

# Union of Saints — Federal Judicial Conduct & Disability Resources

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Reference document prepared from the supplied U.S. Courts page. All links appearing in the supplied page are written out in full below.

## **FAQs: Filing a Judicial Conduct or Disability Complaint Against a Federal Judge**

*Updated July 2021. Originally published June 2016.*

This document contains questions and answers to assist with filing a complaint alleging a federal judge has committed misconduct or has a disability that interferes with the performance of their judicial duties.

"The [Judicial Conduct and Disability Act of 1980](#) ("Act"), 28 U.S.C. §§ 351–364, and the [Rules for Judicial-Conduct and Judicial-Disability Proceedings](#) ("Rules") (PDF), as amended on March 12, 2019, govern this complaint process. You will likely want to consult the Act and the Rules before filing a complaint. Please visit the website of the appropriate court office, as described in the Rules and [in question 3](#), to determine whether local rules apply and to obtain a complaint form.

Please also see the [Graphical Overview](#) (PDF) of the process for filing a judicial conduct or disability complaint against a federal judge.

The following information reflects the requirements expressed in the Act and the Rules. It does not amend or supersede the Act or the Rules in any manner.

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## **1. Who can I complain about?**

You may file a complaint about a federal judge who you have reason to believe has committed misconduct or has a disability that interferes with the performance of their judicial duties. A federal judge includes a judge of a United States district court, a judge of a United States court of appeals (including the Court of Appeals for the Federal Circuit), a judge of a United States bankruptcy court, a United States magistrate judge, a judge of the Court of Federal Claims, and a judge of the Court of International Trade.

**This process cannot be used to complain about anyone who is not a federal judge.** If you have concerns about the behavior of a federal court employee other than a judge, you may report those concerns to the clerk of the court where that individual is employed.

## **2. What can I complain about?**

You must allege that a federal judge has committed misconduct or is disabled, as defined in the Act. "Misconduct" is "conduct prejudicial to the effective and expeditious administration of the business of the courts." A "disability" is a temporary or permanent condition, either mental or physical, that makes the judge "unable to discharge all the duties" of the judicial office.

Examples of judicial misconduct may include the following:

- using the judge's office to obtain special treatment for friends or relatives;
- accepting bribes, gifts, or other personal favors related to the judicial office;
- engaging in improper ex parte communications with parties or counsel for one side in a case;
- engaging in partisan political activity or making inappropriately partisan statements;
- soliciting funds for organizations;
- violating rules or standards pertaining to restrictions on outside income or knowingly violating requirements for financial disclosure;
- engaging in unwanted, offensive, or abusive sexual conduct, including sexual harassment or assault;
- treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner;
- creating a hostile work environment for judicial employees;
- intentional discrimination on the basis of race, color, sex, gender, gender entity, pregnancy, sexual orientation, religion, national origin, age, or disability;
- retaliating against complainants, witnesses, judicial employees, or others for participating in the judicial conduct and disability complaint process, or for reporting or disclosing judicial misconduct or disability;
- refusing, without good cause shown, to cooperate in the investigation of a judicial conduct or disability complaint or enforcement of a decision under the Rules; and

- failing to call to the attention of the relevant district chief judge or circuit chief judge any reliable information reasonably likely to constitute judicial misconduct or disability.

This list does not include all the possible grounds for a complaint.

You may complain about actions taken by a judge outside their official role as a judge if “the conduct is reasonably likely to have a prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people.”

You cannot use this process to obtain automatic disqualification of a judge presiding over a case. In addition, you cannot use this process to challenge the correctness of a judge's decision in a case. **A judicial decision that is unfavorable to you does not alone establish misconduct or a disability.** Under the Act, a complaint challenging the correctness of a judge's decision will be dismissed. If you wish to challenge such a decision, you must do so before that court or on appeal, and not by filing a judicial conduct or disability complaint.

### 3. Where do I file my complaint?

You must file your complaint with the appropriate court office, as described in the Rules and any applicable local rules. **The Administrative Office of the U.S. Courts will not accept or respond to judicial conduct or disability complaints.**

If your complaint is against a federal circuit judge, federal district judge, federal bankruptcy judge, or federal magistrate judge, you must file the complaint at the clerk's office of the United States court of appeals for the regional circuit in which the judge serves.<sup>1</sup> If your complaint is against a judge of the United States Court of Appeals for the Federal Circuit, you must file the complaint at the circuit executive's office of that court. If your complaint is against a judge of the Court of International Trade or the Court of Federal Claims, you must file the complaint at the clerk's office of that court.

You should not send your complaint to the judge you are complaining about or to anyone else in the Judiciary. Nor should you file your complaint in any ongoing case, even if your complaint relates to the judge overseeing that case. When you file a complaint, the circuit clerk or circuit executive will provide a copy of the complaint to the circuit chief judge and to the judge you are complaining about.

<sup>1</sup>Please see [Court Role and Structure](#) for a discussion of the United States courts of appeals and the regional circuits.

### 4. How do I file my complaint?

You may use [the form](#) reproduced in the Appendix to the Rules or a form designated by the appropriate court office, as described in the Rules and [in question 3](#), to file a judicial conduct or disability complaint. A form is not necessary to file a complaint.

Your complaint must be legible, and preferably typed. It must include a contact address, a description of the relevant events, a description of when and where the relevant events took place, and any other information that would help an investigator check the facts. Your complaint should contain as much relevant detail as possible (e.g., information that identifies transcripts and witnesses supporting your account of what happened). You must sign the complaint under penalty of perjury.

When you are ready to file your complaint, place the original and any required copies in an envelope marked "Complaint of Misconduct" or "Complaint of Disability." Do not write the name of the judge you are complaining about on the envelope. To find out whether you must file additional copies of the complaint, review any applicable local rules and check with the appropriate court office. Submit the envelope to the appropriate court office as provided under any applicable local rules or instructions from the appropriate court office.

### **5. Who will consider my complaint?**

In most instances, the chief judge of the circuit where you filed your complaint (or the chief judge of the Court of International Trade or the Court of Federal Claims, if applicable) will consider your complaint (if you filed your complaint in the appropriate court office).

### **6. How will the circuit chief judge consider my complaint?**

In determining what action to take, the circuit chief judge may conduct a limited inquiry into the facts you allege, which may include witness interviews and the review of additional information. You may or may not be contacted as part of this process.

### **7. What action can the circuit chief judge take on my complaint?**

After considering your complaint, the circuit chief judge will dismiss or conclude your complaint (see questions [8](#) through [11](#)) or appoint a special committee of judges to investigate your complaint (see questions [12](#) through [14](#)). If the circuit chief judge dismisses or concludes your complaint, you will receive a copy of that order. If the circuit chief judge appoints a special committee, you will receive notice.

### **8. In what circumstances will a circuit chief judge dismiss or conclude my complaint?**

The circuit chief judge must dismiss your complaint where it alleges conduct that, even if true, is not prejudicial to the effective and expeditious administration of the business of the courts and does not indicate a mental or physical disability resulting in the inability to discharge the duties of judicial office; is frivolous; is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists; is based on allegations that are incapable of being established through investigation; or has been filed in the wrong circuit.

The circuit chief judge also must dismiss your complaint to the extent that it challenges the merits of a judge's decision in a case. **A judicial decision that is unfavorable to you does not alone establish misconduct or a disability.** If you wish to challenge the correctness of a judge's decision, you must do so before that court or on appeal, and not by filing a judicial conduct or disability complaint.

There are other circumstances where a circuit chief judge will dismiss your complaint, as explained in the Rules and the Commentary on the Rules.

The circuit chief judge may conclude your complaint if the judge you are complaining about voluntarily takes corrective action. The circuit chief judge may also conclude your complaint if intervening events have made further action unnecessary.

**9. How do I seek review of the circuit chief judge's dismissal or conclusion of my complaint?**

If the circuit chief judge dismisses or concludes your complaint, you will receive a copy of the order and you will be notified of your right to have the circuit judicial council, consisting of circuit and district judges, (or national court, if applicable) review that order.

**You must petition the judicial council within 42 days from the date of the circuit chief judge's order. If you do not make a timely request for such review, the circuit chief judge's order will be the final action on your complaint.**

Your petition for review must be addressed to the circuit clerk or circuit executive, as required under the Rules and any applicable local rules, in an envelope marked "Misconduct Petition" or "Disability Petition." The name of the judge must not be shown on the envelope. Your petition for review should be legible, and preferably typed, and should begin with "I hereby petition the judicial council for review of . . . ." It should state the reasons why the petition should be granted, and it must be signed.

Any subsequent judicial conduct or disability complaint challenging the correctness of the circuit chief judge's decision to dismiss or conclude your original complaint will be dismissed as challenging the correctness of the circuit chief judge's determination to dismiss your complaint.

**10. What action can the judicial council take when it reviews the circuit chief judge's dismissal or conclusion of my complaint?**

After considering your petition for review, the judicial council can affirm the circuit chief judge's dismissal or conclusion of your complaint, return the matter to the circuit chief judge for additional inquiry or for appointment of a special committee, or take other action, as discussed in the Rules. You will receive a copy of the judicial council's order taking action on your complaint.

**11. Do I have the right to seek review of the judicial council's action on my complaint after it reviews the circuit chief judge's dismissal or conclusion of my complaint?**

**If the judicial council unanimously affirms the circuit chief judge's dismissal or conclusion of your complaint, your complaint is terminated and you have no right to further review.**

If you request further review when you have no right to it, no action will be taken on your request.

If one or more judicial council members dissents from the circuit chief judge's dismissal or conclusion of your complaint, you may request review by the Committee on Judicial Conduct and Disability. The requirements of a petition for review by the Committee on Judicial Conduct and Disability are explained in question [14](#).

## **12. What happens if the circuit chief judge refers my complaint to a special committee?**

If the circuit chief judge refers your complaint to a special committee, that special committee will investigate the complaint and report on it to the circuit judicial council. The special committee generally will consist of the circuit chief judge and an equal number of circuit and district judges.

The special committee may conduct interviews and hold hearings, but it is not required to do so. If you have relevant evidence that has not been presented to the special committee, you can briefly explain in writing the nature of that evidence. If the special committee determines you have additional evidence that would assist the committee, a committee representative will interview you. You or your attorney may submit written argument to the special committee. The special committee may permit you or your attorney to argue before it, but it is not required to do so.

Upon concluding its investigation, the special committee will submit a report of its findings and recommendations to the judicial council. You will receive notice that the special committee has filed its report with the judicial council. The judicial council may, in its discretion, provide you with a copy of the report.

## **13. What action can the judicial council take once it considers a special committee's report?**

After the judicial council considers a special committee's report, it will generally issue an order on your complaint and provide you with a copy of that order. The order may dismiss your complaint, or the order may conclude your complaint because appropriate corrective action has been taken or intervening events have made the proceeding unnecessary.

If the order does not dismiss or conclude your complaint, the order may sanction the judge by:

- censuring or reprimanding the judge, either by private communication or by public announcement;
- ordering that no new cases be assigned to the judge for a limited, fixed period;
- in the case of a magistrate judge, ordering the chief judge of the district court to take action specified by the judicial council, including the initiation of removal proceedings;
- in the case of a bankruptcy judge, removing the judge from office;
- in the case of a circuit or district judge, requesting the judge to retire voluntarily with the provision (if necessary) that ordinary length-of-service requirements be waived;
- in the case of a circuit or district judge who is eligible to retire but does not do so, certifying the disability of the judge so that an additional judge may be appointed;

- in the case of a circuit chief judge or district chief judge, finding the judge temporarily unable to perform chief-judge duties, with the result that those duties devolve to the next eligible judge; and
- recommending corrective action.

The judicial council may take other action, such as requesting the special committee conduct an additional investigation.

Federal judges appointed under Article III of the U.S. Constitution (*e.g.*, circuit and district judges) hold office for life pending good behavior. Only Congress can remove an Article III judge from office. If the judicial council finds an Article III judge's conduct may warrant impeachment, it must refer that finding to the Judicial Conference. On referral, the Judicial Conference will determine whether to certify the matter to Congress, which will then decide whether to initiate impeachment proceedings.

#### **14. Do I have the right to seek review of the judicial council's action on my complaint after the council reviews a special committee's report?**

When a judicial council issues an order after it considers a special committee's report, in most circumstances you may petition the Committee on Judicial Conduct and Disability for review of that order. You must file that petition for review within 42 days from the date of the judicial council's order.

A petition for review may be filed by sending a brief written statement to the Committee on Judicial Conduct and Disability at [JCD\\_PetitionforReview@ao.uscourts.gov](mailto:JCD_PetitionforReview@ao.uscourts.gov) or to:

Judicial Conference Committee on Judicial Conduct and Disability  
Attn: Office of the General Counsel  
Administrative Office of the United States Courts  
One Columbus Circle, NE  
Washington, D.C. 20544

Your petition must briefly state the facts of the complaint, the history of the complaint's consideration, and the reason or reasons you are seeking review. It must specify the date and docket number of the judicial council's order, and include a copy of that order. The petition should not normally exceed 20 pages plus any necessary attachments.

There is ordinarily no oral argument or personal appearance before the Committee on Judicial Conduct and Disability. In its discretion, the Committee on Judicial Conduct and Disability may permit written submissions. The Committee on Judicial Conduct and Disability will conduct further investigation only in extraordinary circumstances. You have no right to review of any order issued by the Committee on Judicial Conduct and Disability.

#### **15. When will orders on my complaint be published?**

The complaint process is confidential, with limited exceptions. Confidentiality under the Rules is intended to protect the fairness and thoroughness of the process by which a complaint is filed or initiated, investigated (in specific circumstances), and ultimately resolved, as specified under the Rules.<sup>2</sup>

Generally, orders regarding a complaint will be made public only after final action on the complaint has been taken and you have no additional right of review. Public orders usually will not disclose the name of the complainant, and the subject judge's name generally will only be disclosed in specific circumstances (such as where the subject judge is sanctioned, as discussed in [question 13](#), other than by private censure or reprimand), as described in the Act and the Rules.

Such orders will be made publicly available on the website and in the clerk's office of the appropriate court office, as described in the Rules and [in question 3](#). Any decision by the Committee on Judicial Conduct and Disability will be available on [www.uscourts.gov](http://www.uscourts.gov) and in the clerk's office of the appropriate court office, as described in the Rules.

<sup>2</sup>Nothing in the Rules concerning the confidentiality of the complaint process prevents a judicial employee from reporting or disclosing misconduct or disability.

## **16. What happens if you abuse the complaint process?**

If you abuse the judicial conduct and disability complaint process by filing frivolous or repetitive complaints, you may be restricted from filing further complaints.”

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**Judicial Conduct and Disability Orders:**

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**Archives of the Committee on Judicial Conduct and Disability:**

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**Judicial Conduct and Disability Act of 1980:**

<https://www.law.cornell.edu/uscode/text/28/part-I/chapter-16>

**Rules for Judicial-Conduct and Judicial-Disability Proceedings:**

[https://www.uscourts.gov/sites/default/files/judicial\\_conduct\\_and\\_disability\\_rules\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/judicial_conduct_and_disability_rules_effective_march_12_2019.pdf)

**in question 3:** [https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm\\_source=chatgpt.com#question3](https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm_source=chatgpt.com#question3)

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**Who will consider my complaint?:**

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judicial-conduct-or-disability-complaint-against-a-federal-judge?  
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**How will the circuit chief judge consider my complaint?:**

[https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?](https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm_source=chatgpt.com#question6)  
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**What action can the circuit chief judge take on my complaint?:**

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**In what circumstances will a circuit chief judge dismiss or conclude my complaint?:**

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**How do I seek review of the circuit chief judge's dismissal or conclusion of my complaint?:** [https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?](https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm_source=chatgpt.com#question9)  
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**What happens if the circuit chief judge refers my complaint to a special committee?:** [https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?](https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm_source=chatgpt.com#question12)  
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**When will orders on my complaint be published?:**

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**1:** [https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm\\_source=chatgpt.com#3-1](https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm_source=chatgpt.com#3-1)

**Court Role and Structure:** <https://www.uscourts.gov/about-federal-courts/court-role-and-structure>

**the form:** <https://www.uscourts.gov/forms-rules/forms/complaint-judicial-misconduct-or-disability>

**2:** [https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm\\_source=chatgpt.com#15-2](https://www.uscourts.gov/administration-policies/judicial-conduct-disability/faqs-filing-a-judicial-conduct-or-disability-complaint-against-a-federal-judge?utm_source=chatgpt.com#15-2)

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### **Selected Information Included on the Source Page**

The page explains the federal judicial conduct and disability complaint process under the Judicial Conduct and Disability Act of 1980 and the Rules for Judicial-Conduct and Judicial-Disability Proceedings. It identifies where complaints are filed, what may constitute judicial misconduct or disability, review procedures, and the possible actions available through the federal judicial conduct process.

The source also explains that Article III federal judges can be removed from office only through Congress. If a judicial council determines that conduct may warrant impeachment, the matter is referred to the Judicial Conference, which may certify it to Congress. Congress then decides whether to initiate impeachment proceedings.

Source: United States Courts, "FAQs: Filing a Judicial Conduct or Disability Complaint Against a Federal Judge," updated July 2021.