

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-22-90019

Before: Srinivasan, Chief Judge

**ORDER**

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

**ORDERED** that the complaint be concluded 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 10, 2023

**MEMORANDUM**

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

The complainant represented the plaintiffs in a case before the subject judge. In 2020, the plaintiffs moved for summary judgment and to supplement the administrative record. Later in 2020, the defendants moved for summary judgment. In 2022, the subject judge granted the plaintiffs' motion to supplement the administrative record. In 2023, the subject judge granted summary judgment in favor of the defendants.

In 2022, while the proceedings were pending, the complainant filed a judicial misconduct complaint against the subject judge. The complaint contends that the subject judge has breached her duty to dispose of matters promptly. The complaint specifies that "the subject of this complaint is not an isolated or single instance of delay" relating only to the complainant's own case before the subject judge, but instead is "a general and pervasive pattern of misconduct" concerning the time generally taken by the subject judge to dispose of matters pending before her. In support of that allegation, the complainant relies on a semiannual report prepared by the Administrative Office of the United States Courts pursuant to the Civil Justice Reform Act (CJRA), 28 U.S.C. § 476. That report contains tabulations of the number of dispositive civil motions that have been pending for more than six months (which will be referred to here as "CJRA motions") before each district judge. The complaint attaches statistics contained in two successive

editions of the semiannual report, covering the two most recent periods available at the time the complaint was filed. The complaint discusses only the more recent of those two reports and compares the number of CJRA motions for the subject judge in that report with the number of such motions for other judges on the same court.

Under the governing Rules for Judicial-Conduct and Judicial-Disability Proceedings, “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 4(b)(2). The complaint does not allege any “improper motive” in connection with “a particular decision.” Rather, the sole question raised by the complaint is whether the subject judge has engaged in “habitual delay in a significant number of unrelated cases.”

The Rules for Judicial-Conduct and Judicial-Disability Proceedings allow for a chief judge to “conduct a limited inquiry” when reviewing a complaint. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(b). Acting pursuant to that authorization, I asked the subject judge to respond to the allegations in the complaint.

The subject judge’s response notes that there is substantial variation among judges on the number of CJRA motions in the semiannual reports, and for the subject judge herself, the number of CJRA motions has varied considerably across reporting periods over the past five years. The specific reporting period featured in the complaint is for the six-month period in which the subject judge had her highest number of CJRA

motions over the past five years, and for several other reporting periods in that timeframe, the subject judge had a significantly smaller number of CJRA motions. Since the time of the complaint, moreover, the subject judge reports that she has ruled on a significant number of her pending motions.

The subject judge states that, with regard to the “increase in the number of [her CJRA] motions” for the specific six-month reporting period discussed in the complaint (and for the immediately preceding period addressed in the complaint’s attachments), that increase “has not been the result of inattention or neglect,” and her having “a high number of civil motions older than 6 months has been a matter of great concern and distress to [her].” The subject judge also explains that, over an 18-month period immediately preceding and partially overlapping with the two periods addressed in the complaint and its attachments, she was assigned to handle a series of consolidated cases that raised a number of novel, complicated, and highly time-sensitive issues. In that group of consolidated cases, the judge issued some 89 orders and 14 opinions, held numerous status conferences and 13 hearings, often received emergency motions and stay applications, with virtually all of the cases resulting in emergency appeals to the court of appeals and the Supreme Court. Because of the type of cases involved in that consolidated set of matters, the subject judge’s work on the many motions in those cases is not reflected in the CJRA reports. The subject judge reports that, because of the need to attend to those consolidated cases on a continuing basis over an extended period, her “outstanding motions” in other cases “increased significantly.”

The subject judge advises that, since that time, she has “been focused on clearing [her] backlog of outstanding motions.” In that connection, she has instituted various measures, including implementation of staffing changes and adjustments of chambers procedures, that she believes will assist with the efficient resolution of pending motions. The subject judge anticipates that, by the end of the current six-month reporting period, she will “at least significantly reduce” her number of CJRA motions. And as a general matter, the subject judge states that she is “acutely aware of the importance in ruling on matters expeditiously and the need for the parties before [her] to have their cases resolved without undue delay.”

The Rules for Judicial-Conduct and Judicial-Disability Proceedings provide that a “chief judge may conclude a complaint proceeding” if “the chief judge determines that the subject judge has taken appropriate voluntary corrective action that acknowledges and remedies the problems raised by the complaint.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(d)(2). When a complaint proceeding is concluded pursuant to that provision, the proceeding can conclude without a determination of whether misconduct has occurred. That is the case here. The subject judge has expressed significant concern about the increased number of her CJRA motions in the reporting periods addressed in the complaint and attachments; she has explained certain circumstances contributing to that increase; she has conveyed a focused interest in reducing the number of her CJRA motions and instituted measures in that connection; and she has reduced her number of outstanding motions and anticipates further reductions in the current period, such that

the number of her CJRA motions will continue to decline from the levels for the periods addressed in the complaint and attachments. A review of the subject judge's current docket indicates that, even as new matters and dispositive motions are added to her docket over time, she is continuing her progress in reducing the overall number of her CJRA motions. In these circumstances, "the subject judge has taken appropriate voluntary corrective action that acknowledges and remedies the problems raised by the complaint." JUDICIAL-CONDUCT PROCEEDINGS RULE 11(d)(2). Accordingly, the complaint proceeding will be concluded. *Id.*; 28 U.S.C. § 352(b)(2).<sup>1</sup>

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<sup>1</sup> 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).