

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-15-90020

BEFORE
Howard, Chief Circuit Judge

ORDER

ENTERED: DECEMBER 15, 2015

Complainant, the plaintiff in an employment discrimination case, has filed a complaint of misconduct, under 28 U.S.C. § 351(a), against the magistrate judge who dismissed the proceeding. Complainant suggests that the magistrate judge may have had an improper relationship with defense counsel that impacted the judge's handling of complainant's case. The complaint is without merit.

Complainant submits a copy of an announcement from a local bar association describing a luncheon at which the magistrate judge would be present to discuss the judge's professional experience. At the bottom of the page, a number of law firms are identified as "sponsors" of the bar association's national convention which was to take place roughly a year after the luncheon event. One of the listed law firms represented the defendant in complainant's case.

Complainant asserts that he recently found the announcement and that, while he is "not sure" about the applicable codes of conduct, it "awoke some suspicio[n]" about the relationship between the magistrate judge and the defendant's law firm. Complainant questions whether "this situation . . . could [have] . . . affected the result of [his] case."

The reviewed record indicates that the magistrate judge issued a lengthy opinion and order in complainant's case in which the court reviewed complainant's employment history before determining that complainant was not legally qualified under the governing statutes to bring the asserted claims. Accordingly, the court entered summary judgment for the defendant.

With respect to the referenced bar association event, as a general matter, judicial participation in law related events is both encouraged and consistent with the Code of Conduct for United States Judges (Code of Conduct).¹ See generally Code of Conduct, Canon 4 and Commentary on Canon 4. Such events may properly be sponsored by lawyer organizations, including bar associations, to which law firms routinely contribute. See id., and Committee on Codes of Conduct, Advisory Opinion No. 17.

The announcement that complainant submitted suggests that the luncheon event took place roughly a year before complainant filed his case. The law firms listed at the bottom of the page, including the firm that represented the defendant in complainant's

¹Although not necessary to a determination of the present matter, a violation of the Code of Conduct does not necessarily constitute judicial misconduct under the governing statute. See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Commentary on Rule 3.

case, were identified as sponsors of the upcoming national convention of the bar association, and may also have contributed to the luncheon with the magistrate judge.² This is not alone suggestive of impropriety on the part of the judge. See 28 U.S.C. § 352(b)(1)(A)(i). See also Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(c)(1)(A).

Moreover, there are no facts, in the complaint or in the reviewed record, suggesting that the magistrate judge was improperly influenced by the defendant's law firm, had any inappropriate relationship with the firm, or was otherwise biased in ruling on complainant's case. The magistrate judge's participation in the bar association luncheon, held over a year before complainant filed his case, does not suggest otherwise. Accordingly, the misconduct complaint is dismissed as unfounded, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(D).

Insofar as the complaint is based on complainant's objection to the magistrate judge's order of dismissal, it is dismissed as not cognizable. See 28 U.S.C. § 352(b)(1)(A)(ii) and Rules of Judicial-Conduct, Rule 11(c)(1)(B). See also Rules of Judicial-Conduct, Rule 3(h)(3)(A) ("Cognizable misconduct . . . does not include . . . an allegation that is directly related to the merits of a decision or procedural ruling. An allegation that calls into question the correctness of a judge's ruling . . . , without more, is merits-related.").

²On its website, the bar association lists many sponsors of its national convention, including the referenced law firms, as well as multiple corporations, chapters of the bar association and others.

For the reasons stated, Complaint No. 01-15-90020 is dismissed, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(i), 352(b)(1)(A)(ii) and 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(A), 11(c)(1)(B) and 11(c)(1)(D), respectively.

12.15.15
Date


Chief Judge Howard