

COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY
OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

C.C.D. No. 25-01

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT

PROCEEDING IN REVIEW OF THE ORDER
OF THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
J.C. No. 07-24-90109

MEMORANDUM OF DECISION

(Filed July 22, 2025)

Present: Judges William B. Traxler, Jr., Chair, Patricia A. Gaughan, Phyllis Hamilton, M. Margaret McKeown, D. Brooks Smith, Carl E. Stewart, Sarah S. Vance.

MEMORANDUM OF DECISION

This matter is before the Judicial Conduct and Disability Committee on petition for review of the misconduct complaint filed against Judge Stephen A. Vaden. The complainant seeks review of an April 8, 2025, order of the Judicial Council of the Seventh Circuit dismissing the judicial misconduct complaint against Judge Vaden under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-64, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Rules”). The Judicial Conduct and Disability Committee reviews the complainant’s petition for review under 28 U.S.C. § 357 and JC&D Rules 21(a) and 21(b)(1)(A). For the reasons we explain, we dismiss the petition.

The complainant filed this judicial misconduct complaint with the Court of International Trade alleging that Judge Vaden engaged in misconduct by signing a letter, along with 12 other federal judges, to the then-President of Columbia University announcing that they would “not

hire anyone who joins the Columbia University community—whether as undergraduates or law students—beginning with the entering class of 2024.” The letter calls on Columbia to: impose serious consequences for students and faculty who participated in campus disruptions and violated the university’s rules; apply free speech protections and enforce the campus’s code of conduct neutrally and without discrimination; and provide diverse viewpoints on the faculty and throughout the administration.

On September 9, 2024, the Chief Judge of the Court of International Trade requested that the complaint against Judge Vaden be transferred. The Chief Justice of the United States Supreme Court granted the request to transfer and identified the Seventh Circuit as the transferee court. On October 21, 2024, a Special Committee was appointed to investigate the complaint. The Special Committee invited Judge Vaden to submit written argument to the Special Committee pursuant to Rule 15(d). Judge Vaden’s counsel submitted written argument on January 17, 2025, arguing that the complaint should be dismissed because neither the law-clerk hiring boycott nor the Columbia letter violated the Code of Conduct, and that any discipline imposed would infringe on Judge Vaden’s rights under the First Amendment and due process rights to free speech and fair notice. The Special Committee held oral argument on February 10, 2025, and issued its report on March 26, 2025. The complaints against the other 12 judges have been dismissed by their courts’ respective chief judges, and the dismissals affirmed by their judicial councils.

On April 8, 2025, the Seventh Circuit Judicial Council issued an order dismissing the complaint against Judge Vaden on the merits. *See In re Complaint Against Judge Stephen A. Vaden*, No. 07-24-90109, p. 7 (7th Cir. Jud. Council Apr. 8, 2025). On May 6, 2025, the complainant filed a petition for review, arguing that the Special Committee’s investigation was

insufficient and that the Judicial Council erred in dismissing the complaint on the merits. On June 10, 2025, Judge Vaden was confirmed as Deputy Secretary of the Department of Agriculture and he was separated from the judiciary on July 7, 2025.

The JC&D Act empowers a chief circuit judge, judicial council, or the Committee to review charges of misconduct only against a covered “judge.” *See* 28 U.S.C. § 351(a); *id.* § 351(d)(1); *id.* §§ 352-355. The Act defines a covered “judge” as a “circuit judge, district judge, bankruptcy judge, or magistrate judge.” *Id.* § 351(d)(1). “[O]ur Committee, judicial councils, and chief circuit judges all lack statutory authority to review the merits of complaints against an individual no longer covered under the Act.” *In re: Complaints under the Judicial Conduct & Disability Act*, C.C.D. No. 19-01, p. 5 (Aug. 1, 2019).¹

Since Judge Vaden, the subject of the pending petition for review, separated from his post as a judge while the petition for review was pending, he is no longer a covered judge under the Act. Accordingly, we dismiss the petition for review.

¹ Where a judicial council also recommends a certificate for impeachment under 28 U.S.C. § 354(b)(2)(A), which will require a continuation of the proceedings before the Judicial Conference of the United States, a resignation by the subject judge after that recommendation does not terminate the jurisdiction of the JC&D Committee to review the merits of the judicial council decision. *See In re: Complaint of Judicial Misconduct*, C.C.D. No. 24-02 (Aug. 22, 2024).