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**U.S. House of Representatives
Committee on the Judiciary
F. James Sensenbrenner, Jr., Chairman**

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News Advisory

For immediate release

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**Sensenbrenner Statement Regarding
New Commission on Judicial Misconduct**

WASHINGTON, D.C. - U.S. Supreme Court Chief Justice William Rehnquist yesterday announced the creation of a judicial commission, headed by Supreme Court Justice Stephen Breyer, to look into the implementation of the Judicial Conduct and Disability Act of 1980 concerning judicial misconduct and discipline. House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) released the following statement:

"I am pleased and encouraged by this announcement. Chief Justice Rehnquist should be commended for his willingness to work with the Congress and address this issue in a serious manner. Chief Justice Rehnquist made a wise choice in asking Justice Breyer to head this commission and I'm grateful Justice Breyer has agreed to serve as head of this panel. Justice Breyer's devotion to the law combined with his exemplary standards of character and integrity will provide this commission with the qualities needed to complete its work."

"The 1980 Act, which was amended during the 107th Congress, is based on a self-governing construct that allows the judicial branch large deference to police itself regarding matters of judicial misconduct and discipline. This system worked quite well during the 1980's. For instance, on three separate occasions, a judicial branch investigation recommended a federal judge be impeached for misconduct. Congress followed these recommendations in each case by impeaching these judges. Since then, however, this process has not worked as well, with some complaints being dismissed out of hand by the judicial branch without any investigation."

Background on Judicial Conduct and Disability Act of 1980

Individuals who believe a U.S. circuit or district court judge has indulged in misconduct may file a complaint against the judge in the relevant circuit. The chief judge of the circuit is empowered

to dismiss frivolous complaints or those that relate to the merits of a decision. More serious complaints are subject to review by an investigatory committee selected by the chief judge of the circuit and further review may be warranted by judicial councils empaneled for that purpose. The councils and the Judicial Conference, the leadership arm of the federal judiciary, are given wide latitude to take any necessary corrective action, including the authority to recommend that a judge be impeached.

The 1980 Act does not apply to Supreme Court justices. The authority to create this process as a way to instill ethical behavior within the lower federal courts is explicit under Article III of the Constitution. Constitutional questions would arise under the separation of powers doctrine to apply the same construct to Supreme Court justices.

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