# U.S. House of Representatives
# Committee on the Judiciary
## F. James Sensenbrenner, Jr., Chairman

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***News Advisory***

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## Courts Subcommittee Hearing Thursday on Whether Impeachment Articles are Warranted for U.S. Judge Real

**What:** **Legislative Hearing on H. Res. 916, a resolution impeaching Manuel L. Real, a U.S. district judge of the Central District of California, for high crimes and misdemeanors**
**Who:** **Subcommittee on Courts, the Internet, and Intellectual Property – Rep. Lamar S. Smith (R-Tex.), Chairman**
**When:** **9:00 a.m., Thursday, September 21, 2006**
**Where:** **2141 Rayburn Building**

In February 2000, Judge Real allegedly interceded on behalf of a defendant known to him in a joint bankruptcy and California state unlawful-detainer action. According to published reports, Judge Real received *ex parte* communications from the defendant and through third parties about the matter before he took action. He was also supervising the defendant as part of her probation in a separate criminal case in which she had pled guilty to perjury and loan fraud.

Judge Real withdrew the complaint from the bankruptcy court and enjoined the state eviction proceeding. He allegedly gave no reasons for his assertion of jurisdiction over the case or his rulings. The defendant was allowed to live rent-free in the home for a period of years. When the trustee appealed by *mandamus* to the Ninth Circuit, Judge Real transferred the case to another district judge. The trustee eventually reclaimed the property on appeal but lost at least $35,000 in rent during the proceedings. Attorneys fees were in the tens of thousands of dollars.

A Ninth Circuit Judicial Council is investigating – for the third time – Judge Real's behavior in this case. A report issued yesterday by a Judicial Committee headed by Justice Stephen Breyer found that the complaint was mishandled the two previous times by the Ninth Circuit. More information about Judge Real's conduct is available at http://judiciary.house.gov/Printshop.aspx?Section=306.

**ISSUES TO BE ADDRESSED…**

- What are the facts surrounding Judge Real's behavior when he became involved in the Canter legal proceedings?
- What relevant impeachment precedents exist for review by the Subcommittee?
- Is the commission of a serious crime an essential requirement for impeachment? What is the purpose of impeachment?
- Has the Ninth Circuit handled its investigation of Judge Real's behavior appropriately?
- Are there other actions that the House of Representatives or Congress can take regarding Judge Real's behavior short of impeachment?

**WITNESSES: The Honorable Manuel L. Real**, U.S. district judge for the Central District of California; **Andrew Smyth**, attorney for Deborah Canter (the defendant in the unlawful detainer and bankruptcy actions); **Arthur Hellman**, Professor, University of Pittsburgh School of Law; and **Charles Geyh**, Professor, Indiana University School of Law

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