicial misconduct option.

The first reader of your complaint is the chief judge of the circuit. (§351) In CA9 it is Chief Judge Alex Kozinski. He wrote the most critical dissent to date concerning the attitude of judges toward the handling of complaints against their peers. It is worth reading carefully as well as pertinently quoting and citing in your complaint. (http://Judicial-Discipline-Reform.org/docs/CA9JKozinski_dissent.pdf) Chief Judge Kozinski himself is being investigated for misconduct, though the matter is unrelated to his judicial performance. (http://Judicial-Discipline-Reform.org/docs/complaint_v_CJKozinski.pdf)

Your complaint must be limited to 5 pages. It must be written and formatted professionally to increase the chances of at least being read. Most complaints are drafted by non-lawyers and the presentation gives that away at first sight. They are dismissed from the outset, however unfair and unlawful that may be. Do not let that happen to yours. For an example that you may follow, see http://Judicial-Discipline-Reform.org/JNinfo/2Complaint/DrCordero_v_JNinfo_6jun8.pdf.

In that example notice the Proposed Production Order of the Special Committee. Part A contains contact information that can greatly facilitate an investigation of your allegations by a special committee (Rule 12)...if ever one were appointed. Every little detail that can induce the addressee to read it with an open mind and act on it as you requested redounds to your favor.

In the same vein, see the last page containing a table. It lays out in a very concise and easy to understand way the assets at stake in the case as well as their values and a starting point for tracing their current whereabouts. A similar table will give your complaint the professional look associated with a spreadsheet. Put in a footnote a link to a file containing supporting documents.

Your complaint has more than 99% chances of being a waste of time. (http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf) Your chances that it may be reviewed more attentively –not that you may obtain satisfaction- rise significantly if you can manage to draw to it the attention of the media. Judges react to public embarrassment.

But do not think that journalists will read even the 5 pages of your complaint. Summarize your case on one side of a sheet, stating its most relevant points accurately in proper English. (http://Judicial-Discipline-Reform.org/judicial_complaints/summarizing_complaints.pdf; http://Judicial-Discipline-Reform.org/Follow_money/case_summary.pdf) Send or hand in the summary to news and investigative journalists. Dress up and go to a courthouse when the media is covering a notorious case and in a brief, well-rehearsed presentation of your case, supported by a printed summary, argue to individual journalists what they, not you, can gain from investigating it: a scoop!