

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

Judicial-Discipline-Reform.org

59 Crescent St., Brooklyn, NY 11208
tel.(718)827-9521; follow @DrCorderoEsq
Dr.Richard.Cordero.Esq@gmail.com

June 15, 2012

Governor Mitt Romney
Romney for President
P. O. Box 149756
Boston, MA 02114-9756

<http://www.mittromney.com/contact-us>

tel. (857)288-3500

Dear Governor Romney,

This is a proposal for your use in our mutual benefit in your campaign of my professional research on, and litigation experience in, the Federal Judiciary.ⁱ It is prompted by the ad that you released on February 24, criticizing President Obama's justiceship nominee Then-Judge Sotomayor as a *proletarian*. That is a subjective notion that only resonates with part of the electorate. Hence, Hispanic organizations have criticized you for being insensitive to issues of importance to Hispanic voters.ⁱⁱ No doubt, the President will try to indispose that block of voters against you.

This proposal aims to base your criticism of Now Justice Sotomayor and the President too on their wrongdoingⁱⁱⁱ, which is a matter of objective evidence of their disregard of their duties(87§§a-d) and infraction of the law⁶⁴. Even the liberal papers *The New York Times*, *The Washington Post*, and Politico suspected her of concealment of assets(61§1), which points to evasion of taxes. Yet, he nominated her as he had other known tax cheats¹⁰⁷. Her performance in the bankruptcy case *DeLano*, which she presided over¹⁰², shows her cover-up of a judge-run bankruptcy fraud scheme⁸⁷(62§2). Your presentation(121§1) of the evidence can show that judges engage in wrongdoing, regardless of their ethnicity, because of their unaccountability^{iv}(21§1), which renders it riskless, irresistible and all the more profitable to them(25§2), though detrimental to the public(26§3), so long as they cover for each other¹¹⁷(64§3), whether Democrats or Republicans put them in office. The evidence will outrage people(83§2) of all political persuasions¹¹⁴. Your courage in exposing wrongdoing judges to defend the public¹ can win you voters' respect, donations, and votes as they hail you as the People's Champion of Justice^{134a}.

Your presentation need only provide enough evidence to send journalists, in quest of a Pulitzer-deserving scoop, on a Watergate-like¹¹⁴⁻⁸ generalized media investigation(126§a) that asks: *Why are the judges so corrupt?* Their revelations, like superPAC negative ads against him at no cost to you, can gain a momentum of their own that can cause one or more justices and judges to resign, as Justice Abe Fortas had to in 1969¹¹⁵⁸. Though you *are* a judge, you can make one for the President that can lead to your picking your own Supreme Court by filling vacancies. His expected refusal to release the FBI vetting report on J. Sotomayor will only fuel the outrage at his having lied to the public about her integrity just as she did about her *proletarian* ¹¹³ and impair his fundraising. This will benefit your war chest, depleted by a nomination contest that may go to the Convention. Highlighting the economic harm inflicted by judicial wrongdoing on the people will allow you to stay on your economic recovery theme. You can incite the media to investigate your three Washington insider opponents for their hypocrisy in criticizing judges' for their social issues *agenda* ^v in defiance of the Constitution while failing to perform their constitutional checks and balances on the Judiciary(29§§2,3), allowing it to become a power center outside democratic control¹⁸¹. Your reform(131§§e-h) of the Judiciary can become your most significant and enduring legacy.

I think strategically. I can be an asset to your team. So I respectfully request that you invite me to make a presentation(151§F) to you and your managers of the evidence and my proposal for a business and academic venture^{vi}(125§3).

Sincerely, *Dr. Richard Cordero, Esq.*

http://Judicial-Discipline-Reform.org/2012_E/MR/DrRCordero-GovMRomney.pdf

jur:i

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 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.

ⁱⁱ Romney Criticizes Sotomayor Supreme Court Appointment: "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; <https://mail.google.com/mail/?ui=2&ik=2383ad0e87&view=pt&search=inbox&th=135edb7ebb22fa57>

ⁱⁱⁱ Judges' wrongdoing is all the more insidious and effective because it is coordinated among themselves and with insiders of the legal and bankruptcy systems. 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:23§b)
- b)** systematically deny motions to recuse themselves due to, for instance, conflict of interests, despite violating thereby the requirement to “avoid even the appearance of impropriety”^{118a};
- c)** 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^{62b};
- d)** 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^{64 >¶¶1-3};
- e)** 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 abusive they are⁶³;
- f)** 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:25§d);
- g)** 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^{¶202e};
- h)** 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
- i)** file pro forma financial disclosure reports with the Judicial Conference⁸⁴ 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^{164b}.

^{iv} In the 223 years since the creation of the Federal Judiciary in 1789, only 8 federal judges have been removed from office.¹⁴ Such historic unaccountability ensures that they need not fear losing their jobs due to wrongdoing. Scruples against it drop and its profitability increases since costly measures to ward against, and defend after, being caught are superfluous. Through its coordination, wrongdoing has become their institutionalized modus operandi.

^v Republicans Turn Judicial Power Into a Campaign Issue. Adam Liptak and Michael D. Shear, *NYT*, 23oct11; <http://www.nytimes.com/2011/10/24/us/politics/republicans-turn-judicial-power-into-a-campaign-issue.html?ref=adamliptak>

^{vi} The rewards of pioneering the venture through JUDICIAL UNACCOUNTABILITY REPORTING will be many, commensurable with the risk involved and the courage, leadership, and originality required. One comes to mind: Time Magazine’s person of the year. Last year’s was The Protester, portrayed in the cover with 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 judges and justices to expose their coordinated wrongdoing and mutual cover-up dependent survival and thereby renders a public service to all the people across our country, 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:61) 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 §B 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:151) Offer to present this proposal to Gov. Romney and his staff

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

Who or what caused *The New York Times*, *The Washington Post*, and Politico^{100a} to kill their series of stories that suspected Then-U.S. Circuit Judge Sonia Sotomayor(61§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(147¶221) 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 Judiciaryⁱ and articles of reputable media entities(61§1). They call for responsible professional and citizen journalists to investigate a story of national interest and potentially grave political consequences. This is so because the story involves:
 - a. an incumbent president and reelection candidate: Did he, to curry favor with Latino and feminist voters, knowingly nominate J. Sotomayor as he had other tax cheats¹⁰¹?(66§c);
 - b. a sitting justice: Did she abuse the unaccountability of federal judges(21§1) to conceal assets of hers^{100c} and others¹⁰² 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^{100d}: Do they file and approve them pro forma^{164b}, 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(25§2) and where most cases are brought pro se^{30,35} and are in practice unreviewable(26§3): Do they abuse such unreviewability to run a bankruptcy fraud scheme⁸¹?(62§2);
 - e. a presidential campaign with fiercely antagonistic candidates, voters' heightened attention, and journalists' intensified pursuit of a scoop deserving of a Pulitzer Prize: Can this lead to a Watergate-like(126§a) generalized unstoppable media investigation(101§§1-5) guided by a historic question that caused President Nixon to resign, his White House aides to go to prison, and iconic journalistic figures to emerge(2¶¶4-8); and that now can be rephrased thus:

What did the President^{¶118} and the justices and judges know about J. Sotomayor's concealment of assets and consequent tax evasion^{100c} and other judges' wrongdoing(66§b) and when did they know it?

2. The findings of those pioneering JUDICIAL UNACCOUNTABILITY REPORTING(1) 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(91¶158);
 - b. stir the public to demand –creating a news market(3¶14) incentive for professional and citizen journalists to investigate further and even join their demand- that the authorities, i.e., Congress, the U.S. Department of Justice and the FBI, and their state counterparts,
 - c. investigate judges and the Federal Judiciary(101§D) for engaging, tolerating, and enabling wrongdoing(87§§a-d), just as those authorities investigate other public servants and entities;
 - d. cause officeholders and candidates for office to commit themselves to exposing(121§§1-3d) and bringing about judicial accountability and discipline reform(131§§e-h); and
 - e. make the courageous^{vi} candidate who exposes such wrongdoing a Champion of Justice^{134a}.

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>

Proposed Key Points for Gov. M. Romney's Press Conference and Talkshow Presentation on defending the people from wrongdoing judges and the harm they cause them

- a) to 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 \$350 billion at stake(25§2) that are filed every year by an overwhelming majority of pro se debtors^{30,35}. 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(40§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^{164a} pro forma that only raise one question: **Where is the money that judges earn from salaries¹⁶² which put them in the top 2% income earners¹⁶³ in the U.S. and which are increased by their investment and outside income?** Judges routinely conceal income and spare their peers investigation(102¶¶d,e). But average Americans must declare all their income, pay taxes thereon, and count with 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's cover-up of his justiceship nominee J. Sotomayor's concealment of assets. The President had both the articles in *The New York Times*, *The Washington Post*, and Politico that suspected J. Sotomayor of concealing assets^{100a} and the FBI vetting reports(66§c). Yet, he nominated her, just as he had nominated for cabinet positions known tax cheats Tim Geithner, Tom Daschle, and Nancy Killefer⁷⁴. The evidence contained in those articles can give rise to a Watergate-like^{¶¶4-8} generalized media investigation of the question: **What did the President^{¶118} and the justices and judges know about J. Sotomayor's concealment of assets and related tax evasion^{100c} and other judges' wrongdoing(66§b) and when did they know it?** The journalists' stream of revelations that President Obama lied to the American public about J. Sotomayor's law-abiding character can provoke such outrage as to cause a slowdown in contributions to his formidable fundraising machinery aimed at raising \$1 billion! This investigation can alter profoundly the financial and public relations dynamics of the primary and the presidential campaigns.(126§a)

4) The other Washington insider opponents have hypocritically criticized judges for their social issues "activism"^{¶1} in defiance of the Constitution, yet as members of Congress have failed to perform their constitutional checks and balances on the Federal Judiciary^{21¶}. Thereby they have allowed the judges to become unaccountable Judges Above the Law that risklessly engage in wrongdoing and that have turned the Judiciary into an abusive power center outside the people's democratic control.¶181 They have shown that their criticism of judges is motivated only by their electoral interests, rather than by what it should be: genuine concern for the people that the judges' wrongdoing harm and respect for the Constitution that aims to protect them.

5) Gov. Romney'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(91§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.(151§F)

Blank

March 25, 2012

PROPOSAL TO PRESIDENTIAL NOMINEE CANDIDATE GOV. M. ROMNEY

To support his criticism of “liberal judges”, which is a subjective notion, by basing it on objective evidence of judges’ wrongdoing, which harms all people and has been aided by Washington insiders –e.g., J. Sotomayor’s with P. Obama’s aid and the condonation of the other 3 candidates- whose exposure can stir public outrage, cause justices to resign, create a crisis for P. Obama, force or enable the next president to fill judicial vacancies with honest people, and make voters now hail the Governor as THE PEOPLE’S CHAMPION OF JUSTICE AND COURAGEOUS REFORMER OF THE JUDICIARY

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 care-fully 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.

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 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.127d}: They cover for each other. The investigation can move from CA2 to law firms and financial institutions([¶169b](#)); the Manhattan D.A.'s^{130a} and NYS A.G.'s^{130b} offices; property registries([¶¶161a, 168](#)); a disciplinary committee¹³¹; on to Rochester^{110b,129d}, Albany^{130c}, D.C.^{64,106}, and beyond([¶161c-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([§C3](#)) 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^{217e} 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

TABLE OF CONTENTS

of the proposal for Presidential Candidate Gov. Mitt Romney
to base his subjective criticism of federal “liberal judges” also on
objective evidence of their wrongdoing condoned by Washington insiders and
provoke such public outrage as to cause justices and judges to resign,
subject judges to democratic control, create a crisis for President Obama,
embarrass the other candidates who condoned the judges’ wrongdoing,
and generate respect, donations, and votes for
**THE GOVERNOR AS THE PEOPLE’S CHAMPION OF JUSTICE
AND COURAGEOUS REFORMER OF THE FEDERAL JUDICIARY**
through a proposed business and academic venture

1. Letter of Dr. Richard Cordero, Esq., to Presidential Candidate Gov. Mitt Romney laying out the proposal for the Governor to expose the wrongdoing of judges and the politicians that placed and protect them in office, alter in his favor the course of the presidential campaign, and thus become the People’s Champion of Justice; 15mar12 i
- Endnotes iii
2. Executive Summary of The Proposal For a Campaign-Benefiting Presentation of Judicial Wrongdoing Evidence..... v
3. Who or what caused *The New York Times*, *The Washington Post*, and Politico to kill their stories of concealment of assets by President Obama’s justiceship nominee Then-Judge Sonia Sotomayor?vi
4. Proposed Key Points for Gov. M. Romney’s Press Conference and Talkshow Presentation on defending the people from wrongdoing judges and the harm they cause themvii

Introduction: The goal is, not just to expose wrongdoing judges and those who put and keep them in office, but to trigger history! 1

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 21

1. The means of unaccountable power..... 21
 - a. Only 8 federal judges impeached and removed in over 223 years: de facto unimpeachability21
 - b. Systematic dismissal of 99.82% of complaints against judges and up to 100% of denials of petitions to review dismissals23

c. Self-granted immunization for even malicious and corrupt acts	25
d. All meetings held behind closed doors; no press conferences held	25
2. The corruptive motive of money	25
3. Opportunity for wrongdoing in millions of practically unreviewable cases	26
a. In the bankruptcy and district courts	26
1) The power to remove clerks without cause allows judges to abuse them as executioners of their wrongdoing orders	27
(a) Table of Judicial Code sections on judges' power to remove clerks without cause	28
2) Congress's 1979 finding of "cronyism" between bankruptcy judges and lawyers and its failed attempt to eliminate it	29
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	32
(a) List of bankruptcy trustee's duties	34
b. In the circuit courts	37
1) Summary orders, «not for publication» and «not precedential» decisions	37
2) Systematic denial of review by the whole court of decisions of its panels	39
3) De facto unreviewable bankruptcy decisions	40
c. In the Supreme Court	40
1) Capricious, wasteful, and privacy-invading rules bar access to review in the Supreme Court	40
2) Unreviewability of cases and unaccountability of judges breeds riskless contempt for the law and the people	42
4. The economic harm that a bankruptcy fraud scheme causes on litigants, the rest of the public, and the economy	42
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	43
5. Wrongdoing as the institutionalized modus operandi of the class of federal judges, not only the failing of individual rogue judges	44
a. A class of wrongdoing priests covered up by the Catholic Church makes credible the charge of a class of judges covered up by the	

Federal Judiciary.....	44
b. Life-tenured, in practice unimpeachable district and circuit judges and Supreme Court justices are fundamentally equals	46
c. Enforcing class loyalty: using a stick to subdue a judge threatening to expose their peers' wrongdoing.....	47
1) Not reappointing, banishing, 'gypsying', and removing a bankruptcy or magistrate judge.....	47
2) Ostracizing 'temporarily' a district or circuit judge to inhospitable or far-flung places	50
d. The carrot of reputational benefit among equals: rewarding class solidarity with an at-pleasure or term-limited appointment	52
e. From general statistics of the Federal Judiciary to particular cases that illustrate how wrongdoing runs throughout it	53
B. <i>In re DeLano</i>, 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.....	61
1. Justiceship Nominee Judge Sotomayor was suspected of concealing assets by <i>The New York Times</i> , <i>The Washington Post</i> , and Politico	61
2. <i>DeLano</i> illustrates how concealment of assets is operated through a bankruptcy fraud scheme enabled by bankruptcy, district, and circuit judges, and Supreme Court justices	62
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.....	64
a. Judge Sotomayor refused to investigate a bankruptcy officer's bankruptcy petition, though suspicious per se	64
b. The investigation of other justices for reciprocally covering up their wrongdoing.....	66
c. The investigation of what the President and his aides knew about Then-Judge Sotomayor's wrongdoing.....	66
d. The senators received documents allowing them to suspect Then-Judge Sotomayor of concealment of assets, as did <i>The New York Times</i> , <i>The Washington Post</i> , and Politico; and of her withholding of <i>DeLano</i> from them	67

C. The <i>DeLano-Judge Sotomayor</i> case as the basis of a journalistic story national in scope and impact but rendered manageable as an investigative project by key focusing notions.....	81
1. Neither Congress nor the Executive just as neither law professors and schools nor the media investigate the Federal Judiciary	81
2. A novel strategy for public interest entities, journalists, and journalism students and a special politician too, a courageous one: to investigate a story that can provoke in the national public action-stirring outrage at judicial wrongdoing and thus set in motion reformatory change in the Federal Judiciary.....	83
3. The <i>DeLano-J. Sotomayor</i> case as the basis of a journalistic story revealing individual and coordinated judicial wrongdoing that can provoke action-stirring outrage in the public	84
4. Investigative reporting on judicial unaccountability rendered promising and cost-effective by its reasonable goal: to show to the public the individual and coordinated wrongdoing of judges rather than prove in court to the judges' peers judicial corruption.....	85
a. Wrongdoing: a broader notion easier to apply to judges and others.....	87
b. Knowing indifference: irresponsibility that gradually degenerates into complicity	89
c. Willful ignorance or blindness: reckless issue of a blank permit to do any wrong	90
d. Impropriety: the widest and tested notion, which already forced and again can force a justice to resign	91
D. The proposed two-pronged investigation by competent, principled, and ambitious investigative reporters of the <i>DeLano-J. Sotomayor</i> story: the <i>Follow the money!</i> and <i>Follow the wire!</i> investigation	101
1. The <i>Follow the money!</i> investigation	101
2. The <i>Follow the wire!</i> investigation.....	103
3. Field investigation on deep background: the search for Deep Throat.....	103
4. Library investigation	105
5. Investigation by appealing on the Internet and social media to the public	108
a. Accounts of dealings with the judiciary	108
b. Questionnaires as precursors of a statistically rigorous public opinion poll.....	108
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	108
----------------	-----

E. Multimedia public presentation, made by the investigative reporters and held at a press conference, a special event, or a journalism student job fair, of i) the evidence available of judicial wrongdoing and the *DeLano-J. Sotomayor* story; ii) the findings of their *Follow the money!* and *Follow the wire!* investigation of that; iii) the *I accuse!* manifesto, and iv) a business and academic venture proposal..... 121

1. Multimedia public presentation at a press conference, a special event, or a journalism student job fair	121
2. The <i>I accuse!</i> manifesto denouncing coordinated judicial wrongdoing.....	122
3. Multidisciplinary business and academic venture concerning judicial unaccountability reporting and judicial accountability and discipline reform study and advocacy	125
a. A Watergate-like generalized investigation of the <i>DeLano-J. Sotomayor</i> national story	126
b. The brochure on judicial wrongdoing: conceptual framework, illustrative stories, and local versions	127
c. Templates for facilitating people's judicial wrongdoing storytelling and enhancing the stories' comparative analysis.....	128
1) Template on detection and investigative method and its application to all those on the ring of wrongdoers	129
2) Template to facilitate writing brief stories susceptible of comparative analysis	129
3) Templates to request media coverage and to file judicial wrongdoing complaints	130
d. Collection of stories for the Annual Report on Judicial Unaccountability and Wrongdoing in America.....	131
e. Legislative proposal to ensure judicial accountability and discipline	131
f. Creation of a citizen board of judicial accountability and discipline	133
1) Qualifications for membership	133
2) Nominating entity	133
3) Open and transparent operation	133
4) Board powers.....	135
5) Review of board decisions	136
g. Establishment of an inspector general for the Federal Judiciary	136

h. Creation of an institute of judicial unaccountability reporting and reform advocacy	137
1) Purpose	137
2) As researcher	138
3) As educator	142
4) As publisher	143
5) As leading advocate.....	144
6) As for-profit venture.....	144
7) As seeker and maker of grants.....	145
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"	146

F. Offer to present to Gov. Romney the proposal for him to appeal to all voters by exposing judges' and politicians' wrongdoing & become Champion of Justice 151

G. Graphs, tables, maps, and photos 11

1. Graph: Fraudulent Coordination Among The Main Players In The Bankruptcy System.....	11
2. Graphs showing the decrease in the number of complaints filed against federal judges with the increase in the number of cases files in federal courts and pointing to the manipulation of statistics.....	12
3. Federal Judges' Systematic Dismissal Without Investigation of 99.82% of Complaints Against Them in the 1oct96-30sep08 12-year period	15
4. 2nd Circuit Judicial Council's and Judge Sotomayor's Denial of 100% of Petitions for Review of SystematicallyDismissed Misconduct Complaints Against Their Peers and 0 Judge Disciplined in the Reported 12 Years.....	16
5. U.S. Court of Appeals for the Second Circuit in New York City	17
a. Map	17
b. Picture	18
6. Map: The New York County District Attorney's Office	19
7. Interactive map: Court Locator for the federal courts.....	20

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

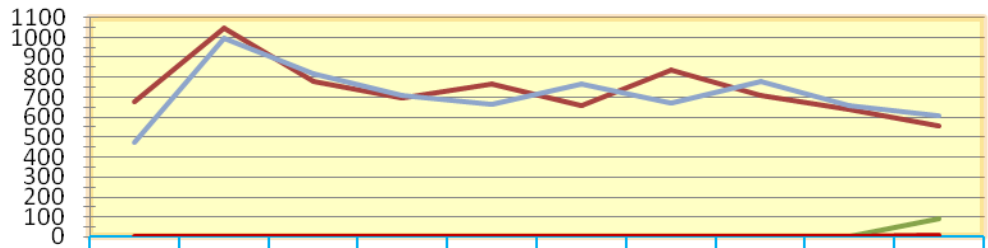
Intra-sale:
at loss for capital loss or at inflated price for money laundering

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

Homeowner or Debtor:
Squeezed dry in pincer movement

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

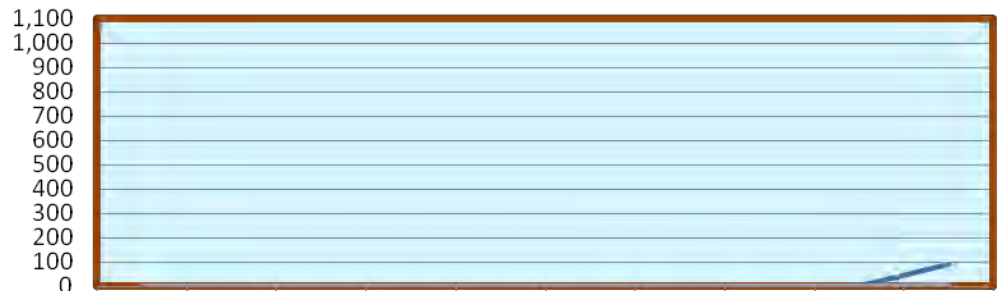
Number of
complaints:



	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



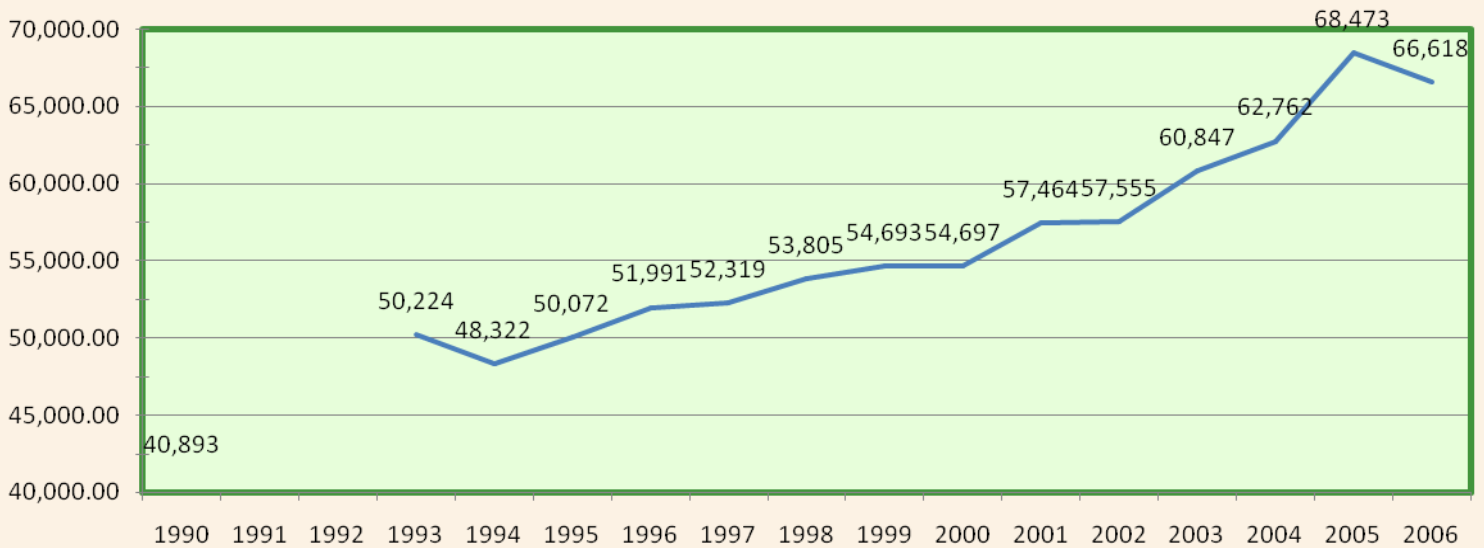
	97	98	99	00	01	02	03	04	05	06
filed by chief judges	1	2	0	1	0	1	0	0	0	88
directed chief district judge to take action (magistrate judges only)	0	0	0	0	0	0	0	0	0	1
certified disability	0	0	0	0	0	0	0	0	0	0
requested voluntary retirement	0	0	0	0	0	0	0	0	0	0
ordered temporary suspension of case assignment	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



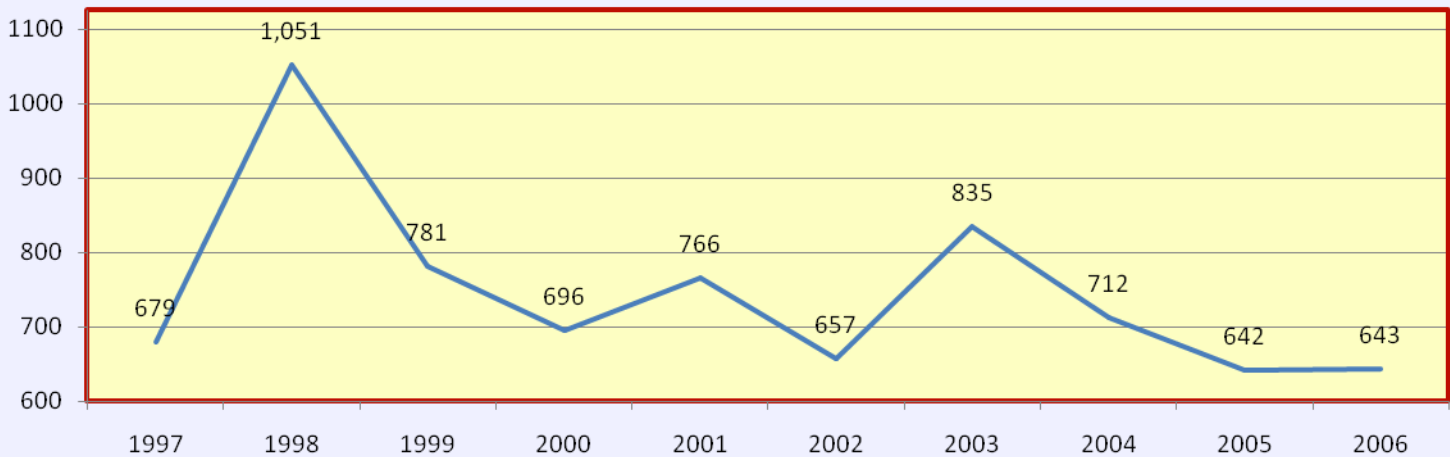
Cases Filed in the Court of Appeals Between 90-06 Showing a 63% Increase



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.

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.

¹With statistics from 11may-30sep08; cf. http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf jur:15

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 2 nd 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	avrg.
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.

Get directions

My places

500 Pearl St
New York, NY 10038



Directions Search nearby Save to map more ▾

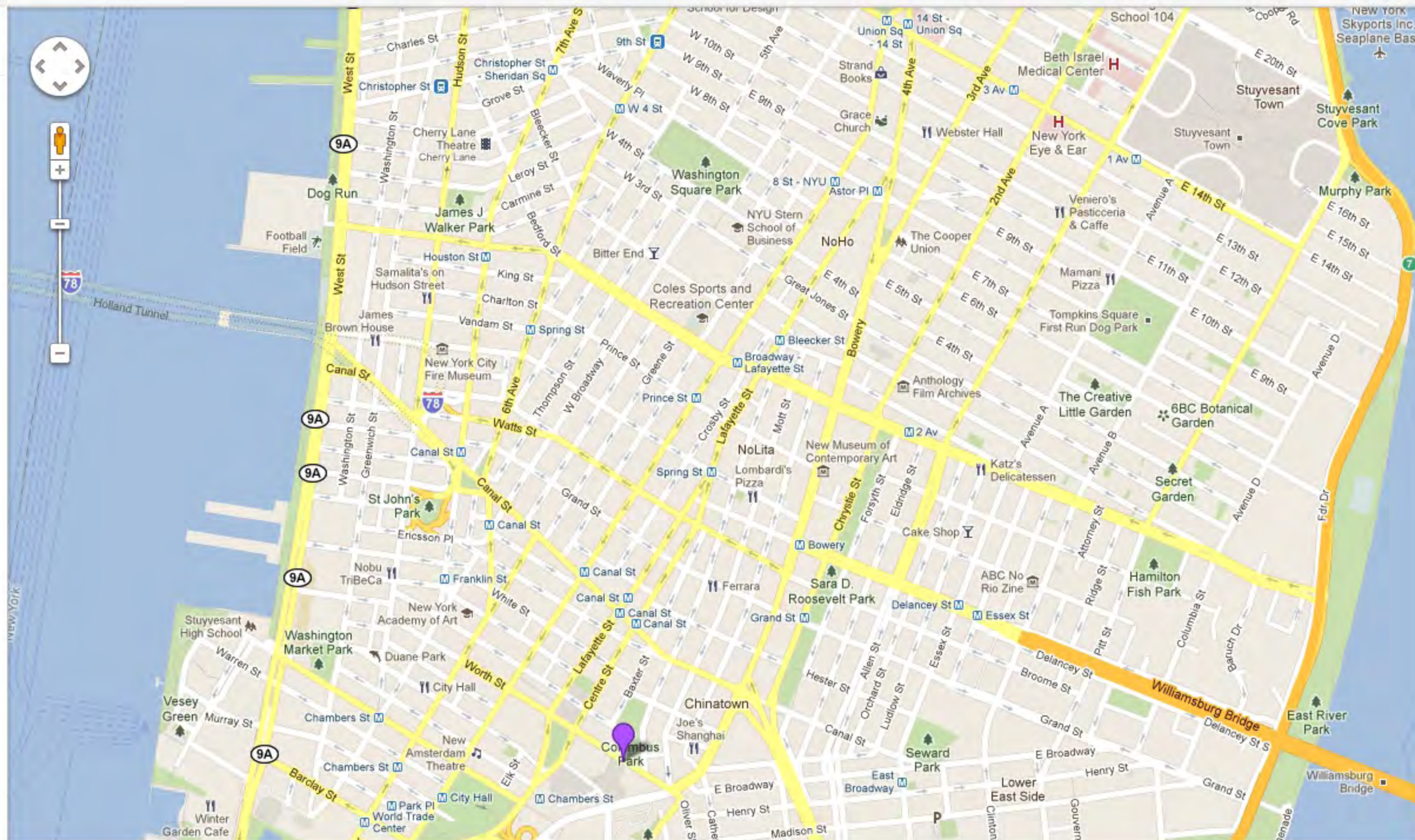
Explore this area »

Photos



Places

Church of the Transfiguration
Thurgood Marshall United States Courthouse
Five Points





http://manhattanda.org/directions

File Edit View Favorites Tools Help Convert Select

 **The New York County District Attorney's Office**

 Meet Cyrus R. Vance, Jr.,
Your District Attorney

[The Office](#) | [Priorities & Partnerships](#) | [Community Initiatives](#) | [Learning & Resource Center](#) | [Victim & Family Resources](#) | [Media Center](#) | [Careers & Training](#)

Directions

Directions

[Contact Us](#)
[Directions](#)
[Case Information](#)
[Twitter](#)
[Facebook](#)

Main Office

One Hogan Place
New York, NY 10013
(212) 335-9000

Map Sat Ter



©2011 Google

Hot Topic: Domestic Violence

Immigration Services Fraud

TAKE ACTION

- [Find case information](#)
- [Report a crime](#)
- [Public Integrity Unit](#)
- [Get an order of protection](#)
- [Find a number for my local precinct](#)
- [Identify elder abuse](#)
- [Report child abuse](#)
- [Keeping kids safe online](#)
- [Report identity theft](#)

125%

Web Slice G Desktop ? 4:05 AM 10/27/2011

Court Locator

[Search Map](#)
[Advanced Search](#)

Find Information On

- ☒ Judiciary Links
- ☒ Judiciary Services & Program
- ☒ Court-Related Associations

[Home](#) > [Court Locator](#)

COURT LOCATOR

[email updates](#)  RSS
 print
  share
  FAQs

To find a court location, click a state in the map below or use [advanced search](#).



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 terms⁵⁷, 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 –2,146 were in office on 30sep10¹³–, 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 people nominated and confirmed to

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 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”; http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf

¹³ http://Judicial-Discipline-Reform.org/statistics&tables/num_jud_officers.pdf >njo:10

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>;

judgeships in an eminently political process conducted by politicians in “Washington[, a place that] is dominated by the culture of corruption”¹⁶, 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 confirmed 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 they had to face those judges or their peers in future.

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 1oct96-30sep08 12-year period reported online, 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

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

¹⁶ 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.

¹⁷ 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 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:91§d)

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/JudicialBusiness.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

complainants' petitions to review^{18b} such dismissals^{19c}. So much so that the judges on the Judicial Council of the Second Circuit^{18f}, including Then-Judge Sonia Sotomayor during her stint there, denied 100% of those petitions 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 that the dismissal by the CA2 chief judge of the corresponding complaint be reviewed by the Council. This reveals perfect implicit or explicit coordination between them to reciprocally protect themselves on the understanding that 'today I dismiss a complaint against you, tomorrow you dismiss any against me'. Such reciprocal protection is given to judicial peers, of course, to the detriment of complainants, who are afforded no relief from the cause for complaint, and notwithstanding the impairment inflicted on the integrity of the administration of justice, for partiality toward peers is shown in disregard of equal application to them of the law and protection of complainants thereunder.

24. 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^{2024a} 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 of Congress granting the people the right to complain against them and to petition for review of the dismissals of the their complaints.²¹
25. In addition to ensuring reciprocity, 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 trumps discipline.

Cir. J. Kozinski [presently Chief Judge of the U.S. Court of Appeals for the Ninth Circuit], 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. [100] (Internal citations omitted.) *In re Judicial Misconduct Complaint*, docket no. 03-89037, Judicial Council, 9th Circuit, 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

²⁰ **a)** http://www.uscourts.gov/Court_Locator.aspx; **b)** <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/DistrictCourts.aspx>

²¹ **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. Self-granted immunization for even malicious and corrupt acts

26. The Supreme Court has protected its own by granting judges absolute immunity from liability for violating §1983 of the Civil Rights Act²², although it applies to "every person" who under color of law deprives another person of his civil rights.²³ "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"²⁴. 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 denied²⁵, appeals offer no deterrence.

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

27. To evade accountability, they hold their meetings behind closed doors²⁶ 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.²⁷

2. The corruptive motive of money

28. Two chief justices have stated the critical importance that federal judges attach to their salaries.²⁸

²² http://Judicial-Discipline-Reform.org/docs/42usc1981_civil_rights.pdf

²³ **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.

²⁴ *Stump v. Sparkman*, 435 U.S. 349 (1978); http://Judicial-Discipline-Reform.org/docs/Stump_v_Sparkman_absolute_immunity.pdf

²⁵ http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_caseload.pdf.

²⁶ http://judicial-discipline-reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf >2

²⁷ Lord Acton, Letter to Bishop Mandell Creighton, April 3, 1887: "Power corrupts, and absolute power [whose hallmark is unaccountability, which leads to unbound exercise] corrupts absolutely".

²⁸ **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-

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 billion²⁹. 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'^{28b} can wield their means of unaccountable power to risklessly resort to helping themselves to a portion of that mind-boggling amount of money. They have ample opportunity to do so.

3. Opportunity for wrongdoing in millions of practically unreviewable cases

a. In the bankruptcy and district courts

29. 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. Eighty percent of all federal cases enter the Federal Judiciary through those courts.³⁰ Moreover, consumers filed 1,516,971 of the 1,571,183 bankruptcy cases filed in the year to March 31, 2011.³¹ 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.³² As a result, only 0.23%³³ of bankruptcy court

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

²⁹ http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_dollar_value.pdf

³⁰ http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_as_percent_new_cases.pdf

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

³² 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/>

decisions are reviewed by the district courts and fewer than .08%³⁴ by the circuit courts.³⁵

30. Even those 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.^{108b} 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 cause the judges to retaliate directly against the lawyers 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 against their motions; etc.

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

31. 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

FederalCourts/Bankruptcy/BankruptcyResources/FilingBankruptcyWithoutAttorney.aspx.

³³ 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)^{57a}, 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.30](#). Cf. http://Judicial-Discipline-Reform.org/docs/28usc158b_BAP_unconstitutional.pdf

³⁴ 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 being reversed, are negligible. These odds engender the boldness of impunity. These figures are keyed to the (Table) at [fn.30](#).

³⁵ http://Judicial-Discipline-Reform.org/statistics&tables/bkr_non-biz&pro_se&appeals.pdf

to bankruptcy lawyers or anybody else, including their clerks, whom they appoint?

32. 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.

33. 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.³⁶

34. 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:³⁷

Supreme Court	Courts of Appeals	District Courts	U.S. Court of Federal Claims	Court of Internat'. 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)	

35. 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....³⁸

36. 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:

³⁶ http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf

³⁷ http://Judicial-Discipline-Reform.org/docs/28usc_2011.pdf

³⁸ http://Judicial-Discipline-Reform.org/docs/5usc_2011.pdf

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)

37. 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.

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

38. 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 2013.³⁹ The Advisory Committee⁴⁰ summarized the Congressional findings in its Note in 1979 to that rule

³⁹ 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> >111th Congress, 2nd Session (2010) (2006 Edition and Supplement IV) [or <http://uscode.house.gov/pdf/2010/>] > Tuesday, April 05, 2011 3:24 PM 13553861 2010usc11a.pdf; http://Judicial-Discipline-Reform.org/docs/FRBkrP_notes_5apr11.pdf. For the Rules as of 1dec11 but without the Notes, see [fn.59](#).

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.37](#) >§§2072-2075.

⁴⁰ "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^{84a}, 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.

(at the time titled Rule 2005)⁴¹ 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^{42a}, 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 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)

39. To eliminate this “cronyism”, 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^{43a}, to appoint private trustees for chapters 7, 11, 12, and 13 cases^{43b}, 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”⁴⁴ and “reimbursement for actual, necessary

⁴¹ Cf. http://Judicial-Discipline-Reform.org/docs/FRBP_Rules_Com_79.pdf >Rule 2005

⁴² **a)** [fn.58](#) >11 U.S.C. §327. Employment of professional persons. **b)** [Id.](#) >§341

⁴³ **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.”

⁴⁴ **a)** http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_10.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.43a](#);

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

expenses”⁴⁵. 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.

40. 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:23§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 cut in cash, in kind, or a service. After all, who will be the wiser in the “absence of effective oversight”?([jur:32§3](#)) Nothing has changed.
41. 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.^{44c} Although this provision requires that the judge’s removal be “for cause”, what constitutes “cause” is not defined or illustrated.(cf. [jur:28¶36](#)) This allows the judge to dangle over the trustee the threatening power of capricious and arbitrary removal however disguised as “cause”. Hence, 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 actually had the right and the duty to present her case zealously on behalf of the creditors that she represents⁵¹, never mind refuse to share with the judge any of the money that she has legitimately worked for, would cause the judge to remove 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 an appointment as a criminal defender, holding the only thing colorful in her life: her pink slip from a retaliating unaccountable judge.
42. 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 wrongdoing⁴⁶. Nothing has changed.
43. Therefore, so long as the judge keeps, for instance, confirming^{44d} a Chapter 13 trustee’s recommendations of debtors’ plans for debt repayment^{44e} and approving the trustee’s final

⁴⁵ Reimbursement of expenses, id. >§330(a)(1)(B) and §331

⁴⁶ **a)** [jur:27§1](#); **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_WDNY_21_dec5.pdf >Pst:1281§§c-d

reports⁴⁷ and final accounts, and discharges her from liability on her performance bond posted in her cases^{44f}, the trustee will have the opportunity to keep earning a commission on her pending cases and recommending the confirmation of new ones, because every case is yet one more pretext to earn a commission⁴⁸ 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).

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

44. U.S. Trustees are duty-bound to ensure the conformance of bankruptcy cases to the law, prevent the latter's abuse, and prosecute fraud.⁴⁹ They are also responsible for impaneling and supervising the private trustees⁵⁰ that deal directly with the debtors as representatives of the

⁴⁷ See in [jur:62§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

⁴⁸ [Fn./44a](#) >§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)

⁴⁹ [fn/43](#) >§586(a)(3) and (3)(F)

⁵⁰ **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.

estate for the benefit of creditors⁵¹. Yet, the deficient review of the trustees' case handling by the Executive Office of the U.S. Trustees (EOUST)^{129d} 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 bankruptcy filings." (emphasis added)⁵²

45. 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.^{129b,c} Although private, standing trustees are required by regulation to handle their cases personally under pain of removal⁵³, 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"⁵⁴.
46. Handling a bankruptcy case requires the trustee to:

⁵¹ [Fn.44a](#) >§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".

⁵² **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.

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

⁵⁴ "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)⁵⁵, and to that end
 - 1) review the bankruptcy petition and schedule containing the debtor’s supporting financial statements, both filed under oath and the penalty of perjury;
 - 2) seek and cross-check corroborating documents and assets, and interview persons;
- b. “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...”
- c. “advise...and assist the debtor in performance under the plan”, §1302(b)(1);
- d. “ensure that the debtor commences making timely payments under §1326”, §1302(b)(4),
- e. “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;
- f. “convene and preside at a meeting of creditors”, §341, and do so which requires that she:
 - 1) ensure that notice goes out to the identified creditors;
 - 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)⁵³;
 - 5) “orally examine the debtor”;
- g. “collect and reduce to money the property of the estate for which such trustee serves, and close such estate as expeditiously as is compatible with the best interests of parties in interest”,

⁵⁵ Most of the trustee’s responsibilities 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.44](#) >§§1106, 1202, and 1302.

§704(a)(1);

- h. “ensure that the debtor shall perform his intentions as specified in...[his] schedule of assets and liabilities”, §704(a)(3) and §521(2)(B);
- i. “file...period reports and summaries of the operation of such business” “authorized to be operated”, §704(8);
- j. give notice and attend hearings before using, selling, or leasing estate property, §363;
- k. operate the business of the debtor, §§721, 1108, 1203, 1204, or 1304;
- l. “obtain unsecured credit and incur unsecured debt in the ordinary course of business”, §364;
- m. “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),
- n. 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;
- o. sue others and defend if sued, §323;
- p. etc., etc., etc.,

47. Can the EOUST Trustees reasonably believe that one trustee can perform, never mind do so competently, all those functions, many, if not all, of which, she is duty-bound to perform personally, with respect to thousands of cases that may take years to close? 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 overvalued 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?
48. Given that a trustee’s fee compensation is computed as a percentage of a base, it is in his interest to increase the base by having debtors pay more so that his percentage fee may in turn be a proportionally higher amount. Increasing the base could require ascertaining the veracity of the figures in the schedules of the debtors as well as investigating any indicia that they have squirreled away assets for a rainbow post-discharge life. Such investigation, however, takes time, effort, and money initially paid out of pocket. Worse yet from the perspective of the trustee’s economic interest, an investigation can result in a debtor’s debt repayment plan not being confirmed and, thus, in no stream of percentage fees flowing to the trustee. (11 U.S.C. §§1326(a)(2) and (b)(2)).
49. The alternative is obvious: Never mind investigating, not even patently suspicious cases, just take in as many cases as you can and make up in the total of small easy fees from a huge number of cases what you could have made by taking your percentage fee of the assets that you sweated to recover. Of necessity, such a scheme redounds to the creditors’ detriment since fewer assets are brought into the estate and distributed to them. 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.
50. This income maximizing scheme has a natural and perverse consequence: As it becomes known that trustees have 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 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 bankruptcy petition waiting to be filed.

51. Trustees' subserviency to the bankruptcy judges and the money motive naturally degenerate in connivance and lead to a bankruptcy petition mill. It all begins with the debtor filing in court a petition for bankruptcy relief through the initial stay of creditors' efforts to collect their debts. The debtor also claims exemption of assets from the reach of creditors and disputes what creditors claim is owed them and its value. For their part, the creditors may challenge the exemptions in order to keep as large as possible the estate, that is, the pool of assets that the trustee is charge with liquidating so as to pay from the proceeds the debtors' debts. The creditors may also try to find any concealed assets and ensure that when assets are liquidated they receive the highest price possible.
52. However, the U.S. Trustee allows the trustee to keep amassing thousands of cases, unjustifiably and unnecessarily given that any number of trustees can be impaneled because what they earn comes from the estates that they represent, not from taxpayers' money. For his part, the judge keeps approving her actions. As a result, the trustee has neither the time nor the incentive to do little more than rubberstamp petitions. She now operates a profitable bankruptcy petition mill. Who is there to review her performance and challenge her seriously?
53. Hardly the pro se debtor, who may not even realize that he is being abused; even if he does, his slight understanding of the law can only allow him to whimper in front of the judge. Moreover, when the bankruptcy is a debtor's artifice to conceal assets from his creditors and get a discharge of the debts owed 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. 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 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 her lose the money from which he is expecting his cut.
54. Given the enormous amount of money at stake, unless honest and "effective oversight" is provided, the bankruptcy system breaks down; so does the system of justice. But the U.S. Trustees and the bankruptcy judges have failed to provide it as have the Department of Justice and the FBI¹²⁹ as well as the chief circuit judges and judicial councils charged with the duty to process complaints against judges in the interest of justice, not "cronyism".(jur:23§b) Consequently, the bankruptcy system has become the fiefdom of unaccountable judicial lords that risklessly abuse their power to pursue the money motive. 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"⁵⁶ to produce, not Equal Justice Under Law, but rather a bankruptcy fraud scheme. The appeals that can expose it will not be reviewed either.

⁵⁶ http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_local_practice.pdf

b. In the circuit courts

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

55. 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.⁵⁷ 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 forms⁵⁸ and the Federal Rules of Bankruptcy Procedure⁵⁹ 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 "Affirmed"...*next!*
56. 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.⁶⁰ That characterization is fatal because those courts calculate their "adjusted filings [by] weighting pro se appeals as one-third of a case".^{61a} 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"^{61b}. 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^{61c}, 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?
57. This perfunctory treatment of the substantial majority of all appeals to the circuit courts can be

⁵⁷ **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/28usc631639_magistrates.pdf

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

⁵⁹ http://Judicial-Discipline-Reform.org/docs/FRBkrP_1dec11.pdf

⁶⁰ http://Judicial-Discipline-Reform.org/statistics&tables/bkr_appeals&pro-se.pdf

⁶¹ **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

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.”⁶² Summary orders have no opinion or appended explanatory statement. They are no-reason, self-serving fiats of raw power to ensure the needed unaccountability to cover up laziness, expediency, and wrongdoing.⁶³ 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 “not for publication”⁶⁴ and “non-precedential”⁶⁵.

58. 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”⁶⁶.

⁶² **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.

⁶³ 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.

⁶⁴ http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf >§§2-3

⁶⁵ **a)** Federal Rules of Appellate Procedure, Rule 32.1 (FRAP); http://Judicial-Discipline-Reform.org/docs/FRAppP_1dec10.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.

⁶⁶ *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

59. 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.⁶⁷ 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.⁶⁸ 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?⁶⁹ 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'*.
60. 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 income⁷⁰ 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?
61. 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? Who cares! At least two judges concurred in any decision appealed from a 3-judge circuit court panel to the Supreme Court so 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. There the circuit judges simply wield their unaccountable power to dispose of the

⁶⁷ [fn.65.a](#) >FRAP 35. En banc determination

⁶⁸ http://Judicial-Discipline-Reform.org/docs/statistics&tables/en_banc_denials.pdf

⁶⁹ 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.63](#) >R:26.

⁷⁰ 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

appealed decision with another of their meaningless summary orders and non-published, in practice secret, opinions. By so doing, the circuit judges 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

62. In 1oct09-30sep10 FY10 there were 1,596,355 bankruptcy filings in the 90 bankruptcy courts^{71a}, but only 2,696^{71b} in the 94 district courts, and merely 678 in the 12 regional circuit courts^{71c}. 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 money²⁹, 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

63. 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^{72a} required by the justices calls for typesetting by a specialized commercial firm⁷³. Neither Kinkos nor Staples sell the special paper that must be used^{72b}, let alone print it. That can cost \$50,000 and even \$100,000 de-

⁷¹ **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.60 >Table S-4, pr:106

⁷² **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 6½-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 4½ by 7½ 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

⁷³ cf. http://brescias.com/legal_us_supr.html

pending on the size of the record, which can run to tens and even hundreds of thousands of pages.

64. 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.^{72c} 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"⁷⁴.
65. Then comes the cost of writing the initial brief, for instance, by petitioning for a writ of certiorari or by other jurisdiction.⁷⁵ 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.⁷⁶ If it takes up a case, then another brief, the brief on the merits, must be written^{77a}, 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 comes 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.^{77b} No wonder, having a case adjudicated by the Supreme Court can cost well over \$1,000,000!⁷⁸
66. 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, which is .4%.⁷⁹ 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 133.⁷⁶ For every

⁷⁴ Rule 1001 of the Federal Rules of Bankruptcy Procedure, [fn.59](#); and Rule 1 of the Federal Rules of Civil Procedure, http://Judicial-Discipline-Reform.org/docs/FRCivP_1dec10.pdf

⁷⁵ [fn.72](#) >Rules 10 and 17-20, respectively

⁷⁶ http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_caseload.pdf;
cf. http://Judicial-Discipline-Reform.org/docs/statistics&tables/cert_petitions.pdf

⁷⁷ **a)** [fn.72a](#) >Rule 24; **b)** *id.* >Rules 21-23

⁷⁸ 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

⁷⁹ http://Judicial-Discipline-Reform.org/statistics&tables/caseload/1judicial_caseload.pdf

one of its 73 signed opinions in its 2009 term –FY10– there were 27,670 filed in all courts.

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

67. That is the fate of the overwhelming majority of cases: They die of complicit indifference to wrongs and cold rejection at the door of the manor of the lords of the land of law; by execution of summary and unpublished orders of circuit lords; by contempt of law and fact by district lords, who ‘constructively convert’⁸⁰ U.S. courts to their respective “*my court!*”; or 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 bankrupt party has the knowledge or resources to start out on the journey of appeal. Unreviewability breeds arrogance. Coordination assures favorable review and risklessness. They turn federal judges into Judges Above the Law, who administer to themselves what they deny everybody else: Unequal Protection *From* the Law.

**4. The economic harm that a bankruptcy fraud scheme causes on
litigants, the rest of the public, and the economy**

68. 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.⁸¹ 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.
69. 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.

⁸⁰ To detain something unlawfully that initially was held lawfully.

⁸¹ 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

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

70. 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 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.
71. 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”⁵⁶.
72. 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 that 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.
73. 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:23§b). Free from the constraint of due process and enjoying a lightened workload through expediency measures(jur:37§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”.

74. 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.
75. 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:24¶25 >quotation), he must go along with the others, whether doing her share or looking the other way(jur:87§§a-d).
76. 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:102¶¶d,e), 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.⁸²

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

a. A class of wrongdoing priests covered up by the Catholic Church makes credible the charge of a class of judges covered up by the Federal Judiciary

77. 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

⁸² The Dynamics of Institutionalized Corruption in the Courts; http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf

God, have been convicted of sexually abusing minors. 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.

78. Hence, it is humanly and institutionally possible for federal judges to become corrupt as a class. Not only can they not claim that God chose them for his ministry because of some special disposition of their souls toward self-denial and altruism²⁸, but must also 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”⁸³ did not confer upon them any more incorruptibility than did the priests’ oath 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 have 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.
79. 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:25§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.
80. 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 and 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.²⁷ This has come about through their abuse of the power that was entrusted to them to policy themselves by handling the complaints filed against their peers^{18a}, which they have systematically dismissed to self-exempt from any discipline¹⁹; their collusive relationship with the other two branches of government^{21a}, which in self-interest do not hold them accountable([jur:81§1](#)); and the fear of retaliation that has caused the media to shirk from their duty to investigate and expose judges’ professional performance and individual conduct just as the media do the politicians’([jur:2¶¶4-8](#)).
81. 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

⁸³ http://judicial-discipline-reform.org/docs/28usc453_judges_oath.pdf

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.

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

82. Even the most recently confirmed nominee to a district judgeship keeps her job for life...“during good Behaviour”. Even if she behaves badly the Judiciary itself cannot 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.⁵⁷ 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.

83. In fact, the highest policy-making and disciplinary body of the Federal Judiciary, the Judicial Conference of the U.S.^{84a-f}, has no more statutory authority than to “submit suggestions and

⁸⁴ **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^{24a}. 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 meeting¹⁷¹ when their 3-

recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business”^{84g}.

84. 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.
85. 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.
86. 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.

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

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

87. 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

5-year service ends; <http://www.uscourts.gov/FederalCourts/JudicialConference/MemberShip.aspx>.

g) e) > §331 4th para.

really at stake in bankruptcy court: *money!*([jur:25§2](#)) To begin with, a bankruptcy judge can exercise authority under the Bankruptcy Code, that is, 11 U.S.C.⁵⁸, “except as otherwise provided by...rule or order of the district court”^{85a}. This means that a district court can order the withdrawal to itself of any bankruptcy case in the hands of one of its bankruptcy judges. 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 corresponding circuit 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^{59,74}, but rather “local practice”⁸⁶: The district court, which can uphold decisions appealed to it from the bankruptcy judge, and the circuit council, which can deny petitions to review the dismissal of misconduct complaints against him([jur:23§b](#)), assure the judge’s riskless exercise of judicial power to take advantage of the opportunity afforded by every case to make the money at stake flow among bankruptcy system insiders⁸⁷. 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 may require him to do.

88. Nevertheless, assume that the bankruptcy judge is principled enough to refuse to deviate from the law. 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.

89. 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 System⁸⁸, 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.
90. 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 council⁸⁹ may

⁸⁵ **a)** [fn.57a](#) >28 U.S.C. §151; **b)** *id.* >152(e); **c)** [fn.57b](#) >§§631(a) and (i)

⁸⁶ http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_local_practice.pdf

⁸⁷ http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

⁸⁸ <http://www.uscourts.gov/FederalCourts/CMECF.aspx>; cf. <http://www.nywb.uscourts.gov/cmecf.html>

⁸⁹ Each federal judicial circuit has a circuit council, which is composed only of an equal number of circuit and district judges of that circuit, to whom is added its chief circuit judge as presiding member. The council has administrative and disciplinary functions only; it

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"^{85b}.

91. 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.
92. 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"⁸⁶, 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.
93. 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^{90a} to do the right thing in the face of such dire consequences rather than simply flow with the current and the money by treating judicial wrongdoing with knowing indifference(jur:89§b) and willful ignorance(jur:90§c)?

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.57a) the bankruptcy judge whose removal is under consideration by the council; http://Judicial-Discipline-Reform.org/docs/28usc332_Councils.pdf.

⁹⁰ **a)** fn.57a >§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.162. **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.57b >§634(a).

94. Similarly, the district judges of the district court that appointed a magistrate judge have the authority both not to reappoint and to remove him^{85c}. 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.^{90b} If that does not do it, the Conference can simply beat his office out of existence.

§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.93](#))

§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

95. 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 justices⁹¹, could find himself or herself designated and assigned ‘temporarily’ to another court under 28 U.S.C. §§291-297⁹²;

§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.

96. 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:23§b](#)). If the judge prefers a tropical climate where in a brighter sun he can learn to make light of his 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

⁹¹ http://Judicial-Discipline-Reform.org/docs/28usc41-49_CAs.pdf >§42. Allotment of Supreme Court justices to circuits

⁹² http://Judicial-Discipline-Reform.org/docs/28usc291-297_assign_judges.pdf

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.

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...⁹³

97. 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 dessert within the scope of ‘temporary’ if it is for 5 years?

§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.

98. 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 meetings⁹⁴, they all have one vote and no one has a statutory right to draw up exclusively the agenda of their meetings.

99. 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 either⁹⁵. 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:50¶¶95,97). 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 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.

⁹³ 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.84b >jcr:1036.

⁹⁴ fn.84b >jcr:822; 901

⁹⁵ <http://Judicial-Discipline-Reform.org/teams/AFJ/11-12-10DrRCordero-DFranco-Malone.pdf>

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

100. 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.
101. 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:41¶79). 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:23¶23).
102. 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 devalued by the judges, who pay to it only lip service^{102c}. 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 Conference⁹⁶. Those judges would certainly not vote for a judge that would put principles ahead of the reciprocal cover-up required by complicit collegiality.
103. 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 some 25 committees of the Conference^{84b}, such as the committee on financial disclosure, on judicial conduct and disability, and on ethical conduct.^{cf.97a} Appointment to some committees, such as that on international judicial relations, involves travel abroad or hosting delegations of foreign jurists and judicial personnel.^{97b} 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, 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.⁹⁸ Chief judges can also make appointments

⁹⁶ fn.84c >2nd paragraph

⁹⁷ a) http://www.uscourts.gov/News/TheThirdBranch/10-10-01/New_Chairs_Head_Five_Conference_Committees.aspx; b) fn.84 >jcr:1039

in their respective courts.

104. “The Chief Justice has sole authority to make committee appointments”⁹⁹ and bestow the concomitant reputational benefit on appointees...as well as a ‘distraction’ from the monotonous grind of deciding case after case of *Joe Schmoe 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.

e. From general statistics of the Federal Judiciary to particular cases that illustrate how wrongdoing runs throughout it

105. The above is an example of dynamic analysis of harmonious and conflicting interests^{203b} 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:24¶25; 104¶167).
106. 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.

⁹⁸ <http://www.uscourts.gov/RulesAndPolicies/ConductAndDisability/JudicialConductDisability.aspx> >Implementation of the Judicial Conduct and Disability Act of 1980(fn.18a). A Report to the Chief Justice; and http://Judicial-Discipline-Reform.org/judicial_complaints/Breyer_Report.pdf. See also a critical comment on it and its history; http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf

⁹⁹ <http://www.uscourts.gov/FederalCourts/JudicialConference/Committees.aspx>

Blank

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

107. 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^{100a}. The evidence is in the financial statements that she filed with the Senate Committee on the Judiciary holding hearings on her confirmation.^{100b} 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^{100c}. Thereby she failed to comply with that Committee's request that she disclose "in detail all [her] assets...and liabilities"^{100b}. 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^{100d}. 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 Killefer¹⁰¹. 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.
108. 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 scheme⁸⁷ run by judges and bankruptcy system insiders¹³⁸ in a case in which she was the presiding judge: *DeLano*¹⁰². Although she and her CA2 peers were made aware of the scheme¹⁰³, they dismissed the evidence and protected their bankruptcy judge appointee^{57a} that ran the scheme in *DeLano*. How they

¹⁰⁰ 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) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf;
d) http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf

¹⁰¹ 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

¹⁰² a) *DeLano*, 06-4780-bk-CA2, dismissed per curiam, J. Sotomayor, presiding; fn.104 >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

¹⁰³ http://Judicial-Discipline-Reform.org/Follow_money/motion_en_banc.pdf >CA:1947§§I, III

dismissed it is most revealing, as shown below.

109. 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. The Judge so clearly realized how incriminating¹⁰⁴ that case was that she withheld it from the documents that she was required by the Senate Judiciary Committee to submit in preparation for her confirmation hearings¹⁰⁵. By so doing, she committed perjury since she swore that she had complied with the Committee's initial and supplemental document requests^{100b}.

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

110. *DeLano*¹⁰⁶ concerns a 39-year veteran banker who in preparation for his debt-free retirement to a golden nest filed his personal bankruptcy¹⁰⁷, 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^{57a} to the bench by CA2; when he was reappointed in 2006^{109a}, Judge Sotomayor

¹⁰⁴ http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf, 14mar8

¹⁰⁵ **a)** http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/7DrCordero-SenJudCom_docs.pdf, 3july9 >sjc:1;

b) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/18DrCordero-SenReid_SenMcConnell.pdf, 13july9;

c) Sample of the letter sent to each Senate Judiciary Committee member, 13july9; [fn.129e](#);

d) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/18DrCordero-SenJudCom.pdf, 14july9 >p.2§2;

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

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 http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V >W:43

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

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:29§2). Money and its sharing provide them with convergent motivational direction.¹¹¹

111. 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}.
112. 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

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.102b.

- 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 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

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}.

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

113. When *DeLano* reached CA2, Judge Sotomayor, presiding^{102b}, 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"^{105f}.
114. Judge Sotomayor also condoned the refusal of the bankruptcy judge to disqualify himself for conflict of interests(jur:62¶110) 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

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

¹¹⁷ a) fn.102b >US:2484 Table: Document requests & denials; b) fn.114 >de:18§II; c) fn.30 >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

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] rich⁸³ 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"⁸³ for complainants, other litigants, and the public. Instead of Equal Justice Under Law¹²¹, Judge Sotomayor upheld Judges Can Do No Wrong. She breached her oath.

115. 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 scheme⁸⁷ 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}.
116. 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 in known concealed assets^{124b}. 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 appointed⁵⁷ bankruptcy judges have she and other judges complicitly let the bankruptcy fraud scheme fester with rapaciousness^{125b} and to whose benefit or detriment?

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

¹²¹ [fn.64](#) >§§4-6

¹²² **a)** [fn.19b](#) >Cg:1-4; **b)** [fn.106](#) >HR:219

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

¹²⁴ **a)** [fn.106](#) >GC:61§1; **b)** [fn.107](#) >W:2; **c)** [fn.106](#) >HR:215; **d)** id. >HR:219, GC:63§2

¹²⁵ **a)** http://Judicial-Discipline-Reform.org/docs/make_18usc3057_report.pdf >§3057(a) and [fn.103](#) >CA:1961 ¶¶28-31; **b)** http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_crimes.pdf

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

117. 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.¹²⁶ 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.¹²⁷ However, she was never a 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.

c. The investigation of what the President and his aides knew about Then-Judge Sotomayor's wrongdoing

118. President Obama too had a duty: to vet justiceship candidates and choose among them, 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 up¹²⁸ their finding^{100a} of Judge Sotomayor's concealment of her assets^{100c} and of those trafficked in the fraud scheme. Had he acted responsibly in the public interest, he would have realized that she had withheld¹⁰⁵ *DeLano*¹⁰² 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 in order to curry favor with Latino and feminists voters, who wanted a Latina and another woman on the Supreme Court, he fraudulently got a dishonest nominee confirmed and misled the Senate and *We the People*.
119. 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^{129a}. Similarly duty-bound were the other federal^{129b-f} and state officers¹³⁰ who

¹²⁶ http://Judicial-Discipline-Reform.org/docs/RepMBachmann_Tea_Party_Caucus_jul10.pdf >mb:19-24

¹²⁷ **a)** The investigation of J. Sotomayor can lead to J. Ruth Bader Ginsburg, who as the 2nd Circuit's Circuit Justice⁹¹, 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:89§§b,c](#)
d) Cf. <http://Judicial-Discipline-Reform.org/journalists/CBS/11-5-18DrRCordero-ProdCScholl.pdf> re Former Arizona Judge and Supreme Court Justice Sandra Day O'Connor and alleged corruption in Arizona courts.

¹²⁸ 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;

¹²⁹ **a)** http://Judicial-Discipline-Reform.org/DoJ-FBI/DrRCordero-DoJ_FBI_08-09.pdf. The latest complaint to DoJ, [fn.106](#) >HR:1, has the statement of facts about the fraud scheme,

vetted Judge Sotomayor or received complaints about her, the schemers¹³¹, and their condoners. But they would not even ask those complained-against to answer the complaint or request any evidence-corroborating document^{130d}.

d. The senators received documents allowing them to suspect Then-Judge Sotomayor of concealment of assets, as did *The New York Times*, *The Washington Post*, and *Politico*; and of her withholding of *DeLano* from them

120. The same investigation should include all those Democrats and Republicans on the Senate Judiciary Committee¹³² and the Senate leadership^{105b} that requested and received financial documents^{100b} from Judge Sotomayor but disregarded their glaring inconsistencies^{100c} and the suspicion of her concealment of assets raised by *The New York Times*, *The Washington Post*, and *Politico*^{100a}. They continued to do so even after they were alerted repeatedly by hardcopy, fax, email, and telephone both to such inconsistencies through the analysis¹⁰⁵ 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^{133a} 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 Committee¹⁰⁵ on the Committee website^{133b} 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.

>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

- 130 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

- 131 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 book-marks to facilitate navigation also at http://Judicial-Discipline-Reform.org/docs/NYS_Rules_Prof_Conduct.pdf.

- 132 http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/DrRCordero-list_Sen_mem_28_aug9.pdf

- 133 a) http://Judicial-Discipline-Reform.org/docs/Senate_hearing_JSotomayor_09.pdf;
- b) http://Judicial-Discipline-Reform.org/docs/Sen_postings_JSotomayor_21sep11.pdf

121. 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^{105b-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 requested¹⁰⁵.
122. 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 judges¹³⁴. 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.
123. For instance, Senator Charles Schumer knew^{129e} 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.¹³⁵ Senator Kirsten Gillibrand showed the same disregard^{129f}. 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^{100b}, 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 public¹³⁶. 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.

¹³⁴ **a)** http://Judicial-Discipline-Reform.org/Follow_money/Champion_of_Justice.pdf **b)** >1:§A

¹³⁵ "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

¹³⁶ http://Judicial-Discipline-Reform.org/docs/Maragos_v_Gillibrand.pdf >ms:21

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

124. 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.
125. The evidence shows that neither the Executive Branch nor Congress dare exert constitutional checks and balances on the Judiciary.¹³⁴ They have failed to ensure that judges both apply the law fairly and impartially to others and themselves, and abide by the high standards of honesty and integrity applicable to them^{138a}, 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.
126. 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.¹³⁷ Their exposing them now could lead to self-incrimination.
127. In addition, most law professors were and to some extent continue to be practicing lawyers. Attorneys are insiders of the legal and bankruptcy systems.¹³⁸ As such they have the opportunity 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 year²⁹; 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 judges¹³⁹, and gain of the valuable

¹³⁷ [fn.28d](#) >yre:43

¹³⁸ 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. 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.

¹³⁹ **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;

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:87§a](#)), been knowingly indifferent to([jur:89§b](#)), willfully blind to([jur:90§c](#)), or handled with impropriety([jur:91§d](#)). If they keep quiet as insiders do, they too, as law professors and lawyers, can receive the benefit of the extension to them¹⁴⁰ 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.

128. 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.
129. 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 systems¹³⁸ 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.
130. 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]".
131. 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, by the people, for the people"¹⁴¹ 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:91§d](#)) Why did *The New York Times*, *The Washington Post*, and Politico drop without any explanation their

<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>

¹⁴⁰ http://Judicial-Discipline-Reform.org/NYS_att_complaints/1DrRCordero-Disciplinary_Com.pdf

¹⁴¹ Abraham Lincoln's Address on the Battlefield at Gettysburg, Pennsylvania, 19nov1883; http://Judicial-Discipline-Reform.org/docs/ALincoln_Gettysburg_Address.pdf

investigation into the concealment of assets that they themselves suspected^{100a} Then-Judge Sotomayor of having engaged in?¹⁴² Was pressure exerted on them? Was there a quid pro quo?

2. A novel strategy for public interest entities, journalists, and journalism students...and a special politician too, a courageous one: to investigate a story that can provoke in the national public action-stirring outrage at judicial wrongdoing and thus set in motion reformatory change in the Federal Judiciary

132. Due to the default of those duty-bound to hold public officers, including judges, accountable, that task now falls to those for whose benefit that duty is supposed to be performed and who in a democratic society governed by the rule of law have the right to hold all public officers 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 and being exempted by politicians from compliance with the requirements of legal and ethical conduct are able to give everybody else the residue left after the law is squeezed out of due process trampled underfoot: a mockery of justice.
133. 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.
134. 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 respective judiciary as an institution. The purpose is to determine whether they have abused their means of unaccountable power to pursue a wrongful motive, such as money in controversy or offered to buy a decision or influence one, by taking advantage of the opportunity of their deciding cases or influencing those who decide them. 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 fundamental interest in “Equal Justice Under Law”. The latter must be administered by servants that are honest and perform their job according to their instructions: to ensure due process of law. Information showing how that interest 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

¹⁴² 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.127d;
e) http://Judicial-Discipline-Reform.org/docs/DrRCordero-NewsHour_Jim_Lehrer.pdf
d) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Sen&HR_Jud_Com_11jun4.pdf >p72

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.

135. That demand is likely to be successful. The public has already been shown by a series of polls to disapprove 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. Under public pressure thus generated and aggravated by political challengers that seize the opportunity to attack incumbents for their individual or party responsibility for enabling judges' wrongdoing, Congress and the President, fearing for their political survival, are likely to give in and open judicial wrongdoing investigations that can lead to judicial accountability and discipline reform.
136. 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. By the same token, the 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 and bring to national attention the 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

137. 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 engages in wrongdoing and tolerates it among its judges; 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¶134)
138. 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.¹⁰² 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 law⁶⁶ by

dismissing a case not only with a “perfunctory”⁶³ 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 honest¹⁴³ 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.

139. The *DeLano-J. Sotomayor* story also reveals how judges engage in wrongdoing individually as well as collectively through the more insidious and pernicious coordination with each other and with insiders of the legal and bankruptcy systems¹³⁸, 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. Investigative reporting on judicial unaccountability rendered promising and cost-effective by its reasonable goal: to show to the public the individual and coordinated wrongdoing of judges rather than prove in court to the judges’ peers judicial corruption

140. 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^{102b;109c}; taken through all the competent administrative bodies of the Federal Judiciary^{119;232a}, and supported by broad and thorough research([jur:iii/ent.i](#)). 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.
141. 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 Rootstrickers¹⁴⁴; **c)** investigative organizations, such as Think Progress¹⁴⁵, the

¹⁴³ On public officers’ implied promise of honest service, see 18 U.S.C. §§ 1341, 1343, and 1346.

¹⁴⁴ **a)** <http://www.unitedrepublic.org/>; **b)** <http://www.getmoneyout.com/contact>; **c)** <http://www.rootstrickers.org/>; **d)** <http://Judicial-Discipline-Reform.org/teams/UR/11-12-15DrRCordero->

Center for Public Integrity¹⁴⁶, and ProPublica¹⁴⁷; and **d)** journalism schools, which as part of their learning-by-doing pedagogy can have their students join those entities' investigation to work under their supervision as an academic project for credit, while the schools and students enhance the entities' manpower and multimedia resources^{cf.217e}. Among these schools are the Investigative Reporting Workshop of the School of Communication of American University¹⁴⁸ in Washington, D.C.; and in New York City Columbia University Graduate School of Journalism¹⁴⁹, City University of New York Graduate School of Journalism¹⁵⁰, and New York University Journalism Institute¹⁵¹. 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".

142. Investigating the *DeLano-J. Sotomayor* story is an appropriate goal of any media outlet that advocates "progressive ideas and policies"^{145a}, 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^{144a}; 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"^{152a-b}, and

CEOJSilver.pdf; **e)** <http://Judicial-Discipline-Reform.org/teams/GMO/11-12-17DrRCordero-HostDRatigan.pdf>

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

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

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

- 148 **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>

- 149 **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.217e-f

- 150 **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>

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

- 152 **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.64} 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:61§1](#)) and her cover

have recognized the need “to cultivate the next generation of progressive activists”^{152c} and “expose students to careers in public interest advocacy”^{152d} through a “Student Action Campaign, which provides year-round opportunities for students to engage in advocacy to ensure a fair and independent judiciary.”^{152e}

143. 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’.
144. 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](#)) as, the people’s Champions of Justice^{134a}.

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

145. 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

up of the bankruptcy fraud scheme([jur:64§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>

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.

146. 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 diligence she would have found out about the third-parties' wrongdoing but she was too negligent or incompetent to do so (skylooking passerby).

147. 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.

148. 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 complicity**

149. 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!*"

150. 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*".¹⁵³

151. Knowing indifference is not ignorant of its value; it only bids its time to realize it. In the process,

¹⁵³ fn.123 & http://Judicial-Discipline-Reform.org/Follow_money/JudReform_from_outside.pdf

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.

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

152. Willful ignorance refers to the objective state of not knowing about wrongdoing because the 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.
153. 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 and, in particular, a person to whom knowledge of such implications is imputed as a result of his professional training and daily experience at work.
154. Willful 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 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. This lower standard is illustrated by the statutory duty imposed on federal judges 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.
155. Through willful 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 judicial election. Friendship with a colleague for 1, 5, 10, 15, 20 years is given precedence over duty. 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 the defining duty of her office. That conduct detracts from public confidence in her as well as other judges' impartiality and commitment to the rule of law. It supports the impression that they cover for each other regardless of the gravity of the wrong that may have been done. It casts doubt on their sense of right and wrong. Whatever the wrong that one of their own may have done, they exonerate them from any charge before they even know its nature and their degree of moral responsibility or legal liability. Their attitude is "anything goes, for a judge can do no wrong". So they turn a blind eye before they see evidence of wrong-doing that destroys their pretense that they did not do anything because they had not seen anything requiring them to take action. Such 'no action due to lack of knowledge' pretense is in itself dishonest. It is also blamable because it amounts to engaging in a blanket cover up.
156. Willful blindness allows what occurred to go undetected and removes fear of detection, which

facilitates and encourages what still may occur. In reliance on the judge's willful blindness in the past, the wrongdoer expects that the judge's willful blindness will also cover her future wrongdoing. Hence, it renders a judge liable as an accessory before and after the fact.

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

157. 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.

158. 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."¹⁵⁴

159. 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.

¹⁵⁴ 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.

Blank

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

160. The investigation of the *DeLano-J. Sotomayor* story has two prongs: One is the *Follow the money!* investigation, for the actors in the story are driven by the most 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.¹⁶⁵

1. The *Follow the money!* investigation

161. The investigative reporters –a courageous politician, public interest entities, journalists, and journalism schools and students(jur:87¶144)– can start off their investigation by pursuing the many leads¹⁵⁵ that the prosecution of *DeLano* and related cases from bankruptcy, district, and circuit courts all the way to the Supreme Court^{156a} has already produced(jur:61§B). They can search for:

- a. the unaccounted-for earnings^{100c} and undisclosed secondary real estate assets^{100a} of Then-2nd Circuit Judge and Now-Justice Sonia Sotomayor (J. Sotomayor);
- b. 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^{156b};
- c. the money and assets maintained unaccounted-for by i) WBNY U.S. Bankruptcy Judge John C. Ninfo, II^{109d}¹¹⁹; ii) the judge to whom his M&T decisions¹⁵⁷ and *DeLano* were appealed, i.e., WDNY U.S. District Judge David G. Larimer¹⁵⁸; iii) the 2nd Circuit judges,

¹⁵⁵ **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

¹⁵⁶ **a)** fn.109b; **b)** jur:23¶¶22, 114; and fn.106 >HR:214

¹⁵⁷ fn.109b >GC:17§B and 21§C

¹⁵⁸ **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_CA2.pdf, 9july3, >A:1304§VII, A:1547¶4, and **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

including Then-Judge Sotomayor; and **iv**) the Supreme Court on behalf of themselves and legal and bankruptcy system insiders^{108a,b;109b}. They helped:

- 1) to conceal in *DeLano* -at least \$673,657^{155a}- which the bankruptcy, district, and circuit judges and the justices covered up by both **a**) 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 presided¹⁰², and **b**) her withholding *DeLano* from the Senate and its Judiciary Committee¹⁰⁵, lest the blatant violation of due process and discovery rights in that case lead to those documents and expose their bankruptcy fraud scheme⁸⁷;
 - 2) to cause assets to disappear in *Premier* and *Pfuntner*¹⁵⁷, 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 order¹⁵⁹ and denying the mandamus petition¹⁶⁰ to remove those cases from Judge Ninfo and transfer them to another U.S. district court that could presumably be fair and impartial.
- d. Judge Larimer's unaccounted-for money in the mandatory^{100d} annual financial disclosure reports that he filed with the Administrative Office of the U.S. Courts¹⁶¹. In 2008, his judicial salary alone was \$169,300¹⁶², placing him in the top 2% of income earners in our country¹⁶³. 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?
- e. The financial reports of Judge Ninfo¹⁶⁴, who presided over all the cases here in question

¹⁵⁹ http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_CA2_rehear.pdf, 10mar4

¹⁶⁰ http://Judicial-Discipline-Reform.org/docs/DrCordero_mandamus_app.pdf, 12sep3

¹⁶¹ http://Judicial-Discipline-Reform.org/docs/J_Larimer_fin_disclosure_rep.pdf

¹⁶² 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >111th Congress, 2nd Session (2010) >5641738 2010usc05.pdf >pg. 410 §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, 2011)

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"

¹⁶³ http://Judicial-Discipline-Reform.org/docs/US_Census_Income_2010.pdf >Table 689. Money Income of People--Number by Income Level: 2007

¹⁶⁴ **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.⁸⁴ Committee on Financial Disclosure, a committee of

and more than 7,280 of only two insider trustees^{108a, 109b}.

2. The *Follow the wire!* investigation

162. This investigation will:

- a. seek to determine whether the anomalies in the behavior of email accounts, mail, and phone communications¹⁶⁵ are traceable to the Judiciary's abuse of power by ordering its own and other technical personnel to illegally intercept people's communications with the intent to:
 - 1) impede the broadcast of facts regarding its abusive discipline self-exemption and resulting riskless coordinated wrongdoing;
 - 2) hinder the formation of an entity for the advocacy of journalistic and official investigations of such wrongdoing; and thus
 - 3) forestall the adoption of effective judicial accountability and discipline reform.

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

163. The investigative reporters([jur:101¶161](#)) can continue their investigation in the field. There they can approach a source of information¹⁶⁶ that is essential to expose coordinated judicial wrongdoing: the judges' law clerks^{167a} and the clerks of court¹⁶⁸. 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.^{167b} 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

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>.

¹⁶⁵ http://judicial-discipline-reform.org/HR/11-4-25DrRCordero-HR_ComJud.pdf >HR:266§II

¹⁶⁶ 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;

¹⁶⁷ **a)** 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; **b)** [fn.28d](#) >yre:40

¹⁶⁸ **a)** National Conference of Bankruptcy Clerks; <http://ncbc.memberclicks.net/>; **b)** Federal Court Clerks Association; <http://www.fcca.ws/>

the courtroom and are even required to execute as the judges' agents of wrongdoing.

164. 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 rules¹⁶⁹ 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...
165. 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.
166. 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 2005.¹⁷⁰ The same assurance can be extended, of course, to current and former legal and bankruptcy system insiders¹³⁸ and members of the Judiciary as well as members of the Executive Branch and Congress.
167. 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.¹⁷¹, circuit conferences¹⁷², private seminars¹⁷³,

¹⁶⁹ Cf. http://Judicial-Discipline-Reform.org/docs/CA2_Local_Rules_IOP_8sep11.pdf

¹⁷⁰ **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/>

¹⁷¹ The Judicial Conference⁸⁴ meets in Washington, D.C., in March and September^{cf. fn.26} 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

and meetings of classes of judicial officers and employees¹⁷⁴. 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^{174e} 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 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

168. The investigative reporters([jur:101¶161](#)) can also conduct a library investigation. Starting with the leads already available¹⁵⁵, they can search for relevant information in:
- a. commercial databases¹⁷⁵, e.g., Dialog, Dun & Bradstreet, EDGAR (financial filings), Hoover, LexisNexis, Martindale (directory of law firms and biographies of lawyers)¹⁷⁶, Proquest, Saegis and TRADE-MARKSCAN, Thomson Reuters CLEAR;
 - b. government databases, e.g.:

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.

- ¹⁷² **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: http://www.uscourts.gov/Court_Locator.aspx

- ¹⁷³ On the duty of judges to disclose attendance at seminars and who pays its cost: <http://www.uscourts.gov/RulesAndPolicies/PrivateSeminarDisclosure.aspx>

- ¹⁷⁴ **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

- ¹⁷⁵ Cf. commercial databases with links at [fn.213¶10](#)

- ¹⁷⁶ <http://www.martindale.com/>

- 1) Administrative Office of the U.S. Courts¹⁷⁷,
- 2) Code of Federal Regulations (regulations and decisions of federal agencies)¹⁷⁸,
- 3) Council of the Inspectors General on Integrity and Efficiency (73 I.G.s that act as watchdog of federal government operations)¹⁷⁹,
- 4) General Accounting Office (the investigative arm of Congress, reputedly impartial and thorough)¹⁸⁰,
- 5) National Association of Counties¹⁸¹,
- 6) National Association of County Recorders, Election Officials and Clerks¹⁸²,
- 7) Office of Management and Budget (attached to the White House, i.e. the Executive Branch)¹⁸³,
- 8) PACER (Public Access to Court Electronic Records, particularly rich in bankruptcy filings)¹⁸⁴,
- 9) Securities and Exchange Commission (filings of publicly traded companies)¹⁸⁵,
- 10) state family courts (where divorce and child custody dispute may reveal hidden assets, unpaid taxes, and money laundering)¹⁸⁶,
- 11) THOMAS (the Library of Congress)¹⁸⁷,
- 12) the U.S. Senate¹⁸⁸ and the U.S. House of Representative¹⁸⁹ (which contain a treasure trove of reports on the investigations and hearings that normally precede and provide the foundation for federal law);
- 13) U.S. Code¹⁹⁰ (the thematic collection of all public and private laws of the federal

¹⁷⁷ <http://www.uscourts.gov/Home.aspx>

¹⁷⁸ <http://www.gpoaccess.gov/cfr/index.html>

¹⁷⁹ <http://www.ignet.gov/>

¹⁸⁰ <http://www.gao.gov/>

¹⁸¹ <http://www.naco.org>

¹⁸² <http://www.nacrc.org/>

¹⁸³ <http://www.whitehouse.gov/omb/>

¹⁸⁴ <http://www.pacer.uscourts.gov/index.html>

¹⁸⁵ <http://www.sec.gov/>

¹⁸⁶ <http://family.findlaw.com/family/family-law-help/state-family-courts.html>

¹⁸⁷ <http://thomas.loc.gov/home/thomas.php>; cf. the Legal Information Institute of Cornell University Law School, <http://www.law.cornell.edu/>

¹⁸⁸ <http://www.senate.gov/>

¹⁸⁹ <http://house.gov/>

¹⁹⁰ <http://uscode.house.gov/download/download.shtml>

government)

- 14) US Tax Court (where litigants' filings may disclose otherwise confidential tax information)¹⁹¹,
 - 15) cf. WestLaw (though a division of the private company Thomson Reuters, it reports under contract with federal and state¹⁹² governments court procedural rules and case decisions, legislation, as well as information on judges, lawyers, companies, people, commercial transactions, etc.)¹⁹³
 - 16) U.S. Code Congressional & Administrative News^{194a} (U.S.C.C.A.N.; containing the transcripts of congressional sessions; published by WestLaw)^{194b};
- c. credit reporting bureaus, e.g., Equifax, Experian, TransUnion; Privacy Guard;
 - d. social networks, e.g., Facebook, Twitter, UTube;
 - e. accounts of dealings with judges and insiders posted by the public on websites that complain about judicial wrongdoing;¹⁹⁵
169. To calculate Then-Judge Sotomayor's earnings and assets from earlier in her work-life than was possible at the time of drawing up the table of her financial information^{100c}, the investigators can:
- a. request under the NY Freedom of Information Law (FOIL)¹⁹⁶ the documents concerning the payment of her salary when she was an assistant district attorney in the NY County District Attorney's Office during 1979-1984¹⁹⁷;
 - 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 in the context 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

191 <http://www.ustaxcourt.gov/>

¹⁹² **a)** <http://government.westlaw.com/nyofficial/>;

b) see also <http://www.nysl.nysed.gov/collections/lawresources.htm> and <http://public.leginfo.state.ny.us/MENUGETF.cgi?COMMONQUERY=LAWS+&TARGET=VIEW>

193 <http://directory.westlaw.com/>

¹⁹⁴ **a)** <http://www.westlaw.com/search/default.wl?db=USCCAN&RS=W&VR=2.0>; **b)** <http://directory.westlaw.com/default.asp?GUID=WDIR000000000000000000000000105257&RS=W&VR=2.0>

¹⁹⁵ Alliance for Justice, www.afj.org/; Citizens for Judicial Accountability, <http://www.judicialaccountability.org/>; Citizens for Responsibility and Ethics in Washington, <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/>

¹⁹⁶ http://Judicial-Discipline-Reform.org/docs/NY_FOIL&court_records.pdf

¹⁹⁷ Cf. http://Judicial-Discipline-Reform.org/docs/DrRCordero-DANY_june09.pdf

firm, Hogan & Hartson, in 2003¹⁹⁸.

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

a. Accounts of dealings with the judiciary

170. 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 patterns¹⁹⁹ 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: schemes⁸⁷. 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: the people's judicial public servants.

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

171. 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 phase²¹³([jur:137§h](#)) of the investigation of coordinated judicial wrongdoing.

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

172. 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

¹⁹⁸ [fn.100a](#) >ar:7; http://Judicial-Discipline-Reform.org/SCt_nominee/Pavia&Harcourt_7feb10.pdf

¹⁹⁹ 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).

complaints against judges filed under federal¹⁸ or state law. In the Federal Judiciary, as revealed by its official statistics²⁰⁰, **a)** these complaints are systematically dismissed by chief circuit judges(jur:23¶¶22-24); **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 Conference¹⁷¹. This consistent and unconditional partiality of judges toward their own provides evidence of coordinated conduct, whether through agreement(jur:88¶¶146-147), knowing indifference(jur:89§b), or willful blindness(jur:90§c), aimed at reciprocally covering up their wrong-doing regardless of the nature and gravity of the allegations(jur:64¶114) or the detriment to complainants and the administration of justice.

173. 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 scheme. Therefore, copies of these complaints can contribute to establishing that coordinated wrongdoing has become the Judiciary's institutionalized modus operandi.
174. 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.²⁰¹ 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.²⁰²

²⁰⁰ [fn.19a](#) and [b](#) >Cg:1-10

²⁰¹ [fn.18](#) >§360(a)

²⁰² http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf >5§C. Organizing and posting evidence

Blank

E. Multimedia public presentation, made by the investigative reporters and held at a press conference, a special event, or a journalism student job fair, of i) the evidence available of judicial wrongdoing and the *DeLano-J. Sotomayor* story; ii) the findings of their *Follow the money!* and *Follow the wire!* investigation of that; iii) the *I accuse!* manifesto, and iv) a business and academic venture proposal

1. Multimedia public presentation at a press conference, a special event, or a journalism student job fair

175. The investigative reporters –a courageous politician, public interest entities, journalists, and journalism schools and students(jur:87¶144)– can make a presentation^{203a} of the statistics of coordinated judicial wrongdoing(jur:21§A), the evidence of it available in the *DeLano-J. Sotomayor* story(jur:61§B), and what they found through their own *Follow the money!* and *Follow the wire!* investigation¹⁵⁵ of that story(jur:101§D). The presentation should take place at a widely advertised multimedia public event²⁰⁴. It will be intent on provoking outrage at judicial wrongdoing so intense and in an audience so broad as to stir the people to action: They must make such a vehement demand that judges be held accountable that politicians will not be able to disregard it and will give in by launching a process of judicial accountability and discipline reform. 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 systems¹³⁸. In so doing, the media will follow the lead of the presenters, the pioneers of the new field of journalism and public interest activity: judicial unaccountability reporting.
176. 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; incumbent politicians and their challengers; judges and their clerks; lawyers and law enforcement officers; law, journalism, business, and IT school professors and student class

²⁰³ a) http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf >Dn:11; b) cf. id. >Dn:8

²⁰⁴ 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

officers and organizations; etc.

177. A presentation at a journalism student job fair will offer an additional and exceptional opportunity in itself. It will allow the presenting students to display their acquired professional skills and turn a job fair into their personal job interview.^{203b} 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)
178. 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:91¶¶157-158) due at the very least to their failure to “avoid even the appearance of impropriety”(jur:64¶¶114-116)²⁰⁵, 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

179. Unchecked and thus, riskless judicial wrongdoing becomes ever more irresistible because of the material and moral benefits that it makes available so that 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, bloggers²⁰⁶, and blawgs²⁰⁷, etc.

a. The initial article can lay out the official statistics that reveal the federal judges’ exercise

²⁰⁵ http://Judicial-Discipline-Reform.org/docs/ABA_Prof_Respon_links.pdf

²⁰⁶ http://Judicial-Discipline-Reform.org/docs/from_bloggers_to_media.pdf

²⁰⁷ Cf. a) <http://blawgreview.blogspot.com/>; b) <http://www.blawg.com/>; c) <http://aba.journal.com/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>

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 notwithstanding²⁰⁸; 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.

180. 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 *J'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.²⁰⁹ Zola's courageous denunciation is credited with not only bringing about the exoneration and rehabilitation of Lt. Dreyfus, but also setting off a

²⁰⁸ <http://Judicial-Discipline-Reform.org/KGordon/11-8-18DrRCordero-CJDJacobs.pdf>

²⁰⁹ *J'accuse...!, I accuse!*, Open letter to the President of the French Republic, Émile Zola, L'Aurore; 13jan1898; Chameleon Translations, ©2004 David Short; http://Judicial-Discipline-Reform.org/Follow_money/Emile_Zola_I_Accuse.pdf

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.

181. 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.²¹⁰ 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.²¹¹ 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](#))

²¹⁰ http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

²¹¹ 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

182. 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^{212a} 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*.
183. The business and academic venture will be open to the media, public interest entities, teaching institutions^{cf.217e}, 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.
184. 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.²¹³ 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.

²¹² a) fn.203 >Dn:11¶2; Dn:52; b) id. >Dn:11¶3

²¹³ 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.203 a >Dn:11, 52

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

185. 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 leads¹⁵⁵ in:
 - 1) the findings of their investigation and their *I accuse!* manifesto;
 - 2) the public record of *DeLano*^{102a}, *Pfuntner*, and *Premier*^{109c}, and their analysis¹⁰⁶;
 - 3) the articles in *The New York Times*, *The Washington Post*, and Politico^{100a};
- 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;^{100a-c}
 - 2) J. Sotomayor's participation in the cover-up of the bankruptcy fraud scheme and other forms of judicial wrongdoing;(jur:24§a)
 - 3) what President Obama(jur:66§c), the senators that recommended her and shepherded her nomination through the Senate^{129,e,f;130e}, and the Senate and its Judiciary Committee¹⁰⁵ knew about her concealment of assets and her perjurious withholding of *DeLano* from them(jur:67¶120) and when they knew it;
 - 4) the pro forma filing and acceptance of judges' financial disclosure reports;^{164b}
 - 5) the participation of other justices in reciprocally covering up their individual and coordinated wrongdoing(jur:66§b) and that of the circuits^{24a} to which they are allotted as circuit justices^{127b; 21b};
 - 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, namely, judges' means of unaccountable judicial decision-making power, the money motive, and practically unreviewable cases(jur:26§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;²¹⁴
- d. encourage the audience, the media, and the public to:

²¹⁴ Title 28 of the Code of Federal Regulations, Part 600 (28 CFR Part 600); http://Judicial-Discipline-Reform.org/docs/28cfr600_Independent_Counsel.pdf

- 1) endorse the *I accuse!* manifesto;
- 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:91¶158);
- 7) search for the modern day Senator Howard Baker^{215a}, 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**

186. 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 local²¹⁶ judiciaries. This can be done by inviting the public to call in¹

²¹⁵ **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

²¹⁶ 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.

187. Local professionals, the public, and the media can be provided with a brochure on coordinated judicial wrongdoing. It can be short, written for laypeople^{217a-d}, and explain^{217e-f} the conceptual and statistical framework(jur:21§A) for understanding such wrongdoing(jur:87§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 judiciaries²¹⁸ 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. 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

188. 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.

²¹⁷ 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) 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>

²¹⁸ 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

189. A template can set forth a method for non-journalists to detect and investigate several categories of judicial wrongdoing and impropriety²¹⁹ 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 dollars²⁹ 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.
190. 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:87§§a-d)

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

191. 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.²²⁰ 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.²²¹ 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 enough²²² for their authors to post on blogs in order to call readers' attention

²¹⁹ 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

²²⁰ Cf. http://Judicial-Discipline-Reform.org/docs/how_to_follow_money.pdf

²²¹ http://Judicial-Discipline-Reform.org/docs/building_record&fact_statement.pdf

²²² 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 experiences.²²³ 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.

192. 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.²²⁴ 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

193. 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.
194. Yet another template can illustrate the steps for filing a judicial misconduct complaint that complies with the form and substance requirements of the Federal Judiciary²²⁵. 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.²²⁶
195. As offspring of the *I accuse!* manifesto, the brochure and its templates can in turn be conceived

²²³ Cf. http://Judicial-Discipline-Reform.org/docs/disseminate_criticism_misconduct_rules.pdf

²²⁴ Cf. http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

²²⁵ **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

²²⁶ 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

of as prototypes of, and advertisement for, the writing seminars and classes that in due time the proposed venture can offer²¹³ 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**

196. Another incentive(cf. [jur:129¶191](#)) 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.²¹³ 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*.^{227a} *How an outraged people turned into a movement*^{227b} *for Equal Justice Under Law*.

e. Legislative proposal to ensure judicial accountability and discipline

197. 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”²²⁸, 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.²²⁹ Making the Federal

²²⁷ **a)** [fn.202 >7§f](#); and **b)** [jur:146§4](#)

²²⁸ http://Judicial-Discipline-Reform.org/docs/DrRCordero_proposal_synopsis.pdf

²²⁹ **a)** On a failed attempt to do so see bill S.1873, passed on October 30, 1979, and HR 7974, passed on September 15, 1980, entitled The Judicial Councils Reform and Judicial Conduct

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 reading²³⁰ 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.⁶⁴
- 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 Representatives²³¹ any reasonable belief that:

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; http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf >§332(d)(1). **c)** The Conduct and Disability part of it as adopted is at [fn.18a](#).

²³⁰ **a)** [fn.62b](#); **b)** [fn.118c](#) >CA:1749§2;

²³¹ **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

198. 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

199. 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

200. 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.²³¹

3) Open and transparent operation

201. 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

202. The citizen board must be empowered to:

- a. receive for the public record complaints against justices, judges²³², magistrates, law clerks, clerks of court²³³, court reporters²³⁴, circuit executives²³⁵, and administrative employees, and investigate them
- b. proceed also on the basis of information received other than through a complaint;^{236a}
- 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;^{237a-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 on its website and at its offices;

²³² **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf and **fn.119**; **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero-4recuse_CJWalker_04.pdf

²³³ **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

²³⁴ http://Judicial-Discipline-Reform.org/docs/DrCordero_to_JConf_CtReporter_28jul5.pdf;

²³⁵ http://Judicial-Discipline-Reform.org/docs/DrRCordero-2CirExecKGMilton_mar4.pdf

²³⁶ **Cf. a)** **fn.18a** >§§351(a) and 354(b)(2); **b)** **fn.208**

²³⁷ **a)** **fn:18a** >§356; **b)** **fn.229b** >§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.

- 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^{237c}; 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,²³⁸
- 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

203. 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

204. An inspector general of the Federal Judiciary (I.G.J.) must be established and:²³⁹
- 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;
 - c. charged with the duty to investigate the administration of the Federal Judiciary by its

²³⁸ 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

²³⁹ 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

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

205. The business and academic venture²¹³ includes the creation of a for-profit institute of judicial unaccountability reporting and reform advocacy²¹².

1) Purpose

206. 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 professionals¹³⁸, 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"²⁴⁰ 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 with other complaints that may allow the detection of patterns, trends, and coordination,

²⁴⁰ First Amendment to the U.S. Constitution; http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf

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

207. As researcher, the institute will conduct advanced research such as:²⁴¹

- 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 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:37§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 and in one particular instance, which:

²⁴¹ Cf. http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_proposal_synopsis.pdf

- 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:37§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"⁶⁶; 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 country¹⁶³;
- 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;²⁴²
- e. statistical correlations between:
 - 1) databases, such as:
 - a) dockets,
 - b) statistical reports,
 - c) judges' calendars;
 - d) judicial financial disclosure reports^{164a};
 - e) property registries¹⁸¹;
 - 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 mater 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;
 - 3) the winning or losing of parties and:
 - a) their wealth as well as the deciding judge's or panel judges';

²⁴² 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.

- 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;²⁴³
 - 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 influences²⁴⁴;

²⁴³ 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-Discipline-Reform.org/docs/HR_SCt_ethics_reform_9sep11.pdf

²⁴⁴ **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 decisionmaker 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]

- i. opinion polls and surveys;
- j. computer and field search for evidentiary documents concerning wrongdoing, including:
 - 1) unreported trips²⁴⁵ or attendance to seminars;
 - 2) non-disclosed receipt of gifts;²⁴³
 - 3) refusal to recuse so as to prevent discovery of wrongdoing or advance an improper interest;^{244b}
 - 4) hidden assets and money laundering;
 - 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

208. As educator, the institute will journalistically explain^{217e} to the public, in general, and *common-purpose entities*([jur:144¶210a](#)), 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;

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.245](#)

²⁴⁵ 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

- b) legal research and brief and article writing;
 - c) complaint storytelling;
 - d) investigative²⁴⁶ and ‘explainer’^{217e} 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;
- 6) organization of meetings and conferences to develop, share, and integrate conceptual and practical resources.

4) As publisher

209. 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¶196).

²⁴⁶ http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf

5) As leading advocate

210. 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:142¶208d](#));
 - 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

211. 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

212. 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¶210a](#)), 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 | 18) Microsoft Foundation |
| 2) Annie E. Casey Foundation | 19) National Endowment for the Arts |
| 3) AT&T Foundation | 20) National Press Foundation |
| 4) Benton Foundation | 21) New America Foundation, part of a cohort of academics and journalists exploring the future of journalism, and its Media Policy Initiative |
| 5) Bill and Melissa Gates Foundation | 22) New America Media |
| 6) Carnegie Foundation | 23) Nieman Foundation, Harvard |
| 7) Council of Foundations | 24) Oak Foundation |
| 8) David and Lucile Packard Foundation | 25) Omidyar Foundation |
| 9) Entertainment Industry for Peace and Justice | 26) Open Society Foundations |
| 10) Eugene and Agnes Meyer Foundation | 27) Packard Foundation |
| 11) Ford Foundation, providing funds as part of its Public Media Initiative | 28) Park Foundation |
| 12) Ford Foundation's Independent Documentary Fund | 29) Pew Charitable Trusts |
| 13) Freedom Forum | 30) Public Welfare Foundation |
| 14) John D. and Catherine T. MacArthur Foundation (provides fellowships) | 31) Richard Driehaus Foundation |
| 15) The John S. and James L. Knight Foundation: based in Miami, funds efforts to enhance journalism and the functioning of American communities | 32) Robert Wood Johnson Foundation |
| 16) Kohlberg Foundation | 33) Rockefeller Foundation |
| 17) McCormick Tribune Foundation | 34) Sandler Foundation |
| | 35) Surdna Foundation |
| | 36) Wallace Genetic Foundation |
| | 37) Waterloo Foundation |

213. The institute will also engage in grantmaking to common-purpose organizations([jur:144¶210a](#)).

214. 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.

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"

215. Common purpose entities([jur:144¶210a](#)) 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:61§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.
216. 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.
217. 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.
218. In 2011, they strongarmed 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.
219. 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 happenin’ to me?”, has become “*WE WON’T TAKE IT ANYMORE!*”

220. 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.²⁴⁷ 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.
221. This shows that even the smallest unit of one person can craft a vent for people’s pent up anger and channel it constructively into a willingness to get involved in a common course of action to defend their interests. It also shows how the new means of mass communication, that is, social networking on Facebook, Twitter, and YouTube, and blogging by citizen journalists and comment-makers, are helping protesters to spread their clamor broadly, tap grievances widely shared, and stir people into collective action that can prevail even upon those who abusively wield 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.
222. These current developments provide precedent for the reasonable expectation that those reporting judges’ wrongdoing and calling for them to be held accountable and disciplined can be effective. They can convince the public of the need to adopt new measures not just to require, but also to ensure in practice that judges perform their duty and honor the trust placed in them to conduct themselves lawfully and ethically everywhere, be impartial and fair in court, and safeguard due process of law for all people in all proceedings.²⁴⁸ In turn, the public can take action that builds up so much pressure as to force federal and state authorities to reform their respective judiciary through adequate legislation and implementing mechanisms. The pioneers of JUDICIAL UNACCOUNTABILITY REPORTING and reform advocacy who present the available

²⁴⁷ 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

²⁴⁸ “[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)

evidence of judicial wrongdoing and the findings of their investigation of the *DeLano-J. Sotomayor* story can provide the spark and rallying point around whom the rest of the public outraged by judges' wrongdoing can gather. They all can develop into a civic movement, one to ensure that the courts are no longer front entities for coordinated men and women to dispense a travesty of justice as they wield abusively and in self-interest their unaccountable power, but rather become part of honest and transparent government of *We the People* who demand and receive what they are entitled to: Equal Justice Under Law.

F. Offer to present the proposal for Gov. Romney to appeal to all voters by exposing judges' and politicians' wrongdoing & become Champion of Justice

223. 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:23§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)
224. Judges' unaccountability has made their wrongdoing riskless, and thus irresistible and inevitable. 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 insiders 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:32§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 scheme⁸⁷. They will not expose wrongdoers, lest they be ostracized by their peers(jur:24¶25) and self-incriminate. Instead, they reciprocally cover up, ensuring mutual 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.
225. 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 for wrongdoing and to stand up for the people, who 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 justice⁶⁶.
226. Dr. Cordero respectfully requests an invitation by Gov. Romney to set forth^{203a} to him and his staff the proposal for the Governor to present(jur:121§E) to the national media and public evidence of the conditions enabling judges' wrongdoing(jur:21§A) and their toleration by Washington insiders, such as his presidential opponents; and evidence, known to President Obama, of Then-Judge Sotomayor's concealment of assets and tax evasion(jur:61§B). This will lead all journalists pursuing a Pulitzer-winning 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: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? His evidence and the stream of journalists' revelations, e.g., the President's and J. Sotomayor's lying to the public about her honesty, can so outrage the public as to cause justices to resign, as Justice Abe Fortas had to¹²³, create a constitutional crisis for the President on how far to investigate wrongdoing judges, impair his fundraising while people of all persuasions give attention, money, and votes to the Governor as their Champion of Justice^{134a} who will fill the Supreme Court vacancies and reform the Judiciary through a proposed venture(jur:125§E3). Indeed, *he can trigger history!*

Blank last page

Blank

Dr. Richard Cordero, Esq.

