

JUDICIAL COUNCIL OF THE FIFTH CIRCUIT

Notice of Amendments to Fifth Circuit Procedures for Judicial Conduct and Judicial Disability Proceedings

Pursuant to 28 U.S.C. § 358, we give notice that the Judicial Council is amending the Fifth Circuit Procedures as shown below. The changes are identified with redline text.

We will accept written comments for consideration on the changes through July 1, 2019. You may write to:

Clerk of Court
U.S. Court of Appeals for the Fifth Circuit
ATTN: Rule Changes
600 South Maestri Place
New Orleans, LA 70130

or send comments electronically to Changes@ca5.uscourts.gov

Amendments:

Fifth Circuit Procedure 6

6. Filing of Complaint

- (a) Adoption/incorporation of complaint or other document.** *All allegations must be set forth in the concise statement of facts. Allegations made in exhibits or attachments will not be considered. A complaint that simply states that it adopts, or incorporates the facts or statements of, another complaint, pleading, brief, or other document does not meet the requirements of Rule 6 and will not be accepted for filing.*
- (b) Clarity of allegations.** *The allegations in the statement of facts must be readily intelligible. The Clerk will return complaints in which the allegations are unintelligible.*
- (c) Legal argument.** *To the extent that a complainant wishes to incorporate any legal argument in the statement of facts, the submission cannot exceed the five-page limit for the statement of facts.*
- (d) Page limit.** *The statement of facts should be limited to five single-sided and double-spaced pages on 8.5x11 inch paper, whether typed or handwritten. Font size must be at least 12pt. If a complainant believes that more than five pages are necessary for a “concise statement” of facts, the complainant may submit a proposed statement of facts to the Clerk, who will determine whether the over-length complaint will be accepted for filing as submitted. If the Clerk determines that the complaint should not be filed as submitted, the complainant will be given an opportunity to reduce the statement of facts to five pages.*
- (e) Signature.** *The complaint must be signed with a “wet” or “blue” signature. If there are multiple complainants, each complainant must sign the complaint.*

- (f) Exhibits.** *Allegations made in exhibits or attachments to the complaint will not be considered.* Documents referred to in the statement of facts may be filed with the complaint. Only documentation that is required to support the specific facts alleged should be submitted – excess or irrelevant documentation will be returned to the complainant only if the complainant provides a self-addressed envelope bearing sufficient postage.
- (g) Supplements.** Once a complaint is filed, it may not be supplemented by additional statements or documents except to correct inaccuracies in the original complaint. Supplements submitted after the complaint is filed will be returned to the complainant if they do not comply with this section.
- (h) Number of copies.** Only an original of the complaint should be filed. (Former 5th Cir. R 2(E))

Fifth Circuit Procedure 8

8. **Action by Circuit Clerk**

- (a) Abatement.** *If a complaint raises issues which are also raised in pending litigation, the circuit clerk will advise the complainant that the complaint shall be (or is being) held in abeyance pending disposition of the litigation, including appeals, and that the complainant must advise the clerk in writing of the disposition of the litigation.*
- (b) Distribution of copies.** *The Clerk may send copies of complaints to subject judges via email.*

Fifth Circuit Procedure 11

- 11. **Notice of Chief Judge's Action; Petition for Review.** *The Clerk may send all communications to the subject judge required by this Rule via email.*

Fifth Circuit Procedure 15

- 15. **Notice; Special-Committee Report.** *The Clerk may send all written notice to the subject judge required by this Rule, and the Special-Committee Report, via email.*

Fifth Circuit Procedure 18

18. **Petitions for Review**

- (a) Substance.** *Petitions may but need not include supporting argument. Review by the Judicial Council is limited to facts set forth in the complaint, and supplemental allegations and information will not be considered.*
- (b) Page Limit.** *Petitions should not exceed five single-sided and double-spaced pages on 8.5x11 inch paper, whether typed or handwritten, and should not include attachments. Font size must be at least 12pt.*
- (c) Supplements.** *Once a petition is filed, it may not be supplemented by additional statements or documents except to correct inaccuracies in the*

- original petition. Supplements submitted after the petition is filed will be returned to the complainant if they do not comply with this section.*
- (d) Extensions.** *Extensions to the time to file a petition for review will be considered only in the most compelling circumstances.*
 - (e) Where to file.** *Petitions should be sent to the Clerk, United States Court of Appeals for the Fifth Circuit, 600 S. Maestri Place, New Orleans, LA 70130. The envelope should be marked “Misconduct Petition” or “Disability Petition.” The name of the judge complained about should not appear on the envelope. (Former 5th Cir. R. 5 (H))*
 - (f) Receipt and Distribution of Petition.** *The Clerk may send a petition for review filed by the complainant to the subject judge via email, and may send the materials required by Rule 18(c)(2) to the judicial council or its relevant panel via email.*

Fifth Circuit Procedure 19

- 19. Judicial-Council Disposition of Petition for Review.** *The Clerk may send all communications to the subject judge, to the judicial council or its panel, and to the chief judge required by this Rule via email.*

Fifth Circuit Procedure 20

- 20. Judicial-Council Action Following Appointment of Special Committee.** *The Clerk may send all communications to the subject judge, to the judicial council or its panel, to the special committee, and to the chief judge required by this Rule via email.*