

Rule 4

ing of the complaint and a separate memorandum of reasons. In such a case, both the order and the memorandum are provided to the complainant. Rule 4(f) would accept that practice. Rule 17, dealing with availability of information to the public, contemplates that the memorandum would be made public, usually without disclosing the names of the complainant or the judge or magistrate involved. If desired for administrative purposes, more identifying information can be included on the formal order.

When complaints are disposed of by chief judges, the nature of the explanations provided to complainants varies considerably among the circuits. We believe that the statutory purposes are best served by providing the complainant with a relatively expansive explanation. See also the discussion of rule 17, dealing with public availability.

Rule 4(f) also provides that the complainant will be notified, in the case of a disposition by the chief judge, of the right to petition the judicial council for review. That appears not to be a common practice today. Although the complainant should in all cases have a copy of the circuit rules at the time the complaint is filed, it seems appropriate to provide a reminder at the time of dismissal of the complaint.

Chapter

RULE 5. PETITION TO REVOKE OR SET ASIDE A JUDICIAL ORDER

If the complaint has been taken to the judicial council, the matter to be considered is

Petition to the Judicial Council

Section 371 of the Act provides that a complainant aggrieved by a judicial order may petition the judicial council for review.

There is no doubt that the draftsmen of the Act intended that the council would then, in the case of a complaint, Senator DeLoach said that the council would grant a writ of habeas corpus The council would describe the order and the leaders indicated the certiorari

3. 126 Cong. Rec. 10,000 (1980).
4. *Id.* at 28,000 (Kastnermeier).