

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT No. 01-25-90031

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: NOVEMBER 24, 2025

I received a letter from a chief district judge in the First Circuit that included "information constituting reasonable grounds for inquiry into whether" a district judge from the chief judge's district (the subject judge) "ha[d] engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts." See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 5(a); and 28 U.S.C. § 351(a). The letter summarized the chief district judge's lengthy interview of a former law clerk of the subject judge. In the letter, the chief district judge concluded, in part, that the "reliable information" provided during the interview and summarized in the letter, "if credited, would be 'reasonably likely' to constitute 'cognizable misconduct' within the meaning of Rule 4(a)(2)" of the Rules of Judicial-Conduct. See Rules of Judicial-Conduct, Rule 4(a)(6). Rule 4(a)(2) of the Rules of Judicial-Conduct provides in relevant part: "Cognizable misconduct includes: . . . treating

litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner; or . . . creating a hostile work environment for judicial employees." No complaint of judicial misconduct was filed pursuant to Rule 6 of the Rules of Judicial-Conduct regarding this matter.

Accordingly, I "conduct[ed] an [appropriate] inquiry . . . into the accuracy of the information" provided in the letter, which included reviewing the letter, requesting a written response from the subject judge, and reviewing the subject judge's written responses to the letter. See Rules of Judicial-Conduct, Rule 5(a), and Commentary on Rule 5. Based on the contents of the letter and this inquiry, and pursuant to Rule 5(a) of the Rules of Judicial-Conduct, I found "probable cause to believe that misconduct ha[d] occurred" within the meaning of Rule 4(a)(2) of the Rules of Judicial-Conduct, see supra pp. 1-2.¹ As no satisfactory informal resolution had been achieved, I identified Judicial Misconduct Complaint No. 01-25-90031 against the subject judge, pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. § 351(b), and Rule 5(a) of the Rules of Judicial-Conduct, and began the review provided for in Rule 11 of the Rules of Judicial-Conduct.

¹ See also Code of Conduct for United States Judges (Code of Conduct), Canon 3(B)(4) ("A judge should practice civility, by being patient, dignified, respectful, and courteous, in dealings with court personnel, including chambers staff. A judge should not engage in any form of harassment of court personnel."). A violation of the Code of Conduct may inform consideration of a judicial misconduct complaint but does not necessarily constitute judicial misconduct. See Code of Conduct, Canon 1 Commentary (While the Code of Conduct may "provide standards of conduct for application in proceedings under the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§ 332(d)(1), 351-364)[, n]ot every violation of the Code [of Conduct] should lead to disciplinary action."); and Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Commentary on Rule 4 ("While the Code[of Conduct's] Canons are instructive, ultimately the responsibility for determining what constitutes cognizable misconduct is determined by the Act [28 U.S.C. § 351, et seq.] and these Rules").

I conducted a limited inquiry, pursuant to Rule 11(b) of the Rules of Judicial-Conduct, which included lengthy oral interviews of the subject judge and the former law clerk, respectively,² review of the written summary of these interviews, several conversations with the subject judge, and review of a number of written submissions from the subject judge.

However, further "action on the complaint is no longer necessary because of intervening events," and, accordingly, the complaint is concluded pursuant to 28 U.S.C. § 352(b)(2). See Rules of Judicial-Conduct, Rule 11(e) ("The chief judge may conclude a complaint proceeding in whole or in part upon determining that intervening events render some or all of the allegations moot or make remedial action impossible as to the subject judge.").

For the reasons stated, Complaint No. 01-25-90031 is concluded pursuant to 28 U.S.C. § 352(b)(2). See also Rules of Judicial-Conduct, Rule 11(e). This order will be transmitted to a review panel of the Judicial Council pursuant to Rule 11(g)(3) of the Rules of Judicial-Conduct.

November 24, 2025
Date



Chief Judge Barron

² The interviews were conducted by designees who are experienced in such investigations. See Rules of Judicial-Conduct, Rule 11(b) (providing that a limited inquiry may be conducted by the chief circuit judge's designee).