Judicial Disciplinary Process

By federal statute, any person can file a complaint alleging that a judge has engaged in “conduct prejudicial to the effective and expeditious administration of the business of the courts,” or that a mental or physical disability makes a judge “unable to discharge all the duties” of being a judge. Learn more about the [Judicial Conduct and Disability process](https://www.uscourts.gov/judges-judgeships/judicial-conduct-disability), including the rules relating to conduct and disability complaints, a graphical overview of the process, and frequently asked questions. In addition, every U.S. court website has a complaint form and additional information on how to file a complaint in that particular circuit. The complaint process is not for people who are dissatisfied with a particular judge’s decision.

The chief judge of a circuit receives any misconduct complaints involving judges in his or her circuit, conducts a preliminary review, and may dismiss the complaint if it lacks grounds for further action. Either the complainant or the affected judge may appeal the chief judge’s order to the circuit judicial council.

The chief judge also may appoint a special committee of judges to investigate the allegations and submit a report, including any recommendations, to the circuit judicial council. The council has a number of options, including dismissing the complaint or concluding that the judge who was the subject of the complaint has taken corrective action.

While it is not common, the council can take disciplinary action, including private or public censure or reprimand, and temporary withholding of cases from the judge. If the council concludes that the judge engaged in conduct that might constitute grounds for impeachment, the council must refer the complaint to the Judicial Conference. Under certain circumstances, a judge may submit a petition for review to the Judicial Conference Committee on Judicial Conduct and Disability. This committee reviews council orders for errors of law, clear errors of fact, or abuse of discretion.

If the Judicial Conference finds possible grounds for impeachment, it submits a report to the House of Representatives. Only Congress has the authority to remove an Article III judge. This is done through a vote of impeachment by the House and a trial and conviction by the Senate. As of September 2017, only 15 federal judges have been impeached, and only eight have been convicted. Three others resigned before completion of impeachment proceedings. A [summary of federal judicial impeachments](https://www.fjc.gov/history/judges/impeachments-federal-judges) is available at the Federal Judicial Center’s website.

By law and the related rules for judicial misconduct and disability complaints, consideration of a complaint is confidential. When final action has been taken on a complaint and it is no longer subject to review, courts of appeals place orders entered by the chief judge and the judicial council on the circuit court’s website.

The Committee on Judicial Conduct and Disability similarly publishes all orders constituting final action on a complaint. The committee’s orders are available at [Judicial Conduct and Disability Orders](https://www.uscourts.gov/rules-policies/judiciary-policies/ethics-policies/code-conduct-judicial-employees/judicial-conduct-disability-opinions).

Statistics relating to judicial misconduct complaints can be found in [Table 10 and Table S-22](https://www.uscourts.gov/statistics-reports/caseload-statistics-data-tables) of the annual Judicial Business report.