

Programmatic Proposal
to Unite Entities and Individuals to Use Their Resources Effectively
in Our Common Mission to Ensure Integrity in Our Courts
by Engaging in Specific Activities and Achieving Concrete Objectives
(version 1 as of 10/11/6)

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I. Effectiveness through unity: many entities and individuals complaining separately about wrongdoing judges, who are tightly coordinated in the Judiciary, the 3rd Branch of Government

1. There are many entities and individuals that complain on the Internet, talk shows, and e-mails about our federal and state legal systems. They protest about judges that abuse their judicial power either to advance their own ideological agenda with disregard for the respective constitution and laws that they swore to apply or to gain an unlawful benefit for themselves and others participating in a corrupt scheme. In short, they all complain about wrongdoing judges.
2. In neither case is the source of their complaints acts within the bounds of judicial power that the appeal courts have failed to correct. Rather, in both cases the source is judges that have failed to apply to themselves the statutory mechanism of judicial self-discipline. In the federal jurisdiction, this mechanism is triggered when a judicial conduct complaint against a federal judge is filed by any person with the chief judge of the respective court of appeals, as provided for by the Judicial Conduct and Disability Act of 1980. (28 U.S.C. §351 et seq.)
3. The failure to discharge their self-discipline duty allows judges to do anything they want and get away with it in the knowledge that they will not be asked by their peers to answer for their conduct. That knowledge results from, and gives rise to, coordination to engage in wrongdoing. Evidence of such coordination is found in the official statistics of the [Administrative Office of the U.S. Courts](#). They show that [the judges’ rate of dismissal](#) for over a decade of judicial conduct complaints could not have occurred but for their wrongful coordination to systematically dismiss them in order to insulate themselves from any discipline. (http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf) Thus exempting themselves from the control of their conduct provided for by the Act constituted abuse of power. It engendered the sense of impunity that encouraged any subsequent abuse of power. Self-exemption from discipline and abuse of power acting as mutually reinforcing cause and effect of each other.
4. Federal judges’ sense of not being answerable for their actions to any disciplinary body is grounded in facts. As stated by the [Late Chief Justice W. Rehnquist](#) and the [Federal Judicial Center](#), since the adoption of the U.S. Constitution in 1789 only 13 judges have been impeached and only 7 convicted...in 217 years of federal judicial history. Since their chances of getting caught are less than a third of those of becoming the 18th chief justice of the Supreme Court, they engage in wrongdoing because they know that as a historical fact they are exempt from prosecution. As a result, federal judges constitute the only group of people in our country that as a matter of fact are above the law. (http://judicial-discipline-reform.org/docs/CJ_Rehnquist_impeachments.pdf)

5. Many entities and individuals have complained repeatedly about, and developed different initiatives against, the many ways in which abusive judges manifest their bias and disregard for the rule of law. Their effectiveness, however, has been limited. For one thing, a) many complaints and initiatives deal with the manifestations of the judges' abusive conduct rather than the circumstance enabling their riskless wrongdoing, to wit, their inapplication to themselves of the mechanism of judicial discipline. In addition, b) the public has not yet been made aware of the extent of the judges' abusive conduct and the fact that it concerns everybody because judges have enormous power to take decisions that affect every person's right to life, freedom, and property as well as every social and economic activity in this country. Moreover, c) the entities and individuals have pursued their complaints and initiatives separately against judges, who, by contrast, are united within a most powerful, well-connected, and moneyed organization, namely, the Judiciary, the Third Branch of Government, which provides the institutional framework for a more insidious and intractable type of wrongdoing: coordinated judicial wrongdoing.

II. A three-pronged proposal to pursue a common mission through a virtual firm, win the public's support, and cause the reform by law of judicial discipline

6. A proposal is made here to overcome these three obstacles to the effectiveness of the entities and individuals' many initiatives against abusive judges that show bias and disregard the rule of law. To begin with, it identifies what constitutes their essential common mission, namely, to restore integrity to our legal system. For its accomplishment, it proposes that they c) unite their efforts and resources to create a virtual firm on the Internet of investigative journalists and lawyers to b) make the public aware of how and why judges abuse their rights by exposing evidence of their wrongdoing through a media campaign and a class action against wrongdoing judges aimed at gaining the public's support to a) force executive and legislative authorities to launch official investigations into coordinated wrongdoing in the judicial branch leading to public demand for, and passage of, reform legislation that creates an external body for administering judicial discipline and inspecting the judges' use of public funds. Through this program of activities the entities and individuals can embark on a common mission to deal effectively with the cause of their complaints: the judges' unlawful, intentional failure to discharge their self-discipline duty, which enables them to eliminate punishment as a deterrent to wrongdoing and to engage in coordinated wrongdoing that leads to abuse and corruption in our legal system.
7. This proposal, by its very nature flexible and open to discussion, is addressed to the entities and individuals as a statement of a concrete way in which they can combine their efforts and resources in order to pursue effectively their common mission. It is also addressed as a recruitment presentation to "the best of the best, most committed, and most informed", those professionals whose quality of work can make the difference between a successful undertaking and a disappointing flop, and who demand to know before coming on board what specific functions they would be performing in a well-run firm. Likewise, it is addressed as a business plan at the pre-quantified stage to financial supporters, those with the cash and business connections and experience necessary to turn a project into a going business, but who want to make sure that an initial general idea has been thought through to a chronological series of precise activities for specific types of workers resulting in a product that people want out there in the real world. Here the business is a lofty mission: to restore integrity to our legal system so that it can produce judicial decisions that are just and fair when measured against the benchmark of "Equal Justice Under Law".

A. The virtual firm's three objectives and its activities to attain them

8. The first step in entities and individuals dealing effectively with their complaints about the legal system is to acknowledge the need for a shared and sharply focused activity on which to concentrate their efforts and resources long-term so as to reap a multiplier effect that increases the chances of success against long odds: a common mission against the well-coordinated Judiciary. The centerpiece of that unity and the key instrument in accomplishing their mission is a virtual firm on the Internet of lawyers and investigative journalists. That firm too needs to be sharply focused. Thus, it will have three realistic and progressively attainable objectives:

i) expose judicial wrongdoing: a *Follow the money!* investigation & a class action

expose judges' coordinated wrongdoing in a bankruptcy fraud scheme or in the systematic dismissal of judicial conduct complaints through investigative journalists that will uncover evidence thereof by engaging in a Watergate-like *Follow the money!* investigation from filed bankruptcy petitions into the schemers' web of personal and financial relations, and through lawyers that will bring a class action on behalf of those injured by wrongdoing judges so that through its two categories of professionals the firm will mount a media campaign to make an ever larger audience aware of the extent and damaging consequences for the public at large of judicial wrongdoing;

ii) cause authorities to investigate and prosecute wrongdoing judges

cause an outraged public to force the authorities, such as the FBI, the Department of Justice, Congress, and their state counterparts, to investigate coordinated wrongdoing in the judiciaries and proceed to the impeachment or prosecution and conviction of judges and other wrongdoers, and bring about the retirement of other unfit judges; and

iii) bring about laws to reform the mechanism of judicial discipline

channel the public's demand for integrity in the legal system to the reform by law of the judicial discipline mechanism through the creation of a body of members unrelated to, nominated and confirmed, and mandated to operate independently of, the judiciary for receiving and acting on complaints about judges' conduct and inspecting their use of public funds.

9. Neither the firm nor the class action can pursue the particular complaints of each of its professionals, supporters, or members. They will know before joining that a shotgun of issues and agendas is confusing, overwhelming, conflict-generating, and ultimately fatal to the certification of the class. Hence, they must shed distinguishing elements from their complaints and divisive statements from their discourse in order to pursue effectively their common mission. Given their unifying commitment to it, they will agree to concentrate their efforts and resources on those three reasonable objectives attainable through a program of specific, manageable activities.

III. Qualifications and tasks of virtual firm's professionals & program of activities

10. The firm will pursue its objectives by following a program of chronologically outlined activities:

A. The investigative journalists' tasks

11. The investigative journalists will conduct a Watergate-like *Follow the money!* investigation

through the web of personal and financial relationships of judges and other people involved in the judicial disposition of money. Consequently, the starting point of their investigation will be the [publicly available bankruptcy petitions](#) filed by bankrupts, such as those relating to the bankruptcy fraud scheme that constitutes a key component of the representative case of the class action. Their investigation will include digital and physical document search, [interviews](#), and inspection of places in search of assets belonging to the bankruptcy fraud schemers. The journalists will also seek to determine what federal judges and any other persons knew and when they knew of the existence of a bankruptcy fraud scheme or of a pattern of other wrongdoing, such as real estate sweet deals, and how judges supported such wrongdoing. (cf. http://judicial-discipline-reform.org/docs/Trustee_Reiber_3909_cases.pdf and http://judicial-discipline-reform.org/docs/DeLano_petition.pdf)

12. The investigative journalists will have the crucial task of convincing the editors and assignment managers of the media with the largest audience to carry their reports and commit their own resources to pushing the investigation ever more deeply and widely, and to cover the firm's own work. They will also work on identifying and vetting individuals of appropriate standing and with relevant skills, knowledge, and financial means that can overtly or anonymously join or support the firm to make a significant contribution to accomplishing its mission.

B. The lawyers' tasks

13. The evidence of coordinated judicial wrongdoing already posted and described in http://judicial-discipline-reform.org/docs/Tables_of_Exhibits.pdf, as well as the evidence produced by the investigative journalists will be reviewed by the virtual firm's lawyers, who will select the most appropriate for restricted circulation or publication and for supporting the class action. They will work on the difficult legal issues, some of them novel, involved in preparing that action. Among them are those dealing with obtaining contact information of potential class members, such as judicial conduct complainants, and selecting them; certifying the class and its representatives; choosing the judges, judicial and administrative bodies, trustees, lawyers, law firms, and other persons to be named as defendants and preparing the charges against all or some of them under laws such as the Racketeer Influenced and Corrupt Organizations Act (RICO); intentional denial of due process and judicial rights; dereliction of duty and third party beneficiaries of the oath of office; conflict of interests in judging peers, disqualification or change of venue; proper venue for claims against a branch of government; subpoenaing judges to be deposed, produce court and financial records, and testify; overcoming claims of judicial immunity, privilege, and confidentiality; conspiracy; standard of proof, and admissibility of corruption evidence against judges; liability and damages; etc. These and other tasks are described on the webpage "[Tasks for Lawyers and Investigative Journalists](http://Judicial-Discipline-Reform.org/Tasks%20for%20L%20%20I.htm)". (<http://Judicial-Discipline-Reform.org/Tasks%20for%20L%20%20I.htm>)

C. Organizing and posting evidence

14. The evidence gathered that meets journalistic standards of publication, such as accuracy, credibility, and verifiability, or legal standards of admissibility will be posted on the virtual firm's website with different degrees of accessibility or made available to the media to attain the widest publication possible. The purpose will be to inform the firm's professionals and the public of the on-going state of the investigation in order to avoid duplication and provide leads

for further investigation. Such publication will also intend to encourage other journalists and bloggers aiming to deserve a Pulitzer Prize or in quest for their 15 minutes of meritorious fame to join and expand the search for evidence that will reveal to the public nationwide the nature and extent of coordinated wrongdoing in both the federal and the state judiciaries and the need for official investigations and for legislation to reform the mechanism of judicial discipline.

1. Table of wrongdoing evidence

15. To help the investigation along and facilitate the organization and widest use of the evidence gathered, the firm will devise as its key evidentiary instrument the Table of Judicial Wrongdoing Across the Nation. It will list in a column each of the 50 states, for each of which each of a selected handful of the most promising federal and state cases from a journalistic and legal standpoint will be listed in a row, the cells of which will provide essential docket information and hyperlinks to the most relevant court documents and news articles. One of those cells will provide the case-type identifier that will hyperlink to the case synopsis. This will be the paragraph most important and difficult to craft professionally, the one that will frequently be the only one read by those choosing which case to investigate or looking for an overview of judicial wrongdoing nationwide. The case synopsis will describe in 150 words or less the information that enables the first paragraph of a well-written news article to grab the attention of the reader and make her want to read on for details, the so-called six W's: what, where, when, who, how, and why. This should suffice to state the nature of the legal controversy and issues at stake. The [Table of 11 Cases](http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf) accompanying the Statement of Facts is a prototype of that Table. (http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf)

2. Analyzing, integrating, and summarizing information

16. In order for the lawyers and investigative journalists of the virtual firm to be able to write clearly, concisely, and effectively, whether it be the case synopsis or briefs, petitions, and articles for the courts, the authorities, and the media, they will perform several essential information-processing, highly detail-oriented, but imagination-demanding and-creative tasks:

a) springboard analysis of documents

17. analyze documents, such as reports on previous investigations by authorities and civilians into official corruption and influence peddling as well as legislative hearing and debate transcripts and reports on relevant subjects and laws, in order to gain insight into the dynamics of the similar, different, or conflicting interests of the characters and of the forces shaping the events involved; and identify mistakes to be avoided and pick up leads to be followed;

b) boomerang scrutiny

18. capture the spin of orders, decisions, speeches, press releases, and articles of wrongdoing judges to harness their patterns of bias or intrinsic inconsistencies or extrinsic disregard for the law and cause the judges' own words to hit them in their mouths;

c) mosaic integration

19. read a document to gain an understanding of the workings of its statements and discern between its lines its assumptions, implications, and possibilities; mine from it bits and pieces of information of importance to trained and imaginative eyes and in light of their relative shades

and shapes of relevance and credibility place them in the developing mosaic of the bits and pieces of many other documents as their placement sometimes is suggested by the picture that puzzle-like is revealing itself and sometimes is chosen by the picture of meaning that the reader is creatively drawing;

d) broth reduction

20. summarize the essential informational nutrients of scores or even hundreds of documents to a synoptic paragraph, an executive summary, a word limited news article, a table, a chart, or a diagram by submitting those source documents to the boiling down heat of the objectives at hand, the audience being addressed, and the reasonable calculation that in such size and format the piece will get read and its information assimilated;

e) database creation

21. apply standard or devise new structure and search functions of relational databases to manage efficiently and make easily accessible the documents being gathered and the informational elements that they contain so that they will assist in understanding and writing other documents;

f) Report on Judicial Wrongdoing in America

22. produce the text, tables, statistical analyses, charts, and descriptive entries of the bibliography of the virtual firm's publication that will make the influential, reading public aware of how widespread judicial wrongdoing has become and how high it has reached at the federal and state levels and serve as the firm's presentation tool before authorities to cause them to launch official investigations and legislative bodies to enact judicial discipline reform legislation.

3. A firm of "the best of the best, most committed, and most informed"

23. It should be obvious that for the virtual firm to carry out those difficult tasks it will need to be composed of a team of professionals with superior skills, technical knowledge, and ingenuity. They also must have the leadership attributes to guide the supporting entities and individuals and to organize effectively the members of the class action, not to mention to manage their relations with outsiders so as to garner their sympathy and respect while enduring with dignity abuse, disappointment, and stress. These tough demands on the performance and character of the firm's professionals require their selection by application in stages of the rigorous criteria of "the best of the best, most committed, and most informed", unlike the considerations to be used for qualifying other people as either financial supporters of the firm or members of the class action.

D. Enter the media

24. Evidence of widespread coordinated wrongdoing that reaches high in the judiciary clearly and concisely presented through the synoptic paragraphs summarizing cases and the Table of Judicial Wrongdoing Across the Nation laying out docket data and links to supporting documents and articles can generate on the Internet considerable interest as well as outrage. The buzz can reach such pitch as to cause the national newspapers and TV stations to consider it in their commercial interest to pick up the story and further develop it with their vast human, technical, and financial resources for investigative journalism.

1. Examples of the media joining an Internet buzz

25. The following account supports the reasonable expectation that investigative journalists and bloggers will recognize the importance for the man in the street and our elected representatives of uncovering evidence of coordinated wrongdoing in the Third Branch of Government and the opportunity that it offers to merit public recognition for reportage in the common good, and join the search for more evidence: Oprah Winfrey picked up for her book club James Frey's autobiography "A Million Little Pieces" and thereby launched it to the top of the best seller lists. This caught the attention of TheSmokingGun.com blog, which exposed it as embellished pseudo-fiction, after which the major TV stations picked up the story and interviewed TheSmokingGun Editor Bustone. Investigative journalists of *The New York Times* and the *Star Tribune* played a key role in exposing the book as a fabrication around a few little pieces of truth. <http://www.thesmokinggun.com/jamesfrey/0104061jamesfrey1.html>
26. In the same vein, the ever more popular, compassion-inducing drama of Lonely Girl was picked up by *The New York Times* and revealed as the hoax of some website promoters and an actress that was anything but lonely. <http://www.nytimes.com/2006/09/12/technology/12cnd-lonely.html?ex=1315713600&en=abf28fc073b3c6e9&ei=5088&partner=rssnyt&emc=rss>.

E. Filing the class action

27. Once the exposure of coordinated judicial wrongdoing has generated a critical mass of public outrage and clamor for official intervention, the filing by the virtual firm of a class action on behalf of entities and individuals injured by wrongdoing judges will stand a better chance of being reported on by the national media; taken seriously by the presiding judge, whose every decision will come under close scrutiny in the spotlight of the mass media and law journals; and surviving a motion to dismiss, particularly a bogus one intended to nip in the bud any discovery of evidence of wrongdoing coordination.

1. Bankruptcy-fraud members of the class

28. Some members of the class action will have been injured by fraud supported by judges in a bankruptcy case; other members' injuries will have arisen from the elimination of their judicial conduct complaints by the judges' systematic dismissal of such complaints. The element common to all those members is that all of them sustained actionable injury at the hand of a wrongdoing judge or of judges acting in wrongful coordination. The injury, of course, must not be susceptible to being characterized as an adverse consequence of a judicial act, for such characterization would make the theory of judicial immunity for judicial acts available to protect the judge in question from being sued.
29. However, [Article III, section 1 of the Constitution](#) provides for federal judges to remain in office only "during good Behaviour". The disposition of money in controversy by a judge acting fraudulently for his own benefit or a third party's is indisputably not "good Behaviour", but rather an impeachable act of corruption not protected by any theory of judicial immunity, which in any event is not explicitly provided for in the Constitution. Such fraud evidence could not be dismissed by the judge presiding over the class action without revealing glaring partiality by defending his peer's legally indefensible conduct and, thereby rendering himself suspicious.
30. That is why a case involving a bankruptcy fraud scheme is the representative one of the class

action. It allows evidence of fraud to be the anchor that should keep the action from being thrown out of court by the judges' immunity theory bulldozer. By the same token, the bankruptcy fraud members of the class should be able to provide invaluable leads for the investigative journalists' Watergate-like *Follow the money!* investigation of bankruptcy money fraudulently channeled into concealed assets and illegal contributions, political or otherwise.

2. Complaint-dismissal members of the class

31. Evidence of the judges' support or toleration of a bankruptcy fraud scheme would show bias and disregard for the rule of law as well as engagement in a continuing criminal activity and the consequent need to cover it up. Such evidence would lend credence to the claims that the non-bankruptcy class members made both in their judicial misconduct complaints, to wit, that the judges in their respective cases, regardless of their subject matter, showed bias and disregard for the rule of law, and subsequently in the class action, that is, that the judges that received those complaints systematically dismissed them too without any investigation or consideration of their merits so as to prevent any investigation of a judge that could open the way to the exposure of the judges' coordination to do wrong, for example, to participate in a bankruptcy fraud scheme. Hence, all the members have mutually reinforcing claims arising from the same source: judicial wrongdoing made possible by the coordination not to discipline each other.

F. Authorities investigate the judiciary

32. The outrage provoked by the media reporting on coordinated wrongdoing by judges can force the FBI, the Department of Justice, and finally Congress to launch their own investigations. Current events support this expectation. Indeed, Congress held hearings within a month after the revelation that to identify the source of leakage of classified corporate information, the top officers of Hewlett-Packard had orchestrated pretexting –posing as members of the board of directors to obtain private information about directors- and unlawful wiretapping of journalists. Likewise, less than a week after the scandal broke that Representative Mark Foley had sent salacious e-mails to underage Congressional pages and that the House leadership had known for three years that he had sent other improper e-mails to pages, the FBI opened an in-depth investigation into what Congressional leaders knew and when they knew it.

G. Impeachment of judges

33. Official investigations can lead to the impeachment or prosecution and conviction of judges as well as other bankruptcy fraud schemers and to the tactical retirement of other judges in anticipation of being charged. This will cause the removal or exiting from the bench of wrongdoing judges and have a cautionary effect on the conduct of those remaining in office.

H. Drive for judicial reform legislation

34. Once a national public has become outraged by exposure of coordinated judicial wrongdoing at both the federal and state levels, and cries out for the authorities to restore integrity to our legal system, the virtual firm and its supporting entities and individuals will more effectively press Congress and state legislatures to enact legislation providing for effective mechanisms to

discipline judicial conduct and to inspect judges' handling of public funds allocated to the judiciary. By contrast to the insufficient bill currently in Congress for the [Judicial Transparency and Ethics Enhancement Act](#), which would apply only to the federal judiciary, the new mechanism must be operated by an external body whose members will not be recommended, let alone appointed, by the judiciary, and which will receive and investigate judicial conduct complaints against, apply disciplinary measures to, and make recommendations for the impeachment of, any members of the judiciary, including the justices of the Supreme Court.

I. Redress and compensation for class members

35. The members of the class action may receive collective redress for their grievances in the form of appellate review of their cases or new trials, and perhaps even compensation from:
 - a. individual judges found liable for the harm that they inflicted through their wrongdoing;
 - b. judicial governing bodies or entities servicing the judiciary found liable for having assisted judges in their wrongdoing or covered up for them; and/or
 - c. the Federal government since the Federal Judiciary is a branch of the U.S. Government.

IV. How to select persons that want to join the virtual firm

36. Among the preliminary steps that can be taken in the process of selecting the professionals of the virtual firm of lawyers and investigative journalists are the following:
 - a. examine their complaints against the judiciary as stated in their websites, court documents filed by them, and talk shows;
 - b. check the person's name, address, resume, and entries in professional directories;
 - c. require of a person that has expressed interest in joining the firm to submit a written statement indicating, in light of this proposal:
 - 1) the reasons for wanting to join the firm in terms of its mission and objectives;
 - 2) academic and professional qualifications to carry out any of the tasks described above;
 - d. provide samples of his or her work.
37. It should be evident that a person that does not want to bother to read this proposal and provide the requested information is neither committed to the entities and individuals' common mission nor realizes how much work will be required to accomplish it or attain the firm's objectives. Just as easily as he or she would like to join, he or she would quit the firm, leaving everybody else burdened with the work that had been assigned to that person, perhaps when the pressure of an approaching key date was mounting. That is not a promising way of running a firm, particularly since the mission is to enforce discipline and accountability on the tightly-knitted web of bankruptcy fraud schemers and well-coordinated peers of the Third Branch of Government.

Comments on this Programmatic Proposal and inquiries about joining the firm are welcome and may be e-mailed to DrRCordero@Judicial-Discipline-Reform.org.