

(22mar9)

**Why the Judicial Conference of the United States  
Will Tolerate Again  
The Systematic Dismissal of Complaints Against Its Peer Judges**

The Judicial Conference of the U.S., the highest policy-making body of the federal judiciary, met at the Supreme Court on, March 17. (Public Information Office: 202-479-3211, Clerk's Office: 202-479-3011) Separate meetings of the circuit judges, district judges, and the many specialized committees of the Judicial Conference were scheduled to be held at the Administrative Office of the U.S. Courts in Washington, D.C., between Monday, 16, and Wednesday 18. (202-502-2600) <http://www.uscourts.gov/> Among those committees is the Committee on Judicial Conduct and Disability, which handles petitions for review concerning any complaint against a federal judge or magistrate for misconduct or disability.

All their meetings are secretive so as to protect judicial unaccountability. What would happen to democracy if the president and all members of Congress were appointed for life, remaining in office regardless of their misconduct or disability, and held all cabinet meetings and sessions behind closed doors followed by no press conference, but merely a short trivial and anodyne press release? [http://Judicial-Discipline-Reform.org/docs/JConf\\_press\\_release\\_16sep8.pdf](http://Judicial-Discipline-Reform.org/docs/JConf_press_release_16sep8.pdf)

Judicial unaccountability becomes apparent in the pending petition to that Committee concerning a judicial misconduct complaint.  
[http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf)

It contains the equivalent of a template that other complainants against judges that engage in misconduct or are disable can adapt to their own petition to the Committee once they have reached that stage in the series of procedural stages. That series is this:

1. You file your judicial complaint with the chief circuit judge of your circuit or the complained-against judge's, as provided for in the Judicial Conduct and Disability Act. 28 U.S.C. §351(a). (<http://Judicial-Discipline-Reform.org/docs/28usc351-364.pdf>)

You must also comply with the Rules for Judicial Conduct and Disability Proceedings. ([http://Judicial-Discipline-Reform.org/docs/Rules\\_complaints.pdf](http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf)). See Rule 3(h).

2. The chief circuit judge systematically dismisses it, which in 99.86% of cases –see table and graphs at <http://Judicial-Discipline-Reform.org-> is without appointment of a special committee and thus, out of hand with no investigation.
3. You petition the respective circuit's judicial council for review of the chief's dismissal.
4. The judicial council systematically denies the petition, which the Judicial Council of the Second Circuit has done in 100% of cases in the past 11 years from 1oct96 to 30sep7 –see table with official statistics at the above-mentioned [petition](#), page N:39 (after N:51-N:84)-. The chief circuit judge who dismissed the complaint in the first place is the council's presiding member and is allowed to review on appeal his or her own dismissal. Cf. 28 U.S.C. §47
- 5a. You petition for review the Committee on Judicial Conduct and Disability, which is composed of judges, the peers of the complained-against judge. In the 29 years since the enactment of the Misconduct Act in 1980 it has issued only 19 decisions. By contrast, in the 2007-08 term alone, the Supreme Court issued 67 signed opinions and disposed of 72 cases.

[http://Judicial-Discipline-Reform.org/judicial\\_complaints/1Comm\\_JCond\\_decisions.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/1Comm_JCond_decisions.pdf)  
[http://Judicial-Discipline-Reform.org/judicial\\_complaints/2Comm\\_JCond\\_decisions.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/2Comm_JCond_decisions.pdf)

5b. You may simultaneously appeal to the 27-judge Judicial Conference itself –see the petition below-, which is composed of the Chief Justice, who is its presiding member, the 14 chief circuit and national court judges, and 12 representative district judges.

[http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference\\_28feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf)

Thus, the chief circuit judge who dismissed your complaint in the first place is a member of the Conference too and is also allowed to exercise appellate review over his own appealed dismissal. What are the chances that he will not ask for, expect, and receive deference to his decision to dismiss, from his peers and issue IOUs redeemable when another peer's dismissal is being challenged? Remember, their meetings are secretive.

From the first stage, that is, the complaint, the emphasis must be placed on setting forth the elements of the judge's misconduct and/or disability and how either constitutes "conduct prejudicial to the effective and expeditious administration of the business of the courts". See the petition, page N:1. If the misconduct is related to the judge's decision or ruling, then it must be "alleged to be the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias, or improper conduct in rendering a decision or ruling, such as personally derogatory remarks irrelevant to the issues". Rule 3(h)(3)(A)

In due course you reach the stage of petitioning the Committee. There the emphasis must be laid on arguing that the Committee has jurisdiction over the petition based both on the facts of the complaint and its compliance with Rule 21 and 22; and that it should exercise such jurisdiction because of the indisputable fact that by failing to do so it would tolerate its peers' unlawful and corruptive self-exemption from discipline. The [petition](#) serves as a template for doing so.

By then you have spent a lot of money, effort, and time, and have endured or must continue to endure the consequences of the complained-against judge's misconduct or disability; yet, his or her peers will systematically dismiss your complaint or deny your petition for review, for they must protect the status that they have arrogated to themselves: Judges Above the Law. See [http://Judicial-Discipline-Reform.org/Follow\\_money/Dynamics\\_of\\_corruption.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf)

The chances that the judges will pay any attention to a complaint against a peer increase from 0% to 0.14% (less than 1 seventh of 1 percent) if you bring it to the attention of the media and the latter shames the judges into taking some action to give the appearance that they are able and willing to discipline themselves...at the risk of the complained-against judge yelling at them, "I know enough about your own wrongdoing. If you bring me down, *I take you with me!*" See [http://Judicial-Discipline-Reform.org/docs/SCt\\_knows\\_of\\_dismissals.pdf](http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf)

The cover letter with the petition to the Conference sent to Supreme Court Chief Justice John Roberts, Jr., as its presiding officer, asked whether he would countenance once more 'the collegial complicity of judges covering their coordinated wrongdoing'. It requested that he cause the Conference to exercise jurisdiction over the petition and open an investigation of it when the Conference would meet on March 17, at the Supreme Court. Could he too be brought down if he took on his peers by trying to discipline judges who misconduct themselves or are disable? [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference\\_28feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf)

How would your bosses behave if they had no fear of being disciplined at all?

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## (Sample of the letter sent to each member of the Judicial Conference)

February 28, 2009

Chief Justice John G. Roberts, Jr.  
Presiding Officer of the Judicial Conference of the U.S.  
c/o Supreme Court of the United States  
Washington, D.C. 20543

Dear Mr. Chief Justice,

I am addressing you as presiding member of the Judicial Conference, a body that under 28 U.S.C. §357(a) and (b) may be petitioned for review of an action of a judicial council concerning a misconduct complaint and may grant the petition or allow its Committee on Judicial Conduct and Disability to grant it thereunder or under Rule 21 of the Rules for Conduct and Disability Proceedings. Hence, I am bringing to your attention my petition for review of the review denial by the 2<sup>nd</sup> Circuit Council concerning the dismissal by the CA2 Chief Judge of my misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY, docket no. 02-08-90073-jm.

Indeed, Judge Ninfo has engaged in a series of acts of bias, prejudice, and abuse of power so consistently in favor of other bankruptcy system insiders and against a contesting outsider as to form a pattern of coordinated wrongdoing in support of a bankruptcy fraud scheme. Illustrating it is the case underlying the complaint, *DeLano*, now before the Supreme Court, dkt. no. 08-8382, described in my letters to each Conference member of last June 9, August 15, and November 14. The Judge allowed Mr. DeLano, a banker for 39 years who at the time of filing his and his wife's bankruptcy petition was and continued to be a bankruptcy officer at a major bank, to prepare their debt-free golden retirement without accounting for \$673,657...in just one of the 3,907 *open* cases that the Trustee had before him. To protect them from bankruptcy fraud charges, he did not require that they produce any supporting documents, which would have proved concealment of assets; instead, he denied me *every single document* for an evidentiary hearing that ended with the predetermined stripping me of my claim and standing as creditor. Despite both such blatant denial of due process and conspicuous probable cause for suspecting Judge Ninfo's corruption, the 2<sup>nd</sup> Circuit Council applied its 100% review denial policy, as it has for the last 11 consecutive years for which its statistics thereon are available on the Administrative Office's website.<sup>1</sup>

By this means and with the motive of protecting Judge Ninfo, their bankruptcy appointee, and themselves from incrimination in running and tolerating a bankruptcy fraud scheme, the Council and the CA2 chief judges have brought about once more the reasonably foreseeable consequence of, and thus, attained their intended objective in, disregarding the purpose of the Rules and their enabling Judicial Conduct and Disability Act as well as their duty thereunder: They have turned themselves and their complained-against peers into Judges Above the Law.

If the adoption last year of the "new" Rules was not a mere public relations exercise to insulate a disciplineless judiciary from Congressional supervision and thereby preserve collegial complicity, then this egregious case of institutionalized coordinated wrongdoing warrants review by the Conference. Therefore, I respectfully request that you **a)** take cognizance of the petition, which is summarized below and downloadable<sup>2</sup> and **b)** cause the Conference to **(i)** include it for discussion in the agenda of its meeting on March 17; **(ii)** take jurisdiction of it; and **(iii)** appoint a special committee to investigate it. I thank you in advance and look forward to hearing from you.

Sincerely,

*Dr. Richard Cordero, Esq.*

<sup>1</sup> [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference\\_28feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf)>N:39; <sup>2</sup> Id.>N:51

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-Month Period Ended Sep. 30 1997-2007. <http://www.uscourts.gov/judbususc/judbus.html>; collected at [http://Judicial-Discipline-Reform.org/judicial\\_complaints/complaint\\_tables.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf)

<b>Complaints filed in the 13 Circuits and 2 National Courts</b>	'96-97	'97-98	'98-99	'99-00	'00-01	'01-02	'02-03	'03-04	'04-05	'05-06	'06-07	'96-07	Avr.
<b>Complaints Pending on each September 30 of 1996-2007*</b>	109	214	228	181	150	262	141	249	212	210	241	2197	199.7
<b>Complaints Filed</b>	679	1,051	781	696	766	657	835	712	642	643	841	8303	754.8
Complaint Type												0	0.0
Written by Complainant	678	1,049	781	695	766	656	835	712	642	555	841	8210	746.4
On Order of Chief Judges	1	2	0	1	0	1	0	0	0	88	0	93	8.5
Officials Complained About**													
Judges													
Circuit	461	443	174	191	273	353	204	240	177	141	226	2883	262.1
District	497	758	598	522	563	548	719	539	456	505	792	6497	590.6
National Courts	0	1	1	1	3	5	1	0	0	3	4	19	1.7
Bankruptcy Judges	31	28	30	26	34	57	38	28	31	33	46	382	34.7
Magistrate Judges	138	215	229	135	143	152	257	149	135	159	197	1909	173.5
Nature of Allegations**													
Mental Disability	11	92	69	26	29	33	26	34	22	30	20	392	35.6
Physical Disability	4	7	6	12	1	6	7	6	9	3	1	62	5.6
Demeanor	11	19	34	13	31	17	21	34	20	35	22	257	23.4
Abuse of Judicial Power	179	511	254	272	200	327	239	251	206	234	261	2934	266.7
Prejudice/Bias	193	647	360	257	266	314	263	334	275	295	298	3502	318.4
Conflict of Interest	12	141	29	48	38	46	33	67	49	43	46	552	50.2
Bribery/Corruption	28	166	104	83	61	63	87	93	51	40	67	843	76.6
Undue Decisional Delay	44	50	80	75	60	75	81	70	65	53	81	734	66.7
Incompetence/Neglect	30	99	108	61	50	45	47	106	52	37	59	694	63.1
Other	161	193	288	188	186	129	131	224	260	200	301	2261	205.5
<b>Complaints Concluded</b>	482	1,002	826	715	668	780	682	784	667	619	752	7977	725.2
<b>Action By Chief Judges</b>													
Complaint Dismissed													
Not in Conformity With Statute	29	43	27	29	13	27	39	27	21	25	18	298	27.1
Directly Related to Decision or Procedural Ruling	215	532	300	264	235	249	230	295	319	283	318	3240	294.5
Frivolous	19	159	66	50	103	110	77	112	41	63	56	856	77.8
Appropriate Action Already Taken	2	2	1	6	4	3	3	3	5	5	3	37	3.4
Action No Longer Necessary Because of Intervening Events	0	1	10	7	5	6	8	9	8	6	6	66	6.0
Complaint Withdrawn	5	5	2	3	3	8	8	3	6	9	3	55	5.0
Subtotal	270	742	406	359	363	403	365	449	400	391	404	4552	413.8
<b>Action by Judicial Councils</b>													
Directed Chief Dis. Judge to Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	1	0	1	0.1
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Ordered Temporary Suspension of Case Assignments	0	1	0	0	0	0	0	0	0	0	0	1	0.1
Privately Censured	0	0	0	0	1	0	0	0	0	0	0	1	0.1
Publicly Censured	0	1	0	2	0	2	0	0	0	0	0	5	0.5
Ordered Other Appropriate Action	0	0	0	0	0	0	1	0	0	0	2	3	0.3
Dismissed the Complaint	212	258	416	354	303	375	316	335	267	227	344	3407	309.7
Withdrawn	n/a	n/a	4	0	1	0	0	0	0	0	2	7	0.6
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Subtotal	212	260	420	356	305	377	317	335	267	228	348	3425	311.4
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7	5	12	1.1
<b>Complaints Pending on each September 30 of 1997-07</b>	306	263	183	162	248	139	294	177	187	234	330	2523	229.4

\*Revised. \*\*Each complaint may involve multiple allegations against numerous judicial officers. Nature of allegations is counted when a complaint is concluded.

Official AO statistics: The judges in the 13 circuits and 2 national courts systematically dismiss 99.86% of complaints against them

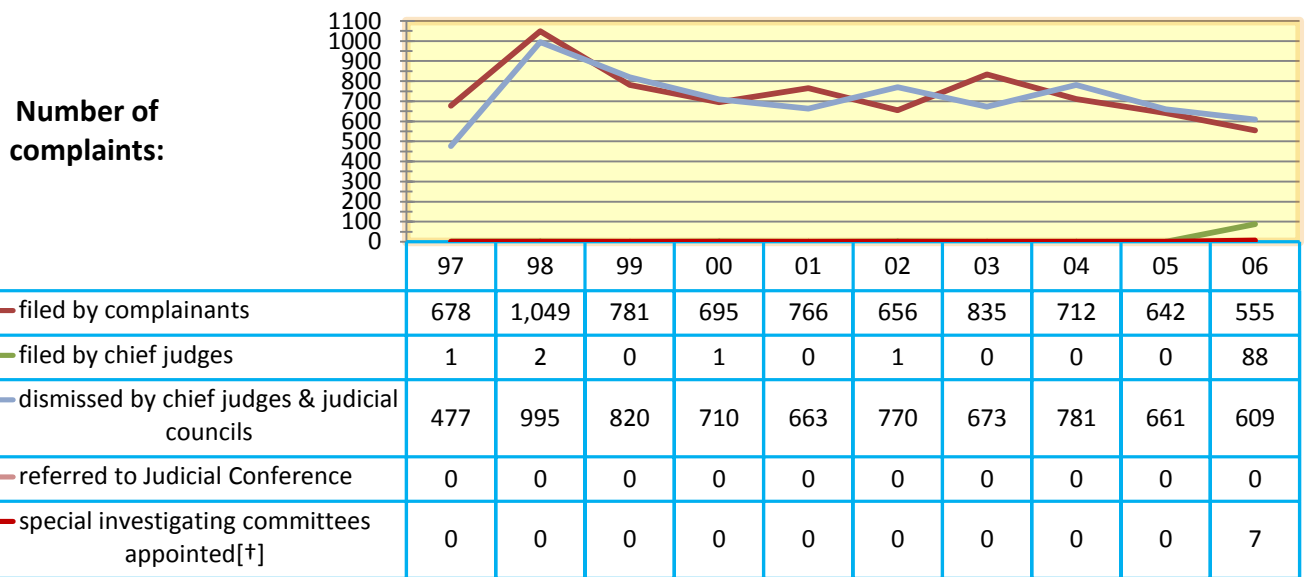
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<b>Data collected by Jud. Council 2<sup>nd</sup> Cir. for AO; 28 U.S.C. §332(g)</b>	'96-97	'97-98	'98-99	'99-00	'00-01	'01-02	'02-03	'03-04	'04-05	'05-06	'06-07	'96-07	Avg.
<b>Complaints Pending</b> on each September 30 of 1996-2006*	5	10	23	65	33	60	29	34	57	31	28	375	34.1
<b>Complaints Filed</b>	40	73	99	59	102	62	69	23	36	14	22	599	54.5
<b>Complaint Type</b>													
Written by Complainant	40	73	99	59	102	62	69	23	36	0	22	585	53.2
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	14	0	14	1.3
<b>Officials Complained About**</b>													
Judges													
Circuit	3	14	23	9	31	10	8	4	7	0	6	115	10.5
District	27	56	63	41	52	41	49	15	23	10	12	389	35.4
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Bankruptcy Judges	2	1	2	2	2	1	1	1	0	0	0	12	1.1
Magistrate Judges	8	8	11	7	17	10	11	3	6	4	4	89	8.1
<b>Nature of Allegations**</b>													
Mental Disability	1	9	26	2	5	4	6	3	3	1	1	61	5.5
Physical Disability	0	1	2	1	0	0	1	2	0	0	0	7	0.6
Demeanor	2	2	2	3	14	3	4	6	0	0	0	36	3.3
Abuse of Judicial Power	25	30	7	29	28	57	20	6	3	0	1	206	18.7
Prejudice/Bias	32	36	34	28	24	40	20	35	43	28	30	350	31.8
Conflict of Interest	0	0	5	11	10	18	3	4	5	1	1	58	5.3
Bribery/Corruption	0	0	10	21	2	15	4	5	2	2	1	62	5.6
Undue Decisional Delay	0	4	0	11	6	15	9	5	8	2	3	63	5.7
Incompetence/Neglect	4	1	3	1	5	2	3	3	4	0	3	29	2.6
Other	0	11	3	5	0	0	4	33	80	38	47	221	20.1
<b>Complaints Concluded</b>	33	56	57	80	75	93	42	51	91	45	50	673	61.2
<b>Action By Chief Judges</b>													
Complaint Dismissed													
Not in Conformity With Statute	3	4	0	0	4	1	1	6	5	8	1	33	3.0
Directly Related to Decision or Procedural Ruling	12	19	19	29	17	23	14	18	46	15	10	222	20.2
Frivolous	0	1	19	0	13	9	7	3	1	3	2	58	5.3
Appropriate Action Already Taken	0	0	0	0	0	0	0	1	0	1	0	2	0.2
Action No Longer Necessary Because of Intervening Events	0	0	3	1	0	2	0	0	0	1	0	7	0.6
Complaint Withdrawn	0	0	0	0	0	2	0	1	2	0	0	5	0.5
Subtotal	15	24	41	30	34	37	22	29	54	28	13	327	29.7
<b>Action by Judicial Councils</b>													
Directed Chief District Judge to Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Dismissed the Complaint	18	32	16	50	40	56	20	22	37	17	37	345	31.4
Withdrawn	n/a	n/a	0	0	1	0	0	0	0	0	0	1	0.1
Referred Complaint to Judicial Conference	0	0	0	0	0	0	n/a	0	0	n/a	0	0	0.0
Subtotal	18	32	16	50	41	56	20	22	37	17	37	346	31.5
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	1	2	0.2
<b>Complaints Pending on each September 30 of 1997-2007</b>	12	27	65	44	60	29	56	6	2	0	0	301	27.4

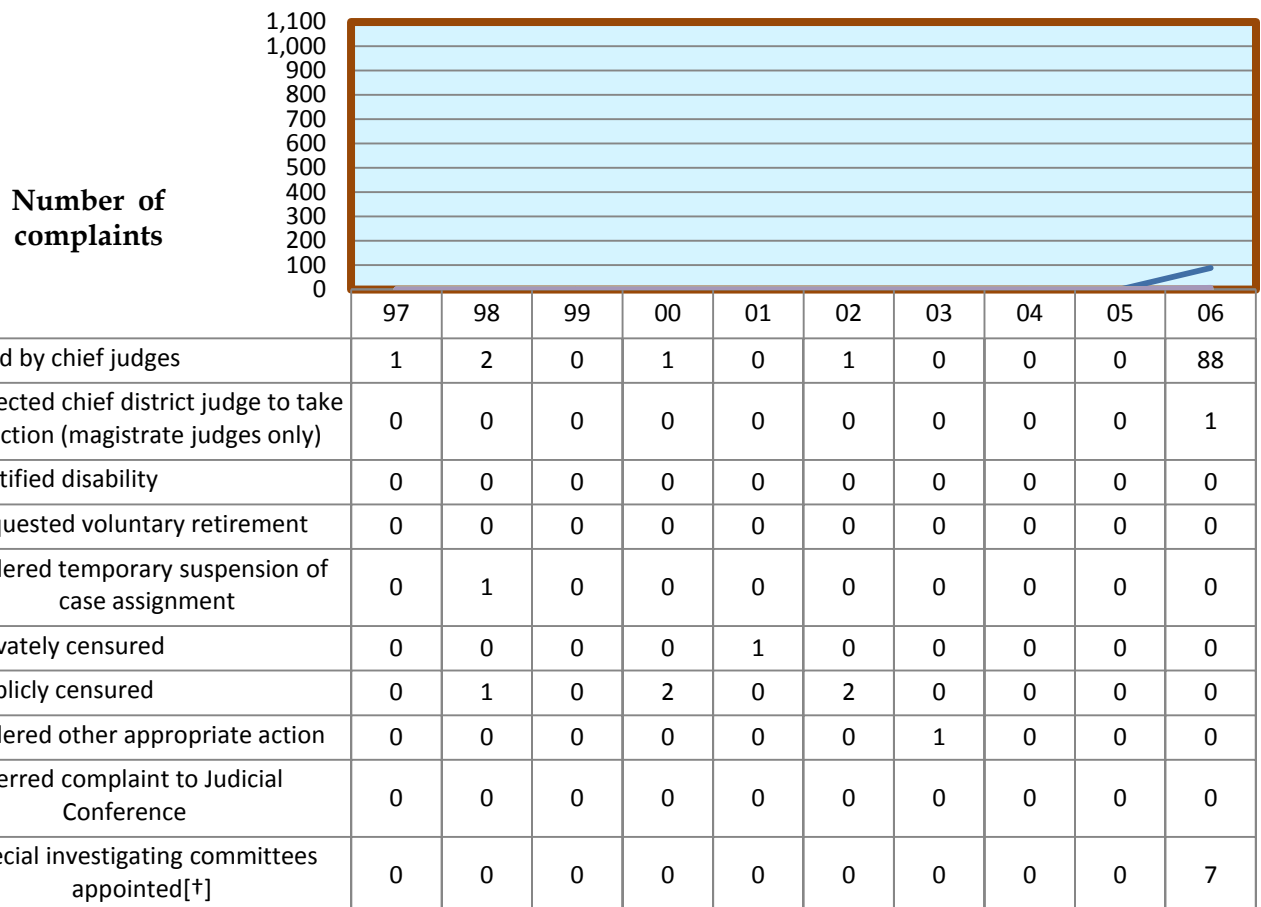
\*Revised. \*\*Each complaint may involve multiple allegations against numerous judicial officers. Nature of allegations is counted when a complaint is concluded.

Administrative Office of the U.S. Courts' statistics revealing 2<sup>nd</sup> Cir judges' systematic dismissal of complaints against them & 0 judge disciplined

## Number of Complaints Filed by Complainants and Systematically Dismissed by Chief Judges and Judicial Councils Between '97 and '06

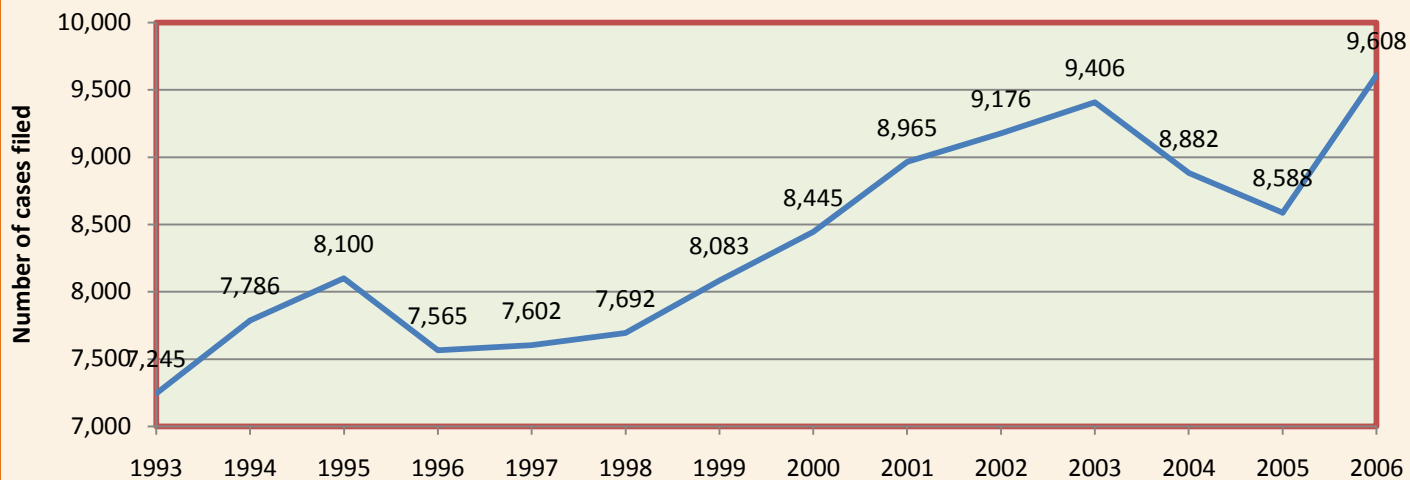


## Judicial Councils' Action Against Complained-about Judges From 1997-2006

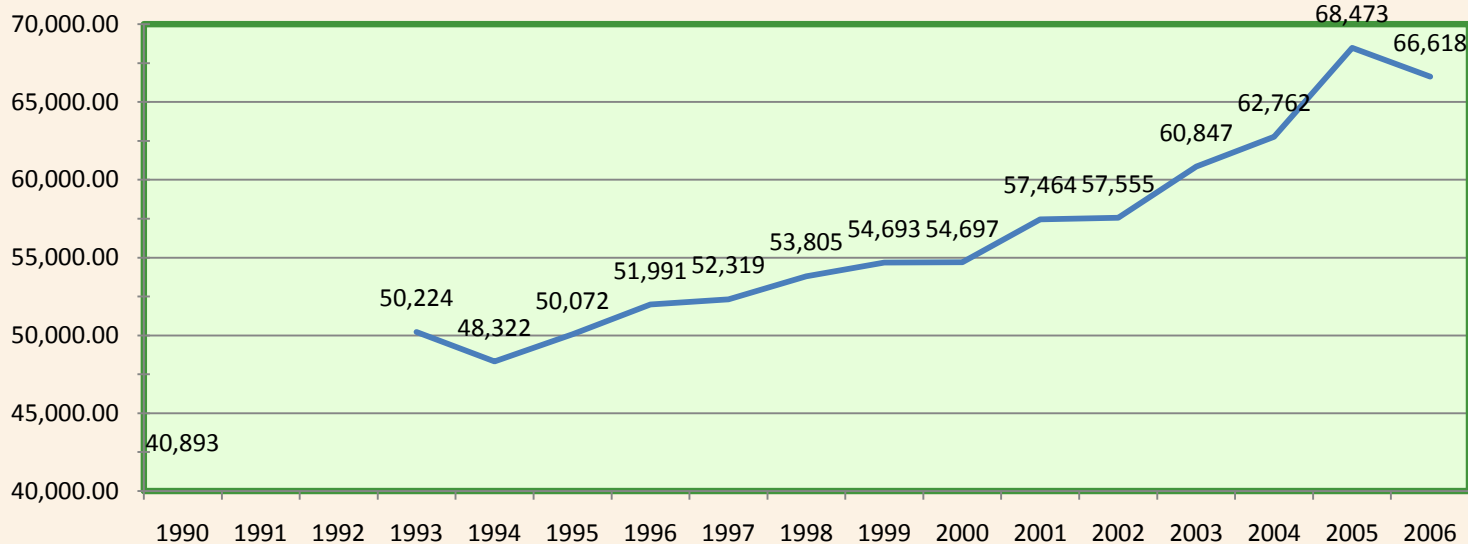


Source: Tables of the Adm. Off. of the U.S. Courts; collected in [http://Judicial-Discipline-Reform.org/judicial\\_complaints/DrCordero\\_revised\\_rules.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf)

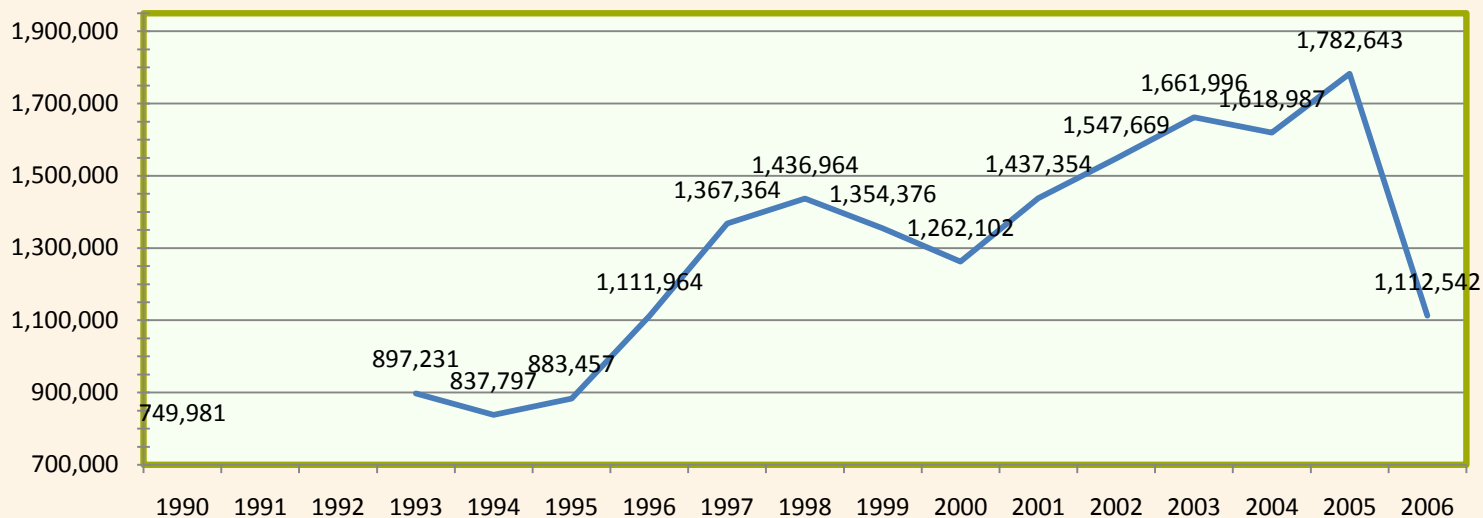
**Cases Filed in the Supreme Court Between 93-06 showing a 33% increase**



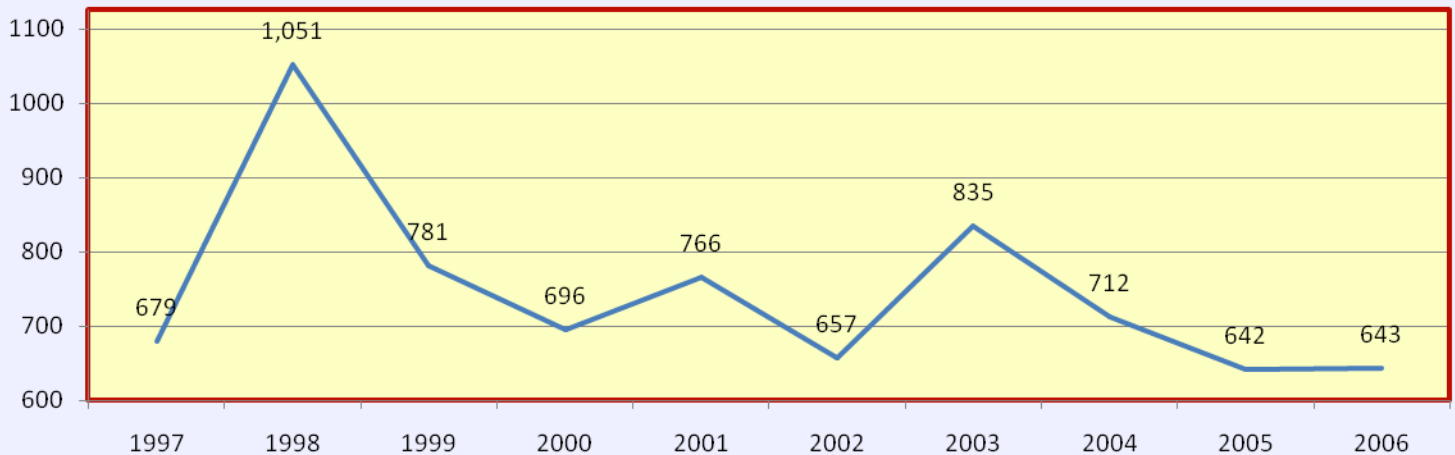
**Cases Filed in the Court of Appeals Between 90-06 Showing a 63% Increase**



**Cases Filed in Bankruptcy Courts Between 90-06 Showing a 138% Increase at Peak**



### Complaints Filed Between 97-06 Showing a *Decrease of 5%*



[Footnotes in the originals]

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

\* REVISED. [regarding complaints pending]

\*\* EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDGES. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Source: For Tables 1, 2, and 6, Judicial Business of U.S. Courts, 1997-2006 Annual Reports of the Director, Administrative Office of the United States Courts.

For Tables 3, 4, 5, 2005-2006 Judicial Facts and Figures, Administrative Office of the U.S. Courts.

The original Tables are collected and reproduced in [http://Judicial-Discipline-Reform.org/judicial\\_complaints/DrCordero\\_revised\\_rules.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf), wherein they are accompanied by links to the originals.

Tables 1, 2, and 6, supra, report on complaints filed and processed in the Federal Circuit, the District of Columbia, the 1st-11th circuits, the U.S. Claims Court, and the Court of International Trade. (Cf. 28 U.S.C. §§351(d)(1) and 363)

†The category “Special Investigating Committees Appointed” first appears in the 2006 Table.

These figures do not even include cases filed with Article I courts, which are part of the Executive, not the Judicial, Branch, such as the U.S. Tax Court, established in 1969 (after it was created as the Board of Tax Appeals in 1924 and its name was first changed to Tax Court of the U.S. in 1942). Another such court is the U.S. Claims Court, established as an Article I court in 1982, and renamed U.S. Court of Federal Claims in 1992. Likewise, the U.S. Court of Veterans' Appeals was established as an Article I court in 1989 and then renamed the Court of Appeals for Veterans Claims in 1998.

They too support the conclusion to be drawn from these statistics: The significant increase in cases filed with these courts every year attests to the litigiousness of the American society. They belie the judges' report that in the '97-'06 decade Americans have filed a steady number of complaints against them hovering around the average (after eliminating the outlier) of only 712 complaints. The explanation lies in the first footnote in the originals, above: Judges have arbitrarily excluded an undetermined number of complaints. The fact that they have manipulated these statistics is also revealed by the first table above: After 9 years during which the judges filed less than one complaint a year, they jumped to 88 in 2006...and that same year it just so happened that complainants filed the lowest number of complaints ever, 555! *Implausible!* Yet, the judges did not discipline a single peer, just one magistrate.