

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

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

Complaint No. DC-24-90030

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against a judge of the United States Bankruptcy Court for the District of Columbia, it is

ORDERED that the complaint be dismissed for the reasons stated in the attached Memorandum.

The Circuit Executive is directed to send copies of this Order and accompanying Memorandum to the 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 (2019), RULE 11(g)(2).


Sri Srinivasan, Chief Judge

Date: March 19, 2025

MEMORANDUM

The complainant has filed a complaint of judicial misconduct against a judge of the United States Bankruptcy Court for the District of Columbia. For the following reasons, this misconduct complaint will be dismissed.

The complaint relates to a voluntary petition for bankruptcy. The complainant prepared certain of the bankruptcy filings in working for the company that prepared the bankruptcy petition (“preparer company”). During the bankruptcy proceedings, the U.S. Trustee moved for entry of an order requiring the preparer company and the complainant to disgorge fees collected from the bankruptcy petitioner and imposing fines against the preparer company. The motion alleged that the bankruptcy petitioner testified that a paralegal (the complainant) helped her prepare amended schedules. The motion further alleged that the preparer company failed to comply with the requirements of the Bankruptcy Code and engaged in the unauthorized practice of law by providing legal advice.

The complainant objected to the U.S. Trustee’s motion to disgorge fees and impose a fine, requested to send subpoenas, and moved for leave to participate in the scheduling hearing via telephone. The subject judge denied the request for subpoenas and granted the complainant’s request to participate in the hearing by telephone. The judge subsequently issued an order directing the parties to retain counsel. The judge also established deadlines for discovery and set a hearing date. The judge ultimately granted

the motion to disgorge fees and impose fines against the preparer company but did not grant any relief against the complainant personally.

Meanwhile, the complainant filed a judicial misconduct complaint against the subject judge. The complaint appears to allege that the judge engaged in misconduct or exhibited a disability in her handling of the request for subpoenas. The complainant further questions whether the judge's order requiring retention of counsel was either misconduct or a disability because her "action[s] create[d] conflict within the Local Bankruptcy Rules." Similarly, the complainant asserts that the judge's order granting his request to participate in a scheduling hearing infringed the "Local Bankruptcy Rules." The complainant also claims that the subject judge's order to show cause requiring that counsel be retained and establishing discovery in advance of the disgorgement hearing lacked the necessary "process by which one could, in fact, 'show cause.'" Finally, the complainant asserts that the subject judge misinterpreted Arizona law, District of Columbia law, and federal law.

The complainant's allegations amount to direct challenges to the merits of the subject judge's orders denying the issuance of subpoenas, requiring the appearance of counsel, allowing the complainant's participation in a scheduling conference, and striking the complainant's objection to the motion for disgorgement. "Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge – without more – is merits-related." JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(b)(1) Commentary ¶ 12. Such an allegation

does not constitute “[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.* Here, because the complainant challenges the correctness of the subject judge’s decisions, the allegations “lack[] sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent the complainant supposes that the subject judge’s actions were the result of a “disability,” the complainant has failed to detail the nature of the alleged disability or how that undescribed disability “render[ed the subject judge] unable to discharge the duties of the particular judicial office.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(c). The complaint thus lacks any evidence of a disability that has rendered the subject judge unable to carry out her judicial duties. *See* JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D).

Accordingly, because the complaint is “directly related to the merits of a decision” and is “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists,” the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B) & (D); *see* 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUDICIAL-CONDUCT PROCEEDINGS RULE 18(a), the 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 Circuit Executive for the D.C. Circuit within 42 days after the date of the dismissal order. JUDICIAL-CONDUCT PROCEEDINGS RULE 18(b).