

Ctr for Judicial Accountability

From: Ctr for Judicial Accountability [cja@judgewatch.org]
Sent: Tuesday, September 04, 2007 12:56 PM
To: 'JudicialConductRules@ao.uscourts.gov'
Subject: Request to Testify: September 27, 2007 hearing

TO WHOM IT MAY CONCERN:

Following up my telephone conversation a short time ago with Robert Deyling, Assistant General Counsel of the Administrative Office of the U.S. Courts, I request permission to testify at the September 27, 2007 hearing on the Draft Rules Governing Judicial Conduct and Disability Proceedings.

Such testimony will address the "lack of authoritative interpretive standards" pertaining, in particular, to the "merits-related" grounds for dismissal of judicial misconduct complaints – Draft Rule 11(c)(2) – the most frequently invoked ground for dismissal.

My extensive background with respect to this issue is reflected by my extensive prior correspondence with the Administrative Office – in particular, with former Assistant General Counsel Jeffrey Barr and Associate Director & General Counsel William Burchill – which should have been retained in your files for responsive action. If such correspondence is not immediately available to you, you can review it from www.judgewatch.org, the website of our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), where it is accessible *via* the sidebar panel "Searching for Champions-Federal", which links to a webpage for the Administrative Office of the U.S. Courts.

For starters, you might like to begin with my article "*Without Merit: The Empty Promise of Judicial Discipline*", *The Long Term View*, (Massachusetts School of Law), Vol. 1, No. 4 (summer 1997), which discusses the federal judiciary's dismissal of judicial misconduct complaints for "merits-relatedness" and its wilful and deliberate disregard of a 1986 Judicial Conference recommendation to develop interpretive standards.

Thank you.

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Exhibit S-1