

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-12-90051

A Charge of Judicial Misconduct or Disability

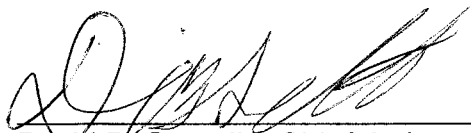
Before: SENTELLE, Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein, filed against a Judge of the United States District Court for the District of Columbia pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 and the Judicial Conference of the United States Rules for Judicial-Conduct and Judicial-Disability Proceedings, it is

ORDERED, for the reasons stated in the attached Memorandum, that the complaint be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D).

The Clerk is directed to send copies of this Order and accompanying Memorandum to complainant, the subject judge, and the Judicial Conference Committee on Judicial Conduct and Disability. See 28 U.S.C. § 352(b); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(g)(2).



David B. Sentelle, Chief Judge
District of Columbia Circuit

Date: 12/21/12

MEMORANDUM

Complainant alleges that a judge from the United States District Court has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. Specifically, complainant alleges that the subject judge presided over a trial that “was all prearranged and orchestrated.” Complainant goes on to assert that “[i]t was done for the purpose of accumulating as many hours of EASY work as possible at \$140 to \$500/hr that the numerous attorneys were interested in.” Complainant also questions the number of cases pending in DC courts against the government of DC, the number of full-time attorneys hired by the DC government, how much the government attorneys are paid, who is in charge of the DC government’s litigation, and how much of the DC government’s budget is for legal expenses and lawyers’ salaries. Complainant also questions the length of time cases are pending. Complainant's allegations, however, do not provide any grounds for action against the subject judge.

The only allegation that even directly involves the subject judge is the claim that the “trial was all prearranged and orchestrated” for the sole purpose of generating legal fees. As evidence of the orchestrated trial, the complainant provides observations about the conduct of the court reporter and the length of time for the “simple” case. Those observations, however, are baseless and do not allege any facts or evidence that would cause the average person to reasonably question the subject judge's impartiality. Therefore, the allegations against the subject judge lack any credible evidence to raise an inference that judicial misconduct has occurred. See U.S.C. 352(b)(1)(A)(iii) and Jud. Conf. U.S., Rules for Judicial-Conduct and Judicial-Disability

Proceedings 11(c)(1)(D).

Moreover, complainant's overall concerns about DC government lawyers and cases against the District of Columbia government are unrelated to the subject judge and thus must also be dismissed as lacking any evidence of misconduct. *Id.* Thus, because complainant's allegations lack any credible evidence to raise an inference that misconduct has occurred, the complaint must be dismissed.¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY PROCEEDINGS 18(a), complainant may file a petition for review by the Judicial Council for the District of Columbia Circuit. Any petition must be filed in the Office of the Clerk of the Court of Appeals within 35 days of the date of the Clerk's letter transmitting the dismissal Order and this Memorandum. *Id.* R. 18(b).