



(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 28, United States Code, to provide for mandatory transfer requests for complaints against circuit court judges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FITZGERALD introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 28, United States Code, to provide for mandatory transfer requests for complaints against circuit court judges, 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 Conduct and
5 Disability Reform Act of 2026”.

1 **SEC. 2. SUSPENSION ORDERS.**

2 (a) IN GENERAL.—Chapter 16 of title 28, United
3 States Code, is amended by inserting at the end the fol-
4 lowing:

5 **“§ 365. Suspension orders**

6 **“(a) LIMITS ON SUSPENSION ORDERS BY JUDICIAL**
7 **COUNCIL.—**

8 “(1) Not later than one year after a suspension
9 order is issued, the judicial council or Judicial Con-
10 ference shall—

11 “(A) end the suspension and conclude the
12 proceeding;

13 “(B) renew the suspension for a period not
14 to exceed one year upon finding that doing so
15 will effectuate the remedial purposes of this
16 chapter; or

17 “(C) request that the judge retire—

18 “(i) under section 371(a), with the
19 proviso that the age and service require-
20 ments shall not apply;

21 “(ii) under section 371(b), with the
22 proviso that the age and service require-
23 ments shall not apply; or

24 “(iii) under section 372(a).

25 “(2) At the time of making the request under
26 subsection (a)(1)(C), the judicial council shall notify

1 the appropriate congressional committees of its ac-
2 tion.

3 “(3) If the judicial council concludes the pro-
4 ceeding under paragraph (1)(A), it shall file a writ-
5 ten order under section 360(b) describing any cor-
6 rective action taken by the subject judge during the
7 pendency of the suspension.

8 “(4) If, within 30 days of the request described
9 in paragraph (1)(C), the judge has not voluntarily
10 retired, the judicial council shall refer the complaint
11 to the Judicial Conference under section 354(b)(1)
12 or certify the matter to the Judicial Conference
13 under section 354(b)(2).

14 “(b) LIMITS ON ORDER RENEWING SUSPENSIONS.—

15 “(1) A judicial council may renew a suspension
16 order in accordance with this subsection.

17 “(2) The powers and limitations set forth in
18 subsection (a) shall apply as in an initial suspension,
19 provided that there is no option for renewal.

20 “(c) POWERS OF JUDICIAL CONFERENCE.—

21 “(1) This subsection shall apply to any pro-
22 ceeding in which—

23 “(A) the conduct of a judge appointed to
24 hold office during good behavior is the subject
25 of the complaint; and

1 “(B) the matter has reached the Judicial
2 Conference—

3 “(i) by referral under section
4 354(b)(1);

5 “(ii) by certification under section
6 354(b)(2); or

7 “(iii) upon petition for review under
8 section 357(a).

9 “(2) In addition to the powers conferred in sec-
10 tion 355, the Judicial Conference may exercise the
11 powers conferred upon the judicial council by section
12 354(a)(2)(A), as limited by this section.

13 “(3) Under no circumstances may a suspension
14 order (including any renewals) extend for more than
15 two years from the effective date of the initial sus-
16 pension order.

17 “(d) DEFINITIONS.—In this chapter:

18 “(1) The term ‘suspension order’ means an
19 order that—

20 “(A) is issued in a proceeding in which the
21 conduct of a judge appointed to hold office dur-
22 ing good behavior is the subject of a complaint
23 filed under this chapter;

1 “(B) is issued by a judicial council under
2 section 354(a)(2)(A)(i) or by the Judicial Con-
3 ference under section 355(a); and

4 “(C) directs that no further cases be as-
5 signed to the judge whose conduct is the subject
6 of the complaint.

7 “(2) The term ‘appropriate congressional com-
8 mittees’ means the Committee on the Judiciary of
9 the Senate and the Committee on the Judiciary of
10 the House of Representatives.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for chapter 16 of title 28, United States Code, is amended
13 by inserting after the item relating to section 364 the fol-
14 lowing:

 “Sec. 365. Suspension orders.”.

15 **SEC. 3. TRANSFER OF COMPLAINTS UNDER CHAPTER 16.**

16 Section 352 of title 28, United States Code, is
17 amended by inserting after subsection (b) the following:

18 “(c) TRANSFER OF PROCEEDINGS.—

19 “(1) IN GENERAL.—

20 “(A) REQUEST FOR TRANSFER.—

21 “(i) PERMISSIVE.—A chief judge or a
22 judicial council may ask the Chief Justice
23 to transfer a proceeding based on a com-
24 plaint filed under section 351(a) or identi-

1 fied under section 351(b) to the judicial
2 council of another circuit.

3 “(ii) MANDATORY.—A request for a
4 transfer under clause (i) shall be made in
5 any proceeding in which the transfer would
6 contribute to effectuating the purposes of
7 this chapter, including maintaining public
8 confidence in the judiciary’s ability to re-
9 dress misconduct or disability and pro-
10 tecting the independence of individual
11 judges.

12 “(B) TIMING.—A request for a transfer
13 may be made at any stage of the proceeding be-
14 fore a reference to the Judicial Conference is
15 made under section 354(b) or a petition for re-
16 view is filed under section 352(c) or section
17 357(a).

18 “(C) DISPOSITION.—Upon receiving such a
19 request, the Chief Justice may refuse the re-
20 quest or select the transferee judicial council,
21 which may then exercise the powers of a judi-
22 cial council under this chapter.

23 “(2) COMPLAINTS AGAINST CIRCUIT JUDGES.—

24 “(A) IN GENERAL.—If a complaint has
25 been filed under section 351(a) or identified

1 under section 351(b) against a judge who
2 serves on a United States Court of Appeals,
3 and the chief judge does not dismiss the com-
4 plaint under section 352(b)(1) or conclude the
5 proceeding under section 352(b)(2), the chief
6 judge shall ask the Chief Justice to transfer the
7 proceeding to the judicial council of another cir-
8 cuit.

9 “(B) DISPOSITION.—Upon receiving such
10 a request, the Chief Justice may refuse the re-
11 quest or select the transferee judicial council,
12 which may then exercise the powers of a judi-
13 cial council under this chapter.”.

14 **SEC. 4. CONGRESSIONAL NOTIFICATION.**

15 Section 354(a)(4) of title 28, United States Code, is
16 amended by adding at the end the following:

17 “(5) NOTICE OF ACTION TO APPROPRIATE CON-
18 GRESSIONAL COMMITTEES.—The judicial council
19 shall immediately provide written notice of the ac-
20 tion taken under this subsection to the appropriate
21 congressional committees. The term ‘appropriate
22 congressional committees’ means the Committee on
23 the Judiciary of the Senate and the Committee on
24 the Judiciary of the House of Representatives.”.

1 **SEC. 5. REVIEW OF ORDERS AND ACTIONS.**

2 Section 357 of title 28, United States Code, is
3 amended to read as follows:

4 **“§ 357. Review of orders and actions**

5 **“(a) REVIEW OF ACTION OF JUDICIAL COUNCIL.—**

6 **“(1) PETITION FOR REVIEW.—**A complainant
7 or judge aggrieved by an action of the judicial coun-
8 cil under section 354 may petition the Judicial Con-
9 ference of the United States for review thereof.

10 **“(2) AUTHORITY OF JUDICIAL CONFERENCE.—**

11 The Judicial Conference, or the standing committee
12 established under section 331, may grant a petition
13 filed by a complainant or judge under subsection (a).

14 **“(3) STANDARD OF REVIEW.—**In exercising its
15 power of review under this subsection, the Judicial
16 Conference, or the standing committee established
17 under section 331, shall exercise an independent
18 judgment with respect to issues of law (including the
19 application of law to fact), the definition of mis-
20 conduct and performance-impairing disability within
21 the meaning of this chapter, and the appropriateness
22 of the action taken by the judicial council under sec-
23 tion 354(a).

24 **“(b) LIMITED JUDICIAL REVIEW.—**

25 **“(1) JURISDICTION.—**The court of appeals shall
26 have exclusive jurisdiction to review a suspension

1 order, as defined in section 365(d), if the cumulative
2 duration of the initial order and any renewals is
3 more than one year. Review may be sought only by
4 the judge who is the subject of the order.

5 “(2) VENUE.—The venue of a proceeding under
6 this subsection is in a judicial circuit that—

7 “(A) is selected by the Chief Justice of the
8 United States; and

9 “(B) is neither the circuit where the sus-
10 pended judge serves nor the circuit whose judi-
11 cial council issued the suspension order that is
12 the subject of the petition for review.

13 “(3) SCOPE OF REVIEW.—Review under this
14 subsection shall be limited to questions under the
15 Constitution of the United States.

16 “(4) PROCEDURES.—The Judicial Conference
17 shall issue rules governing the review authorized by
18 this subsection. These rules shall—

19 “(A) incorporate, to the extent appro-
20 priate, the procedures specified in chapter 158
21 of this title; and

22 “(B) effectuate the purposes of this chap-
23 ter, including maintaining public confidence in
24 the judiciary’s ability to redress misconduct or

1 disability and protecting the independence of in-
2 dividual judges.

3 “(5) EXPEDITIOUS REVIEW.—A petition for re-
4 view under this section shall be considered and de-
5 cided expeditiously, to the end that the matter will
6 not be mooted before decision.

7 “(6) REVIEW IN SUPREME COURT ON CERTIO-
8 RARI OR CERTIFICATION.—

9 “(A) REVIEW ON CERTIORARI.—A final
10 order of the court of appeals in a proceeding
11 under this subsection is subject to review by the
12 Supreme Court on a writ of certiorari as pro-
13 vided by section 1254(1) of this title. Applica-
14 tion for the writ shall be made within 45 days
15 after entry of the order and within 90 days
16 after entry of the judgment, as the case may
17 be. The subject judge or the United States may
18 file a petition for a writ of certiorari.

19 “(B) CERTIFICATION AND STAYS.—The
20 provisions of section 1254(2) of this title, re-
21 garding certification, and of section 2101(f) of
22 this title, regarding stays, also apply to pro-
23 ceedings under this subsection.

24 “(c) PRECLUSION OF REVIEW OF OTHER ORDERS.—
25 Except as otherwise provided in this section and section

1 352(c), all orders and determinations, including denials of
2 petitions for review, shall be final and conclusive and shall
3 not be judicially reviewable on appeal or otherwise.”.

4 **SEC. 6. STANDARD OF RECUSAL.**

5 Section 359 of title 28, United States Code, is
6 amended—

7 (1) by redesignating subsections (a) and (b) as
8 subsections (b) and (c), respectively; and

9 (2) by inserting after the section title the fol-
10 lowing:

11 “(a) GENERAL RULE OF DISQUALIFICATION.—A
12 judge shall disqualify himself or herself in any proceeding
13 under this chapter in which the judge’s impartiality might
14 reasonably be questioned.”.

15 **SEC. 7. CONFORMING AMENDMENTS.**

16 Subsections (c) and (d) of section 352 of title 28,
17 United States Code, are redesignated as subsections (d)
18 and (e), respectively.

19 **SEC. 8. EFFECTIVE DATE.**

20 The amendments made by this Act apply to each
21 complaint under chapter 16 of title 28, United State Code,
22 filed or identified under such chapter after the date of en-
23 actment of this Act, or to any suspension order, as defined
24 in section 365, in effect on the date of enactment of this
25 Act.