

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of
A Complaint of Judicial
Misconduct or Disability**

Complaint No. DC-20-90011

Before: Srinivasan, Chief Judge.

ORDER

On March 19, 2020, the court received unverified correspondence from an organization requesting, pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings, an inquiry into whether a judge of the United States Court of Appeals for the District of Columbia Circuit may have engaged in judicial misconduct. The Circuit Executive’s Office informed the organization by letter that, if it wished for its correspondence to be considered as a formal complaint under Rule 6 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Rules”), the organization would need to verify statements made in the correspondence in writing under penalty of perjury, as set forth in Rule 6(d). The court did not receive such verification of a formal complaint by the date identified in the Circuit Executive Office’s letter, and the court allowed for additional time for verification in light of current conditions associated with COVID-19. Because the organization has not verified a formal complaint, the correspondence has been considered as “possible grounds for the identification of a complaint” under Rule 5. JUDICIAL-CONDUCT PROCEEDINGS RULE 5(b).

In that regard, the Commentary to the Rules states that, “[i]n high-visibility situations, it may be desirable for a chief judge to identify a complaint without first seeking an informal resolution . . . in order to assure the public that the allegations have not been ignored.” JUDICIAL-CONDUCT PROCEEDINGS RULE 5 Commentary; *see also* JUDICIAL CONDUCT AND DISABILITY ACT STUDY COMMITTEE REPORT, Recommendation 3 at 116 (“The more public and high-visibility the unfiled allegations are . . . the more desirable it will be for the chief judge to identify a complaint . . .”). Here, the questions posited by the organization in the correspondence about the possibility of judicial misconduct have been reported in various major news outlets.

In addition, when, as here, there is no verified, formal complaint, the Rules require identification of a complaint to enable a request for transfer of the matter to the judicial council of another circuit for review and disposition. *See* JUDICIAL-CONDUCT PROCEEDINGS RULE 26. The organization’s request for an inquiry concerns the decision of a judge of this court to retire from

service and the resulting creation of a vacancy on this court, which would be filled by a future colleague on this court. It being apparent that the circumstances warrant a request for transfer, the court has requested, pursuant to Rule 26, that the Chief Justice of the United States transfer this matter to the judicial council of another circuit for review and disposition. See JUDICIAL-CONDUCT PROCEEDINGS RULE 26 Commentary (“transfers may be appropriate . . . where the issues are highly visible and a local disposition may weaken public confidence in the process”).

In light of the above, pursuant to 28 U.S.C. § 351(b) and Rule 5 of the Rules, a complaint is hereby identified, without any inquiry by this court into the statements contained in the unverified correspondence or the questions posited by the organization in the correspondence about the possibility of judicial misconduct. Pursuant to Rule 23(b)(1), this order is publicly disclosed.



Sri Srinivasan, Chief Judge

DATE: May 1, 2020