

104TH CONGRESS  
2D SESSION

# H. R. 3026

To amend section 372 of title 28, United States Code, to provide that proceedings on complaints filed with respect to conduct of a judge or magistrate judge of a court be held by a circuit other than the circuit within which the judge serves, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1996

Mr. BRYANT of Tennessee (for himself, Mr. BARR of Georgia, Mr. BONO, Mr. DUNCAN, Mr. GEKAS, Mr. GOODLATTE, Mr. HEINEMAN, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. SCHUMER, Mr. SENSENBRENNER, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend section 372 of title 28, United States Code, to provide that proceedings on complaints filed with respect to conduct of a judge or magistrate judge of a court be held by a circuit other than the circuit within which the judge serves, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Judicial Disciplinary  
5 Proceedings Act of 1996”.

1 **SEC. 2. PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL**  
2 **CONDUCT.**

3 Section 372(c) of title 28, United States Code, is  
4 amended—

5 (1) in paragraph (1)—

6 (A) by inserting “(A)” after “(c)(1)”; and

7 (B) by adding at the end the following: “In  
8 the case of a complaint so identified, the chief  
9 judge shall notify the clerk of the court of ap-  
10 peals of the complaint, together with a brief  
11 statement of the facts underlying the complaint.

12 “(B) Complaints filed under subparagraph (A) in one  
13 judicial circuit will be referred to another judicial circuit  
14 for proceedings under this subsection, in accordance with  
15 a system established by rule by the Judicial Conference,  
16 which prescribes the circuits to which the complaints will  
17 be referred. The Judicial Conference shall establish and  
18 submit to the Congress the system described in the preced-  
19 ing sentence not later than 180 days after the date of the  
20 enactment of this subparagraph.”;

21 (2) in paragraph (2)—

22 (A) by amending the first sentence to read  
23 as follows: “Upon receipt of a complaint filed or  
24 notice of a complaint identified under para-  
25 graph (1) of this subsection, the clerk shall  
26 promptly transmit such complaint or (in the

1 case of a complaint identified under paragraph  
2 (1)) the statement of facts underlying the com-  
3 plaint to the chief judge of the circuit assigned  
4 to conduct proceedings on the complaint in ac-  
5 cordance with the system established under  
6 paragraph (1)(B) (hereafter in this subsection  
7 referred to as the ‘chief judge’).”; and

8 (B) in the second sentence by inserting “or  
9 statement of facts underlying the complaint (as  
10 the case may be)” after “copy of the com-  
11 plaint”;

12 (3) in paragraph (4)(A) by inserting “(to which  
13 the complaint or statement of facts underlying the  
14 complaint is referred)” after “the circuit”;

15 (4) in paragraph (5)—

16 (A) in the first sentence by inserting “to  
17 which the complaint or statement of facts un-  
18 derlying the complaint is referred” after “the  
19 circuit”; and

20 (B) in the second sentence by striking “the  
21 circuit” and inserting “that circuit”;

22 (5) in the first sentence of paragraph (15) by  
23 inserting before the period at the end the following:  
24 “in which the complaint was filed or identified under  
25 paragraph (1)”; and

1           (6) by amending paragraph (18) to read as fol-  
2       lows:

3       “(18) The Judicial Conference shall prescribe rules,  
4 consistent with the preceding provisions of this sub-  
5 section—

6           “(A) establishing procedures for the filing of  
7 complaints with respect to the conduct of any judge  
8 of the United States Court of Federal Claims, the  
9 Court of International Trade, or the Court of Ap-  
10 peals for the Federal Circuit, and for the investiga-  
11 tion and resolution of such complaints; and

12           “(B) establishing a system for referring com-  
13 plaints filed with respect to the conduct of a judge  
14 of any such court to any of the first eleven judicial  
15 circuits or to another court for investigation and res-  
16 olution.

17 The Judicial Conference shall establish and submit to the  
18 Congress the system described in subparagraph (B) not  
19 later than 180 days after the date of the enactment of  
20 the Judicial Disciplinary Proceedings Act of 1996.”.

21 **SEC. 3. EFFECTIVE DATE.**

22       The amendments made by this Act apply to com-  
23 plaints filed on or after the 180th day after the date of  
24 the enactment of this Act.

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