

August 25, 2012

Prof. Lawrence Lessig
Harvard Law School, Areeda 235 tel. 617/496-1124
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Cambridge, MA 02138

Dear Professor Lessig,

I read with interest about your proposal for creating citizen conventions to deal with Big Money's domination over the political process because "Americans...can't believe [that Congress] has the capacity to change itself to deal with the core problem".ⁱ Since in your view Congress is "a corrupted institution"ⁱ, Fix Congress First is not a viable solution, for incumbents are not going to risk their reelection by cutting the flow of money to their campaigns. After the Supreme Court in *Citizens United* removed the sleaziness appearance of Big Money's buying congressional influence, Congress has a much diminished P.R. need to "Get Money Out"ⁱⁱ, adopt a constitutional amendment or cede control to citizen conventions. The continued pursuit of these long-failed efforts invokes Einstein's aphorism: "The hallmark of irrationality is doing the same thing while expecting a different result".

This is a proposalⁱⁱⁱ for a realistic effort that applies your "strike at the root" principle: Since it is the Supreme Court that has enabled Congress to carry on with Big Money, strike at the Court, whose members are most vulnerable to the lowest *journalistic* standard: the appearance of impropriety. Justice Abe Fortas had to resign in 1969 due to his lawful but improper conduct.(jur:92§d) The justices' appearance of impropriety due to unlawful conduct that is condoned by Congress(21 §§1-3) and the Executive(77§5) so that each may be allowed to pursue its wrongful interests can lead to a Watergate-like generalized media investigation(126§a) whose findings can so outrage Americans as to stir them up(83§§2-3) to demand of politicians when the latter are most receptive, i.e., during a dead heat presidential campaign, to undertake or call for official investigations, hearings on national TV, and profound reform through laws that include citizen conventions(133§f).

This strategy is reasonably based: *The New York Times*, *The Washington Post*, and Politico reported on Then-Judge Sotomayor's appearance of having concealed assets^{102a}, which points to tax evasion^{102c} and illegally obtained assets. This appearance extends to other justices(71§4) because their financial disclosure reports^{196a} filed with their peers show that they too conceal assets^{196b} as part of the Judiciary's institutionalized(49§4) coordinated(88§§a-c) wrongdoing^{iv}. Such wrongdoing has been enabled by Congress's and the Executive's allowing the abrogation in effect of the Judicial Conduct Act^{18a} by chief circuit judges, who dismissed 99.83% of complaints filed against their peers in the 1oct96-30sep08 period(10), and the circuit councils, which denied the petitions to review those dismissals^{19a-c}; e.g.: During those 12 years, the 2nd Circuit council^{19d} denied 100% (11)of such petitions(24§b), and J. Sotomayor, as a member of it²⁰ and of CA2, enabled her peers to escape all discipline(25§§c-e). She covered up a fraud scheme(66§2), run⁵⁹(9) by a bankruptcy judge¹¹⁹ reappointed^{109a} by her and her peers(68§a), by denying a party discovery of *every single document*(16) in a case over which she presided, *DeLano*(xxxvi), that so incriminated her¹²⁹ in the scheme that she perjuringly withheld it from the Senate(78§6) Judiciary Committee(69§b).

This proposal calls on you together with Rootstrikers, unPAC.org, and others to make the initial presentation(x xv) of the evidence(x x x i i i) that can set this strategy in motion by exposing the peers of J. Scalia, for whom you clerked, which confronts you with an ethical choice as director of the Safra Center for Ethics. So I respectfully request an invitation to present this proposal to you^v, your colleagues(125§3), and students^{246a}; and an appointment to discuss it when you come to NY on September 5. Dare *trigger history!*²³³

Sincerely, *Dr. Richard Cordero, Esq.*

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Note on Endnotes and Footnotes

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- i. 'Citizen conventions' should respond to *Citizens United*, Harvard Law Professor Lawrence Lessig suggests; Todd Ruger; The National Law Journal, 24july12; <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202564277666&slreturn=20120701021932>; truger@alm.com.
 - ii.
 - a) <http://Judicial-Discipline-Reform.org/teams/UR/12-2-7DrRCordero-CEOJSilver.pdf>;
 - b) <http://Judicial-Discipline-Reform.org/teams/GMO/11-12-17DrRCordero-HostDRatigan.pdf>
 - c) <http://Judicial-Discipline-Reform.org/teams/AFJ/11-11-25DrRCordero-PresNAron.pdf>
 - iii. This proposal's evidentiary document is based on official sources of statistical data and statements found through original research and analyzed by Dr. Cordero, such as:
 - a) official statistics of the Administrative Office of the U.S. Courts (AO), <http://www.uscourts.gov/Statistics.aspx>, and of individual courts, e.g., <http://www.ca2.uscourts.gov/>;
 - b) official reports on the federal courts, <http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx> and <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>; and reports of individual courts, e.g., <http://www.ca2.uscourts.gov/annualreports.htm>;
 - c) official reports on the proceedings of judicial bodies, e.g., <http://www.uscourts.gov/FederalCourts/JudicialConference/Proceedings.aspx>
 - d) documents publicly filed with the courts, <http://www.pacer.uscourts.gov/index.html>;
 - e) rulings, decisions, and opinions of judges available in print and online through the courts' websites, http://www.uscourts.gov/court_locator.aspx, and through official court reporters, e.g. West Publishing, <http://web2.westlaw.com/signon/default.wl?bhcp=1&fn=%5Ftop&newdoor=true&rs=WLW11%2E10&vr=2%2E0>; and unofficial aggregators of official court materials, e.g., <http://www.findlaw.com/> and <https://www.fastcase.com/>;
 - f) judges' speeches, e.g., <http://www.supremecourt.gov/publicinfo/speeches/speeches.aspx>;
 - g) official news releases and articles in the official newsletter of the federal courts, <http://www.uscourts.gov/News/InsideTheJudiciary.aspx>;
 - h) other materials, <http://www.uscourts.gov/FederalCourts/PublicationsAndReports.aspx>;
 - i) federal laws and rules of judicial procedure, <http://uscode.house.gov/>;
 - j) reports providing the evidentiary justification for the need, purpose, and intent of legislative bills, http://www.senate.gov/pagelayout/legislative/g_three_sections_with_teasers/legislative_home.htm and <http://clerk.house.gov/floorsummary/floor.aspx>
 - k) statements of members of Congress on their websites, <http://www.house.gov/representatives/> and http://www.senate.gov/general/contact_information/senators_cfm.cfm;
 - l) reports of the U.S. Govt. Accountability Office, <http://www.gao.gov/browse/date/week>.

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- iv. Judges' wrongdoing is insidious, as their unaccountability and coordination among themselves and with bankruptcy³² and legal systems insiders render it riskless and irresistible. So they:

- a)** systematically dismiss complaints against them, which are not public record, preventing complaint analysis to detect patterns of wrongdoing and habitual wrongdoing judges;(jur:24§b)
- b)** fail to report gifts from, and participation in seminars paid by, parties before them;²⁷⁴
- c)** routinely deny motions to recuse themselves²⁷⁴ due to, e.g., conflict of interests by holding shares in, or sitting on a board of, one of the parties, fundraising for promoters of an ideology, despite violating thereby the requirement to “avoid even the appearance of impropriety”^{118a};
- d)** hold meetings with parties in chambers without a court reporter so that no transcript of the discussion is available to challenge the judge’s expression of bias or coercion on any party;
- e)** seal records to prevent challenges to the judge’s approval of the abuse of a party by another with dominant position or of an agreement that is illicit or contrary to public policy;
- f)** prohibit electronic devices, e.g. cameras & camcorders, in the courthouse, even tape recorders in the courtroom, to prevent parties from filming the judges’ interaction with parties or the making their own records to prove that court proceedings transcripts were doctored;
- g)** get rid of 9 out of 10 cases through either reasonless, meaningless summary orders or decisions so perfunctory that the judges mark them “not for publication” and “non-precedential”; both are all but unreviewable ad hoc fiats of raw judicial power serving as vehicles for arbitrariness and means for implementing a policy of docket clearing through expediency without an effort to administer justice on the facts of each case and the law applicable to them^{65b};
- h)** in pursuit of that expediency policy, overwhelmingly affirm the decisions of their lower court colleagues, for rubberstamping an affirmance is decidedly easier than explaining a reversal and the way to avoid the same prejudicial error on remand^{67>¶¶1-3};
- i)** systematically deny petitions for en banc review by the whole court of each other’s decisions, thus assuring reciprocal deference and the continued force of their decisions regardless of how wrong or wrongful they are(jur:46§2);
- j)** hold their policy-making, administrative, adjudicative, and disciplinary meetings behind closed doors, thus protecting their unaccountability and providing themselves with the opportunity to use secrecy as a means to engage in coordinated wrongdoing(jur:27§f);
- k)** do not publish comments on court rules proposed by courts, thus cloaking in secrecy judges’ comments, which fosters and conceals wrongful motives and coordination, and turning the request for public comments into a pro forma exercise that allows even overwhelming opposition to be kept undisclosed and disregarded without public protest^{¶244e};
- l)** never hold press conferences, thus escaping the scrutiny of journalists, not to mention that of the public, since federal judges do not have to run in judicial elections²⁸; and
- m)** file pro forma financial disclosure reports with the Judicial Conference⁸⁶ Committee on Financial Disclosure, composed of report-filing peer judges assisted by Administrative Office of the U.S. Courts staff, who are their appointees and serve at their pleasure¹⁰.

v. The rewards for pioneering JUDICIAL UNACCOUNTABILITY REPORTING AND REFORM ADVOCACY(151§d) will be many, commensurable with the risk involved and the courage, leadership, and originality needed. One comes to mind: Time Magazine’s person of the year. Last year’s was The Protester, portrayed in the cover by the head and face of a person wrapped in a turban in Arab-like fashion. Who has a better chance of being the next Time’s person of the year, a prosecutor or judge with his pen clenched between his teeth and his hands over his eyes and hears as he stoops down the street past a courthouse or a person who dare investigate(101§D) judges and justices to expose(121§E) their coordinated misconduct and mutual cover-up dependent survival and thereby renders a public service to *We the People*, to the integrity of judicial process, and to democracy itself? That courageous person can be you.

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August 25, 2012

Harvard Law Students
Harvard Law School
Cambridge, MA 02138

Dear Students,

This is a proposalⁱ for you(jur:147§2) and your professors(125§3) to advocate in the public interestⁱⁱ by exposing how the public officers who wield the most power over people's property, liberty, and lives, i.e., the unelected federal judges, but who are held unaccountable by their peers, Congress, the Executive, the media, and law professors(81§1), as a consequence do wrong risklessly in such a coordinated fashion with one another and third parties and so routinely as to have turned wrongdoingⁱⁱ into the Federal Judiciary's institutionalized modus operandi.

Skepticism to that statement, a normal reaction, should be dispelled by the Federal Judiciary's official statistics, whose analysis reveals its judges' unaccountability(21§A), e.g.: On 30sep11, there were 2,131 judges –including justices and magistrates– in office¹³; however, in the 223 years since the Judiciary's creation in 1789 the number of federal judges impeached and removed is eight¹⁴. The Judiciary allowed its chief circuit judges to dismiss systematically and without investigation 99.82%(10) of the complaints filed against their peers in the 1oct96-30sep08 12-year period.¹⁹ In that period, its judicial councils –the circuits^{23a} all-judge disciplinary bodies– denied up to 100% of the petitions to review those dismissals, as did the 2nd Circuit council(11), of which Then-Judge Sotomayor was a member²⁰. She too protected unequally her peers *from* the law regardless of the nature and gravity of the complaints against them. President Obama disregarded her tax evasion -just as he had that of tax cheats Tim Geithner, Tom Daschle, and Nancy Killerfer¹⁰³ - so as to curry favor with those who wanted another woman and the first Latina on the Supreme Court and whose support he needed to secure passage of Obamacare.

Judges abuse their means, unaccountable power, to pursue the most corruptive motive: *money!* Just in the consumer bankruptcies filed in CY10, bankruptcy judges ruled on \$373 bl.³¹ Money is what drives³⁰ the blatant concealment of assets in *DeLano*(xxxvi), a bankruptcy appeal presided over by Judge Sotomayor(65§B). She engaged in such concealment as part of a routine practice that has evolved into a judge-run bankruptcy fraud scheme⁵⁹(9). Indeed, *The NY Times*, *The Washington Post*, and Politico^{102a} suspected her of concealing assets of her own despite her duty to disclose^{102b-d}. While 1.5 ml. bankruptcies are filed annually³³, only .23% are reviewed by district courts and fewer than .08% by circuit courts³⁵.(12-14) Their unreviewability ensures the opportunity for riskless wrongdoing(88§a-d) since nobody will hold judges accountable.

But you and your professors can, though not on your own. You need to think strategically (xvii) and engage in dynamic analysis of harmonious and conflicting interest^{232b}: Who has an interest in exposing this judicial wrongdoing evidence(xxxiii) through his access to the national media covering the presidential campaign^{iv}, thereby unwittingly advancing your advocacy of reform that curbs the corruptive influence of money on the legislative and judicial processes? By making the initial presentation(xxv), you can trigger a Watergate-like(2¶¶4-8) generalized media investigation(126§a) that asks “What did the President(77§5) and the justices and judges know^{23b} about J. Sotomayor's concealment of assets(65§1) and tax evasion^{105a,c} and other justices'(71§4) and judges¹⁹⁶ wrongdoing and when(75§d) did they know it?” The findings can so outrage the public as to cause it to demand that incumbents and candidates support official investigations and reform(83 §§2-3). So I respectfully request that you invite me to present this proposal^{246a} to you^v and your professors(161§F). You can *trigger history!*

Sincerely, *Dr. Richard Cordero, Esq.*

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 - b) fail to report gifts from, and participation in seminars paid by, parties before them;²⁷⁴
 - c) routinely deny motions to recuse themselves²⁷⁴ due to, e.g., conflict of interests by holding
- hls:2 Dr R Cordero to Harvard Law Students: exposing judges’ unaccountability & wrongdoing & triggering history!

shares in, or sitting on a board of, one of the parties, fundraising for promoters of an ideology, despite violating thereby the requirement to “avoid even the appearance of impropriety”^{118a};

d) hold meetings with parties in chambers without a court reporter so that no transcript of the discussion is available to challenge the judge’s expression of bias or coercion on any party;

e) seal records to prevent challenges to the judge’s approval of the abuse of a party by another with dominant position or of an agreement that is illicit or contrary to public policy;

f) prohibit electronic devices, e.g. cameras & camcorders, in the courthouse, even tape recorders in the courtroom, to prevent parties from filming the judges’ interaction with parties or the making their own records to prove that court proceedings transcripts were doctored;

g) get rid of 9 out of 10 cases through either reasonless, meaningless summary orders or decisions so perfunctory that the judges mark them “not for publication” and “non-precedential”; both are all but unreviewable ad hoc fiats of raw judicial power serving as vehicles for arbitrariness and means for implementing a policy of docket clearing through expediency without an effort to administer justice on the facts of each case and the law applicable to them^{65b};

h) in pursuit of that expediency policy, overwhelmingly affirm the decisions of their lower court colleagues, for rubberstamping an affirmance is decidedly easier than explaining a reversal and the way to avoid the same prejudicial error on remand^{67 >111-3};

i) systematically deny petitions for en banc review by the whole court of each other’s decisions, thus assuring reciprocal deference and the continued force of their decisions regardless of how wrong or wrongful they are(jur:46§2);

j) hold their policy-making, administrative, adjudicative, and disciplinary meetings behind closed doors, thus protecting their unaccountability and providing themselves with the opportunity to use secrecy as a means to engage in coordinated wrongdoing(jur:27§f);

k) do not publish comments on court rules proposed by courts, thus cloaking in secrecy judges’ comments, which fosters and conceals wrongful motives and coordination, and turning the request for public comments into a pro forma exercise that allows even overwhelming opposition to be kept undisclosed and disregarded without public protest^{1244e};

l) never hold press conferences, thus escaping the scrutiny of journalists, not to mention that of the public, since federal judges do not have to run in judicial elections²⁸; and

m) file pro forma financial disclosure reports with the Judicial Conference⁸⁶ Committee on Financial Disclosure, composed of report-filing peer judges assisted by Administrative Office of the U.S. Courts staff, who are their appointees and serve at their pleasure¹⁰.

- iv. Republicans Turn Judicial Power Into a Campaign Issue; by Adam Liptak and Michael D. Shear, *The New York Times*, 23oct11; http://Judicial-Discipline-Reform.org/docs/Rep_candidates_fed_judges_12.pdf; **b)** Dems Hit Romney for Going After Sotomayor in Ads; TPM (5mar12); Hispanic leaders condemn Romney for criticizing Sotomayor in ad; by Griselda Nevarez. VOXXI (29feb12); National Institute for Latino Policy; 5mar12; id; **c)** CBS "Face the Nation" Host Bob Schieffer interviews Speaker Newt Gingrich on “activist judges”; 18dec11; id.

v. The rewards for pioneering JUDICIAL UNACCOUNTABILITY REPORTING AND REFORM ADVOCACY(151§d) will be many, commensurable with the risk involved and the courage, leadership, and originality needed. One comes to mind: Time Magazine’s person of the year. Last year’s was The Protester, portrayed in the cover by the head and face of a person wrapped in a turban in Arab-like fashion. Who has a better chance of being the next Time’s person of the year, a prosecutor or judge with his pen clenched between his teeth and his hands over his eyes and hears as he stoops down the street past a courthouse or a person who dare investigate(101§D) judges and justices to expose(121§E) their coordinated misconduct and mutual cover-up dependent survival and thereby renders a public service to *We the People*, to the integrity of judicial process, and to democracy itself? That courageous person can be you.

EXECUTIVE SUMMARY OF THE PROPOSAL FOR EXPOSING UNACCOUNTABLE JUDGES' WRONGDOING & *TRIGGERING HISTORY!*

Section A(jur:21) discusses the means, motive, and opportunity enabling federal judges to do wrong -whether by applying to others the law without due process while exempting themselves from its application or ruling for their own benefit and that of insiders- so routinely and in such coordinated fashion as to have turned wrongdoing into the Federal Judiciary's institutionalized modus operandi. It identifies as the root of judicial wrongdoing the unaccountability of federal judges resulting from politicians' and the media's self-interested and unprincipled policy of live and let live, which spares judges any investigation. Unaccountability renders wrongdoing riskless, irresistible, and inevitable.

Section B(jur:65) describes representative cases of judicial wrongdoing that went from bankruptcy court to the Supreme Court and to bodies representing each of the Judiciary's administrative bodies. While 1.5 million bankruptcies are filed annually -80% of federal cases and involve \$373b.-, only .23% are reviewed by district courts and fewer than .08% by circuit courts. Their de facto irreviewability enables greedy abuse leading to a judge-run bankruptcy fraud scheme.

Section C(jur:81) explains the legal and practical significance for public interest entities, journalists, and their supervised journalism students of an investigation focused on 'wrongdoing' rather than 'corruption'; and how the yet more easily demonstrable "appearance of impropriety" led to the resignation of Justice Abe Fortas on 14may69, which is precedent for what the investigation can aim at.

Section D(jur:101) proposes a *Follow the money and the wire!* investigation of the SB cases to expose judicial wrongdoing. It can be cost-effective thanks to the leads extracted from over 5,000 pages of their public record and the identification of documents that can establish such wrongdoing, places where to search, people to interview, and appropriate search methods. It can be confined to, or expanded beyond, the Internet, D.C., NY City, Rochester, and Albany.

Section E(jur:121) argues that a multimedia presentation of the findings at a well-advertised public event or a journalism student job fair can set off a Watergate-like generalized, first-ever media investigation of wrongdoing in the Federal Judiciary, which can pick up where the initial investigators left off, to answer: What did the justices know and when did they know it? Its Emile Zola *I accuse!*-like manifesto of such wrongdoing can launch a national debate about equal justice systematically denied and the application to judges of Nobody is Above the Law.

Section E3(jur:125) points out how such presentation, particularly before a presidential election, will outrage the public and stir it to clamor that politicians bring about judicial accountability and discipline reform. That public will constitute a market for judicial wrongdoing news and skills to expose and curb it. To satisfy its demand, an academic and business venture will be announced. It will be open to the media, academe, the public, and investors. It will advocate that reform through legal and scholarly means and by practicing and developing a new field of activity: judicial unaccountability reporting and reform advocacy.

Section F(jur:161) Offer to present this proposal to students and professors

The goal is, not just to base criticism of judges on their wrongdoing, but to *trigger history!*

Proposal to Expose Judges' Unaccountability and Consequent Individual & Coordinated Riskless and Self-Beneficial Wrongdoing

**What you can do to expose wrongdoing judges
during a presidential campaign, when they are
most vulnerable to the people, journalists, and politicians,
and**

**launch a process of judicial accountability and discipline reform
that is forced forward by an academic and business venture
so as to increase the chances that you and the rest of**

We the People,

**the source of government by the rule of law and of, by, and for us,
obtain from public servant judges what is our right and their job to do
Equal Justice Under Law**

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Dr. Richard Cordero, Esq.

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Cwi wuv'38, 2012

Dear Politicians, Journalists, and Advocates of honest judiciaries,

All presidential nominee candidates have courageously criticized federal judges for being “activist”^{ia,b} or Justice Sotomayor, P. Obama’s first justiceship nominee, for being “liberal”^{ic}. Those are subjective notions describing matters of opinion; as such, they resonate only with some people. This is a proposal, supported by my professional researchⁱⁱ on, and litigation experience in, the Federal Judiciary^{104b,109c}, for that criticism of federal judges, including J. Sotomayor⁶⁷, to be based on their wrongdoingⁱⁱⁱ, which is a matter of objective evidence of their disregard of their duties(88§§a-d) and infraction of laws applicable to them too¹⁹⁶; so it can outrage exgt {dqf f {.

Indeed, federal judges engage in wrongdoing because they are held by their peers, Congress, and the media unaccountable(21§1). As a result, their wrongdoing is riskless. This makes it irresistible for them to grab wrongfully material, professional, and social benefits. The analysis of the official statistics shows it: In the 223 years since the creation of the Federal Judiciary in 1789, only 8 federal judges¹³ have been impeached and removed¹⁴. The Judiciary has allowed its chief circuit judges to dismiss systematically 99.82% of the complaints filed^{18a} against judges in the 1oct96-30sep08 12-year period^{19a-c}. In that period, its judicial councils –the circuits^{22a} all-judge disciplinary bodies– denied up to 100% of the petitions to review those dismissals(24§b), as did the 2nd Circuit’s council^{19d}, of which Then-Judge Sotomayor was a member²⁰. Up to 9 of every 10 appeals are disposed of ad-hoc²⁸ through no-reason summary orders^{65a} or opinions so “perfunctory”⁶⁶ that they are neither published nor precedential⁶⁸, mere fiats of raw judicial power.

Judges abuse their means, unaccountable power, to pursue the most corruptive motive: *money!* Just in the bankruptcies filed by consumers in CY10, bankruptcy judges ruled on \$373bl.³¹ Money is what drives³⁰ the blatant concealment of assets in *DeLano*¹⁰⁴, a consumer bankruptcy appeal presided over by Then-Judge Sotomayor(66§2). She engaged in such concealment as part of a routine practice that has developed into a judge-run bankruptcy fraud scheme⁵⁹. In fact, even the liberal papers *The New York Times*, *The Washington Post*, and Politico suspected her of concealing assets of hers^{102a} despite her duty to disclose^{102b,d}, which pointed to evasion of taxes^{102c} or concealment of the assets’ illicit source. Yet, the President nominated her as he had for cabinet positions other known tax cheats¹¹²¹. While 1.5ml. bankruptcies are filed annually³³, only .23% are reviewed by district courts and fewer than .08% by circuit courts³². Their unreviewability provides the opportunity for riskless wrongdoing(86§4) since nobody will hold judges accountable.

But you can by contributing to the exposure of **1)** the conditions that have allowed wrongdoing to become the Judiciary’s institutionalized modus operandi(49§4) and **2)** the need for the justices who earlier as judges engaged in^{104b§X}, or tolerated their peers^{139d}, wrongdoing to keep doing so to protect them and themselves⁸⁴. Your exposé at a public presentation(121§1) need only provide enough evidence thereof in the *DeLano-J. Sotomayor-P. Obama* story(xxxiii) for journalists, in quest of a name-making scoop, and others to be sent on a Watergate-like(2¶¶4-8) generalized media investigation(126§a) that asks: What did the President(77§5) and the justices^{23b} and judges know(71§4) about J. Sotomayor’s concealment of assets(65§1) and tax evasion^{102c} and other judges’¹⁹⁶ wrongdoing and when(75§d) did they know it? Their revelations of how judges wrongfully benefit while harming millions of new parties annually(3¶¶14) can outrage everybody; cause one or more justices to resign, as Justice Abe Fortas had to in 1969¹¹⁹⁴; and force the authorities to investigate federal and state judiciaries. A business and academic venture(125§3) can channel their outrage toward advocacy of judicial accountability reform. Thus, I respectfully request an invitation to present to you and your colleagues(161§F) the evidence of judges’ wrongdoing through which you can become the People’s Champion of Justice¹⁵⁹.

Sincerely, *Dr. Richard Cordero, Esq.*

Note on Endnotes and Footnotes

If a link returns an error message, e.g. "No page found", or otherwise fails to download the reference, (i) copy and paste it in the address bar of your browser and eliminate any blank space, which may be represented by %20, and then click the go button or press enter; or (ii) choose the Hand tool from the menu bar >rest it over the link> right click> from the dropdown menu choose either "Open Weblink in Browser" or "Open Weblink as New Document".

- ⁱ **a)** Republicans Turn Judicial Power Into a Campaign Issue. By [Adam Liptak](#) And [Michael D. Shear](#), *New York Times*, 23oct11; http://Judicial-Discipline-Reform.org/docs/Rep_candidates_fed_judges_12.pdf; **b)** CBS "Face the Nation" Host Bob Schieffer interviews Speaker Newt Gingrich on "activist judges"; 18dec11; id.; **c)** Dems Hit Romney for Going After Sotomayor in Ads, TPM (5mar12); "Hispanic leaders condemn Romney for criticizing Sotomayor in ad" By Griselda Nevarez. VOXXI (29feb12); National Institute for Latino Policy; 5mar12; id.
- ⁱⁱ The proposal, *infra*, is based, not on other authors' opinions, but rather on official sources of facts found through original research and analyzed by Dr. Cordero, such as:
- a)** official statistics of the Administrative Office of the U.S. Courts, <http://www.uscourts.gov/Statistics.aspx>, and of individual courts, e.g., <http://www.ca2.uscourts.gov/>;
 - b)** official reports on the federal courts, <http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx> and <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>; and reports of individual courts, e.g., <http://www.ca2.uscourts.gov/annualreports.htm>;
 - c)** official reports on the proceedings of judicial bodies, e.g., <http://www.uscourts.gov/FederalCourts/JudicialConference/Proceedings.aspx>
 - d)** documents publicly filed with the courts, <http://www.pacer.uscourts.gov/index.html>;
 - e)** rulings, decisions, and opinions of judges available in print and online through the courts' websites, http://www.uscourts.gov/court_locator.aspx, and through official court reporters, e.g. West Publishing, <http://web2.westlaw.com/signon/default.wl?bhcp=1&fn=%5Ftop&newdoor=true&rs=WLW11%2E10&vr=2%2E0>; and unofficial aggregators of official court materials, e.g., <http://www.findlaw.com/> and <https://www.fastcase.com/>;
 - f)** judges' speeches, e.g., <http://www.supremecourt.gov/publicinfo/speeches/speeches.aspx>;
 - g)** official news releases and articles in the official newsletter of the federal courts, <http://www.uscourts.gov/News/InsideTheJudiciary.aspx>;
 - h)** other materials, <http://www.uscourts.gov/FederalCourts/PublicationsAndReports.aspx>;
 - i)** federal laws and rules of judicial procedure, <http://uscode.house.gov/>;
 - j)** reports providing the evidentiary justification for the need, purpose, and intent of legislative bills, http://www.senate.gov/pagelayout/legislative/g_three_sections_with_teasers/legislative_home.htm and <http://clerk.house.gov/floorsummary/floor.aspx>
 - k)** statements of members of Congress on their websites, <http://www.house.gov/representatives/> and http://www.senate.gov/general/contact_information/senators_cfm.cfm;
 - l)** reports of the U.S. Govt. Accountability Office, <http://www.gao.gov/browse/date/week>.
- Most of these materials have been downloaded, converted to pdf's, enhanced with links to the originals and navigational bookmarks, and posted to <http://Judicial-Discipline-Reform.org> to ensure that they are always available no matter what happens to the originals. Cf. this note on the Administrative Office's website: "Page Not Found. Sorry, the page you requested could not be found at this address. We've recently made updates to our site, and this page may have been moved or renamed"; http://Judicial-Discipline-Reform.org/docs/AO_Page_Not_Found_5nov11.pdf.
- ⁱⁱⁱ Judges' wrongdoing is insidious because their unaccountability and coordination among themselves and with legal and bankruptcy systems insiders make it riskless & irresistible. So they:

- a)** systematically dismiss complaints against them, which are not public record, preventing complaint analysis to detect patterns of wrongdoing and habitual wrongdoing judges;(jur:24§b)
- b)** fail to report gifts from, and participation in seminars paid by, parties before them;²⁷⁸
- c)** routinely deny motions to recuse themselves²⁷⁸ due to, e.g., conflict of interests by holding shares in, or sitting on a board of, one of the parties, fundraising for promoters of an ideology, despite violating thereby the requirement to “avoid even the appearance of impropriety”^{121a};
- d)** hold meetings with parties in chambers without a court reporter so that no transcript of the discussion is available to challenge the judge’s expression of bias or coercion on any party;
- e)** seal records to prevent challenges to the judge’s approval of the abuse of a party by another with dominant position or of an agreement that is illicit or contrary to public policy;
- f)** prohibit electronic devices, e.g. cameras & camcorders, in the courthouse, even tape recorders in the courtroom, to prevent parties from filming the judges’ interaction with parties or the making their own records to prove that court proceedings transcripts were doctored;
- g)** get rid of 9 out of 10 cases through either reasonless, meaningless summary orders or decisions so perfunctory that the judges mark them “not for publication” and “non-precedential”; both are all but unreviewable ad hoc fiats of raw judicial power serving as vehicles for arbitrariness and means for implementing a policy of docket clearing through expediency without an effort to administer justice on the facts of each case and the law applicable to them^{65b};
- h)** in pursuit of that expediency policy, overwhelmingly affirm the decisions of their lower court colleagues, for rubberstamping an affirmance is decidedly easier than explaining a reversal and the way to avoid the same prejudicial error on remand⁶⁵ >¶1-3;
- i)** systematically deny petitions for en banc review by the whole court of each other’s decisions, thus assuring reciprocal deference and the continued force of their decisions regardless of how wrong or wrongful they are(jur:46§2);
- j)** hold their policy-making, administrative, adjudicative, and disciplinary meetings behind closed doors, thus protecting their unaccountability and providing themselves with the opportunity to use secrecy as a means to engage in coordinated wrongdoing(jur:27§f);
- k)** do not publish comments on court rules proposed by courts, thus cloaking in secrecy judges’ comments, which fosters and conceals wrongful motives and coordination, and turning the request for public comments into a pro forma exercise that allows even overwhelming opposition to be kept undisclosed and disregarded without public protest^{¶249e};
- l)** never hold press conferences, thus escaping the scrutiny of journalists, not to mention that of the public, since federal judges do not have to run in judicial elections; and
- m)** file pro forma financial disclosure reports with the Judicial Conference⁸⁹ Committee on Financial Disclosure, composed of report-filing peer judges assisted by Administrative Office of the U.S. Courts¹⁰ members, who are their appointees and serve at their pleasure^{200b}.

^{iv} The rewards for pioneering JUDICIAL UNACCOUNTABILITY REPORTING AND REFORM ADVOCACY(151§d) will be many, commensurable with the risk involved and the courage, leadership, and originality needed. One comes to mind: Time Magazine’s person of the year. Last year’s was The Protester, portrayed in the cover by the head and face of a person wrapped in a turban in Arab-like fashion. Who has a better chance of being the next Time’s person of the year, a politician or journalist with his pen clenched between his teeth and his hands over his eyes and hears as he stoops down the street past a courthouse or a person who dare investigate(101§D) judges and justices to expose(121§E) their coordinated wrongdoing and mutual cover-up dependent survival and thereby renders a public service to *We the People*, to the integrity of judicial process, and to democracy itself? That courageous person can be you.

EXECUTIVE SUMMARY OF THE PROPOSAL FOR EXPOSING JUDGES' WRONGDOING & BECOMING CHAMPION OF JUSTICE

Section A(jur:21) discusses the means, motive, and opportunity enabling federal judges to do wrong -whether by applying to others the law without due process while exempting themselves from its application or ruling for their own benefit and that of insiders- so routinely and in such coordinated fashion as to have turned wrongdoing into the Federal Judiciary's institutionalized modus operandi. It identifies as the root of judicial wrongdoing the unaccountability of federal judges resulting from politicians' and the media's self-interested and unprincipled policy of live and let live, which spares judges any investigation. Unaccountability renders wrongdoing riskless, irresistible, and inevitable.

Section B(jur:6)) describes representative cases of judicial wrongdoing that went from bankruptcy court to the Supreme Court and to bodies representing each of the Judiciary's administrative bodies. While 1.5 million bankruptcies are filed annually -80% of federal cases and involve \$373b.-, only .23% are reviewed by district courts and fewer than .08% by circuit courts. Their de facto irreviewability enables greedy abuse leading to a judge-run bankruptcy fraud scheme.

Section C(jur:81) explains the legal and practical significance for public interest entities, journalists, and their supervised journalism students of an investigation focused on 'wrongdoing' rather than 'corruption'; and how the yet more easily demonstrable "appearance of impropriety" led to the resignation of Justice Abe Fortas on 14may69, which is precedent for what the investigation can aim at.

Section D(jur:101) proposes a *Follow the money and the wire!* investigation of the SB cases to expose judicial wrongdoing. It can be cost-effective thanks to the leads extracted from over 5,000 pages of their public record and the identification of documents that can establish such wrongdoing, places where to search, people to interview, and appropriate search methods. It can be confined to, or expanded beyond, the Internet, D.C., NY City, Rochester, and Albany.

Section E(jur:121) argues that a multimedia presentation of the findings at a well-advertised public event or a journalism student job fair can set off a Watergate-like generalized, first-ever media investigation of wrongdoing in the Federal Judiciary, which can pick up where the initial investigators left off, to answer: What did the justices know and when did they know it? Its Emile Zola *I accuse!*-like manifesto of such wrongdoing can launch a national debate about equal justice systematically denied and the application to judges of Nobody is Above the Law.

Section E3(jur:125) points out how such presentation, particularly before a presidential election, will outrage the public and stir it to clamor that politicians bring about judicial accountability and discipline reform. That public will constitute a market for judicial wrongdoing news and skills to expose and curb it. To satisfy its demand, an academic and business venture will be announced. It will be open to the media, academe, the public, and investors. It will advocate that reform through legal and scholarly means and by practicing and developing a new field of activity: judicial unaccountability reporting and reform advocacy.

Section F (jur:161) Offer to present this proposal to the candidate and his staff

The goal is, not just to base criticism of judges on their wrongdoing, but to *trigger history!*

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AND COURAGEOUS REFORMERS OF THE FEDERAL JUDICIARY

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**Proposed Key Points
for the Candidate's Press Conference and Talkshow Presentation
on defending the people from unaccountable wrongdoing judges
and the harm that they cause them and thereby**

- a) draw to himself public attention, donations & votes as the People's Champion of Justice; and
b) to goad journalists to pursue a Pulitzer-worth & race-altering scoop on specific judicial wrongdoing
- 1) Judges' wrongdoing harms economically scores of millions of people(jur:3¶14).**
This is only most evident with regard to the 1.5 million personal bankruptcies with over \$370 billion at stake(28§2) that are filed every year by an overwhelming majority of pro se debtors^{32,37}. Unable to afford lawyers, pro ses represent themselves in court and, as a result, are easy prey for federal judges, particularly since they do not know what the judges did wrong or wrongfully, let alone how to appeal(47§3). Debtors and creditors are abused and their families, employees, the businesses that they used to patronize, etc., are also harmed economically.(cf. 83§2)
 - 2) Judges' conceal assets and evade taxes that the people need paid.** Judges do wrong since they are unaccountable(21§1) and need not fear being investigated(81§1). They file mandatory financial disclosure reports pro forma^{196b} that beg the question: Where is the money that judges earn from salaries¹⁹⁴ which put them in the top 2% income earners¹⁹⁵ in the U.S. and which are increased by their investment, outside income, and gifts? They routinely conceal income²⁷⁴ and spare their peers investigation(103¶¶203,204). But average Americans must declare all their income, pay taxes thereon, and count on being audited. Evidence thereof will outrage the people and draw their attention to the courageous presidential candidate that reveals such abusive inequality.
 - 3) P. Obama covered up of his justiceship nominee J. Sotomayor's concealment of assets.** He had the articles in *The New York Times*, *The Washington Post*, and Politico that suspected J. Sotomayor of concealing assets^{102a} and the FBI vetting reports(77§5). Yet, he nominated her, just as he had nominated for cabinet positions known tax cheats Tim Geithner, Tom Daschle, and Nancy Killefer¹⁰³. The evidence contained in those articles can set off a Watergate-like^{¶¶4-8} generalized media investigation(126§a) that asks: What did the President(77§5) and the justices and judges know^{23b} about J. Sotomayor's concealment of assets(65§1) and tax evasion^{102a,c} and other justices'(71§4) and judges'¹⁹⁶ wrongdoing and when(75§d) did they know it? The journalists' stream of revelations that P. Obama lied to the public about J. Sotomayor's integrity can provoke such outrage as to curb donations to his fundraising campaign aimed at raising \$1 billion! This investigation can alter profoundly the financial and public relations dynamics of the primary and the presidential campaigns.
 - 4) J. Sotomayor participated in the cover-up of a judge-run bankruptcy fraud scheme.** Circuit judges, such as Then-Judge Sotomayor was, appoint bankruptcy judges for renewable 14-year terms, and can remove them. They have a vested interest in validating the good character and competence of their appointees, who rule on huge amounts of money. She covered up the participation of the bankruptcy judge in a judge-run bankruptcy fraud scheme in *DeLano*(66§§2-3) a case so incriminating that she withheld it from the Senate Judiciary Committee(69§b).
 - 5) The Candidate's presentation can lead to his most enduring legacy: the deepest reform of the Federal Judiciary.** The investigation of judges' wrongdoing(101§D) that he sets off will cause judicial resignations due to wrongdoing or appearance of impropriety(92§d); force or enable the next president to nominate judges who respect our Constitution, individual liberties, and their role as accountable public servants; and prompt the exercise of checks and balances on the Judiciary to ensure that judges do not engage in wrongdoing, are swiftly detected and removed for harming the people, and do nothing but administer Equal Justice Under Law.(161§F)

Who or what caused *The New York Times*, *The Washington Post*, and Politico^{102a} to kill their series of stories that suspected Then-2nd Cir.(17, 18) Judge Sotomayor (65§B), the first nominee of President Obama to the Supreme Court, of concealing assets of her own? Was there a quid pro quod?

Can the findings of professional and citizen journalists(150¶268) investigating these queries change the course of the presidential campaign and the outcome of the election and set in motion a process of judicial accountability and discipline reform?

1. These queries are based on research on the Federal Judiciaryⁱⁱ and articles of top media entities^{102a}. They call for responsible professional and citizen journalists to investigate a story(XXXiii) of national interest and potentially grave political consequences. This is so because the story involves:
 - a. a sitting president and reelection candidate: Did he, to secure support from Latino and feminist voters for Obamacare, nominate J. Sotomayor, just as he had other tax cheats¹⁰³?(77§5);
 - b. a sitting justice: Did she abuse federal judges' unaccountability(21§1) to conceal assets of hers^{102c} and others(68§a) and must cover it up, lest any investigation end up incriminating her?;
 - c. judges who file with their peers or approve the latter's annual financial disclosure reports^{102d}. Do they file and approve them pro forma^{196b}, thereby enabling their tax evasion?;
 - d. judges held by their peers, Congress, and the media unaccountable(81§1) and running a national bankruptcy system, where they ruled on \$373 billion in just personal bankruptcies in CY10(28§2) and where most cases are brought pro se^{32,37} and are in practice unreviewable(29§3): Do they abuse such unreviewability to run⁵⁹ a bankruptcy fraud scheme (66§2)?;
 - e. a dead heat presidential campaign and voters' heightened attention: Can journalists' pursuing a scoop deserving of a Pulitzer Prize make an initial presentation(XXX) of judges' wrongdoingⁱⁱⁱ evidence that sets off to a Watergate-like(126§a) generalized media investigation(101§§1-5) guided by a historic query that caused President Nixon to resign, his White House aides to go to prison, and iconic journalistic figures to emerge(2¶¶4-8), and which now can be rephrased thus:

What did the President(77§5) and the justices and judges know^{23b} about J. Sotomayor's concealment of assets(65§1) and consequent tax evasion^{102c} and other justices'(71§4) and judges'¹⁹⁶ wrongdoing and when(75§d) did they know it?

2. The findings of those pioneering JUDICIAL UNACCOUNTABILITY REPORTING(151§d) can outrage(83§§2, 3) the public at wrongdoing judges and the politicians who put and keep them in office(81§1); and:
 - a. lead one or more justices to resign, as U.S. Justice Abe Fortas had to on 14may69(92¶194);
 - b. stir up the public into demanding that the authorities, i.e., Congress, the U.S. Dept. of Justice, the FBI, and their state counterparts, investigate(101§D) judges and the Federal Judiciary for tolerating, enabling, and engaging in wrongdoing(88§§a-d) just as they investigate others;
 - c. whereby that public can become a new news market(3¶¶14,15) that generates a profit incentive for journalists to commit further investigative resources and even join their demand;
 - d. cause officeholders and candidates fearing voters' disapproval at the polls to take action to expose judges' wrongdoing(121§§1-3d) and make them accountable and disciplinable(131§§e-h);
 - e. make the courageous^{iv} exposé and judicial accountability advocate a Champion of Justice^{159a}.

Tweet: Who had #NYTimes #WPost #Politico kill their stories of asset concealment by Obama's nominee Judge #Sotomayor? <http://Judicial-Discipline-Reform.org/1/5.pdf>

**Overview for Talkshow Hosts, Journalists, and Anchors of
The Problem of Federal Judges' Unaccountability and Consequent Wrongdoing,
The Objective of Exposing Them, and The Strategy To Attain It
Causing A Presidential Nominee Who Wants to Become Champion of Justice
To Launch The New Journalism Form of Judicial Unaccountability Reporting
That Sets Off A Process Toward
Legislated & People-monitored Judicial Accountability and Discipline Reform**

A. THE PROBLEM

1. Federal judges are held by themselves(jur:21§1), Congress, and the media(81§1) unaccountable. This assures them that they can disregard their duty, deny people their rights, and violate civil and criminal laws applicable to them too and in the process inflict on people economic, legal, and emotional harm with no adverse consequences for themselves: They engage in wrongdoingⁱⁱⁱ with impunity. The attraction to do wrong risklessly is particularly strong as it is all the more profitable in professional, material, and social ways because it does not incur the cost of measures to ward against, and defend after, being caught. As a result, unaccountable judges' riskless and profitable wrongdoing is irresistible. So routinely and pervasively they do wrong in the performance of their duties as to have turned wrongdoing into the institutionalized modus operandi of the Federal Judiciary, wherein they conduct themselves as Judges Above the Law.

B. THE OBJECTIVE

2. The objective of this endeavor is to expose how ingrained wrongdoing has become in the Judiciary's operation; how high it reaches in its hierarchy; and how long it has perverted the administration of justice. Based on the facts(21§§A,B), it is possible to identify the conditions enabling wrongdoing that must be eliminated; devise the necessary measures to prevent, detect, and punish it; and correct or adopt the statutory and constitutional provisions that will ensure that federal judges behave and are treated as public servants accountable to, and disciplinable by, the people, who are the source, operators, and intended beneficiaries of government of, by, and for *We the People*. In short, the objective is to achieve judicial accountability and discipline reform.

C. THE STRATEGY

1. The premise for exposing outside the courts the judges' wrongdoing

3. The strategy to achieve that objective is based on the realization that it amounts to self-contradictory conduct doomed to failure from the outset to sue or complain against judges for their wrong-doing by filing process in their own turf, that is, their courts. That is mostly the place where they are charged with disregarding the laws and the rules, including those applicable to suits and complaints against judges. In addition, such process in the courts is presided over by the defendant judges' peers, who may have known those judges for 1, 5, 10, 15, 20 years or more.(26¶29) As a result, the presiding peers may have known about the wrongdoing of the defendant judges or should have known about it had they proceeded with due diligence to safeguard the integrity of judicial process and of the Judiciary.(56¶105 >Canon1) But they did nothing about it, thereby covering the past and enabling the future wrongdoing of the defendant judges. Worse yet, the peers themselves may have engaged in their own wrongdoing in reliance on the expectation of reciprocal cover-up. Thus, the presiding peers cannot allow any

investigation or give the defendant judges motive for exposing the peers' wrongdoing in retaliation or in plea bargaining in exchange for their own skin. Judges are bound by their mutually dependent survival: If one goes down, he can inevitably or intentionally take the others with him. This relationship prevents them from judging each other fairly and impartially. It follows that any action to expose judges' wrongdoing must take place outside their courts.

2. Format of the strategy: public exposure >outrage >judicial reform

4. The judges' wrongdoing exposed by journalistic investigations can provoke such outrage as to cause the public to demand that wrongdoing judges be officially investigated. The authorities can be thus forced to investigate. Thanks to their subpoena, contempt, and penal powers, they can be more incisive and make even more outrageous findings that will compel a legislated(131§e) reform of the Judiciary. The reform must hold judges as publicly accountable as other public servants are now(136§g) but in a forum outside and independent of all the courts and their judges(137§h), such as a citizen board of judicial accountability and discipline(133§f).

3. Overcoming the media's fear of exposing judges' wrongdoing.

5. Out of self-preservation –perhaps partiality and a quid pro quod–, the media has failed to investigate complaints about wrongdoing by life-tenured and de facto unimpeachable federal judges, who can retaliate with impunity against those who investigate and expose them. Consequently, journalists must be provided with a proposal for the investigation of judicial wrongdoing enticing enough to overcome such fear. The enticement may consist of the likelihood of a name-making scoop, better yet, one worth a Pulitzer Prize or being named Time Magazine Person of the Year, with the prospect of recounting the investigation in a bestseller book and of being portrayed in a blockbuster film so that one becomes an iconic figure of journalism and a case study at every school of journalism or earns the moral reward of recognition by a grateful nation for having contributed to a greater realization of the noble ideal of Equal Justice Under Law in government, not of officers, but of laws.
6. There is precedent for this: *Washington Post* Reporters Carl Bernstein and Bob Woodward and their decisive contribution to the exposure of the Watergate Scandal.(2¶¶4-8) The proposal should also provide sufficient retaliation-reducing features to make any remaining risk acceptable. That requirement can be satisfied by a national personality staging such an attention-grabbing presentation on judges' wrongdoing and their enabling Judiciary as to bring into their investigation so many journalists that judges cannot retaliate against them all, lest they betray blatant abuse of power. An unprecedented political circumstance makes this propitious now.

4. The opportunity for causing presidential nominee candidates to launch a Watergate-like generalized media investigation of judicial wrongdoing

7. Open and notorious criticism of federal judges by politicians is rare¹⁷. Simultaneous criticism by all the four Republican candidates as well as the President (23fn17b >act_j:61) is unprecedented, particularly given the harsh corrective and even retaliatory measures to deal with those judges that some candidates have proposed. Sen. Santorum, Rep. Paul, and Speaker Gingrich have criticized them on grounds of their judicial "activism"; as for Gov. Romney, he criticized Justice Sotomayor specifically as a "liberal" judge¹. Those are subjective notions that describe matters of opinion. As such, they resonate only with people who happen to know what an "activist" or a "liberal" judge looks like and who condemn those to whom such labels have been affixed.

8. By contrast, judicial wrongdoing concerns matters of objective evidence of the judges' disregard of their duties, people's rights, and their own obligation to obey the law. As such, knowledge of it, never mind realizing that one was, may have been, or is likely to be a victim of the judges themselves, can outrage all the people regardless of their political persuasion or lack thereof. It is outrageous for judges who were entrusted with decision-making power over the people's property, liberty, and lives to have in coordination among themselves abused it in self-interest and knowingly to the detriment of the people. The public at large outraged by the judges' wrongdoing, particularly during a presidential campaign, is likely to make candidates and incumbents hear its demand for those who engaged in outrageous conduct to be held accountable and for action to be taken to prevent their future outrageous conduct. It is also likely that those candidates and incumbents will be forced to take a stand on the issue and be seen acting accordingly.
9. It is to make each of those candidates realize that it is in his interest to **a)** take the lead in pursuing his criticism of federal judges as the issue that each sorely needs to make himself stand out, attract voters' attention, donations, and votes; **b)** base it on the broadly appealing, outrage-provoking objective evidence of the judges' wrongdoing so as to become the People's Champion of Justice defending them from abusive public servants who have arrogated to themselves an intolerably undemocratic status: Judges Above the Law; **c)** take advantage of his access to the national media to make a presentation of the evidence; and **d)** entice all journalists into a rewarding and reasonably safe race for once-in-a-lifetime scoop that leads to a Water-gate-like generalized media investigation of judges' wrongdoing and their enabling Judiciary.

5. The enticing scoop: Justice Sotomayor's concealed assets and President Obama's lying about her integrity

10. The President nominated Then-2nd Circuit Judge Sotomayor to the Supreme Court and maintained her nomination. Yet, he had access to the articles in *The New York Times*, *The Washington Post*, and Politico that suspected her of concealment of assets^{102a}, which pointed to her evasion of taxes and possibly to concealment of their illicit source. He also disregarded the financial statements that Judge Sotomayor had to file with the Senate Judiciary Committee as part of her confirmation process^{102b}, which also pointed to concealment of assets^{102c}. Similarly, he disregarded the FBI's secret report on its vetting of her, which is likely to have been even more damaging given its power to subpoena her bank accounts statements, colleagues at and clients of the law firm where she had been a partner, bank officers that extended loans to her, etc. The President had already disregarded publicly filed documents pointing to the tax evasion of three other known tax cheats, whom he nevertheless nominated for cabinet positions: Tim Geithner, Tom Daschle, and Nancy Killefer¹⁰³.
11. Therefore, when President Obama vouched for Judge Sotomayor's integrity, he lied to the American public. He did so in his self-interest of currying favor with voters that wanted a Latina and another woman on the Supreme Court and on whose support he counted as he prepared for the battle to adopt his signature legislation: the Affordable Health Act, a.k.a. Obamacare.
12. There can be no doubt that a presidential nominee candidate would provide journalists with a powerful incentive to investigate judges' wrongdoing by formulating the investigative query thus:

What did the President(77§5) and the justices^{23b} and judges¹²⁶ know about J. Sotomayor's concealment of assets(65§1) and consequent tax evasion^{102c} and other justices'(71§4) and judges'¹⁹⁶ wrongdoing and when(75§d) did they know it?
13. Any of the candidates can also dangle the prospect of the journalists' making a series of revela-

tions of judicial wrongdoing that caused such public outrage as to force Congress, whether during or after the election, to hold public hearings on judicial unaccountability and its consequent wrongdoing. Of course, the scoop that every journalist would be driven to make would be to find the concealed assets of Now-Justice Sotomayor. Even a lesser revelation that raised “the appearance of impropriety” on her part could lead to a development that would be forever associated to the journalist’s name: the resignation of Justice Sotomayor...and other justices and 2nd circuit peers too? The precedent for this is the resignation of Justice Abe Fortas on May 14, 1969, due to conduct that only appeared to be an “impropriety”.(92§d)

14. By contrast, J. Sotomayor would appear to have committed the crime of evasion of taxes and to continue to commit it by keeping her assets concealed on her IRS return forms and annual financial disclosure reports. Such “appearance” would make her holding to her office untenable. The situation would even be worse if she refused to resign, for that would only aggravate the embarrassment for President Obama, who would be pressured to call for the impeachment of his own former nominee. His embarrassment, however, can begin much earlier, the moment a Republican candidate or a journalist first calls for his release of the secret FBI vetting report on her.
15. Moreover, the journalistic revelations pointing to the President’s lying to the American public about his Nominee Sotomayor’s integrity as well as the lying of the senators that recommended her nomination and that he appointed to guide her through her confirmation in the Senate can also provoke public outrage. It can give rise to such disaffection from the President as to reduce the flow of donations to his fundraising machinery, which is said to have set itself a goal of \$1 billion! Equally outrageous can be revelations that his Department of Justice refused to investigate complaints against federal judges to avoid giving them any motive to scuttle his adopted legislative agenda¹⁷ when challenged on, for instance, constitutional grounds, as Obamacare is.

D. WHAT TALKSHOW HOSTS, JOURNALISTS, AND ANCHORS CAN DO NOW

16. These three types of news reporters can pioneer JUDICIAL UNACCOUNTABILITY REPORTING. Thereby they can profoundly alter the financial and public relations dynamics of the presidential campaign. The scandal that they uncover can surpass the scope and impact of Watergate, which dealt with a president, Richard Nixon, in his second and last term. Here the scandal involves life-tenured judges that up to now have conducted themselves as a center of power escaping democratic control, even that provided by the Constitution’s checks and balances. A constitutional crisis will likely arise. Its determining factors will be the judges’ unaccountability and consequent wrongdoing; public outrage and demand for full exposure and preventative and punishing measures; and a power play among the government branches; its solution can give the opportunity to the next president to change the balance of that power and make of the reform of the Judiciary his most significant and enduring reform. There lies the vital interest in this issue for each of the four candidates that have criticized “activist” and “liberal” judges. The reporters can highlight that interest when challenging the candidates to criticize them on the evidence of their wrongdoing.
17. For those reporters that by pioneering judicial unaccountability reporting precipitate a judicial wrongdoing-cleansing crisis and reformative solution there await professional and social rewards(2¶7). To start that reporting and end up deserving those rewards, the reporters can:
 - a. present those candidates with the objective evidence(21§§A,B) of (i) the wrongdoing of the judges; (ii) the harm that they inflict on the people; and (iii) the corrupting influence that they propagate throughout the Judiciary, the legal and bankruptcy systems, and legal process;
 - b. ask that they take a stand on the evidence and state their plan to deal with such wrongdoing;

- c. call and ask that also the candidates call **(i)** on P. Obama to release the secret FBI report on the vetting of Then-Judge Sotomayor; and **(ii)** on her to account for her assets^{103c} and for her concealment of *DeLano*, which she presided over, from the Senate Judiciary Committee(77§5);
 - d. ask people to send them copies of their complaints against judges so as to discern patterns of wrongdoing, and draw up the sociogram of wrongdoing judges and other insiders(110§c)
 - e. encourage the media, whether separately or in a joint investigation, in general, to:
 - 1) access and analyze¹⁹⁶ the judges' annual financial disclosure reports^{102d} collected at www.judicialwatch.com; and in particular,
 - 2) search for J. Sotomayor's concealed assets¹⁸¹ and her receipt for cashing in her partnership interest at Pavia & Harcourt(102¶199b); Pulitzer-deserving finding can unravel a judicial and political scandal, to be fueled by the Republican candidates;
 - 3) interview former and current law and court clerks, as well as judges and magistrates that resigned their commission and, consequently, are more likely to agree to talk, even if only on deep background, and less likely to fear retaliation(105§3);
 - f. call on Congress to hold public hearings on:
 - 1) how routine in the Federal Judiciary's operation and its judges' conduct wrongdoing coordinated among judges and between them and insiders of the legal and bankruptcy systems has become and how high in the judicial hierarchy it has reached;
 - 2) what the President knew about Then-Judge Sotomayor's concealment of assets, which pointed to her concealment of their source and tax evasion, when he nominated her for a justiceship and vouched for her integrity, and when he knew it;(
 - g. ask the candidates to commit themselves to:
 - 1) making judicial wrongdoing and its investigation a front-burner campaign issue;
 - 2) participating in the presentation to the public of the media's investigative findings so that the candidate openly and notoriously may reaffirm his support for the media's investigation of unaccountable judges' wrongdoing and implicitly state that it would be ill advised for judges to retaliate against the media, with which he stands close on the issue and will defend with the influence attached to his national figure status;
 - h. interview Dr. Cordero on talkshows and newscasts, and ask him to submit for publication articles on **(i)** the evidence of judicial wrongdoing(21§§A,B); **(ii)** its investigation(101§D); **(iii)** the academic and business venture to expose and investigate it and advocate for judicial reform (121§E); and **(iv)** the media's professional duty as the 4th power in government of, by, and for the people to check on the three government branches and inform the people about wrongdoing so that the people may cast informed votes and hold all their public servants accountable;
 - i. broker a presentation by Dr. Cordero to the candidates and their campaign managers(161§F) to lay out why it is in their political interest to make a presentation criticizing judges on the objective evidence of their wrongdoing so as to become the People's Champion of Justice;
 - j. assist in setting up the investigative and reporting unit²⁴⁶(127§§b-d), which can lead to creating the venture's institute of judicial unaccountability reporting and reform advocacy(137§h).
18. Your pioneering judicial unaccountability reporting informs the public of the wrongdoing that necessitates judicial accountability and discipline reform. It can lead to your *triggering history!*

5apr12

What You Can Do To Expose Judges' Wrongdoing That Harms You and the Rest of the People and Set In Motion A Process of Judicial Accountability and Discipline Reform

A. Federal judges' unaccountability leads them irresistibly to engage in profitable and riskless wrongdoing that harms the people

1. Federal judges are unaccountable(jur:21§1) because their peers, the politicians that recommend, nominate, and confirm them(65§1), and the media(2¶¶4-8) hold them so.*
 - a. In fact, in the 223 years since the creation of the Federal Judiciary in 1789 only 8 federal judges have been impeached and removed from the bench.¹³
 - b. Federal judges systematically dismissed 99.82% of the complaints filed against their peers in the 1oct96-30sep08 12-year period, thus exempting themselves from any discipline.(24§b)
 - c. The media have shied away from investigating federal judges' conduct, as opposed to their judicial opinions, or the complaints against them for fear that the judges close ranks as a privileged class and in coordinated fashion retaliate against them.(81§1)
2. In reliance on their historic de facto unimpeachability and their untouchability, unaccountable federal judges engage in wrongdoing in pursuit of material, professional, and social benefits. Their most powerful motive to do wrong is *money!* In calendar year 2010, federal judges dealt in personal bankruptcies alone with \$373 billion!(28§2)

B. The strategy to expose unaccountable federal judges' wrongdoing

3. The strategy to expose wrongdoing judges(88§§a-d) and their enabling Judiciary provides for a national figure who has access to the national media and through it to the national public to expose objective evidence thereof.(21§§A,B) People of all political persuasions will be outraged by evidence of how precisely those entrusted with administering justice under law abusively squeeze it out of due process and give the people what is left as residue: *a mockery of justice!*
4. Thereby the national figure can launch a Watergate-like generalized and first-ever media investigation(101§D) of the Federal Judiciary and its judges for wrongdoing. It may in turn force official investigations by Congress and DoJ-FBI. Their even more outrageous revelations compel politicians to undertake a realistic solution, namely, judicial accountability and discipline reform (131§e), including the creation of a citizen board of judicial accountability and discipline(133§f).

C. What you can do to persuade a national figure to expose judges' wrongdoing

5. You can state to each of the four Republican presidential nominee candidates or their top campaign managers how the candidate can win the attention of the national media and the public by exposing objective evidence(21§§A,B) of outrageous judicial wrongdoing and how the judges harm the people.(cf. 161§F) They may well be receptive to your statement because of a most rare circumstance in politics: Each of them has already openly and notoriously criticized federal judges for being either "activist" or "liberal" and have proposed corrective, even coercive measures to force them to respect the Constitution and the laws thereunder.^{17b}
6. You can use a written or oral statement on wrongdoing judges and how they harm people and

deliver it at any of the candidates' state offices or events -announced on their websites- to:

- a. the candidate, his adult family members, top managers, and event organizers or owners and managers of the establishment where the event is held, who presumably have access to him;
 - b. the cohort of journalists covering the events, who are likely to be receptive because they want to sound off the attitude of the people at the event. They can either **(i)** investigate the evidence of outrageous judicial wrongdoing that can directly affect the campaign and allow them to make a Pulitzer Prize-deserving scoop(2¶7); **(ii)** bring it up with the candidates when they interview them; and **(iii)** relay it to their anchors for the latter to authorize its investigation; or **(iv)** decide on their own, particularly if they are freelancers and citizen journalists in quest of a name-making scoop(2¶4-8), to investigate the evidence.
 - c. the event-goers, who can be requested to ask the candidates to take a stand on the evidence of judicial wrongdoing. Young attendants, still full of the idealism, are likely to do so.
7. To be able to distribute a handout, such as the one suggested at http://Judicial-Discipline-Reform.org/2012_E/DrRCordero_AJADR_handout.pdf, give people time to read it, and work the crowd to prompt them to ask questions about judicial unaccountability and wrongdoing one should arrive early at the events and address in particular small groups of three to five people that appear to come together and those who appear capable of standing up and addressing the candidate.
8. The emphasis of the statement should be on how the candidate will benefit in his campaign by exposing judicial wrongdoing. At this advanced point in the race, the only consideration that matters to each of them is how he can survive until the Convention. Here is a sample statement:

The four of you Republican candidates have courageously criticized federal judges for disregarding the Constitution by being “activist” or “liberal”. Those are subjective notions shared by only part of the electorate that you need to win the race. But, there is also objective evidence of their wrongdoing, that is, their disregard for their duty, the laws applicable to them too, and the rights of all of us.(21§A) Most politicians and the media too are so afraid to take on life-tenured powerful judges as to hold them unaccountable. The result is Judges Above the Law. They do wrong risklessly to gain undue benefits for themselves and those who cover for them, such as the politicians who recommended, nominated, and confirmed them and who disregard the people’s complaints against judges.

Such is the case of Now-Justice Sotomayor and President Obama. She was suspected in articles in *The New York Times*, *The Washington Post*, and Politico^{102c} of concealing assets of her own, which points to tax evasion, yet President Obama nominated her to the Supreme Court(65§B). The exposure of such evidence can outrage people of all political opinions, who insist that only honest judges may sit in judgment of them and make decisions affecting their property, liberty, and lives. Just “the appearance of impropriety” can force a justice to resign, as Justice Abe Fortas had to in 1969(¶194). It can outrage everybody at the President, who lied to the public about Judge Sotomayor’ integrity in order to curry favor with Latino and feminist voters that wanted another woman on the Supreme Court and whose support he needed to pass his Obamacare legislation. It can curb his fundraising.

You can defend the people and the Constitution by exposing the objective evidence of J. Sotomayor-P. Obama-judges’ wrongdoing, thus attracting everybody’s attention, donations, and even votes. So are you merely biased against “activist” or “liberal” judges or are you a principled man, courageous enough to be our Champion of Justice by exposing their wrongdoing and calling on the media and Congress to investigate it (101§D) and on the President to release the secret FBI report on the vetting of J. Sotomayor?

9. You need not just take the abuse that wrongdoing Judges Above the Law inflict on you and all of us. You can stand up and expose them. If you do so, you can *trigger history!* ^{fn.233a}

Advocates of Judicial Accountability and Discipline Reform

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April 1, 2012

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Dear Officeholders and Politicians,

We are advocates of judicial accountability and discipline reform. We are encouraged by recent courageous and unique criticism of federal judges by some presidential candidates.

We are or have been parties to some of the 2 million new cases filed annually in the federal courts and more than 47 million in state courts (not including traffic offenses; see the statistics in the below-referenced file, [jur:3¶¶14-15](#)). That is 50 million new cases filed every year that involve at least 100 million parties directly and additional scores of millions of people indirectly who experience to varying degrees what we have experienced to the full extent:

The disregard of the facts and the law of the case, the denial of the procedural guarantees of due process, and the arbitrary, reasonless, fiat-like decisions of judges that risklessly do so out of expediency or for material and social benefits for themselves and their own because they are held by their peers, the legislative branch, and even the media unaccountable. Since judges are sure that they can get away with whatever they do, they have turned the Federal Judiciary into a safe haven for wrongdoing, which has become their irresistible, routine, institutionalized *modus operandi*.

You can tap the resulting vast well of resentment and frustration by exposing judicial wrongdoing and turning it into a key campaign issue: judges are civil servants to the people but are unaccountable to them. So, we have prepared a professional file attesting to judicial unaccountability and providing evidence of the harmful wrongdoing to which it leads, at [found*](#).

By exposing such evidence([jur:21§A](#)), you can cause a national public to be so outraged at wrongdoing judges as to rally behind your call for the media and the authorities to investigate judicial wrongdoing, in general, and a concrete case of wrongdoing that began in a federal bankruptcy court and went on appeal to a district court, a circuit court, where Then-Judge Sotomayor was the presiding judge, and on to the Supreme Court, where she is a justice now.

That case involves her nominator to a justiceship, that is, President Obama, her concealment of assets, of which she was suspected in a series of articles by *The New York Times*, *The Washington Post*, and Politico([jur:65§B](#)), and her participation in a judge-run bankruptcy fraud scheme driven by the most powerful corruptor of politicians and judges alike: *money!*

By exposing this evidence and advocating judicial accountability and discipline reform, you can earn the attention and gratitude of [exgt{dqf{](#) and the donations and votes of many of them. During the campaign and even after it ends, you can expose judges contemptuous of the law who trampled it out of due process to give the people the residue left, *a mockery of justice*. You can ensure that the people as the source of government by the rule of law receive what they demand: Equal Justice Under Law. Thereby you can become the People's Champion of Justice.

Consequently, we respectfully request that you arrange at your earliest convenience for some advocates among us to make a presentation of the evidence to you and your top staffers. We can do so on a short notice. Meantime, we look forward to hearing from you.

Advocates of Judicial Accountability and Discipline Reform

Tweet: Who had #NYTimes #WPost and #Politico kill their stories of concealment of assets by Obama's #Judge #Sotomayor? <http://Judicial-Discipline-Reform.org/1/5.pdf>

April 12, 2012

Proposal To a Prominent Politician or Organization to Make the Initial Presentation to the media and the public of evidence revealing how P. Obama and Then-Judge Sotomayor deceived the public about her concealment of assets, which can cause the media and the authorities to investigate them, and supporters to abstain from giving him donations, work, and votes, and to ask her to resign

A. The facts to be presented

1. This proposal is based on showing that the President lied to the public when he vouched for the integrity of his first nominee to the Supreme Court, Then-Judge, Now-Justice Sotomayor:
 - a. He disregarded a series of articles in *The New York Times*, *The Washington Post*, and Politico^{103a} that suspected Then-Judge Sotomayor of concealing assets of her own(65§1), which points to tax evasion^{103c} and keeping secret their unlawful origin(102¶199b).
 - b. The President also disregarded the secret FBI report on the vetting of J. Sotomayor that must have shown how she had withheld from the financial and case documents(69§b) that she was required to and did file publicly^{103b} with the Senate Judiciary Committee a publicly filed bankruptcy appeal, *DeLano*^{105a}, which she had presided over. That appeal incriminated her in covering up the concealment of assets involved in a bankruptcy fraud scheme(66§2) that trafficked in vast sums of money(28§2) and was run by her and circuit peers' appointee^{61a} (28 U.S.C. §152(a)), a bankruptcy judge. Exposing their appointee as corrupt or as their agent(54§d) raised a conflict of interest that led to their "absence of effective oversight"(36§3).
2. The President nevertheless nominated Judge Sotomayor, maintained his nomination of her, and vouched for her to curry favor with advocates of another woman and the first Latina jurist on the Supreme Court. He was courting their support in preparation for his battle to adopt the central piece of his legislative agenda, that is, affordable health care reform, now Obamacare.

B. The initial public presentation of the available evidence

3. Relying on the evidence of the conditions enabling judicial(21§A) and J. Sotomayor's(65§B) wrongdoing(88§§a-d) and any other found by an investigative team^{247a}, a presentation can be made at a press conference(121§E) to show that J. Sotomayor has given "the appearance of impropriety" by concealing assets as a judge, which she must keep doing as a justice to avoid self-incrimination; and that the President covered and keeps covering it up. There need only be shown that she 'appears to have committed an impropriety'. That would suffice to criticize her and call for her to resign, just as Justice Abe Fortas had to on May 14, 1969, though his "impropriety" was not even a misdemeanor(92§d), whereas hers points to crimes, among others, tax evasion and perjury.
4. At the presentation, both the President can be called on to release the FBI report on Then-Judge Sotomayor and she to account for her missing assets^{103c}. The journalists covering it can be given a well-defined though broadly framed and widely-known incriminating investigative query(xvi) that is likely to lay out the high stakes and enticing potential of investigating them:

What did the President(77§5) and the justices and judges know^{23b} about J. Sotomayor's concealment of assets(65§1) and tax evasion^{102c} and other justices'(71§4) and judges'¹⁹⁶ wrongdoing and when(75§d) did they know it?
5. This can send journalists in quest for a Pulitzer Prize-worthy scoop on a Watergate-like generalized media investigation of wrongdoing(101§D) that develops unstoppable momentum.

C. Strategy based on a reasonable expectation of how events will unfold

6. It is to be expected that, to avoid self-incrimination, both the President and Justice Sotomayor will refuse to release the FBI report on her and to account for her missing assets^{103c}. Their refusal will strengthen the suspicion of their wrongdoing only to be hardened into evidence by the blow after blow of “impropriety” findings by newsmith journalists searching for J. Sotomayor’s concealed assets and her peers’ wrongdoingⁱⁱⁱ(jur:88§§a-d) This will generate an embarrassment for him, who will be locked into his defense of her integrity and his refusal to release the report. It will put him on the defensive, thus distracting him from his campaigning.
7. If any of J. Sotomayor’s concealed assets are found, the embarrassment will become a scandal and the distraction a constitutional crisis: If this life-tenured justice refuses to resign, will President Obama keep supporting her or be forced to endorse or even call for the impeachment of his own former nominee at the risk of causing her to retaliate, e.g., by agreeing in plea bar-gaining to testify to his cover-up in exchange for leniency on the tax evasion and perjury charges?
8. This query can be expected to put under intense scrutiny the President’s second justiceship nominee, Now Justice Kagan(71§4), and other of his nominees. This expectation arises from the fact that he already nominated for cabinet positions three known tax cheats: Tim Geithner, Tom Daschle, and Nancy Killefer¹⁰⁴. Those Democrats that shepherded J. Sotomayor through the Senate confirmation process will also be scrutinized, such as Sen. Chuck Schumer and Sen. Kirsten Gillibrand(78§6). Will any of them crack and ‘sing’ to save his or her own skin?
9. Calls for Congress to hold public hearings on the query will force the President to go into full damage control mode. This will only further impair his campaigning ability and diminish his resources intake. Moreover, it will deepen the disappointment of those who supported him just as it will turn away Independents and the undecided that may still be considering voting for him.

D. Initial presenter: presidential candidate or personality covered by media

10. One of the presidential candidates can make the initial presentation(xv) of the evidence of J. Sotomayor’s and the President’s wrongdoing. All the candidates, even the President, have criticized federal judges for being either “activist” or “liberal”^{17b}. Those are subjective notions that appeal only to those who share that opinion. But the presenter can focus on objective evidence of wrongdoing, which will outrage exgt{dqf{ at unaccountable(21§1) justices and judges who abusively(26§e) exempt themselves(24§§b,c) from the laws that they impose on everybody else.
11. The candidate’s presentation can initiate the development of his image as the People’s Champion of Justice, who battles Judges Above the Law to ensure that *We the People* in government of, by, and for us receive our due: Equal Justice Under Law. That will serve him well when contrasted with a president under media investigation as a conniving liar who showed no respect for the law and ethics when he saddled Americans with a life-tenured tax cheating judge contemptuous of the law of the land and the Constitution under which it is adopted. The initial presenter can also be another personality who can call reputable news organizations to a press conference or make the presentation at an event well-attended by the media(121§1) such as the job fair of a journalism school or a university commencement where he or she is the speaker.
12. The resignation of one or more life-tenured justices will be more dramatic than that of 2nd and last term President Nixon due to his wrongdoing in the Watergate scandal. It will earn greater rewards(2¶7) to those most responsible for a cleansing of the presidency and the Judiciary(83§§ 2,3). To contribute to that outcome Dr. Cordero welcomes invitations to present(161§F) the evidence and the strategy to a presidential candidate or an organization willing to *trigger history!*^{233a}

April 18, 2012

**A Novel Strategy For Taking Action Against Wrongdoing Judges
by removing the fight from the judges' turf, the courts, out to the public,
and taking into account the interests of journalists and politicians
during a presidential campaign, when they are most receptive, so that
they may help in exposing wrongdoing by judges so outrageous as to
stir up the public to demand that the media and the authorities
investigate the judges and their enabling judiciary and undertake
effective legislated judicial accountability and discipline reform**

A. Failed strategy: fighting in court judges' wrongdoing

1. Numberless people in hundreds of Yahoo- and Googlegroups and legal matter websites complain that judges disregard due process and even violate the law. They tried to reform the judicial system through lawsuits only to realize that the effort to hold judges accountable by taking action against them in their own turf, the courts, was futile. I too realized that. So, I began to research the conditions that allow, and just as important, the motive that drives, judges to do wrong.

1. Study of judges resulting from original research and litigation experience

2. My study(jur:1;ⁱⁱ) concentrates on the model for many state judicial systems, the Federal Judiciary. It found judges' unaccountability(jur:21§1) to be the enabling condition of their wrongdoing. It renders their wrongdoing riskless and thus easier to pull off, less costly, and more self-beneficial, which provides irresistible motive. Unaccountable judges individually interpret and apply the law and the rules arbitrarily. They also take action collectively: They coordinate(jur:88§§a-d) their wrongdoing to increase their benefit from it. Coordination also ensures their interdependent survival. Each one knows enough about the other's wrongdoing to bring them down as she or he falls. That is why judges will not expose their peers, for they fear retaliatory exposure by their peers, being treated as treacherous pariahs, and incrimination by any investigation that may start with somebody else's wrongdoing only to end up finding their own.

B. New strategy: out-of-court, investigators' self-interest, and public outrage

3. The strategy's novel approach is to expose judges' wrongdoing, not in court based on individual litigants' cases or anecdotes, but rather in public on the strength of the official statistics of all cases; and to rely for the exposure not just on judges' victims, but rather mainly on the self-interest of those who have the skill or the authority to investigate wrongdoing judges and whose findings can so outrage the public as to stir it up to demand corrective action from politicians.

1. The media in search of a Pulitzer Prize-worthy scoop

4. During a presidential campaign, journalists' interest in a politics-related scoop is heightened. Such is one that takes root in media as reputable as *The New York Times*, *The Washington Post*, and Politico^{102a} and their suspicion that President Obama's first justiceship nominee, Then-Judge Sotomayor, concealed assets of her own(jur: 65§1). This points to breaking the law requiring disclosure^{102d}, tax evasion, and laundering assets obtained from an unlawful source(jur:68§3). Since both the President(jur:77§5) and the Senate^{102b}(jur:78§6) vetted her, it must be established whether they learned about it but covered it up by lying to the public when they vouched for her

honesty so as to advance their interest in catering to the constituencies petitioning for another woman and the first Latina on the Supreme Court in exchange for their support for the passage of the President's signature piece of legislature: affordable health care reform, now Obamacare. Journalists' competitive effort to score a scoop can set off a Watergate-like generalized media investigation(jur:121§) of 'Sotomayor's assets', 'what the President and the Senate knew and when they knew it', and similar wrongdoing by other judges^{196;139d}.

2. Public outrage at judges' unaccountability and consequent wrongdoing

5. The media's steady stream of incriminating findings of coordinated judicial wrongdoing can provoke public outrage(jur:83§2). It can stir up the public to demand that the authorities, e.g., Congress, DoJ-FBI, and their state counterparts, also investigate, in particular, the evidence of Justice Sotomayor-President Obama's wrongdoing and, in general, the conditions and motive that have enabled judges to do wrong in such coordination among themselves and so routinely as to have turned wrongdoing into the Federal Judiciary's institutionalized modus operandi(jur:49§5).
6. The authorities, wielding their subpoena, contempt, and penal powers, can investigate so incisively as to make findings that are even more outrageous. As a result, the public can demand that the Judiciary be reformed through legislation(jur:131§§d,e,g) enforced and monitored(jur:133§§f,h) from the outside, as opposed to a predetermined exculpatory internal review by the Judiciary^{100b}.

3. Politicians yielding to public pressure

7. Public pressure can operate on the politicians' interest in being voted in and not out of office. It can force challenging candidates to call for, and incumbents to undertake, such reform. They will not do it without such pressure, for it is contrary to their interest in not antagonizing life-tenured judges that can declare their signature legislation unconstitutional¹⁷ or otherwise retaliate against them if those politicians appear before those judges on charges of their own wrongdoing¹⁵.

4. Judicial wrongdoing exposed by self-interested presidential candidates

8. One of those candidates is Gov. Romney. Right now he faces an 18% disadvantage in women's vote. Almost every analyst agrees that he cannot win the general election with such percentage of disaffection on the part of half of 52% of the electorate. Hence, he has a survival interest in so embarrassing President Obama and causing such disappointment among his supporters as to dissuade them from making donations and volunteering work to his campaign, and to dispose them to express to pollster after pollster that they do not intend to vote for the President.
9. Such voters' reaction can diminish the President's intake of resources enough to make him a comparatively ineffective campaigner and mar the perception of his electability. Worse yet, it can absorb him with the dilemma whether to defend his former justiceship nominee, thus tying his name and fate to hers, or call for her resignation or even impeachment, thus acknowledging her wrongdoing and risking involvement in its cover-up. Either scenario will strengthen the media's interest in meeting the demand of a profitable newsmarket riveted by its investigation(jur:101§D).

C. Prioritizing judicial reform over politics

10. From the point of view of judicial reform advocates, the issue is one of clear priorities: whether advancing the objective of judicial reform by taking advantage of a window of opportunity is more important for them and a nation governed by the rule of law than having one or the other party stay or come to power only to maintain the same conditions enabling coordinated judicial

wrongdoing. The applicable principle here is: The enemy of my judicial enemy is my friend.

11. Gov. Romney need not expose the wrongdoing of J. Sotomayor and P. Obama because of any deep commitment that he may or may not have to an honest judiciary that impartially applies the law to itself and others. He only needs to do it. He certainly can do an effective “job” of it, just as he did a devastating “job” in the Florida primary on Speaker Gingrich right after the Speaker’s decisive victory in South Carolina, and did the same “job” on Sen. Santorum thereafter.
12. By the same token, Speaker Gingrich, Sen. Santorum, and Rep. Paul as well as other prominent national figures have an interest in making the proposed initial presentation(jur:xxv) of the available evidence of judicial wrongdoing(jur:21§§A,B) in order to come back or into to the national spotlight, draw attention as the People’s Champion of Justice, and earn the currency of public approval with which to play a meaningful game at their party convention.

D. Embracing the new strategy to pursue the same commitment to justice

13. Many judicial victims and court journalists have shown an enormous commitment to the pursuit of justice in their own cases and to courageously and truthfully reporting about judges and their oral or written opinions. They now have the opportunity to show the same commitment to pursuing an honest judiciary where judges are treated as what they are: public servants hired to administer justice impartially and fairly according to law and accountable to *We the People*.
14. They can contribute to it by implementing this novel strategy that is founded on a deeper and broader base of knowledge and that is realistic and feasible: To expose outside the courts judges’ unaccountability and consequent wrongdoing and cause an outraged public to demand of the media and the authorities that they investigate wrongdoing judges and their enabling judiciary and undertake effective legislated judicial accountability and discipline reform.

1. Feasible steps for implementing knowledgeable and realistic strategy

15. Implementing that strategy calls for the study* of judges’ wrongdoing to be widely distributed and posted so as to appeal to journalists’ interest in a Pulitzer Prize-worthy scoop and to that of presidential and other candidates in having a say at their party convention and in being elected. To draw attention to the study and its evidence, these targeted summaries can be addressed to:
 - a. judicial victims and reform advocates(jur:xxii); handout to distribute at meetings(jur:xxiv);
 - b. talkshow hosts, journalists, and news anchors(jur:xvii); investigative query for them(jur:xvi);
 - c. journalist interested in investigating this story with a professional team(jur:xxx);
 - d. presidential and other political candidates and their staffers(jur:ii) as well as other national figures and organizations capable of making the proposed broadly publicized initial presentation(jur:xv) of the available evidence of judges’ unaccountability and consequent wrongdoing(jur:21§A) and the concrete case of concealment of assets by Then-Judge, Now-Justice Sotomayor, and its cover-up by President Obama and the Senate(jur:65§B).

2. Reasonably expected rewards

16. If you take knowledgeable, realistic, and committed action now for the sake of your case, your work, and of “Equal Justice Under Law”, you can set in motion events and assist in the emergence of an academic and business venture(jur:137§h) that can lead to legislated judicial accountability and discipline reform. Your rewards can be not only material, but also self-realizing, noble, and enduring commensurate with your effort(jur:2¶7). Indeed, you can *trigger history!*

* http://Judicial-Discipline-Reform.org/2012_E/DrRCordero_jud_unaccountability_reporting.pdf

May 20, 2012

PROPOSAL TO JOURNALISTS & OTHER PROFESSIONALS FOR AN INVESTIGATION, Based On Articles in *The New York Times*, *The Washington Post*, and Politico, Legal Research on Official Federal Judiciary Sources, and a Cost-effective Strategy, of Federal Judges' Unaccountability and Consequent Riskless Wrongdoing so Routine and Widespread as to Have Become Their Institutionalized Modus Operandi and Turned Their Enabling Federal Judiciary Into a Safe Haven for Wrongdoing That Escapes the Control of, and Harms, *We the People*

1. I would like to introduce myself and then set forth the investigation proposed in the title. This investigation can proceed from the advanced point where journalists will find the many leads to the actors, victims, and enabling conditions of judicial wrongdoingⁱⁱⁱ already collected by the above-mentioned reputable news organizations and by me^{102a,c}. It aims to be cost-effective by focusing on a case that can reach a level of public attention high enough to impact the presidential campaign and attain its ultimate objective: to force Congress and state legislatures to legislate, enforce, and monitor judicial accountability and discipline reform based on constitutional 'checks and balances' and controls operated independently, from outside of, and on, the judiciaries. The immediate objective is to set off through an initial presentation(jur:xxv) of the available leads a Watergate-like generalized and first-ever media investigation of federal judges and their Judiciary, an objective supported by precedent known to journalists, the Watergate scandal(jur:2¶¶4-8).

A. My legal research and litigation experience

2. I am a doctor of law, a lawyer in New York City, and a legal researcher-writer on federal judges' unaccountability and consequent wrongdoing. My current study is below(jur:1). I have conducted my research, not where most people do, to wit, in the courtrooms where trials or oral argument take place or in the published opinions of the courts and writings by law professors, students, and lawyers; but rather where most people do not, that is, I focus on the official statistics, reports, and news and newsletters of the federal courts published by the federal courts, in general, and the Administrative Office of the U.S. Courts¹⁰, in particularⁱⁱ.
3. As its name indicates, this Office assists in the administration of the federal courts with matters such as collecting the statistics on caseload, judges, complaints about judges' misconduct, etc.¹⁰. While it has no adjudicatory or appellate functions whatsoever, its director and deputy director are appointed by the chief justice of the Supreme Court, who removes them after consulting with the Judicial Conference of the U.S., composed of the chief justice and 26 other top and representative federal judges(28 U.S.C. §601⁸⁶). Hence, the Office is the spokesman for the Judiciary. Its publications can be used to impeach with their own words the honesty of judges as a class and the Federal Judiciary as an institution. That is why research on it is so valuable and promising.
4. In addition to my original research, my study is based on my experience in litigating cases from federal bankruptcy, district, and circuit courts to the Supreme Court^{104b,109c} as well as in each representative administrative body of the Federal Judiciary¹¹⁹.

B. Proposal for an investigation of wrongdoing by J. Sotomayor & P. Obama

1. Federal judges protect themselves: 99.82% of complaints are dismissed

5. At the time Then-Judge Sotomayor was being considered by President Obama for nomination to the Supreme Court, *The New York Times*, *The Washington Post*, and Politico vetted her and found grounds to suspect her of concealing assets of hers^{102a}. The evidence obtained through my research and litigation shows that concealment of assets is a routine practice in the Federal Judiciary. This statement is all the more plausible upon learning that the Federal Judiciary has a self-policing buddy system of life-tenured judges judging judges^{18a} with no input of non-judges.
6. Any federal judge ever so slightly disciplined is a potential enemy for the rest of his or her professional life. What is more, the Supreme Court justices are exempt from even this system^{18c} just as they are not subject to the Code of Conduct for U.S. Judges!⁹⁷ When the top officers of an institution can do whatever they want, those below, who were their former complicit peers, do as they like. They know so much about each other's wrongdoing that if one is allowed to fall, he or she can bring down all the others through domino effect.
7. That is what happens in fact. All misconduct complaints against federal judges and magistrates are filed with the respective chief circuit judge. In the 1oct96-30sep08 12-year period these chiefs dismissed systematically 99.82% of those complaints^{19a,b}. Any petitions for review of dismissals are filed with the respective circuit's judicial council, which is composed of only life-tenured district and circuit judges. In that same period, the councils denied up to 100% of the petitions to review those dismissals(jur:24§b). That is what the 2nd Circuit's council did, of which Then-Judge Sotomayor was a member^{19d}. She protected her peers with the same absolute partiality regardless of the nature and gravity of their complained-about misconduct –e.g., bribery, corruption, conflict of interests, bias, prejudice, abuse of power, etc.¹²² – with which she can now demand that they protect her(jur:24¶23).
8. All this results in judges being held unaccountable. The statistics prove it: In the more than 223 years since the Federal Judiciary was created in 1789 under Article III of the Constitution –2,131 justices, judges, and magistrates were in office on 30sep11¹³ – the number of those removed is only 8!¹⁴ Their unaccountability is the unjustified quality of their office that ensures that abusing their means, decision-making power, for wrongdoing is riskless. That dispenses with costly measures to guard against, and defend after, being caught, thus rendering their wrongdoing all the more profitable. Indeed, oneⁱⁱⁱ of their motives is the most corruptive: *money!*(jur:28§2) Bankruptcy judges handle 80% of all new cases in the Federal Judiciary³² and ruled on \$373 bl. in only the 1.5+ ml. personal bankruptcies filed in CY10³¹. Those cases offer the opportunity for making decisions that are in practice unreviewable(jur:29§3). Wrong or wrongful, they stand, which facilitates wrongdoing. A person confirmed to the federal bench becomes a Judge Above the Law.

2. Money & politics: J. Sotomayor's asset concealment & P. Obama's cover-up

9. Then-Judge Sotomayor concealed assets not only of her own, as suspected by *The New York Times*, *The Washington Post*, and Politico(jur:65§1). She help conceal assets also involved in a bankruptcy fraud scheme trafficking in large sums of money(jur:62§2) and run by a bankruptcy judge, who was the appointee of hers and her circuit judge peers(jur:68§3): All federal bankruptcy judges are appointed to a 14-year renewable term by their circuit judges⁶⁰ and can be removed by their council. This creates the opportunity for pay-to-stay collusion(jur:54§d). To avoid incrimination, any money changing dirty hands must be concealed and any investigation obstructed.
10. The President had reason to know about J. Sotomayor's concealment of assets of hers and of the scheme.(jur:77§5) Yet, he covered it up and lied to the public about her integrity. He did so to curry favor with voters that wanted a Latina and another woman on the Supreme Court and whose support he counted on as he prepared for the battle to adopt his signature legislation: Obamacare.

3. Life-tenured justice & presidential campaign: stakes higher than in Watergate

11. Unaccountable judges are effectively unimpeachable and by means of complaints untouchable. Yet, they are the most vulnerable of government officers to the easiest form of incrimination: competent and respected journalists showing that they gave “the appearance of impropriety”. By doing so, they forced Supreme Court Justice Abe Fortas to resign on May 14, 1969.([jur:92§d](#))
12. That “appearance of impropriety” is all the proposed investigation needs to show about J. Sotomayor. That standard is very promising when coupled with a widely-known incriminating query that already proved its devastating effect: It was asked of every witness during the nationally televised congressional hearings on the Watergate scandal; it brought about the resignation of President Nixon on August 8, 1974([jur:2¶¶4-8](#)). Today that query would be phrased thus:

What did the President([77§5](#)) and the justices and judges know^{23b} about J. Sotomayor’s concealment of assets([65§1](#)) and tax evasion^{102c} and other justices’([71§4](#)) and judges’¹⁹⁶ wrongdoing and when([75§d](#)) did they know it?

13. This query lays out the investigation’s enticing potential. The available evidence([jur:21§§A,B](#)) and any additional resulting from leads¹⁸¹ and the investigation proposal([jur:101§D](#)) can set off a Watergate-like generalized media investigation([jur:126§a](#)) where journalists compete to find J. Sotomayor’s concealed assets, determine whether the President lied to the public when he vouched for her honesty, and follow other judges’ wrongdoing right into a Supreme Court(cf. [jur:103¶¶203,204](#); ^{139d}) that covers it up through knowing indifference and willful ignorance or blindness([jur:88§§a-d](#)). That investigation can become an issue of the campaign, alter the candidates’ public perception, the flow of donations, amount of volunteering...and bring in a Pulitzer Prize.

4. Wrongdoing evidence initially presented by VIP at media-permeated event

14. Setting off a Watergate-like investigation can be accomplished by publishing an expository article([jur:127§b](#)) or making the proposed initial presentation of the Sotomayor-Obama-judges’ wrongdoing evidence([xxxiii](#)) at a press conference or another event well attended by the media, e.g., editors’ convention, journalism school student job fair, university commencement([jur:121§1](#)).
15. The presentation would be even more impactful if it were made by one of the presidential candidates([jur:xv](#)). All of them –even the President^{17b}– have criticized federal judges, albeit for being “activist” or “liberal”, which are subjective notions. Now they can base their criticism on the objective evidence of the judges’ wrongdoing([jur:1](#)) and thus become the People’s Champion of Justice.
16. The investigation([jur:101§D](#)) can develop its own unstoppable momentum to the point of having a significant impact on the party conventions and presidential campaign. That is part of a realistic and feasible strategy([jur:xxvii](#)): to expose a case of judicial wrongdoing that reveals it as the Federal Judiciary’s modus operandi and so outrages the public as to stir it up to demand during a presidential campaign, when politicians are most receptive, what is this process’s ultimate objective: legislated judicial accountability reform enforced and monitored from outside the Judiciary.
17. Thus, I respectfully suggest that we collaborate on this investigation. You can contribute your journalistic investigative skills, contacts, and access to the public([jur:xx](#)), and I can provide my research, leads, and strategy for exposing wrongdoing that runs throughout the Judiciary all the way to the Supreme Court under protection of the President and other politicians([jur:78§6](#)). Successful collaboration can open the way for a multidisciplinary academic and business venture ([jur:125§3](#)) to advocate([jur:127§§b-d](#)) and monitor([jur:131§§e-h](#)) judicial accountability and discipline reform. So I look forward to hearing from you. Together we can *trigger history*.^{233a}

May 25, 2012

The *DeLano*-Judge Sotomayor story

A judge-run bankruptcy fraud scheme covered up by a judge concealing assets of her own

An expository news piece showing

how federal judges' self-exemption from discipline, reciprocal cover-up of their wrongdoing, and unaccountability due to the failure of politicians and the media to exercise checks and balances and investigate their conduct have allowed judges to turn coordinated wrongdoing into the Federal Judiciary's institutionalized modus operandi and how it can set off a Watergate-like generalized media investigation whose findings can so outrage the public as to alter the presidential campaign and lead to judicial reform

1. The evidence hereunder concerns what *The Washington Post*, *The New York Times*, and Politico^{102a} suspected in articles contemporaneous with President Barak Obama's first justiceship nomination, to wit, that Then-Judge Sonia Sotomayor of the U.S. Court of Appeals for the Second Circuit (CA2) had concealed assets of her own(65§1). The evidence is in the financial statements that she filed with the Senate Committee on the Judiciary^{102b}. They show that in 1988-2008 she earned and borrowed \$4,155,599 + her 1976-1987 earnings; but disclosed assets worth only \$543,903, leaving unaccounted for \$3,611,696 - taxes and the cost of her reportedly modest living^{102c}. Thereby she failed to comply with that Committee's request that she disclose "in detail all [her] assets...and liabilities"^{102b}. Her motive was to cover up her previous failure to comply with the requirement of the Ethics in Government Act to file a "full and complete" annual financial disclosure report^{102d}. The President disregarded the evidence(77§5) of her dishonesty just as he did that of his known tax cheat nominees Tim Geithner, Tom Daschle, and Nancy Killefer¹⁰³.
2. The President also disregarded a case that incriminates Judge Sotomayor in the cover-up of concealment of assets as part of a bankruptcy fraud scheme(66§2) and in protecting the schemers¹⁰⁵, i.e., *DeLano*^{104a}, over which she presided^{104b}. His vetting of her through his staff and the FBI must have found that case, for it was in the CA2's public record. The Judge so clearly realized how incriminating¹²⁶ that case was that she withheld it(69§b) from the documents that she was required by the Senate Judiciary Committee to submit in preparation for holding confirmation hearings on her justiceship nomination. By so doing, she committed perjury, for she swore that she had complied with the Committee's initial and supplemental requests for documents^{102b}.
3. *DeLano* concerns a 39-year veteran banker who before retiring filed his personal bankruptcy, yet remained employed by a major bank, M&T Bank, as a bankruptcy officer! He was but one of a clique of bankruptcy system insiders: His bankruptcy trustee had 3,907 *open* cases^{108a} before the WBNY judge hearing the case; one of his lawyers had brought 525 cases^{108b} before that judge; his other lawyer also represented M&T and was a partner in the same law firm in which that judge was a partner^{108c} at the time of his appointment^{108d} to the bench by CA2; and the judge was reappointed^{60a} in 2006, when J. Sotomayor was a CA2 member. M&T was likely a client of that law firm^{109b-c} and even of the judge when he was a bankruptcy lawyer and partner there. They participated in a bankruptcy fraud scheme run nationally and enabled by the Federal Judiciary¹¹⁰.
4. A co-schemer, the 'bankrupt' officer declared \$291,470 earned with his wife in the three years preceding their bankruptcy filing^{112a}. Incongruously, they pretended that they only had \$535 "on hand and in account"^{112b}. Yet, they incurred \$27,953 in known legal fees, billed by their bankruptcy lawyer, who knew that they had money to pay for his services^{112c}, and approved by the trustee and the judge. They also declared one single real estate property, their home, bought 30 years earlier^{112d} and assessed for the purpose of the bankruptcy at \$98,500, on which they

declared to carry a mortgage of \$77,084 and have equity of only \$21,416^{112e} ...after making mortgage payments for 30 years! They had engaged in a string of eight mortgages from which they received \$382,187, but the trustee and the judge refused to require them to account for it^{112g}.

5. For six months the bankruptcy officer and his wife, their lawyers, and the trustee treated a creditor that they had listed among their unsecured creditors as such and pretended to be searching for their bankruptcy petition-supporting documents that he had requested^{113a}. It was not until the creditor brought to the judge's attention^{113b} that the 'bankrupts' had engaged in concealment of assets that they moved to disallow his claim^{113c}. The judge called on his own for an evidentiary hearing on the motion only to deny discovery of *every single document* that the creditor requested, even the bankrupts' bank account statements, indispensable in any bankruptcy^{114a}. Thereby he deprived the creditor of his discovery rights, thus flouting due process. He turned the hearing^{114b} and his grant of the motion into a sham¹¹⁵. He also stripped the creditor of standing in the case so that he could not keep requesting documents, for they would have allowed tracking back the concealed assets. On appeal, the judge's colleague in the same small federal building^{116a} in Rochester, NY, a WDNY district judge, also denied *every single document* requested by the creditor^{116b}.
6. All these circumstances rendered this bankruptcy officer's bankruptcy petition suspicious per se. Yet, when *DeLano* reached CA2, Then-Judge Sotomayor, presiding^{104b}, condoned those unlawful denials and denied in turn *every single document* in 12 requests^{117a} (16). She too needed those documents to find the facts to which to apply the law^{117b}. Thus, she disregarded a basic principle of due process, which requires that the law not be applied capriciously or arbitrarily^{117c} in a vacuum of facts or by willfully ignoring them. Her conduct^{116c} belied her statement before the Senate Judiciary Committee that her guiding principle as a judge was "fidelity to the law"^{127 f}.
7. Judge Sotomayor also condoned the refusal of the bankruptcy judge to disqualify himself for conflict of interests and "the appearance of impropriety"^{118a-b}, just as she refused to disqualify him^{118c}. During her membership in the 2nd Circuit's Judicial Council²⁰, she too denied the petition to review the dismissal without any investigation of the misconduct complaint against him¹¹⁹. This formed part of her pattern of covering up for her peers: As a CA2 member she condoned, and as a Council member she applied, the Council's unlawful policy during the 13-year period reported online of denying 100% of petitions to review dismissals of complaints against her peers^{120a}. Thereby she contributed to illegally abrogating in effect an act of Congress giving complainants the right to petition for review^{118b}; and also condoned the successive CA2 chief judges' unlawful practice of systematically and without any investigation dismissing such complaints^{120a}. She did not "administer justice" [to her peers] rich⁸⁵ in judicial connections, but rather a 100% exemption from accountability^{120b}; and the "equal right"¹²¹ that she did to them was to disregard all complaints against them, no matter their gravity or pattern, whether the allegation was of bribery, corruption, conflict of interests, bias, prejudice, abuse of power, etc.¹²² Her total partiality toward her own was "without respect"⁸⁵ for complainants, other litigants, and the public. Instead of Equal Justice Under Law, Judge Sotomayor upheld Judges Can Do No Wrong. She breached her oath.
8. By so doing, Judge Sotomayor rendered wrongdoing irresistible: She assured her peers of its risklessness, insulating it from any disciplinary downside while allowing free access to its limitless scope and profitability upside. So she emboldened them to engage ever more egregiously in the bankruptcy fraud scheme⁵⁹ and other forms of wrongdoing. By removing wrongdoing's stigmatizing potential and allowing its incorporation into the judges' modus operandi, she encouraged their resort to its efficiency multiplier: coordination. Through it wrongdoing becomes institutionalized and wrongdoers' fate becomes interdependent, requiring their continued reciprocal cover-up⁸⁴. Then-Judge Sotomayor thus ensured that they would cover up her concealment of assets;

now a Justice, she is not a champion of the Judiciary's integrity, but rather their accomplice^{124a}.

9. Indeed, the *DeLano* bankruptcy officer had during his 39-year long banking career learned who had turned the skeletons in the closet into such. The risk of his being indicted and trading up with domino effect motivated J. Sotomayor and her peers to allow him to retire with at least \$673,657(jur:15) in known concealed assets^{107b}. To protect peers, other insiders, and herself, she failed in her duty under 18 U.S.C. §3057 to report to the U.S. attorneys, not hard evidence, but just 'a belief that bankruptcy fraud may have been committed'^{125a}. In how many of the thousands of cases^{108a-b,109b} before their appointed⁶⁰ bankruptcy judges have she and other judges complicitly let the bankruptcy fraud scheme fester with rapaciousness^{125b} and who benefited or was harmed thereby?
10. President Obama too had a duty: to vet justiceship candidates and choose one, not in his interest, but for their fitness. He was not entitled to have his staff and the FBI vet them only for him to hush up¹⁵³ their finding^{102a} of J. Sotomayor's concealment of her assets^{102c} and of those trafficked in the fraud scheme. Had he acted responsibly in the public interest, he would have realized that she had withheld(69§b) *DeLano* to prevent her cover on the scheme from blowing up and scuttling her nomination, and either withdrawn her nomination or disclosed the incriminating information to enable others to make informed decisions. By burying that information under lies about her integrity, he fraudulently got a dishonest nominee confirmed and misled the Senate and the public.
11. A.G. Eric H. Holder, Jr., also had a duty. By taking the oath of office, he bound himself to uphold the Constitution and enforce the laws thereunder in the interest of, not the President, but rather the people^{154a}. Similarly duty-bound were the other federal^{154b-f} and state officers¹⁵⁵ who vetted Judge Sotomayor or received complaints about her, the schemers¹⁵⁶, and their condoners. But they would not even ask those complained-against to answer the complaint or request any evidence-corroborating document^{155d}. As for Sen. Charles Schumer, he disregarded the evidence submitted to him, endorsed J. Sotomayor, and became the President's point man to shepherd his nominee through the Senate. So did Sen. Kirsten Gillibrand. Although she, as Sen. Schumer's protégé, knew or should have known the incriminating evidence, she recommended the Judge to the President, introduced her to the Senate Judiciary Committee, and endorsed her to New Yorkers and the rest of the U.S. public.(78§6) For such dereliction of duty aimed at protecting their party members and reelection donors, they should be held accountable in the 2012 race.(xvi; xxx)
12. To that end, *DeLano* can be used as a test case for a *Follow the money!* investigation.(101§1) It can expose the condonation by the President and his administration of, and the involvement by J. Sotomayor, other judges, and bankruptcy and legal systems insiders in, deficit-aggravating tax evasion and a nationwide judge-run bankruptcy fraud scheme corruptive of the Judiciary.(28§2) There is probable cause to believe that these coordinated wrongdoers have also interfered with the email, mail, and phone communications of those trying to expose their wrongdoing. This calls for a *Follow the wire!* investigation(104§2). These investigations can remedy the abdication of the Executive, Congress, and the media(81§1) of their duty of oversight(36§3) of the Judiciary. They have connived in self-interest and to the people's detriment to allow judges -their servants- to become unaccountable(21§1). So judges routinely deny due process and substantive right(iii/ent. iii) and discipline self-exempt by systematically dismissing complaints against them(21§1). As a result, in the 223 years since the creation of their Judiciary in 1789 only 8 judges have been impeached and removed!¹⁴ Such survivability produces, and is the product of, **Judges Above the Law**.
13. To expose wrongdoing judges there is proposed: **1)** a Watergate-like generalized media investigation(101§D) of the evidence(21§§A,B) guided by the query: 'What did the President(77§5) and the justices know^{23b} about J. Sotomayor's tax evasion^{102a,c} and other judges'¹⁹⁶ wrongdoing and when did they know it(75§d)?'; **2)** an academic and business venture(125§3); and **3)** presentations(161§F; xxv).

The Salient Facts of The *DeLano* Case

(as of 7jan11)

revealing the involvement of bankruptcy & legal system insiders in a bankruptcy fraud scheme*(D:#* & footnote references are to Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf; these are *bookmarks* on the left)

DeLano is a federal bankruptcy case. Part of a case cluster, it reveals fraud that is so egregious as to betray overconfidence born of a long standing practice¹: Coordinated wrongdoing evolved into a bankruptcy fraud scheme.² It was commenced by the DeLano couple filing a bankruptcy petition with Schedules A-J and a Statement of Financial Affairs on January 27, 2004. (04-20280, WBNY³) Mr. DeLano, however, was a most unlikely bankruptcy candidate. At filing time he was a 39-year veteran of the banking and financing industry and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a Xerox technician, were not even insolvent, for they declared \$263,456 in assets v. \$185,462 in liabilities (*D:29*); and also:

1. that they had in cash and on account only \$535 (*D:31*), although they also declared that their monthly excess income was \$1,940 (*D:45*); and in the FA Statement (*D:47*) and their 1040 IRS forms (*D:186*) that they had earned \$291,470 in just the three years prior to their filing;
2. that their only real property was their home (*D:30*), bought in 1975 (*D:342*) and appraised in November 2003 at \$98,500⁴, as to which their mortgage was still \$77,084 and their equity only \$21,416 (*D:30*)...after making mortgage payments for 30 years! and receiving during that period at least \$382,187 through a string of eight mortgages⁵. (*D:341*) Mind-boggling!
3. that they owed \$98,092 –spread thinly over 18 credit cards (*D:38*)- while they valued their household goods at only \$2,810 (*D:31*), less than 1% of their earnings in the previous three years. Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their working lives of more than 30 years.
4. Theirs is one of the trustee's *3,907 open* cases and their lawyer's *525* before the same judge.

These facts show that this was a scheming bankruptcy system insider offloading 78% of his and his wife's debts (*D:59*) in preparation for traveling light into a golden retirement. They felt confident that they could make such incongruous, implausible, and suspicious declarations in the petition and that neither the co-schemers would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by providing supporting documents. Moreover, they had spread their debts thinly enough among their 20 institutional creditors (*D:38*) to ensure that the latter would find a write-off more cost-effective than litigation to challenge their petition. So they assumed that the sole individual creditor, who in addition lives hundreds of miles from the court, would not be able to afford to challenge their good faith either. But he did after analyzing their petition, filed by them under penalty of perjury, and showing that the DeLano 'bankrupts' had committed bankruptcy fraud through concealment of assets.

The Creditor requested that the DeLanos produce documents⁶ as reasonably required from any bankrupt as their bank account statements. Yet the trustee, whose role is to protect the creditors, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied *every single document* requested by the Creditor, he moved for production orders. Despite his discovery rights and their duty to determine whether bankrupts have concealed assets, the *bankruptcy* and *district judges* denied him *every single document*. So did the *circuit judges*, even *then CA2 Judge Sotomayor*, the presiding judge, who also needed the documents to find the facts to which to apply the law. They denied him and themselves due process of law. To eliminate him, *they* disallowed his claim in a *sham evidentiary hearing*. Revealing how incriminating the documents are, to oppose their production the DeLanos, with the trustee's recommendation and the *bankruptcy judge's approval*, were allowed to pay their lawyers \$27,953 in legal fees⁷...though they had declared that they had only \$535. To date \$673,657⁸ is still unaccounted for. Where did it go⁹? How many of the trustee's 3,907 cases have unaccounted for assets? For whose benefit?²

August 18, 2012

**Proposal to Politicians, Journalists, and Advocates of Honest Judiciaries
To present to the public objective evidence of judges' unaccountability and consequent
riskless and all the more profitable and irresistible wrongdoing, which can set off a
competitive Watergate-like generalized media investigation to corroborate and find
out who knew what and when, whose findings can so outrage the people as to impact
the presidential campaign and force the authorities to investigate, whose even more
outrageous findings can compel judicial reform and make voters hail the presenters
as **THE PEOPLE'S CHAMPIONS OF JUSTICE** and **SUPPORT A BUSINESS & ACADEMIC VENTURE****

**Introduction: The goal is, not just to expose wrongdoing judges and those
who put and keep them in office, but to trigger history!**

1. There must have been at least as many wrongdoing federal judges as state judges in proportion to their total numbers. In fact, charges against both types of judges have been leveled by the public in hundreds of websites and Yahoo- and Googlegroups that complain about their corruption as well as their arrogance, arbitrariness, and unaccountability.¹ As for state judges, the complaints concentrate in areas such as probate, child custody, divorce, guardianships, foreclosures, landlord-tenant, employment, and traffic violations. Federal judges usually deal with higher stakes because cases before them concern matters so important as to be regulated nationally under federal law or to have attracted multistate parties. The higher the stakes, the higher the motive and the offer to corrupt a judge and the benefit from becoming corrupt.
2. To act on a wrong motive judges have vast decision-making power. No single officer of the other two branches can do what even one lowly single trial judge can, to wit, declare a law unconstitutional that a majority of the members of each legislative chamber has voted to pass and the chief of the executive has signed to enact. With that, the application of the law is suspended in the case at bar and maybe even within the judge's jurisdiction. If just two judges of a three-judge panel of a federal circuit court agree on the unconstitutionality of a law, they may render it inapplicable in all the states in the circuit. Even when a judge upholds a law, he can affect a very large number of people besides the parties before him. Through the precedential authority of his decisions, the way he interprets and applies a law can establish or influence the way other judges do so. Thereby he can impact the rights and duties of the people in his jurisdiction and well beyond it. Hence, it is accurate to state that a judge has power to affect not just the life of a defendant subject to the death penalty, but also people's property, liberty, and everyday life.

¹ This is how Author Larry Hohol's homepage, www.TheLuzerneCountyRailroad.com, describes his talk with Host Sue Henry as part of a Barnes & Noble Author Event about his book *The Luzerne County Railroad* on judicial corruption in Pennsylvania: "The scheduled 20 minute appearance was extended to two hours after the switchboard lit up solid with phone calls from listeners". It is quite rare for media stations to throw off their carefully matched schedules of shows and sponsors to respond on the fly to even overwhelming audience reaction to their current show. That this happened demonstrates that even within the limited geographic reach of an FM station, i.e., WILK-FM, 103.1, his story of judicial abuse of power and betrayal of public trust stroke a cord with the audience. This experience supports the reasonable expectation that people elsewhere would react likewise to similar accounts because judges have been allowed to engage in such conduct with impunity long enough to have victimized and outraged many people everywhere. They have become Judges Above the Law.

3. Power abhors idleness; it forces its use. Judges' vast power creates the conditions for its abuse. Yet, it is rare for journalists to investigate complaints against state judges brought to the media's attention by people claiming that judges disregarded the law and even the facts and behaved arbitrarily. Worse yet, it is almost unheard of for journalists to investigate a federal judge. Nevertheless, that is their professional duty. As stated in the executive summary of the report commissioned by Columbia Graduate School of Journalism on the future of journalism as it experiences tectonic changes in its structure and operation brought about by new technologies: "News reporting that holds accountable those with power and influence has been a vital part of American democratic life".² That way of life rests on the foundation of government, not of men, but of laws. It is dangerously undermined when the officers of the third branch, the judiciary, disregard the rule of law to decide cases wrongfully based on their bias, prejudice, interest in a conflict of interests, or without stating any reason, thus issuing ad-hoc fiats of unprincipled raw power.
4. The media have never started with the investigation for wrongdoing of a federal judge and kept investigating the conditions enabling the judge to do wrong. Nor have they ever gone up the judicial hierarchy to ask a question corresponding to one that entered our national political discourse more than a generation ago as a result of a journalistic investigation of one of the most powerful and influential men in our country: What did the President know and when did he know it?
5. That was the question that U.S. Senator Howard Baker, vice chairman of the Senate Watergate Committee, asked of every witness at the nationally televised hearings concerning the involvement of President Richard Nixon in the Watergate Scandal. The latter came to light because of two reporters with superior professional skills and enormous perseverance: Bob Woodward and Carl Bernstein of *The Washington Post*. They wrote an article questioning how the so-called "five plumbers" caught in the Democratic National Headquarters at the Watergate complex in Washington, D.C., on June 17, 1972, could afford top notch Washington lawyers. Woodward and Bernstein were initially mocked for wasting their time on "a garden variety burglary". But they persevered in their valid journalistic investigation, an endeavor in which they were supported by their editor, Benjamin Bradlee, and the *Post* publisher, Katharine Graham.
6. As a result, they set in motion a generalized media investigation looking for the source of the money to pay those lawyers. They found it in a 'special operations' slush fund of the Republican Committee for the Reelection of Nixon.³ The story kept feeding on readers' interest. Ever more journalists wanted a piece of the action and jumped onto the investigative bandwagon. Offer and demand in a market economy. Eventually they all contributed to finding Nixon's involvement in political espionage, abuse of power by setting the IRS and other agencies against political opponents, and illegal surveillance of political opponents and demonstrators against the Viet Nam War. Collectively they caused Nixon to resign on August 9, 1974.
7. Woodward and Bernstein were instrumental in holding accountable the most powerful executive officer as well as his White House aides, who went to prison. They were rewarded with a Pulitzer Prize; and their account of the events in *All the President's Men* became a bestseller and the homonymous movie a blockbuster. More importantly, the generalized media investigation to which they gave rise helped reaffirm a fundamental principle of our democratic life: Nobody is

² Executive Summary by The Editors of Columbia Journalism Review, Strong Press, Strong Democracy, of *The Reconstruction of American Journalism*, a report released at an event at the NY Public Library; http://www.cjr.org/reconstruction/executive_summary_the_reconstr.php

³ *All the President's Men*, Carl Bernstein and Bob Woodward; Simon & Schuster (1974); pp. 16-18, 34-44; cf. http://Judicial-Discipline-Reform.org/docs/WP_The_Watergate_Story.pdf

Above The Law. They also validated the essential role that journalism plays in applying that principle by relentlessly pursuing their story wherever it led. Their never-ending curiosity about the unknown causes of the known ones propelled their investigation on the wheels of their common sense and their sense of what makes an individual tic and the world turn. Deservedly, they have been for over a generation icons of American journalism.

8. Yet, even Woodward and Bernstein have failed to investigate judicial wrongdoing despite the mounting complaints about it. So have *The Washington Post* and the rest of the media. Their failure is particularly blamable because they all have had access not just to the public's 'anecdotal' complaints against judges, but also to the official statistics of the federal and state judiciaries. These statistics should have prodded the indispensably analytical and inquisitive mind of their journalists, editors, and publishers to examine them critically and ask some obvious questions: What are the underlying facts that these statistics reveal? What are the enabling factors of the known facts? What are the consequences for the people and their government of those facts given human nature and the world we live in? These are the questions that this proposal addresses.
9. As politicians and advocates of an informed public and its interests read on, they should ask themselves the same questions that victims of wrongdoing judges do with a sense of helplessness and bafflement: Why do journalists not investigate complained-against judges? Do they not want a Pulitzer anymore? Can an outrageous story of judicial wrongdoing cause them to investigate?
10. **Section (§) A** analyzes official statistics of the Federal Judiciary. They reveal that federal judges exercise unaccountable power driven by the money motive in practically unreviewable cases. These statistics are especially compelling as the Judiciary's declarations against self-interest.
11. **Section B** illustrates those statistics with cases of outrageous wrongdoing that went from a bankruptcy court at the bottom of the federal judicial hierarchy to the top, the Supreme Court. They show how wrongdoing pervades even routine legal procedures and administrative processes, runs throughout the hierarchy, and results from and gives rise to a most insidious enabler: coordination.
12. **Section C** explains how "wrongdoing" and "coordinated wrongdoing" as opposed to "corruption" are notions that encompass more conduct and impose a lower burden of proof to be borne by the proposed investigation of the §B cases, thus increasing the chances of successfully completing it.
13. **Section D** lays out the proposal: the *Follow the money!* and *Follow the wire!* investigations of the key §B case, *DeLano*, which was presided over by Then-Judge Sotomayor of the U.S. Court of Appeals for the 2nd Circuit^{4a} (CA2) in NY City. Now at the Supreme Court, she can be sure that her former peers do as she does for the other justices and judges^{cf.139d}: They cover for each other. The investigation can move from CA2 to law firms and financial institutions(¶199b); the Manhattan D.A.'s^{155a} and NYS A.G.'s^{155b} offices; property registries(¶¶197a, 210); a disciplinary committee¹⁵⁶; on to Rochester^{110b,154d}, Albany^{155c}; D.C.^{64,106}, and beyond(¶197c-e). Coordination ensures the wrongdoers' collective survival and higher profits. Through it judges have arrogated to themselves a status that no person in a democracy is entitled to: Judges Above the Law.
14. **Section E** describes the public presentation of the DeLano-J. Sotomayor evidence available and the findings of its proposed further investigation. It can set off a Watergate-like generalized and first-ever media investigation of the Federal Judiciary, which can prompt similar investigations of state judiciaries. This is a statistically realistic outcome⁵: 2,021,875 new cases were added to

⁴ **a)** <http://www.ca2.uscourts.gov/>; **b)** <http://www.census.gov/main/www/popclock.html>

⁵ Caseload for the 2010 fiscal year (1oct9-30sep10 FY10): 2,021,875 = Supreme Court: 8,205 +

the pending ones in the federal courts in FY10; and the comparable figure in the state courts for 2007 was 47.3 million!⁶ Since there are at least two parties to every case and annually 50 million new cases are filed in all courts, a minimum of 100 million people out of a population of 312 million^{4b} go or are brought to court every year. They are added to those already parties to pending cases. This 100 million does not begin to count the scores of millions indirectly affected during litigation and thereafter by its outcome: friends and family, colleagues, clients, creditors, employees, shareholders, class action members, the stores that they patronize less or not anymore for lack of money, those who must bear higher insurance premiums or lower protections, etc.

15. These numbers show that the public presentation can set off a Watergate-like generalized investigation of the judiciaries because journalists will want to reach a huge market and get a name-making scoop while escaping retaliation by the impossibility of targeting all of them. That is what it takes to investigate judges' wrongdoing: A huge market demanding news, punditry, and documentaries if a story of judges' outrageous wrongdoing makes itself **a)** the market's national story by showing that everybody can already be among the story victims; **b)** the market's concern by depicting the abused justice that can be inflicted on everybody by judges whose wrongdoing is their institutionalized modus operandi; and **c)** the feeder of the expectation of top heads rolling. That story can stir that market to clamor for Congress, DoJ, and their state counterparts to investigate their judiciaries for the unbearable betrayal: People raised by pledging every morning allegiance to the belief that we are "one nation, indivisible...with justice for all" find out that we are very much divided into Judges Above the Law and the rest of us, who get *their mockery of justice!*
16. Official investigations can lead to public hearings where that key question of our political debate can be asked after being rephrased thus: *What did the justices know about each other's and judges' wrongdoing and when did they know it?* Those who set in motion the process leading up to its being asked before the riveted eyes of a national TV audience can become this generation's Bob Woodward and Carl Bernstein and win the personal and professional rewards that they did. The public interest entities, deans, and professors that make possible their investigation and public presentation can become the new iconic 'editors' and 'publishers' of a political system that reconstructs itself by holding even powerful, life-tenured judges subject to the fundamental principle of our democratic life: All public officials are accountable to the people, whom they serve.
17. A presidential candidate can present the available evidence(§§A-B) and his findings about judicial wrongdoing(§C) and the *DeLano-J. Sotomayor* story(§D) at a press conference or a multimedia public event(§E). He can get a journalism school to join his investigative effort as an academic project^{246e} and/or let him make the presentation as the keynote speech at its job fair attended by recruiters and editors from all the U.S. The latter are likely to disseminate his statements and launch their own investigations, which will agitate an election-mobilized market. Thereby he can pioneer JUDICIAL UNACCOUNTABILITY REPORTING AND REFORM ADVOCACY. By courageously leading the way, he can become a Champion of Justice of a people convinced that their defining, inalienable right as Americans is to Equal Justice Under Law. Indeed, *you can trigger history!*(§F)

Court of Appeals: 55,992 + District Courts: 361,323 + Bankruptcy Court: 1,596,355;
http://Judicial-Discipline-Reform.org/statistics&tables/caseload/1judicial_caseload.pdf

⁶ In "An Interview with Chief Justice Margaret H. Marshall, President of the Conference of Chief Justices", *The Third Branch*, vol.41, number 4, p.1 and 9; April 2009, President Marshall stated that "[f]or 2007...the total number of cases filed in...state courts...was 47.3 million cases, not including traffic offenses. In other words, tens of millions of Americans experience justice—or the lack thereof—in state courts." http://Judicial-Discipline-Reform.org/docs/num_state_cases_07.pdf. Cf. http://www.ncsconline.org/D_Research/csp/CSP_Main_Page.html

Fraudulent Coordination Among The Main Players In The Bankruptcy System

Homeowner or Debtor ↔ Financial Institution : imposes foreclosure-aimed terms

1. hidden title, insurance, closing, etc., fees added to principal
2. from \$0 down-payment & 0% rate to predatory high rates
3. budget-busting escrow charges

Trustee : not appointed at random or Ch.# standing trustee ↔ The Judge: Approves all compensation applications regardless of 11usc330 "actual and necessary services or expenses"

Professional persons: appointed under 11usc327

Attorney:
Trustee's own law firm

Auctioneer:
holds no auction or an insider's auction

Appraiser:
No-appraisal undervaluation

Property management co.: secretly owned by
Trustee & Auctioneer, e.g. in their minor's names

Other trustees, judges,
friends & relatives

Intra-sale:
at loss for capital loss or at inflated price for money laundering

Flip property on open market: quick big gain
appears small by inflated improvement expenses

Homeowner or Debtor:
Squeezed dry in pincer movement

Judges' Systematic Dismissal Without Investigation of 99.82% of Complaints Against Them

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-mth. Period Ended 30sep97-07 & 10may8, Administrative Office of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx> >year >Table 1

Complaints filed in the 13 Cir. and 2 Nat. Courts	'96-97	'97-98	'98-99	'99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-5/8	'96-5/8	n/11.6
Complaints Pending on each Sep. 30 of 1996-2008*	109	214	228	181	150	262	141	249	212	210	241	333	2530	218
Complaints Filed	679	1,051	781	696	766	657	835	712	642	643	841	491	8794	758
Complaint Type														
Written by Complainant	678	1,049	781	695	766	656	835	712	642	555	841	491	8701	750
On Order of Chief Judges	1	2	0	1	0	1	0	0	0	88	0	0	93	8
Officials Complained About**														
Judges														
Circuit	461	443	174	191	273	353	204	240	177	141	226	112	2995	258
District	497	758	598	522	563	548	719	539	456	505	792	344	6841	589
National Courts	0	1	1	1	3	5	1	0	0	3	4	0	19	1.6
Bankruptcy Judges	31	28	30	26	34	57	38	28	31	33	46	24	406	35
Magistrate Judges	138	215	229	135	143	152	257	149	135	159	197	105	2014	174
Nature of Allegations**														
Mental Disability	11	92	69	26	29	33	26	34	22	30	20	16	408	35
Physical Disability	4	7	6	12	1	6	7	6	9	3	1	4	66	5.7
Demeanor	11	19	34	13	31	17	21	34	20	35	22	5	262	23
Abuse of Judicial Power	179	511	254	272	200	327	239	251	206	234	261	242	3176	274
Prejudice/Bias	193	647	360	257	266	314	263	334	275	295	298	232	3734	322
Conflict of Interest	12	141	29	48	38	46	33	67	49	43	46	25	577	50
Bribery/Corruption	28	166	104	83	61	63	87	93	51	40	67	51	894	77
Undue Decisional Delay	44	50	80	75	60	75	81	70	65	53	81	45	779	67
Incompetence/Neglect	30	99	108	61	50	45	47	106	52	37	59	46	740	64
Other	161	193	288	188	186	129	131	224	260	200	301	225	2486	214
Complaints Concluded	482	1,002	826	715	668	780	682	784	667	619	752	552	8529	735
Action By Chief Judges														
Complaint Dismissed														
Not in Conformity With Statute	29	43	27	29	13	27	39	27	21	25	18	13	311	27
Directly Related to Decision or Procedural Ruling	215	532	300	264	235	249	230	295	319	283	318	236	3476	300
Frivolous	19	159	66	50	103	110	77	112	41	63	56	23	879	76
Appropriate Action Already Taken	2	2	1	6	4	3	3	3	5	5	3	3	40	3.4
Action No Longer Needed Due to Intervening Events	0	1	10	7	5	6	8	9	8	6	6	4	70	6
Complaint Withdrawn	5	5	2	3	3	8	8	3	6	9	3	5	60	5
Subtotal	270	742	406	359	363	403	365	449	400	391	404	288	4840	417
Action by Judicial Councils														
Directed Chief Dis. J. to Take Action (Magistrates only)	0	0	0	0	0	0	0	0	0	1	0	0	1	.09
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	0	1	.09
Privately Censured	0	0	0	0	1	0	0	0	0	0	0	0	1	.09
Publicly Censured	0	1	0	2	0	2	0	0	0	0	0	1	6	0.5
Ordered Other Appropriate Action	0	0	0	0	0	0	1	0	0	0	2	0	3	0.26
Dismissed the Complaint	212	258	416	354	303	375	316	335	267	227	344	263	3670	316
Withdrawn	n/a	n/a	4	0	1	0	0	0	0	0	2	0	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	264	3689	318
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7	5	2	14	1.2
Complaints Pending on each September 30 of 1997-08	306	263	183	162	248	139	294	177	187	234	330	272	2795	241

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

2nd Circuit Judicial Council's & J. Sotomayor's Denial of 100% of Petitions for Review of Systematically Dismissed Misconduct Complaints Against Their Peers & 0 Judge Disciplined in the Reported 12 Years¹

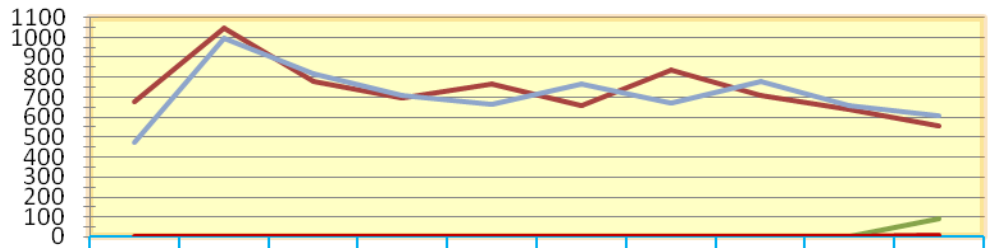
Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-mth. Period Ended 30sep97-07 & 10may8, Administrative Office of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx> >year >Table

Data of Judicial Council 2nd Cir. for AO; 28 U.S.C. §332(g)	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-5/8	'96-5/8	avg.
Complaints Pending on each September 30 of 1996-2008*	5	10	23	65	33	60	29	34	57	31	28	13	388	32
Complaints Filed	40	73	99	59	102	62	69	23	36	14	22	4	603	50
Complaint Type														
Written by Complainant	40	73	99	59	102	62	69	23	36	0	22	4	589	49
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	14	0	0	14	1.8
Officials Complained About**														
Judges														
Circuit	3	14	23	9	31	10	8	4	7	0	6	1	116	9.7
District	27	56	63	41	52	41	49	15	23	10	12	3	392	33
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	0	12	1
Magistrate Judges	8	8	11	7	17	10	11	3	6	4	4	0	89	7.5
Nature of Allegations**														
Mental Disability	1	9	26	2	5	4	6	3	3	1	1	1	62	5.2
Physical Disability	0	1	2	1	0	0	1	2	0	0	0	1	8	.7
Demeanor	2	2	2	3	14	3	4	6	0	0	0	0	36	3
Abuse of Judicial Power	25	30	7	29	28	57	20	6	3	0	1	1	207	17
Prejudice/Bias	32	36	34	28	24	40	20	35	43	28	30	5	355	30
Conflict of Interest	0	0	5	11	10	18	3	4	5	1	1	0	58	4.8
Bribery/Corruption	0	0	10	21	2	15	4	5	2	2	1	1	63	5.2
Undue Decisional Delay	0	4	0	11	6	15	9	5	8	2	3	3	66	5.5
Incompetence/Neglect	4	1	3	1	5	2	3	3	4	0	3	2	31	2.6
Other	0	11	3	5	0	0	4	33	80	38	47	14	235	20
Complaints Concluded	33	56	57	80	75	93	42	51	91	45	50	17	690	57
Action By Chief Judges														
Complaint Dismissed														
Not in Conformity With Statute	3	4	0	0	4	1	1	6	5	8	1	2	35	2.9
Directly Related to Decision or Procedural Ruling	12	19	19	29	17	23	14	18	46	15	10	9	231	19
Frivolous	0	1	19	0	13	9	7	3	1	3	2	1	59	4.9
Appropriate Action Already Taken	0	0	0	0	0	0	0	1	0	1	0	0	2	0.2
Action No Longer Needed Due to of Intervening Events	0	0	3	1	0	2	0	0	0	1	0	0	7	0.6
Complaint Withdrawn	0	0	0	0	0	2	0	1	2	0	0	0	5	0.4
Subtotal	15	24	41	30	34	37	22	29	54	28	13	12	339	28
Action by Judicial Councils														
Directed Chief Dis. J. to Take Action (Magistrates 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	6	351	29
Withdrawn	n/a	n/a	0	0	1	0	0	0	0	0	0	0	1	.08
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	6	352	29
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	1	0	2	.17
Complaints Pending on each 30sep of 1997-2008	12	27	65	44	60	29	56	6	2	0	0	0	301	25

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

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

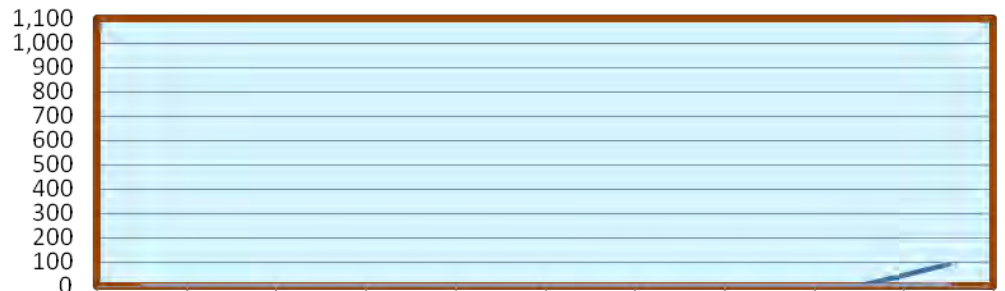
Number of complaints:



	97	98	99	00	01	02	03	04	05	06
— filed by complainants	678	1,049	781	695	766	656	835	712	642	555
— filed by chief judges	1	2	0	1	0	1	0	0	0	88
— dismissed by chief judges & judicial councils	477	995	820	710	663	770	673	781	661	609
— referred to Judicial Conference	0	0	0	0	0	0	0	0	0	0
— special investigating committees appointed[†]	0	0	0	0	0	0	0	0	0	7

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

Number of complaints



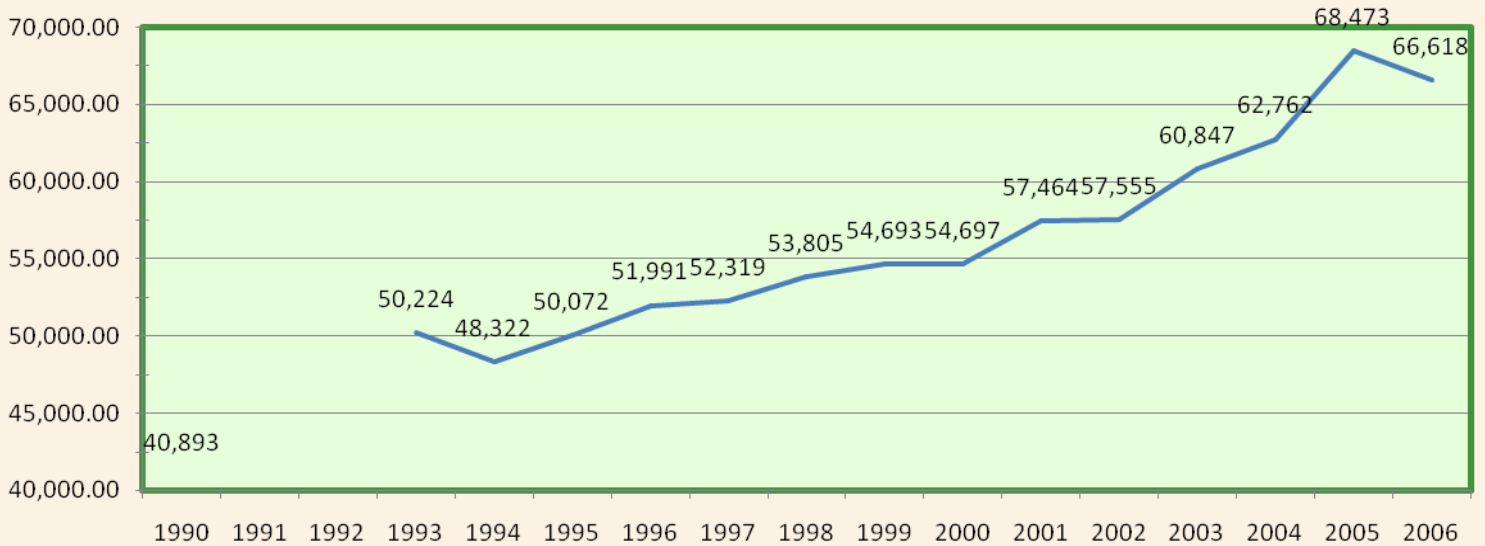
	97	98	99	00	01	02	03	04	05	06
— filed by chief judges	1	2	0	1	0	1	0	0	0	88
— directed chief district judge to take action (magistrate judges only)	0	0	0	0	0	0	0	0	0	1
— certified disability	0	0	0	0	0	0	0	0	0	0
— requested voluntary retirement	0	0	0	0	0	0	0	0	0	0
— ordered temporary suspension of case assignment	0	1	0	0	0	0	0	0	0	0
— privately censured	0	0	0	0	1	0	0	0	0	0
— publicly censured	0	1	0	2	0	2	0	0	0	0
— ordered other appropriate action	0	0	0	0	0	0	1	0	0	0
— referred complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0
— special investigating committees appointed[†]	0	0	0	0	0	0	0	0	0	7

Source: Administrative Off. of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx> >year >Table S-22 (formerly S-23 and S-24)

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



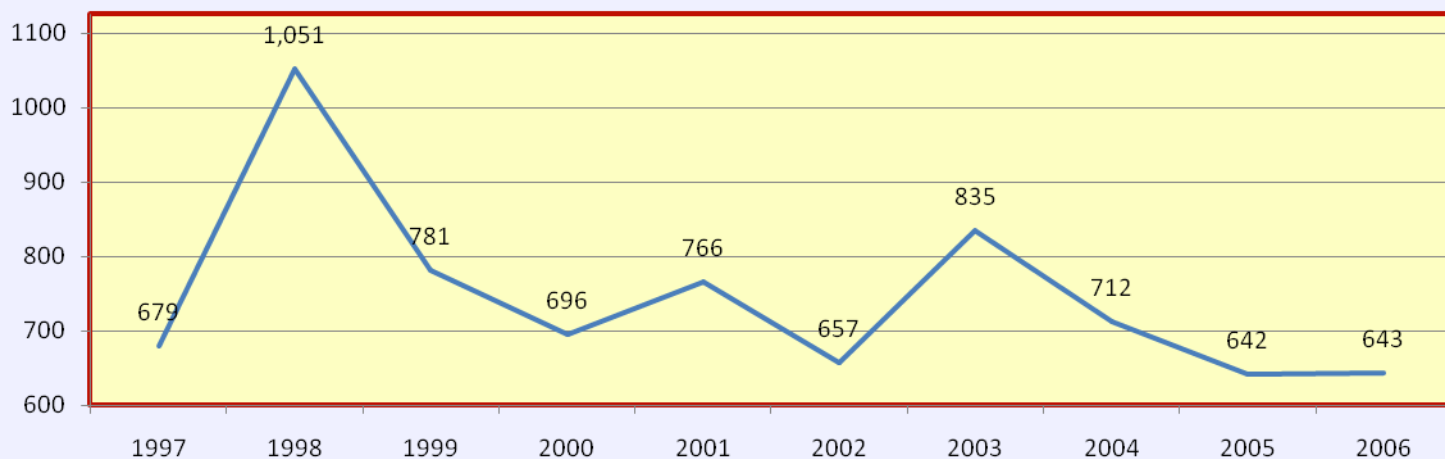
Cases Filed in the Court of Appeals Between 90-06 Showing a 63% Increase



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 U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>. For Tables 3, 4, 5, 2005-2006 Judicial Facts and Figures, Administrative Office of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialFactsAndFigures.aspx>

The complaint statistics are collected in http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf, where they are accompanied by links to the official S-22 (or S-23 or S-24) Tables.

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.

The number of cases in Tables 3-5 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.

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Dr.Richard.Cordero.Esq@gmail.com
 tel. (718) 827-9521

<http://Judicial-Discipline-Reform.org>

Summary of the DeLanos' income of \$291,470 + mortgage receipts of \$382,187 = \$673,657 and credit card borrowing of \$98,092

**unaccounted for and inconsistent with their declaration in Schedule B
 of their voluntary bankruptcy petition (D:23)¹ that at the time of its filing
 on January 27, 2004, they had "in hand and on account" only \$535!**

Exhibit page #	Mortgages ² referred to in the incomplete documents produced by the DeLanos ^a to Chapter 13 Trustee George Reiber (cf.Add:966§B)	Mortgages or loans	
		year	amount
D ^b :342	1) from Columbia Banking, S&L Association	16jul75	\$26,000
D:343	2) another from Columbia Banking, S&L Asso.	30nov77	7,467
D:346	3) still another from Columbia Banking, S&L Asso.	29mar88	59,000
D:176/9	4) owed to Manufacturers & Traders Trust=M&T Bank	March 88	59,000
D:176/10	5) took an overdraft from ONONDAGA Bank	March 88	59,000
D:348	6) another mortgage from Central Trust Company	13sep90	29,800
D:349	7) even another one from M&T Bank	13dec93	46,920
D:350-54	8) yet another from Lyndon Guaranty Bank of NY	23dec99	95,000
	9) any other not yet disclosed?	Subtotal	\$382,187
The DeLanos' earnings in just the three years preceding their voluntary bankruptcy petition (04-20280, WBNY; D:23)			
2001	1040 IRS form (D:186)	\$91,229	\$91,229
2002	1040 IRS form (D:187) Statement of Financial Affairs (D:47)	\$91,859	91,655
2003	1040 IRS form (D:188) Statement of Financial Affairs (D:47)	+97,648	+108,586
to this must be added the receipts contained in the \$98,092 owed on 18 credit cards, as declared in Schedule F (D:38) ^c		\$280,736 ^d	\$291,470 ^d
		TOTAL	\$673,657

^a The DeLanos claimed in their petition, filed just three years before traveling light of debt to their golden retirement, that their home was their only real property, appraised at \$98,500 on 23nov3, as to which their mortgage was still \$77,084 and their equity only \$21,416 (D:30/Sch.A) ...after paying it for 30 years! and having received \$382,187 during that period through eight mortgages! *Mind-boggling!* They sold it for \$135K³ on 23apr7, a 37% gain in merely 3½ years.

^b D=Designated items in the record of *Cordero v. DeLano, 05-6190L, WDNY*, of April 18, 2005.

^c The DeLanos declared that their credit card debt on 18 cards totals \$98,092 (D:38/Sch.F), while they set the value of their household goods at only \$2,810! (D:31/Sch.B) *Implausible!* Couples in the Third World end up with household possessions of greater value after having accumulated them in their homes over their working lives of more than 30 years.

^d Why do these numbers not match?

¹ http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V ²Id. >§§VI and VIII. ³Id. >§X

3. Other relevant orders entered in the case

- a. Circuit Justice Ginsburg’s grant of July 30, 2008, of Dr. Cordero’s application for extension of time until next October 6 to file the petition for a writ of certiorari US:2310

4. Table

Documents requested by Dr. Cordero and denial by CA2				
	Requests		Denials	
	page #	date	page #	date
1.	CA:1606	December 19, 06	SApp:1623	January 24, 07
2.	CA:1618	January 18, 07	SApp:1634	February 1, 07
3.	CA:1637	February 15, 07	SApp:1678	March 5, 07
4.	CA:1777	March 17, 07	CA:2180	February 7, 08
5.	CA:1932	June 14, 07	CA:2180	February 7, 08
6.	CA:1975¶59a	July 18, 07	CA:2182	February 7, 08
7.	CA:2081¶c.1	August 29, 07	CA:2181	February 7, 08
8.	CA:2126¶e	November 8, 07	CA:2180	February 7, 08
9.	CA:2140¶e	November 27, 07	CA:2180	February 7, 08
10.	CA:2165¶33e	December 26, 07	CA:2180	February 7, 08
11.	CA:2179	January 3, 08	CA:2180	February 7, 08
12.	CA:2205¶25c	March 14, 08	CA:2209	May 9, 08

B. Table of Contents of items in the records of all courts..... US:2365

- 1. All the items: on the accompanying CD; and
- 2. Select items: in the separate volume filed with Dr. Cordero’s in-chambers application of August 4, 2008, to the Justices for injunctive relief and a stay, referred by Chief Justice Roberts to the Court on September 10 for the Conference on September 29, 2008

C. Other relevant material

Proposed document production order..... infra at the back, bound and in a loose copy

Get directions My places

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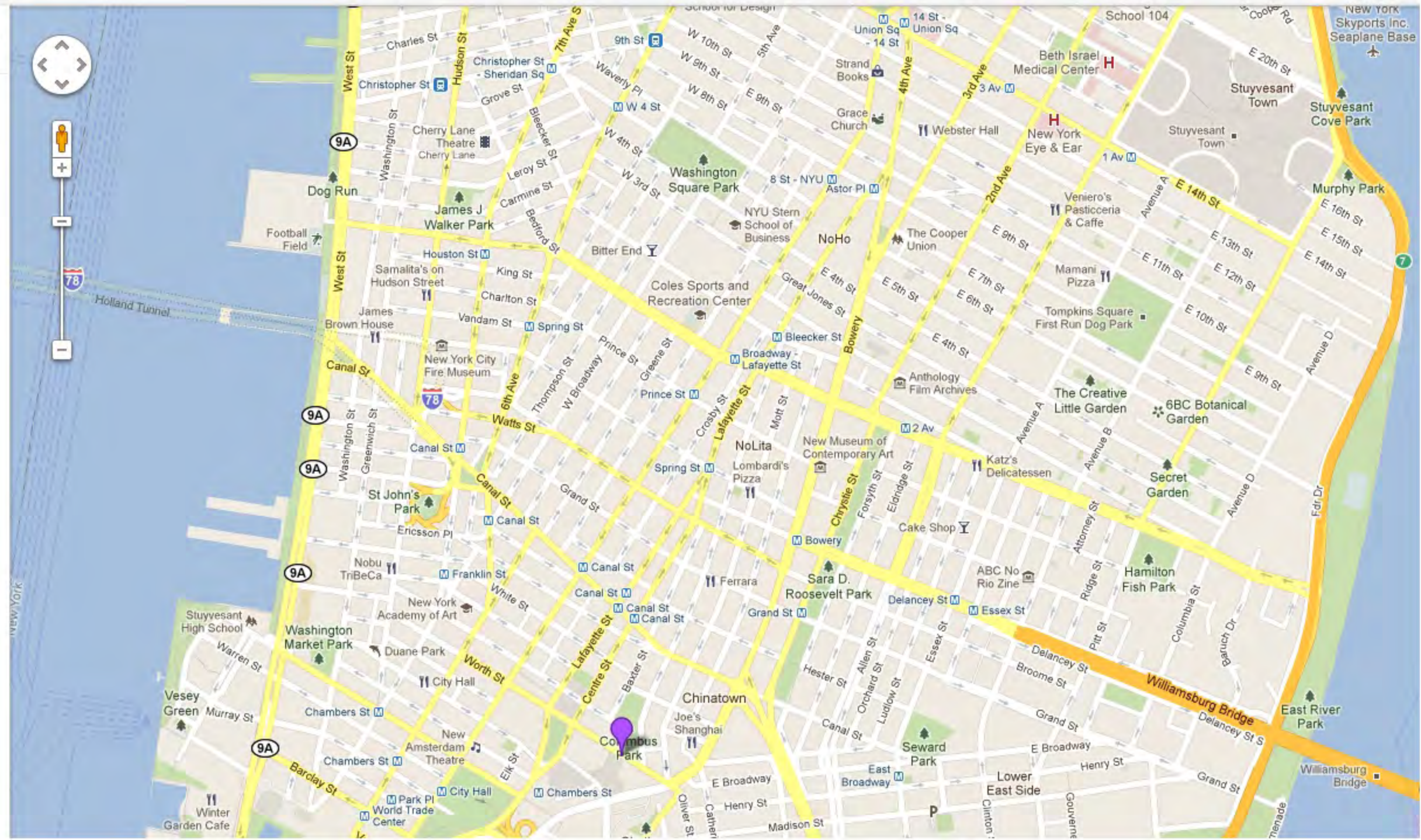
Explore this area

Photos



Places

- Church of the Transfiguration
- Thurgood Marshall United States Courthouse
- Five Points



Map of downtown New York City, showing where the U.S. Court of Appeals for the Second Circuit is located across from Chambers Subway Station and Chambers Street near Chinatown to the north east and City Hall, Brooklyn Bridge, and Wall Street to the south. (Photo by Google)



Temporary location of the U.S. Court of Appeals for the Second Circuit (CA2) in the building of the U.S. District Court for the Southern District (NYSD) in New York City. The tower to the right in the back is the building of the Court of Appeals, which has been under renovation for more than four years. (Photo by Google)



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Map of the federal circuits, produced by the Administrative Office of the U.S. Courts; http://www.uscourts.gov/Court_Locator.aspx

A. Means, motive, and opportunity of federal judges to engage in, and so to coordinate their, wrongdoing as to make it their institutionalized modus operandi and render their Judiciary a safe haven for wrongdoing

18. Coordinated wrongdoing in the Federal Judiciary⁷ is driven by (a) the most effective means, to wit, lifetime unaccountable power to decide over people's property, liberty, and lives; (b) the most corruptive motive, *money!*, staggering amounts of money in controversy between litigants; and (c) the opportunity to put both in play in millions of practically unreviewable cases.⁸

1. The means of unaccountable power

a. Only 8 federal judges impeached and removed in over 223 years: de facto unimpeachability

19. The unaccountable power of federal judges⁹ is revealed by the official statistics of the Federal Judiciary. They are published by its Administrative Office of the U.S. Courts (AO)¹⁰ and its

⁷ For an overview of the structure of the Federal Judiciary, see <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/FederalCourtsStructure.aspx>

⁸ The statements made in this proposal concern directly the Federal Judiciary and its judges. However, they are indirectly applicable to state judges for similar reasons, namely, they too are held unaccountable by their peers, who expect reciprocal treatment; by the executives who appointed or nominated them and are loath to expose subsequently their own appointees' unethical or criminal conduct; and by the legislatures, who fear their power, as the executives also do, to declare their signature laws unconstitutional. Such unaccountability encourages riskless wrongdoing.

What also varies among all of them is the mode of access to a justiceship: Federal district and circuit judges and the justices are the only ones nominated by the President and confirmed by the Senate to their justiceships for life. Although federal bankruptcy judges and magistrates are appointed by life-tenured judges for renewable terms⁶⁰, their terms are routinely renewed and the effect is similar to a life appointment. All state judges are either appointed for a term, which may be renewable, or run for their judgeships in judicial elections. The practical importance of differences in mode of access to a judgeship is lessened by the similar effect of being held unaccountable and its resulting perverse assurance that their wrongdoing is riskless.

⁹ Generally in this proposal, "judges" means U.S. Supreme Court justices; U.S. bankruptcy, district, and circuit court judges (the latter are those of the Courts of Appeals for the 13 federal circuits), and magistrates, unless the context requires the term to be given a more restrictive or expansive sense.

¹⁰ **a)** AO assists only in the administration of the federal courts and has no adjudicative functions; <http://www.uscourts.gov/ContactUs/ContactUs2.aspx>. **b)** It was established under title 28 of the U.S. Code, section 601 (28 U.S.C. §601); http://Judicial-Discipline-Reform.org/docs/28usc601-613_Adm_Off.pdf. Its director and deputy director are appointed and removable by the chief justice of the U.S. Supreme Court; id; http://Judicial-Discipline-Reform.org/docs/J_THogan_Named_AO_Director.pdf. AO's official statistics are posted at <http://www.uscourts.gov/Statistics.aspx>. Those relevant to this proposal have been collected

Federal Judicial Center¹¹. Although thousands and thousands of federal judges have served since their Judiciary was created in 1789 under Article III of the U.S. Constitution¹² –2,131 were in office on 30sep11¹³–, the number of those removed in more than 223 years since then is only 8!¹⁴

20. It follows as a historic fact that once confirmed as a judge, a person can do whatever he wants without fear of losing his job. If your boss had such assurance of irremovability, would you trust her to make any effort to maintain “good Behaviour”¹² and treat you fairly rather than cut corners at your expense and abusing your rights at her whim?
21. In recent years there have been about four times more judges than the 535 members of Congress. Yet, in those years there have been more members showing ‘bad Behaviour’ than judges so doing in well over two hundred years.¹⁵ It is not possible that those who were recommended,

for the various years covered by online postings, tabulated, analyzed, and together with links to the originals posted on <http://Judicial-Discipline-Reform.org>, from which they can be retrieved using the links provided hereunder.

c) For statistics on state courts, see Court Statistics Project, National Center for State Courts; http://www.ncsconline.org/D_Research/csp/CSP_Main_Page.html.

¹¹ The Federal Judicial Center is the Federal Judiciary’s research and educational body; <http://www.fjc.gov/>. It was established under 28 U.S.C. §620; http://Judicial-Discipline-Reform.org/docs/28usc620-629_Fed_Jud_Center.pdf. The chairman of its board is the chief justice of the U.S. Supreme Court; id. >§621, subsection (a), paragraph (1) (§621(a)(1)).

¹² **a)** Cf. U.S. Constitution, Article III, Section 1: “The Judges...shall hold their Offices during good Behaviour...and...receive a Compensation, which shall not be diminished during their Continuance in Office”; **b)** http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf

¹³ http://Judicial-Discipline-Reform.org/statistics&tables/num_jud_officers.pdf >njo:13

¹⁴ Federal Judicial Center, http://Judicial-Discipline-Reform.org/statistics&tables/impeached_removed_judges.pdf. To put this in perspective, “1 in every 31 adults [in the U.S.] were [sic] under correctional supervision at yearend ‘08”; Probation and Parole in the U.S., 2008, Lauren E. Glaze and Thomas P. Bonczar, Bureau of Justice Statistics, U.S. Department of Justice, BJS Bulletin, dec9, NCJ 228230, p.3; <http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=271>; and http://Judicial-Discipline-Reform.org/docs/statistics&tables/correctioneers/correctional_population_1in31.pdf.

If the “1 in every 31” statistic is applied arguendo to the 2,146 federal judges on the bench on 30sep10, then 69 of them should have been incarcerated or on probation or parole. Hence, the current number of 1 judge under any such type of correctional supervision –U.S. District Judge Samuel Kent of the Southern District of Texas, incarcerated on charges of sexual misconduct– defies any statistical refinement to bring it within the scope of the corresponding correctional supervisee number pertaining to the general population

¹⁵ Some of the members of Congress who in the past few years have been incarcerated, expelled, censured, or investigated by a congressional ethics committee –let alone any investigated by the U.S. Department of Justice– or have resigned under the pall of scandal or publicly acknowledged their ethical violations are Larry Craig, John Conyers, Duke Cunningham, Tom Delay, John Doolittle, John Ensign, Mark Foley, William “Dollar Bill” Jefferson, Christopher Lee, Eric Massa, John Murtha, Bob Ney, Richard Pombo, Charles Rangle, Rick Renzi, James Traficant, Ted Stevens, Anthony Weiner, David Wu; <http://www.ethics.senate.gov/public/index.cfm/annualreports>; Cf. <http://www.crewsmostcorrupt.org/mostcorrupt/>;

nominated, endorsed, and confirmed to judgeships in an eminently political process conducted by politicians in "Washington[, a place that] is dominated by the culture of corruption"^{16a}, could have turned out to be so astonishingly consistent in their "good Behaviour". The corrupt, tainted as they are, could not have bestowed incorruptibility on those whom they chose as judges, aside from the fact that no one could do so on anybody else. It is more likely that they put in office judges whom they expected either to uphold the legislation that they had passed or would pass to enact their political agenda¹⁷ or to be lenient toward them if on charges of their own corruption^{16b} they had to face those judges or their peers in future. This explains why corrupt politicians and the peers who condone(jur:88§§a-d) their corruption disregard complaints about 'badly behaving' judges. If they investigated and disciplined those judges, they would antagonize not only those under investigation, but also turn into their enemy the whole class of them, a specially dangerous one: life-tenured, in practice unimpeachable, bias longholding federal judges. Corrupt politicians and their condoners fear that if they ended up being indicted and brought before those judges and their peers, the judges would take that opportunity to retaliate against them and teach others a lesson: *Don't you ever mess with us!*

<https://www.judicialwatch.org/corrupt-politicians-lists/>

¹⁶ **a)** Speaker of the U.S. House of Representatives Nancy Pelosi, in addition to so denouncing Washington, promised in 2006 "to drain the swamp of corruption in Washington"; http://Judicial-Discipline-Reform.org/docs/corruption_culture_dominates_Washington.pdf. **b)** Members of Congress trade in companies while making laws that affect those same firms, Dan Keating, David S. Fallis, Kimberly Kindy and Scott Higham, *The Washington Post*, 23jun12; http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:111.

¹⁷ **a)** President Franklin D. Roosevelt had key elements of his New Deal legislation declared unconstitutional by Supreme Court justices that advocated a free market and did not approve of his market regulation aimed at correcting both some of the excesses that had led up to the Great Depression of 1929 and the widespread poverty that the latter had brought about. He countered with his 1937 court packing proposal: He attempted to increase from 9 to 15 the number of justices with his own supporters, whose votes would nullify those of the justices opposing his legislation. His proposal failed because it was deemed an abuse of the Executive trying to manipulate the Judiciary.

This historical event stands as a reminder to the Executive and legislators of how vulnerable they are vis-à-vis a Judiciary if it wants to retaliate against them for investigating judges for wrongdoing: The judges can close ranks and simply and without raising any suspicion declare their programmatic legislation unconstitutional. For President Obama and the Democrats in Congress such legislation would be the health care and Dodd-Frank Wall Street reform acts. Yet, the judges are even more vulnerable, as shown below.(jur:92§d).

b) This event highlights the oddity of all the 2012 presidential nominee candidates having criticized federal judges openly and harshly for being either "activist" or "liberal"; http://Judicial-Discipline-Reform.org/docs/Rep_candidates_fed_judges_12.pdf >act_j:61. Those are subjective notions that only appeal to like-minded people. By contrast, this proposal is founded on the broader basis of objective evidence of the judges' wrongdoing, which is apt to outrage people of all persuasions and stir them up to demand that the media and the authorities investigate and hold them accountable and undertake judicial reform.

b. Systematic dismissal of 99.82% of complaints against judges and up to 100% of denials of petitions to review dismissals

22. Under the Judicial Conduct and Disability Act of 1980^{18a} any person can file a complaint against a federal judge for misconduct. However, of the 9,466 complaints filed during the 10oct96-30sep08 12-year period reported online(jur:10; cf. jur:12-14), 99.82% were dismissed with no investigation^{19a,b}. Since these complaints are kept confidential, they are not available to the public, who is thereby prevented from reviewing them to detect either patterns or trends concerning any individual judge or all judges as a class, or the gravity and reliability of the allegations.
23. Moreover, in the 13-year period to 30sep09, the all-judge judicial councils of the federal circuits, charged with their respective administrative and disciplinary matters, have systematically denied complainants' petitions to review^{18b} such dismissals^{19c}. So much so that the district and circuit judges on the Judicial Council of the Second Circuit^{18f}, including Then-Judge Sonia Sotomayor during her stint there²⁰, denied 100% of those petitions(jur:11) during FY96-09.^{19d} Thereby they pretended that in that 13-year period not a single one of their 2nd Circuit complained-against peers engaged in conduct suspect enough to warrant the review by the Council of the dismissal by the CA2 chief judge of the corresponding complaint.
24. They also pretended that all of the many judges that during that period belonged on a rotating basis to that 13-member Council happened to come through their independent exercise of personal judgment to the unfailingly consistent conclusion that, not even the same chief judge, but rather, the successive chief judges were correct in every one of their complaint dismissals whose review was petitioned to the Council. To illustrate how utterly contrived, and thus impossible this permanently coincidental eye to eye seeing is it suffices to try to imagine hundreds of cases each with particular factual and legal issues within any given category of cases in which nevertheless the fewer, eight associate justices of the Supreme Court invariably agreed with the decisions made by one or successive chief justices during a 13-year period. Is there an issue with varying circumstances on which you have invariably agreed with another person for the last 13 years?
25. This denial of 100% -and even anything close to it- of petitions for review of peer wrongdoing complaint dismissal reveals perfect implicit or explicit coordination between judicial peers to reciprocally protect themselves on the understanding that 'today I dismiss a complaint against you, tomorrow you dismiss any against me or my buddies whatever the charge...*no questions asked!*' This establishes complicit collegiality among judicial peers: They provide to each other the wrongful benefit of such reciprocal protection at the expense of complainants, who are deprived of any rightful relief from the cause for complaint. They also impair the integrity of both the

¹⁸ **a)** <http://Judicial-Discipline-Reform.org/docs/28usc351-364.pdf>; **b)** id. >§352(c); **c)** >§353; **d)** >§354(a)(1)(A), (C); **e)** >§351(d)(1); 363; **f)** <http://www.ca2.uscourts.gov/judcouncil.htm>

¹⁹ **a)** Table S-22. Report of Action Taken on Complaints [previously Table S-23 or S-24]; AO, Judicial Business of the U.S. Courts; <http://www.uscourts.gov/Statistics/Judicial-Business.aspx>; **b)** collected and relevant values tabulated, http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf >Cg:1 & 5a/fn.18; **c)** id. >Cg:6; **d)** id. >Cg:3, row 63, Cg:7 and 48; **e)** id. >Cg:4, 6

²⁰ http://Judicial-Discipline-Reform.org/docs/J_Sotomayor_Jud_Council_member.pdf

administration of justice and themselves, for partiality toward peers replaces “the equal protection of the laws” required by the 14th, and through it, the 5th Amendments¹²; and breaches the oath that they took to “do equal right to the poor [in judicial connections] and to the rich [in judicial decision-making power to reciprocate a wrongful benefit]”⁸⁵.

26. Realizing how totally rigged is the handling of complaints filed under the Judicial Conduct Act^{18a} and how intolerably it condemns lawyers to keep suffering at the hands of federal judges, the two largest and most influential bar associations in New York City managed to set up an alternative complaint mechanism with the Court of Appeals for the Second Circuit. It provides for these three parties to appoint a “Joint Committee on Judicial Conduct [whose] mission is to serve as an intermediary between members of the bar and the federal courts”^{21a}. By those terms, only lawyers can file a complaint with that Committee.^{21b} This means that the pro ses that filed 49.2%⁶³ of the appeals in FY11 (the year to 30sep11) in the federal courts of appeals and the rest of the non-lawyer public are left out and must continue to file under the Act complaints that have an average 99.82%(jur:24¶22) chance of being dismissed.

c. Complaint dismissal without any investigation constitutes automatic abusive self-conferral of the wrongful professional benefit of immunity from discipline

27. Although a chief judge can appoint an investigative committee to investigate a complaint^{18c} and a council can “conduct any additional investigation that it considers to be necessary”^{18d}, years go by without a single committee being appointed and any additional investigation being conducted in any of the 12 regional circuits^{22a} and 3 national courts^{18e}. As a result, the complained-against judges have gotten scot-free without the statistics reporting *for 13 years nationwide* but 1 single private censure and 6 public ones out of 9,466 complaints.^{19e} This is .07% or 1 in every 1,352. The judges have arrogated to themselves the power to effectively abrogate in self-interest that Act^{18a} of Congress granting the people the right to complain against them and to petition for review of the dismissal of their complaints.²³

²¹ **a)** Press release of Chief Judge John M. Walker of the Court of Appeals for the Second Circuit, jointly with Bettina B. Plevan, President of the Association of the Bar of the City of New York, and Joan Wexler, President of the Federal Bar Council, announcing the continuing and new members of the Joint Committee on Judicial Conduct, originally created in 2001; http://Judicial-Discipline-Reform.org/NYCSBar_FBC/Comm_JudConduct_17nov5.pdf.

b) But that Committee too knows better than to even acknowledge receipt of a professionally prepared complaint supported with abundant evidence and involving even two chief circuit judges in covering up a bankruptcy fraud scheme run by judges of the 2nd Circuit; http://Judicial-Discipline-Reform.org/NYCSBar_FBC/to_ComJudConduct_19jun6.pdf.

²² **a)** http://www.uscourts.gov/Court_Locator.aspx; **b)** <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/DistrictCourts.aspx>

²³ **a)** Complaint statistics are reported under 28 U.S.C. §604(h)(2), http://Judicial-Discipline-Reform.org/docs/28usc601-613_Adm_Off.pdf, to Congress, which in self-interest ignores the Judiciary’s nullification of its Act, the harm to the people that it represents notwithstanding. **b)** Cf. http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf **c)** On the history leading to the sham drafting and adoption of the new rules for federal

28. Through complaint dismissal judges also obtain another wrongful professional benefit in addition to self-exemption from discipline, namely, the dispatch through expediency of their judicial work of administering justice. This type of benefit is increased when they resort to their means for wrongdoing, that is, unaccountable judicial decision-making power, to get rid of cases through the expedient of summary orders and perfunctory “not for publication” and “non-precedential” decisions(jur:43§1).

d. The wrongful social benefit of acceptance in the class of judges and avoidance of pariah status due to disloyal failure to cover up peer wrongdoing rewards complicit collegiality over principled conduct

29. In addition to ensuring reciprocal exemption from discipline through complaint dismissal, judges fail to investigate each other in the self-interest of preserving their good relations with the other members of the class of judges as well as out of fear of being outcast as traitors. Camaraderie built on complicit collegiality trumps the institutional and personal duty(jur:56¶105 >quotation) to safeguard and ensure the integrity of the Judiciary and its members.

Cir. J. Kozinski [presently Chief Judge of the U.S. Court of Appeals for the 9th Cir.], dissenting: Passing judgment on our colleagues is a grave responsibility entrusted to us only recently. In the late 1970s, Congress became concerned that Article III judges were, effectively, beyond discipline because the impeachment process is so cumbersome that it's seldom used....Disciplining our colleagues is a delicate and uncomfortable task, not merely because those accused of misconduct are often men and women we know and admire. It is also uncomfortable because we tend to empathize with the accused, whose conduct might not be all that different from what we have done -or been tempted to do- in a moment of weakness or thoughtlessness. And, of course, there is the nettlesome prospect of having to confront judges we've condemned when we see them at a judicial conference, committee meeting, judicial education program or some such event. 28 U.S.C. §453.^[85] (Internal citations omitted.) *In re Judicial Misconduct Complaint*, docket no. 03- 89037, Judicial Council, 9th Cir., September 29, 2005, 425 F.3d 1179, 1183. http://www.ca9.uscourts.gov/opinions/>Advance Search: 09/29/2005 >In re Judicial Misconduct 03-89037; and http://Judicial-Discipline-Reform.org/docs/CA9JKozinski_dissent.pdf

30. Judges can also wrongfully obtain the social benefit of acceptance a clique of legal and bankruptcy systems insiders through the exercise of their means of wrongdoing, that is, their decision-making power to confer on the insiders a material benefit(jur:313§2), from which, of course, they can also extract a benefit for themselves in the form of kickbacks.

e. Abusive self-granted immunization for even malicious and corrupt acts

31. The Supreme Court has protected its own granting judges absolute immunity from liability for violating §1983 of the Civil Rights Act²⁴, although it applies to "every person" who under color of

judges to process complaints against their peers so as to ensure the continued self-immunization against any investigation and discipline through systematic dismissal of complaints see fn.100b.

²⁴ http://Judicial-Discipline-Reform.org/docs/42usc1981_civil_rights.pdf

law deprives another person of his civil rights.²⁵ “This immunity applies even when the judge is accused of acting maliciously and corruptly”.^{id.} The Court has also assured judges that “A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority”²⁶. Appeals from decisions holding malicious judges harmless are not a remedy: Most litigants cannot afford to appeal and ignore how to, especially if pro se. Since more than 99% of appeals to the Supreme Court are denied²⁷, appeals offer no deterrence.

f. All meetings held behind closed doors; no press conferences held

32. To evade accountability, they hold their meetings behind closed doors²⁸ and never appear at a press conference. Thereby they ensure their historic de facto unimpeachability and beyond prosecution status. Since they are unaccountable, the power that they wield is not just enormous, it is also absolute, which is the key element in rendering power absolutely corruptive.²⁹

²⁵ **a)** *Pierson v. Ray*, 386 U.S. 547 (1967); http://Judicial-Discipline-Reform.org/docs/Pierson_v_Ray_jud_immunity.pdf; **b)** *id.*; but see J. Douglas’s dissent.

²⁶ *Stump v. Sparkman*, 435 U.S. 349 (1978); http://Judicial-Discipline-Reform.org/docs/Stump_v_Sparkman_absolute_immunity.pdf

²⁷ http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_caseload.pdf.

²⁸ http://judicial-discipline-reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf >2

²⁹ Here are applicable the aphorisms of Lord Acton, Letter to Bishop Mandell Creighton, April 3, 1887: “Power corrupts, and absolute power corrupts absolutely”, and 1 Timothy 6:10: “Money is a root of all evil and those pursuing it have stabbed many with all sorts of pains”: When unaccountable power, the key component of absolute power, strengthens the growth and is in turn fed by the root of all evil, money, the result is that both corrupt absolutely and inevitably.

2. The corruptive motive of money

33. Two chief justices have stated the critical importance that federal judges attach to their salaries.³⁰ Unfortunately for them, they do not fix their own salaries. However, just the bankruptcy judges in only the 1,536,799 consumer bankruptcies filed in calendar year 2010 ruled on \$373 billion³¹. To that number must be added the \$10s of billions in commercial bankruptcies that they ruled on. The other federal judges also ruled on \$10s of billions at stake in cases before them, such as those dealing with antitrust, breach of contract, eminent domain, fraud, patents, product liability, licensing and fines by regulatory agencies, etc. Their unaccountable power endows their wrongful ruling on such massive amount of money with the most irresistible attribute: risklessness. Judges with an 'eroded morale' and the motive to correct what they feel to be the 'inequity of their judicial salaries'^{30b} can wield their means of unaccountable power to risklessly resort to helping themselves to a portion of that mind-boggling amount of money.
34. The money motive also drives judges to abuse their judicial decision-making power to obtain other material benefits, such as saving money due on taxes by filing bogus annual financial disclosure reports(jur:103¶¶203,204). Whether their motive is to gain material, professional, or social benefits through the wrongful exercise of their means for wrongdoing, that is unaccountable decision-making power, judges have ample opportunity to do so.

³⁰ **a)** "I will reiterate what I have said many times over the years about the need to compensate judges fairly. In 1989, in testimony before Congress, I described the inadequacy of judicial salaries as "the single greatest problem facing the Judicial Branch today." Eleven years later, in my 2000 Year-End Report, I said that the need to increase judicial salaries had again become the most pressing issue facing the Judiciary." Chief Justice William Rehnquist, 2002 Year-end Report on the Federal Judiciary, p.2. <http://www.supremecourtus.gov/publicinfo/year-end/2002year-endreport.html>; and http://Judicial-Discipline-Reform.org/docs/Chief_Justice_yearend_reports.pdf >CJr:79

b) "[Administrative Office of the U.S. Courts] Director Mecham's June 14 letter to you makes clear that judges who have been leaving the bench in the last several years believe they were treated unfairly... [due to] Congress's failure to provide regular COLAs [Cost of Living Adjustments]... That sense of inequity erodes the morale of our judges." Statement on Judicial Compensation by William H. Rehnquist, Chief Justice of the United States, Before the National Commission on the Public Service, July 15, 2002. http://www.supremecourtus.gov/publicinfo/speeches/sp_07-15-02.html; and http://Judicial-Discipline-Reform.org/docs/CJ_Rehnquist_morale_erosion_15jul2.pdf

c) "Congress's inaction this year vividly illustrates why judges' salaries have declined in real terms over the past twenty years...I must renew the Judiciary's modest petition: Simply provide cost-of-living increases that have been unfairly denied!" U.S. Chief Justice John Roberts, Jr., 2008 Year-end Report on the Federal Judiciary, p. 8-9. <http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx> >2008; **d)** http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_yearend_reports.pdf >yre:144-146; **e)** id. >yre:9-10; 29; 40-43; 52-53; 62; 109-114; 129

³¹ http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_dollar_value.pdf

3. Opportunity for wrongdoing in millions of practically unreviewable cases

a. In the bankruptcy and district courts

35. The opportunity for individual and coordinated wrongdoing presents itself in the cases brought before judges for adjudication. That opportunity is amplest and most irresistible in the bankruptcy courts. There litigants are most numerous and vulnerable. Those courts are the port of entry into the Federal Judiciary of 80% of all federal cases.³² Moreover, consumers filed 1,516,971 of the 1,571,183 bankruptcy cases filed in the year to March 31, 2011.³³ The great majority of consumers are individuals appearing in court pro se, for they are bankrupt and lack the money to hire lawyers. They also lack the knowledge of the law necessary to detect bankruptcy judges' wrong or wrongful decisions, let alone to appeal.³⁴ As a result, only 0.23%³⁵ of bankruptcy court decisions are reviewed by the district courts and fewer than .08%³⁶ by the

³² http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_as_percent_new_cases.pdf

³³ http://Judicial-Discipline-Reform.org/statistics&tables/latest_bkr_filings.pdf

³⁴ **a)** "Pro se filings are growing around the country and it is very difficult for a pro se filer to understand and successfully traverse the system," said Chief Bankruptcy Judge Judith Wizmur (D. NJ)." *Warning! Read This Before Filing Bankruptcy Pro Se*, The Third Branch, Newsletter of the Federal Courts, vol. 40, Number 12, December 2008; http://Judicial-Discipline-Reform.org/docs/Warning_bkr_pro_se_filers_TTB_dec8.pdf. **b)** "While individuals can file a bankruptcy case without an attorney or "pro se," it is extremely difficult to do it successfully. It is very important that a bankruptcy case be filed and handled correctly. The rules are very technical, and a misstep may affect a debtor's rights....Debtors are strongly encouraged to obtain the services of competent legal counsel"; <http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/FilingBankruptcyWithoutAttorney.aspx>.

³⁵ Although 6,142,076(G1) bankruptcy cases were filed during FY05-09, only 14,249 were appealed or withdrawn to the district courts(G7). These appeals (and withdrawals) represented a miniscule 0.23%(H7), less than a quarter of one percent or 1 of every 431 bankruptcy cases. Bankruptcy appeals can also be taken to the Bankruptcy Appellate Panels or BAPs, set up under 28 U.S.C. §158(b)(1)^{60a}, which are composed of three bankruptcy judges. However, they only exist in 5 of the 12 regional circuits; http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/Bkr_App_Panels.pdf. In any event, there were only 4,154 BAP appeals(G8). Hence, the total of bankruptcy appeals to either the district courts or the BAPs was 18,403(G9), which still represents a miniscule 0.3%(H9) of all FY05-09 bankruptcy cases(G1) or 1 of every 334, that is, 3 of every 1,000. By either calculation, as a practical matter, whatever a bankruptcy judge decides (or rules) stands. These figures are keyed to the (Table) at fn.32. Cf. http://Judicial-Discipline-Reform.org/docs/28usc158b_BAP_unconstitutional.pdf

³⁶ During the 5-year period of FY05-09, only 4,097(G10) bankruptcy appeals were taken to the circuit courts; compared to the 6,142,076(G1) cases filed in the bankruptcy courts, such appeals were a meager 0.07%(H10). This means that in 99.93% of the cases, bankruptcy judges did not have to fear a challenge in the circuit courts, for only 1 of every 1,499 bankruptcy cases made it to a circuit court. To put this in perspective, although bankruptcy cases constituted 79%(H5) of all new cases during that period, they only represented 1.31% of the appeals to the circuit courts(H11). Indeed, a bankruptcy judge can do anything he wants because the odds of him being taken on appeal to the circuit court, never mind of

circuit courts.³⁷

36. Even litigants represented by lawyers do not fare much better necessarily. The bankruptcy bar is a specialized group of lawyers and they appear before the same bankruptcy judges repeatedly.^{110b} Hence, it is not in the interest of those lawyers to provide their clients with zealous representation if that means challenging the judges by raising objections in the courtroom and taking appeals from their rulings and decisions. Doing so can provoke a judge into retaliating against the lawyers directly by disregarding or fabricating facts; misapplying the rules despite their clear wording or precedent; imposing burdensome requirements without any support in law or practical justification; time and again ruling and ruling untimely late against their motions; and indirectly by having court clerks enter the briefs and motions in the docket with dates that are wrong and detrimental to the lawyers' interest, when they enter those papers at all because they were not 'accidentally lost or misplaced'; schedule the hearings of their motions for the worst possible time, when it is likely that the judge will 'run out of time' and a rescheduling is needed, which may also be necessary when the clerks 'inadvertently set the hearing in conflict with the judge's previous commitment to deliver the keynote speech at the annual meeting of the bar's ethics committee'; etc.
37. This type of chicanery does happen even to the elite bankruptcy lawyers who represent the creditors in big bankruptcy cases, that is, those where the assets of the debtor are worth at least \$100 million and all the way to billions of dollars, involving, for example, banks; store chain retailers; communications, shipping, and multinational companies; real estate developers, etc.

By a series of procedural maneuvers Bankruptcy Judge Balick sent the secured creditors [in the Continental Airlines bankruptcy] home with nothing at all. Two and a half months into the case, the secured creditors filed a request for adequate protection [against the decline in the value of their collateral during the bankruptcy case]. Ordinarily, a bankruptcy court will rule on such a request within 30 to 60 days. Judge Balick held the hearing...six months after the request. Then she delayed her ruling for almost an additional year. *Courting Failure; How Competition for the Big Cases is Corrupting the Bankruptcy Courts*, Lynn M. LoPucki; University of Michigan (2005); e-book ed., Chapter 2.

When Houston-based Enron filed its bankruptcy in New York, the New York court retained the case over the objection of some of Enron's major creditors. The court allowed Kenneth Lay, the apparent perpetrator of one of the biggest frauds in history, to remain as CEO long enough to choose a successor who flatly refused to take action against him [on behalf of Enron and its shareholders]. Ignoring a motion for appointment of a trustee filed by major creditors, the New York court left unindicted members of Enron's corrupt management in control through the crucial stages of the case. Apparently pleased with what they saw, the fraudulent managements of three other big companies, Global Crossing, Adelphia, and Worldcom, [engaged in forum shopping too] and filed those companies' cases in New York. Id., Chapter 10.

38. The above concerns creditors represented by top bankruptcy lawyers, who may charge \$400, \$500, \$600 or more per hour and in addition bill for armies of assistants researching the law and devising strategy. Even they are denied their rights and made to suffer losses in the millions and tens of millions of dollars by wrongdoing bankruptcy judges. The latter are appointed,

being reversed, are negligible. These odds engender the boldness of impunity. These figures are keyed to the (Table) at [fn.32](#).

³⁷ http://Judicial-Discipline-Reform.org/statistics&tables/bkr_non-biz&pro_se&appeals.pdf

reappointed, and upheld by appellate judges that allow them to take off on ego trips in pursuit at the very least of the non-material benefit of the power, prestige, and deferential treatment that come from favoring big, headline grabbing debtors in their courts; through such debtors the judges send the message to similar big ones that they can expect the same favor if they shop into their courts rather than into other judges' when filing for bankruptcy relief from their well-heeled creditors. Would it be consistent with human nature and its reflection in institutional systems to expect any of the bankruptcy judges, who are assured by their Judiciary of impunity, [jur:21§1](#), for their law-contemptuous and self-interested abuse of the rich, not to deal equally or even more abusively with poorer debtors and creditors, never mind if also appearing pro se³⁴, from whom they can extract risklessly even material benefits, [jur:28§2](#), as well as other social and professional ones? Do mob bosses' soldiers who handle ruthlessly even the toughest of bullies turn into Mother Theresa of Calcutta when dealing with the weaklings³³ of their hoods who have no choice, [jur:29§3](#), but to turn to them for protection?

1) The power to remove clerks without cause allows judges to abuse them as executioners of their wrongdoing orders

39. The judge can have the same retaliatory effect indirectly through their clerks. He can order them to take all sorts of damaging actions against challenging lawyers, such as lose or misplace the briefs and motions that they file; change their filing dates so that they miss their deadlines and are late and inadmissible, but make the filings of their opposing counsel appear timely filed even if they are late; doctor the transcripts and entries in the record to support the judges' predetermined decision...after all, who is there to investigate the unaccountable judges' relations to bankruptcy lawyers or anybody else, including their clerks, whom they appoint?
40. On the contrary, the open-ended conferral of power on clerks could mislead them into thinking that they can do anything. Is it likely that after reading the following provision they feel that the Nuremberg principle, i.e., following orders is no excuse for committing a crime, does not apply to them?
- 28 U.S.C. §956. Powers and duties of clerks and deputies. The clerk of each court and his deputies and assistants shall exercise the powers and perform the duties assigned to them by the court.
41. Clerks who refuse to obey a judge's order to do wrong can find themselves without a job on the spot, for they are subject to removal without cause, that is, the judges can capriciously and arbitrarily terminate their livelihood for any and no reason at all.
- 28 U.S.C. §156. Staff (a)...the bankruptcy judges for such district may appoint an individual to serve as clerk of such bankruptcy court. The clerk may appoint, with the approval of such bankruptcy judges, and in such number as may be approved by the Director, necessary deputies, and may remove such deputies with the approval of such bankruptcy judges.³⁸
42. The clerks and employees of the other courts also work at the mercy of the judges, who wield over them the same power of removal without cause, as provided for in the Judicial Code:³⁹

³⁸ http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf

³⁹ http://Judicial-Discipline-Reform.org/docs/28usc_2011.pdf

Provisions in the Judicial Code, 28 U.S.C.³⁹, enabling removal without cause

Supreme Court	Courts of Appeals	District Courts	U.S. Court of Federal Claims	Court of Internat ^l . Trade
§671. Clerk and deputies §672. Marshall §673. Reporter §677. Administrative Assistant to the Chief Justice	§332(f)(2) Circuit executive §711. Clerks and employees §713. Librarians §714. Criers and messengers §715. Staff attorney and technical assistants	§751 Clerks	§791. Clerk and its deputies and employees §795. Bailiffs and messengers	§871. Clerk, chief deputy clerk, assistant clerk, deputies, assistants, and other employees §872. Criers, bailiffs, and messengers
		Bankruptcy Courts	Court of Appeals for the Federal Circuit	
		§156	§332(h)(1)	

43. There is no statutory provision in the Judicial Code making 5 U.S.C. Government Organization and Employees, governing appointments and other personnel actions in the competitive service, mostly in the Executive Branch, applicable to the employees of the Judicial Branch.

5 U.S.C. §2102. The competitive service. (a) The “competitive service” consists of— ... (2) civil service positions not in the executive branch which are specifically included in the competitive service by statute....⁴⁰

44. How precariously these court employees hang to their jobs becomes starkly evident by contrasting the curt provision for their removal without cause to those concerning magistrates:

28 U.S.C. §631(i) Removal of a magistrate judge during the term for which he is appointed shall be only for **incompetency, misconduct, neglect of duty, or physical or mental disability**, but a magistrate judge’s office shall be terminated if the conference determines that the **services performed by his office are no longer needed**. Removal shall be by the judges of the district court for the judicial district in which the magistrate judge serves; where there is more than one judge of a district court, **removal shall not occur unless a majority of all the judges of such court concur** in the order of removal; and when there is a tie vote of the judges of the district court on the question of the removal or retention in office of a magistrate judge, then removal shall be only by a concurrence of a majority of all the judges of the council....(emphasis added)

45. On the other hand, clerks can execute the orders to engage in wrongdoing confidently that no harm will come to them as a consequence. They can be sure that the judges extend to them the impunity that they have enjoyed for the last 223 years since the creation of the Judiciary in 1789 during which only 8 federal judges have been impeached and removed.¹⁴ This explains why also lawyers find that doing wrong for or with a bankruptcy judge is completely safe. Moreover, being in the good graces of bankruptcy judges has historically proved to be very profitable.

⁴⁰ http://Judicial-Discipline-Reform.org/docs/5usc_2011.pdf

2) Congress's 1979 finding of "cronyism" between bankruptcy judges and lawyers and its failed attempt to eliminate it

46. A corrupt and harmful relation between bankruptcy judges and the bankruptcy bar has a very long history. Congress acknowledged its existence and tried to eliminate it by adopting FRBP 2013.⁴¹ The Advisory Committee⁴² summarized the Congressional findings in its Note in 1979 to that rule (at the time titled Rule 2005)⁴³ thus:

A basic purpose of the rule [that "The clerk shall maintain a public record listing fees awarded by the court (1) to trustees and attorneys, accountants, appraisers, auctioneers and other professionals employed by trustees^{44a}, and (2) to examiners"] is to prevent what Congress has defined as "cronyism." Appointment or employment, whether in a chapter 7 or 11 case, should not center among a small select group of individuals unless the circumstances are such that it would be warranted. The public record of appointments to be kept by the clerk will provide a means for monitoring the appointment process.

Subdivision (b) provides a convenient source for public review of fees paid from debtors' estates in the bankruptcy courts. Thus, public recognition of appointments, fairly distributed and based on professional qualifications and expertise, will be promoted and notions of improper favor dispelled. This rule is in keeping with the findings of the Congressional subcommittees as set forth in the House Report of the Committee on the Judiciary, No. 95-595, 95th Cong., 1st Sess. 89-99 (1977). These findings included the observations that there were **frequent appointments of the same person**, contacts developed between the bankruptcy bar and the courts, and **an unusually close relationship between the bar and the judges** developed over

⁴¹ The Federal Rules of Bankruptcy Procedure, FRBkrP, with the Notes of the Advisory Committee, current after incorporation of all amendments are at <http://uscode.house.gov/download/downloadPDF.shtml> >112th Congress, 1st Session (2011) (2006 Edition and Supplement V) [or <http://uscode.house.gov/pdf/2011/>] > Thursday, April 12, 2012 7:21 AM 13385045 2011usc11a.pdf; http://Judicial-Discipline-Reform.org/docs/FRBkrP_notes_3jan12.pdf. For the Bankruptcy Code, 11 U.S.C., see [fn.46a](#).

To find the text of a rule in force at a given point in time, go to the official link above and click on the year in question and on the equivalent of [2010usc11a.pdf](#) for the chosen year; or consult *Bankruptcy Code, Rules and Forms, 2010 ed.*, published by West Thomson, which also provides information on amendment and applicability dates and contains the official Notes as well as other editorial enhancements; <http://west.thomson.com/productdetail/160035/22035157/productdetail.aspx?promcode=600582C43556&promtype=internal>. Amended rules become effective each December 1 as proposed by the Supreme Court to Congress by the preceding May 1 and not modified by the latter; [fn.39](#) > §§2072-2075.

⁴² "The Committee on Rules of Practice and Procedure and the Advisory Committee on the Federal Rules of Bankruptcy Procedure, Judicial Conference of the United States^{86a}, prepared notes explaining the purpose and intent of the amendments to the rules. The Committee Notes may be found in the Appendix to Title 11, United States Code, following the particular rule to which they relate." Rep. Lamar Smith, Chairman of the Committee on the Judiciary of the House of Representatives, Foreword to the Federal Rules of Bankruptcy Procedure, 1dec11; <http://judiciary.house.gov/about/procedural.html> >Federal Rules of Bankruptcy Procedure as of 1dec11; http://Judicial-Discipline-Reform.org/docs/FRBkrP_1dec11.pdf.

⁴³ Cf. http://Judicial-Discipline-Reform.org/docs/FRBP_Rules_Com_79.pdf >Rule 2005

⁴⁴ **a)** [fn.61](#) >11 U.S.C. §327. Employment of professional persons. **b)** *Id.* >§341

the years. A major purpose of the new statute is **to dilute these practices and instill greater public confidence in the system**. Rule 2005 implements that laudatory purpose. (emphasis added)

47. To eliminate this “cronism”, Congress also deprived bankruptcy judges of the power to appoint trustees and prohibited them from presiding over, or even attending, the meeting of creditors with the debtors. Instead, it provided for the U.S. trustees, who are government officers belonging to the Executive Branch and appointed by the attorney general^{45a}, to appoint private trustees for chapters 7, 11, 12, and 13 cases^{45b}, who are paid, not by the government, but rather from commissions out of the bankruptcy estate. However, it is the bankruptcy judge presiding over a case who determines whether a private trustee earns her requested per case “reasonable compensation for actual, necessary services rendered”⁴⁶ and “reimbursement for actual, necessary expenses”⁴⁷. If the judge finds that the trustee’s request does not meet such criteria, the trustee ends up having invested her effort and time in the case for naught and paying out of her own pocket the expenses incurred; otherwise, she receives a diminished amount or even a pittance on the dollar. This is more likely to happen to trustees who challenge the bankruptcy judge than to those that, like the ones that judges used to appoint, acquiesce in whatever the judge says. Nothing has changed.
48. Bankruptcy judges can still feel it very unfair that they have to do all the hard and time-consuming work of signing trustees’ requests for compensation for the trustees’ services rendered or reimbursement for their expenses incurred or at least so claimed, but it is the trustees who get all the money. The judges cannot have failed to realize that all the trustees’ work is worthless without their approving signature; the latter is what makes their work valuable. That signature has economic value. Why should their duty or personal integrity force them to give it for free? Given the historic and statistical near certainty that a federal judge will not be removed([jur:21§a](#)) or even disciplined([jur:24§b](#)) regardless of the nature and gravity of his wrongdoing, it is reasonable to infer from ‘the totality of circumstances’ –just as jurors are required to do when sitting on a civil case or even a criminal one, where the defendant risks forfeiture of his liberty and even his life– that bankruptcy judges may have forced trustees to enter into deals providing for the judges’ approval of the trustees’ compensation or reimbursement claims in exchange for a

⁴⁵ **a)** http://Judicial-Discipline-Reform.org/docs/28usc581-589b_US_trustees.pdf >§581

b) Id. >§589 “(a) Each United States trustee...shall - (1) establish, maintain, and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under chapter 7 of title 11...(b) If the number of cases under chapter 12 or 13 of title 11 commenced in a particular region so warrants, the United States trustee for such region may, subject to the approval of the Attorney General, appoint one or more individuals to serve as standing trustee, or designate one or more assistant United States trustees to serve in cases under such chapter.”

⁴⁶ **a)** http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_11.pdf;

b) id. on compensation of trustee >§330(a)(1)(A) and (4) and 331; and **(1)** if under Chapter 7 >§§326(a) and 330(b); **(2)** if under Chapter 13 •if a panel or standing trustee >§§326(b), 330(c), and 1326(a)(2)-(3); and •if a standing trustee >§1326(b)(2) and 28 U.S.C. §586(e), [fn.45a](#);

c) id. >§324; **d)** id. >§1325. Confirmation of plan [of debt repayment to creditors];

e) id >§1302(b)(2)(B) and§1326(a)(2); **f)** id >§322

⁴⁷ Reimbursement of expenses, id. >§330(a)(1)(B) and §331

cut in cash, in kind, or a service. After all, who will be the wiser in the “absence of effective oversight”?([jur:36§3](#)) Nothing has changed.

49. In fact, the bankruptcy judge still has the power to remove the trustee. It suffices for the judge to remove the trustee from one single case for the law to operate the trustee’s automatic removal from all her cases.^{46c} Although this provision requires that the judge’s removal be “for cause”, what constitutes “cause” is not defined or illustrated.(cf. [jur:32¶44](#)) This allows the judge to dangle over the trustee the threatening power of capricious and arbitrary removal however disguised as “cause”.
50. Hence, it can prove costly for the trustee to be assertive and object to the judge’s statements, let alone rulings, not to mention appeal from his decisions, as if the trustee’s right and fiduciary duty to present her case zealously on behalf of the creditors that she represents actually existed in reality.⁵³ Refusing to share with the judge any of the money that she has legitimately worked for can be construed as an act of sanctionable ungratefulness and intolerable insubordination. It can provoke the judge into removing her ‘for insufficient understanding of the intricacies of bankruptcy law revealed repeatedly during her performance before this court in this and numerous other cases’...and the trustee is out there in the cold, crowded lobby of the clerk’s office begging for a discount rate appointment as the criminal defender of penniless defendants, holding in front of her eyes shot with disbelief the only thing colorful in her life: her pink slip from a retaliating unaccountable judge.
51. This power of removal –the counterpart of power of appointment– creates a relation of total dependence of the trustee on the judge’s good will. Consequently, the trustee treats the judge’s assessment or findings of facts and remarks or statements on the law with servile deference, adopting the same self-preserving attitude of a clerk who receives from the judge an order to engage in wrongdoing or be removed without cause⁴⁸. Nothing has changed.
52. Therefore, so long as the judge keeps, for instance, confirming^{46d} a Chapter 13 trustee’s recommendations of debtors’ plans for debt repayment^{46e} and approving the trustee’s final reports⁴⁹ and final accounts, and discharges her from liability on her performance bond posted in her cases^{46f}, the trustee will have the opportunity to keep earning a commission on her pending cases and recommending the confirmation of new ones. Every case is yet one more pretext to earn a commission⁵⁰ and file compensation and reimbursement claims. This gives rise on the part of the judge-trustee tandem to assembly line, indiscriminate acceptance of every bankruptcy petition regardless of its merits. It is condoned by the officers of the Executive Office of the U.S. Trustee(EOUST).

⁴⁸ **a)** [jur:31§1](#); **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_WDNY_21_dec5.pdf >Pst:1281§§c-d

⁴⁹ See in [jur:66§2](#) the analysis of the shockingly unprofessional and perfunctory "Report" on the DeLanos' repayment plan scribbled by Chapter 13 Trustee George Max Reiber and approved by WDNY Bankruptcy Judge John C. Ninfo, II; http://Judicial-Discipline-Reform.org/Follow_money/Tr_Reiber_Report.pdf

⁵⁰ [fn.46a](#) >§330(c) (on payment to the trustee of no less than \$5/month from any distribution under a plan of debt repayment, which creates a perverse incentive to rubberstamp any bankruptcy relief petition and as many as possible)

3) Congress's finding in 2005 of "absence of effective oversight" in the bankruptcy system shows that pre-1979 "cronyism" has not changed, which explains how a bankruptcy petition mill brings in the money and a bankruptcy fraud scheme grabs it

53. U.S. Trustees are duty-bound to ensure the conformance of bankruptcy cases to the law, prevent the latter's abuse, and prosecute fraud.⁵¹ They are also responsible for impaneling and supervising the private trustees⁵² that deal directly with the debtors as representatives of the estate for the benefit of creditors⁵³. Yet, the deficient review of the trustees' case handling by the Executive Office of the U.S. Trustees (EOUST)^{154d} is a contributing factor at the root of the abuse and fraud that Congress found in the bankruptcy system when it adopted a bill in 2005 with a most revealing title:

"The purpose of the bill [Bankruptcy Abuse Prevention and Consumer Protection Act] is to improve bankruptcy law and practice by restoring personal responsibility and integrity in the bankruptcy system...[to] respond to...the **absence of effective oversight to eliminate abuse in the system** [and] deter serial and abusive

⁵¹ [fn.45](#) >§586(a)(3) and (3)(F)

⁵² **a)** Id. §586(a)(1)

b) See also U.S. Trustee Manual, U.S. Department of Justice:

§2-2.1 Pursuant to 28 U.S.C. §586(a), the United States Trustee must supervise the actions of trustees in the performance of their responsibilities.

§2-3.1 The primary functions of the United States Trustee in chapter 7 cases are the establishment, maintenance, and supervision of panels of trustees, and the monitoring and supervision of the administration of cases under chapter 7 of the Bankruptcy Code.

http://www.justice.gov/ust/eo/ust_org/ustp_manual/index.htm >Chapter 7 Case Administration

§4-3.1 The primary responsibilities of the United States Trustee in chapters 12 and 13 cases are the appointment of one or more individuals to serve as standing trustees; the supervision of such individuals in the performance of their duties; and the supervision of the administration of cases under chapters 12 and 13.

http://www.justice.gov/ust/eo/ust_org/ustp_manual/index.htm >Ch. 12 & 13 Case Administration

c) For similar supervisory responsibilities under state law, see Rules of Professional Conduct, 22 NYCRR Part 1200 [NY Codification of Codes, Rules, and Regulations], Rule 5.1(b); <http://www.courts.state.ny.us/rules/jointappellate/index.shtml>; with enhanced bookmarks to facilitate navigation also at http://Judicial-Discipline-Reform.org/docs/NYS_Rules_Prof_Conduct.pdf.

⁵³ [fn.46a](#) >§323 Role and capacity of trustee. (a) The trustee in a case under this title is the representative of the estate.

Senate Report 95-989 underlay the adoption of the Bankruptcy Reform Act of 1978, Pub. L. No 95-598 (1978), and consequently, constitutes the foundation of the current Bankruptcy Code of Title 11. It analyzed 11 U.S.C. §704. Duties of trustee, thus: "The trustee's principal duty is to collect and reduce to money the property of the estate for which he serves...He must be accountable for all property received. And must investigate the financial affairs of the debtor....If advisable, the trustee must oppose the discharge of the debtor, which is for the benefit of general unsecured creditors whom the trustee represents. The trustee is required to furnish such information concerning the estate and its administration as is requested by a party in interest".

bankruptcy filings.” (emphasis added)⁵⁴

54. A glaring “absence of effective oversight” is revealed by the successive U.S. Trustees for Region 2 and their Assistant U.S. trustee in Rochester, NY.^{154b,c} Although private, standing trustees are required by regulation to handle their cases personally under pain of removal⁵⁵, these U.S. Trustees allowed two of their standing trustees to amass an unmanageable 7,289 cases and bring them before the same judge^{108a;109b}. By comparison, a judicial emergency is defined as “any vacancy in a district court where weighted filings are in excess of 600 per judgeship”⁵⁶.

4) The incompatibility of the trustee's long list of duties with allowing him to amass thousands of cases if his overseers intend to require his discharge of them conscientiously and competently

55. Handling a bankruptcy case requires the trustee to discharge a wide variety of complex and time-consuming duties to liquidate estate assets under Chapter 7, reorganize the bankrupt entity under Chapter 11, or execute a repayment of debts plan under Chapters 12 and 13 of the Bankruptcy Code(11 U.S.C)⁴⁶. Some duties are repetitive and can last for three or five (§§1225(b)(1)(C) and 1322(a)(4) and (d)(2)); a claim of fraud may keep the case open longer(§1328(e)) as does the trustee's liability on his performance bond(§322(d)). They may involve dealing with dozens, hundreds, thousands or more creditors. They and the debtors may move for a review of even agreed-upon terms allegedly impacted so substantially by an alleged change in circumstances as to warrant modification of terms(§1127(d-f), 1144; 1323(c), 1329(a)). Some duties require the trustee to exercise good judgment, which debtors or creditors may challenge as bad judgment by suing the trustee(§323), thus tying up his attention, time, and resources even more with one single case. Among the trustee's duties are the following:

⁵⁴ **a)** HR Report 109-31 accompanying the Bankruptcy Abuse Prevention and Consumer Protection Act, Pub. L. 109-8, 119 Stat. 23, of April 20, 2005. The Report described the Act as “Representing the most comprehensive set of reforms in more than 25 years”; http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_reports&docid=f:hr031p1.109.pdf; and http://Judicial-Discipline-Reform.org/docs/BAPCPA_HR_109-31.pdf.

b) See also http://Judicial-Discipline-Reform.org/docs/ineffective_oversight.pdf >1:§I.

⁵⁵ 28 CFR §58.6(10); http://Judicial-Discipline-Reform.org/docs/28_cfr_58.pdf

⁵⁶ “Beginning in December 2001, the definition of a judicial emergency [is] any vacancy in a district court where weighted filings are in excess of 600 per judgeship, or any vacancy in existence more than 18 months where weighted filings are between 430 and 600 per judgeship, or any court with more than one authorized judgeship and only one active judge.” Federal Judicial Caseload, Recent Developments, 2001, prepared by the Office of Human Resources and Statistics of the Administrative Office of the U.S. Courts (AO), p. 13, fn. 15; http://Judicial-Discipline-Reform.org/docs/FedJud_Caseload_2001.pdf >p. 13, fn.15.

Cf. 2008 Annual Report of the AO Director, p. 38; <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/AdministrativeOffice/DirectorAnnualReport.aspx> >Director’s Annual Report, 2008; and http://Judicial-Discipline-Reform.org/docs/AO_Dir_Report_08.pdf.

- a. “investigate the financial affairs of the debtor”, 11 U.S.C. §704(4)^{57a}, and to that end
 - 1) review the bankruptcy petition and schedules containing the debtor’s supporting statement of financial affairs, both filed under oath and the penalty of perjury;
 - 2) seek and cross-check corroborating documents and assets, and interview persons;
- b. move to dismiss a case or convert it to one under another chapter of the Bankruptcy Code if “the granting of relief would be an abuse of the provisions of chapter”, §707(b)(1);
- c. “If the debtor is engaged in business, then in addition to the duties specified in §1302(b), the trustee shall perform the duties”, §1302(c):
 - 1) “investigate the acts, conduct, assets, liabilities, and financial condition of the debtor, the operation of the debtor’s business and the desirability of the continuance of such business, and any other matter relevant to the case or to the formulation of a plan”;
 - 2) “file a statement of any investigation conducted, including any fact ascertained pertaining to fraud, dishonesty, incompetence, misconduct, mismanagement, or irregularity in the management of the affairs of the debtor, or to a cause of action available to the estate; and transmit a copy thereof to...”
- d. “advise...and assist the debtor in performance under the plan”, §1302(b)(1);
- e. “ensure that the debtor commences making timely payments under §1326”, §1302(b)(4),
- f. “furnish such information concerning the estate and the estate’s administration as is requested by a party in interest”, §704(7), which requires the trustee to satisfy the requests for such information not only from the creditors that she represents, but also from all those included in the much broader notion of “party in interest”, and to that end:
 - 1) correspond, talk on the phone, and meet face-to-face with such parties,
 - 2) identify who may have such information and where it may be held,
 - 3) request such information, even by issuing subpoenas, defending against motions to quash them, and moving for sanctions for failure to comply;
 - 4) ascertain, by number crunching if necessary, the validity of the information obtained, for false information is no information at all and furnishing it does not meet the requirement of due diligence imposed on a person with fiduciary responsibility, such as the trustee^{57b};
- g. “convene and preside at a meeting of creditors”, §341, which requires that she:
 - 1) ensure that notice goes out to the identified creditors;

⁵⁷ **a)** Most of the trustee’s duties set forth in §704 of Chapter 7 are also applicable to trustees under Chapters 11, 12, and 13 together with others added therein and elsewhere in the Bankruptcy Code: [fn.46](#) > §§1106, 1202, and 1302. **b)** If the trustee is also an attorney, as many are, she must also comply with the due diligence requirement of FRBkrP 9011, [fn.41](#), which in pertinent part provides thus: “(b) By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances...(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;...”

- 2) find a place large enough to accommodate them;
 - 3) arrange for communications equipment to ensure that creditors can question the debtor and hear his answers;
 - 4) conduct the meeting personally, as provided for under C.F.R. §58.6(a)(10)⁵⁵;
 - 5) “orally examine the debtor”;
- h. “collect (after adequate investigation of the debtor's inherently self-serving and thus suspect statement of financial affairs so that the trustee can establish that circumstances obtain under which “the court shall presume abuse exists”, §707(b)(2)(A)(i) and reduce to money the property of the estate for which such trustee serves (for instance, by organizing an auction that gives the widest timely notice possible of its date, place, and assets on the block to all those likely to be buyers so as to ensure that the largest percentage of the property is sold for the highest bid in a fair bidding contest so as to maximize the proceeds for the estate available for distribution to the creditors), and close such estate as expeditiously as is compatible with the best interests of parties in interest”, §704(a)(1);
 - i. “ensure that the debtor shall perform his intentions as specified in...[his] schedule of assets and liabilities”, §704(a)(3) and §521(2)(B);
 - j. “file...period reports and summaries of the operation of such business” “authorized to be operated”, §704(8);
 - k. give notice and attend hearings before using, selling, or leasing estate property, §363;
 - l. operate the business of the debtor, §§721, 1108, 1203, 1204, or 1304;
 - m. “obtain unsecured credit and incur unsecured debt in the ordinary course of business”, §364;
 - n. “appear and be heard at any hearing that concerns the value of a property subject to a lien, confirmation of a plan or modification of it”, §1302(b)(1);
 - o. “make a final report and file a final account of the administration of the estate with the court and with the United States trustee”, §§704(a)(9);
 - p. raise all sort of motions, give notice, read the opposing parties’ answer, prepare to argue them, attend the hearing and argue them, and do likewise with respect to their motions;
 - q. sue others and defend if sued, §323;
 - r. etc., etc., etc.,

56. Can the EOUST Trustees(jur:36¶53) reasonably believe that one private trustee can discharge, never mind do so competently, all those duties, many of which she is bound to perform personally, with respect to thousands of cases that may take years to close? ^{cf.108a,109b} Would you feel that a trustee that took on such overwhelming workload had any intention of zealously representing your interests as a creditor? If you were a debtor, would you be concerned that such trustee would make an effort, let alone a serious one, to find out whether you had concealed assets and self-servingly valued those declared or would you realize that she had spread herself so thinly as to signal that she would not investigate the whereabouts of your assets and merely rubberstamp whatever declaration you made about them?

5) The trustee's interest in developing a bankruptcy petition mill and the judges' in running a bankruptcy fraud scheme

57. A standing trustee's annual compensation is computed as a percentage of a base, e.g., "ten percent of the payments made under the [debtor's repayment] plan"(11 U.S.C. §586(e)(1)(B) and (2))⁴⁶. As a matter of law, "In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326." (§330(a)(7)) Hence, it is in the trustee's interest to increase the base by having debtors pay more so that her commission may in turn be a proportionally higher amount. Increasing the base could require ascertaining whether in the statement of financial affairs and schedules supporting his bankruptcy relief petition the debtor undervalued his assets and declared only some of them while concealing others, whose whereabouts must be determined through investigation. Any indicia that the debtor may have squirreled away assets into a rainbow pot for a post-discharge golden life must be pursued in order to enlarge the estate available for repaying the creditors.
58. Such investigation, however, takes time, effort, and money initially paid out of the trustees' pocket and reimbursed only if the judge finds that her expenses were "for actual and necessary services" (§330) The trustee may also be paid a lump sum per case or per distribution under a repayment plan. (§§330(b) and (c), and 326). Consequently, an investigation can adversely affect the trustee's economic interest, for it can lead to the dismissal of the case due to the debtor's abuse of the provisions for bankruptcy relief (§707(b)(1)) or the non-confirmation of his debt repayment plan. If so, the case will no generate a stream of percentage commissions flowing to the trustee (§§1326(a)(2) and (b)(2)). To top it off she can be left holding the bag of investigative expenses! All the judge needs to do is state that 'no reasonable trustee would have wasted resources to investigate the good faith of a bankruptcy petition that on its face was obviously abusive and doomed to dismissal'.
59. The alternative is obvious too: Never mind investigating, not even cases patently suspect of abuse, just take in as many cases as you can as trustee and make up in the total of small easy commissions and lump sums from a huge number of cases what you could have earned in commissions from assets that you added to the estate by sweating it out and risking your money to recover. Of necessity, such a strategy redounds to the creditors' detriment since fewer assets are brought into the estate for their liquidation proceeds to be distributed to them or for those assets to be taken into account in drawing up a reorganization or repayment plan. When the trustee takes it easy, the creditors take a heavy loss, whether by receiving less on the dollar or by spending a lot of money, effort, and time investigating the debtor just to get what was owed them to begin with. Conversely, that strategy benefits the debtor... provided he is not greedy and wants to keep it all to himself and instead is willing to show his appreciation for all the hard work that the trustee is not willing to do on behalf of the estate and the creditors that she represents⁵³.
60. The income maximizing motive of the trustee has a natural and perverse consequence: As it becomes known that she has no time but rather an economic disincentive to investigate the financial affairs of debtors, ever more debtors with ever less deserving cases for relief under the Bankruptcy Code go ahead and file their petitions. What is worse, as people not even with debt problems yet catch on to how easy it is to get a bankruptcy relief petition rubberstamped, they have every incentive to live it up by binging on their credit as if there were no repayment day, for they know there is none, just a petition waiting to be filed in order to wipe out much of their debt.
61. The debtor begins by filing in court a voluntary bankruptcy petition, which grants him relief

through the initial automatic stay of creditors' efforts to collect their debts (§§301(b); 1201(a); 1301(a)). If the creditors file the petition, it is involuntary and the court issues the order of relief (§303(h)). The common allegation underlying a petition for asset liquidation and distribution, reorganization of a going business and debt restructuring, or debt repayment plan is that the debtor owes too much relative to the assets that he has or the income that he earns to repay his creditors. So he voluntarily asks the judge to be discharged of part or all of his debt; or he keeps living or doing business on credit until the creditors force him into involuntary bankruptcy and asks the court to require the debtor to pay them. In either scenario, the debtor may claim exemption (Form 6. Schedule C-Property Claimed as Exempt; [fn.107](#) >D:35=W:55) of assets from the reach of creditors and dispute what creditors claim is owed them and its value.

62. For their part, the creditors may challenge the exemptions in order to keep the estate as large as possible, that is, the pool of assets that the trustee is charged with either liquidating so as to pay from the proceeds the debtors' debts or otherwise taking into account in determining the debtor's ability to repay under a plan. The creditors may also try to find any concealed assets to ensure that the largest estate is taken as the basis for determining how much they get on the dollar of debt owed them.
63. Under such adversarial circumstances, the trustee is the representative of the estate⁵³. As such, she must take an active role in advocating the creditors' interest; she is not an arbiter who passively takes in the facts and claims submitted to her by the parties in controversy for fair and impartial adjudication. Yet, the U.S. Trustee allows a single trustee to amass thousands of cases.^{108a,109b} This is unnecessary and unjustifiable given that any number of trustees can be impaneled. What they earn comes from the estates that they represent, not from taxpayers' money.
64. As for the judge, he keeps approving the trustee's actions by simply signing her recommendations for approving bankruptcy petitions and her claims for reimbursement. Consequently, the trustee has neither the time nor the incentive to do little more than the bare minimum. On the contrary, her interest lies in rubberstamping bankruptcy petitions for approval by the judge so as to ensure as effortlessly and risklessly as possible an ever greater stream of percentage commissions or lump sums per case or distribution. Thereby she develops a bankruptcy petition mill...but only if the bankruptcy judge plays along. That is likely to happen, for the judge too is driven by the money motive³⁰. In addition, he has the means, his unaccountable judicial decision-making power ([jur:21§1](#)), and the opportunity in thousands of practically unreviewable cases to pursue that motive by running a bankruptcy fraud scheme⁵⁹. What is more, he is irresistibly drawn to run it because its risklessness is all but totally assured by the history of de facto unimpeachability and his peers' common interest in reciprocal cover-up dependent survival. This situation of no downside, just ever growing profits lays the basis for collegial complicity between the judge and the trustee, and by extension the "professional persons"^{44a} employed by the latter. All of them benefit as wrongdoing insiders of the bankruptcy and legal systems.
65. The risklessness of their wrongdoing is further assured by the fact that nobody has both the power and the interest to challenge the judge effectively. The trustee is subservient to the bankruptcy judge, who can remove her ([jur:35¶49](#)) and who determines whether she gets any reimbursement for her expenses. So their relation becomes one of junior-senior partner connivance: The trustee develops the bankruptcy petition mill that feeds petitions into the bankruptcy fraud scheme run by the bankruptcy judge with other judges. The later include the judges to whom his decisions are appealed, that is, the district judges and the circuit judges who

appointed him(jur:43¶71), all of whom share the money motive. Other bankruptcy and legal system insiders benefit too as junior partners thanks to the judges' power to decide whether they win or lose their cases before him or whether they keep their jobs or are removed without cause(jur:31§1). The fewer are involved in the scheme, the tighter the judges' control over it, the less risk that somebody becomes unruly or careless and exposes everybody else, and the fewer the shares into which the pie of profit has to be divided.

66. As for the pro se debtors, they may not even realize that they are being abused; but even if they do, their slight understanding of the law can only allow them to whimper in front of the judge or his appellate peers. Moreover, when bankruptcy is a debtor's artifice to conceal assets from his creditors and get a discharge of the debts he owes them, the debtor is already predisposed to any proposal for further wrongdoing so long as it benefits him too. He may be in that collusive mindframe even when his bankruptcy is legitimate. The enormous stress caused by his worst financial predicament ever may have made him desperate to get any relief even if by acquiescing in wrongdoing.
67. For similar reasons, creditors can be willing accomplices, for they either want to get paid for non-existent or inflated debts or risk never receiving payment on their legitimate debts or only after heavily discounted to a few cents on the dollar. Neither the debtor has money nor the creditor wants to throw good money after bad in a protracted court battle with insiders who have superior knowledge and the power to prevail. If nevertheless they challenge the trustee, they must do so before her bankruptcy judge, who has no interest in reviewing their complaints fairly and impartially only to let the trustee lose the money from which he is expecting his senior partner cut.
68. Given the enormous amount of money at stake(jur:28§2), the absence of honest and "effective oversight"(jur:36§3) causes the bankruptcy system to break down; as does the system of justice. The U.S. Trustees and the bankruptcy judges are not the only ones that have failed to provide such oversight. The chief circuit judges and judicial councils charged with the duty to process complaints against judges systematically dismiss them(jur:24§b) in the interest, not of justice, but rather "cronyism"(jur:33§2). So have the Department of Justice and the FBI¹⁵⁴ as they pursue the presidents' interest in not antagonizing judges that can retaliate by declaring the adopted pieces of their legislative agenda unconstitutional¹⁷. Consequently, the bankruptcy system has become the fiefdom of unaccountable judicial lords that risklessly abuse their power to pursue their money motive³⁰. Together with other insiders they either prey on both debtors and creditors or turn some into their accomplices to exploit others. The law of the land is replaced by "local practice"⁵⁸ to produce a bankruptcy fraud scheme mounted on individual trustees' bankruptcy petition mills. Therein begins the grinding of Equal Justice Under Law through contemptuous disregard of due process and substantive rights. It continues in the appellate courts through the judges' coordination that has turned wrongdoing into their institutionalized modus operandi.(jur:49§4)

⁵⁸ http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_local_practice.pdf

6) The economic harm that a bankruptcy fraud scheme inflicts on litigants, the rest of the public, and the economy

69. Bankruptcy fraud causes injury in fact directly to the debtors and the creditors whose property rights are disregarded, their suppliers of goods, services, and financing who get paid late or not at all and who in turn go bankrupt or must raise their prices to recoup their loss or scale down their operation because their projected income is not coming in. A bankruptcy fraud scheme run by judges is even more harmful.⁵⁹ Instead of the law being used to prevent, discover, and eliminate fraud, the very ones entrusted with its application corrupt it into the instrument for operating and covering up fraud in a more coordinated, insidious, and efficient way.
70. A fraud scheme can wreak economic harm on so many people as to endanger the national economy itself. Just think of the tens of thousands of employees, retirees, and investors that lost their jobs, pensions, or life savings overnight when ENRON, Lehman Brothers, and Bernie Maddox went bankrupt. The economic shockwaves of their collapse reached those people first and then travelled through them to all the restaurants, transportation, leasing, credit card, and entertainment companies, hotels, landlords, and so many others who no longer had them as their patrons as they did before. Through this transmission belt mechanism fraud losses are socialized. It is only more obvious in how it spreads when the scheme collapses, but it is also at work while the scheme is in operation, only more insidiously. A judge-run bankruptcy scheme that operated on the \$373 billion at stake just in the 1,536,799 consumer bankruptcies filed in CY10 cannot fail to injure the public at large.

b. In the circuit courts

1) Summary orders, «not for publication» and «not precedential» decisions

71. Even when a bankruptcy decision reaches the court of appeals of the respective circuit, it is reviewed by the very circuit judges that appointed the bankruptcy judge for a 14-year renewable term.⁶⁰ They are biased toward affirmance, lest a reversal impugn their judgment for having appointed an incompetent or dishonest bankruptcy judge. Moreover, a reversal would require circuit judges to deal with the Bankruptcy Code's intricate statutory provisions and their rules of application and forms⁶¹ and the Federal Rules of Bankruptcy Procedure⁶² and write a decision identifying the reversible error, stating the extent to which it impaired the appealed decision, and setting forth how to avoid repeating it on remand. This can be avoided by rubberstamping

⁵⁹ How a Fraud Scheme Works, Its basis in the corruptive power of the lots of money available through the provisions of the Bankruptcy Code and unaccountable judicial power; http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

⁶⁰ **a)** http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf >§152. Appointment of bankruptcy judges (a)(1); **b)** Cf. Magistrates are appointed by district judges for a term of eight years, if full time, and four years, if part time; 28 U.S.C. §631(a) and (e); http://Judicial-Discipline-Reform.org/docs/28usc631-639_magistrates.pdf

⁶¹ 11 U.S.C.; http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_10.pdf

⁶² http://Judicial-Discipline-Reform.org/docs/FRBkrP_1dec11.pdf

“Affirmed”...*next!*

72. What is *next!* can very well be an appeal by a pro se, for in FY10 in the circuit courts 30.4% of all bankruptcy appeals, in particular, and a whopping 48.6% of all appeals, in general, were pro se.⁶³ That characterization is fatal because those courts calculate their “adjusted filings [by] weighting pro se appeals as one-third of a case”^{64a}. It derives from “[w]eighted filings statistics[, which] account for the different amounts of time district [and circuit] judges take to resolve various types of civil and criminal actions”^{64b}. That weight is given a pro se case at filing time, that is, not after a judge has read the brief and knows what she is called upon to deal with^{64c}, but rather when the in-take clerk receives the filing sheet, sees that the filer is unrepresented, and takes in the same filing fee as that paid by a multinational company that, like Exxon in the Exxon Valdez Alaska oil spill case, can tie up the courts for 20 years. The experience of “[t]he Federal Judiciary[’s] techniques for assigning weights to cases since 1946”^{id.} shows that right then and there judges discount the importance that they will attribute to that pro se case and, consequently, the time that they will dedicate to solving it. Would it be reasonable to expect circuit judges with this statistically based biased mindframe to accord bankruptcy pro se cases, already decided by their bankruptcy appointees, Equal Justice Under Law?
73. This perfunctory treatment of the substantial majority of all appeals to the circuit courts can be inferred from the representative statement that “Approximately 75% of all cases are decided by summary order. Pursuant to Interim Local Rule, summary orders may be cited, but have no precedential authority.”⁶⁵ Summary orders have no opinion or appended explanatory statement. They are no-reason, self-serving fiat of raw power to ensure the needed unaccountability to cover up laziness, expediency, and wrongdoing.⁶⁶ They constitute a breach of contract for adjudicatory services entered into by a court and a litigant upon the latter’s payment of the required court fee but not rendered by the court and deceptively substituted with a 5¢ form rubberstamped overwhelmingly with a predetermined “Affirmed”. Even an additional 15% of cases are disposed of by opinions with reasoning so perfunctory and arbitrary that the judges themselves mark them

⁶³ http://Judicial-Discipline-Reform.org/statistics&tables/bkr_appeals&pro-se.pdf

⁶⁴ **a)** 2010 Annual Report of the Director of the Administrative Office of the U.S., p.40; http://Judicial-Discipline-Reform.org/docs/AO_Dir_Report_10.pdf; **b)** *id.* >p.26, 28; **c)** Pro se do not fare any better when they are in front of the judge, as shown by a study in state courts. “Numbers are hard to come by, but what little research that exists on the topic supports the notion that going it alone [before a judge as a pro se party] is a losing proposition”; Crisis in the courts: Recession overwhelms underfunded legal services, Kat Aaron, Project Editor, Investigative Reporting Workshop at American University School of Communication; 14feb11; http://Judicial-Discipline-Reform.org/docs/KAaron_Crisis_in_courts.pdf

⁶⁵ **a)** Second Circuit Handbook, pg.17; http://Judicial-Discipline-Reform.org/docs/CA2Handbook_9sep8.pdf. **b)** On circuit judges’ policy of expedient docket clearing through the use of summary orders and the perfunctory case disposition that they mask and encourage, see http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf.

⁶⁶ In *Ricci v. DeStefano*, *aff’d per curiam*, including Judge Sotomayor, 530 F.3d 87 (2d Cir., 9 June 2008); http://Judicial-Discipline-Reform.org/docs/Ricci_v_DeStefano_CA2.pdf, CA2 Judge Jose Cabranes sharply criticized the use of a meaningless summary order and an unsigned *per curiam* decision, *id.* >R:2, as a “perfunctory disposition” of that case; *id.* >R:6.

“not for publication”⁶⁷ and “non-precedential”⁶⁸.

74. In brief, up to 9 out of every 10 appeals are disposed of through a high-handed ad hoc fiat of unaccountable power either lacking any reasoning or with too shamefully substandard an explanation to be even signed by any member of a three-judge panel, which issues it “per curiam”. They are neither to be published nor followed in any other case by any other judge of that circuit court or any other court in that circuit or anywhere else in the country. Until 2007 they could not even be cited. They still represent the betrayal of a legal system based on precedent aimed at fostering consistency and reliable expectations and intended to require that judges adjudicate cases neither on their whimsical exercise of power in a back alley nor personal notions of right and wrong, but rather by their fair, impartial, and public application of the rule of law. Through their use, federal judges show contempt for the fundamental principle that “Justice should not only be done, but should manifestly and undoubtedly be seen to be done”⁶⁹. Imagine what Thomas Jefferson would have said of 5¢ summary orders given what he did say of opinions written by the Supreme Court as a whole, i.e., per curiam, instead of the justices' traditional seriatim opinions written individually by each of them in each case: (spelling as in the original)

The Judges holding their offices for life are under two responsibilities only. 1. Impeachment. 2. Individual reputation. But this practice compleatly withdraws them from both. For nobody knows what opinion any individual member gave in any case, nor even that he who delivers the opinion, concurred in it himself. Be the opinion therefore ever so impeachable, having been done in the dark it can be proved on no one. As to the 2d guarantee, personal reputation, it is shielded compleatly. The practice is certainly convenient for the lazy, the modest & the incompetent. It saves them the trouble of developing their opinion methodically and even of making up an opinion at all. That of seriatim argument shews whether every judge has taken the trouble of understanding the case, of investigating it minutely, and of forming an opinion for himself, instead of pinning it on another's sleeve. It would certainly be right to abandon this practice in order to give to our citizens one and all, that confidence in their judges which must be so desirable to the judges themselves, and so important to the cement of the union.

The Letters of Thomas Jefferson: 1743-1826; Letter to Justice William Johnson Monticello, October, 27, 1822; http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf>Ln:99.

⁶⁷ http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf>§§2-3

⁶⁸ **a)** Federal Rules of Appellate Procedure, Rule 32.1 (FRAP); http://Judicial-Discipline-Reform.org/docs/FRAppP_1dec11.pdf

b) Unpublished opinions; Table S-3; U.S. Courts of Appeals –Types of Opinions or Orders Filed in Cases Terminated on the Merits After Oral Hearings or Submission on Briefs During the 12-Month Period Ending 30sep; Judicial Business of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>, collected at http://Judicial-Discipline-Reform.org/statistics&tables/perfunctory_disposition.pdf.

⁶⁹ *Ex parte McCarthy*, [1924] 1 K. B. 256, 259 (1923). Cf. “Justice must satisfy the appearance of justice”, *Aetna Life Ins. v. Lavoie et al.*, 475 U.S. 813; 106 S. Ct. 1580; 89 L. Ed. 2d 823 (1986).

2) Systematic denial of review by the whole court of decisions of its panels

75. To ensure that those decisions stand, circuit judges systematically deny litigants' petitions to have the decision of their respective 3-judge panel reviewed by the whole circuit court, that is, their petitions for en banc review.⁷⁰ In the year to 30sep10, out of 30,914 appeals terminated on the merits only 47 were heard en banc, which is .15% or 1 in every 658 appeals.⁷¹ To be sure, not every decision of a panel is followed by a petition for en banc review, after all, why waste more effort, time, and another \$10,000, \$20,000 or even much more on having a lawyer research, write, and file such a petition or the opportunity cost of doing so oneself since circuit judges in effect have unlawfully abrogated the right to it?⁷² Thereby judges protect each other from review of wrong and wrongful decisions, implicitly or explicitly coordinating their en banc denials on the reciprocity agreement *'if you don't review my decisions, I won't review yours'*.
76. To facilitate denying out of hand a petition, they use those "not for publication" and "non-precedential" markings as coded messages indicating that the panel in question made such short shrift of the appeal before it that it cranked out an unpublishable or non-binding decision so that the rest of the court need not bother taking a second look at it. They all have better things to do, such as work on an opinion where they will introduce a novel legal principle or make case law or which they hope will be praised with inclusion in a law school casebook; write their own books or law review articles; prepare for a class that they teach to earn extra income⁷³ and whose students will rate their performance and post the ratings for public viewing; or get ready for a seminar where they can enhance their reputation or hobnob with VIPs. Litigants are just no match for any of these 'better things'. What are they going to do? Complain in the Supreme Court to the judges' own colleagues and former peers and expect the justices to agree to review the complaint so that they can incriminate themselves by criticizing what they used to and still do?
77. Circuit judges are life-tenured. Not even the Supreme Court can remove or demote them, cut their salary –which neither Congress nor the president can cut either¹²– or, for that matter, do anything else to them. Reverse their decision? Why would they care! At least two judges concurred in any decision appealed from a 3-judge circuit court panel to the Supreme Court. Consequently, the responsibility for the reversal is diffused, that is, if any is felt. Circuit judges are not accountable to the justices –neither are district, bankruptcy, nor magistrate judges–. Instead, circuit judges take care of their appointees, the bankruptcy judges. They do so by 'taking out' any bankruptcy decision that against all odds has slipped their de facto unreviewability because the parties were able emotionally, financially, and intellectually to appeal twice, first to the district court and then to the circuit court. The circuit judges simply wield their unaccountable power to dispose of the appealed decision with another of their meaningless summary orders and non-published, in practice secret, opinions. By so doing, the circuit judges

⁷⁰ [fn.68.a](#) >FRAP 35. En banc determination

⁷¹ http://Judicial-Discipline-Reform.org/docs/statistics&tables/en_banc_denials.pdf

⁷² CA2 Chief J. Dennis Jacobs wrote that "to rely on tradition to deny rehearing in banc starts to look very much like abuse of discretion"; *Ricci*, [fn.66](#) >R:26.

⁷³ Regulations on Outside Earned Income, Honoraria, and Employment, and on Gifts, Judicial Conference of the U.S.; http://Judicial-Discipline-Reform.org/docs/jud_officers_outside_income&gifts.pdf

can make their bankruptcy appointee immune to his or her own wrong or wrongful decision; and they can boast about their good judgment in having appointed such a competent, fair, and impartial bankruptcy judgeship candidate.

3) De facto unreviewable bankruptcy decisions

78. In 1oct09-30sep10 FY10 there were 1,596,355 bankruptcy filings in the 90 bankruptcy courts^{74a}, but only 2,696^{74b} in the 94 district courts, and merely 678 in the 12 regional circuit courts^{74c}. Hence, the odds of having a bankruptcy decision reviewed are, approximately speaking, 1 in 592 in district court and 1 in 2,354 in circuit court. If the appeal is by a pro se, the review will be pro forma and the affirmance issued as a matter of coordinated expediency. Even if the parties are represented by counsel, the district judge knows that he can mishandle the appeal in favor of her bankruptcy colleague because if the appealed decision happens to be one of those odd ones that are further appealed, the circuit judges will take care of their appointee with their own affirmance. All of them know for sure that the odds of a bankrupt party being able to afford an appeal to the Supreme Court are infinitesimal, let alone the odds of the Court exercising its discretionary jurisdiction to agree to take up the case for review. As a result, they all can allow themselves to give free rein to the money motive: Even a small benefit ill-gotten from some of those 1,596,355 new bankruptcy cases plus the scores pending, which form in the aggregate a mind-boggling pool of money³¹, adds up quickly to a very large benefit, such as a massive amount of ill-gotten money to be divvied up in a coordinated fashion.

c. In the Supreme Court

1) Capricious, wasteful, and privacy-invading rules bar access to review in the Supreme Court

79. The odds of seeking and obtaining review in the Supreme Court are truly infinitesimal. To begin with, just to print the brief and record in the capricious booklet format^{75a} required by the justices calls for typesetting by a specialized commercial firm⁷⁶. Neither Kinkos nor Staples sell the special paper that must be used^{75b}, let alone print it. That can cost \$50,000 and even \$100,000 depending on the size of the record, which can run to tens and even hundreds of thousands of pages.

⁷⁴ **a)** fn.30 >Table F, lbf:39; **b)** http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_to_dis_court.pdf >bd:8; **c)** fn.63 >Table S-4, pr:106

⁷⁵ **a)** Supreme Court Rules, Rule 33.1. "*Booklet Format:* (a) Except for a document expressly permitted by these Rules to be submitted on 8½-by 11-inch paper, see, e. g., Rules 21, 22, and 39, every document filed with the Court shall be prepared in a 6¾-by 9¼-inch booklet format using a standard typesetting process (e. g., hot metal, photocomposition, or computer typesetting) to produce text printed in typographic (as opposed to typewriter) characters....**b)** (c) Every booklet-format document shall be produced on paper that is opaque, unglazed, and not less than 60 pounds in weight, and shall have margins of at least three-fourths of an inch on all sides. The text field, including footnotes, may not exceed 4¾ by 7¾ inches." http://Judicial-Discipline-Reform.org/docs/SCt_Rules_16feb10.pdf; **c)** id. >Rule 39. Proceedings *In Forma Pauperis* and Rules 12.1 and 4 and 29.3

⁷⁶ cf. http://brescias.com/legal_us_supr.html

80. The justices impose this booklet format requirement on anybody who cannot prove his destituteness. To prove it and be granted leave to print the record on regular 8.5” x 11” paper, a party must first petition for leave to proceed *in forma pauperis*, i.e., as a poor person. This must be done by the petitioner filing a motion disclosing his private financial information and serving it on every other party.^{75c} This only works to the advantage of a served party with deep pockets or one that wants to exploit the petitioner’s financial weakness. The requirement of filing and serving that financial disclosure motion in connection with a printing and stationery matter totally unrelated to the merits of the case violates the right to privacy. It aggravates the unreasonable waste of the booklet format requirement, which itself violates the controlling principle applicable in the bankruptcy and district courts: Procedural rules “should be construed and administered to secure the...inexpensive determination of every action and proceeding”⁷⁷.
81. Then one must add the cost of writing the initial brief, for instance, by petitioning for a writ of certiorari or by other jurisdiction.⁷⁸ This can cost as much as \$100,000. That is money, effort, and emotional energy that go to waste in the overwhelming majority of cases: The Supreme Court exercises its discretionary power to take or reject cases for review and denies more than 97% of petitions for review on certiorari, which constitute the bulk of the filings that it receives.⁷⁹ If it takes up a case, then another brief, the brief on the merits, must be written^{80a}, which can cost even more than \$100,000. In addition, there is the fee for the time that the attorney who will argue the case before the Court must invest in preparing alone and with his battery of assistants that will drill him in mock sessions, for all of whom a fee is also charged. Then there is the fee for the actual arguing and any expense of travelling to Washington, D.C., and room and board. Add to this the cost of preparing and arguing motions and applications that any of the parties may make.^{80b} No wonder, having a case adjudicated by the Supreme Court can cost well over \$1,000,000!⁸¹
82. The man in the street cannot realistically think of exercising his “right” to appeal to the Supreme Court, never mind a debtor that is bankrupt or a creditor fearful of throwing good money after bad. As an approximate comparison, consider that while 2,013,670 cases were filed in the bankruptcy, district, and circuit courts in FY10⁵, only 8,205 were filed in the Supreme Court,

⁷⁷ Rule 1001 of the Federal Rules of Bankruptcy Procedure, [fn.62](#); and Rule 1 of the Federal Rules of Civil Procedure, http://Judicial-Discipline-Reform.org/docs/FRCivP_1dec11.pdf

⁷⁸ [fn.75](#) >Rules 10 and 17-20, respectively

⁷⁹ **a)** http://Judicial-Discipline-Reform.org/statistics&tables/SCT/SCT_caseload.pdf; cf. http://Judicial-Discipline-Reform.org/docs/statistics&tables/cert_petitions.pdf; **b)** http://Judicial-Discipline-Reform.org/docs/Sen_Specter_on_SCT.pdf; see also **c)** Legal Experts Propose Limiting Justices' Powers, Terms; *By Robert Barnes; Washington Post* Staff Writer; Monday, February 23, 2009; page A15; "proposal by Duke University law professor Paul D. Carrington, signed by 33 others from different stations on the political spectrum"; http://Judicial-Discipline-Reform.org/docs/Limiting_justices_powers_WP_23feb9.pdf

⁸⁰ **a)** [fn.75a](#) >Rule 24; **b)** *id.* >Rules 21-23

⁸¹ A priceless win at the Supreme Court? No, it has a price, by Reporter Robert Barnes, *The Washington Post*, 25july11: A big victory at the Supreme Court isn't priceless, after all. It costs somewhere north of \$1,144,602.64; http://Judicial-Discipline-Reform.org/docs/WP_Price_win_at_SCT_25jul11.pdf

which is .4% or 1 in every 245.⁸² But even as to those cases that made it to the Court, on average for the 2004-2009 terms, the Supreme Court heard arguments in only 1 in every 113 cases on its docket, disposed of only 1 in every 119, and wrote a signed opinion in only 1 in every 133.^{79a} For every one of the Court's 73 signed opinions in its 2009 term –FY10– there were 27,584 filed in all courts. How the Court takes up a case for discretionary review by granting a petition for a writ of certiorari is arbitrary and even shocking, for it is not even the justices that choose which cases to hear. Instead, as many as eight of the nine justices pool their law clerks, who have just graduated from law school, and let them in the "cert pool" pick and choose the cases to be heard by the Court.^{79b,c}

2) Unreviewability of cases and unaccountability of judges breeds riskless contempt for the law and the people

83. That is the fate of the overwhelming majority of cases: They die **a)** of complicit indifference to wrongs and cold rejection at the door of the manor of the lords of the land of law; **b)** execution of summary and unpublished orders of circuit lords; **c)** contempt of law and fact district lords, who in effect 'convert'^{83a} U.S. courts to their respective "my court!"^{83b}; or **d)** under the feet of bankruptcy lords, who are sure that however outrageously they exact money from, or mishandle it in, the cases in the fiefs with which they have been enfeoffed, practically no debtor or creditor in bankruptcy has the knowledge or resources to embark on a protracted and very costly battle of appeal, for the great majority of them are broke, pro se, or barely able to afford a lawyer to fill out the bankruptcy forms. Unreviewability breeds arrogance. Coordination assures favorable review and risklessness. Appointers' review of their appointees' decisions allows their favorable bias and self-interest to nullify their impartiality from the outset. These judgeship conditions and legal process circumstances turn federal judges into Judges Above the Law. As such, they administer to themselves what they deny everybody else: Unequal Protection *From* the Law

4. Wrongdoing as the institutionalized modus operandi of the class of federal judges, not only the failing of individual rogue judges

a. Individual fraud deteriorates the moral fiber of people until it is so widespread and routine as to become the institutionalized way of doing business

84. Worse yet, a series of fraudulent bankruptcies tolerated by the courts, not to mention concocted by them, contaminate with fraud every other activity of the judiciary. They provide judges and

⁸² http://Judicial-Discipline-Reform.org/statistics&tables/caseload/1judicial_caseload.pdf

⁸³ **a)** To "convert" means to detain something unlawfully that initially was held lawfully.

b) "That legal rules constrain judges and make them do things is a magnificent illusion but an illusion nonetheless. There may indeed be a rule that tells a judge to do X, but with a little effort the judge can always find a rule that tells the judge not to do X. Judging is not following the rules but rather deciding which rules to follow." *Courting Failure; How Competition for the Big Cases is Corrupting the Bankruptcy Courts*, Lynn M. LoPucki; University of Michigan (2005); e-book, p. 42.

their complicit insiders with training in its operation; reveal to them their multifarious potential for securing undeserved benefits; and creepily eats away at their inhibitions to the practice of fraud. This process leads to the application of the principle that if something is good, more of it is better. Hence, they expand their fraudulent activity. From making fraudulent statements in an office or a courtroom, insiders and judges move on to handling fraudulently documents in the office of the clerk of court by manipulating whether they are docketed and, if so, when and with what date, to whom they are made available among litigants and the public, and even whether they are transmitted to other courts. All this requires more elaborate ways of concealing fraud, of laundering its proceeds, of developing methods to ensure that everybody copes with the increased work and that nobody grabs more than their allotted share. These activities need coordination. There develops an internal hierarchical structure, with a chain of command, a suite of control mechanisms, and a benefits scale.

85. All this developed in the courts gradually, as did fraud in the industry of collateralized mortgage derivatives: questionable but profitable practices paved the way to unethical ones that led to fraudulent and even more profitable ones which were neither punished nor prohibited, but rather celebrated with smugness and envy, copied freely with enhancements, and pursued by even the best and brightest financial minds with uncritical, unrestrained greed as the new business model. So it has occurred in the courts. As the practice of fraud turns into a profitable routine, fraudsters become adept at it. Greedier too, of course. They also turn complacent and sloppier at concealing it. When they and others get into a relaxed mood at a holiday party or a judicial junket or into the stressed condition of work overload or an emergency, the fraudsters crow over how smart they are at beating the system; flaunt their inexplicable wealth; and reflexively resort to an expedient course of action in disregard of the law. With increasing speed, exceptions to the rules become the normal way of doing business. A new pattern of conduct develops because ‘that’s how we do things here’. It openly becomes the “local practice”⁵⁸.
86. Non-fraudsters put it together and it hits them: There are benefits to be made and injury to be avoided by going along with the wrongful “local practice”. Some take the saying ‘if you cannot beat them, join them’ even further and either demand to be cut in or offer their own unlawful contribution as payment for their admission into the “practice”. So grows the number of people participating in coordinated wrongdoing by fraud or who come to know about it but keep it quiet to avoid retaliation. Neither those who practice fraud nor those who want to stay out of trouble have any interest in reviewing according to law cases that can expose it, outrage the public, and give rise to media and official investigations.
87. With the extension of the series of fraudulent bankruptcies, fraud becomes what smart people do. No bankruptcy insiders do it more smartly than judges. They do it risklessly in reliance on their unaccountability([jur:21§1](#)) and through self-immunization by abusing their system of self-policing through systematic dismissal with no investigation of complaints against them ([jur:24§b](#)). Free from the constraint of due process and enjoying a lightened workload through expediency measures([jur:43§1](#)), judges can divert energy and resources from the proper functions of administering bankruptcy relief and supervising the bankruptcy system to the illegitimate objective of practicing fraud and covering it up. In the same vein, they abuse their power to immunize other insiders of the legal and bankruptcy systems from the tortious or criminal consequences of their “absence of effective oversight”.
88. Progressively, the judges and the insiders get rid of ever more ethical scruples, legal constraints, and practical obstacles. They increase their abuse of their unaccountable power to take maximum advantage of every adjudicative, administrative, supervisory, and disciplinary opportunity.

Through this constantly growing fraudulent practice they pursue their motive, whether it be to gain a wrongful benefit or evade a rightful detriment, into bankable realities.

89. As the practice of fraud increases in frequency and expands into other areas of the bankruptcy and legal systems, it eviscerates slice by slice the integrity of judges, both their personal and institutional integrity. By the same token, fraud becomes the factor that coalesces the judges into a compact class. Its members, those who have practiced it as much as those who have tolerated it, become dependent on one another to survive. Everyone is aware that each one can dare the others “if you bring or let me down, *I take you with me!*” Unless a judge resigns or can face the emotional and practical consequences of being ostracized(jur:26¶29 >quotation), he must go along with the others, whether doing her share or looking the other way(jur:88§§a-d).
90. By this process of practical evolution and moral abrasion judges become individually unfaithful to their oath to administer justice impartially through to the rule of law and collectively more committed to each other and the operation of the activity that has become most profitable and requires constant coordination: the fraud scheme. Neither ENRON, Lehman Brothers, and Maddox became pervasively dominated by fraud overnight. The Federal Judiciary has had 223 years since its creation in 1789 during which only 8 judges have been removed to have one practice of individual wrongdoing followed with impunity by others which in turned were followed by the coordination of wrongdoing by several of them. Gradually the conviction has developed in the institutional psyche that their members are unaccountable and immune. Step by step, the practice of wrongdoing became routine until it became their institutionalized modus operandi. Increasing coordination of wrongdoing has produced organically functioning fraud schemes, whether it is the systematic dismissal of complaints, the concealment of assets with pro forma filing of financial disclosure reports(jur:103¶¶203,204), review of cases, or the bankruptcy fraud scheme. Their operation is ensured by the judges’ mutually dependent survival, which has changed the character of their institutions: the Federal Judiciary has become the safe haven for wrongdoing and its practitioners have become convinced that they are Judges Above the Law.⁸⁴

b. A class of wrongdoing priests protected by the Catholic Church 's cover up makes credible the charge of a class of judges protected by the Federal Judiciary's cover up

91. It would be a feat of naiveté or self-interest to believe that federal judges as a class, not just individually, cannot engage in coordinated wrongdoing as their institutionalized modus operandi. Far worse than that has already been proven beyond a reasonable doubt: Priests, who dedicated their lives to inculcating in others, and helping them live by, the teachings of a loving and caring God, have been convicted of sexually abusing children. It has also been shown that while they were giving in to their abusive pedophilic desires, they were being protected by the Catholic Church as a matter of institutional policy implemented for decades. Consequently, archdioceses and dioceses of the Church, not just individual priests, in the United States alone, never mind Europe, have been held liable for compensatory damages exceeding in the aggregate \$2 billion.
92. Hence, it is humanly and institutionally possible for federal judges to become corrupt as a class. To begin with, they cannot claim that God chose them for his ministry because of some special

⁸⁴ The Dynamics of Institutionalized Corruption in the Courts; http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf

disposition of their souls toward self-denial and altruism.³⁰ On the contrary, they must admit that they were nominated and appointed by precisely the main political components of the “swamp of corruption” that top politicians themselves have described Washington as being¹⁶. Their taking their oath of office to “do equal right to the poor and to the rich [and] to uphold the Constitution and the laws thereunder”⁸⁵ did not confer upon them any more incorruptibility than did upon the priests the oath that they took to obey God and the Church on behalf of their fellow men and women. Interjecting at every opportunity when talking to them “Your Honor here” “Your Honor there” year in and year out does not in any way makes them honorable. It only makes them aware that people fear the power that they wield to make them win or lose cases, and with that dramatically affect lawyers’ livelihood or their clients’ property, liberty, or even lives. That address form goes to their heads and makes them arrogant: Judges Above the Fearful.

93. Making it even highly probable that federal judges have become corrupt as a class is something more basic than such deferential treatment, something much more prevalent than a despicable pedophilic deviance that affects only a very small percentage of the population. Indeed, judges have allowed themselves to be driven by the most mainstream, insidious, and pernicious motive that dominates our national character just as it dominates Washington¹⁵: *money!*(*jur:28§2*) Money is what lies at the core of the controversy in most cases or what is used to compensate the infringement of a right or the failure to perform a duty; what is exacted to impose a penalty.
94. Moreover, judges have something else that even the movers and shakers of Washington, not to mention the rest of the population, lack: Federal judges not only have power over the inertia of money, that is, power to decide whether it stays with he who has it or flows to him who has a claim on it...or simply wants it. They also have power over the legal process in which the inertia of money is decided. In practice, their power is absolute, for it is vast and they wield it unaccountably(*jur:21§1*). That is the kind of power that corrupts absolutely.²⁹ Moreover, the absolute character of their power is special: They have been invested with the power to police themselves by handling the complaints filed against their peers^{18a}. They blatantly abuse that power by systematically dismissing those complaints to self-exempt from any discipline¹⁹. They also enter collusive relationships with the other two branches of government^{23a}, which in self-interest do not hold them accountable(*jur:81§1*). Their power is even held beyond the investigative scope of the media, which out of fear of retaliation has shirked from their duty to investigate and expose judges’ professional performance and individual conduct just as the media do the politicians’(*jur:2¶¶4-8*).
95. Federal judges’ unaccountable power enables them to do anything they want and answer for it to nobody but themselves. In various ways similar to the priests and the Catholic Church, judges either by statute or their own election or appointment fill on a permanent or rotating basis positions with administrative functions, such as chief of court, circuit justice, and chair of a committee of the Federal Judiciary. Since they do not have outsiders dropped as wrenches into their machinery –as is the secretary of defense in the military-, when one after the other holds those positions they simply cover up the past and present wrongs that they and their peers did or are doing as judges or individuals. From those administrative positions not only do they reciprocally ensure their mutual survival, but also wield additional power to enforce class loyalty.

⁸⁵ http://judicial-discipline-reform.org/docs/28usc453_judges_oath.pdf

c. Life-tenured, in practice unimpeachable district and circuit judges and Supreme Court justices are fundamentally equals

96. Even the most recently confirmed nominee to a district judgeship keeps her job for life...“during good Behaviour”. Even if she behaves badly, not even the Judiciary can fire her; only Congress can remove a judge through the hardly ever used process of impeachment(jur:21¶19). In addition, not even Congress can penalize her by diminishing her compensation, for the Constitution prohibits it.¹² No judge is the employer of any other judge with the right to tell her how to perform or not to perform her job, with the exception of remanding a decision to a court for ‘further proceedings not inconsistent with this order of reversal’ and the granting of a mandamus petition filed by a litigant. Even the chief justice of the Supreme Court, who is also the Chief Justice of the United States, is not the boss of any other judge, not even of a bankruptcy judgeship appointed for a 14-year term by the circuit judges of the respective circuit court or a magistrate judge appointed for a shorter term by the district judges of the respective district court.⁶⁰ After all, the Constitution does not set one court over another; instead, it reserves to Congress almost the exclusive power to determine the relative exercise of jurisdiction between the courts.

Const. Art III. Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish....

Section 3...In all Cases affecting Ambassadors [or where] a State shall be a Party, the supreme Court shall have original jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

97. In fact, the highest policy-making and disciplinary body of the Federal Judiciary, the Judicial Conference of the U.S.^{86a-f}, has no more statutory authority than to “submit suggestions and recommendations to the various courts to promote uniformity of management procedures and the

⁸⁶ **a)** The 27-judge Judicial Conference is composed of 14 chief judges, that is, those of the 12 regional circuits (circuits 1-11 and the D.C. circuit), the national Federal Circuit, and the Court of International Trade as well as a representative district judge chosen by the circuit and district judges of each of the 12 regional circuits; see map of the circuits(jur:20). Its presiding member is the chief justice of the Supreme Court. A bankruptcy and a magistrate judge attend its meetings as non-voting observers. The Conference only deals with administrative and disciplinary matters. As the highest such body of the Federal Judiciary it makes policies for the whole Judiciary, which are developed at its behest by its all-judge committees, which report to it at its biannual meetings in March and September.

b) Cf. http://judicial-discipline-reform.org/statistics&tables/JudConf_Reports.pdf

c) The Conference also supervises the Administrative Office of the U.S. Courts¹⁰, which implements those policies; **d)** <http://www.uscourts.gov/FederalCourts/JudicialConference.aspx> and **e)** http://Judicial-Discipline-Reform.org/docs/28usc331_Jud_Conf.pdf.

f) Some members of the Conference are replaced at its September meeting²⁰³ when their 3-5-year service ends; <http://www.uscourts.gov/FederalCourts/JudicialConference/MemberShip.aspx>.

g) e) > §331 4th para.

expeditious conduct of court business”^{86g}.

98. But the Judicial Conference has no authority, whether constitutional or statutory, to demote a judge for having many opinions reversed on appeal or promote her for having a perfect score of opinions upheld. She can sell just as many well-argued books explaining her reversed decisions. Her arguments can subsequently be adopted by other judges and courts. In fact, no judge, justice, or body of the Federal Judiciary has any authority to permanently promote a judge to a higher court or demote her to a lower one and modify her title and salary accordingly. Neither judges nor the Judiciary are authorized to recommend to the President whom to nominate for such elevation and not even the President can demote a judge. If appellate judges do not like a lower court decision, that is tough luck for them. In such event, they cannot get rid of it by merely rubberstamping a summary order of affirmance –similar to the Supreme Court’s ridding itself of a petition for review by certiorari by a having a clerk issue its denial form-. Instead, appellate judges have to negotiate among themselves the grounds for reversal and then sit down to write a decision identifying the reversible error to make it possible to avoid it on remand. Likewise, a district judge can affirm a bankruptcy judge’s decision and be done with it.
99. It follows that being reversed is career-wise inconsequential. No number of remands is going to force a life-tenured district or circuit judge to resign. Given the historical record(jur:21 §a), no impeachment is going to be commenced on that ground against her, let alone end in her removal. It follows that federal district and circuit judges and the justices can stay put forever, their ‘bad Behaviour’ notwithstanding¹². Hence, they are fundamentally equals.
100. However, it is not wise for those judges’ career to turn a peer into an enemy, for that peer may become an enemy for life. Quibbling about legal points and policy matters is perfectly acceptable. But disturbing the collegiality among professionally conjoined brethren and sisters by exposing the wrongdoing of any of them is an attack against the very survival of the whole judicial class and its privilege: Their unaccountability and in effect unimpeachability, which have rendered them Judges Above the Law.(jur:21 §1) An investigation by outsiders of any one judge may take a life of its own that can soon get out of control, causing a judge to give up many more or one higher up ‘honcho’ in plea bargaining in exchange for leniency, who could in turn do the same. Soon everybody is tarnished or even incriminated for their own wrongdoing or their condonation of that of others. That the judges are determined to prevent or stop at all costs, whether with a stick or a carrot.

d. Enforcing class loyalty: using a stick to subdue a judge threatening to expose their peers’ wrongdoing

1) Not reappointing, banishing, ‘gypsying’, and removing a bankruptcy or magistrate judge

101. Bankruptcy judges can hardly have gotten the idea that they were term-appointed to exercise independent judgment and apply the law to ensure due process of law with disregard for what is really at stake in bankruptcy court: *money!*(jur:28 §2) To begin with, a bankruptcy judge can exercise authority under the Bankruptcy Code, that is, 11 U.S.C.⁶¹, “except as otherwise provided by...rule or order of the district court”^{87a}. This means that a district court can order the withdrawal to

⁸⁷ **a)** fn.60a >28 U.S.C. §151; **b)** id. >§157(d); **c)** id. >§152(e)

itself of any bankruptcy case in the hands of one of its bankruptcy judges.^{87b} Consequently, a bankruptcy judge has little incentive to do the right thing in handling a case before him, for he knows that it can be undone after the case has been withdrawn from him by the district court. Likewise, he is aware that the district court and the circuit's judicial council are keeping tabs on whether to allow him to remain on his job depending on his understanding of his real role: to direct the flow of money according to, not the Code or the Rules of Procedure^{62,77}, but rather "local practice"⁸⁸: The district court, which can uphold decisions appealed to it from the bankruptcy judge, and the judicial council, which can deny petitions to review the dismissal of misconduct complaints against him(jur:24§b), assure the judge's riskless exercise of judicial power to take advantage of the opportunity afforded by every case to make the money(jur:28§2) at stake flow⁵⁹ among bankruptcy system insiders¹⁶⁴. From the point of view of that court and the council, the judge has no excuse not to do what he is supposed to regardless of what the law or any general or local rule⁸⁹ may require him to do.

102. Nevertheless, assume that the bankruptcy judge is principled enough to refuse to deviate from the law or the rules. In that event, the stick may run him away:

28 U.S.C. §152(b)(1) The Judicial Conference...shall, from time to time...determine the official duty stations of bankruptcy judges and places of holding court.

§152(d) With the approval of the Judicial Conference and each of the judicial councils involved, a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which such bankruptcy judge was appointed.

103. Those "places of holding court" may be nothing more than a stool and a rickety table with no connection to the bankruptcy court's Case Management/Electronic Case Files System⁹⁰, a subtle warning of what happens when a bankruptcy judge becomes fully 'disconnected' from the goodwill of those who decide whether he remains stationed in the Judiciary or is banished to a punishing place. Indeed, since the federal bankruptcy system has nationwide coverage, what exactly is "near" the appointment district? Pursuant to that vague provision, the headstrong bankruptcy judge can be banished so far from his home as to make it impossible for him to commute every day, thus forcing him to find accommodations there, come home perhaps on weekends, and suffer the consequent disruption to his personal and family life.
104. An exceptional bankruptcy judge may refuse to resign as intended by the banishers. Instead, he may insist on safeguarding his personal integrity and that of the bankruptcy system. Dealing with him may require the swinging of a bigger stick. To begin with, the circuit court may not reappoint him at the expiration of his 14-year term. What is more, the circuit council⁹¹ may

⁸⁸ http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_local_practice.pdf

⁸⁹ http://Judicial-Discipline-Reform.org/docs/DrRCordero-JudCoun_local_rule5.1h.pdf

⁹⁰ <http://www.uscourts.gov/FederalCourts/CMECF.aspx>; cf. <http://www.nywb.uscourts.gov/cmecf.html>

⁹¹ Each federal judicial circuit has a judicial council, which is composed only of circuit and district judges of that circuit, in equal numbers, to whom is added its chief circuit judge as presiding and voting member. The council has administrative and disciplinary functions only; it does not adjudicate cases, although its members, as judges, do. The council's circuit judge members may have been among the members of the circuit court at the time that that court appointed(fn.60a) the bankruptcy judge whose removal is under consideration by the council; http://Judicial-Discipline-Reform.org/docs/28usc332_Councils.pdf.

remove him during his term. The council includes district judges, one or more of whom are members of the district court to which the bankruptcy judge belongs^{cf.18f}; hence the importance of the tabs that the district court keeps on the bankruptcy judge's performance or rather his docility. The council may remove him on charges of "incompetence, misconduct, neglect of duty, or physical or mental disability"^{87c}.

105. The risk to the council may require it to swing its authority hard enough to effect his removal: Circuit judges on the council together with other peers on the circuit court constituted the majority that chose a person to be appointed bankruptcy judge, thereby vouching for his integrity and competence. Quite obviously, those appointing judges as well as the council would be highly embarrassed, perhaps even incriminated, if their own bankruptcy appointee turned around and exposed the wrongdoing of any other judge, never mind a member of the circuit court or the council itself. The fear of embarrassment or incrimination may be so justified as to be a constant and conduct determining factor: The appointing circuit judges and the circuit and district judges on the council may have known about such wrongdoing but tolerated it or should have known about it had they performed with due diligence their duty to uphold personally the integrity of the institution of which they are members, the Judiciary, and to supervise collectively the administration of justice in the circuit, as provided for in the Code of Conduct for U.S. Judges^{118a}.

Canon 1: A Judge Should Uphold The Integrity and Independence of The Judiciary.

An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

106. It follows that the circuit judges have an interest in appointing as bankruptcy judge a person who they know will play by the "local rules"⁸⁸, as opposed to the law of the land adopted by Congress, for bankruptcy judges to handle money. A bankruptcy trustee, lawyer, or clerk may fit the bill if he has consistently acquiesced in the rulings and 'rules' of the bankruptcy judges before whom he practices or for whom he works. If upon his appointment to a bankruptcy judgeship he instead starts to object to and expose the wrongdoing of judges, the council, out of the self-interest of its members or under pressure from other judges, will rather sooner than later consider his removal as a preemptive damage control measure.
107. That constant threat of being removed weighs on the bankruptcy judge. He would really show "mental disability" if he thought for a nanosecond that, if removed, he would simply go back to practice bankruptcy law as any other lawyer before the same bankruptcy and district courts because they would not hold a grudge against him. Instead, he must picture his post-removal subsistence with him in the queue before a dilapidated public defender's office scrounging for an appointment to defend at a discounted, public rate a penniless criminal defendant. How many people have the strength of character to risk a salary of \$160,080^{92a} to do the right thing in the

⁹² **a)** [fn.60a](#) >§153(a) "Each bankruptcy judge shall...receive as full compensation for his services, a salary at an annual rate that is equal to 92 percent of the salary of a judge of the district court...", which is \$174,000, as provided for under 5 U.S.C. §5332 Schedule 7. Judicial Salaries; [fn.194](#). **b)** Full-time magistrate judges receive "salaries to be fixed by the [Judicial C]onference pursuant to section 633 [entitling the Conference to "change salaries of full-time and part-time magistrates judges, as the expeditious administration of justice may require"] at rates...up to an annual rate equal to 92 percent of the salary of a judge of the district court" ; [fn.60b](#) >§634(a). **c)** [fn.60b](#) >§631(a) and (i)

face of such dire consequences rather than simply flow with the current and the money by treating judicial wrongdoing with knowing indifference(jur:90§b) and willful ignorance(jur:90§c)?

108. Similarly, the district judges of the district court that appointed a magistrate judge have the authority both not to reappoint and to remove him^{92c}. However, a more subtle means can be adopted to teach a too-by-the-book magistrate to get real or quit: If the Judicial Conference of the United States has provided that the magistrate may be required to serve on an itinerant basis, the district judges can ‘gypsy’ him and specify that he perform menial, humiliating duties. To stick can be made to be felt on his pocket too.^{92b} If that does not do it, the Conference can simply beat his office out of existence.

28 U.S.C. §631(a)...Where the conference deems it desirable, a magistrate judge may be designated to serve in one or more districts adjoining the district for which he is appointed. Such a designation shall be made by the concurrence of a majority of the judges of each of the district courts involved and shall specify the duties to be performed by the magistrate judge in the adjoining district or districts. (See also fn.95)

§631(i)...a magistrate judge’s office shall be terminated if the conference determines that the services performed by his office are no longer needed.

§635(a) Full-time...magistrate...shall be allowed their actual and necessary expenses incurred in the performance of their duties, including the compensation of such legal assistants as the Judicial Conference, on the basis of the recommendations of the judicial councils of the circuits, considers necessary, and the compensation of necessary clerical and secretarial assistance.

2) Ostracizing ‘temporarily’ a district or circuit judge to inhospitable or far-flung places

109. A district or circuit judge who did not understand that judges do not turn on judges and certainly not on justices, who are allotted to the circuits as circuit justices⁹³, could find himself or herself designated and assigned ‘temporarily’ to another court under 28 U.S.C. §§291-297⁹⁴;

28 U.S.C. §291(a) The Chief Justice of the United States may, in the public interest, designate and assign temporarily any circuit judge to act as circuit judge in another circuit upon request by the chief judge or circuit justice of such circuit.

§292(d) The Chief Justice may designate and assign temporarily a district judge of one circuit for service in another circuit, either in a district court or court of appeals, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

110. Thanks to global warming, winters in the federal judicial district of Alaska are quite pleasant, the temperature seldom dropping below -30°F. Being transferred there not only provides a refreshing start from zero for a judge’s career, but also has a rather cooling effect on his temperament after he has unhealthily heated up by holding on to trifling disciplinary matters normally disposed of promptly, such as misconduct complaints dispatched through systematic dismissals(jur:24§b). If the judge prefers a tropical climate where in a brighter sun he can learn to make light of his

⁹³ http://Judicial-Discipline-Reform.org/docs/28usc41-49_CAs.pdf >§42. Allotment of Supreme Court justices to circuits

⁹⁴ http://Judicial-Discipline-Reform.org/docs/28usc291-297_assign_judges.pdf

peers' wrongdoing, he can be accommodated with an assignment to any of the Freely Associated Compact States, i.e., the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau. No doubt all the other judges will learn a lesson from his post cards about his laid-way-back and certainly very Pacific life. It is obvious why those courts are more appropriately referred to as 'reeducation' courts rather than dump courts, which is not a nice name. Being nice to each other is key in the Federal Judiciary...unless a judge is packed with integrity and ready to travel the narrow road to godforsaken courts.

28 U.S.C. §297 Assignment of judges to courts of the freely associated compact states.

(a) The Chief Justice or the chief judge of the United States Court of Appeals for the Ninth Circuit may assign any circuit or district judge of the Ninth Circuit, with the consent of the judge so assigned, to serve temporarily as a judge of any duly constituted court of the freely associated compact states...⁹⁵

111. Moreover, a circuit judge who gets the idea that she can reform the Judiciary from her elevated position inside it can be disabused by being 'demoted' 'temporarily' to hold district court in any distant district in her circuit or even in another circuit to which she has already been transferred to from her own circuit. What exactly is 'temporary' with respect to district and circuit judges, who have life appointments? Since all it takes is to invoke the standard most easily satisfied, namely, "in the public interest", is an assignment to hold trials between inmates in a district centered around a penitentiary lost in the middle of the desert within the scope of 'temporary' if it is for 5 years?

28 U.S.C. §291(b) The chief judge of a circuit or the circuit justice may, in the public interest, designate and assign temporarily any circuit judge within the circuit, including a judge designated and assigned to temporary duty therein, to hold a district court in any district within the circuit.

112. It is true that the chief justice, as presiding member of the Judicial Conference, and the other members of it, whether chief circuit judges or elected district judges, are equals. Aside from the chief justice being the one who calls its biannual meetings as well as special meetings⁹⁶, they all have one vote and no one has a statutory right to draw up exclusively the agenda of their meetings.

113. However, no judge has an interest in antagonizing the chief justice, or for that matter his associate justices. For one thing, complaints cannot be filed against a justice since the justices are not subject to the Judicial Conduct and Disability Act^{18a}; nor can it somehow be claimed that a justice violated the Code of Conduct for U.S. Judges^{118a} because the justices are not subject to it either⁹⁷. Moreover, the chief justice has an interest in protecting the associate justices because they hold the votes that can give him a consistent majority capable of becoming known as the [Chief Justice] Doe Court. The justices can retaliate against judges that attack or disrespect them by banishing or 'demoting' them(jur:57¶¶109,111). They can also agree to review their decisions appealed to them only to reverse them or lash out against them in a majority opinion upheld on other grounds or a dissent opinion. Both types of opinions carry more prestige and are more

⁹⁵ If a recommendation of the Judicial Conference for amendment of §297 is adopted, "magistrate judges and territorial judges may be assigned temporarily to provide service to the freely associated compact states"; Judicial Conference Report, 15mar11, page 14; fn.86b >jcr:1036.

⁹⁶ fn.86b >jcr:822; 901

⁹⁷ <http://Judicial-Discipline-Reform.org/teams/AFJ/11-12-10DrRCordero-DFranco-Malone.pdf>

widely read and quoted than any opinion issued by lower court judges. They can be used to shame and embarrass a judge that needs to be taught a lesson: a judge is not to cross a justice.

**e. The carrot of reputational benefit among equals:
rewarding class solidarity with
an at-pleasure or term-limited appointment**

114. Judges' unaccountability and de facto unimpeachability(jur:21§1) have generated irresistible attraction toward wrongdoing...ever more of it and more boldly as the impunity following an act of wrongdoing increases their confidence that no harm will come to them if they repeat the same or similar type of wrongdoing and even if they engage in wrongdoing that is bolder to the same extent as their impunity confidence is greater. This self-reinforcing process has caused wrongdoing to become pervasive. It explains why no judge may be willing to agree to be hit with the stick for his wrongdoing when he knows that everybody is actively doing some type of wrong or passively looking the other way from the wrongdoing of others. Hence the need also for the carrot as conduct modifier or inducer.
115. Judges that go with the flow of their peers rather than stand on principles can reap a benefit in several manners in addition to getting away with their own wrongdoing and its profit. For instance, a district judge can be 'promoted' to temporary duty on a circuit court under 28 U.S.C. §292(d)(jur:49¶82). Carrots can also be dangled before the eyes of judges or fed to them in the form of appointment to prestigious administrative positions and committees within the Judiciary. While being so appointed does not bring an increase in salary, the prestige that it carries amounts to public recognition of not only a judge's competence, but also his forgiving attitude toward his peers: He or she will stick by them no matter what, even by dismissing 100% of petitions for review of complaint dismissals(jur:24¶23).
116. No such recognition need be expected by sticklers for applying to their peers the valuable, integrity-enhancing requirement to "avoid even the appearance of impropriety"^{118a}. In practice, it is devalued by the judges, who pay to it only lip service^{104c}. In fact, district judges who may even think that in the interest of judicial integrity they should expose their peers' improprieties and wrongdoing are likely to have that thought dispelled by a self-interested consideration: It is the circuit and district judges in the circuit who choose the district judge that will represent them in the Judicial Conference⁹⁸. Those judges would certainly not vote for a judge that would put principles ahead of the reciprocal cover-up required by complicit collegiality, which provides the basis for their awareness of their mutually dependent survival.
117. Among the most prestigious appointments are to the at-pleasure directorship of the Administrative Office of the U.S. Courts and the chairmanship of the term-limited Executive Committee of the Judicial Conference of the U.S. The presiding member of the Conference is the chief justice, who makes those appointments just as he appoints the term-limited chairs of each of the 25 committees of the Conference^{86b}, such as the Committee on Financial Disclosure, on Judicial Conduct and Disability, and on Codes of Conduct.^{cf.99a} Appointment to some committees, such

⁹⁸ fn.86c >2nd paragraph

⁹⁹ a) http://www.uscourts.gov/News/TheThirdBranch/10-10-01/New_Chairs_Head_Five_Conference_Committees.aspx; b) fn.86 >jcr:1039

as that on international judicial relations, involves travel abroad or hosting delegations of foreign jurists and judicial personnel.^{99b} The chief justice can also create special committees, each of which can become known by the name of the judge that he appoints to chair it. For example, on May 25, 2004, Chief Justice Rehnquist created a committee to review the application of the Judicial Conduct and Disability Act and appointed Justice Breyer as its chairman; it became known as the Breyer Committee, which issued the Breyer Report in September 2006.¹⁰⁰ Chief circuit judges can also make similar appointments in their respective courts.

118. “The Chief Justice has sole authority to make committee appointments”¹⁰¹ and bestow the concomitant reputational benefit on appointees...as well as a ‘distraction’ from the monotonous grind of deciding case after case of *Joe Schmoeck v. Wigetry, Corp.* A judge who wants to receive such benefit had better be on good terms with the chief justice as well as with the respective circuit justice and all the other justices, for they can put in a good word for him with the chief justice.

5. From general statistics of the Federal Judiciary to particular cases that illustrate how wrongdoing runs throughout it and harms people

119. The above is an example of dynamic analysis of harmonious and conflicting interests^{232b} among the judicial officers of the Federal Judiciary. Based thereon, a judge that determines her conduct on purely pragmatic considerations would see no benefit in either refusing to dismiss or voting to review a misconduct complaint against a peer. Only a highly principled judge whose conduct was determined by her duty to do what was legally, ethically, or morally right even if she had to suffer for it would dare expose a wrongdoing judge or the coordinated wrongdoing of the class of judges. To do so, she could not merely file a judicial misconduct complaint against her peer, which would be doomed to dismissal from the outset. The only action reasonably calculated to have a chance at effectiveness would be to bring the evidence or her reasonable suspicion of wrongdoing or impropriety outside the Judiciary to the attention of the public at large, whether by publishing it herself, for example, on her website, or through the media, that is, if she found a media outlet willing to become the object of retaliation of every member of the Federal Judiciary but for the complaining judge. The latter would cast herself out of the class of judges, who would deem her action treasonous and treat her as a traitor to be socially outcast(jur:26¶29; 106¶208, 209).

¹⁰⁰ a) <http://www.uscourts.gov/RulesAndPolicies/ConductAndDisability/JudicialConductDisability.aspx> >Implementation of the Judicial Conduct and Disability Act(fn.18a). A Report to the Chief Justice; http://Judicial-Discipline-Reform.org/judicial_complaints/Breyer_Report.pdf.

b) See also a critical comment on the Report's history and its progeny, i.e., the new Rules Governing Judicial Conduct and Disability Proceedings concerning misconduct and disability complaints against federal judges; drafted by the Committee on Judicial Conduct and Disability of the Judicial Conference of the U.S. and adopted by the latter on March 11, 2008:

(i) http://Judicial-Discipline-Reform.org/docs/7-9-19DrRCordero-JRWinter_complaint_rules.pdf;

(ii) http://Judicial-Discipline-Reform.org/docs/7-10-14DrRCordero-JRWinter_draft_rules.pdf;

(iii) http://Judicial-Discipline-Reform.org/docs/8-2-25DrRCordero-AO_JDuff_revised_rules.pdf;

(iv) http://Judicial-Discipline-Reform.org/docs/8-3-27DrRCordero-CA2_CJ_Jacobs.pdf

¹⁰¹ <http://www.uscourts.gov/FederalCourts/JudicialConference/Committees.aspx>

120. Therefore, if one is neither naïve nor compromised by self-interest, one can consider with an open mind the evidence in the next section, §B, of wrongdoing by the class of federal judges and their Judiciary. It shows how unaccountable power, the money motive, and the opportunity for wrongdoing in effectively unreviewable cases have enabled them to engage in individual and coordinated wrongdoing. The evidence in §B concerns federal judges involved in concealment of personal assets and a collective bankruptcy fraud scheme for concealing or misappropriating assets at stake in particular bankruptcy cases that went all the way from a bankruptcy to a district to a circuit court and on to the Supreme Court just as the judicial misconduct complaint against the bankruptcy judge went from a chief circuit judge to the circuit council and to the Judicial Conference and the Administrative Office of the U.S. Courts. Moreover, that wrongdoing was compounded by other forms of wrongdoing necessary to cover it up. The prevalence and routine character of all such wrongdoing throughout the judicial and disciplinary hierarchies reveal that wrongdoing has become the institutionalized modus operandi of the Federal Judiciary.

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B. *In re DeLano*, Presiding Judge Sonia Sotomayor, and her appointment to the Supreme Court by President Barak Obama: evidence of a bankruptcy fraud scheme and her concealment of assets dismissed with knowing indifference and willful blindness as part of the Federal Judiciary's institutionalized modus operandi

1. Justiceship Nominee Judge Sotomayor was suspected of concealing assets by *The New York Times*, *The Washington Post*, and Politico

121. The evidence hereunder concerns what *The Washington Post*, *The New York Times*, and Politico suspected in articles contemporaneous with President Barak Obama's first justiceship nomination, to wit, that Then-Judge Sonia Sotomayor of the U.S. Court of Appeals for the Second Circuit (CA2) had concealed assets of her own^{102a}. The evidence is in the financial statements that she filed with the Senate Committee on the Judiciary holding hearings on her confirmation.^{102b} They show that in 1988-2008 she earned and borrowed \$4,155,599 + her 1976-1987 earnings; but disclosed assets worth only \$543,903, leaving unaccounted for \$3,611,696 - taxes and the cost of her reportedly modest living^{102c}. Thereby she failed to comply with that Committee's request that she disclose "in detail all [her] assets...and liabilities"^{102b}. Her motive was to cover up her previous failure to comply with the requirement of the Ethics in Government Act of 1978 to file a "full and complete" annual financial disclosure report^{102d}. The President disregarded the evidence of her dishonesty just as he did that of his known tax cheat nominees Tim Geithner, Tom Daschle, and Nancy Killefer¹⁰³. The fact that the President is wont to nominate tax cheaters lends credibility to those respectable newspapers' suspicion that Judge Sotomayor too cheated on her taxes on the assets that she concealed.
122. Judge Sotomayor's concealment of assets of her own is consistent with evidence of her cover-up of concealment of assets of others through a bankruptcy fraud scheme⁸⁹ run by judges and bankruptcy system insiders¹⁶⁴ in a case in which she was the presiding judge: *DeLano*¹⁰⁴. Although she and her CA2 peers were made aware of the scheme¹⁰⁵, they dismissed the evidence

¹⁰² a) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/6articles_J_Sotomayor_financials.pdf;
b) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf;
c) (i) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_J_Sotomayor-financials.pdf; (ii) http://Judicial-Discipline-Reform.org/SCt_nominee/14SenJudCom_investigate_JSotomayor.pdf
d) http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf

¹⁰³ a) http://judicial-discipline-reform.org/docs/Geithner_tax_evasion_jan9.pdf;
b) http://Judicial-Discipline-Reform.org/docs/Tom_Daschle_tax_evasion_feb9.pdf; and
c) http://Judicial-Discipline-Reform.org/docs/Nancy_Killefer_3feb9.pdf

¹⁰⁴ a) *DeLano*, 06-4780-bk-CA2, dismissed per curiam, J. Sotomayor, presiding; fn.126 >CA:2180
b) http://judicial-discipline-reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf >US:2442§IX;
c) cf. http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_rehear_23apr9.pdf

¹⁰⁵ http://Judicial-Discipline-Reform.org/Follow_money/motion_en_banc.pdf >CA:1947§§I, III

and protected their bankruptcy judge appointee^{60a} that ran the scheme in *DeLano*. How they dismissed it is most revealing.

2. *DeLano* illustrates how concealment of assets is operated through a bankruptcy fraud scheme enabled by bankruptcy, district, and circuit judges, and Supreme Court justices

123. *DeLano*¹⁰⁶ concerns a 39-year veteran banker who in preparation for his debt-free retirement to a golden nest filed his personal bankruptcy^{107a}, yet remained employed by a major bank, M&T Bank, as a bankruptcy officer! He was but one of a clique of bankruptcy system insiders: His bankruptcy trustee had 3,907 *open* cases^{108a} before the WBNY judge hearing the case; one of his lawyers had brought 525 cases^{108b} before that judge; his other lawyer also represented M&T and was a partner in the same law firm^{108c} in which that judge^{108d} was a partner at the time of his appointment^{60a} to the bench by CA2; when he was reappointed in 2006^{109a}, Judge Sotomayor was a CA2 member. M&T was likely a client of that law firm and even of the judge when he was a bankruptcy lawyer and partner there. The analysis of M&T cases^{109b-c} and *DeLano* revealed the bankruptcy fraud scheme and these insiders' participation in it^{110a}. The very large number of cases that these two trustees and lawyer have brought before Judge Ninfo and the "an unusually close relationship between the[m]" and these other parties have provided for the development of the driver of their relation dynamics: "cronyism"(jur:33§2). Money and its sharing provide them with convergent motivational direction.¹¹¹

¹⁰⁶ For a more detailed account of *DeLano*, see http://Judicial-Discipline-Reform.org/HR/11-4-25DrRCordero-HR_ComJud.pdf >GC:41§D

¹⁰⁷ **a)** http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V >W:43;
b) id. >§I.B=W:2

¹⁰⁸ **a)** http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf;
b) http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf;
c) <http://www.underbergkessler.com>;
d) http://www.nywb.uscourts.gov/judge_ninfo_202.html >About [NY Western District] Bankruptcy J. John C. Ninfo, II, and fn.119

¹⁰⁹ **a)** fn.106 >GC:32/fn.72; **b)** id. >GC:17§§B-C, describing bankruptcy cases to which M&T was a party and whose trustee had 3,382 cases before Judge Ninfo, http://Judicial-Discipline-Reform.org/docs/TrGordon_3383_as_trustee.pdf, and one of the lawyers 442, http://Judicial-Discipline-Reform.org/docs/MacKnight_442_before_JNinfo.pdf. The M&T cases went from bankruptcy court all the way to the Supreme Court, **c)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf, as did *DeLano*, fn.104b.

¹¹⁰ **a)** That analysis was set forth in support of the request of 25apr11 to the H.R. Judiciary Committee to investigate the scheme; fn.106. It was turned into the 25may11 request made for a similar purpose to Rep. Michelle Bachmann and each of the Tea Party Caucus members; http://Judicial-Discipline-Reform.org/HR/7Tea_P/11-5-25DrRCordero-Tea_P&Caucus.pdf.
b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Att_Grievance_Com.pdf

¹¹¹ For the names and contact information about the trustees, attorneys, and judges referred to here, see Complaint to the Attorney Grievance Committee for the New York State Seventh

124. In reliance thereon, the co-scheming ‘bankrupt’ officer declared that he and his wife had earned \$291,470 in the three years preceding their bankruptcy filing^{112a}. Incongruously, they pretended that they only had \$535 “on hand and in account”^{112b}. Yet, they incurred \$27,953 in known legal fees, billed by their bankruptcy lawyer, who knew that they had money to pay for his services^{112c}, and approved by the trustee and the judge. They also declared one single real estate property, their home, bought 30 years earlier^{112d} and assessed for the purpose of the bankruptcy at \$98,500, on which they declared to carry a mortgage of \$77,084 and have equity of only \$21,416^{112e}...after making mortgage payments for 30 years! They sold it 3½ years later for \$135,000, a 37% gain in a down market.^{113f} Moreover, they had engaged in a string of eight mortgages from which they received \$382,187, but the trustee and the judge refused to require them to account for it^{112g}.
125. For six months the bankruptcy officer and his wife, their lawyers, and the trustee treated a creditor that they had listed among their unsecured creditors as such and pretended to be searching for their bankruptcy petition-supporting documents that he had requested^{113a}. It was not until the creditor brought to the judge’s attention^{113b} that the ‘bankrupts’ had engaged in concealment of assets that they moved to disallow his claim^{113c}. The judge called on his own for an evidentiary hearing on the motion only to deny discovery of *every single document* that the creditor requested, even the bankrupts’ bank account statements, indispensable in any bankruptcy^{114a}. Thereby he deprived the creditor of his discovery rights, thus flouting due process. He turned the hearing^{114b} and his grant of the motion into a sham¹¹⁵. He also stripped the creditor of standing in the case so that he could not keep requesting documents, for they would have allowed tracking back the concealed assets. On appeal, the judge’s colleague in the same small federal building^{116a} in Rochester, NY^{110b}, a WDNY district judge, also denied *every single document* requested by the creditor^{116b}.

Judicial District [of the Appellate Division, Fourth Department, of the NYS Supreme Court] against attorneys engaged in misconduct contrary to law and/or the NY State Unified Court System, Part 1200 - Rules of Professional Conduct, GC:1§I; http://Judicial-Discipline-Reform.org/NYS_att_complaints/16App_Div/DrRCordero-AppDiv4dpt.pdf.

¹¹² **a)** [fn.107](#) >§I.B >W:2; **b)** *id.* >§V >W:51; **c)** *id.*>§XI >W:148; **d)** *id.*>§VIII >W:93; **e)** *id.*>§V >W:50; **f)** *id.*>§X >W:145; **g)** *id.*>§VIII >W:89-112 and [fn.106](#)>HR:217

¹¹³ **a)** [fn.106](#) >GC:47:§3; **b)** *id.* >GC:45§2; **c)** *id.* >GC:49§4

¹¹⁴ **a)** http://Judicial-Discipline-Reform.org/Follow_money/docs_denied.pdf; **b)** [fn.106](#) >GC:51§5

¹¹⁵ **a)** ‘Hear’ the judge’s bias: http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf; **b)** *cf.* http://Judicial-Discipline-Reform.org/Follow_money/Analysis_Trustee_report_23aug5.pdf

¹¹⁶ **a)** [fn.65](#). >GC:11¶11; **b)** [fn.114a](#) >de:28; and http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_WDNY.pdf>Pst:1255§1 and 1281¶62; **c)** [fn.106](#) >GC:58§8; *cf.* GC:54§7

3. Then-Judge Sotomayor's concealment of her own assets reveals wrongdoing as part of the modus operandi of peers and their administrative appointees, which requires justices to keep covering up their own and their peers' wrongdoing

a. Judge Sotomayor refused to investigate a bankruptcy officer's bankruptcy petition, though suspicious per se

126. When *DeLano* reached CA2, Judge Sotomayor, presiding^{104b}, condoned those unlawful denials and even denied in turn *every single document* in 12 requests by the creditor-appellant^{117a}. However, she too needed those documents, e.g., bank and credit card statements, real estate title, home appraisal documents, etc., to find the facts to which to apply the law^{117b}. Thus, she disregarded a basic principle of due process: The law must not be applied capriciously or arbitrarily^{117c} in a vacuum of facts or by willfully ignoring them. Her conduct^{116c} belied her statement before the Senate Judiciary Committee that her guiding principle as a judge was “fidelity to the law”^{127f}.
127. Judge Sotomayor also condoned the refusal of the bankruptcy judge to disqualify himself for conflict of interests(jur:66¶123) and “the appearance of impropriety”^{118a-b}, just as she refused to disqualify him^{118c}. During her membership in the 2nd Circuit’s Judicial Council^{118d}, she too denied the petition to review the dismissal without any investigation of the misconduct complaint against him¹¹⁹. This formed part of her pattern of covering up for her peers: As a CA2 member she condoned, and as a Council member she applied, the Council’s unlawful policy during the 13-year period reported online of denying 100% of petitions to review dismissals of complaints against her peers^{120a}. Thereby she contributed to illegally abrogating in effect an act of Congress giving complainants the right to petition for review^{18b}, and also condoned the successive CA2 chief judges’ unlawful practice of systematically and without any investigation dismissing such complaints^{120a}. She did not “administer justice” [to her peers] rich⁸⁵ in judicial connections, but rather a 100% exemption from accountability^{120b}; and the “equal right”¹²¹ that she did to them was to disregard all complaints against them, no matter their gravity or pattern, whether the allegation was of bribery, corruption, conflict of interests, bias, prejudice, abuse of power, etc.¹²² Her unquestioning partiality toward her own was “without respect”⁸⁵ for complainants, other litigants, and the public. Instead of Equal Justice Under Law¹²¹, Judge Sotomayor upheld Judges Can Do No

¹¹⁷ a) fn.104b >US:2484 Table: Document requests & denials; jur:16; b) fn.114 >de:18§II; c) fn.32 >mp:3§A

¹¹⁸ a) http://Judicial-Discipline-Reform.org/docs/Code_Conduct_Judges_09.pdf >Canon 2;
b) cf. http://Judicial-Discipline-Reform.org/docs/ABA_Code_Jud_Conduct_07.pdf >Canon 1, p.12;
c) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf >CA: 1725§A, 1773§c;
d) http://Judicial-Discipline-Reform.org/docs/28usc332_Councils.pdf

¹¹⁹ http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf >N:36 and 48

¹²⁰ a) fn.106 >HR:214; b) other ways of judges self-assuring their unaccountability, id. >HR:3/fn.10

¹²¹ fn.67 >§§4-6

¹²² a) fn.19b >Cg:1-4; b) fn.106 >HR:219

Wrong. She breached her oath.

128. By so doing, Judge Sotomayor rendered wrongdoing irresistible: She assured her peers of its risklessness, insulating it from any disciplinary downside while allowing free access to its limitless scope and profitability upside. So she emboldened them to engage ever more outrageously in the bankruptcy fraud scheme⁸⁹ and other forms of wrongdoing. By removing wrongdoing's stigmatizing potential and allowing its incorporation into the judges' modus operandi, she encouraged their resort to its efficiency multiplier: coordination. Through it wrongdoing becomes institutionalized and wrongdoers' benefit from it becomes interdependent. Collective survival must be coordinated too since it requires their continued reciprocal cover-up¹²³. Then-Judge Sotomayor thus ensured that they would cover up her concealment of assets. Now a Justice, she is not a champion of the Judiciary's integrity, but rather their accomplice^{124a}.
129. Indeed, the *DeLano* bankruptcy officer had during his 39-year long banking career learned who had turned the skeletons in the closet into such. The risk of his being indicted and trading up with domino effect motivated Judge Sotomayor and her peers to allow him to retire to a golden nest with at least \$673,657(jur:15) in known concealed assets^{107b}. To protect peers, other insiders, and herself, she failed in her duty under 18 U.S.C. §3057 to report to the U.S. attorneys, not hard evidence, but just 'a belief that bankruptcy fraud may have been committed'^{125a}. In how many of the thousands of cases^{108a-b,109b} before their appointed⁶⁰ bankruptcy judges have she and other judges complicitly let the bankruptcy fraud scheme fester with rapaciousness^{125b} and who benefited or was harmed thereby?

b. Then-Judge Sotomayor withheld the incriminating *DeLano* case from the Senate Judiciary Committee so as not to scuttle her confirmation

130. Then-Judge Sotomayor also took wrongful action to secure the benefit of her nomination to a justiceship by President Obama through its confirmation by the Senate. She so clearly realized how incriminating¹²⁶ the *DeLano* case was that she withheld it from the documents that she was required by the Senate Judiciary Committee to submit in preparation for its confirmation hearings¹²⁷. By so doing, she committed perjury since she swore that she had complied with the

¹²³ http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf

¹²⁴ **a)** fn.106 >GC:61§1; **b)** fn.106 >HR:215; **c)** id. >HR:219, GC:63§2

¹²⁵ **a)** http://Judicial-Discipline-Reform.org/docs/make_18usc3057_report.pdf >§3057(a) and fn.105 >CA:1961¶¶28-31; **b)** http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_crimes.pdf

¹²⁶ http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf, 14mar8

¹²⁷ **a)** http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_withheld_info.pdf;
b) http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/7DrCordero-SenJudCom_docs.pdf, 3july9 >sjc:1;
c) http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/18DrCordero-SenReid_SenMcConnell.pdf, 13july9;
d) Sample of the letter sent to each Senate Judiciary Committee member, 13july9; fn.154e;
e) http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/18DrCordero-SenJudCom.pdf, 14july9 >p.2§2;

Committee's initial and supplemental document requests^{102b}.

131. Indeed, the Committee requested in its Questionnaire for Judicial Nominees that she "13.c. Provide citations to all cases in which you were a panel member, but did not write an opinion" and "13.f. Provide a list of all cases in which certiorari was requested or granted".¹²⁸ The Judge referred the Committee to the Appendix¹²⁹ for her answer and stated in her letter of June 15, 2009, that "In responding to the Committee Questionnaire, I thoroughly reviewed my files to provide all responsive documents in my possession". However, she neither included the *DeLano* case in the Appendix nor in either of the supplements with her letters to the Committee of June 15 or 19¹³⁰ following its requests for more precise answers.
132. Then-Judge Sotomayor was fully aware of *DeLano*, for she was the presiding judge on the panel that heard oral argument on January 3, 2008, when she also received the written statement by the attorney arguing the case, Dr. Cordero, that he filed with her and each of the other members of the panel.¹³¹ By then she had been made aware of the importance of the case by the motions judge referring to the panel many of the 12 substantive motions that he had filed in that case.¹³² She was also the first judge listed on the order dismissing the case the following February 7.¹³³ She had to further handle the case because of the petition for panel rehearing and hearing en banc filed by the attorney on March 14.¹²⁶ Moreover, after she and her colleagues denied both on May 9 by reissuing the order as the mandate¹³³, the attorney filed an application with Justice Ginsburg on June 30¹³⁴, and then with all the Justices for injunctive relief and a stay of the order on August 4, 2008.¹³⁵ Thereafter, a petition for certiorari was filed on October 3.¹³² What is more, a petition for rehearing was filed on April 23, 2009, of the denial of certiorari, which was denied the

e) http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/20DrCordero-SenJudCom_14jul9.pdf, 14july9;

f) http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/1DrCordero-Senate.pdf, 3aug9

128 a) <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >Committee Questionnaire > p.88§c and 98§f;

b) with added bookmarks useful for navigating the file containing the materials relating to cases and financial affairs submitted by Judge Sotomayor in response to the Questionnaire, also at http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf.

129 <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> > Committee Questionnaire - Appendix; and fn.128b.

130 Fn.128a and fn.128b >JS:304 and 313.

131 http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_oralarg.pdf

132 http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCT_petition_3oct8.pdf >US:2484. Table: Document requests by Dr. Cordero and denials by CA2.

133 fn.126 >CA:2180, as subsequently reissued as mandate.

134 http://Judicial-Discipline-Reform.org/SCT_chambers/2injunctive_relief/DrCordero_JGinsburg_injunction_30jun8.pdf

135 http://Judicial-Discipline-Reform.org/SCT_chambers/8application_injunction_stay/1DrRCordero-SCTJustices_4aug8.pdf

following June 1.¹³⁶

133. All these proceedings were exceedingly sufficient to make the case stand out in Then-Judge Sotomayor's mind. Nonetheless, she had to deal with it once more after the attorney filed with the Judicial Council of the Second Circuit, of which she was then a member, a petition for review of the dismissal by Chief Circuit Judge Dennis Jacobs of the judicial misconduct complaint for bias, prejudice, and abuse of judicial power in *DeLano*, 02-08-90073-jm.¹³⁷ The complaint's subject was, not just any judge, but rather her and her colleagues' appointee to a bankruptcy judgeship, i.e., Bankruptcy Judge John C. Ninfo, II, WBNY. This could only have made her all the more aware of the need to submit also *DeLano* to the Senate Judiciary Committee in the context of its confirmation hearings on its justiceship nomination. However, the risk for her of the Committee reviewing it was too high because what is at stake is a cover-up of a judge-run bankruptcy fraud scheme involving lots of money.⁵⁹

4. The investigation of other justices for reciprocally covering up their wrongdoing

a. Justice Elena Kagan: under suspicion of prejudice toward a law, but without a historic opportunity to have covered for judges

134. Forty nine U.S. representatives requested the House Judiciary Committee to investigate the involvement of Justice Elena Kagan while Solicitor General in the defense of Obamacare to determine whether she lied about it during her confirmation and should recuse herself now.¹³⁸ This supports the call for Justice Kagan to be investigated also for her past and present role in covering up Justice Sotomayor's and other Justices' wrongdoing.¹³⁹ However, she was never a

¹³⁶ http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCt_rehear_23apr9.pdf

¹³⁷ **a)** http://Judicial-Discipline-Reform.org/JNinfo/21review_petition/2DrCordero_JudCoun_10nov8.pdf. All the documents of this judicial wrongdoing complaint are collected at [fn.119](#).

b) http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf >N:51¶¶1-4 and N:39, which collects on one table the statistical complaint tables of the Administrative Office of the U.S. Courts and provides links thereto. See also N:146, which describes how its Director, James Duff, refused to discharge his "self-explanatory" duty under Rule 22(e) of the Rules for Judicial Conduct and Disability Proceedings to "distribute the petition [for review of the Judicial Council's mishandling of the complaint against Judge Ninfo] to the members of the Committee [on Judicial Conduct and Disability] for their deliberation". http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf

¹³⁸ http://Judicial-Discipline-Reform.org/docs/RepMBachmann_Tea_Party_Caucus_jul10.pdf >mb:19-24

¹³⁹ **a)** The investigation of J. Sotomayor can lead to J. Ruth Bader Ginsburg, who as the 2nd Circuit's Circuit Justice⁹³, has responsibility for its integrity, and to other justices;

b) http://Judicial-Discipline-Reform.org/docs/DrCordero-JGinsburg_injunction_30jun8.pdf;

c) They were informed of evidence of corruption therein, such as a judge-run bankruptcy fraud scheme and her concealment of assets, but in self-interest dismissed it with knowing indifference and willful blindness; [fn:118b](#) >CA:1721. Cf. [jur:90§§b,c](#).

d) Cf. <http://Judicial-Discipline-Reform.org/journalists/CBS/11-5-18DrRCordero-ProdCScholl>

judge. Thus, she comes to the Supreme Court without the baggage that the other justices and lower court judges must keep carrying of their participation in, or condonation of, individual and coordinated wrongdoing. Hence, she might see it in her interest not to join in its cover-up and instead denounce it from the inside and advocate measures to combat and prevent it.

b. Justice Clarence Thomas: his concealment of his wife's assets by filing for years deceptive financial disclosure reports

135. As for Justice Clarence Thomas:

[In February 2011], 74 Democrats in Congress cited the threat to the court's authority when they asked Justice Thomas to recuse himself from an expected review of the health care reform law. This came after an announcement by his wife, Virginia, a lobbyist, who said she will provide "advocacy and assistance" as "an ambassador to the Tea Party movement," which, of course, is dedicated to the overturning of the health care law. The representatives based their request on the "appearance of a conflict of interest," because of a conflict they see between his duty to be an impartial decision-maker and the Thomas household's financial gain from her lobbying." The Thomas Issue, Editorial, *The New York Times*, 17feb11; http://Judicial-Discipline-Reform.org/docs/justices_improprieties.pdf >imp:13

Under pressure from liberal critics, Justice Clarence Thomas of the Supreme Court acknowledged in filings released on Monday that he erred by not disclosing his wife's past employment as required by federal law. Justice Thomas said that in his annual financial disclosure statements over the last six years, the employment of his wife, Virginia Thomas, was "inadvertently omitted due to a misunderstanding of the filing instructions."...While justices are not required to say how much a spouse earns, Common Cause said its review of Internal Revenue Service filings showed that the Heritage Foundation paid Mrs. Thomas \$686,589 from 2003 to 2007. Thomas Cites Failure to Disclose Wife's Job, Eric Lichtblau; *The New York Times*; 24jan11; id. >imp:1.

136. Justice Thomas's excuse has two equally unflattering implications: The first is that he was making an admission against self-interest of his incompetence to understand the vastly more intricate Tax and Bankruptcy Codes, the complexities of multistate class action litigation on securities fraud and product liability, the clash between abstract notions and public policy considerations of constitutional law, etc. The second implication is that he was being disingenuous by pretending that for six years he just could not figure out the simple requirement of the Ethics in Government Act of 1978^{140a} –adopted sufficiently long ago for its interpretation to have become well established– underlying the financial disclosure form entry "III. Non-investment income (Reporting individual and spouse; see 17-24 of filing instructions)"^{140b}. This would mean that he was perfectly aware that if he disclosed the source of his wife's income, he would reveal his conflict of interests in cases where the conservative causes that she represented were at stake, thereby

[.pdf](#) re Former Arizona Superior and Appellate Court Judge and Supreme Court Justice Sandra Day O'Connor and alleged corruption in Arizona courts. Cf. [fn.228](#) on two-acts patterns.

¹⁴⁰ **a)** http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_2011.pdf >"§102(e)(1)...each report required by section 102 shall also contain information...respecting the spouse...(A) The source of items of earned income earned by a spouse from any person which exceed \$1,000 and the source and amount of any honoraria received by a spouse..." and **b)** Cf. http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_03-07_reports.pdf

giving motive for parties to ask for his recusal and becoming less effective as an inconspicuous advocate for Supreme Court decisions that would benefit his household financially.

137. In determining whether Justice Thomas acted 'knowingly and willfully to falsify information or fail to file or report any reportable information', as provided for under the Ethics Act, 5 U.S.C. §104^{140a}, it can prove extremely valuable to speak, even if on the condition of anonymity, with those who not only worked for him daily and closely, but who also engaged in research and writing precisely for the purpose of shaping or expressing his thinking on the application of the law to issues and cases: their law clerks(jur:105§3). They can shed light on whether they or other clerks ever helped Justice Thomas directly or indirectly fill out his annual financial disclosure report, discussed it with him or heard him discuss it; if so, whether he gave them the "appearance" (jur:92§d) of being overwhelmed by the difficulty of understanding the requirement of disclosing his wife's income or rather of being clever enough to realize the obvious: For years he and his peers justices and judges have gotten away with filing pro forma disclosure reports¹⁹⁶. So he could perform a simple cost-benefit analysis that would lead him to this conclusion: He could keep omitting his wife's income in order to derive a benefit that would become his and his wife's permanently because even if he ever got caught, he would merely file amended disclosure reports and go on holding his justiceship for life, whose salary cannot be diminished(jur:53¶96), and experience no other adverse consequence for 'bad Behaviour', let alone the civil and criminal penalties provided for by the Act, such as a penalty of up to \$50,000 and/or up to one year in prison.
138. The justices' law clerks, like those of the lower court judges, may have been observers or even enforcers of the wrongdoing that the justices asked them to carry out. They may have kept silent about it or done wrong as asked to in order not to incriminate themselves or risk not receiving a glowing letter of recommendation with which a justice can make "a clerkship [] a ticket to a law firm job that can include a \$250,000 signing bonus"¹⁴¹. That money was not gifted as a recognition prize for the achievement of clerking for a justice; rather, it was paid as the purchase price of the inside information about the justices that the former clerk gained while working among them. The former clerk was expected to divulge to his or her new bosses everything learned about the old one and the other brethren and sisters.
139. Therefore, one can only dread the impact on the clerks' integrity of their first-hand knowledge, and subsequent fat check, of justices' or judges' modus operandi as 'the richest in judicial power doing unequally well for themselves and performing with poorest impartiality all the wrongs expected of them under the agreements and implications necessitated by their reciprocal cover-up dependent survival so help me and I'll help you'(cf. jur:75¶144). What kind of persons and professionals did they go on to become after their clerkship ended and they had to discharge the duties incumbent upon them according to their own oath as officers of the court and attorneys at law? Have the justices, as well as their law clerks, become inured to giving precedence to complicit collegiality over principled conduct (jur:26§d)? Have they incorporated into their own modus operandi knowing indifference, willful ignorance and blindness(jur:88§§a-c), and coordinated wrongdoing (jur:69¶128) as means of rendering their office liability-proof? Let's compare some early and current facts.

¹⁴¹ A Sign of the Court's Polarization: Choice of Clerks: The Roberts Court, Adam Liptak, *The New York Times*; 6sep10; http://Judicial-Discipline-Reform.org/docs/SCT_justices-clerks.pdf >Scj:2

c. The justices' historic, statutory, and institutional duty to state their peers' "error" of partiality and disregard for legality

140. Each of the justices is allotted to one or more of the circuits as circuit justice. This allotment traces its origin to the creation of the Federal Judiciary by the Judiciary Act of 1789¹⁴². It assigned to the justices appellate duties, from which supervisor functions derive.

Sec. 4. ...there shall be held annually in each district of said circuits, two courts, which shall be called Circuit Courts, and shall consist of any two justices of the Supreme Court, and the district judge of such districts, any two of whom shall constitute a quorum: *Provided*, That no district judge shall give a vote in any case of appeal or error from his own decision; but may assign the reasons of such his decision."

141. Holding circuit court in district after district within a circuit gave rise to the 'riding circuit' duty of the justices. They had to make right whatever they found wrong "in any case of appeal or error" from a district judge's decision. It stands to reason that if any of the justices or the judge that joined them found that the wrong in the case had been conduct by the appealed-from judge entailing partiality or disregard for the law or the Constitution, either of which may be motivated by a bribe, bias, prejudice, conflict of interests, ignorance, etc., they had to state and correct it.

142. To begin with, such conduct, then as well as now, contravenes the very premise of adopting laws and a constitution in order to render justice according to them. In government, not of men, but by the rule of law, justice is not administered when the judge rules in self-interest, on a whim, or arbitrarily. Such biased conduct denies a fundamental justification for adopting law, namely, to give public notice to the people of the standard of conduct expected of them under the applicable circumstances. However, litigants had no notice before the events originating the controversy at bar of the judge's personal standards or any other decisional basis that he may conjure up on the spur of the moment in the courtroom or when writing his decision; nor did litigants have any opportunity or legal duty to adjust their conduct to them. For a judge so to rule amounts to applying to litigants an ex post facto law of his own making and based on his own conception of right or wrong, good or bad, or just his own personal interest, thus unfairly surprising the litigants.

143. It constituted an "error" under the 1789 Judiciary Act for a judge to decide a case by giving in to his bias as did by definition disregarding the law or the Constitution; this is still the case. By so doing, the judge violated any common or statutory law prohibiting such conduct on the part of, in particular, judges or, in general, public officers, which judges were and are, such as the constitutional provision of Article II, Section 4^{12b}, making it impeachable for such officers to commit "Treason, Bribery, or other high Crimes and Misdemeanors". Justices 'riding circuit' had to correct it. In modern times, since 1948, the law at 28 U.S.C. §144³⁹ so clearly recognizes "Bias or prejudice of judge" to be inimical to the administration of justice that under that caption it provides for the *automatic* replacement of the judge so charged, not by a justice reviewing his decision, but rather by a party before the case has even started:

Section 144. Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding....

¹⁴² http://Judicial-Discipline-Reform.org/docs/Judiciary_Act_1789.pdf

144. Likewise, biased or law-disregarding conduct violated the oath of office that Section 8 of the Judiciary Act required justices and district judges to take:

Sec. 8. ...the justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as..., according to the best of my abilities and understanding, agreeably to the constitution, and laws of the United States. So help me God."

145. That oath is still essentially the same as the one that the current Judicial Code provides today at 28 U.S.C. §453⁸⁵, except that the subjective standard of the judges' "abilities and understanding" has been eliminated and replaced with the objective, more stringent standard "discharge and perform all the duties incumbent on me as...under the Constitution and laws of the United States. So help me God". From the start of the Federal Judiciary when justices 'riding circuit' realized that the appealed-from district judge had breached his oath, they had a duty to assign it as "error".

146. Today justices 'ride to the circuit or circuits' to which they are allotted, where they "shall be competent to sit as judges of the court", §43(b)³⁹. They attend meetings of the circuit's judicial council⁹¹ and are bound to learn, whether formally or informally, about its processing of petitions to review the chief circuit judge's dismissal of misconduct complaints against judges in the circuit. The justices also attend the circuit's judicial conference of all the judges in the circuit and invited members of the bar¹⁴³, where council reports on the handling of those complaints are discussed^{23b}. Hence, the justices must be deemed to have constructive knowledge that the chiefs systematically dismissed 99.82% of complaints during the reported 1oct96-30sep08 12-year period(jur:24§§b-c) and that the councils have denied up to 100% of those petitions during the same reported time.¹⁹ Indeed, the chief justice of the Supreme Court is the chairman of the publisher of those statistics, namely, the Administrative Office of the U.S. Courts¹⁰, which must report them annually to Congress under 28 U.S.C. §604(h)(2)^{23a}.

d. Circuit Justice Ginsburg and her peer justices and judges have reciprocally known and covered up their partiality to each other and disregard for legality, specifically those of Judge Sotomayor

147. Second Circuit Justice Ginsburg must know that the Circuit's judicial council denied each and every one of those petitions for review during that 96-08 12-year period, and that during part of that time Then-Judge Sotomayor was a member of it²⁰. She bears institutional responsibility for judicial integrity(cf. jur:56¶105 >Canon 1), that is, for judges ruling free of the "error" of partiality and disregard for the laws and the Constitution. Her responsibility concerns the integrity of, particularly, the 2nd Circuit judges and, generally, the Federal Judiciary. Yet, she too, like her 2nd Circuit peers and the other circuit justices, failed to discharge that responsibility by not stating publicly, as 'justice seen to be done' requires⁶⁹, that they had shown discipline-exempting partiality toward their complained-against peers by systematically dismissing complaints against them and denying 100% of petitions to review such dismissals or condoning such actions, whereby they had not only disregarded the underlying Judicial Conduct and Disability Act^{18a}, but had also in fact abrogated it.

¹⁴³ http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf >§333

148. Circuit Justice Ginsburg knows that any witness, including a criminal defendant, caught in a lie on the stand impeaches his character for truthfulness and can reasonably be doubted as to any other statement that he makes, have his testimony disbelieved, and be found guilty and sentenced to death. Hence, she must be conclusively presumed to know that those judges that showed systematic and even 100% partiality toward their peers as well as law-abrogating disregard for the law impeached their impartiality and respect for the rule of law and could reasonably be expected to show partiality and disregard for the law in every other case. As a circuit justice and a taker of the judicial oath of office, she had a duty to administer equal justice to her influence rich peers and the influence poor complainants and litigants by publicly finding their decisions in "error" for partiality and disregard of the law. Instead, she covered up their "error", thereby breaching her oath and denying justice to the people, that is, to everybody already and in future affected directly or indirectly by the decisions of partiality-prone, law-disregarding judges.
149. Likewise, Justice Ginsburg failed to discharge her statutory duty under 18 U.S.C. 3057(a)^{125a} to make a report to the U.S. attorney whenever she had, not hard evidence, but just 'a belief that bankruptcy fraud may have been committed' or that an investigation thereof must be had ([jur:69¶129](#)). She was bound to have that belief if she had proceeded as a reasonable person who had repeatedly received notice¹⁴⁴ together with supporting evidence of Judge Sotomayor's concealment of her own assets^{102a,c} and cover up of those involved in the bankruptcy fraud scheme⁵⁹ in the *DeLano* case^{104a}, which was presided over by Judge Sotomayor¹²⁶. The latter's peers¹⁴⁵ on the court^{105; 190-192} and the judicial council¹⁴⁶, other justices, including Chief Justices Rehnquist¹⁴⁷ and Roberts¹⁴⁸, and J. Breyer¹⁴⁹, the Supreme Court^{104b,c; 150}, and all the 27 top judges on the Judicial Conference¹⁵¹, had similarly received such notice repeatedly¹⁵².

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- 144 **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero-JGinsburg_injunction_30jun8.pdf;
b) <http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justices&judges.pdf>
c) http://Judicial-Discipline-Reform.org/docs/DrRCordero-CirJus_JudCoun_11feb4.pdf
- 145 **a)** fn. 100(b)(i)(ii),(iv);
b) http://Judicial-Discipline-Reform.org/docs/3DrCordero_v_reappoint_JNinfo.pdf
- 146 **a)** fn.144a,b;
b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-JudCoun_local_rule5.1h.pdf
- 147 **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf;
b) On C.J. Rehnquist's character and honesty see <http://www.nytimes.com/2012/03/20/us/new-look-at-an-old-memo-casts-more-doubt-on-rehnquist.html>, Adam Liptak, NYT, 19mar12; also at **c)** http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:1.
- 148 **a)** http://Judicial-Discipline-Reform.org/Follow_money/JConf_systematic_dismissals.pdf
b) http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf >N:6, 28
- 149 http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justice_SBreyer_Com_26nov4.pdf
- 150 **a)** fn.104b,c; 109c;
b) http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf
- 151 **a)** fn.86a; **b)** fn.148 >N:6, 41, 92; **c)** fn.263
d) http://Judicial-Discipline-Reform.org/docs/DrCordero_2complaints_JConf.pdf
- 152 http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf

150. Each and all of them had a duty to expose as "error" J. Sotomayor's partiality toward herself and the bankruptcy fraud schemers; and her disregard for the law and her oath. They failed to do so, allowing instead their own 100% bias toward their peers and disregard for legality to determine their conduct. They all intended the reasonable consequences of their act of showing knowing^{23b} indifference(jur:90§b) to the wrongdoing that their peers were complained about. They aided and abetted them in doing wrong ever more egregiously and in ever wider areas of their conduct, whereby they facilitated their turning wrongdoing into the Federal Judiciary's institutionalized modus operandi. They enabled their making a federal justiceship a safe haven for Wrongdoing Judges Above the Law.

5. The investigation of what the President and his aides knew about Then-Judge Sotomayor's wrongdoing and when they knew it

151. President Obama too disregarded *DeLano* despite the evidence therein incriminating his nominee in the cover-up of the bankruptcy fraud scheme and the schemers. His vetting of Judge Sotomayor through his staff and the FBI must have found that case, for it was in the CA2's public record. He too had a duty: to vet justiceship candidates and choose among them, not in his interest, but rather for their fitness. He was not entitled to have his staff and the FBI vet them only for him to hush up¹⁵³ their finding^{102a} of Judge Sotomayor's concealment of her assets^{102c} and of those trafficked through the fraud scheme. Had he acted responsibly in the public interest, he would have realized that she had withheld(jur:69§b)¹²⁷ *DeLano*¹⁰⁴ to prevent her cover on the scheme from blowing up and scuttling her nomination. Thereupon he had a duty to stop vouching for her integrity and either withdraw her nomination or disclose the incriminating information to enable others to make informed decisions, whether it was senators to confirm her or the public to request her confirmation.
152. Instead, the President buried the incriminating information in *DeLano* and in his staff's and FBI's vetting report under lies about her integrity in order to curry favor with Latino and feminists voters, who wanted a Latina and another woman on the Supreme Court, and whose support he needed to cajole in preparation for another 'confirmation' far more important to him: the passage by Congress of his signature piece of legislation, Obamacare. In his self-interest, President Obama fraudulently got a dishonest nominee confirmed and misled the Senate and *We the People*. Thereby he saddled this country with a dishonest justice for her next 20 or 30 years on the Supreme Court. From there she will contribute to making the law of the land, which she must continue to break through her continued concealment of assets, whose sudden appearance on her financial reports would incriminate her. Therefore, the offense of the President against the country is a continuing one as is J. Sotomayor's.
153. A.G. Eric H. Holder, Jr., also had a duty. By taking the oath of office, he bound himself to

¹⁵³ a) Rep. Darrell Issa says Obama administration is 'one of most corrupt', Philip Rucker, *The Washington Post*, 2jan11; http://Judicial-Discipline-Reform.org/docs/WPost_RepDIssa_2jan11.pdf; b) Complaint about judicial wrongdoing and supporting evidence filed with Rep. Darrell E. Issa, Chairman, and Rep. Elijah Cummings, Ranking Member, H.R. Committee on Oversight and Government Reform; http://Judicial-Discipline-Reform.org/HR/11-4-7DrRCordero-HR_COGR.pdf

uphold the Constitution and enforce the laws thereunder in the interest of, not the President, but rather the people^{154a}. Similarly duty-bound were the other federal^{154b-f} and state officers¹⁵⁵ who vetted Judge Sotomayor or received complaints about her, the schemers¹⁵⁶, and their condoners. But they would not even ask those complained-against to answer the complaint or request any evidence-corroborating document^{155d}.

6. The senators received documents allowing them to suspect Then-Judge Sotomayor of concealment of assets and alerting them to her withholding of *DeLano*, but did nothing about it

154. The same investigation should include all those Democrats and Republicans on the Senate Judiciary Committee¹⁵⁷ and the Senate leadership^{127b} that requested and received financial documents^{102b} from Judge Sotomayor but disregarded their glaring inconsistencies^{102c} and the suspicion of her concealment of assets raised *The New York Times*, *The Washington Post*, and *Politico*^{102a}. They continued to do so even after they were alerted repeatedly hardcopy, fax, email, and telephone both to such inconsistencies through the analysis¹²⁷ of those documents and to the evidence of her personal and coordinated wrongdoing. The senators were so determined neither to confront Judge Sotomayor publicly during the hearings^{158a} with her own financial documents and their inconsistencies nor to allow the public to do so on their own that they refused to post either that analysis or the letters sent to them and the Committee¹²⁷ on the

154 a) http://Judicial-Discipline-Reform.org/DoJ-FBI/DrRCordero-DoJ_FBI_08-09.pdf. The latest complaint to DoJ has the statement of facts about the fraud scheme; <http://Judicial-Discipline-Reform.org/DoJ-FBI/11-3-10DrRCordero-AUSALGerson.pdf> >GC:14§III.

b) http://Judicial-Discipline-Reform.org/docs/DrCordero-Tr_Schmitt_Martini_Adams.pdf;

c) Cf. http://Judicial-Discipline-Reform.org/docs/DrCordero-Tr_Schmitt_Schwartz.pdf;

d) http://Judicial-Discipline-Reform.org/docs/DrRCordero-AG_JAshcroft_24mar3.pdf;

e) http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/DrRCordero-SenCSchumer.pdf;

f) http://Judicial-Discipline-Reform.org/midterm_e/DrRCordero-SenKGillibrand_16oct10.pdf

155 a) http://Judicial-Discipline-Reform.org/DANY/9DrRCordero-NYCDACVance_11nov10.pdf;

b) http://Judicial-Discipline-Reform.org/midterm_e/DrRCordero-AGACuomo_22oct10.pdf;

c) http://Judicial-Discipline-Reform.org/AG/1DrRCordero-AGESchneiderman_4feb11.pdf = fn.106 >HR:7, 251;

d) id. >HR:233§E

156 a) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Disciplinary_Com.pdf; b) which invokes supervisory responsibilities under state law, contained in the Rules of Professional Conduct, 22 NYCRR Part 1200 [NY Codification of Codes, Rules, and Regulations], Rule 5.1(b); <http://www.courts.state.ny.us/rules/jointappellate/index.shtml>; with enhanced bookmarks to facilitate navigation also at http://Judicial-Discipline-Reform.org/docs/NYS_Rules_Prof_Conduct.pdf.

157 http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/DrRCordero-list_Sen_mem_28_aug9.pdf

158 a) http://Judicial-Discipline-Reform.org/docs/Senate_hearing_JSotomayor_09.pdf;

b) http://Judicial-Discipline-Reform.org/docs/Sen_postings_JSotomayor_21sep11.pdf

Committee website^{158b} where they were posting the letters of citizens sent to them on the issue of the Judge's confirmation. By so doing, they engaged in unequally treating a member of the public and depriving all of the public of evidence that such public needed to make an informed decision on the confirmation of Judge Sotomayor.

155. The investigation should also probe into the senators' motive for allowing Judge Sotomayor to withhold *DeLano* from them even though they were alerted also to this withholding^{127b-f} and were furnished with a copy of the CA2 summary order dismissing *DeLano* and bearing her name as presiding judge^{id.}. By allowing her to withhold *DeLano*, they engaged in wishful blindness that knowingly allowed her to commit perjury, for she swore under oath that she had submitted to the Senate Judiciary Committee all the documents that it had requested¹²⁷.
156. The investigation must search for partisan and personal interests so strong that even the Republican senators protected them by pulling their punches rather than pursuing their purported opposition to Judge Sotomayor's confirmation through her impeachment with her own documents. Those interests include the connivance between Congress and the Judiciary in which both Republicans and Democrats have participated for decades by allowing the Federal Judiciary to dismiss 99.82% of complaints against misconducting judges^{19b}, thereby making a mockery of an Act of Congress^{18a} and depriving people of the protection that it intended to provide them against such judges¹⁵⁹. For the sake of those interests, they all contributed to saddling our country with a dishonest justice, who for her next 20 or 30 years on the bench will be shaping the law of the land for everybody but her and her peers, all of whom will be mindful of who nominated and confirmed them.
157. For instance, Senator Charles Schumer knew^{154e} but disregarded the evidence of Judge Sotomayor's wrongdoing submitted to him. He recommended her to the President, vouched for her integrity, and was rewarded with the prominent mission of shepherding the President's nominee through the Senate as his point man.¹⁶⁰ Senator Kirsten Gillibrand showed the same disregard^{154f}. Although she, as Sen. Schumer's protégé, knew the incriminating evidence or should have known it had she reviewed with due care the documents publicly filed by the Judge with the Committee^{102b}, she recommended her to the President, introduced her to the Senate Judiciary Committee, and endorsed her to New Yorkers and the rest of the American public¹⁶¹. For their dereliction of duty and betrayal of public trust by lying to the public about the Judge's integrity so as to enhance their standing with voters, the President, reelection donors, and within their party^{123a}, they too should be investigated.

¹⁵⁹ a) http://Judicial-Discipline-Reform.org/Follow_money/Champion_of_Justice.pdf b) >1:§A

¹⁶⁰ "Charles E. Schumer, New York Democrat. Leading the confirmation effort in the Senate as the White House-designated "sherpa" to guide Judge Sotomayor on Capitol Hill. Urged the president to nominate a Hispanic to the Supreme Court in a letter, recommending Judge Sotomayor and Interior Secretary Ken Salazar." Key Players in the Sotomayor Nomination, *The New York Times*, 19jun9; <http://www.nytimes.com/interactive/2009/06/19/us/politics/0619-scotus.html> and http://Judicial-Discipline-Reform.org/docs/key_players_JSotomayor.pdf

¹⁶¹ Sen. Gillibrand states on her website, <http://gillibrand.senate.gov/>, "Throughout her time in Congress, Senator Gillibrand has been committed to open and **honest government**. When she was first elected, she pledged to bring unprecedented transparency and access to her post" (emphasis added); http://Judicial-Discipline-Reform.org/docs/Maragos_v_Gillibrand.pdf >ms:21

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C. The *DeLano-Judge Sotomayor* case as the basis of a journalistic story national in scope and impact but rendered manageable as an investigative project by key focusing notions

1. Neither Congress nor the Executive just as neither law professors and schools nor the media investigate the Federal Judiciary

158. The axiom of power states that he who has power will use it and also abuse it unless others enforce upon him limits on his use and penalties for his abuse of it; but they will not dare do so if they fear either retaliation or self-incrimination due to complicity or connivance through which they have advanced their self-interest by resorting to agreement with the abuser, knowing indifference, willful blindness, or improper conduct.
159. The evidence shows that neither the Executive Branch nor Congress dare exert constitutional checks and balances on the Judiciary.(jur:22¶21) They have failed to both investigate complaints¹⁶² about wrongdoing judges and exercise oversight of all judges to ensure their fair and impartial application of the law to others as well as themselves and their abidance by the high standards of honesty and integrity applicable to them^{118a}, in particular, and to all public officers, in general. Politicians have been the enablers of wrongdoing federal judges by implicitly or explicitly coordinating their own wrongdoing with theirs under the unprincipled, self-interested, and corruptive policy of live and let live.
160. Law professors too have abstained from exposing judicial wrongdoing. To meet the ‘publish or die’ requirement of their schools they could have directed their scholarship toward the inside of the legal profession and even their own particular experience. Indeed, many clerked for judges. But that is the problem, for while clerking they either aided the judges in their wrongdoing or kept quiet so as not to risk a glowing recommendation from the judge that would open the doors to a subsequent plush job and sign-up bonus.¹⁶³ Their exposing them now could lead to self-incrimination.
161. In addition, most law professors were and to some extent continue to be practicing lawyers. Attorneys are insiders of the legal and bankruptcy systems.¹⁶⁴ As such they have the opportunity

¹⁶² Cf. a) http://Judicial-Discipline-Reform.org/docs/DrRCordero_FBI_USAtt_may-dec4.pdf;
b) <http://Judicial-Discipline-Reform.org/DoJ-FBI/9-3-30DrRCordero-DoJ.pdf>;
c) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Sen&HR_Jud_Com_11jun4.pdf;
d) http://Judicial-Discipline-Reform.org/docs/DrRCordero-SenJudCom_3july9.pdf;
e) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Senate_3aug9.pdf
f) http://Judicial-Discipline-Reform.org/HR/11-4-25DrRCordero-HR_ComJud.pdf;
g) http://Judicial-Discipline-Reform.org/HR/11-4-7DrRCordero-HR_COGR.pdf

¹⁶³ fn.30d >yre:43

¹⁶⁴ In addition to judges and bankruptcy trustees, id. §704, the insiders of the legal and bankruptcy systems include “attorneys, accountants, appraisers, auctioneers, or other professional persons”, such as bankers, testamentary executors and administrators, guardians of the elderly, the incompetent, and infants, mortgage holders, and others that work closely with and for them; collectively they are generally referred to as bankruptcy professionals.

to engage in wrongdoing as well as the most enticing motive to do so: riskless enormous benefits. The benefits may be material, for federal judges rule on \$100s of billions every year³¹; or they may be social, that is, avoidance of being shunned as treacherous pariahs for abiding by their duty to file complaints against wrongdoing colleagues or judges¹⁶⁵, and gain of the valuable interpersonal relations of camaraderie, complicit confidentiality, and reciprocal support from grateful colleagues whose wrongdoing they have covered up as accomplices before or after the fact(jur:88§a), been knowingly indifferent to(jur:90§b), willfully blind to(jur:90§c), or handled with impropriety(jur:92§d). If they keep quiet as insiders do, they too, as law professors and lawyers, can receive the benefit of the extension to them¹⁶⁶ by unaccountable judges of their impunity(jur:21§1). If they are not yet tenured professors or are seeking a deanship, they can even ask for a formal or informal word to be put in on their behalf by judges, whose unaccountable power has many ways of expressing gratitude and resentment, which explains why judges are sought after as members of academic boards.

162. Hence, law schools will not encourage research on wrongdoing judges either or may even prohibit it. They may fear judges closing ranks to boycott their moot court and fund raising activities, refuse clerkships to their students and service on their boards, and retaliate against them in court.
163. By protecting federal judges from exposure, also law professors and schools have enabled them to continue coordinating their wrongdoing among themselves and with other insiders of the legal and bankruptcy systems¹⁶⁴ ever more closely and routinely. As a result, they have failed to safeguard a legal system that cannot serve the people if those who administer it abuse their power unaccountably, holding themselves above the law as they pursue the motive of money and other unlawful, unethical or improper benefits while denying everybody else under them the fair and impartial application of the law. They have contributed to making it possible for judges to turn wrongdoing into the Federal Judiciary's institutionalized modus operandi.
164. Yet, law professors and schools stand as educators of a people that committed themselves to "justice for all" through the rule of law. Had they remained true to their calling, they would have been the foremost advocates of judicial accountability and discipline reform. If only they had proceeded in accordance with the wisdom of Dr. Martin Luther King's principle: "Injustice [not just] anywhere [but from the Supreme Court down] is a threat to justice everywhere [in the Judiciary and all its courts]".
165. The media too, as a matter of fact, have failed to expose judicial wrongdoing, particularly of federal judges.(jur:2¶3) The media have abdicated their professional duty to keep the people informed so that they may be in a position to assert their right to hold "government of the people,

Together with clerks of judges and clerks of court as well as lawyers who represent debtors or creditors and lawyers in general they are referred to herein as insiders of the legal and bankruptcy systems.(cf. jur:9)

¹⁶⁵ **a)** E.g., New York State Unified Court System, Part 1200 -Rules of Professional Conduct, Rule 8.1(a) on Reporting Professional Misconduct; 22 NYCRR Part 1200; <http://www.courts.state.ny.us/rules/jointappellate/index.shtml>; with enhanced bookmarks to facilitate navigation at http://Judicial-Discipline-Reform.org/docs/NYS_Rules_Prof_Conduct.pdf; **b)** 18 U.S.C. §3057(a) on Requesting Bankruptcy Investigations; <http://Judicial-Discipline-Reform.org/docs/18usc3057.pdf>

¹⁶⁶ http://Judicial-Discipline-Reform.org/NYS_att_complaints/1DrRCordero-Disciplinary_Com.pdf

by the people, for the people”¹⁶⁷ accountable to them and thereby defend the very nature and practice of a democratic republic. Instead, they have sought in self-interest to remain in good terms with life-tenured federal judges and avoided antagonizing them with investigations that could give rise to their retaliatory reaction. Nevertheless, the media know from experience that those same judges are the most vulnerable public officers to the most easily demonstrable journalistic charge, “the appearance of impropriety”, let alone wrongdoing. (jur:92§d) Why did *The New York Times*, *The Washington Post*, and Politico drop without any explanation their investigation into the concealment of assets that they themselves suspected^{102a} Then-Judge Sotomayor of having engaged in?¹⁶⁸ Was pressure exerted on them? Was there a quid pro quo?

2. A novel strategy: to investigate a story that can provoke in the national public action-stirring outrage at judicial wrongdoing and thus set in motion reformative change in the Federal Judiciary

166. Those duty-bound to hold public servants, including judges, accountable have failed to do so. Now the task defaults to those for whose benefit that duty is supposed to be performed. In a democratic society governed by the rule of law, they have the right to hold all public servants accountable: the people. Foremost among them are the entities that have made it their mission to advocate in the public interest ‘equal justice under law for all’. They must expose those who frustrate that mission, namely, federal judges that by exempting themselves from any discipline, and being exempted by politicians from compliance with the legal and ethical requirements of their office and being spared by the media from exposure of their failure to comply, have become Judges Unequally Above the Law who dispense what is under them to all: justice trampled underfoot.
167. For that exposure to take place, public interest entities need the investigative skills of principled, competent, and ambitious journalists. Since the latter may not be acting as representatives of a media organization, they need to enhance their resources with the meticulous work of, and multimedia technology available to, journalism students. The latter are held to rigorous compliance with the highest standards of professional quality and integrity by graduate schools of journalism, which center their pedagogical method on learning by doing and apply it by either assigning journalistic projects to their students or approving those proposed to them.
168. These public interest entities, journalists, and journalism students can advance toward their professional and academic goals and rewards(jur:2¶¶7-8) by jointly pursuing a novel strategy in a new field of activity: PIONEERING JUDICIAL UNACCOUNTABILITY REPORTING IN THE PUBLIC INTEREST. This involves the programmatic investigation of all judges individually and of their

¹⁶⁷ Abraham Lincoln’s Address on the Battlefield at Gettysburg, Pennsylvania, 19nov1883; http://Judicial-Discipline-Reform.org/docs/ALincoln_Gettysburg_Address.pdf

¹⁶⁸ Cf. **a)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-NYTPubASulzberger_jun-jul9.pdf
b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-WP_DGraham_16jun9.pdf
c) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Politico_12jun9.pdf; **d)** cf. fn.139d;
e) http://Judicial-Discipline-Reform.org/docs/DrRCordero-NewsHour_Jim_Lehrer.pdf
f) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Sen&HR_Jud_Com_11jun4.pdf >p72

respective judiciary as an institution. The purpose is to determine whether they have pursued a wrongful motive, such as money in controversy or offered to buy a decision or influence one, or any other wrongful material, professional, or social benefit; and whether to advance such pursuit they have taken advantage of the opportunity of cases before them to abuse their means of unaccountable judicial power to make wrongful decisions in the interest of themselves and of insiders of their judiciary, such as those of the legal and bankruptcy systems. Judicial unaccountability reporting can render a valuable public service. It can provide the public with information about its judicial public servants that it needs to protect its own fundamental interest in “Equal Justice Under Law”. The latter must be administered by servants that are honest and perform their job according to their foundational instruction: to ensure due process of law so that judicial decisions follow from the application of the rule of law.

169. Information showing how that interest in “Equal Justice Under Law” has been injured by wrongdoing judges can provoke action-stirring outrage. Generally, this is the type of outrage that causes the man in the street, voters too, to take action by demanding that politicians address a problem of vital public concern under pain of being voted out of office or not being voted in. In this context, such outrage can cause the public to demand that politicians officially investigate the federal and state judiciaries and legislate effective judicial accountability and discipline reform. That demand is likely to be successful. The latest opinion poll confirms the trend toward an ever diminishing public approval rating of the Supreme Court. The growing unfavorable attitude toward it predisposes the public to believe unfavorable news about the justices, such as their condonation of, even their participation in, wrongdoing.

Just 44 percent of Americans approve of the job the Supreme Court is doing and three-quarters say the justices’ decisions are sometimes influenced by their personal or political views, according to a poll conducted by *The New York Times* and CBS News. Those findings are a fresh indication that the court’s standing with the public has slipped significantly in the past quarter-century, according to surveys conducted by several polling organizations. Approval was as high as 66 percent in the late 1980s, and by 2000 approached 50 percent. Adam Liptak and Allison Kopicki, *The New York Times*; 7jun12; http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:4.

170. In the same vein, the public disapproves in ever growing numbers Congress and the President for their incapacity to do their jobs. The failure of the congressional Super Committee to reach a deficit reduction agreement has only depressed even further the low esteem in which Congress and the President are held. The public would indignantly excoriate them if it learned that, in the self-interest of being in the good graces of powerful, life-tenured judges who could frustrate their political agendas and retaliate against them if they ever appeared before the judges in court, Congress and the President also failed in their duty to exercise constitutional checks and balances on the Judiciary to hold its judicial officers accountable, while showing blamable indifference to the harm that the unaccountable officers, the judges, inflicted on people’s property, liberty, and lives.
171. The public pressure thus generated will only be increased by political challengers who will seize the opportunity to attack incumbents for their individual or party responsibility for enabling judges’ wrongdoing. Members of Congress and the President, fearing for their political survival, are likely to give in and open judicial wrongdoing investigations. The authorities, such as congressional committees holding public hearings, DoJ-FBI, and their state counterparts, wielding their subpoena, contempt, and penal powers, unavailable to investigative journalists, can make findings yet more outrageous. As a result, the people will be stirred to demand and make it politically impossible for politicians not to undertake, a legislative process that brings

about a far-reaching judicial accountability and discipline reform. It must contain a transparent mechanism beyond the reach of conniving politicians and judges to ensure in practice that judges are investigated for wrongdoing, wrongdoers are punished, and further wrongdoing is prevented as much as possible. Such mechanism can be an independent government agency, namely, a citizen board of judicial accountability and discipline.

172. The current campaign for the 2012 presidential election can only heighten the likelihood that outrage at judicial wrongdoing will stir the public into such action. It has started to mobilize the public into passing judgment on politicians to decide whether to vote them in or out of office and how to vote in the primaries and the general election. By the same token, the 2012 campaign has made politicians more sensitive to the demands of the public. Hence, this is a most propitious time for public interest entities, journalists, and journalism students to investigate coordinated judicial wrongdoing and make a public presentation of their findings that can provoke such action-stirring outrage...just as a fleeting occasion is now available to a presidential candidate with the courage to criticize federal judges to bring to national attention the objective evidence of their institutionalized wrongdoing.

3. The *DeLano-J. Sotomayor* case as the basis of a journalistic story revealing individual and coordinated judicial wrongdoing that can provoke action-stirring outrage in the public

173. Imagine the impact on a *national* audience of a journalistic story of concealment of assets to evade taxes, a judge-run bankruptcy fraud scheme, and their cover-up that involves President Barak Obama; his first justiceship nominee, Then-Judge Sonia Sotomayor of the Court of Appeals for the Second Circuit (CA2) and Now-Justice Sotomayor (J. Sotomayor); the Federal Judiciary, which enables its judges' wrongdoing and engages in it itself; and Congress, which has covered for those judges before and after the Senate confirmed their nominations. This story will provoke in the public action-stirring outrage.(jur:83¶168)

174. The journalistic investigation of the *DeLano-J. Sotomayor* story can expose tax evading concealment of personal assets and a bankruptcy fraud scheme involving judges from the bottom of the Federal Judiciary hierarchy all the way to the Supreme Court.¹⁰⁴ It shows how judges disregard the law in substantive, procedural, administrative, and disciplinary matters, whether by doing wrong themselves or by doing nothing to stop their peers' wrongdoing. It illustrates how judges dash the reasonable expectation of parties that they will see justice done according to law⁶⁹ by dismissing a case not only with a "perfunctory"⁶⁶ summary order, but also by merely citing cases that objectively have nothing to do with the facts or the law of the case at bar^{116c}. Thus that story concerns the vital interest of every person and entity in this country in having, not just a 'day in court', but also a true, meaningful one so that once there they are afforded due process of law. The satisfaction of that interest presupposes that of its underlying requisite, to wit, having honest¹⁶⁹ judges that perform their duty to apply the law. The judges' character and law abidance determine their decisions, which through their in-case as well as their precedential value affect profoundly every aspect of the lives of the litigants in court and everybody else outside it.

175. The *DeLano-J. Sotomayor* story also reveals how judges engage in wrongdoing individually as

¹⁶⁹ On public officers' implied promise of honest service, see 18 U.S.C. §§ 1341, 1343, and 1346.

well as collectively through the more insidious and pernicious coordination with each other and with insiders of the legal and bankruptcy systems¹⁶⁴, and how they do it so routinely as to have made of wrongdoing their institutionalized modus operandi. It also reveals coordination among judges and politicians to lie to the American people about their official actions so as to advance their personal, partisan, and class interests. To all of those officers applies a principle of torts that springs from common sense: A person is deemed to intend the reasonable consequences of his actions. They all have intentionally harmed the people by enabling judges to wield unaccountable, in effect unreviewable, and thereby riskless, irresistible, and inevitably corruptive power over people's property, liberty, and lives. Their wrongdoing and the harm that they have inflicted will outrage the people. In their defense, the people will take action to demand that the judges be officially investigated and that judicial accountability and discipline reform be undertaken.

4. Judicial unaccountability reporting rendered promising and cost-effective by its reasonable goal: to show to the public individual and coordinated wrongdoing of judges rather than prove in court to the judges' peers judicial corruption

176. The *DeLano-J. Sotomayor* story is at its core a bundle of related legal cases litigated all the way from U.S. bankruptcy, district, and circuit courts to the Supreme Court^{104b;109c}; taken through all the competent administrative bodies of the Federal Judiciary^{119;261a}, and supported by broad and thorough researchⁱⁱ. Hence, it rests on solid evidence already available.([jur: 21§§A-B](#)) It can also be further investigated to get to the bottom of it all and, more importantly, to get to the very top: institutionalized coordinated wrongdoing participated in, and tolerated, by the President and the Supreme Court justices. The investigation can be conducted in a cost-effective, narrowly focused fashion([jur:101§D](#)) to be presented as an engaging and compelling journalistic story to the public at large.
177. This proposal aims to have the further investigation of the *DeLano-J. Sotomayor* story and the reporting of its findings conducted as a team effort by: **a)** a politician courageous enough to take on both his or her party and judges on the issue of judicial unaccountability and consequent individual and coordinate wrongdoing; **b)** public interest entities, such as United Republic, Get Money Out!, and Rootstrikers¹⁷⁰; **c)** investigative organizations, such as Think Progress¹⁷¹, the Center for Public Integrity¹⁷², and ProPublica¹⁷³; and **d)** journalism schools, which as part of their learning-by-doing pedagogy can have their students join those entities' investigation to work

¹⁷⁰ **a)** <http://www.unitedrepublic.org/>; **b)** <http://www.getmoneyout.com/contact>; **c)** <http://www.rootstrikers.org/>; **d)** <http://Judicial-Discipline-Reform.org/teams/UR/11-12-15DrRCordero-CEOJSilver.pdf>; **e)** <http://Judicial-Discipline-Reform.org/teams/GMO/11-12-17DrRCordero-HostDRatigan.pdf>

¹⁷¹ **a)** <http://thinkprogress.org/about/>; **b)** <http://Judicial-Discipline-Reform.org/teams/TP/11-12-5DrRCordero-FShakir.pdf>

¹⁷² **a)** <http://www.iwatchnews.org/about/>; **b)** <http://Judicial-Discipline-Reform.org/teams/CPI/11-11-14DrRCordero-ExecDirBBuzenberg.pdf>

¹⁷³ **a)** <http://www.propublica.org/about/>; **b)** <http://Judicial-Discipline-Reform.org/teams/PP/11-11-7DrRCordero-EdinCPSteiger.pdf>

under their supervision as an academic project for credit, while the schools and students enhance the entities' manpower and multimedia resources^{cf.246e}. Among these schools are the Investigative Reporting Workshop of the School of Communication of American University¹⁷⁴ in Washington, D.C.; and in New York City Columbia University Graduate School of Journalism¹⁷⁵, City University of New York Graduate School of Journalism¹⁷⁶, and New York University Journalism Institute¹⁷⁷. All of them can work together on the strength of both their professed commitment to the theoretical principle that only an informed citizenry can preserve and play their proper role in a healthy democracy; and their realization of the wisdom in the pragmatic consideration "the enemy of my enemy [including those who conceal information from me] is my friend".

178. Investigating the *DeLano-J. Sotomayor* story is an appropriate goal of any media outlet that advocates "progressive ideas and policies"^{171a}, as Think Progress does. It is particularly so for those that, like United Republic, are committed to providing information to the citizens in order to empower them^{170a}, and that, like Alliance for Justice, are thereby "[d]irecting public attention and our own advocacy resources to important issues that affect American life and justice for all"^{178a-b}, and have recognized the need "to cultivate the next generation of progressive activists"^{178c} and "expose students to careers in public interest advocacy"^{178d} through a "Student Action Campaign, which provides year-

¹⁷⁴ **a)** http://www.american.edu/media/news/20100309_AU_Fills_Investigative_Journalism_Gap.cfm; **b)** <http://Judicial-Discipline-Reform.org/teams/AU/11-11-1DrRCordero-ProfCLewis.pdf>

¹⁷⁵ **a)** <http://www.journalism.columbia.edu/page/88/88>; **b)** <http://Judicial-Discipline-Reform.org/teams/GSJ/11-10-3DrRCordero-ProfSCoronel.pdf>; **c)** Cf. fn.246e-f

¹⁷⁶ **a)** <http://www.journalism.cuny.edu/faculty/robbins-tom-investigative-journalist-in-residence-urban-investigative/>; **b)** <http://Judicial-Discipline-Reform.org/teams/CUNY/11-11-8DrRCordero-ProfTRobbins.pdf>

¹⁷⁷ **a)** <http://journalism.nyu.edu/about-us/>; **b)** <http://Judicial-Discipline-Reform.org/teams/NYU/11-10-24DrRCordero-DirPKlass.pdf>

¹⁷⁸ **a)** <http://www.afj.org/about-afj/afj-vision-statement.html>; **b)** Just as the other "progressive" entities, Alliance for Justice must decide whether its "steadfast [commitment to] protecting and expanding pathways to justice for all..." and "the selection of judges who respect...core constitutional values of justice and equality...and the rights of citizens", id., is more important than the Hispanic ethnicity of Then-Judge Sotomayor^{cf.67} that it made the central point of its support for her confirmation as a justice. At stake is whether Alliance possesses the integrity to acknowledge that on the basis of old and new evidence, such as that presented here, it must hold Now-Justice Sotomayor accountable for her concealment of assets([jur:65§1](#)) and her cover up of the bankruptcy fraud scheme([jur:68§a](#)). The decision is between being a Democratic Political Action Committee disguised as a public interest entity, with as little attachment to ethical values as the Supreme Court Justices Alito, Scalia, and Thomas that it chastised in its documentary "A Question of Integrity" for being Republican fundraisers disguised in robes, and being an honest advocate of "justice for all" and its foundation, fairness and impartiality, one that will not waver from or conceal the truth on political considerations and will hold all judges and politicians to the same high standards of legal and ethical conduct. **c)** <http://www.afj.org/about-afj/>; **d)** <http://www.afj.org/resources-and-publications/films-and-programs/>; **e)** <http://www.afj.org/about-afj/the-first-monday-campaign.html>

round opportunities for students to engage in advocacy to ensure a fair and independent judiciary.”^{178e}

179. A courageous politician, public interest entities, journalists, and journalism schools can jointly investigate the *DeLano-J. Sotomayor* story as a political, professional, journalistic, and academic project to perform their mission and duty: to keep the public informed so that it may know about the conduct of public officers, its servants, including judges, and hold them accountable for the public trust vested in them. They can do so effectively within the scope of their respective endeavor because they will not try to demonstrate that the officers engaged in corruption. This is the term usually employed by public interest entities and the media when exposing politicians and by politicians themselves when attacking each other. It is also the term most frequently used by litigants and their groups and supporters who complain against judges. However, corruption is most difficult to prove because it constitutes a crime and, consequently, requires meeting the highest legal standard of proof, that is, ‘beyond a reasonable doubt’.
180. Rather, the goal of the investigators will be to apply professional standards of journalism to find facts and circumstances showing that public officers, specially judges, engaged in individual as well as coordinated wrongdoing. The choice of the notion of ‘wrongdoing’ is of fundamental importance because it is broader, easier to apply; therefore, it lowers the bar to the investigators’ successful search for journalistic necessary and sufficient facts and circumstances to develop a story. The investigators will report them together with a reporter, that is, one who commands greater attention of both the rest of the media -particularly outlets with national reach, like the national networks and print/digital newspapers, such as *The New York Times*, *The Washington Post*, and Politico- and a national audience, which is what a politician of national stature can do: communicate more broadly and convincingly. If the journalistic investigators and reporter, collectively referred to hereinafter as the **investigative reporters**, succeed in the arduous and no doubt risky pursuit of finding and exposing the facts and circumstances of judicial unaccountability, they can receive the recognition and gratitude owed to, and attain the historic, iconic status(jur:3¶¶7-8) as, the people’s Champions of Justice^{159a}.

**a. Wrongdoing:
a broader notion easier to apply to judges and others**

181. Wrongdoing is a broader notion than corruption because it includes also forms of conduct that are civilly liable, unethical, abusive of discretionary judgment, or that entail impropriety. Its field of applicability extends to what judges do in their official capacity, in non-judicial public life as citizens, and even in their private lives. Hence, wrongdoing is an essential notion for cleansing federal and state judiciaries of wrongdoing judges through media and public pressure rather than lawsuits in court, where judges watch out for their own. However, wrongdoing could be thought of as being limited to what an individual does alone.
182. By contrast, the notion of coordinated wrongdoing is much broader. Besides including the idea of two or more persons working together to do wrong, it embraces also the idea of enabling others to do wrong. Therefore, it is broad enough to include what judges:
- a. actively do wrong as:
 - 1) principals with others, that is, personally doing wrong in explicit (handshake) or implicit (wink and a nod) agreement with others or becoming
 - 2) accomplices through enablement

- a) before the fact by creating conditions that are or are not wrong in themselves (providing the password to the judges' confidential website section v. intentionally leaving confidential documents on the desktop within view of the 'cleaning' crew) but that facilitate the wrong done by others, or
 - b) after the fact by covering up their wrongs (dismissing complaints against judges or denying discovery of incriminating documents); and
- b. passively enabling the continuation or undetection of wrongdoing by adopting the 'three monkeys' conduct' of seeing nothing, hearing nothing, and saying nothing, either because the judge
 - 1) knows about the wrongdoing of others but is so indifferent to it that she says nothing or she actually
 - 2) ignores it because she has willfully closed her eyes and plugged her ears, for instance, by failing to open an investigation or making a report to the competent authority, in order not to have her knowledge pressure her into saying something, thus preserving the excuse of 'plausible deniability', that is, 'I just didn't know so I didn't have anything to say or do'.
- c. Third-party beneficiaries of the judge's three monkeys' conduct are able to continue doing wrong or keep their wrongdoing undetected, regardless of whether they
 - 1) ignore that the judge engaged in knowing indifference or willful ignorance with respect to the third-parties' wrongdoing or
 - 2) know because they saw the judge look on and walk away (onlooking passerby) or because they realize that if the judge had only looked into the matter with due diligence⁸⁹, she would have found out about the third-parties' wrongdoing but she was too negligent or incompetent to do so (skylooking passerby).

183. It follows that the coordination among the wrongdoers can be:

- a. express, such as through round-table agreement among primary and accessory wrongdoers; or
- b. tacit among them but
 - 1) pattern inferable from a series of acts so consistent in timing, participants, amount, result, etc., as to reveal a pattern of intentional conduct that negates the unreasonable explanation of an improbable chain of coincidences;
 - 2) statistically inferable from the randomness of acts with equal chances of resulting in opposite (head/tail coin tossing) or cross-cancelling (over charge/under charge) results, e.g. all the mistakes of the clerks of court benefit the insiders and harm the outsiders rather than just 50% of mistakes do so and the other 50% the inverse.

184. The modes of coordination include, in addition to round table coordination, a hub and spoke system organized by a central wrongdoer that imparts instructions to several others with the result that the wheel of combined effort turns in a given direction divergent from the normal one. For example, a judge may tell individually to each of some clerks of court and law clerks what to do when a person comes to court expressing the intention to file for bankruptcy and they find out that the person is unrepresented, has a home in a certain geographic area, and its estimated value is above a certain figure. The clerks may follow her instructions, regardless of whether they

realize who ends up buying the foreclosed home at a private auction for under a certain amount (hub and spoke with rim because the clerks realize the connection between the intervening acts necessary to produce the ultimate result; or hub and spoke without rim when they do not know the ultimate result or do not realize how improbable such result is but for somebody's pulling strings to produce it).

**b. Knowing indifference:
irresponsibility that gradually degenerates into complicit collegiality**

185. Knowing indifference gradually raises the threshold of tolerance of wrongdoing: Another slim 'salami slice' of wrongdoing is easier to swallow than a whole chunk of the salami stick. But slice by slice a judge can stomach even a nauseating crime. Nibbling on wrongdoing sickens his judgment and compromises his integrity, for it lays him open to reverse blackmail:

"You knew what I was doing was wrong, but you simply stood aside and let me go ahead to where I am now. You knew the harm that I was causing others, but you wanted to keep my friendship and the friendship of my friends, of all of us judges. You enabled me either for the moral profit of continued camaraderie while letting me get the material profit that I wanted or you did it out of cowardice so that we would not gang up on you as a traitor. In any event, take heart from this: You tell on me now and *I'll take you down with me!*"

186. Knowing indifference to the wrong or wrongful conduct of others also produces another profit that may be deposited in a bank automatically to grow in value effortlessly as with compound interest: a chip to be traded in for favors. Unexpectedly the need arises or the opportunity presents itself and the search for cash notices the golden gleams of those chips:

"I let it slide when you received a loan from a plaintiff at an unheard of low rate, got free use of a hall for your daughter's wedding and for a judicial campaign meeting from parties with big cases before you, boasted of having gone on an all-paid judicial seminar cum golf tournament without reporting it, and on and on. *Remember?! Now it's my turn. I need you to lean on your former classmate on the zoning board to rezone this lot commercial so that a company in which I am an unnamed investor can develop a shopping mall on it*".¹⁷⁹

187. Knowing indifference is not ignorant of its value; it only bids its time to realize it. In the process, it corrupts the moral fiber of he who extends it as a benefit while opportunistically watching its value grow at a loan shark rate of interest. Simultaneously, it raises the compromising debt owed by its beneficiary, who in most cases is aware that although her benefactor is staring at her wrongdoing with his mouth shut, his hands are open to collect an implicit IOU that at some point will become due and will have to be paid at any cost, for knowing indifference has its counterpart: payable collusive gratitude. Hence, it turns both the benefactor and the beneficiary into complicit colleagues in wrongdoing.

**c. Willful ignorance or blindness:
reckless issue of a blank permit to do any wrong**

188. Willful ignorance refers to the objective state of not knowing about wrongdoing because the

¹⁷⁹ fn.123 & http://Judicial-Discipline-Reform.org/Follow_money/JudReform_from_outside.pdf

judge suspected that if he had looked into the matter in question, he might not have liked what he might have seen so he abstained from looking into it.

189. In willful blindness the ignorance is subjective in that the judge knew the facts but willfully failed to draw reasonable conclusions that would have led him to at least suspect wrongdoing. Hence, he was blind to the facts willfully. Willful blindness is a broader notion and easier to apply because a person cannot claim to be competent and at the same time pretend that he just did not realize the implications of known facts which would have been realized by, in general, a reasonable person that can put 2 and 2 together and, in particular, a person to whom knowledge of such implications is imputed as a result of his professional training and daily experience of ‘doing the math’ as part of his work. While the *willfully ignorant* crosses his arms to cover his ears with his hands and block his view with his forearms to avoid taking into his mind the noise or image of wrongdoing that may be lurking or crawling in front of him, the *willfully blind* is in front of wrongdoing that is staring at her, but she shuts her mind’s eyes to avoid staring back at it. When the news anchor announces that a terrorist attack caused a carnage, the *willfully ignorant* changes the TV channel; whereas the *willfully blind* waits until the anchor warns that “the images that you are about to see are graphic” and then she looks up to the right and fantasizes about a lakeside picnic on a sunny day.
190. Willful ignorance/blindness constitutes a form of wrongdoing even in the absence of probable cause to believe that a crime has been committed. The wrong lies precisely in the willfully ignorant/blind person's decision to look the other way from where such cause might be found and thereby avoid finding it and having to take action to expose and punish the wrongdoer, whom the person actively wants to protect or passively wants to avoid having to accuse. This lower standard is illustrated by the statutory duty imposed on federal judges under 18 U.S.C. §3057(a) to report to the respective U.S. attorney “reasonable grounds for believing [not just] that any violation [of bankruptcy laws] has been committed [but also] that an investigation should be had in connection therewith [to ascertain whether any violation has occurred]”^{125a}. A judge who does not call for an investigation when a reasonable person would have enabled, for instance, the bankruptcy fraud of concealment of assets to go on undetected.
191. Through willful ignorance/blindness a judge avoids an investigation that can make her and others learn about, and take action against, the wrongdoer. The latter may be a peer, a clerk, an insider, or a lawyer who may be a voter or donor in a state judicial election. Friendship with a colleague for 1, 5, 10, 15, 20 years is given precedence over duty(jur:26¶29 >quotation from C.J. Kozinski). By so doing, the judge intentionally violates her shared, institutional duty to uphold the integrity of the courts and their administration of justice. That is a defining duty of her office.(cf. jur:56¶105 >Canon 1) Such conduct detracts from public confidence in her as well as other judges’ impartiality and commitment to the rule of law. It gives rise to the perception that they cover for each other regardless of the nature and gravity of the wrong that may have been done. It casts doubt on their sense of right and wrong. Whatever the wrong committed by one of their own, they exonerate him from any charge before they even know its nature and his degree of moral responsibility or legal liability. Their attitude is “a judge can do no wrong”. So they shut their eyes or turn them away to conjure up the defense of plausible deniability: They did not do anything because they had not seen or heard anything requiring them to take action. Such ‘no action due to lack of knowledge’ is a pretense. As such, it is dishonest. It is also blamable because it amounts to engaging in a blanket cover up.
192. Willful ignorance/blindness not only covers up wrongdoing that already occurred by ensuring that it goes undetected, but also ensures that more of it *will* occur in future: By removing the fear

of detection, it facilitates and encourages the occurrence of more wrongdoing. In reliance on a judge's willful ignorance/blindness in the past, the wrongdoer expects that the judge will also cover her future wrongdoing. Hence, it renders a judge liable as an accessory also before the fact. It empowers the wrongdoer to repeat the same wrong because he has something on the judge, that is, the latter's blameworthy toleration of it. Worse yet, it emboldens the wrongdoer to increase the degree of wrongness of the same wrong and to dare commit wrongs of a different nature, for he has not yet reached the limit of toleration of those who should have called him on his wrong or even exposed him. As the wrongdoer keeps pushing the limit, he further weakens the moral resolve of the tolerators and compromises their individual or institutional responsibility and legal positions. Gradually, the tolerators are the ones who cross the boundary of denunciation and enter into self-incriminating territory, where speaking out against the wrongdoer would bring against themselves substantial adverse consequences and even punishment. Their realization of their own culpability turns their moral weakness into complicit fear. By that time, the wrongdoer realizes that he has managed to push the limit of toleration so far away that in effect it has disappeared. From then on, an ever more powerful wrongdoer strides boldly into new territory as he drags along the morally impotent bodies of the tolerators: They are now where everything goes.

d. Impropriety and its appearance: the widest and tested notion, which already forced and again can force a justice to resign

193. Impropriety enhances substantially the usefulness of the notion of wrongdoing, particularly since there is precedent showing that it actually does. To begin with, it is the most flexible 'I recognize it when I see it' form of wrongdoing. It derives directly from the federal judges' own Code of Conduct, whose Canon 2 requires that "A Judge Should Avoid Impropriety And The Appearance Of Impropriety In All Activities"^{118a}. Moreover, while federal judges are de facto unimpeachable (jur:21 §a) and thus irremovable, the notion of "impropriety" has been applied with astonishing effect.

194. Indeed, impropriety led U.S. Supreme Court Abe Fortas to resign on May 14, 1969. He had not committed any crime given that the financial transaction that he was involved in was not criminal at all; nor was it clearly proscribed as unethical. Yet it was deemed 'improper' for a justice to engage in. The impropriety was publicly ascertained after it became known that he...

"had accepted fifteen thousand dollars raised by [former co-partner] Paul Porter from the justice's friends and former clients for teaching a summer course at American University, an arrangement that many considered improper. Republicans and conservative southern Democrats launched a filibuster, and the nomination [to chief justice by President Lyndon Johnson] was withdrawn at Fortas's request. A year later Fortas's financial dealings came under renewed scrutiny when *Life* magazine revealed that he had accepted an honorarium for serving on a charitable foundation headed by a former client [Louis Wolfson]. Fortas resigned from the Court in disgrace....his old firm refused to take him back...Fortas's relationship with Wolfson seemed suspect, and the American Bar Association declared it contrary to the provision of the canon of judicial ethics that a judge's conduct must be free of the appearance of impropriety."¹⁸⁰

¹⁸⁰ The Oxford Companion to the Supreme Court of the United States, 2nd edition, Kemit L. Hall, Editor in Chief; Oxford University Press (2005), pp. 356-357.

195. This precedent leaves no doubt that the resignation now of a current justice, and all the more so of more than one and of judges, is a realistic prospect. Public interest entities, journalists, and their supervised journalism students can endeavor to realize it where warranted by the facts and circumstances discovered through their pioneering judicial unaccountability reporting. Justice Fortas's resignation also shows that the notion of impropriety turns judges into the public officers most vulnerable to media and public pressure despite the fact that individually and as a class they wield the power that can most profoundly affect people's property, liberty, and lives. Therefore, the competent and principled application of the impropriety notion by the investigators can make the difference between their merely completing their professional and academic project successfully and shaking the Federal Judiciary to its foundations, making history in the process.

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D. The proposed two-pronged investigation by competent, principled, and ambitious investigative reporters of the DeLano-J. Sotomayor story: the *Follow the money!* and *Follow the wire!* investigation

196. The investigation of the *DeLano-J. Sotomayor* story has two prongs: One is the *Follow the money!* investigation. This is understandable since the actors in the story are driven by the most insidiously corruptive motive: *money!* In addition, there is probable cause to believe that the email, mail, and phone communications of those trying to expose the judges' wrongdoing have been interfered with. This calls for a *Follow the wire!* investigation.¹⁹⁷

1. The *Follow the money!* investigation

197. The investigative reporters –a courageous politician, public interest entities, journalists, and journalism schools and students(jur:88¶180)– can start off their investigation by pursuing the many leads¹⁸¹ that the prosecution of *DeLano* and related cases from bankruptcy, district, and circuit courts all the way to the Supreme Court^{182a} has already produced(jur:65§B; cf. jur:9).

198. They can search for:

- a. J. Sotomayor's –the Then-2nd Circuit Judge and Now-Justice Sonia Sotomayor^{183a}– unaccounted-for earnings^{102c} earned or acquired during the following periods:
 - 1) 1976-1979: jobs held while a law student, including at a NY City top law firm^{183b};
 - 2) 1979-1984: Assistant District Attorney in the NY County District Attorney's Office(jur:1);
 - 3) April 1984-December 1987, associate, and January 1988-September 1992 partner at the high-end boutique law firm Pavia & Harcourt;

¹⁸¹ **a)** Valuable leads for the *Follow the money!* investigation: http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >W:1§§I-III and W:29§§V-VIII personal and financial data; W:148¶¶3-4 contact information.

b) Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed; id. W:271

c) [fn.106](#) >HR:215-218; and **d)** the guidance provided by a proposed subpoena identifying key documents to trace back concealed assets, id. >HR:233§E and http://Judicial-Discipline-Reform.org/HR/11-4-25DrRCordero-HR_ComJud_subpoena.pdf

e) How to Conduct A Watergate-like *Follow the Money!* Investigation To Expose Coordinated Wrongdoing in the Judiciary While Applying the Highest Standards of Investigative Journalism; http://Judicial-Discipline-Reform.org/Follow_money/how_to_follow_money.pdf ;

f) Cf. 2 Ex-Timesmen Say They Had a Tip on Watergate First, Reporter Richard Pérez-Peña, who rightly remarked that “If [Mr. Phelps’s] and Mr. Smith’s accounts are correct, *The Times* missed a chance to get the jump on the greatest story in a generation”; NYT; 24may09; [fn.168a](#).

¹⁸² **a)** [fn.109b](#); **b)** [jur:24¶22](#); [68¶127](#); and [fn.106](#) >HR:214

¹⁸³ **a)** http://Judicial-Discipline-Reform.org/docs/judges_bionotes.pdf; **b)** [fn.102b](#) >JS:1-3, et seq.

- 4) October 1992-October 1998: District judge of the U.S. District Court for the Southern District of NY(SDNY; [jur:17,18](#));
 - 5) November 1998-July 2009: Circuit judge of the U.S. Court of Appeals for the Second Circuit¹⁸⁴;
 - 6) August 2009 to date: Associate Justice of the Supreme Court.¹⁸⁵
199. The table of Then-Judge Sotomayor's financial affairs¹⁰² is based on the documents that she filed with the Senate Committee on the Judiciary^{102b}. To supplement it with additional information about her earnings, assets, and liabilities, the investigators can:
- a. address a request under the NY Freedom of Information Law (FOIL)¹⁸⁶ to the Records Access Officer at the NY County District Attorney's Office([jur:19](#)) for the documents concerning the payment of her salary when she was an assistant district attorney there from 1979-1984¹⁸⁷;
 - b. interview her former employer, the high end boutique law firm of Pavia & Harcourt, to find out, in general, her earnings there from April 1984 to September 1992 and, in particular, her receipts after quitting that firm. To determine the latter account should be had of the contrast made in the article "For a justice, Sonia Sotomayor is low on dough", by Josh Gersten of Politico, between 'the about \$25,000 that she was due for her partnership interest' in that firm and 'the more than \$1,000,000 that chief justice John Roberts was paid in salary and compensation for his interest when he left his law firm, Hogan & Hartson, in 2003'¹⁸⁸;
 - c. interview her law clerks and court clerks when she was a district and then a circuit judge
200. Then-Judge Sotomayor can be investigated for her condonation of the systematic dismissal of misconduct complaints against her peers and her cover-up of them through the denial in the Second Circuit council of 100% of dismissal review petitions during the 1oct96-30sep08 12-year period^{182b}([jur:11](#)).
201. The investigators can *Follow the money!* unaccounted for by:
- a. WBNY U.S. Bankruptcy Judge John C. Ninfo, II,^{109b,119};
 - b. the judge to whom his M&T decisions¹⁸⁹ and *DeLano* were appealed, i.e., WDNY U.S. District Judge David G. Larimer¹⁹⁰;

¹⁸⁴ http://Judicial-Discipline-Reform.org/docs/98-11-6JSotomayor_induction_proceedings.pdf

¹⁸⁵ http://Judicial-Discipline-Reform.org/docs/judges_bionotes.pdf

¹⁸⁶ http://Judicial-Discipline-Reform.org/docs/NY_FOIL&court_records.pdf

¹⁸⁷ Cf. http://Judicial-Discipline-Reform.org/docs/DrRCordero-DANY_june09.pdf

¹⁸⁸ **a)** [fn.102a](#) >ar:7; **b)** http://Judicial-Discipline-Reform.org/Sct_nominee/Pavia&Harcourt_7feb10.pdf; **c)** Pavia & Harcourt, LLP, 600 Madison Avenue, New York, NY 10022; tel. (212)980-3500, fax (212)980-3185; <http://www.pavialaw.com>

¹⁸⁹ [fn.109b](#) >GC:17§B and 21§C

¹⁹⁰ **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_CA2.pdf, 9july3, >A:1304 §VII, A:1547¶4, and

- c. the 2nd Circuit judges, including Then-Judge Sotomayor; and
- d. the Supreme Court on behalf of themselves and legal and bankruptcy system insiders^{108a,b;109b}.

202. Those judges:

- a. helped conceal at least \$673,657(jur:15) in *DeLano*^{107b} by:
 - 1) denying *every single document* requested by the outsider-creditor and needed by the judges and justices themselves to find the facts on which to decide the case, including 12 denials in circuit court in *DeLano*, over which Judge Sotomayor presided¹⁰⁴, and
 - 2) J. Sotomayor's withholding *DeLano* from the Senate and its Judiciary Committee¹²⁷, lest the blatant violation of due process and discovery rights in that case lead to those documents and expose their bankruptcy fraud scheme⁸⁹; and
- b. caused assets to disappear in *Premier* and *Pfuntner*¹⁸⁹, which the CA2 panel that heard the appeal, presided over by CA2 Chief Judge John M. Walker, Jr., maintained concealed by dismissing the appeal on a contrived summary order¹⁹¹ and denying the mandamus writ¹⁹² to remove those cases from Judge Ninfo and transfer them to another U.S. district court that could presumably be fair and impartial.

203. The investigators can search for Judge Larimer's unaccounted-for money in the mandatory^{102d} annual financial disclosure reports that he filed with the Administrative Office of the U.S. Courts¹⁹³. In 2008, his judicial salary alone was \$169,300¹⁹⁴, placing him in the top 2% of

b) http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_WDNY_21dec5.pdf > Pst:1255§E;

c) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf, 17mar7, >CA:1702§VII and 1735§B

¹⁹¹ http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_CA2_rehear.pdf, 10mar4

¹⁹² http://Judicial-Discipline-Reform.org/docs/DrCordero_mandamus_app.pdf, 12sep3

¹⁹³ http://Judicial-Discipline-Reform.org/docs/J_Larimer_fin_disclosure_rep.pdf

¹⁹⁴ 5 U.S.C. §5332; <http://uscode.house.gov/pdf/2011/> Wednesday, April 11, 2012 7:53 PM 5677799 2011usc05.pdf >pg. 414 §5332, Schedule 7, Judicial Salaries; http://Judicial-Discipline-Reform.org/docs/5usc_2011.pdf: "(Effective on the first day of the first applicable pay period beginning on or after January 1, 2012)

Chief Justice of the U.S.....	\$223,500
Associate Justices of the Supreme Court.....	213,900
Circuit Judges	184,500
District Judges	174,000
Judges of the Court of International Trade	174,000"

Bankruptcy judges' salary is 92%, 28 U.S.C. §153(a)(fn.60(a)), and magistrates' is "up to an annual rate equal to 92%" of that of a district judge, §634(a)(fn.60(b)), i.e., \$160,080. Such well-above average salary(fn.195) provides a strong motive for them to do whatever it takes to earn reappointment and avoid removal by their circuit and district peers(jur:54§d).

income earners in our country¹⁹⁵. Yet, in his available financial disclosure reports, he disclosed for the reported years up to 5 accounts with \$1,000 or less each, no transaction reported in a mutual fund or the other accounts, and a single loan of between \$15K-\$50K. Where did his money go?

204. The investigators can likewise examine the financial reports of Judge Ninfo¹⁹⁶, who presided over all the *Premier*, *Pfuntner*, and *DeLano* cases and more than 7,280 of only two insider trustees^{108a, 109b}.

2. The *Follow the wire!* investigation

205. This investigation will seek to determine whether the anomalies in the behavior of email accounts, mail, and phone communications^{197a} are traceable to the Judiciary's abuse of power by ordering its own and other technical personnel to illegally^{197b} intercept people's communications with the intent to:

- a. impede the broadcast of facts regarding its abusive discipline self-exemption and resulting riskless coordinated wrongdoing;
- b. hinder the formation of an entity for the advocacy of journalistic and official investigations of such wrongdoing; and thus
- c. forestall the adoption of effective judicial accountability and discipline reform.

¹⁹⁵ http://Judicial-Discipline-Reform.org/docs/US_Census_Income_2010.pdf >Table 689. Money Income of People--Number by Income Level: 2007

¹⁹⁶ **a)** His financial disclosure reports and those of all other federal judges can be retrieved for free from Judicial Watch; <http://www.judicialwatch.org/judicial-financial-disclosure>.
b) Their examination can help determine the pro forma character –or charade– of their filing by the judges and their acceptance, as part of the Judiciary's coordinated wrongdoing, by the Judicial Conference of the U.S.⁸⁶ Committee on Financial Disclosure, a committee of judges, who are their peers and filers of similar reports, assisted by members of the Administrative Office of the U.S. Courts(fn.10), who are their appointees and serve at their pleasure; <http://www.uscourts.gov/SearchResults.aspx?IndexCatalogue=AllIndexedContent&SearchQuery=Committee%20on%20Financial%20Disclosure>.

¹⁹⁷ **a)** http://judicial-discipline-reform.org/HR/11-4-25DrRCordero-HR_ComJud.pdf >HR:266§II;
b) Obama administration warns federal agencies that monitoring employees' e-mail could be violating the law, Lisa Rein, *Washington Post*; 21jun12; http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:101

3. Field investigation on deep background: the search for Deep Throat

The investigative reporters(jur:101¶197) can continue their investigation in the field. There they can approach a source of information¹⁹⁸ that is essential to expose coordinated judicial wrongdoing: the judges' law clerks¹⁹⁹ and the clerks of court²⁰⁰. They have inside knowledge of what goes on in chambers. But they will not talk openly. That would put at risk what every law clerk works for: a glowing recommendation from their judge that they can cash in for a job with a top law firm and an enticing sign-up bonus.¹⁴¹ But law clerks are young and still have the idealism of young people. Some even studied law because they believed in our system of justice and the power of the rule of law to make a better world. In this frame of mind, they can only feel disgusted at all the wrongdoing that they must witness in silence in their judges' chambers and in the courtroom and are even required to execute as the judges' agents of wrongdoing.

206. Likewise, clerks of court know what goes on among the court judges. They are aware of the divergence between what they are supposed to do according to the internal operating rules²⁰¹ and what they are told by judges to do and even the reason for it. For example, clerks are supposed to spin the wheel to assign judges to cases randomly so that their biases do not influence which cases they pick or pass up and their prejudices do not predetermine their decision-making. But if a judge asks for a case, what is a lowly clerk going to do?, risk being reassigned from the sunny documents in-take room to the moldy archive warehouse? He may choose to do as told and keep quiet about his realization that...
207. Judge Brypen always asks for cases to which a certain land developer is a party, which owns the hotel chain where a bank holds its semi-annual meetings at which the Judge is always invited to speak. The day the Judge told the clerk to declare the court closed due to a flash flood, the Judge blurted that he would go "to my room at the Bella Vita", the local unit of that hotel chain. The following day he arrived on time at the court wearing a suit and a tie that the clerk had seen before. Judge Brypen could not have brought those clothes from home the day before in anticipation of an unexpected flood or go home and change early that day, because the road to his home was still flooded. The clerk put it together: The Judge has a permanent room at the hotel where he keeps clothes; the land developer always wins his cases. The clerk will not talk about this for the record. However, on a promise of anonymity he can provide information that the investigative reporters cannot find as, or from, outsiders. He can help them find out whether Judge Brypen uses the room for free as payment of a bribe in kind, what he uses it for, whether the judge and the land developer meet in chamber or have scheduled meetings elsewhere, whether the former is an investor in the latter's business; etc.

¹⁹⁸ A Journalist's Guide to the Federal Courts, Administrative Office of the U.S. Courts; p.10. Types and Sources of Court Information; http://Judicial-Discipline-Reform.org/docs/AO_Journalists_Guide_sep11.pdf

¹⁹⁹ Law Clerks Handbook: A Handbook for Law Clerks to Federal Judges, 2nd ed., edited by Sylvan A. Sobel; Federal Judicial Center (2007); http://Judicial-Discipline-Reform.org/docs/law_clerk_handbk_07.pdf.

²⁰⁰ a) National Conference of Bankruptcy Clerks; <http://ncbc.memberclicks.net/>;

b) Federal Court Clerks Association; <http://www.fccla.org/>

²⁰¹ Cf. http://Judicial-Discipline-Reform.org/docs/CA2_Local_Rules_IOP_8sep11.pdf

208. Law clerks and clerks of court can be assured that if they want to contribute to exposing individual and coordinated wrongdoing in the Judiciary by confidentially communicating inside information to the investigative reporters, their existence and anonymity will be held so confidential as to turn the clerks into the modern version of a historic figure: Deep Throat, the deputy director of the FBI, William Mark Felt, Sr., who provided guidance to *Washington Post* Reporters Bob Woodward and Carl Bernstein in their Watergate investigation and whose identity they kept secret for 30 years until Mr. Felt himself revealed it in May 2005.²⁰² The same assurance can be extended, of course, to current and former legal and bankruptcy system insiders¹⁶⁴(cf. *jur:9*) and members of the Judiciary as well as members of the Executive Branch and Congress.
209. This type of investigative reporting has hardly ever been practiced with the Federal Judiciary as the target, yet its potential is enormous. Just consider the amount of valuable information that can also be provided by waiters and waitresses, maids, concierges, drivers, and other personnel at hotels and resorts where judges attend or stay overnight when they participate in the semi-annual meetings of the Judicial Conference of the U.S.²⁰³, circuit conferences²⁰⁴, private seminars²⁰⁵, and meetings of classes of judicial officers and employees²⁰⁶. What did these service personnel hear and whom did they see when they were serving the chief judge and his guests in his hotel suite at midnight after their inhibitions had been washed away by potent torrents of brandy and cognac and their boisterous conversation was littered with the flotsam of their wrongdoing: stories of how they had outsmarted the IRS by using offshore accounts set up by big banks with cases before them; how the day before leaving for the meeting they had cleared their desk of unread^{206e} pending cases by signing a bunch of summary orders so they could feel free to enjoy the ‘holiday’; how the next day they would meet privately with some bidders for the contract to remodel the courthouse; how they are planning for the judge to make an ‘unexpected’ cameo

202 **a)** http://Judicial-Discipline-Reform.org/docs/FBI_No2_Deep_Throat.pdf;

b) <http://www.citmedialaw.org/state-shield-laws>; and <http://www.firstamendmentcenter.org/>

203 The Judicial Conference⁸⁶ meets in Washington, D.C., in March and September^{cf.fn.28} for two or three days at the Supreme Court and the Administrative Office of the U.S. Courts¹⁰, which maintains its secretariat. At the latter venue, its circuit and district members meet with the judges that form the Conference’s many committees, e.g., on financial disclosure reports, judicial conducts, and the code of conduct; <http://www.uscourts.gov/FederalCourts/JudicialConference/Committees.aspx>. Its meetings are always held behind closed doors, http://Judicial-Discipline-Reform.org/docs/DrRCordero-investigators_leads.pdf, after which it issues an anodyne press release on miscellanea, http://Judicial-Discipline-Reform.org/Follow_money/JConf_systematic_dismissals.pdf.

204 **a)** Each circuit holds a conference annually and in some cases biennially to deal with administrative matters, as provided for under 28 U.S.C. §333, http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf; cf. http://www.ca9.uscourts.gov/judicial_council/judicial_council.php. **b)** Circuit map: *jur:20* and http://www.uscourts.gov/Court_Locator.aspx

205 On the duty of judges to disclose attendance at seminars and who pays its cost; <http://www.uscourts.gov/RulesAndPolicies/PrivateSeminarDisclosure.aspx>

206 **a)** Federal Judges Association; <http://www.federaljudgesassoc.org/>; **b)** Federal Magistrate Judges Association; <http://www.fedjudge.org/>; **c)** National Conference of Bankruptcy Judges; <http://www.ncbj.org/>; **d)** Supreme Court Fellows Program; <http://www.supremecourt.gov/fellows/default.aspx>; **e)** cf. *fn.118c* >CA:1749§2

appearance at a political fundraising event where she will pronounce a few words of gratitude for the support of the audience and their contributions to the event organizers' good work...‘for our veterans and those still fighting for our shared principles and constitutional values...umm in Afghanistan’; etc.(cf. [jur:22¶21](#))

4. Library investigation

210. The investigative reporters([jur:101¶197](#)) can also conduct a library investigation. Starting with the leads already available¹⁸¹, they can search for relevant information in:

- a. commercial databases²⁰⁷, e.g., Dialog, Dun & Bradstreet, EDGAR (financial filings), Hoover, LexisNexis, Martindale (directory of law firms and biographies of lawyers)²⁰⁸, Proquest, Saegis and TRADE-MARKSCAN, Thomson Reuters CLEAR;
- b. government databases, e.g.:
 - 1) Administrative Office of the U.S. Courts²⁰⁹,
 - 2) Code of Federal Regulations (regulations and decisions of federal agencies)²¹⁰,
 - 3) Council of the Inspectors General on Integrity and Efficiency (73 I.G.s that act as watchdog of federal government operations)²¹¹,
 - 4) General Accounting Office (the investigative arm of Congress, reputedly impartial and thorough)²¹²,
 - 5) National Association of Counties²¹³,
 - 6) National Association of County Recorders, Election Officials and Clerks²¹⁴,
 - 7) Office of Management and Budget (attached to the White House, i.e. the Executive Branch)²¹⁵,
 - 8) PACER (Public Access to Court Electronic Records, particularly rich in bankruptcy filings)²¹⁶,

²⁰⁷ Cf. commercial databases with links at [fn.242a](#) >¶10

²⁰⁸ <http://www.martindale.com/>

²⁰⁹ <http://www.uscourts.gov/Home.aspx>

²¹⁰ <http://www.gpoaccess.gov/cfr/index.html>

²¹¹ <http://www.ignet.gov/>

²¹² <http://www.gao.gov/>

²¹³ <http://www.naco.org>

²¹⁴ <http://www.nacrc.org/>

²¹⁵ <http://www.whitehouse.gov/omb/>

²¹⁶ <http://www.pacer.uscourts.gov/index.html>

5. Investigation by appealing on the Internet and social media to the public

a. Accounts of dealings with the judiciary

211. The investigative reporters can also make innovative use of the Internet and social media to appeal to the public to submit their accounts of their dealings with the Federal Judiciary, in particular, and also the state judiciaries, in general. While those accounts may be anecdotal and not necessarily factually accurate or legally correct, they can help sound out the depth and nature of the problem of coordinated judicial wrongdoing. From this perspective, they can provide assistance by educating the investigative reporters on the forms of wrongdoing. The frequency and consistency of account details can prove invaluable in detecting patterns²²⁸ of conduct that reveal intentional conduct and coordination among judges, insiders, and others. This in turn can help figure out the most organized and pernicious form of coordinated wrongdoing: a scheme⁸⁹. Likewise, responses to neutral questionnaires can help determine public perception of the fairness, impartiality, and honesty of judges and the degree of public satisfaction with, and trust in, their administration of justice as what they are: judicial public servants of, and accountable to, the people.

b. Questionnaires as precursors of a statistically rigorous public opinion poll

212. No doubt, such accounts and completed questionnaires will be submitted by a self-selected segment of the population. Submitters will most likely be people who bear a grudge against judges because of negative experiences with them. Such experiences have charged them emotionally to take advantage of the opportunity to vent their feelings toward judges and criticize their performance. Since responders need not constitute a representative sample of the general public, their responses cannot be equated with those of a public opinion poll conducted according to statistics principles to ensure randomness and population representativeness. Yet, their accounts and completed questionnaires can provide the groundwork for devising such a poll in a subsequent, more institutional phase²⁴²([jur:137§h](#)) of the investigation of coordinated judicial wrongdoing.

<http://www.crewsmostcorrupt.org>; National Association of Court Monitoring Programs, <http://www.watchmn.org/>; Judicial Watch, <http://www.judicialwatch.org>; National Association to Stop Guardian Abuse; <http://nasga-stopguardianabuse.blogspot.com/2010/05/probate-judge-violates-ethics-code.html>; National Forum on Judicial Accountability, <http://www.njcdlp.org>; Victims of Law, <http://victimsoflaw.net/>

²²⁸ Under the federal Racketeer Influenced and Corrupt Organizations Act (RICO) a pattern of racketeering can be established by two acts of racketeering activity occurring within 10 years; http://Judicial-Discipline-Reform.org/docs/18usc1961_RICO.pdf >18 U.S.C. §1961(5).

**c. Copies of past and future complaints against judges
made public as an exercise of freedom of speech and of the press
and of the right to assemble to petition for a redress of grievances**

213. Another type of accounts of dealings with judiciaries that can prove useful even if submitted in a smaller number than general accounts of dealings with the judiciary is formal misconduct complaints against judges filed under federal¹⁸ or state law. In the Federal Judiciary, as revealed by its official statistics²²⁹, **a)** these complaints are systematically dismissed by chief circuit judges(jur:24¶¶22-Èc); **b)** petitions to review those dismissals are systematically denied by the circuit and district judges of judicial councils;^{122b} and **c)** petitions to review those denials have never been addressed by those chiefs and district judges that are members of the Judicial Conference²⁰³. This consistent and unconditional partiality of judges toward their own provides evidence of coordinated conduct, whether through agreement(jur:88¶¶182-183), knowing indifference(jur:90§b), or willful blindness(jur:90§c), aimed at reciprocally covering up their wrongdoing regardless of the nature and gravity of the allegations(jur:68¶127) or the detriment to complainants and the administration of justice.
214. Judges' systematic dismissal of complaints against them allow the inference that judges **a)** have become accustomed to their practice of covering up their complained-about wrongdoing; **b)** have developed such practice into their express or tacit policy to tolerate and participate in each other's wrongdoing and, consequently, **c)** have no scruples about applying it when they become aware of their peers' wrongdoing through sources of information other than complaints regardless of the nature and gravity of such wrongdoing. What obtaining copies of the complaints themselves can add is concrete, even if unverified, details of the nature and gravity of such wrongdoing and the names of judges, insiders, and others alleged to be engaged in it. As in the case of general accounts, these details can prove invaluable in detecting patterns and figuring out schemes, such as the bankruptcy fraud scheme⁵⁹. Therefore, copies of these complaints can contribute to establishing that coordinated wrongdoing has become the Judiciary's institution-alized modus operandi.
215. Complaints against judges are not placed in the public record or otherwise made available to the public by the courts, which keep them secret even from Congress. But however much the judges would like to pretend that complaints are confidential, they are simply to be kept confidentially by them upon complainants filing them with the courts.²³⁰ Congress itself cannot prohibit the media from publishing such complaints, for that would be an unconstitutional violation of freedom of the press. It follows that Congress cannot indirectly achieve that result through a prior restraint on publication by prohibiting every person in this country from sharing his or her complaint, whether in writing or orally, with anybody else, including the media. Doing so would in itself be an unconstitutional violation of freedom of speech. Therefore, the investigative reporters can invite the public to exercise their constitutional right under the First Amendment to "freedom of speech, of the press, [and] peaceably to assemble, and to petition the Government for a redress of grievances"¹² by submitting to them copies of their past, pending, and future complaints against judges for review and possible publication.²³¹

²²⁹ [fn.19a](#) and [b](#) >Cg:1-10F

²³⁰ [fn.18](#) >§360(a)

²³¹ http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf >5§C. Organizing and posting evidence

E. Multimedia public presentation made by the judicial unaccountability reporters of i) the available evidence of judicial wrongdoing and the DeLano-J. Sotomayor story; ii) their own findings through their *Follow the money!* and *Follow the wire!* investigations; iii) the *I accuse!* manifesto, and iv) a business and academic venture proposal

1. Multimedia public presentation at a press conference, a talkshow, a student job fair, or an editors conference

216. The investigative reporters –a courageous politician, public interest entities, professional and citizen journalists, and journalism, law, and business schools and students(jur:88¶180)– can make a presentation^{232a} of the statistics of judges’ unaccountability and consequent coordinated judicial wrongdoing (jur:21§A), the evidence of it available in the *DeLano-J. Sotomayor* story(jur:65§B), and what they found through their own *Follow the money!* and *Follow the wire!* Investigation¹⁸¹ of that story(jur:101§D). The presentation should take place at a widely advertised multimedia public event²³³. It will be intent on provoking outrage at judicial unaccountability and wrongdoing (jur:84¶169) so intense and in an audience so broad as to stir up the people to action: The people must make such a vehement demand that judges be held accountable and prevented from further wrongdoing that politicians will not be able to disregard it and will give in by candidates calling for, and incumbent launching, official investigations of the judges.
217. The outrage and its action-stirring effect will be magnified by the media in attendance at the presentation and an ever growing number of other media outlets creating and satisfying public demand for news about the extent of judicial wrongdoing and the responsibility of politicians in its development and their steps to expose and prevent it. Thereby a market incentive(jur:3¶¶14-15) will emerge for, and be reinforced by, a Watergate-like generalized and first-ever media investigation of judicial wrongdoing. Its aim will be to find out how far high such wrongdoing reaches and how widespread it is in the Federal Judiciary and among its insiders, such as those of the legal and bankruptcy systems¹⁶⁴. In so doing, the media will follow the lead of the investigative reporters who made the presentation, the pioneers of the new field of journalism and public interest activity: judicial unaccountability reporting.
218. The presentation can be held at a university auditorium, a theater, or news network studio.^{cf.2} It can be a press conference or a more elaborate academic conference on coordinated wrongdoing among federal judges and its institutionalization as the Federal Judiciary’s modus operandi. In addition to advertising it to the public, the presenters can also extend individual invitations to other public interest entities, including civil rights and public defender organizations, and their philanthropic supporters; investigative journalists, legal reporters, network anchors, and pundits; talk show hosts; owners of judicial victims websites; bloggers; newspaper, popular magazine, professional journal, and book publishers; similar public opinion shapers with multiplier effect;

²³² a) http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf >Dn:11; b) cf. id. >Dn:8

²³³ a) http://Judicial-Discipline-Reform.org/docs/DrRCordero_Course_trigger_history.pdf >1 §§A-C; b) http://Judicial-Discipline-Reform.org/DeLano_course/15Journalism/5DrCordero_syllabus.pdf

incumbent politicians and their challengers; judges and their clerks; lawyers and law enforcement officers; law, journalism, business, and IT school professors and student class officers and organizations; etc.

219. A presentation at a journalism student job fair will offer an additional and exceptional opportunity in itself. It will allow the presenting students –and others, e.g., a reporter or a candidate invited to deliver a keynote speech– to display their acquired professional skills and turn a job fair into their personal job interview.^{232b} Furthermore, they will act on their recognition that journalism, besides being an essential public service entity by strengthening our democracy on the foundation of an informed citizenry, is also a business. Hence, the students will lay out to the recruiters, editors, and other business people a business and academic venture proposal. (jur:125§3) Thereby the students will show that they can bring to their future employer the new business of judicial unaccountability reporting in the public interest together with a plan to grow it into a more ambitious business entity.(jur:137§h)
220. An event as a job fair that gathers many representatives of the media will greatly facilitate educating them on the evidence of coordinated judicial wrongdoing and the application to it of judicial unaccountability reporting. Thereby it will boost the effort to launch a Watergate-like generalized media investigation of the *DeLano-J. Sotomayor* national story in the reasonable expectation of getting a scoop: the resignation of one or even more justices(jur:92¶¶193-194) due at the very least to their failure to “avoid even the appearance of impropriety”(jur:68¶¶127-129)²³⁴, if it is not because wrongdoing is shown or evidence of corruption makes holding on to office untenable. Such an arresting act can provide the incentive for other entities and people to conduct similar investigations of state judiciaries.(jur:3¶14) Regardless of who gets that scoop, it will remain a fact that it was the investigative reporting team of a courageous politician, public interest entities, journalists, and journalism deans, professors, and students, who recognized the potential for advancing their commitment to an informed citizenry and the public significance – both heightened substantially by an ongoing presidential election campaign– of the *DeLano-J. Sotomayor* national story, investigated it through their pioneering practice of judicial unaccountability reporting, and first presented its outrageous and action-stirring findings to the media and the American public.

2. The *I accuse!* manifesto denouncing coordinated judicial wrongdoing

221. Unchecked and thus, riskless judicial wrongdoing becomes ever more irresistible because of the professional, material, and social benefits that it makes available. It leads to a more insidious form, coordinated wrongdoing, which develops into its most harmful expression, schemes. The evidence thereof can be presented by the investigative reporters to the public in a series of expository articles widely published on their own websites and social media accounts as well as by traditional media, the hundreds of websites and Yahoo- and Googlegroups that complain about judicial wrongdoing, bloggers²³⁵, and blawgs²³⁶, etc.

²³⁴ http://Judicial-Discipline-Reform.org/docs/ABA_Prof_Respon_links.pdf

²³⁵ http://judicial-discipline-reform.org/docs/from_bloggers_to_media.pdf

²³⁶ a) <http://blawgreview.blogspot.com/>; b) <http://www.blawg.com/>; c) <http://aba.journal.com/>

- a. The initial article can lay out the official statistics that reveal the federal judges' exercise of unaccountable power that enables judicial wrongdoing. It can narrate the *DeLano-J. Sotomayor* national story to show how the judges' unaccountability and pursuit of their money motive in practically unreviewable cases have allowed them to turn their Judiciary into a safe haven for wrongdoing. Their coordination has enabled them to multiply the instances and scope of wrongdoing so that it has become part of their accepted working routine: It is their institutionalized modus operandi. The article can describe the most structured, hierarchical, and profitable stage of wrongdoing, a scheme, such as the bankruptcy fraud scheme that appears in that story.
- b. Another article can detail how judges' unaccountability has enabled them risklessly to:
 - 1) dispose of cases by disregarding law and facts;
 - 2) dispense with discovery rules and due process requirements;
 - 3) arbitrarily and deceitfully dispose of even unread cases by issuing no-reason summary orders and perfunctory "not for publication" and "non-precedential" opinions;
 - 4) tolerate and participate in the running of a bankruptcy fraud scheme;
 - 5) tolerate and participate in concealment of assets and its objective, tax evasion;
 - 6) make and accept pro forma financial disclosure reports that cover tax evasion and require money laundering;
 - 7) dismiss systematically complaints against judges and petitions for dismissal review;
 - 8) wrongfully deny motions to recuse so as to retain control of a case that can lead to their and their associates' incrimination if transferred to another judge;
 - 9) cover up wrong and wrongful circuit panel decisions by systematically denying en banc petitions to review them by the whole court;
 - 10) change court rules with disregard for the public comments that they receive but do not publish so that their request for such comments is purely pro forma;
 - 11) disregard their duty to file complaints against judges and/or investigate them based on information acquired through means other than complaints, the harm to the integrity of the administration of justice notwithstanding²³⁷; and
 - 12) disregard their statutory duty to report to law enforcement authorities their belief rather than evidence that an investigation for violation of the law should be had¹²⁵.

222. The initial evidence-exposing article can constitute a manifesto against judicial unaccountability and its consequent coordinated wrongdoing in the Federal Judiciary. It can become the modern version of *I accuse!*, the open letter to the French President that novelist Émile Zola published in a newspaper. In it he dared denounce the conviction of Jewish French Lieutenant Alfred Dreyfus for spying for the Germans as based on false accusations stemming from an Anti-Semitic conspiracy among French army officers.²³⁸ Zola's courageous denunciation is credited with not

blawgs; d) <http://www.scotusblog.com/>; e) <http://www.loc.gov/law/find/web-archive/legal-blawgs.php>; f) <http://blawgsearch.justia.com/blogs/categories/judiciary>

²³⁷ <http://Judicial-Discipline-Reform.org/KGordon/11-8-18DrRCordero-CJDJacobs.pdf>

²³⁸ *J'Accuse...!, I accuse!*, Open letter to the President of the French Republic, Émile Zola,

only bringing about the exoneration and rehabilitation of Lt. Dreyfus, but also setting off a historic critical examination of many French officers' above-the-law sense of superiority in contradiction to the ideals of Liberty, Equality, and Fraternity that constituted the standard bearers of the collective French soul.

223. The *I Accuse!* manifesto can likewise launch a reformatory debate in our country on the evidence of the Federal Judiciary as the safe haven for coordinated wrongdoing of Judges Above the Law.²³⁹ It can expose how the Judiciary is left undisturbed by a self-preserving Congress and Executive Branch pretending deference to the doctrine of separation of powers. In fact, all the three branches complicitly protect their interests with reckless disregard for the material and moral harm that they inflict upon a people whose government is by and for them and who are entitled to have it operate in reality on the foundational principle of the rule of law. However, the representative nature of our democratic government trumps the separation of powers, whose benefit must inure primarily to the people, not the powers at the expense of the people.²⁴⁰ The right of the people to govern themselves by holding accountable their public servants, which is what judges are, prevails upon the relationship between those powers with each other. The people can hold judges accountable to them as their public servants in government of and for the people through the creation of a citizen board of judicial accountability and discipline.([jur:133§f](#))

L'Aurore; 13jan1898; Chameleon Translations, ©2004 David Short; http://Judicial-Discipline-Reform.org/Follow_money/Emile_Zola_I_Accuse.pdf

²³⁹ http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

²⁴⁰ http://Judicial-Discipline-Reform.org/docs/no_judicial_immunity.pdf

3. Multidisciplinary business and academic venture concerning judicial unaccountability reporting and judicial accountability and discipline reform study and advocacy

224. The presentation can midwife the birth of a business and academic venture aimed at opening new fields of profit-making journalistic and public interest advocacy: Judicial unaccountability reporting can follow the evidence wherever it leads as it investigates, in particular, the *DeLano-J. Sotomayor* national story and, in general, unaccountable judicial power, the money motive, and practically unreviewable cases at the root of coordinated judicial wrongdoing among judges and between them and insiders of the legal and bankruptcy systems. For its part, a business and academic venture can pursue a project^{241a} of multidisciplinary research, investigation, education, and publishing as well as monitoring, consulting, representing, and lobbying aimed at bringing about and implementing judicial accountability and discipline reform based on the exercise of democratic control of the federal and state judiciaries by *We the People*.
225. The business and academic venture will be open to the media, public interest entities, teaching institutions^{cf.246e}, investors, and philanthropic sponsors. All of them are likely to recognize the public service and business potential of methodically investigating the Third Branch at the federal and state levels for coordinated judicial wrongdoing, as opposed to journalistically covering courts to report on cases pending before them. Exposing judges' coordinated wrongdoing will provoke action-stirring outrage in scores of millions of litigants that are parties to scores of millions of cases(jur:3¶14) as well as the rest of the public. All of them, the people, are likely to become avid consumers of judicial unaccountability news as well as services and products that can help them defend themselves from abusive unaccountable judges and assert their constitutional rights to due process of law and equal protection thereunder as well as their democratic right to hold public officers, their servants, accountable. They may seek legal advice on how and where to demand individual and class compensation for the harm inflicted upon them by the judges and their respective judiciary. They may request consulting services to find out their options; and hire lobbyists to advance the cause of judicial accountability and discipline reform. Their action-stirring outrage will generate such demand because what is at stake is central to the American system of values and a source of commitment to defend it at whatever expense of effort, time, and money: Equal Justice Under Law.
226. The main elements of the venture's business plan for generating demand for news, services, and products relating to judicial wrongdoing and accountability reform have been listed elsewhere and can be developed as required.²⁴² As for the substantive content that will inform its activity, it is appropriate to lay out some of it here because it can be included in the presentation to make it richly educative in its own right and to announce the venture itself.

²⁴¹ a) [fn.232a](#) >Dn:11¶2; Dn:52; b) [id.](#) >Dn:11¶3

²⁴² a) The venture has two components: **The *DeLano Case Course***; and **The *Disinfecting Sunshine on the Federal Judiciary Project***; http://Judicial-Discipline-Reform.org/docs/DrRCordero_aca&biz_venture.pdf. b) See also [fn.232a](#) >Dn:11, 52

a. A Watergate-like generalized investigation of the DeLano-J. Sotomayor national story

227. The investigative reporters at the public presentation of the available evidence of judicial wrongdoing and the findings of their investigation of the *DeLano-J. Sotomayor* story can urge the audience as well as the rest of the media, that is, traditional and digital media, bloggers, and citizen journalists, to pick up the investigation of such wrongdoing and the story where they left off and to that end:

a. pursue the numerous leads¹⁸¹ in:

- 1) the findings of their investigation and their *I accuse!* manifesto(jur:122§2)
- 2) the public record of *DeLano*^{104a}, *Pfuntner*, and *Premier*^{109c}, and their analysis¹⁰⁶;
- 3) the articles in *The New York Times*, *The Washington Post*, and Politico^{102a};

b. investigate:

- 1) the concealment by Then-Judge and Now-Justice Sotomayor of assets of her own and of others involved in the bankruptcy fraud scheme;^{102a-c}
- 2) J. Sotomayor's participation in the cover-up of the bankruptcy fraud scheme and other forms of judicial wrongdoing;(jur:24§b)
- 3) what President Obama(jur:77§5), the senators that recommended her and shepherded her nomination through the Senate^{154,e,f;155e}, and the Senate and its Judiciary Committee¹²⁷ knew about her concealment of assets and her perjurious withholding of *DeLano* from them(jur:78¶154) and when they knew it;
- 4) the pro forma filing and acceptance of judges' financial disclosure reports;^{196b}
- 5) the participation of other justices in reciprocally covering up their individual and coordinated wrongdoing(jur:71§4) and that of the circuits^{26a} to which they are allotted as circuit justices^{139b; 23b};
- 6) the role of court staff as enforcers of wrongdoing rather than Workers of Justice;
- 7) the state judiciaries by applying, to the appropriate extent, the conceptual framework on which the investigation of the Federal Judiciary rests –i.e., judges' means of unaccountable judicial decision-making power(jur:21§1); the money motive (jur:28§2); and the opportunity to do wrong in millions of practically unreviewable cases(jur:29§3), while taking into account a new element: judicial election as a frequent state method of access to the bench, which has as its corollary the required fundraising to run a campaign and its impact on judges' impartial treatment of parties and faithful application of the law rather than pandering to voters' sentiments;

c. present a petition for the appointment of a special counsel to investigate officially, which includes power of subpoena, everything that the media is asked above to investigate unofficially with only professionally accepted journalistic means of information gathering;²⁴³

²⁴³ Title 28 of the Code of Federal Regulations, Part 600 (28 CFR Part 600); http://Judicial-Discipline-Reform.org/docs/28cfr600_Independent_Counsel.pdf

- d. encourage the audience, the media, and the public to:
- 1) endorse the *I accuse!* manifesto([jur:122§2](#));
 - 2) sign the petition for the appointment of a special counsel;
 - 3) distribute the *I accuse!* manifesto and the petition widely through their websites, by email and social media to all their contacts and to the websites and Yahoo- and Googlegroups that deal with judicial corruption and wrongdoing;
 - 4) ask their political representatives to take a public stand on the *I accuse!* manifesto and the petition and hold town halls on judicial unaccountability, wrongdoing, and reform;
 - 5) blog about those issues;
 - 6) ask for Justice Sotomayor to resign, just as U.S. Supreme Court Justice Abe Fortas was asked to resign for his failure to “avoid even the appearance of impropriety”, and did resign on May 14, 1969([jur:92¶194](#));
 - 7) search for the modern day Senator Howard Baker^{244a}, who became nationally known for asking of every witness at the nationally televised Senate Watergate Committee hearings a question that today would be rephrased thus:

“What did the President and the senators that recommended, endorsed, and confirmed Judge Sotomayor know about her concealment of assets of her own and of the bankruptcy fraud scheme and its cover-up and when did they know it?”

**b. The brochure on judicial wrongdoing:
conceptual framework, illustrative stories, and local versions**

228. The *DeLano*-J. Sotomayor national story can lead right into the Supreme Court and throughout the Federal Judiciary. Hence, it can attract the attention of the public at all levels and of media outlets of all sizes. Its presentation can afford the opportunity to compare it with other stories of wrongdoing in state and local²⁴⁵ judiciaries. This can be done by inviting the public to call in¹

²⁴⁴ **a) fn.106** >HR:257/ent.38; **b)** Similarly, the proposed investigation can inquire into what Justice Kagan knew when she was Solicitor General about J. Sotomayor’s concealment of assets, tax evasion, and cover-up of the bankruptcy fraud scheme; and whether her answers during her own confirmation for a justiceship were truthful and complete; **id.** >GC:61§A

²⁴⁵ Not all states have unified court systems. Although New York does, <http://www.courts.state.ny.us/>, it has village and town courts, city courts, district courts, county courts, NY City Civil Court, NY City Criminal Court, Court of Claims, Family Court, Surrogate’s Court, Appellate Term, Supreme Court, Appellate Division, and the Court of Appeals, which is the highest in the NY court system. See, in particular, NY Practice, 4th edition, David Siegel, Thomson West (2005); and, in general http://west.thomson.com/jurisdictions/default.aspx?promcode=600004P25963SJ&contid=7316346999999&RMID=20110927-CYBER-V9_REACT_DOTS_L369567&RRID=731634699999999&PromType=external and choose the jurisdiction of interest. Even a citizen journalist with limited resources can investigate judicial wrongdoing in his or her local court and elicit considerable public response, for whatever judges do affects people’s property, liberty, and lives.

and by having local professionals comment on the incidence of wrongdoing in their respective judiciary.

229. Local professionals, the public, and the media can be provided with a brochure on coordinated judicial wrongdoing. It can be short, written for laypeople^{246a-d}, and explain^{246e-f} the conceptual and statistical framework(jur:21§A) for understanding such wrongdoing(jur:88§a-d). It can contain real-life stories illustrating categories of wrongdoing in the federal and state judiciaries. It can be widely distributed by digital means as well as in print at the public presentation. Given its availability in digital format, which allows its content to be easily recomposed, the brochure can gradually have a version for each of different judiciaries²⁴⁷ so that the stories in each version can be about ascertained wrongdoing that occurred or is occurring in the respective judiciary. This can heighten the brochure's impact on those currently or potentially most directly affected by the featured stories. Hence, the brochure can be conceived of as the serialization of the *I accuse!* manifesto(jur:122§2). A flier about the brochure and with the link to it can also be distributed at the presentation and similar events.

c. Templates for facilitating people's judicial wrongdoing storytelling and enhancing the stories' comparative analysis

230. The brochure can have templates to facilitate readers' application to their own stories of the brochure's conceptual framework and the storytelling techniques that make its sample stories impactful, relevant, and in compliance with applicable legal requirements of substance and form.

²⁴⁶ Cf. **a)** http://Judicial-Discipline-Reform.org/docs/strategy_expose_judicial_wrongdoing.pdf;
b) http://Judicial-Discipline-Reform.org/docs/judicial_wrongdoing_investigation_proposal.pdf
c) jur:9 and http://Judicial-Discipline-Reform.org/docs/graph_fraudulent_coordination.pdf
d) http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf
e) “[T]he genre of “The Explainer,” [is] a form of journalism that provides essential background knowledge to follow events and trends in the news....The Explainer project aims to improve the art of explanation at ProPublica’s site and to share what is learned with the journalism community. New York University’s contributions will stem from [its] Carter Journalism Institute’s Studio 20 concentration for graduate students, which runs projects on Web innovation. “An explainer is a work of journalism, but it doesn’t provide the latest news or update you on a story,” said NYU Professor Jay Rosen, detailing the concept. “It addresses a gap in your understanding: the lack of essential background knowledge. We wanted to work with the journalists at ProPublica on this problem because they investigate complicated stories and share what they’ve learned with other journalists. It seemed like a perfect match.” “Orienting readers and giving them context has long been a key component of good journalism,” said Eric Umansky, a senior editor at ProPublica....Bringing clarity to complex systems so that non-specialists can understand them is the “art” of the explainer.” NYU Carter Journalism Institute, ProPublica Team Up - “The Explainer”; 1dec10; <http://journalism.nyu.edu/news/2010/fall/nyu-carter-journalism-institute-propublica-team-up-the-explainer/>;
f) <http://Judicial-Discipline-Reform.org/teams/NYU/11-10-24DrRCordero-ProfJCalderone.pdf>

²⁴⁷ Cf. Table of Judicial Ethics Advisory Committees by State; American Judicature Society; http://Judicial-Discipline-Reform.org/docs/state_ethics_committee.pdf

1) Template on detection and investigative method and its application to all those on the ring of wrongdoers

231. A template can set forth a method for non-journalists to detect and investigate several categories of judicial wrongdoing and impropriety²⁴⁸ anywhere or in certain specialized courts or at certain levels of a judicial hierarchy. It can have recommendations on how to expand their investigation to include all the members of the local ring of wrongdoers, that is, from judges to clerks, circuit executive officers, members of the legislature and insiders of the legal system who recommended, endorsed, supported, appointed, nominated, and confirmed those judges, and bankruptcy system insiders, who handle hundreds of billions of dollars³¹ worth of creditors claims, debtors' exemptions, estate appraisal and administration, etc. Ring members establish and tighten relationships among themselves as they capture the power of the courts. They help judges with or for whom they work to turn the money motive into both cash and other benefits in kind. Meanwhile, they keep outsiders from accessing what the courts are supposed to dispense: equal justice by application of the rule of law.
232. Expanding the investigation to encompass all those on the ring of wrongdoers is intended to accomplish two objectives. On the one hand, it puts pressure on incumbent politicians to heed the public's outrage at judicial wrongdoing that holds them responsible for putting in office judges accused of wrongdoing. On the other hand, it alerts their challengers to recognize such wrongdoing as an issue on which incumbents can be fatally vulnerable. This is specially so if challengers can show that the incumbents covered for wrongdoing judges through agreement, knowing indifference, willful blindness, or improprieties.(jur:88§§a-d)

2) Template to facilitate writing brief stories susceptible of comparative analysis

233. Many victims of judicial wrongdoing are pro se or have little or no writing experience or skill. Accordingly, another template can have prescriptive content on how to tell their real life stories of judicial wrongdoing in writing and orally in a meaningful, concise, responsible and verifiable way.²⁴⁹ The template can persuade readers to follow its prescriptions by illustrating them with well told stories and describing the audiences' reaction to their telling.¹ So it can list the key elements that should be included in their stories and the class of documents useful to support them.²⁵⁰ Likewise, it can provide samples of the kinds of comments that should be left out as not within the scope of judicial wrongdoing, irrelevant, unprovable, speculative, exaggerated, extravagant, scurrilous, or potentially defamatory. This should lead to stories that are concise. They would also be brief enough²⁵¹ for their authors to post on blogs in order to call readers' attention

²⁴⁸ Conference of Chief Justices: "Appearance of Impropriety" Must Remain Enforceable in the Model Code of Judicial Conduct [applicable to state judicial officers]; http://Judicial-Discipline-Reform.org/docs/state_appearance_impropriety.pdf

²⁴⁹ Cf. http://Judicial-Discipline-Reform.org/docs/how_to_follow_money.pdf

²⁵⁰ http://Judicial-Discipline-Reform.org/docs/building_record&fact_statement.pdf

²⁵¹ Cf. **a)** http://Judicial-Discipline-Reform.org/docs/Summary_&_synoptic_paragraph.pdf; **b)** http://Judicial-Discipline-Reform.org/docs/summarize_complaint_350words.pdf; and **c)** http://Judicial-Discipline-Reform.org/Follow_money/case_summary.pdf

to ongoing forms of judicial wrongdoing and bring together those that have had similar experiences²⁵². The brevity of stories enhances their submittal by increasing their likelihood of compliance with technical MB size limits and editorial length restrictions. It also favors their odds of getting read at all, for recipients are unlikely to read hundreds of pages of rambling text and court documents in hopes of finding nuggets of useful information or making sense out of them all.

234. The standardization of key story elements improves the feasibility of a comparative analysis that can yield an invaluable result: detection of patterns of wrongdoing. Such patterns may concern the same wrongdoers, types of victims, courts, issues, amount in controversy, timing of events, means of execution, modus operandi, etc. Pattern detection facilitates the understanding of likely underlying wrongful causes and effects shared by stories; of the intentional nature of improbably coincidental acts; and of coordination among story characters. Patterns can allow people to recognize themselves and others as similarly situated judicial wrongdoing victims and prompt them as well as local professionals, blog owners, and citizen and professional journalists to undertake their own investigations of those stories.²⁵³ By so doing, they all contribute to further provoking the public's action-stirring outrage that should energize its demand for judicial accountability and discipline reform while simultaneously supporting the business and academic venture.

3) Templates to request media coverage and to file judicial wrongdoing complaints

235. Another template can describe how to request the media to cover in newscasts, talk shows, and print and digital articles local judicial wrongdoing stories as well as the latest developments in the *DeLano-J. Sotomayor* national story. Thereby it can help story authors and their audience to make the most effective use of the media to impart to the stories an ever greater echo effect that intensifies the outrage that they provoke. That outrage is the indispensable reaction to those that will stir the public into action to demand that incumbents and challengers investigate judicial unaccountability and wrongdoing, hold wrongdoers accountable, and undertake judicial accountability and discipline reform.
236. Yet another template can illustrate the steps for filing a judicial misconduct complaint that complies with the form and substance requirements of the Federal Judiciary²⁵⁴. As local versions of the brochure and templates are produced, templates can provide guidance on complying with the local requirements for filing judicial misconduct complaints.²⁵⁵

²⁵² Cf. http://Judicial-Discipline-Reform.org/docs/disseminate_criticism_misconduct_rules.pdf

²⁵³ Cf. http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

²⁵⁴ **a)** Rules For Judicial Conduct and Disability Proceedings [on complaints against federal judges], Judicial Conference of the U.S.; 11mar08; http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf; But see **b)** http://Judicial-Discipline-Reform.org/docs/new_rules_no_change.pdf and **c)** http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf

²⁵⁵ Cf. **a)** http://Judicial-Discipline-Reform.org/Follow_money/complaint_advice.pdf and **b)** http://Judicial-Discipline-Reform.org/docs/complaint_steps.pdf; **c)** For a list of state judicial conduct authorities see http://www.ajs.org/ethics/eth_conduct-orgs.asp

237. As offspring of the *I accuse!* manifesto(jur:122§2), the brochure and its templates can in turn be conceived of as prototypes of, and advertisement for, the writing seminars and classes that in due time the proposed venture can offer²⁴² as it pursues its business mission both to prepare a class of professional advocates of judicial accountability and discipline reform and to educate the public on how to defend our democratic life by subjecting judges to the control of “*We the People*”, of whom they are public servants.

d. Collection of stories for the Annual Report on Judicial Unaccountability and Wrongdoing in America

238. Another incentive(cf. jur:129¶233) can prompt judicial wrongdoing victims as well as the rest of the public to follow the templates. It can be furnished by announcing that the most representative stories whose reliability has been ascertained to the satisfaction of the investigative reporters and whose exemplary or informative value makes them outstanding will be included in the latest version of the constantly updated brochure. The most outrageous stories can be developed into books by either the victims themselves or the investigative reporters and published under the imprint of the joint venture.²⁴² In addition, victims’ summaries of their stories can provide the basis for the more formal and ambitious *Annual Report on Judicial Unaccountability and Wrongdoing in America*.^{256a} *How an outraged people turned into a movement*^{256b} *for Equal Justice Under Law*.

e. Legislative proposal to ensure judicial accountability and discipline

239. The investigative reporters can use the public presentation to explain to the media and the public the content and nature of judicial accountability and discipline reform. To that end, they can identify what needs to be eliminated from the system governing the Federal Judiciary and outline what needs to be introduced therein:

- a. The law^{18a} that established the current system of self-policing in the Federal Judiciary must be repealed, for it is an inherently self-serving buddy system of judges judging judges who are their friends and colleagues. Their bias toward their own dooms undermines the system’s trustworthiness and renders it incapable of attaining its objective. It has the pernicious defect of allowing judges, in expectation of reciprocal treatment, to dismiss systematically all complaints against their peers for wrongdoing, even such that has become gross, habitual, and widespread through coordination. Hence, it provides motive for judges to prejudge their peers’ wrongdoing as harmless, which gives rise to the pervert assurance of risklessness that renders wrongdoing so irresistible as to make it inevitable.
- b. In keeping with Justice Lewis D. Brandeis’s dictum “Sunshine is the best disinfectant”²⁵⁷, the judicial councils and all sessions of the judicial conferences of the circuits as well as the Judicial Conference of the U.S. must be open to the public.²⁵⁸ Making the Federal

²⁵⁶ a) fn.231 >7§f; and b) jur:149§4

²⁵⁷ http://Judicial-Discipline-Reform.org/docs/DrRCordero_proposal_synopsis.pdf

²⁵⁸ a) On a failed attempt to do so see bill S.1873, passed on October 30, 1979, and HR 7974,

Judiciary's internal functioning and its administration of justice open and transparent will substantially reduce the darkness of secrecy under which its judges engage in coordinated wrongdoing and cover-ups. Would anyone consider even for a nanosecond that it would be democratic to allow Congress to hold all its sessions behind closed doors, never to allow the media at cabinet meetings or the Oval Office, and to close down the White House press room because neither the president nor his aides would ever again hold press conferences or meet with journalists? Why is the Federal Judiciary allowed to engage in the equivalent conduct?

- c. All procedural and internal operating rules proposed for national application or for local courts must be widely announced; comment must be requested; all comments submitted by judges and the public must be made easily available to the public on all court websites and in the clerk of court offices and other official websites([jur:133§f](#)); and a rule must not be adopted which receives a majority of negative comments from the public.
- d. The use of summary orders, which makes possible unaccountable, arbitrary, and lazy disposition of cases even without reading²⁵⁹ their briefs and motions, must be prohibited. Judges must be required to provide their reasons in writing for their decisions, orders, and rulings, which must be precedential and citable in any other case. This is intended to prevent judges from issuing ad hoc fiats of abusive raw power that put an end to what in effect is a star chamber proceeding.⁶⁷
- e. The sealing of court records by judges must be prohibited because justice abhors secrecy and the abuse that it breeds so that it requires that its administration be public. However, all the parties to a case may jointly apply to a judge other than the judge presiding over the case for specific language, numbers, and certain personally and commercially sensitive information to be redacted in accordance with a set of national rules adopted for that purpose. The fundamental principle underlying those rules should be that the judge deciding on the application must take into account not only the interest of the parties, but also any sign of undue pressure by one party on the other to agree to the redaction as well as the right of the public to know all the facts of the case at bar so as to determine whether "Equal Justice Under Law" is being or was administered.
- f. All members of the Federal Judiciary, including judges, clerks, other administrative personnel, and all other employees, must be duty-bound to report to both the citizen board of judicial accountability and discipline([jur:133§f](#)) and the Oversight and Government Reform Committee of the U.S. House of Representatives²⁶⁰ any reasonable belief that:

passed on September 15, 1980, entitled The Judicial Councils Reform and Judicial Conduct and Disability Act of 1980; Congressional Record, September 30, 1980; 28086; http://Judicial-Discipline-Reform.org/docs/Jud_Councils_Reform_bill_30sep80.pdf. **b)** The Reform part of the bill included a provision for opening the councils, but was excluded from the version that was adopted; 28 U.S.C. §332(d)(1), [fn.143](#). **c)** The Conduct and Disability part of it as adopted is at [fn.18a](#).

²⁵⁹ **a)** [fn.65b](#); **b)** [fn.118c](#) >CA:1749§2;

²⁶⁰ **a)** <http://oversight.house.gov/>; **b)** The members of the Senate Judiciary Committee, in particular, and those of the Senate, in general, who voted for or against the confirmation of a presidential nominee for a judgeship are unlikely to review with sufficient impartiality any materials that subsequently may be submitted to them and lead to disciplinary action,

- 1) any member of the Judiciary or other third party related to the business of the courts or to any Judiciary member may have violated or may be violating or preparing to violate any constitutional, statutory, or ethical provision or may have engaged or may be engaging or preparing to engage in any impropriety; or
- 2) an investigation should be undertaken to determine whether such may be the case.¹²⁵ (While the devil is in the detail, the intent of the whole is divinely lucid: to replace wrongdoing-fostering, mutual survival-ensuring reciprocal cover-ups with the inside court duty and outside court information to hold judges individually and collectively accountable.)

f. Creation of a citizen board of judicial accountability and discipline

240. A citizen board of judicial accountability and discipline must be created through legislation to act as a jury of judges' layperson "peers" with the investigative and reporting duty and subpoena power of a grand jury and the fact-finding duty and sentencing power of a petit jury.

1) Qualifications for membership

241. To ensure its independence and avoid conflict of interests, its members must not be or have been members of any federal or state judiciary or otherwise related to it; not be appointed by any judge or justice; not be practicing lawyers or members of a law firm, law school or law enforcement agency or justice department; not be affiliated to any political party; not be appointed to any position in, or be hired by, any judiciary within nine years of termination of employment on the board.

2) Nominating entity

242. Board members may be recommended by public interest entities, for nomination by the House of Representatives Oversight and Government Reform Committee and confirmation by the whole House.²⁶⁰

3) Open and transparent operation

243. The board must operate openly and transparently, and to that end, it must:

- a. hold all its meetings in public both at physical venues reasonably calculated to be most

let alone the impeachment and removal, of the nominee-turned-judge, lest they impugn their own good judgment for confirming, or strive to justify their opposition by finding at fault, him or her. Hence, the discipline of federal judges should be a constitutional 'check and balance' exercise performed by the U.S. House of Representatives, but not by its Committee on the Judiciary for similar reasons of partiality due to previous dealings with the Judiciary and its judges. Consequently, judicial discipline should be entrusted to another House committee, such as its Oversight and Government Reform Committee.

easily accessible to the media and the largest number of people concerned by the matter at hand and by streaming the meeting live on the Internet;

- b. provide in writing reasons for each of its decisions, which to be effective must be entered in the public record on its website and at its main and subsidiary offices where it conducts business;
- c. publish a report of its activities at least every six months and make it available to the public by posting it on its website, emailing it to all courts and all subscribers, and making it available at its offices;
- d. include in the report:
 - 1) a statement of facts about its activities;
 - 2) statistical tables showing the number of complaints received distributed into categories, and the time taken for, and nature of, their disposition;
 - 3) an analysis of patterns and trends of the types and conduct of complainants and the complained-about; and
 - 4) recommendations for statutory or regulatory action appropriate to ensure that:
 - a) judges, justices, and other officers of the Federal Judiciary, as public servants, meet their duty to observe conduct that is open, transparent, and in compliance with applicable legal and ethical requirements; afford all litigants due process of law; and adopt all necessary measures to make process accessible to most people, expeditious, and at the least cost possible;
 - b) the public gain a realistic perception that the Judiciary and its officers meet their duty and that justice is not only done, but is seen to be done;
- e. make the report available on its website and offices for two weeks to allow time to be read;
- f. present the report in the third week at a public conference, held each time in a different place of the country reasonably chosen to attract the largest number of people, where the presenters answer questions from the on-site and online public;
- g. attach to the report the documents that support its findings, analysis, and recommendations as well as those that contradict, diverge from, or cast doubt on them;
- h. publish on its website and make available at its offices all complaints and their accompanying documents, and documents obtained in the course of investigations and do so to the same extent to which civil and criminal complaints are publicly filed, without redacting them, except that some redactions may be made if in compliance with published redaction guidelines that aim to:
 - 1) protect complainants from retaliation and potential witnesses from intimidation;
 - 2) prevent identity theft;
 - 3) ensure that complainants are not discouraged from filing in good faith responsible complaints and other documents and instead are encouraged to file them in the future;
 - 4) prevent the impairment of investigations yet to be started or that are ongoing;

- i. give notice of proposed redaction guidelines and opportunity to submit comment thereon, and make public on its website and at its offices such notice, the proposed and adopted guidelines, and the comments;
- j. hold at least once a month a press conference open to on-site and online public where the several members of the board simultaneously in different parts of the country reasonably chosen to give the opportunity to different types of communities to ask questions of the presenters and be informed by them of the board's mission and activities.

4) Board powers

244. The citizen board must be empowered to:

- a. receive for the public record complaints against justices, judges²⁶¹, magistrates, law clerks, clerks of court²⁶², court reporters²⁶³, circuit executives²⁶⁴, and administrative employees, and investigate them
- b. proceed also on the basis of information received other than through a complaint;^{265a}
- c. exercise full subpoena power for the appearance before it of any member of the Federal Judiciary and any other third party, and the production of documents and other things by any of them;^{266a-b}
- d. hold hearings, which must be open to on-site and online public after adequate public notice on its website and at its offices, and take sworn testimony;
- e. develop a constantly updatable code of conduct for members of the judiciary by codifying the controlling principles of its decisions as prescriptive rules that clearly establish standards of conduct generally applicable to all judges, thus providing judges and the public with reliable guidance on what constitutes and does not constitute complainable conduct, which can prevent a repeat of such conduct and assist in determining whether a given conduct gives rise to a complaint; before incorporation in the code, these rules must be published for on-site and online public comment and all comments, whether by members of the Judiciary or anybody else, must be made public

²⁶¹ **a)** http://judicial-discipline-reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf and fn.119, 147; **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero-4recuse_CJWalker_04.pdf

²⁶² Cf. **a)** http://Judicial-Discipline-Reform.org/docs/complaint_to_Admin_Office_28jul4.pdf; **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero-CA2_clerks_wrongdoing_15may4.pdf

²⁶³ http://Judicial-Discipline-Reform.org/docs/DrCordero_to_JConf_CtReporter_28jul5.pdf;

²⁶⁴ http://Judicial-Discipline-Reform.org/docs/DrRCordero-2CirExecKGMilton_mar4.pdf

²⁶⁵ Cf. **a)** fn.18a >§§351(a) and 354(b)(2); **b)** fn.237

²⁶⁶ **a)** fn:18a >§356; **b)** fn.258b >§331 4th ¶, and §332(d)(1); **c)** cf. http://Judicial-Discipline-Reform.org/docs/28usc291-297_assign_judges.pdf. A state citizen board could be empowered to transfer a judge to another type of court, e.g., from surrogate to traffic court, or to limit the types of cases assigned to the judge, e.g., no longer family or divorce cases.

on its website and at its offices;

- f. receive originals of comments from both members of the public and of the Judiciary and copies from the Judiciary on any rule, appointment, or other matter on which the Judiciary has requested comments and make them available to the public on its website and at its offices.
- g. impose disciplinary measures on judges, such as the designation and assignment to another court^{266c}; the limitation to hearing only certain types of cases, e.g., no longer criminal or bankruptcy cases; the non-assignment of new cases until pending cases have been disposed of through reasoned opinions within a certain time;
- h. order the payment of compensatory, consequential, and punitive damages by judges and/or the Judiciary for the loss or injury caused or allowed to be caused to victims of judicial wrongdoing;²⁶⁷
- i. recommend on the basis of information that it has obtained from any source that any judge or justice, as any other public servant, be criminally or civilly prosecuted by a federal or state law enforcement authority; be disbarred by the competent state authority and/or impeached and removed by Congress.

5) Review of board decisions

245. Board decisions can be appealed only to a panel of the House Oversight and Government Reform Committee, whose decision may be appealed to the Committee.

g. Establishment of an inspector general for the Federal Judiciary

246. An inspector general of the Federal Judiciary (I.G.J.) must be established and²⁶⁸
- a. should be as independent as the members of the citizen board([jur:133¶1](#));
 - b. the board must have the exclusive right to nominate a candidate for I.G.J. to the House Oversight and Government Reform Committee for confirmation by the whole House;

²⁶⁷ Just as House Representatives can be fined for misconduct, so should judges be. They too should be liable to pay ‘restitution’ and other forms of compensation to those that they harm or from whom they have taken wrongfully. Cf. “The House may also punish a Member by censure, reprimand, condemnation, reduction of seniority, **fine, or other sanction determined to be appropriate**....Some standards of conduct derive from criminal law. Violations of these standards may lead to a fine or imprisonment, or both. In some instances, such as conversion of government funds or property to one’s own use or false claims concerning expenses or allowances, the Department of Justice may seek **restitution**.” (emphasis added) House Ethics Manual, p.3; <http://ethics.house.gov/>; See also Rules of the House Ethics Committee, Rule 24 Sanction Hearing and Consideration of Sanctions or Other Recommendations; <http://ethics.house.gov/about/committee-rules>. These and other documents of the House Ethics Committee are collected at http://Judicial-Discipline-Reform.org/docs/HR_Ethics_Manual_Rules_Code.pdf

²⁶⁸ Cf. **a)** http://Judicial-Discipline-Reform.org/docs/Sen_Sensenbrenner_on_Judicial_IG.pdf;
b) http://Judicial-Discipline-Reform.org/Follow_money/S2678_HR5219.pdf

- c. charged with the duty to investigate the administration of the Federal Judiciary by its courts; the councils and conferences of the circuits; the Judicial Conference of the U.S.; the Administrative Office of the U.S. Courts; any other similar body or officer appointed by any such body; and their utilization of the funds that they manage from whatever source they may come, whether it be congressional appropriations, court fees, or wrongdoing engaged in by a judge, any other employee of the Judiciary, or any third party;
- d. empowered to exercise full subpoena power for the appearance before it of any member of the Federal Judiciary and any other third party, and the production of documents and other things by any of them; and to enter without notice upon any premise of the Judiciary, any third party under its control or warehousing, archiving or otherwise holding any documents or other things produced or obtained by or entrusted to the Judiciary or by it to any third party; and with notice upon any premise of any other third party for inspection and discovery;
- e. empowered to recommend on the basis of information that it has obtained from any source that any judge be criminally or civilly prosecuted by a federal or state law enforcement authority;
- f. required to operate openly and transparently as the citizen board, mutatis mutandis, is(jur:133¶3).

h. Creation of an institute of judicial unaccountability reporting and reform advocacy

247. The business and academic venture²⁴² includes the creation of a for-profit institute of judicial unaccountability reporting and reform advocacy²⁴¹.

1) Purpose

248. The purpose of the institute is to act as:

- a. an investigative journalist that detects, investigates, and exposes concrete cases of judges' unaccountability and their participation in, or toleration of, wrongdoing engaged in individually or in coordination among themselves and with third parties, such as law and court clerks, lawyers, bankruptcy professionals¹⁶⁴, litigants, politicians, and other enablers and beneficiaries of judicial wrongdoing;
- b. clearinghouse of complaints about judicial wrongdoing by any person who wants to exercise his or her constitutional right to "freedom of speech[, of the press[, and] the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"²⁶⁹ by sending to the clearinghouse a copy of the complaint that the person filed with the competent federal or state authority or sending the complaint original only to the clearinghouse for analysis, information about judicial wrongdoing, and comparison

²⁶⁹ First Amendment to the U.S. Constitution; http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf

with other complaints that may allow the detection of patterns, trends, and coordination, and possible publication and investigation by the institute;

- c. prototype of a citizen board of judicial accountability and discipline(jur:133§f) that through its journalistic investigation of both complaints against judges received from the public and information about judicial wrongdoing otherwise obtained as well as the exposure of its findings of judges' wrongdoing, impropriety, appearance of impropriety, or criminal activity can justify its call for their resignation or official investigation by the U.S. Department of Justice and the FBI, and Congress, or their state counterparts ; and
- d. public advocate, lobbyist, consultant, and litigator for both effective legislation on judicial accountability and discipline reform, and the establishment of a citizen board of judicial accountability and discipline and of an inspector general for the Federal Judiciary as key instruments for enforcing such legislation and implementing the reform.

2) As researcher

249. As researcher, the institute will conduct advanced information technology research, such as the use of artificial intelligence to develop and run the algorithms of computer-based expert systems that can detect judicial wrongdoing and predict judicial decision-making. For instance, artificial intelligence can drive software capable of performing literary and linguistic forensic analysis of judges' past decisions to reveal their biases, prejudices, values, and patterns of conduct. Such software can perform court decision auditing. Such audit can be the supporting process of two main products:

- a. a new kind of justice administration tool for evaluating judges' fairness and impartiality, exposing their wrongdoing, and exercising judicial accountability and discipline.
- b. a litigation outcome predictor for lawyers, their clients, and the ever growing class of pro se litigants that assesses the statistical probability of a judge's making similar decisions in the case at bar as she did in past ones as a result of the presence or absence in the case of elements that have proven to be highly correlated to her decision-making and thus, of assessing the chances of a party winning or losing because of that judge in the case and in turn of going or not going into litigation and of moving for the judge's recusal based on objective data and its statistical analysis. This judicial behavior predictive feature can reasonably be expected to render the product commercially attractive and make money for its developers and sellers.

250. The institute's research program would include the following²⁷⁰:

- a. computer-based literary forensics, which looks basically to determine authorship through the idiosyncratic use of language of each individual; and, to that end, compares the judges' orders; opinions published in official court reporters and those only issued to the parties; letters; articles in law journals and newspapers of more or less reputation; books; etc., and his clerks' letters, memos, and other writings, in order to establish:
 - 1) whether the judge or a clerk, who may have just graduated from law school, wrote

²⁷⁰ Cf. http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_proposal_synopsis.pdf

- the text in question;
- 2) the nature and amount of judicial authority delegated to clerks, which goes to the issue whether a clerk should through his research or legal thinking:
 - a) decide a thorny or novel legal issue;
 - b) create or depart from precedent;
 - c) dispose of the property, liberty, or lives of litigants; their medical, parental, privacy, stockholder, voting, and similar rights; affecting even substantially or dramatically their livelihoods or their opportunity, means, and manner relating to his doing business;
 - 3) whether it was a or the factor determining whether the decision was marked “not for publication” or “not precedential”(jur:43§1);
 - 4) what the judge was doing to earn his well-above the average income salary when his clerks were exercising delegated judicial authority;
- b. computer-based linguistic forensics, which is much more subtle, as it looks to draw up a person’s psychological profile with behavioral predictive value on the basis her use of written and spoken language in all available instances in the past and in the particular instance of the case at bar. Such psychological profile:
- 1) is composed of her long term personality and short term state of mind;
 - 2) reveals the emotional range of her temperament; her qualitative, positive or negative, value of her attitudes; the quantitative intensity of her biases; the temporality of her opinion formation and susceptibility to the presentation of evidence that point to her prejudices; patterns of logical thinking and decision-making; and system of moral and ethical values:
 - 3) is affected by subject matter; people referred to; social standing; academic background; public opinion; politics; race; religion; sexual orientation; wealth; nature or lack of employment; those with physical or mental disability; age; professional standing; managerial authority; precedent and personal reputation of legal authority; scientific, mathematical, and statistical evidence, opinion, and arguments; etc.;
 - 4) shows a preference for richly or scantily detailed presentation of evidence and theories of the case;
 - 5) affects her decisions on admissibility of, and weight of credibility accorded to, testimonial, physical, and circumstantial evidence;
 - 6) indicates laziness or hard-working ethos; lack or abundance of self-confidence; ego and integrity that determine her propensity to:
 - a) remain in the safety zone of precedent;
 - b) depart or overturn precedent;
 - c) accept or reject new legal theories and the request to create new rights;
 - d) uphold or strike down the constitutionality of a law;
 - e) accept a proposed brief with an innovative argument that she may

incorporate in her opinion or law journal article to make it appear as her own and be given credit for it as if it were such or ignore it in reliance on her own intellectual capacity and out of pride in her own intellectual accomplishments;

- 7) impacts the leniency or harshness of her decisions;
- c. factors for measuring the impact of a judge's extrajudicial activities on his judicial ones:
- 1) the higher a judge's number of articles and books published as a private person and the amount of time dedicated to researching and writing them, and participating in judicial committees and non-judicial committees and activities, such as teaching courses, moot court judging, speech making, attendance at seminars, conferences, and meetings of boards of charities, universities, law schools, and other entities, etc.,
 - 2) the higher the number of the judge's summary orders and "not for publication" and "not precedential" decisions(jur:43§1), and
 - 3) the lower the judge's statistical:
 - a) *factor of administered justice*, which expresses the number and quality of reasoned decisions satisfying the need for "Justice...manifestly and undoubtedly [to] be seen to be done"⁶⁹; and
 - b) *factor of judicial service rendered*, which expresses the time dedicated to the judicial activities for which the judge is compensated by the taxpayer with a salary in the top 2% of income earners in our country¹⁹⁵;
- d. comparison of a judge's number, amount of time, and factors of administered justice and of judicial service rendered with the corresponding averages for all judges;²⁷¹
- e. court opinion auditing through statistical correlation between the variables in cases or motions, those found in individual judges and groups of them, and whether their decisions are favorable or unfavorable and the nature, severity, amount, or duration of any conditions imposed; the correlating variables can be found in existing or to be built:
- 1) databases, such as:
 - a) dockets,
 - b) statistical reports,
 - c) judges' calendars;

²⁷¹ A similar statistical exercise is performed by the Administrative Office of the U.S. Courts in determining "weighted filings" "Under this system [of weighted filings], average civil cases or criminal defendants each receive a weight of approximately 1.0; for more time-consuming cases, higher weights are assessed (e.g., a death penalty habeas corpus case is assigned a weight of 12.89); and cases demanding relatively little time from district judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.10)." 2008 Annual Report of the Director of the Administrative Office of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness2008.aspx> >PDF version and also Judicial Business >pp. 23 and 38; and http://Judicial-Discipline-Reform.org/docs/AO_Dir_Report_08.pdf >23 and 38.

- d) judicial financial disclosure reports^{196a};
 - e) property registries²¹³;
 - f) registries of time share property such as condominiums and water vessels;
 - g) department of vehicles registration;
 - h) registries of water vessels and aircraft;
 - i) rosters of marinas, airports, and landing strips that register docking, maintenance services, and landing rights;
 - j) membership in clubs, charity boards, and law school committees;
 - k) high school yearbooks and records of college and alma matter law school;
 - l) school where an adjunct professorship is or was held;
 - m) previous private or public sector positions;
 - n) honorary titles and memberships; etc.,
- 2) patterns of judicial events, e.g.:
- a) the signing of summary orders just before or after a judge goes on holiday, receives medical treatment, attends a seminar or a judicial conference, etc.;
 - b) handling of recusal motions;
 - c) granting or denying of bail, its amount, and imposition of other conditions restricting movement to a house, a geographic area, the wearing of an electronic bracelet; etc.;
- 3) the winning or losing of parties and:
- a) their wealth as well as the deciding judge's or panel judges';
 - b) their pro se or counseled status, and if the latter, whether representation was provided by a solo practitioner or a small, medium, or large law firm capable or with a history of appealing the judges' decisions;
 - c) their race, sexual or political orientations, religion, area of residence, occupation, nationality, etc.;
- 4) similarities between the investment portfolios of the judges of a court;
- 5) attendance at seminars, conferences, and political meetings and:
- a) relation to their organizers' political leanings or economic status;
 - b) participation in fundraising;²⁷²

²⁷² In light of mounting reports of improper conduct by U.S. Supreme Court justices, such as JJ. Scalia, Thomas, and Alito, Congressman Chris Murphy and 42 other members of the US HR call on the House Judiciary Committee to hold hearings on HR 862, the Supreme Court Transparency and Disclosure Act, which aims to subject the justices to the Code of Conduct for U.S. Judges^{118a}; to require that justices state their reasons for granting and denying motions that they recuse themselves from hearing certain cases; and to require the Judicial Conference of the U.S. to draw up a procedure for reviewing such denials; [http://Judicial-](http://Judicial-Discipline-Reform.org/2012_E/DrRCordero_jud_unaccountability_reporting.pdf)

- c) changes in investment portfolios and other items of personal and family wealth;
- f. legal analysis to determine judicial writings' and events' consonance with, or disregard of, the rule of law or their biases, whether shown by one judge or reflective of the attitude of the judges of a court or the class of judges;
- g. interviews with people for inside information about judges, clerks, their relation to insiders, etc., initially concerning the Federal Judiciary and progressively state judiciaries too;
- h. use of facial recognition software to match photos in yearbooks, newspapers, the Internet, in court publications, taken at interviews and other meetings, etc., to establish the identity of people that may have legally changed their names or assumed new names to hide their identity, which may reveal the members in the judges' social circles and help draw up the sociogram showing the flow of influences²⁷³;
- i. opinion polls and surveys;
- j. computer and field search for evidentiary documents concerning wrongdoing, including:
 - 1) unreported trips²⁷⁴ or attendance to seminars;
 - 2) non-disclosed receipt of gifts;²⁷²
 - 3) refusal to recuse so as to prevent discovery of wrongdoing or advance an improper interest;^{273b}
 - 4) hidden assets and money laundering;

Discipline-Reform.org/docs/HR_SCT_ethics_reform_9sep11.pdf

²⁷³ **a)** The spectacular finding of a photo showing a state justice socializing at a posh seashore resort in southern France with a party who had contributed over \$3 million to his judicial race and who subsequently won a case before him where scores of millions of dollars were at stake led to litigation all the way to the Supreme Court and to vacating the decision in favor of that party; *Caperton v. Massey*, slip opinion, 556 U. S. __ (2009), http://Judicial-Discipline-Reform.org/docs/Caperton_v_Massey.pdf.

b) The Supreme Court has indicated that recusal does not require proof of actual bias, but rather a showing of circumstances “in which experience teaches that the **probability** of actual bias on the part of the judge or decision-maker is too high to be constitutionally tolerable.” (emphasis added) *Withrow v. Larkin*, 421 U.S. 35, 47 (1975).

c) In *Caperton* it “stressed that it was not required to decide whether in fact [the judge] was influenced [by one of the litigants]. The proper constitutional inquiry is whether sitting on the case then before [him] would offer **a possible temptation** to the average judge to lead him not to hold the balance nice, clear and true...[where] the probability of actual bias rises to an unconstitutional level [recusal is required].” (internal quotations omitted; *Caperton*, pages 8-9, 16) “Circumstances and relationships must be considered.” (id., 10); **d)** See also [fn.274](#)

²⁷⁴ Chief Judge Hogan, chair of the Executive Committee of the Judicial Conference of the U.S., admits that some judges fail to report trips and to recuse themselves despite having investments in companies that are involved in cases before them; http://Judicial-Discipline-Reform.org/docs/J_Hogan_JudConf_Exec_Com_aug8.pdf

- 5) other forms of illegal activity that support civil or criminal charges;
- k. establishment and operation of an 800 hotline number for reporting judicial wrongdoing and receiving other investigative tips.

3) As educator

251. As educator, the institute will journalistically explain^{246e} to the public, in general, and *common-purpose entities*([jur:144¶253a](#)), in particular:

- a. the forms that their unaccountability and wrongdoing take and the ways in which they manifest themselves;
- b. the means, motive, and opportunity for judges to do wrong;
- c. their harmful impact on litigants, the public, and government by the rule of law;
- d. the *conceptual and practical resources* to bring about judicial accountability and discipline reform, such as:
 - 1) democratic and ethical values, policies, and strategies, and
 - 2) their implementing interactive multimedia and live educational, advertising, coalition-building, and lobbying activities and campaigns,
 - 3) methods for evaluating practices, identifying the best, training in their application, and applying them;
 - 4) development and training in the use of software applications; interactive multimedia and social networking tools and techniques; and equipment;
 - 5) organization and teaching of seminars and courses on:
 - a) basic writing skills;
 - b) legal research and brief and article writing;
 - c) complaint storytelling;
 - d) investigative²⁷⁵ and ‘explainer’^{246e} journalism;
 - e) forensic investigation and deposition taking;
 - f) book editing, publishing, and marketing;
 - g) public speaking and advocacy;
 - h) coalition building;
 - i) legislative lobbying;
 - j) documentary production;
 - k) conference organization and administration;
 - l) grant writing;

²⁷⁵ http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf

- 6) organization of meetings and conferences to develop, share, and integrate conceptual and practical resources.

4) As publisher

252. As publisher, the institute would engage in:

- a. development and web publishing of an electronically accessible knowledge database of judicial unaccountability and wrongdoing that contains:
 - 1) descriptions of their manifestations;
 - 2) complaints about judicial wrongdoing;
 - 3) cases on point that have been decided or are pending;
 - 4) the record and position of incumbent politicians, candidates for political office, and law enforcement officers on investigating, exposing, and disciplining wrongdoing judges;
- b. production and sale of news, newsletters, tipsheets, articles, books, programs, and documentaries;
- c. their publication on its own and third-party websites, newspapers, magazines, TV and radio programs, movie theaters, and other digital and electronic media;
- d. research, writing, and publication of the Annual Report on Judicial Unaccountability and Wrongdoing in America: How an outraged people turned into a movement for Equal Justice Under Law([jur:131¶238](#)).

5) As leading advocate

253. As leading advocate of judicial accountability and discipline reform, the institute will endeavor to:

- a. unite in a coalition and then develop into a national movement, victims of judicial wrongdoing and *common-purpose organizations*, that is:
 - 1) entities that complain about judicial wrongdoing;
 - 2) those that act as watchdog of the whole government or only the judiciary;
 - 3) those that can offer legal aid to complaining individuals and entities; and
 - 4) those willing to contribute funding, technological, journalistic, and investigative know-how, logistics, advertising, and means to lobby incumbents and candidates for political office;
 - 5) nascent movements of protest against unequal wealth distribution and abuse by banking, mortgage, and other large institutions;
- b. lead:
 - 1) the development with them of conceptual and practical resources([jur:143¶251d](#));

- 2) the organization of implementing activities and campaigns, such as advertising, public advocacy, lobbying, and litigation, to achieve the common purpose (jur:137§1); and
- c. compile and maintain rosters of:
 - 1) common-purpose organizations;
 - 2) people likely to have experienced or witnessed judicial unaccountability and wrongdoing; and
 - 3) attorneys willing to assist pro bono or for a fee victims of judicial wrongdoing.

6) As for-profit venture

254. As a for-profit venture, the institute will finance its activities or those of others through:
- a. sale of its statistical and investigative research, reports, publications, and documentaries;
 - b. joint ventures and partnerships with media outlets, educational entities, investigative and publishing companies, government agencies, and nonprofit organizations;
 - c. fees for enrollment in its seminars and courses, and attendance to its conferences;
 - d. fees for its advocacy, consulting, and litigation services for individual or class clients;
 - e. subscriptions to its database of judicial unaccountability and wrongdoing;
 - f. donations received in response to the likes of passive “donate” web button requests on its website and the active request to the public in live programs and one-on-one contacts made during donation drives;
 - g. support in cash and in kind from its alumni.

7) As seeker and maker of grants

255. The seed money for the venture or complementary source of funds for its general or specific activities can come from common-purpose organizations(jur:144¶253a), as well as entities known to make philanthropic grants to others engaged in investigative journalism and certain public service endeavors -some entities facilitate contacting those that make such grants- such as:

- | | |
|--|---|
| 1) Adessium Foundation | 9) Entertainment Industry for Peace and Justice |
| 2) Annie E. Casey Foundation | 10) Eugene and Agnes Meyer Foundation |
| 3) AT&T Foundation | 11) Ford Foundation, providing funds as part of its Public Media Initiative |
| 4) Benton Foundation | 12) Ford Foundation's Independent Documentary Fund |
| 5) Bill and Melissa Gates Foundation | 13) Freedom Forum |
| 6) Carnegie Foundation | 14) John D. and Catherine T. MacArthur |
| 7) Council of Foundations | |
| 8) David and Lucile Packard Foundation | |

- | | |
|---|------------------------------------|
| Foundation (provides fellowships) | 24) Oak Foundation |
| 15) The John S. and James L. Knight Foundation: based in Miami, funds efforts to enhance journalism and the functioning of American communities | 25) Omidyar Foundation |
| 16) Kohlberg Foundation | 26) Open Society Foundations |
| 17) McCormick Tribune Foundation | 27) Packard Foundation |
| 18) Microsoft Foundation | 28) Park Foundation |
| 19) National Endowment for the Arts | 29) Pew Charitable Trusts |
| 20) National Press Foundation | 30) Public Welfare Foundation |
| 21) New America Foundation, part of a cohort of academics and journalists exploring the future of journalism, and its Media Policy Initiative | 31) Richard Driehaus Foundation |
| 22) New America Media | 32) Robert Wood Johnson Foundation |
| 23) Nieman Foundation, Harvard | 33) Rockefeller Foundation |
| | 34) Sandler Foundation |
| | 35) Surdna Foundation |
| | 36) Wallace Genetic Foundation |
| | 37) Waterloo Foundation |

256. The institute will also engage in grantmaking to common-purpose organizations([jur:144¶253a](#)).

257. Before the end of the presentation, the presenters can announce the next event on judicial unaccountability reporting and the formation of the business and academic venture, thus signaling a planned and sustained effort to promote its launch.

i. The set of professional skills needed in the multidisciplinary team of the academic and business venture

258. It is a wide set of skills that the academic and business venture will need to perform the above-described activities in its more mature phase, that is, as an institute of judicial unaccountability reporting and reform advocacy. The entry into, and in-house performance of, all those activities will be progressive, of course, as happens whenever a new entity with a complex mission is formed, funds are hard to come by, and their allocation has to be very pragmatic. Progress will be made along the steps of an ambitious yet well-laid out prudent and affordable plan of development flexible enough to take into account ever-changing internal and external realities. So, it is useful to identify the professional skills needed by the people that will be called upon both to devise and implement the plan.

1) Venture activities requiring professional skills

259. The fundamental skills that the venture needs are in the areas of the law, journalism, business, and social sciences. Therefore, the venture promoters welcomes inquiries from professionals that can multitask at a high level of proficiency in the largest number of the following activities:

- a. legal, economic, corporate, and news and social networks research and analysis;

- b. computer forensics;
- c. database correlation;
- d. literary and linguistic forensics²⁷⁶;
- e. fraud & forensic accounting and auditing;
- f. statistics;
- g. business management, psychological, and sociological analysis of close-knit groups and its members as they interact among themselves and with others driven by a 'black robe family first' and 'code of silence we-they' mentality;
- h. public integrity and law ethics;
- i. investigative journalism's techniques for interviewing and developing sources;
- j. private investigators' personal and technical surveillance techniques;
- k. nonviolent civic action planning and deployment²⁷⁸ in conjunction with social media as a means of spreading a message, shaping public opinion, and galvanizing people into action;
- l. good writing, creative non-fiction, and self-editing;
- m. mass communications techniques for designing a public message and implementing a public relations campaign;
- n. multimedia and marketing techniques for the life presentation, packaged distribution, and sale of research products and services;
- o. public speaking and advocacy, and lobbying;
- p. multidistrict, class action, federal/state, constitutional law litigation;
- q. fundraising.

2) University students as high quality assistants to the venture team

260. There is no doubt that the venture needs seasoned professionals with advanced knowledge and rich experience in the activity in which they are supposed to take a leading role as part of the venture team. However, the venture can also benefit significantly from the assistance that it can receive from a special group of promising and enthusiastic people: university students, particularly those in graduate schools. Though still acquiring knowledge and having little experience in the venture-related activity in which they can work, they bring with them a set of mindframe and attitudes of great value: a need to prove to themselves and others what they are worth; the determination to meet that need by striving relentlessly for excellence; the capacity to take on with masochist gusto excruciating pressure in competition with themselves and others; and the still unblemished idealism of young people who believe that they can start now to change the world for the better by sacrificing their present personal interests in order to join a noble

²⁷⁶ <http://www.forensicpage.com/new33.htm>

cause greater than themselves and beneficial to the common good, as is Equal Justice Under Law owed and demanded by *We the People*.

261. Students can be brought in as venture assistants through a variety of paid or unpaid arrangements:

- a. after-school part-time job that students search for and obtain on their own initiative;
- b. placement with the venture after the latter or the university student financial aid office took the initiative to contact the other;
- c. externship or internship in the context of a more or less structured academic program that may include a project with identified quantitative or qualitative objectives with or without academic credit upon evaluation by either the venture supervisor or the university professor to whom the students submit a report or a completed project, e.g., collecting court opinions for database building(jur:140¶e1).
- d. a semester-long academic course taught by either a venture instructor or a university professor geared toward completing a learning by doing project of academic value to the students and of professional relevance to the venture, e.g., court opinion auditing through statistical analysis(jur:140¶e); legislative drafting(jur:131§§e-g)
- e. "clinics" where students under the supervision of a venture instructor or a university professor offer services to certain types of members of the public, i.e. investigating or documenting their experience as victims of judges' wrongdoing for incorporation in a report(jur:131§d) or filing with an official judicial misconduct body;
- f. case study where an individual or group of students goes to, for instance, a court, a legal defenders' office, or an organization of victims of judges' wrongdoing, to study it and submit for academic credit to venture or university supervisors intermediate and final reports that may be intended for publication and/or for use as teaching material (jur:127¶¶b,c);
- g. joint project where a group of students work together with venture team members and university professors to accomplish a specific task, e.g. research and development of software for identifying the presence or absence of variables in the written or oral items of a database in order to perform literary and linguistic forensic analysis(jur:138¶150a,b); public advocacy of judicial reform(jur:144§5);
- h. collaborate with the students and their professors that at journalism schools, in particular, or universities, in general, run radio and TV stations; are learning to use the facilities and apply the techniques for making photo and video commercials and documentaries; are learning to develop public relations campaigns; and can integrate all the crafts of journalism and communications to produce a multimedia presentation of a message^{233a},
- i. full-time summer job.

4. The precedent for considering realistic that those who expose judges' wrongdoing and call for their accountability and the reform of their judiciary may develop into of a broadly based civic movement that demands "Equal Justice Under Law"

262. Common purpose entities(jur:144¶253a) and many public interest entities, judicial unaccountability journalists, journalism schools and their students and alumni, judicial accountability and discipline reform advocates, and judicial wrongdoing victims share many views and objectives. If they work together, they can bring to an audience's attention facts that can outrage it and stir it into constructive action. Concretely, they can do so by reporting the already available evidence (jur:21§A) that judicial unaccountability has led judges to engage in riskless wrongdoing for their benefit and to the public's detriment. They can also provoke outrage by reporting the findings of their further investigation(jur:101§D) of such wrongdoing(jur:81§C), in general, and of the *DeLano-J. Sotomayor* story(jur:65§B), in particular. They can extend their reporting's reach and efficacy through the proposed business and academic venture(jur:121§E) together with the venture's investors and philanthropic sponsors.
263. Moreover, a courageous politician that commands broad media and public attention and is determined to challenge publicly life-tenured federal judges can accelerate that reporting's diffusion throughout the national public and lend credibility to it that intensifies the outrage that it provokes. Such outrage can stir the public to more widespread and sustained action against coordinated judicial wrongdoing. An outraged national public can effectively overwhelm the authorities' interest in maintaining the status quo to protect their coordination with other insiders and avoid the risk of self-incrimination, forcing them to give in to the demand that they hold wrongdoing judges and their enabling Judiciary accountable and undertake judicial accountability and discipline reform. Therefore, it is realistic to conceive that an outraged national public so stirred to action can gradually develop into a broadly based civic movement that militates for Equal Justice Under Law.

a. The Tea Party

264. A recent precedent for the development of a similar civic movement is the Tea Party. While Dr. Cordero is an Independent and does not necessarily agree with Tea Party tenets, he points to that Party as current evidence of what people can achieve when they are provoked into action by deep resentment about a perceived injustice: People who deemed that they were 'taxed enough already', banded together to protest. Their protest resonated with ever more people as it reverberated across the country. In a remarkably short time, less than four years, they became a nationwide civic movement and even elected representatives to Congress.
265. In 2011, they strong-armed the debt ceiling debate to be resolved on their terms. They even compelled Republican Speaker John Boehner, a 21-year congressional veteran, to back down from even his overture to raising some taxes albeit modestly. Yet more revealing and precedential, their expected voting power caused all nine Republican presidential candidates to raise their hand at one of their debates in the summer to promise that they would not raise taxes regardless of how much the budget was cut. The Tea Party has become kingmaker, at least among Republicans. The next presidential elections will show whether that is the case among voters of all stripes nationwide.

b. Occupy Wall Street

266. In the same vein, the Occupy Wall Street protesters have been able to extend their following from New York City to the rest of our country with surprising speed, not to mention the demonstrations that have taken place simultaneously and under their name in several European countries and other parts of the world. To be sure, those protesters did not have to convince other people of the soundness of a new idea. Deep-seated frustration due to perceived economic injustice and experienced economic distress was already being felt by a great many people. But the protesters have caused such frustration to emerge and manifest itself in public, attracted by the identifiable and practical means of action that they have organized. Thereby the Occupy Wall Street protesters have turned a widely shared personal sentiment of impotent discontent into concrete collective action of self-assertive protest. The individual “why this’s happnin’ to me?”, has become “*WE WON’T TAKE IT ANYMORE!*”

c. Bank Transfer Day

267. A third occurrence illustrates this phenomenon of protest by a few that provides the aperture for the eruption of bottled-up debilitating personal resentment into invigorating group action for redress of grievances: One person, Kristen Christian, feeling abused yet again by the biggest American banks, this time because of their announcement of their plan to impose a \$5 monthly fee for the use of debit cards, called on Facebook for similarly situated cardholders to close their accounts with those banks on a given day and transfer their funds to credit unions and other small financial institutions that do not charge that type of fee.²⁷⁷ Her “*enough is enough!*” cry and call for specific, feasible action went viral on that social network and other sectors of cyberspace. It attained the necessary ‘critical hit number’ to be heard by the established media, particularly the national TV networks, which amplified substantially the vibrancy of her cry and the reach of her call nationwide. The mounting negative publicity and additional criticism of that and similar practices widely portrayed as abusive, even predatory, scared and shamed one big bank after another into cancelling the announced fee exacting plan. As reported by the TV networks, more than 700,000 bank accounts were transferred as called-for on Saturday, November 5, 2011.
268. Ms. Christian’s call for a “Bank Transfer Day” shows that even the smallest unit of one person can craft a vent for people’s pent up anger. Moreover, that person can channel their anger constructively into a willingness to get involved in a common course of action to defend their interests. It also shows the power to influence and bring about collective action of the new means of mass communication, that is, social networking on Facebook, Twitter, and YouTube, and blogging by citizen journalists and comment-makers. These means are helping protesters to share their experiences, opinions, and demands broadly, tap grievances widely held, and stir people into doing something concrete²⁷⁸ about them. By using those means, the people can prevail even

²⁷⁷ Kristen Christian, Who Created 'Bank Transfer Day,' the November 5 Bank Boycott, Tells Us Why, Jen Doll, Running Scared, The Village Voice Blogs; 7oct11; http://Judicial-Discipline-Reform.org/docs/Bank_Transfer_Day_Kristen_Christian.pdf

²⁷⁸ "Far too often people struggling for democratic rights and justice are not aware of the full range of methods of nonviolent action. Wise strategy, attention to the dynamics of nonviolent struggle, and careful selection of methods can increase a group's chances of success. Inspired by Mahatma Gandhi, American Professor Gene Sharp researched and catalogued these 198 methods and provided a rich selection of historical

upon those who have abused them by wielding power deemed up to now to be unassailable and crushing. The Arab Spring in Tunisia, Egypt, and Libya and the 99% protesters here in the U.S. are there to prove it indisputably.

d. From pioneers of judicial unaccountability reporting to a judicial reform institute to a civic movement

269. These current events provide precedent for the reasonable expectation of positive developments brought about by those who report on judicial wrongdoing and call for the wrongdoers to be held accountable and disciplined. To that end, they must progressively convince the public and their representatives of the need to adopt new legislation not just to write on paper a more explicit requirement that judges "avoid even the appearance of impropriety"^{121a}, but also to ensure in practice that judges are held accountable for doing so and disciplined when found to have failed. Given what judges are, not a special class of persons above the law, but rather public servants, they must be held accountable for rendering the service for which they were hired under the applicable terms and conditions: to determine in court controversies through the fair and impartial application of substantive law in proceedings that conform with due process of law equally for everybody²⁷⁹, whether rich or poor⁸⁸; and to behave in and out of court lawfully and ethically so as to honor the public trust placed in them.
270. Everything begins with the pioneers of JUDICIAL UNACCOUNTABILITY REPORTING. They can report the available evidence of judicial unaccountability(jur:21§A) and coordinated wrongdoing in the *DeLano-J. Sotomayor* story(jur:65§B), augmented by the findings of any investigation that they may undertake(jur:101§D). That will be their initial cry of denunciation(jur:122§2). It will also be a rallying cry in support of a new form of reporting on judges and their judiciaries. Their reporting will first concentrate on the federal judges and the Federal Judiciary because they set the law of the national land; hence they attract national attention and serve as the model for the state judges and judiciaries. Consequently, the pioneers of judicial unaccountability reporting will begin by systematically investigating the means, motive, and opportunity that enable federal judges to be unaccountable and, as a result, risklessly engage in wrongdoing. To enhance their credibility, they will be methodologically rigorous and use advanced research technology (jur:138§2). They will analyze official statistics and reports of the Federal Judiciary, its judges' disclosuresⁱⁱ, and empirical evidence, whether contained in case documents or provided by litigants(jur:109§a), complainants(jur:110§c) and judicial personnel(jur:105§3). Their reporting will show how judges disregard the law, procedure, and ethical conduct in such routine fashion and with such coordination among themselves and between themselves and bankruptcy and legal systems insiders¹⁶⁴ as to have turned their judgeship into a safe haven for wrongdoing and their wrongdoing into the Federal Judiciary's institutionalized modus operandi.
271. The pioneers' reporting can become the rallying point for the rest of the media and the public. Naturally, their reporting(jur:122§2) will first resonate with people who have been harmed by wrongdoing judges. But those people's rally will increase in number as the pioneers' reporting

examples in his seminal work, *The Politics of Nonviolent Action* (3 Vols.) Boston: Porter Sargent, 1973." http://Judicial-Discipline-Reform.org/docs/Prof_Gene_Sharp_Politics_Nonviolent_Action.pdf

²⁷⁹ "[A] fair trial in a fair tribunal is a basic requirement of due process"; *In re Murchison*, 349 U. S. 133, 136 (1955); [http://Judicial-Discipline-Reform.org/docs/Murchison_349us133\(1955\).pdf](http://Judicial-Discipline-Reform.org/docs/Murchison_349us133(1955).pdf)

prompts ever more laypeople¹, citizen journalists²³⁵, and members of the media(jur:126§a) to conduct their own investigation and reporting and ever more people become outraged by the revelations of judges' unaccountability and their consequent wrongdoing.

272. The pioneering reporters' cry may first be heard at a well-advertised multimedia public presentation(jur:121§1). But it could also begin as whispers made in blogs²³⁶, digital newspapers¹⁷⁰ and social networks. Those whose ears they catch can repeat them on social media until they go viral. That way they can evolve from whispers into a deafening roar that awakens²⁸⁰ the established media to hear the harmony between the reporting's social and political resonance and the sounds of profit of a nascent media market. Such development provides the economic justification for those media to assign their vast investigative journalism resources to the risky task of shedding light on the dark side of purportedly "honorable" but definitely powerful judges and justices. Among their resources are reporters with back channel access to Judiciary insiders and their protectors and detractors in the other two branches(jur:77§§5-6) who are willing to provide reliable information on condition of anonymity²⁸¹; as well as reputable editorialists, columnists,

²⁸⁰ **a)** There are precedents for this series of events: 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 bestseller lists. This caught the attention of TheSmokingGun.com blog, which exposed it as embellished pseudo-fiction. Thereafter the major TV stations picked up the story and interviewed The Smoking Gun Editor Bustone. Investigative journalists of *The New York Times* and the *Star Tribune* followed suit with exposés that revealed the book as a fabrication around a few little pieces of truth. http://Judicial-Discipline-Reform.org/Follow_money/Million_Little_Pieces_lies.pdf

b) In the same vein, the ever more popular, compassion-inducing drama of Lonely Girl played on the Internet and developed quite a following of fans, including so many geeks, who found irresistibly attractive a beautiful girl with a sensitive soul and the techno-savvy necessary to allegedly put her story on her own webpage. The Internet buzz caught the attention of *The New York Times*, which revealed the whole thing as the hoax of some website promoters and an aspiring talented actress that was anything but lonely; http://Judicial-Discipline-Reform.org/Follow_money/bloggers_Lonely_Girl.pdf. See also fn.238.

²⁸¹ An example of this is CBS Legal Commentor Jan Crawford Greenburg's report based on her confidential Supreme Court sources that Chief Justice Roberts had initially sided with Conservative Justices Alito, Scalia, and Thomas as well as Justice Stevens, all of whom wanted to hold the Affordable Health Care Act (Obamacare) unconstitutional, but then much to their chagrin switched side and joined Liberal Justices Breyer, Ginsburg, Sotomayor, and Kagan to uphold the constitutionality of its central feature –the mandate for all persons to buy health insurance– not under the Commerce Clause, but rather under Congress's power of taxation. She reported that the former four made a sustained effort to persuade the Chief Justice, who is deemed a conservative, to come back to their fold and were deeply disappointed when he refused. Her report was widely regarded as a scoop given that the Court is highly secretive(jur:27§f) and hardly ever do reports on the process of the justices' voting on any particular decision, let alone dissension among them, leak out. Most digital newspapers, not to mention citizen journalists, do not have anything remotely similar to the sources that both Rep. Greenburg and CBS have been able to cultivate over time and on reliance of their proven professionalism; and if they had claimed that they did and had broken the story few people would have believed them. The established media,

anchors, and pundits with opinion-shaping influence and the means of measuring public reaction through both spontaneous feedback and professional polls. All of them can force politicians and law enforcement authorities, maybe even top judges or justices or their circuit councils⁹¹ and the Judicial Conference^{86a}, to heed their call to step up and respond to their embarrassing reporting.²⁸²

273. The pioneers' reporting will lead to a growing recognition of the need for, and advocacy of, judicial accountability reform through new legislation containing innovative mechanisms for preventing judicial wrongdoing, overseeing judges' conduct, and enforcing their accountability by disciplining wrongdoers. It will also develop support for such advocacy to be pursued through the proposed multidisciplinary academic and business venture(jur:125§3). In turn, the venture

such as the national networks, still do count when it comes to making a story sound credible and gain broad public attention.

²⁸² The precedent for this lies in the present and yet it has already attained historic significance. CBS Reporter Sharryl Attkisson first broke the story of the botched Fast and Furious operation of the Department of Justice's Alcohol, Tobacco, and Firearms Bureau. It allowed thousands of all kinds of heavy guns, including Kalachnikovs and other assault rifles, to be acquired or fall into the hands of viciously violent Mexican gangs of drug smugglers and 'let guns walk' across the U.S.-Mexico border in the belief that the guns could be traced all the way to the top druglords. The finding that some of those guns were used to kill an American ATF agent caused outrage in the media and Congress. Other media investigated the story too.

The outrage led the House Committee on Government Oversight and Reform to open an investigation. Its request for information was met with the disclosure of thousands of documents, but many were so heavily redacted that some of their pages were nothing but a blotch of black ink. Hearings of ATF agents and DoJ officials, including Attorney General Eric Holder himself, gave rise to tergiversations, conflicting testimony, retractions, and corrections that prompted allegations that they had lied in an effort to cover up their responsibility for a reckless, ill-conceived, and worse implemented operation. The Committee's request for more documents was not only refused by AG Holder, but also prompted one of the rare invocations of executive privilege by President Obama to justify the document production refusal. This only strengthened the suspicion that a cover-up was indeed afoot and motivated by the realization that the documents would reveal information too damaging for the President's reelection campaign.

In response, the Committee and subsequently the whole House held AG Holder in contempt of Congress in spite of the fact that the Democrats staged a massive walkout when the contempt resolution came to the floor for a vote to protest it as predicated on an unreasonable demand for further documents and to support their fellow Democrat, AG Holder. It was the first time in the history of Congress that one of its chambers held a sitting member of the president's cabinet in contempt. The story has now become an issue in the presidential campaign that has provided ammunition to those that want to discredit the President and tie him up in a defensive effort.

This story makes it reasonable to expect that the media would not only outrage elected officials, but also the public with the *DeLano-J. Sotomayor* story(jur:65§B) involving concealment of assets by a justice as part of federal judges' coordinated wrongdoing, her cover up of a judge-run bankruptcy fraud scheme, and the President's and senators' lying to the American public to cover up her tax cheating and get her confirmed to the Supreme Court.

can lead to the establishment of an institute of judicial unaccountability reporting and reform advocacy(jur:137§h). Among the items that it will advocate is the creation of a citizen board of judicial accountability and discipline(jur:133§f). The board will be a concrete manifestation of a reform based on adequate mechanisms established through appropriate legislation. To be such, the mechanisms and legislation must recognize and be founded on two axiomatic principle: The first one is that nobody can be judge in his own cause, for his self-preservation instinct will render him biased toward himself and prevent him from judging fairly and impartially. Hence, judges cannot be entrusted with judging their peers(jur:24§§b-c), who may be their friends or their colleagues holding their IOUs or having enough damaging information about the judges to compromise their judging for their own sake. The second principle is that in government, not of men, but of laws, nobody is above the law(jur:26§e) and all public servants are accountable to *We the People*.

274. This highlights the crucial importance of the people rallying behind the pioneers of judicial unaccountability reporting. Their outrage at judges' wrongdoing is necessary. The people will amplify the pioneers' cry of denunciation by coming together and voicing their outrage as well as ideas for judicial reform.(jur:128§§c-d) They need not speak with one voice for one message to get through loud and clear: That it is outrageous for judges, who are public servants hired to render the service of applying the law fairly and impartially to determine controversies, to wrongfully abuse their position of trust for their own benefit by squeezing the law out of due process and giving what is left as its residue to the people: a mockery of justice! To overcome the formidable resistance of those judges to ensuring in practice that they apply the law to the performance of their office and to being held accountable for doing so and disciplined or removed for failing to, it will likely require that *We the People* come together as a civic movement and with unyielding persistence demand what is their right in government of, for, and by the people: to hold judges accountable to them. When the conversation among themselves and with others becomes the rallying cry, the people are in the process of transforming the rally into the necessary civic movement for Equal Justice Under Law.

F. Offer to present to the candidates the proposal for them to appeal to all voters by exposing judges' wrongdoing and become Champions of Justice

275. It would not be reasonable to expect Washington politicians to do what they have failed to do since the creation of the Federal Judiciary: to exercise constitutional checks and balances on judges so that they too are held to the foundational principle of government, not of men, but of laws: Nobody Is Above The Law.([jur:21§1](#)) Even though Congress adopted the Judicial Conduct and Disability Act in 1980 to establish a mechanism for any person to file a complaint against federal judges, for over the 30 years since then politicians have dismissed with knowing indifference the annual report that Congress required the Judiciary to file with it, which has shown the judges' systematic dismissal without investigation of complaints against their peers: 99.82% of the complaints filed in the 1oct96-30sep08 12 year period reported online were dismissed.([jur:24§b](#)) The media too, prioritizing their corporate interest in not antagonizing life-tenured judges over their professional duty to inform the people, have failed to hold those judges accountable as what they are: public servants in the people's government and answerable to them.([jur:81§§1-2](#))
276. Judges' unaccountability has made their wrongdoing riskless, and thus irresistible. It consists of systematic disregard of due process for expediency's sake leading to arbitrary ad-hoc fiat-like decision-making; and making decisions for their material or social benefit and that of other insiders¹⁶⁴ to the detriment of litigants, the rest of the public, and judicial integrity. They do wrong or enable their peers' to do so by showing knowing indifference and willful ignorance and blindness to it([jur:86§4](#)), thus becoming accessories before and after the fact. Through explicit and implicit coordination among themselves and with others and its routine practice, wrongdoing has become the Federal Judiciary's institutionalized modus operandi. This has allowed them to structure it as schemes, e.g., the bankruptcy fraud scheme⁵⁹. They will not expose wrongdoers, lest they be ostracized by their peers([jur:26¶d](#)) and self-incriminate. Instead, they reciprocally cover up, ensuring their interdependent survival and turning the Judiciary into a safe haven for wrongdoing. Hence federal judges have a vested interest in maintaining their privileged status: Judges Above the Law.
277. Thus, the duty to expose them now falls to the people and their special representative: an outsider with the courage to report the facts incriminating life-tenured federal judges in wrongdoing and to stand up for the people. The latter are wronged as litigants or as members of the public affected by precedential decisions that are wrongful or detract from the perception of integrity of the Judiciary, which must not only do justice, but also openly and notoriously appear to be doing so⁶⁹.
278. Dr. Cordero respectfully requests an invitation by politicians, journalists, and others interested in honest judiciaries to set forth^{232a} to them the proposal for them to present([jur:121§E](#)) to the national media and public evidence of the conditions enabling federal judges' and their Judiciary's wrongdoing([jur:21§A](#)) and its toleration by Washington insiders; and evidence, known to President Obama, of Then-Judge Sotomayor's concealment of assets and tax evasion([jur:65§B](#)). This will lead all journalists pursuing a Pulitzer-worthy scoop to launch a campaign-altering Watergate-like generalized and first-ever media investigation of judicial wrongdoing([jur:81§C](#)) and of the *DeLano-J. Sotomayor* story([jur:xxxiii; 101§D](#)) to answer: 'What did the President and the justices and judges know about J. Sotomayor's and other judges' wrongdoing, and when did they know it? The available evidence and the journalists' revelations, e.g., J. Sotomayor's concealed assets and the President's lies about her integrity, can so outrage the public as to cause other([jur:92§d](#)) justices to resign; create a constitutional crisis on how to investigate judges and hold them accountable; undermine the President's donor and volunteer basis; cause people to give attention, money, and votes to the presenters as their Champions of Justice^{159a}; and support a business and academic venture aimed at achieving judicial reform([jur:125§3](#)). Indeed, *they can trigger history!*

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