

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**NOTICE OF NINTH CIRCUIT LOCAL RULES
FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY**

PLEASE TAKE NOTICE that the Ninth Circuit Judicial Council, subject to public comment, approves the attached Ninth Circuit Local Rules for Judicial-Conduct and Judicial-Disability in accordance with 28 U.S.C. § 332(d)(1), 358(a), and Rule 2(a) of the nationally-mandated Rules for Judicial-Conduct and Judicial-Disability Proceedings (“National JC&D Rules”). These local rules provide straightforward guidelines to help complainants comply with the National JC&D Rules and clearly and succinctly identify their claims. Each local rule is numbered to correspond with the relevant National JC&D Rule.

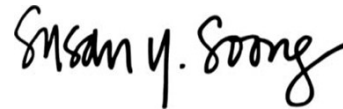
These local rules will take effect April 14, 2025, subject to revision in light of any comments received. Interested parties may submit comments on or before March 31, 2025, to:

Susan Y. Soong
Office of the Circuit Executive
P.O. Box 193939
San Francisco, CA 94119-3939
or via email
rulecomments@ce9.uscourts.gov

The National JC&D Rules are available [here](#).

February 26, 2025

Date



Susan Y. Soong
Circuit Executive

[Proposed] Ninth Circuit Local Rules for Misconduct Proceedings

The Ninth Circuit Judicial Council adopted the following local rules for misconduct proceedings, effective April 14, 2025:

Local Rule 6.1(a): Name of Subject Judge. ~~Complainant must either use the form appended to the local rules, or shall identify any and all subject judge(s) on the first page of the complaint. You are strongly encouraged to use the judicial misconduct complaint form provided on the Ninth Circuit Court of Appeals website. Whether you use that form or another form to submit your complaint, you must identify any and all subject judge(s) on the first page of your complaint. If complainant you fails to so identify the subject judge(s), do not, the your~~ complaint will be returned ~~to complainant~~ with a request to fix it ~~do so~~. Referencing or making allegations against a different judge in the Statement of Facts or on any page other than the first page of your complaint is insufficient to open a complaint against that additional judge.

Local Rule 6.1(b): Page Limit for Complaints. The ~~S~~statement of ~~F~~facts must ~~not~~ be no longer than five standard 8.5x11 inch, single-sided, double-spaced pages. If typed, the font must be at least 12-point. If the Circuit Executive determines that your complaint cannot be filed as submitted, you will be given an opportunity to fix it. pages (five sides), or 1,200 words, whichever is less. The complaint must be submitted on standard 8.5x11 size paper. A complainant may petition the Chief Judge for permission to submit additional pages if extraordinary circumstances exist, and the Chief Judge may delegate the consideration of these requests to the Circuit Executive.

Local Rule 6.1(b)(2): Supplemental Documents for Complaints. Supplemental exhibits and attachments to your complaint are strongly discouraged. Everything that has been docketed in your underlying case is already available via PACER (the federal filing system). If more information is needed, the Chief Circuit Judge will ask for it. If you submit supplemental documents, they must not exceed five pages, and your Statement of Facts must reference specific page numbers or portions of the supporting documents you believe are relevant to your claims. Allegations made only in exhibits or attachments will not be considered. Once your complaint is filed, you may not submit additional statements or documents except to correct inaccuracies in the original complaint. Anything submitted after your complaint

has been filed will not be accepted unless it complies with this rule. Do not submit any original documents, as they may not be returned to you.

~~**Local Rule 6.1(d): Acknowledgment.** The complaint must include the following written acknowledgment: "I understand that even if I successfully prove that the judge engaged in misconduct or is disabled, this procedure cannot change the outcome of the underlying case." Complainant may either write this acknowledgment in the space provided in Section 6 of the complaint form, or complainant must write out the acknowledgment on the first page of the complaint. If complainant fails to write out the acknowledgment, the complaint will be returned to complainant with a request to do so.~~

~~**Local Rule 6.1(d): Complainant's Address.** Until your complaint is fully concluded, you must notify the Circuit Executive in writing of any address changes. A change of address notice given to any other office or entity is insufficient.~~

~~**Local Rule 6.1(e): Number of Copies for Complaints.** Only the original complaint and any supplemental documents that comply with Local Rule 6.1(b)(2) should be filed. Additional copies are not required and will not be accepted. The complainant must file an original and one copy of (1) the complaint form, (2) the statement of facts, and (3) any documents submitted.~~

~~**Local Rule 8.1(a)(1): Action by Circuit Executive.** The Office of the Circuit Executive administers the judicial misconduct and disability complaint program to protect the confidentiality of the process. Therefore, the term "circuit clerk" used by the national rules refers to the Circuit Executive in the context of the misconduct rules. Any judicial misconduct materials sent to the Clerk of Court will be promptly transferred to the Circuit Executive. You must use the following mailing address for all misconduct-related materials:~~

~~**United States Court of Appeals for the Ninth Circuit**~~

~~**Office of the Circuit Executive**~~

~~**P.O. Box 193939**~~

~~**San Francisco, CA 94119-3939**~~

Local Rule 8.1(a)(2): Processing Complaints. If your complaint follows all of these rules, it will be assigned a docket number and processed in due course. The amount of time for processing may depend on the complexity of the case and other administrative factors.

Local Rule 18.1(b)(1): Page Limit and Number of Copies for Petitions for Review: A petition for review must be no longer than five standard 8.5x11 inch, single-sided, double-spaced pages. If typed, the font must be at least 12-point. If the Circuit Executive determines that your petition for review cannot be filed as submitted, you will be given an opportunity to fix it. not be longer than five pages (five sides), or 1,200 words, whichever is less. A complainant may petition the Chief Judge for permission to submit additional pages if extraordinary circumstances exist, and the Chief Judge may delegate the consideration of these requests to the Circuit Executive. The complainant must file an original and one copy of the petition for review, along with a copy of the original complaint.

Local Rule 18.1(b)(2): Supplemental Documents for Petitions for Review. Supplemental exhibits and attachments to the petition for review are not permitted and will not be accepted.

Local Rule 18.1(b)(3): Number of Copies for Petitions for Review: Only the original petition should be filed. Additional copies are not required and will not be accepted.

Judicial Council of the Ninth Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

The purpose of this complaint procedure is to determine whether a judge has engaged in misconduct or is experiencing a disability that prevents them from performing the duties of their office, as these terms are defined in 28 U.S.C. §§ 351-364. You may only file a complaint against a “covered” judge, meaning those of the federal courts of appeals, district courts (including magistrate judges), bankruptcy courts, and as specified in 28 U.S.C. § 363. State court judges and court personnel are not included in this complaint process. More information is available at <https://www.uscourts.gov/administration-policies/judicial-conduct-disability>.

To ~~begin the file a~~ complaint ~~process~~, complete this form and prepare the brief statement of facts described in item 5 (below). Please consult the Rules for Judicial-Conduct and Judicial-Disability Proceedings for additional requirements (The RULES FOR JUDICIAL CONDUCT AND JUDICIAL DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on like what to include in a complaint (Rule 6); and where to file a complaint (Rule 7); ~~and other important matters~~ The Rules are available at https://cdn.ca9.uscourts.gov/datastore/misconduct/rules_judicial_conduct.pdf. Please also consult the Ninth Circuit’s local misconduct rules, which are available at https://www.ca9.uscourts.gov/misconduct/rules/#local_rules. ~~The Ninth Circuit Judicial Council also adopted local misconduct rules. The rules are available in federal court clerks’ offices, on individual federal courts’ websites, and on www.uscourts.gov, and <https://www.ca9.uscourts.gov/misconduct/rules/>.~~

You may not use this complaint procedure to challenge the outcome of your case, even if you believe the judge’s decision was wrong. Judicial misconduct proceedings are not a substitute for the normal appellate review process, so you may not seek reversal of a decision, a new trial, or a different judge. *In re Complaint of Judicial Misconduct*, 119 F.4th 730, 731-32 (9th Cir. Jud. Council 2024). Even if you successfully prove that the judge engaged in misconduct or is disabled, this complaint procedure will not change the result of your underlying case. See 28 U.S.C. § 352(b)(1)(A)(ii); Comment to Judicial-Council Rule 4(b)(1).

Your complaint (this form and your statement of facts) should be typed (minimum 12-point font) and must be legible. Submit only one copy of your complaint. ~~Your complaint (this form and the statement of facts) should be typewritten and must be legible. Under the Ninth Circuit’s local misconduct rules, you are required to file an original and one copy of (1) the complaint form, (2) the statement of facts, and (3) any documents submitted.~~

~~Enclose~~ Put your complaint in an envelope marked “COMPLAINT OF MISCONDUCT” or “COMPLAINT OF DISABILITY.” **Do not put the name of any judge on the envelope.** ~~All~~ Your complaints **must** be mailed to:

**United States Court of Appeals for the Ninth Circuit
Office of the Circuit Executive**

P.O. Box 193939
San Francisco, CA 94119-3939

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY (page 1 of 2)

1. Name of Complainant: _____
Contact Address*: _____

Daytime telephone: (____) _____

*Please notify the Office of the Circuit Executive in writing of any changes to your address as soon as possible. We will use your last known address on file to communicate about your complaint.

2. Name(s) of Judge(s): _____
Court: _____

3. Does this complaint concern the behavior of the judge(s) in a particular -case or cases lawsuit or lawsuits?

3.

~~Yes~~ Yes ~~No~~ No

If "yes," give the following information about each case lawsuit:

Court: _____
Case Number: _____

Are (were) you a party or lawyer in the case?

Party Lawyer Neither

If you appealed the decision, please provide information about your appeal.

Case Number:

Current status of appeal:

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY (page 2 of 2)

Docket number of any appeal to the _____ Circuit: _____

~~Are (were) you a party or lawyer in the lawsuit?~~

~~[_____] Party [~~

~~_____] Lawyer [] Neither~~

~~If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:~~

4. Have you filed any lawsuits against the judge?

~~[]~~ Yes [] No

If "yes," give the following information about each such lawsuit:

Court: _____

Case Number: _____

Present status of lawsuit: _____

~~Name, address, and telephone number of your lawyer for the lawsuit against the judge:~~

~~Court to which any appeal has been taken in the lawsuit against the judge:~~

~~Docket number of the appeal: _____~~

~~Present status of the appeal: _____~~

~~If you appealed the decision, please provide information about your appeal.~~

~~Case Number: _____~~

~~Current status of appeal: _____~~

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts ~~on which~~ that support your claim of judicial misconduct or disability ~~is based.~~ Include Describe what happened, when and where it happened, and any information that would

help an investigator check the facts. ~~If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation. Local Rule 6.1(b) provides that your statement of facts must not be longer than five pages (five sides), or 1,200 words, whichever is less.~~ **Your Statement of Facts must be no longer than five standard 8.5x11 inch, single-sided, double-spaced pages using 12-point font.**

You must provide objectively verifiable proof such as the names of witnesses or docket numbers of recorded documents or transcripts to support your allegations. ~~You cannot prove misconduct only by saying that the judge ruled against you. The appellate court is the appropriate place to argue that a judge's rulings were wrong. Adverse rulings do not support misconduct allegations, as the appropriate forum for an argument that a judge erred is the appellate court. Thus, you need Do not include copies of your filings in the underlying case or the judge's orders because ~~even if a review of those documents is necessary, the documents are~~ already accessible via PACER (the federal filing system). Excess or irrelevant documentation will ~~be returned to the complainant~~ not be considered. Do not submit any original documents, as they may not be returned to you.~~

6. Declaration and signature:

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature) _____ (Date) _____

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Office of the Circuit Executive
P.O. Box 193939
San Francisco, CA 94119-3939**

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY (page 1 of 2)

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Contact Address*: _____

Daytime telephone: (____) _____

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2. Name(s) of Judge(s): _____
Court: _____

3. Does this complaint concern the behavior of the judge(s) in a particular case or cases?

Yes No

If "yes," give the following information about each case:

Court: _____
Case Number: _____

Are (were) you a party or lawyer in the case?

Party Lawyer Neither

If you appealed the decision, please provide information about your appeal.

Case Number: _____

Current status of appeal: _____

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY (page 2 of 2)

4. Have you filed any lawsuits against the judge?

Yes

No

If "yes," give the following information about each such lawsuit:

Court: _____

Case Number: _____

Present status of lawsuit: _____

If you appealed the decision, please provide information about your appeal.

Case Number: _____

Current status of appeal: _____

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts that support your claim of judicial misconduct or disability. Describe what happened, when and where it happened, and any information that would help an investigator check the facts. **Your Statement of Facts must be no longer than five standard 8.5x11 inch, single-sided, double-spaced pages using 12-point font.**

You must provide objectively verifiable proof such as the names of witnesses or docket numbers of transcripts to support your allegations. You cannot prove misconduct only by saying that the judge ruled against you. The appellate court is the appropriate place to argue that a judge's rulings were wrong. Do not include copies of your filings in the underlying case or the judge's orders because those documents are already accessible via PACER (the federal filing system). Excess or irrelevant documentation will not be considered. Do not submit any original documents, as they may not be returned to you.

6. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature) _____

(Date) _____