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Judicial Discipline Reform

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Bepress/ExpressO
http://law.bepress.com/do/expresso/submit/form

Dear Bepress Officers,

I would like to submit my manuscript Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting ([*>]jur:i). It has circa 29,774 words. This is the cover letter. My CV also accompanies it(CV:1-4).

A. The manuscript's thesis and its reasonably attainable objectives

The manuscript's thesis is that federal judges abuse their power because they are unaccountable and risklessly do wrong for personal and class benefits(jur:21§A). This is especially so given that they are under the influence of the most insidious corruptor: *money!*(65§B) Their abuse is enabled by the pervasive secrecy under which they perform as judges and administrators of the Federal Judiciary.(Lsch:2§A: statistics[ii] on abuse of power under cover of secrecy)The unaccountability that encourages and the secrecy that enables their abuse result from the failure of the Executive Branch and Congress[17a] to apply constitutional checks and balances to judges, and of the media(4¶¶10-14) to discharge their professional duty to inform the public thereon.

The widespread, routine, and invasive extent that abuse of power under cover of secrecy can attain has been illustrated by Edward Snowden's revelations of mass surveillance over the Internet communications, and collection of phone records, of millions of Americans conducted by NSA with the rubberstamping[ol:5fn7] approval of the federal judges of the secret court set up under the Foreign Intelligence Surveillance Act[ol:20fn5]. The NSA's and the judges' conduct is driven by a common force that illustrates this principle: Power loathes bounds and is most effective in secrecy so it will abuse others unless exposed and prevented by another power.

The manuscript is the counterpower that begins the exposure by pioneering the news and publishing field of judicial unaccountability reporting. It can be effective, for federal judges, if exposed, are most vulnerable as they must "avoid even the appearance of impropriety"[277]: *Life* magazine's revelations of the financial improprieties of U.S. Justice Abe Fortas –which did not constitute even a misdemeanor(74¶159)– led him first to withdraw his name for the chief justiceship, and then to resign(92§d). The manuscript shows that the extent and wrongful nature of judges' unaccountable abuse of power and secrecy are far graver: Their wrongdoing includes crimes, e.g., concealment of assets of which *The New York Times*, *The Washington Post*, and Politico[107a-c] suspected Then-Judge and Justiceship Nominee Sotomayor; coordination[213] of such concealment to increase its efficiency; and their bankruptcy fraud scheme as a source of dirty assets(65§§1-3). Their need to prioritize covering up their own and their peers' wrongdoing(5§3) deprives all others of the fundamental human and civil right of access to fair and impartial courts.

The manuscript endeavors to be followed by principled and ambitious journalists as well as students and faculty at law, journalism, business, and IT(131§b) schools. They should be concerned about judicial integrity and enthusiastic about the economic and reputational potential of applying their expertise to a field that affects the 312 million people[6] of a country governed by the rule of law and deemed the model of many others. They can be asked to participate in reporting on judges as it is done on politicians: on a regular rather than isolated basis and on their personal and professional conduct too, not just on sensational cases and decisions. Their reporting will constitute 'reverse surveillance' over the judges by representatives of *We the People*.

Reverse surveillance will occur in the open. One part will be conducted by the media,

publishers, and academics participating in judicial unaccountability reporting. Their reports of judges' abuse of power and secrecy will cause public outrage more intense and widespread than that provoked by Snowden's revelations: Unaccountable judges abuse, not to protect by enhancing people's national security, but rather for crass material(27§2), professional(56§§e-f), and social benefits(62§g, a&p:1¶2nd). They disregard the law(5§3) and deprive people of not only their right to privacy, but also their other rights as well as their property, liberty, and life, and the honest judicial services offered by the courts and accepted upon paying the contractual court fees by the parties to the 50 million federal and state cases filed annualy[4,5]. So judges abuse many more people than those affected by the NSA. They have embezzled the peoples' power entrusted to them. The outrage at their abuse(90§§b-c) will cause people to demand a far-reaching reform from politicians, lest they be voted out of, or not into, office.(83§§2-3) It is realistic for a civic movement(163§9) to grow strong enough so to dominate politics; the Tea Party is precedent therefor.

Legislated reform of the Federal Judiciary stands in contrast to voluntary reform by judges seeking to ensure only their mutually dependent survival(86§4). Legislation can enforce checks and balances on it by the other branches, for no separation of powers doctrine can elevate any branch above the democratic control of *We the People* and their representatives. The proposed (158§7) legislation will bring **transparency** to judges' performance and their running of the Judiciary because "justice must not only be done, it must manifestly and undoubtedly be seen to be done" [71]. It will set up their **accountability** by establishing an independent inspector general of the Judiciary(158§6) –just as there are 73 statutory IGs[ol:5fn8]–; and citizen boards for monitoring judges' personal and professional conduct –as politicians' is– and publicly receiving, investigating, hearing, and determining complaints against them(160§8). It will empower the boards to provide 1st Amendment "redress of grievances"[268] by imposing **discipline**(24§§b-c) on judges to render them effectively accountable, e.g., by pronouncing their and the Judiciary's joint and several **liability** to compensate those wronged by their abuse –as the rest(26§d) of government is liable under the Federal Tort Claim Act[fn9]–. These 'terms of employment' will hold judicial public servants in their proper relation to their democratic masters, *We the People*, who cannot be deemed to have granted to their own detriment immunity to their servants[195]. Judges are not the lords of a state within a state; rather, they too are held to the masters' instructions. The masters are entitled to be informed and need to have a clear view unimpeded by secrecy so as to determine to whom and for what purpose to entrust portions of their power and to demand an account of its exercise. Thus arising in the Judiciary and extending to Congress, the Executive, and beyond, a new *We the People*-government relational paradigm will develop: *the People*'s Sunrise.

B. Plan of additional action to attain objectives and increase readership

By publishing the manuscript, the submission editors and their law review colleagues can help pioneer reverse surveillance; and judicial unaccountability reporting and legislated reform advocacy. They can also implement a plan of additional action intended to attain the permanent objectives: to establish that reporting as a news and publishing field, and to cause Congress and the Executive to provide reverse surveillance through legislated reform. The editors can implement the plan even if only with the intention of generating publicity for the published manuscript and thus increase its readership while making a name for themselves and qualifying for other substantial material and moral rewards(ol:3§6). The plan consists of these additional actions:

1. My offer and its acceptance by the law review editors to make a presentation to them and their law classmates and professors of the manuscript as above described(cf. Lsch:2§A). The editors can invite to the presentation also representatives of pertinent student organizations at business, journalism, and Information Technology (IT) schools, media outlets, and civil rights entities.

Thereby they can advance one of the objectives of the presentation, namely, the formation of a multidisciplinary team to engage in reverse surveillance investigations and report their findings.

2. The investigations of the team of students, professors, and other professionals can include:
   a) a fraud and forensic accounting examination[107a-c] of judges' incongruous, implausible, and meaningless publicly filed[107d] annual financial disclosure reports[213]; and analysis(10-11) of the Judiciary's statistics[10], which can be conducted jointly with MBA students;
   b) a journalistic investigation, which can be conducted jointly with journalism students:
      (i) of judges' assets(ol:1,2), such as the *Follow the money!*(102§a) investigations that lawyers conduct or supervise in cases of financial fraud, divorce, bankruptcy, etc.;
      (ii) of judges' interference with their exposers' communications(ol:19§D) by abusing their ●IT resources –for nationwide filing, posting, management, and retrieval by lawyers, the courts, parties, and the public of hundreds of millions of briefs, motions, transcripts, docket entries, calendars, orders, decisions, etc.– and ●power to issue orders or sign off on orders submitted to them –e.g., NSA's secret surveillance orders– but drafted at their instigation by the authorities to require Internet service providers, phone companies, mail carriers, etc., to give them access to the communications that they transmit, which calls for a *Follow the wire!* investigation(105§b);
      (iii) to cultivate sources among current and former law students and professors who have clerked for judges, other Judiciary insiders[169], practitioners, the media, Congress, and DoJ-FBI so as to prompt them to investigate judges or provide inside information(100§§3-4) –whether acting discreetly, as did Deep Throat, the deputy director of the FBI, Mark Felt(106§c), in the Watergate Scandal that brought about the resignation of President Nixon for abuse of power to spy on his Democratic presidential opponent; or openly, as did Novelist Émile Zola in his *I Accuse!* newspaper article denouncing an anti-Jewish conspiracy at the top of the French Army to frame Lt. Alfred Dreyfus for treason in behalf of the Germans(98§2), and demanding that the French president order a public investigation of the Affaire Dreyfus–;
   c) freedom of information requests for FBI reports on vetted judicial candidates(77§5) and a demand for the President to release them so as to ascertain judges' honesty for service;
   d) IT R&D of software to perform statistical, literary, and linguistic auditing of judicial writings to ascertain authorship, detect behavioral patterns and biases, and impugn past and predict future judicial behavior(132§§2-10), which can be done jointly with IT students.
3. A conference on judicial abuse of power under cover of secrecy, reverse surveillance, and judicial unaccountability reporting and legislated reform advocacy.
   a) Formally, the conference can be an imaginative and ambitious multimedia and multidisciplinary event organized by a multidisciplinary team of students, faculty, and me(dcc:31).
   b) Substantively, the conference can be an informative and programmatic occasion:
      (i) to release the published manuscript and use it to set the context in which to present the findings of the investigation conducted by the team and others, thus promoting the news and publishing field of judicial unaccountability reporting(dcc:11);
      (ii) to call on students, professors, practitioners, court staff, journalists, and people harmed by judges' abuse of power and secrecy to submit articles on the topic for publication in a widely distributed volume, which can be the precursor of a periodical(122§§2-3).
4. A multidisciplinary academic and business venture(97§1) to hold the conference at other schools, media outlets, and civil rights entities to promote reverse surveillance, judicial unaccountability re-

porting(154§d), legislated reform(155§e), the creation of a for-profit institute(130§5), and the formation of chapters of *the People*'s Sunrise public servant accountability civic movement(163§9).

C. Character of those needed to surveil, report, and reform for *We the People*'s sake

This plan of action provides a cogent and realistic strategy to achieve the manuscript's ambitious permanent objectives. They will initially be envisioned only by equally ambitious people who are courageous and tenacious. They are kin to those who brought about changes in conditions that were unjust and harmed millions of people but that had persisted through the abuse of power by the few and for their benefit for hundreds, even thousands, of years, e.g., only the warlord or the king ruled and did so by fiat; only free landed men could vote; women were confined to the kitchen and pamper changing; there were slaves; children had to work; only the sons of the ruling class went to school; employees were hired and fired at the employer's will; minorities had no rights and were accorded no respect; only the wealthy had access to health care; etc. Were it not for men and women who got mad and were mad enough to believe that they could bring about change, those secular conditions would still prevail. Thanks to them, we are not under British rule, we conquered the West, we went to the moon and…you can set in motion a series of events that alter apparently inalterable conditions to bring judges from the place above the law that they have arrogated to themselves down to where the people are so that the latter can hold them accountable for what they are: servants of the sovereign authority, *We the People*.

By you and your classmates' going beyond publishing the manuscript to implement the plan of action, you all can even before graduating from law school make a greater contribution to the common good than Snowden: You can not only reveal abuse of power and secrecy. You can also proceed as lawyers to assist those who have been abused, and protect everybody else by engaging in advocacy, legislative drafting, and enforcement lawyering to ensure that federal and state judiciaries are run by public servants who deliver the honest service that they are duty-bound and paid to deliver. Your contribution can generate a huge clientele for a law clinic at your law school and your law firm after graduation as you and your now classmates and future partners pursue the nullification or review of the myriad orders and decisions entered by judges or justices shown to have abused their power(65§§1-3) or who through their abuse-enabling silence became their accessories(94¶217). You can also pursue class actions, develop the novel news and publishing field of judicial unaccountability reporting either on your own or by participating in the venture, the creation of the institute, and its activities(130§§5-8). This means that helping *the People* hold fast to the ideal of the rule of law and assert their right to hold all public servants accountable does not close your reasonable expectations as future lawyers, rather it opens profitable and inspiring opportunities. The choice is yours: You can be another law graduate at one law firm or be known here and abroad for generations as *We the People*'s Champion of Justice.

D. References included in pdf for ease of access; and need to ensure receipt

The manuscript is in a pdf*. It is connected through(referential)[links] to some text that, though therein too, need not be deemed submitted for publication, but is included to facilitate your verification of sources and statements. All references are easily accessed as the links are live.

So I would be grateful if you, using your law review title in the subject line, would acknowledge receipt of this submission and state what you intend to do and your timetable. I will send you a counter-acknowledgment. If you do not receive it, our communication was interfered with(ol:19§D); in that event, I kindly request that you contact me by phone or letter.

Dare trigger history!(dcc:11) Sincerely, Dr. Richard Cordero, Esq.

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Judicial Discipline Reform

October 30, 2013

Dynamic Analysis of Harmonious and Conflicting Interests Shows The Fallacy of Citizen Grand Juries as The Remedy to Prosecutorial Partiality, and Points to The Need for Strategic Thinking to Devise a Strategy For Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing and Advocating Legislated Judicial Reform

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I. Citizen Grand Juries said necessary for impartially holding people accountable

a. What they are meant to be and achieve

Citizen grand juries have been proposed as the solution to the problem of state and U.S. attorneys who in order to advance their personal and political party interests fail to enforce the law fairly and impartially on all people, particularly the well-connected and well-off, supporters and adversaries, and those whom the media have drawn into the public light so that the decision whether to prosecute them results from consideration of public opinion rather than legal merits.

While today's grand juries are empaneled by the authorities, these juries are supposed to be formed by citizens on their own initiative and empowered to prosecute their indictees. Their superiority is said to lie in the citizens' honesty, freedom from career ambitions and partisan bias, and commitment to advancing the public interest through impartial application of the rule of law. They are advocated by many who complain about wrongdoing judges(jur:5§3), whom prosecutors do not dare investigate, let alone prosecute. Held unaccountable, judges risklessly abuse their power to do wrong in their own interest[213], including the wrongful judicial handling of the prosecution of any defendant. It follows that being able to investigate and prosecute judges is a prerequisite to conducting all other prosecutions rightfully. So these juries are intended to subject judges to investigation and prosecution and even hold them liable to compensate their victims.

Therefore, it is pertinent to ask whether citizen grand juries, regardless of whether formed under any currently proposed statute or by citizens invoking a law or case law found in historical legal annals, would be effective in achieving their intended objectives to the point of justifying the effort, time, and money that already has been, and will have to be, invested to secure them.

b. Dynamic analysis of harmonious and conflicting interests

To determine whether citizen grand juries will be effective, they must be analyzed in the context of the political and judicial systems in which they are supposed to be formed and operated. A most apt intellectual tool to undertake such determination is "dynamic analysis of harmonious and conflicting interests in an interpersonal system". This analysis seeks to determine who has an interest in favor of or against the subject being analyzed –here citizen grand juries– and how those interests change whenever a member of the system formed by persons –here grand jurors, politicians, judges, lawyers, litigants, voters, etc.– is introduced into, or eliminate from, it or one of their interests becomes more or less likely to be, or is, satisfied or denied.

The graphical representation of these persons as related by their interests integrates them into a sociogram that depicts a system. It is a living, evolving one, for neither the persons nor their interests are static. They are constantly changing as alliances and enmities between the persons weaken or strengthen in response to changes in their interests that modify each other or are modified from the outside. So the system is permeable since changes are intrinsic to it or in reaction to extrinsic forces and occurrences. Any change requires that the degree to which all remaining interests are in harmony or conflict with each other be measured anew. The system's persons and their interests are reconfiguring themselves all the time like a kaleidoscope: Its colored glass pieces form chromatic patterns more or less harmonious as the tube containing them is rotated or gyrated by the hand outside. Therefore, the system must be continuously analyzed to take into account the constantly changing persons and their interests. That is why the analysis is dynamic.

c. Strategic thinking

The product of the analysis is greater and updated understanding: How and why the persons and interests in the interpersonal system relate to each other as they do at a given point in time. In turn, that understanding is the basis for the action to be recommended or taken by the analyst. Devising a plan of action is the purpose of strategic thinking. It determines what to do in the short and long terms to maximize the chances of advancing one's interests so as to achieve one's end interests, that is, one's objectives.

Strategy is devised by taking into account the weakening, unchanged, or strengthening interests of the persons still in, or new to, the system and those who can be caused to join or exit it, and by affecting the degree to which their interests are harmonious or in conflict with each

other. The analyst-strategist should produce a plan of action intrinsic as well as extrinsic to the system and reasonably calculated to achieve the intended objectives.

d. What a citizen grand jury must do for its indictment to be effective

Let's assume that the enormous and courageous efforts of advocates of citizen grand juries are crowned with success: There are states where citizen grand juries have been empaneled as well as others where citizens on their own initiative can gather and form grand juries; and both types can investigate any persons and entities as to whom there is probable cause to believe that they engaged in wrongdoing, including judges, and return indictments against them. However, neither investigating nor indicting a suspected wrongdoer is the objective of a citizen grand jury. Their advocates are interested in those juries being capable of obtaining orders of discipline and executing them on the persons indicted, including judges, and obtaining orders of compensation for their victims and ensuring that the compensation is actually provided, including, when applicable, jointly and severally by judges and their respective judiciary. Investigating and returning indictments are only steps in the process leading to such discipline and compensation orders and their execution. The indictment itself is merely an accusatory document that neither disciplines any defendant nor provides compensation to any victim. It simply sets forth the charges against the defendant. A prosecution of those charges must be conducted, the case must be sent to the trial jury, and the latter must return a favorable verdict, one that is not set aside by the judge but rather is followed by an appropriate sentence by her that is executed in its entirety.

Who has an interest in this process neither starting nor running its full course? To begin with, the defendant. And when the defendant is a wrongdoing judge, who else? Let's see.

II. Judges involvement in wrongdoing by commission and condonation

Currently, the prosecution of an indictment is either as a matter of fact or law the exclusive prerogative of district or U.S. attorneys, that is, of law enforcement authorities. However, let's assume that a citizen grand jury has been empowered to prosecute its indictments. At present, such prosecution would be conducted in court. That is precisely the turf of judges. Both the indicted and the sitting judge are members of a class: the class of judges(52§c). This is similar to a policeman being a member of a class, to wit, the police force to which he or she be-longs. Just as police wrongdoing, e.g., use of excessive force, is said to be protected behind a blue wall of silence, judges' wrongdoing(133§4) is protected behind a black robe curtain: the secrecy that pervades federal judges' adjudicative, administrative, policy-making, and disciplinary decisions; their refusal to appear at Q&A press conferences; and their unaccountability to lawmakers, such as Congress, law enforcement authorities, such as DoJ-FBI, the media, lawyers, etc.(Lsch:2)

As a member of that class, the sitting judge may have known personally or by reference other judges, including the indicted one, for 1, 5, 10, 15, 20, or more years. During that time, they have learned directly or by word of mouth of each other's accidental or intentional breaches of duty serious enough to amount to wrongdoing. It is also possible that the sitting judge had no knowledge of the indicted judge's wrongdoing before reading about it in the indictment. But by exercising due diligence to discharge his shared institutional duty to safeguard the integrity of the judiciary and of judicial process, the sitting judge would have learned about that or other types of wrongdoing of the indicted judge or of any other judge if only the sitting judge had asked pertinent questions, investigated, or caused the investigation of what to a reasonable person with his training and knowledge should have appeared suspicious: An act or event, a pattern of conduct, or a coincidence was sufficiently out of order to prompt the normal reaction of a

reasonable person similarly situated: '*This doesn't make sense. What's going on?*' But the sitting judge suppressed that reaction by opting for willful ignorance or blindness: He looked away or closed his eyes of the mind.(90§§b-d). He had an interest in doing so.

a. Judges dominant interest: mutually dependent survival

The sitting judge has an interest in remaining a member in good standing of the class of judges.(60§§f-g) To foster his camaraderie with the other judges, he tolerated their wrongdoing, thereby becoming an accomplice after the fact with respect to the committed wrongdoing that he kept concealed knowingly or through willful ignorance or blindness, and an accomplice before the fact with respect to the wrongdoing that he encouraged other judges to commit on the implicit or explicit assurance of impunity through his conniving silence(90§§b-d). As a result, bonds of complicity developed between him and them individually and as a class. The sitting judge is ethically compromised. If he throws the first stone at the indicted judge, it can rebound or ricochet and break his glass façade of integrity. He is bribable and extortionable, whether by the indicted judge or the latter's colleagues and friends. If he conducts a fair and impartial trial that leads to her conviction, he too risks being exposed, accused, indicted, and convicted.

The same can happen if one judge tells on another because then the latter can do the same as to the former or as to 'a bigger fish' in plea-bargaining in exchange for leniency or immunity. By domino effect, all can fall under the weight of their own wrongdoing or that which they tolerated and that which they thereby encouraged others to commit. Their common interest is in maintaining the status quo. If the sitting judge fails to steer the case towards an acquittal or a slap on the wrist, the other judges will deem him an unreliable person unworthy of membership in the class. Just as he let one of their own go down, he can do the same to any of them. In self-interest, they will take precautionary measures against the possibility that he may also betray, or 'snitch' on, them to save his own skin. Thus, they will treat him as a pariah and ostracize him(56§e)

They will not greet him in the lobby or the elevator or talk to him except as indispensable to deal with court business. In the lounge, they will avoid him and make it clear that he is not welcome if he tries to join them. When they go out of town to the semi-annual meetings of the Judicial Conference of the U.S., circuit or district conferences, meetings of classes of judicial officers and employees, private seminars and other judicial junkets for which they want to be unduly reimbursed without complying with the duty to declare it[272], he will not be invited to ride with them or to join them in the chief judge's suite at night to share in delicacies to be washed down with fine drinks distributed by nice waitresses and others and to participate in confidential conversations and tipsy-tongue boasting fit only for reliable partners in wrongdoing. Why would the sitting judge choose to run the risk of being so treated? His interest lies in being deemed loyal to the other class members, with whom he shares his professional life, not to the transient citizen grand jury that is there at the moment but will soon dissolve naturally into powerless individuals. When did you last hear that a public servant gave precedence to duty and principle over his interest in self-preservation and the continued approval of his peers?

To protect their pretense of integrity that renders any investigation unnecessary and preserves their unaccountability judges cannot allow it to be known that any of them engages in wrongdoing. This would show that they are as liable to do wrong as the members of any other powerful class. With greater reason, they cannot allow anyone of them to be prosecuted. That would diminish their standing and threaten their power. That is why the indictment of a judge by a citizen grand jury presents a clear and present danger to them. So the sitting judge will in all likelihood exercise biased judicial discretion at the preliminary hearing to find the indictment

insufficient to bind over the indicted judge for trial. Thereby he will turn it into a mere nuisance of amateurs at the role of players in the legal and judicial system. If for the sake of appearances, he cannot dismiss it then, he will use every other opportunity throughout the course of the case to achieve the same result: impunity. In fact, judges have developed for their protection doctrines of judicial immunity(jur:26§d), although they are contradicted by the U.S. Constitution[192] and the foundational tenet of our republic: In government, not of men, but by the rule of law, nobody is above the law. However, the judges stand in a relation of mutually dependent survival. Surviving is their dominant interest; they will give it precedence over any other consideration.

b. Politicians as protectors of their judges due to harmonious interests

For citizen grand juries to be established, elected politicians have to adopt laws to that end. These are the very politicians who up to now have nominated, confirmed, appointed, recommended, and/or campaigned for, the judges.(78§6) In so doing, they pursued their own interests: In exchange, they expected the judges to look favorably on cases supported by such politicians; to pass on to them confidential information that the judges obtained in sealed documents or closed-door meetings; if those politicians or their friends were indicted and prosecuted before such judges or their colleagues, to steer the cases to failure and, if convicted, to impose unjus-tifiably lenient sentences. Given the importance of these harmonious interests, politicians will not turn against their powerful judicial protégés unless they advance thereby a more compelling interest: not to be voted out of, or not into, office by an outraged electorate.

III. Prosecutors in conflict with judges: the means of judicial retaliation

District and U.S. attorneys whose offices lose case after case for whatever reason can only envisage dim prospects of reelection or reappointment. If they indict a judge, never mind prosecute him, they can only provoke the sitting judge to close rank with her fellow judges in defense of herself, the indicted judge, and all the other judges. The resulting massive retaliation by the whole class of judges need not be blatant at all. It can take numerous subtle forms, whether the defendant is or is not a judge and the charges against him or her are civil or criminal:

a. Welcome mat treatment

The defendant can be given ‘the welcome mat treatment’: At the reading of the indict-ment, the judge can find that there is no probable cause to hold the defendant; or at a probable cause hearing she can find likewise; or she can release the defendant on his own recognizance or set bail at all or set it at an unjustifiably low level despite the risk that the defendant may flee the jurisdiction or stay around but fail to appear for trial; or confine the defendant, not to jail, but rather to a ‘club med’ facility, for example, for detoxification, psychological evaluation, or other alleged medical treatment that normally is provided behind bars by prison doctors.

b. Limbo treatment

The prosecutors’ files can receive ‘limbo treatment’ by the judges, their clerks, and other court staff: They get lost; or are not entered on the docket allegedly because the filing fee was not paid or a statistical filing form is missing or a coffee spill rendered them unreadable or a decision is being made whether they comply with the formatting rules; or are entered untimely or with the wrong docket number or date or with the parties’ names misspelled so that computer searches cannot find them; or are delivered to the wrong judge; or after redelivery to the assigned judge she puts them at the bottom of her calendar or recuses herself ‘due to conflict of interests’; or the transferee judge in turn transfers them alleging that her calendar is clogged; etc.

c. Biased 'non-discretionary' treatment

When the files emerge from limbo, the sitting judges can give them biased 'non-discretionary' treatment, whereby they pretend that under the law 'they have no choice but to…' take decisions that always harm the prosecutors and favor the defense: The judges deny every pretrial motion of the prosecutors and sustain every one of the defense, including dismissal through summary judgment; and decide discovery motions to hinder the prosecutors from investigating their cases to obtain the necessary evidence while allowing the defense to go on an expensive and burdensome fishing expedition outside the scope of the case in search for a counterclaim.

If the cases make it to trial, the sitting judges overrule every objection of the prosecutors and sustain those of the defense; hamper and cut short the prosecutors' examination and cross-examination of witnesses and expert witnesses, that is, if they are allowed to take the witness stand at all because they have not been disqualified due to lack of testimony bearing on the case, or for being incompetent, or because of a defendant's privilege, etc. In the courtroom, the sitting judges make gestures that cast doubt on the prosecutors' statements but signal approval of whatever the defense attorneys say; the judges can meticulously abstain from making comments to the same effect, which would be taken down by the court reporters and could be used by the prosecutors to support appeals on grounds of lack of impartiality. Before the transcriptions of court proceedings are released, the sitting judges redact them accordingly and release doctored versions that are poisonous to the prosecutors' cases and a balm to those of the defense.

During trial, the judges can qualify their decisions as not final and thus, not appealable, or as final, and appealable, so as to harm the prosecutors and favor the defense. Interlocutory appeals can drag out a case, during which time the memories of witnesses can fade and their commitment to the cases can subside or they can move away, die, or be pressured into recanting. A non-final decision can keep the trial going forward under unfavorable conditions for the prosecutor and favorable ones for the defense. After prosecutors rest their cases, judges can sustain a defense motion to dismiss due to the prosecutors' failure to make out the elements of their cases.

d. Damning instructions and blessing sentence treatment

If the judges allow cases to go to the jury, they can phrase their instructions to make it appear that as a matter of law the acts of the defendants did not meet the requirements of the charges and an acquittal should be returned. If the verdict is for the prosecutors, the judges can enter judgment notwithstanding verdict on motion of the defense or of their own. If judges proceed to sentencing, their sentences can be so mild as to be irrelevant or jail sentences can be suspended or deemed extinguished by time served by the defendants since their arrests. If there are appeals, the judges can continue defendants' bail or release them on their own recognizance.

e. Conflict with little to gain for prosecutors and everything to lose

Judges' plentiful retaliatory means can establish that they are in practice beyond prosecution: untouchable. Prosecutors realize that they have little to gain by prosecuting one judge while risking all their other cases before all the other judges. Their interest lies in being on good terms with each judge and certainly with the class of judges. If they cannot avoid indicting and prosecuting a judge, e.g., due to public pressure, they are likely only to pretend to be doing so while steering the case to an acquittal or token discipline. If citizen grand juries depend on prosecutors to proceed with their indictments against judges, their indictments will be treated with the greatest reluctance and given the lowest priority, that is, if they are not dismissed by prosecutors' exercising prosecutorial discretion to decide which cases to prosecute. Any prosecution will be in

all probability ineffective in disciplining the wrongdoing judges, let alone obtaining compensation for their victims. The citizen grand juries' work will be turned into an exercise in futility.

f. Citizen grand juries as prosecutors

Let's assume that some jurisdiction empowers citizen grand juries to prosecute the judges that they indict. They will be all but doomed to fail not only at the hands of those judges' peers. Since the overwhelming majority of the jurors have no formal legal training, they will in all probability also fail at the hands of another formidable foe: their own ignorance of substantive and procedural law and litigation tactics. They will be confounded by the sheer complexity of the law from the outset of their dabbling in it and their fumbling with the provisions that they invoke, if they invoke any rather than rely on their own notions of justice, their outrage in sympathy with other laypeople that have been abused by judges, or their own hurt from being their victims.

Advocates of citizen grand juries commit a gross miscalculation if they are counting on laypeople, whether jurors or not, to prosecute the people indicted by the juries, let alone indicted judges. The latter will not only know the law more than enough to represent themselves, but will also know the best lawyers in town and have access to them. It is in any lawyer's and law firm's interest to represent a judge. Becoming privy to the judge's information surrounding the charges against him and how he, his clerks, his fellow judges, and the court staff work will be more than enough pay. If the lawyer is successful in representing the judge or at least the latter is satisfied with her representation, the lawyer will have an invaluable friend in that judge and access through him to other judges and to unpublished, if not inside, information about them. Laypeople who think that they can take on a lawyer, let alone a battery of the best and brightest lawyers at top law firms eager to defend judges, reveal their incapacity to realistically assess the abilities and limitations of themselves and others, and what is necessary to prevail in a confrontation.

If advocates of citizen grand juries are counting on hiring lawyers, where will the money come from to pay their attorney's fees, discovery expenses, expert trial services, etc.? What quality of lawyers and with what experience and career prospect will undertake an all but hopeless prosecution of a judge and run the all but certain chance of becoming the nemesis of all judges?

Advocates of citizen grand juries can invest in their noble quest for Equal Justice Under Law a great amount of effort, time, and money, be successful in securing their establishment, only to lose every prosecution at the hands of judges or their own laypersons' hands. They rely on the reality-disconnected idea that all one needs to deal with public servants who abuse their power and disregard the law is honest, God-fearing people with high moral values and an unwavering commitment to our Constitution and the rule of law. Their advocacy betrays a failure to think through from the necessary legislation to the sentencing of defendants through the identification of the players, the detection of their interests, and the dynamic interplay of those harmonious and conflicting that provides the basis for devising a strategy to be implemented through a plan of action…and that does not begin to address the issue of who pays for what kind of compensable harm to what kind of victims. Despite being well intended, advocates of citizen grand juries run a fool's errand as they lapse into delusional wishful-thinking. In the interest of sparing themselves such waste, they should review their quest against a proposal anchored in facts and precedent. That proposal does include a citizen board of judicial accountability and discipline created through legislation with the investigative and reporting duty and subpoena power of a grand jury and the fact-finding duty of a trial jury and disciplining power. But other details(160§8) and the proposed path(next) to that legislation make a fundamental difference because they change the legal and judicial context in which those boards would operate.

IV. Proposal for exposing judges' wrongdoing and leading to judicial reform

a. Strategic thinking: need for the media and an outraged national public

The strategy proposed here is based on exposing, not one wrongdoing judge at a time, but rather using one test case that reveals how the class of judges has abused their power to engage in wrongdoing in such routine, widespread, and coordinated fashion(jur:21§§1-3) as to have turned wrongdoing into their institutionalized modus operandi(49§4). That case should be national in scope, for what happens in the judiciary of one state is of little relevance to the people of another. So it must be a federal case and implicate Supreme Court justices(71§4) in participating in, or condoning, criminal activity, not for questionable judicial discretion. That will cause national outrage. It should be manifest enough to convince the media that public interest in the case warrants a large investment of money, manpower, and air time/print space to investigate it and publish findings over a long period of time. This will satisfy the media's interest in higher viewership/readership and advertisement revenue. A long-running story can keep building public pressure to force Congress, DoJ-FBI, and their state counterparts to open official investigations into judicial wrongdoing. By using their subpoena, search and seizure, contempt, and penal powers, and holding public hearings, the authorities can make additional findings that will so further outrage the public as to empower it to coerce politicians, lest voters frustrate their interest in a political career, into undertaking substantial legislated judicial reform. That is the strategy.

It is based on the public's current profound distrust of government, which makes it more prone to believe that public servants were involved in yet another scandal. It is also based on the power shown by the Tea Party to force politicians to support its tenets or risk disaster at the polls. It is likewise based on the precedent set by the Watergate Scandal, which began on June 17, 1972, when the so-called "five plumbers" were caught after breaking into the Democratic National Headquarters at the Watergate complex in Washington, D.C. Their arrest evolved into a generalized media investigation that dominated the news for years. It discovered political espionage orchestrated by the Republican Committee for the Reelection of President Nixon. Mounting outrage led to the nationally televised Senate hearings that exposed the involvement of all of Nixon's White House aides in a cover-up through further abuse of power. It caused the President to announce his resignation on August 8, 1974. The Watergate Scandal(jur:4¶¶10-14) prompted the adoption of significant laws to ensure more transparency and accountability of the federal government and its officers[107d]; those laws served as model for state legislation.

b. A unique and outrageous national case: the Obama-Sotomayor story

Such national outrage can be provoked by a test case(xxxv) founded in articles in *The New York Times*, *The Washington Post*, and Politico[107a] that suspected Then-Judge, Now-Justice Sotomayor of concealing assets[107c], which is a crime(26usc7206). President Obama could also learn about it through the FBI report on the vetting of her as a justiceship candidate, but disregarding it, vouched for her integrity(77§5): He wanted to ingratiate himself with voters interested in another woman and the first Latina on the Supreme Court and from whom he expected in exchange support for his key personal and political interest: the passage of the Affordable Health Care Act(Obamacare). The involvement of a sitting president and a sitting justice nominated by him in concealment of assets and its cover-up can so outrage the public as to set in motion events harmonious with the interest of advocates of citizen grand juries in legislation to ensure the impartial holding of all people accountable. The advocates and the other readers can help secure that objective by making possible Dr. Cordero's presentation of the above strategy and his plan of action to implement it through a multidisciplinary academic and business venture(Lsch:9§§A-C).

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Judicial Discipline Reform

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September 18, 2013

The Student President and Officers
and the Class of
the Law School and College of Law

Dear Class President, Officers, and Class,

The revelations by E. Snowden of government surveillance of the Internet communications and collection of phone records of millions of Americans have grave implications for public interest advocates: Power loathes bounds and is most effective in secrecy so that it will abuse others unless exposed and prevented by another power. Federal judges wield the strongest power: nationally over people's rights, property, liberty, and lives. Neither the Executive Branch, Congress, nor the media dare exercise checks and balances on, or expose, them(jur:81§1). The result is lack of 'reverse surveillance' by *We the People*'s representatives of them and their Judiciary. It is aggravated by their pervasive secrecy. But if exposed, judges are most vulnerable, for they must "avoid even the appearance of impropriety"[277]: *Life* magazine's revelations of the financial improprieties of Justice Abe Fortas forced him first to withdraw his name for the chief justiceship, then resign(92§d). So I am offering to make the case(171§F) to you and your classmates and faculty for revealing in the public interest judges' secrecy and abuse of power(5§3), thus advocating *The People*'s right to "government of laws and not of men"[6]; to be the informed citizenry that democracy needs; and to 'surveil'(130§§5-8) public servants to hold them accountable.

Currently, **1.** the Judiciary holds all its administrative, adjudicative, policy-making, and disciplinary meetings behind closed doors[29] and no press conferences[71]. **2.** Chief circuit[22a] judges abuse its statutory[18a] self-disciplining authority by dismissing 99.82%(jur:10-14) of complaints against their peers; with other judges they deny up to 100% of appeals to review such dismissals (24§b), granting themselves impunity. **3.** Up to 9 of every 10 appeals are disposed of ad-hoc through no-reason summary orders[66a] or opinions so "perfunctory"[68] that they are neither published nor precedential[70], raw fiats of star-chamber power. **4.** Justices are unelected yet life-tenured, as are district and circuit judges; the latter appoint bankruptcy judges for renewable 14-year terms [61a] with no consent of popular representatives. **5.** In the 224 years since the creation of their Judiciary in 1789, only 8 federal judges[13] have been impeached and removed[14]. **6.** A single federal judge can hold unconstitutional what 535 members of Congress and the President have debated, voted, and enacted[17a]. **7.** Judges are influenced by the most insidious corruptor, *money!*(27§2)

The public interest and a proper legal education entitle you to learn official and publicly filed statistics[ii], yet little known, such as those above, and to reveal them to the public and the media(ol:37) so that they may further(i) investigate(98§§2-4) them. Just as The Guardian was the conduit of Snowden's revelations(ol:17), *The New York Times*, *The Washington Post*, and Politico [107a] revealed facts supporting their suspicion of concealment of assets[107c] by Then-Judge, Now-Justice Sotomayor. The unique story(xxxv) of a sitting justice's tax evasion/money laundering and a sitting president's condonation of it and nomination of her can launch a Watergate-like generalized *Follow the money!* investigation(ol:1,2). A *Follow the wire!* investigation(ol:19§D) can reveal how judges abuse, not in the national security, but rather their own, interest their IT resources to interfere with their exposers' communications. Exposing federal judges' coordinated and routine abuse of power as their institutionalized modus operandi(49§4) can force historic reform of all judiciaries to ensure accountability and the rule of law. Hence, I encourage you to share this with all school members and invite me to make the case for the advocacy of reverse surveillance(122 §§2-4). For exercising your power in the public's defense, you may earn its national recognition.

Dare trigger history!(dcc:11)

Sincerely, Dr. Richard Cordero, Esq.

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Judicial Discipline Reform

October 21, 2013

A Presentation in the Public Interest of official statistics, reports, and statements pointing to abuse of power and secrecy in the Federal Judiciary; and a call for 'reverse surveillance' by *We the People* of judges and their Judiciary to expose them, cause public outrage, and lead the media, the public, and voters to force historic reform that can be the start of a new *We the People*-government paradigm: *the People*'s Sunrise

Re: Offer of a public interest presentation of official statistics pointing to abuse of power and secrecy in the Federal Judiciary, and a call for 'reverse surveillance' to expose it, cause public outrage, and lead the media, the public, and voters to force historic reform, beginning with **1. a)** a fraud & forensic accounting examination of judges' incongruous and implausible publicly filed financial disclosure reports, supported by **1. b)** a journalistic investigation of both their assets and their abuse of their IT resources and order-issuing power to interfere with the communications of advocates of honest judiciaries; **2.** a freedom of information request for FBI reports on vetted judicial candidates and a public demand for the President to order their release; and **3.** a multidisciplinary academic and business venture to pioneer the news and publishing field of judicial unaccountability reporting aimed at the creation of an institute of judicial unaccountability reporting and re-form advocacy. All this can lead to transparency in the Judiciary's and its judges' operations; their being monitored by citizen boards; and their public accountability entailing liability to compensate those injured by their abuse. A new *We the People*-government paradigm can develop: *the People*'s Sunrise. It can be promoted by a conference and the pioneering publication of a volume of articles on judicial unaccountability reporting and advocacy of legislated reform.

The revelations by Edward Snowden of government surveillance of the Internet communications and collection of phone records of millions of Americans have grave implications for law students and public interest advocates: Power loathes bounds and is most effective in secrecy so that it will abuse others unless exposed and prevented by another power. Federal judges wield the strongest power: nationally over people's rights, property, liberty, and lives. But neither the Executive Branch, Congress, nor the media dare exercise checks and balances on, or expose, them(jur:81§1). The result: lack of democratic, 'reverse surveillance' by *We the People*'s representatives of those judges and their Federal Judiciary. It is aggravated by their pervasive secrecy.

However, if exposed, judges are most vulnerable, for they must "avoid even the appearance of impropriety[277]: The revelations by *Life* magazine of the financial improprieties of Justice Abe Fortas forced him first to withdraw his name for the chief justiceship, then resign(92§d). Thus, I am offering to make the case(171§F) to you and your classmates and faculty for revealing in the public interest judges' secrecy and abuse of power(5§3), thus advocating *The People*'s right to "government of laws and not of men"[6]; to be the informed citizenry that democracy needs; and to that end, to 'surveil'(130§§5-8) public servants so as to hold them accountable.

A. Statistics on secrecy and abuse of power in the Federal Judiciary(jur:21§A)

1. The Judiciary holds all its administrative, adjudicative, policy-making, and disciplinary meetings behind closed doors[29] and no press conferences[71].

2. Chief circuit[22a] judges abuse their Judiciary's statutory[18a] self-disciplining authority by dismiss-

ing 99.82%(jur:10-11) of complaints against their peers; with other judges they deny up to 100% of appeals to review such dismissals(24§b). They ensure their impunity by rendering ineffectual a statute adopted by Congress and signed by the president, arrogating to themselves the power to in effect and self-interest abrogate an act of Congress and place themselves above the law while depriving the people of the protection that the act intended for them.

3. Up to 9 of every 10 appeals are disposed of ad-hoc through no-reason summary orders[66a] or opinions so "perfunctory"[68] that they are neither published nor precedential[70], raw fiats of star-chamber power.

4. Justices are unelected yet life-tenured, as are district and circuit judges; the latter appoint bankruptcy judges for renewable 14-year terms[61a] with no consent of popular representatives. Bankruptcy judges' decisions(46¶¶87,88) are appealed to the very judges who appointed them and to those who can remove them. This generates a situation pregnant with bias, conflict of interests(57¶119), and decision-making dependency(56§§e-f).

5. In the 224 years since the creation of their Judiciary in 1789, only 8 federal judges[13] have been impeached and removed[14] –2,131 were in office on September 30, 2011[13]–. Hence, once a person is confirmed as a federal judge or justice, he can rely on the secular assurance that he can do whatever he wants and nevertheless keep his job and do so while receiving a salary that cannot be diminished[12], which now amounts to around $200,000[211]. Such effectively absolute job assurance regardless of performance renders superfluous any sense of duty and due diligence. It displaces the mentality of a public servant holding public office with the attitude of a feudal lord shouting "*in my court!*" Lawyers, parties, and the rest of the vassals are exacted homage in the form of giving them "your Honor here, your Honor there" subservient treatment under pain of the ordeal of "*you are in contempt!*" Power so abused under lifetime protection of dismissal of complaints without any investigation(jur:12-14) goes to judges' heads. Such is human nature.

6. As effect and cause, a single federal judge can hold unconstitutional what 535 members of Congress and the President, elected and even reelected by over 50 million people, have debated, voted, and enacted[17a].

7. Judges are influenced by the most insidious corruptor, *money!*(27§2) Just the bankruptcy judges decided who kept or received the $373 billion at stake in only the personal bankruptcies filed in CY10[31]. About 95% of those bankruptcies are filed by individuals, the great majority of whom appear pro se[33] and, unable to defend themselves, fall prey to a bankruptcy fraud scheme(66§2).

8. Federal judges engage in financial wrongdoing –to evade taxes or launder money of its illegal provenance– and non-financial wrongdoing(5§3) because their secrecy ensures its risklessness and their coordinated and routine practice of it makes it acceptable and profitable[211].

B. The statistics' implications for you

If your professors or your employers knew that they were entrenched for life and could unaccountably(21§A) wield power for material and professional profit in every matter that they handled so that they had the means, motive, and opportunity to do wrong but neither Congress, the Executive Branch nor the media would dare criticize, let alone investigate, them, would such unchecked power, unbalanced due to lack of penalizing consequences, corrupt them absolutely[28], causing[32] them to abuse with a sense of entitlement your rights, property, liberty, and life?

C. Revelation of a unique story leading to reform in the public interest

The public interest and a well-rounded legal education give you the right and impose on you the duty to learn official and publicly filed documents and statistics[ii], yet little known, such as those above, and to reveal them to the public(97§§1-2) and the media(ol:37) so that they may further(65§B) investigate(100§§3-4) them. Just as The Guardian was the conduit of Snowden's revelations(ol:17), *The New York Times*, *The Washington Post*, and Politico[107a] revealed facts supporting their suspicion of concealment of assets[107c] by Then-Judge, Now-Justice Sotomayor.

The unique story(xxxv) of a sitting justice's tax evasion/money laundering and a sitting president's condonation of it and nomination of her can launch a Watergate-like generalized *Follow the money!* investigation(ol:1,2). Its first step can be a request for the FBI vetting reports on judicial candidates(ol:29) and a study of the incongruous, implausible, and meaningless data[107c] contained in federal judges' mandatory financial disclosure reports publicly filed[213] annually under the Ethics in Government Act[107d] and when confirmation hearings are held by the U.S. Senate Judiciary Committee on Judicial Nominations[107b].

A *Follow the wire!* investigation(ol:19§D) can reveal how judges, pursuing not the national security, but rather their own, interest, abuse their IT network and expertise to interfere with their exposers' communications. Those IT resources are so vast as to allow the electronic filing, management, and retrieval of hundreds of millions of docket entries, briefs, motions, etc. They enable interference that, unlike surveillance, is a crime under 18 U.S.C. §2511(ol:20¶¶11-12).

The revelation of judges' participation in such organized criminal activity can set off a scandal that provokes more outrage and has farther-reaching repercussions than that stirred up by Snowden's revelations. Indeed, federal judges' coordinated, widespread, and routine abuse of power can be exposed as their institutionalized modus operandi(49§4). The ensuing public outrage can force historic reform of all judiciaries to ensure judges' accountability and their respect for the rule of law. Reformative changes can lead to transparent operation of judges and their judiciaries; their being monitored by citizen boards(160§8) for reverse surveillance; and their answerability to complaints publicly filed, heard, and determined by boards empowered to impose disciplinary measures, such as ordering that they compensate those that they have injured. This can be the start of a new *We the People*-government paradigm: the *People*'s Sunrise(ol:29).

The pursuit of this objective can begin with a presentation of the official statistics discussed in my study "Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing" (i) and a multidisciplinary academic(128§4) and business(119§1) venture intended to pioneer the news and publishing field of judicial unaccountability reporting(4¶¶10-14); conduct highly advanced IT research and development(131§b); and engage in judicial reform advocacy(155§e).

D. What you can do in the public interest

I encourage you to check the references; share this email with your classmates and their organizations and faculty; and invite me to make the case for reverse surveillance by *We the People*, the holding of a conference(97§1), a multidisciplinary academic and business venture(119§1) to pioneer(98§2) the news and publishing(154§d) field of judicial unaccountability reporting and legislated(158§7) reform, and the publication of a volume of topical articles(122§§2-3).

For exercising your power in the public's defense, you may earn substantial material and moral rewards(ol:3§6), such as becoming a national Champion of Justice of the *People*'s Sunrise.

Dare trigger history!(dcc:11)

ABSTRACT

This study analyzes official statistics of the Federal Judiciary, legal provisions, and other publicly filed documents. It discusses how federal judges' life-appointment; de facto unimpeachability and irremovability; self-immunization from discipline through abuse of the Judiciary's statutory self-policing authority; abuse of its vast Information Technology resources to interfere with their complainants' communications; the secrecy in which they cover their adjudicative, administrative, disciplinary, and policy-making acts; and third parties' fear of their individual and close rank retaliation render judges unaccountable. Their unaccountability makes their abuse of power riskless; the enormous amount of the most insidious corruptor over which they rule, *money!*, as well as other social and professional benefits make doing wrong to grab them tempting; and millions of in practice unreviewable cases make the temptation ever-present. These are the means, motive, and opportunity for judges to do wrong and for their wrongdoing to be inevitable.

Judges do wrong in such regular, widespread, and coordinated fashion as to have turned wrongdoing into their institutionalized modus operandi and the Judiciary into the safe haven for judicial wrongdoers. Their abuse of power entrusted to them by *We the People* is a betrayal of trust. Engaging in it and giving priority to covering it up to protect themselves and their peers injure in fact people's rights, property, liberty, and life; and deprive *the People* of their fundamental human, civil, and due process right of access to fair and impartial courts. Exposing the existence, scope, and gravity of their wrongdoing to the national public will cause such outrage as to enable the media and voters to force legislated, rather than voluntary, judicial reform, lest politicians be voted out of, or not into, office; this is realistic, as the Tea Party precedent shows.

The exposure is started by the study, whose publication will pioneer the news and publishing field of judicial unaccountability reporting. It can be continued at a presentation by the author held at a law school attended by its members and those of business, journalism, and IT schools, civil rights advocates, and the media. The evidence of judges' wrongdoing will introduce the call for 'reverse surveillance' over them by *We the People*, as opposed to the mass surveillance over *the People* by the NSA with judges' rubberstamping approval revealed by Edward Snowden. The presentation can give rise to the formation of a multidisciplinary team of students, professors, journalists, and civil rights advocates to conduct reverse surveillance through a *Follow the money!* and IT *Follow the wire!* investigation. The team can organize the first of a series of multimedia conferences to report to the national public its findings and expose judges' pattern of disregard of the law. It will announce the formation of a multidisciplinary academic and business venture to promote **1.** the establishment of local chapters to surveil, report, and advocate reform **a)** based on transparency, accountability, discipline, and judges' and the Judiciary's liability to their victims, and **b)** implemented with the aid of citizen boards; **2.** the creation of a for-profit institute to conduct IT research, educate, publish, etc.; and **3.** the submission of articles on judges' abuse of power and secrecy for publication in a volume that can lead to a periodical.

Such reform will be of historic proportions although it will only implement foundational principles of our republic: *We the People* are the only source of sovereign power, who entrust a portion of it to each public servant and to whom each is accountable, for none is beyond our control or above the law. The reform can begin in the Federal Judiciary and extend to Congress, the Executive Branch, the states, and the rest of the world. A new *We the People*-government paradigm can emerge: *the People*'s Sunrise. Those who are instrumental in its emergence can become recognized here and abroad as *the People*'s Champions of Justice. *Dare trigger history!*

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Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing

Pioneering the news and publishing field of judicial unaccountability reporting

as of 12nov13

By

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October 12, 2013

Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing

Pioneering the news and publishing field of judicial unaccountability reporting

Abstract: Journalists, politicians, and advocates of honest judiciaries thinking strategically have an interest in making a pioneering public presentation of the evidence herein. It is based on official documents revealing judges' unaccountability and motive, means, and opportunity risklessly to do wrong by denying due process, depriving people of their rights, and corrupting the rule of law. Judges' wrongdoing is so pervasive as to constitute their institutionalized modus operandi. Showing that it is so can launch a Watergate-like generalized media investigation of who knew what and when. Its findings can so outrage the people as to cause them to **1)** demand more information, providing a market incentive for further developing the news and publishing field of judicial unaccountability reporting; **2)** support a multidisciplinary academic and business venture that advocates judicial reform; and **3)** force the investigation of judges by Congress, DoJ-FBI, and their state counterparts. The authorities can make even more outrageous findings on the strength of their subpoena, search, contempt, and penal powers and during nationally televised public hearings. Confronted with such exacerbated outrage, politicians will find it in their self-interest to legislate reform implemented with the assistance of citizen boards of judicial accountability and discipline that ensures the administration to *We the People* of Equal Justice Under Law

Introduction: The goal: not just to expose wrongdoing, but also *to trigger history!*

1. The enabling conditions of judges' unaccountability and wrongdoing

1. The 2012 presidential election has been reported to have cost well over $2,000,000,000, that is, over two billion dollars. We heard candidates running for public office at all levels in the federal and state executive and legislative branches as well as incumbents not running for reelection charge each other with having engaged in all sort of wrongdoing. Even members of the same party did that to each other. Given the enormous amount of money necessary to run an election campaign, the majority of candidates were said to be beholden to special interest groups, including superPACs, that were directly or indirectly financing their campaign. They were not deemed to be motivated by the general interest of their constituencies, let alone the interest of the country, of *We the People*. Since we heard the accusations of wrongdoing and of big money buying campaign messages from the mouth of politicians themselves, never mind from those of reporters and pundits, no informed and reasonable person would be taken aback by the statement that 'politics is dirty' because wrongdoing is to be expected among politicians, including, if not especially, those who win elections. Yet, nobody would dare say that because wrongdoing is pervasive in politics it is to be tolerated and that politicians who engage in it should not be held accountable and punished if found to have done wrong, because they are just being politicians.

2. By contrast, even the suggestion in the title of a book such as this one that wrongdoing among judges is so widespread or grave that it can provoke public outrage and become a national debate issue can leave even informed and reasonable people skeptical. They have never heard judges accused each other of wrongdoing; the media have reported wrongdoing in the judiciaries as approaching anything like the level that is reached in the other two branches of government. In

fact, the media hardly ever report on wrongdoing engaged in by judges. It is practically unheard of for the media to report of any kind of wrongdoing in the judiciary. Consequently, readers could wonder whether they are holding in their hands the scribbling of an exaggerated view of judges and their judiciaries by a fanatic with a grudge against them, or what judges would call 'a disgruntled loser'. Is it worth reading, not to mention paying for it if that must be done first?

3. To answer that question very briefly in this Introduction it should suffice to set forth what logicians call 'the conditions of possibility' and what not only legislators and lawyers call 'enabling provisions', but also professionals that study individual and social behavior call 'enabling conditions'. The first fact is that judges are recommended, appointed, nominated, confirmed, endorsed, and otherwise supported by or affiliated with precisely those politicians who are widely and justifiably deemed to engage in wrongdoing pervasively. Is it the experience of any average person, even one informed by only some years in grade school and the rest by life in the midst of society, as opposed to a monastery or convent, that when wrongdoers have the opportunity to give power to or put somebody in an influential position they chose saints rather than people of their ilk who can pay them back by doing right and especially by being willing to do wrong? 'Birds of the same feather fly together'. Wrongdoers avoid dealing with people whom they deem "inflexible" due to their stiff integrity spine. Hence, it is reasonable to expect people who become judges thanks to politicians to be just as prone to wrongdoing and dedicated to promoting the interest of their 'constituency' as the politicians themselves.

4. In addition to the condition of possibility for judicial wrongdoing being intrinsic in the judicial selection process, it is also inextricably linked to what enables judges to perform as such. Let's take the case of federal judges, for their Federal Judiciary is not only the paradigm of state judiciaries, but also the only national judiciary and, as such, widespread wrongdoing in it can outrage the national public more readily than wrongdoing in any of its state counterparts. Once more, let's assume that the reader is an average person that lives and works among other people. Can you imagine what would happen to you and those you care about if all your bosses:

    a. held their jobs for life with self-policing authority that enabled them to assure their impunity by dismissing your complaints against them; were in effect above investigation, never mind prosecution, and thus had no fear of suffering any adverse consequences from their wrongdoing, not even losing their jobs or even part of their salaries, because they enjoyed the unusual guarantee that their salaries could not be diminished; and

    b. ruled on $100s of billions annually…

    c. in the secrecy of closed-door meetings and through decisions that were overwhelmingly unpublished; need not be followed, so they could be inconsistent and arbitrary; and in effect, not reviewable but could deprive you of your rights to property, liberty, and life

5. Federal judges enjoy the job conditions of your 'bosses'. Did you instantly realize that in that scenario it did not take even a second for judges to become fully confident that they could do to you and those you cared about and in fact anybody else whatever they wanted and neither you nor anybody else could do anything to prevent it, much less to obtain any relief from them, for their giving it to you would amount to their admission that they had wronged you? It is inherent in our experience from early on in family life and in any other social context that the big guy or a clique of influential ones who can bully us without being held accountable will bully us at every opportunity for the worst reason: because they can. In fact, if we were the ones in the position to bully others without having to account for it to anybody, we too may have bullied them at every opportunity. Without limits, power becomes boundless. It is as part of nature and of the law of the jungle as it is still of the human character. It is also intuitive that there is no effective limit to

the abuse of power if you have to complain to the bully about his or her bullying you. If so, you have no reasonable basis for expecting that either your complaint or you will be dealt with justly.

6. Our experience of the human condition is what renders so understandable what enables judges to engage in wrongdoing: They wield the enormous power that comes with being the final arbiters of controversies and they are the arbiters of the limits of their own power. That constitutes the enabling condition of their wrongdoing: They exercise unaccountable power. The limits that could be imposed on judges and their power by all those whom they have wronged have not materialized because those victims have had to bear their wrong in isolation and face alone those judges. That is the result of the toleration of judges' wrongdoing by the politicians who were instrumental in putting them in office and have kept them there. It is also the result of the media's failure to report on judges' unaccountability and their consequent riskless wrongdoing.

2. The media's failure to report on judges' wrongdoing

7. 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. They complain about the judges' 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. But material benefits that can be grabbed unlawfully are not the only motive for corruption. As shown above, power that can be exercised without limits leads to corruption by the nature of the human character.

8. To act on a wrong motive judges can abuse their 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

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

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.

9. 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.

10. 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?

11. 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 levels of the journalistic skills of perception, curiosity, and perseverance: Bob Woodward and Carl Bernstein of *The Washington Post*. They wrote an article questioning how the so-called "five plumbers" caught after breaking into 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. They found the source of the money to pay those lawyers in a 'special operations' slush fund of the Republican Committee for the Reelection of Nixon.[3]

12. Woodward and Bernstein's reporting set in motion a generalized media investigation of a "burglary" that appeared ever more like wrongdoing with the potential for a scandal at the highest level of government. The story kept feeding on readers' interest. A constantly growing number of 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 those who voiced their opposition or participated in demonstrations against the Viet Nam War. Collectively they caused Nixon to resign on August 9, 1974.

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[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

13. Woodward and Bernstein were instrumental in holding accountable the most powerful executive officer as well as his White House aides; all of the latter were convicted and sent to prison. These reporters 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 Above The Law. They validated the essential role that journalism plays in our society. Their keen perception of what makes an individual tic and the world turn and their never-ending curiosity about the enabling conditions of what they had already found out propelled their investigation forward as they relentlessly pursued their story wherever it led. Deservedly, they have been for over a generation icons of American journalism.

14. Yet, even Woodward and Bernstein have failed to investigate judges' 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 perceptive and inquisitive minds of their journalists, editors, and publishers to analyze them critically and ask some obvious questions: What are the conditions enabling the behavior of judges underlying those statistics? What conditions for, and commission of, wrongdoing do those statistics reveal given human nature and the world we live in? What benefit has motivated judges to engage in or tolerate wrongdoing?

3. Sampler of the nature and gravity of judges' wrongdoing

15. Judges' wrongdoing is pervasive(jur:xli); their unaccountability and coordination among themselves and with bankruptcy[33] and legal systems insiders[169] makes it riskless and irresistible. They:

    a. systematically dismiss complaints against them, which are not public record, preventing complaint analysis to detect patterns of wrongdoing and habitual wrongdoing judges (jur:24§b);

    b. fail to report gifts from, and participation in seminars paid by, parties before them;[272]

    c. routinely deny motions to recuse themselves[272] due to, e.g., conflict of interests by holding shares in, or sitting on a board of, one of the parties, fundraising for promoters of an ideology, despite violating thereby the requirement to "avoid even the appearance of impropriety"[123a];

    d. without a court reporter so that no transcript of the discussion is available to challenge the judge's expression of bias or coercion on any party hold meetings with both parties in chambers or with only one party in the absence (ex parte) and to the detriment of the other;

    e. deny a party discovery, forcing it to litigate without evidence while protecting the opposing party from having to disclose incriminating evidence, 67¶¶141-142,[141], or grant discovery requests that force the other party to disclose even privileged information and incur oppressive expense and investment of time and effort that disrupt its life or business operations;

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

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

    h. get rid of 9 out of 10 cases through either reasonless, meaningless summary orders or deci-

sions so perfunctory that the judges mark them "not for publication" and "not 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[66b];

i. 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[69 >¶¶1-3];

j. systematically deny petitions for en banc review by the whole court of each other's decisions, thus assuring reciprocal deference and the continued force of their decisions regardless of how wrong or wrongful they are(jur:45§2);

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

l. 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(jur:162¶355e);

m. never hold press conferences, thus escaping the scrutiny of journalists and that of the public, since federal judges do not have to run in judicial elections[29](cf. jur:97§1; dcc:11) and

n. file pro forma financial disclosure reports[213b] with the Judicial Conference91 Committee on Financial Disclosure, composed of report-filing peer judges assisted by Administrative Office of the U.S. Courts[10] members, who are their appointees and serve at their will(31§a)).

16. Knowing what you know now about what judges do routinely as follows from their own statistics, if you currently have a case in court or next time that you do, are you confident that they will bother to give you a fair and impartial day in court? After all, why should they bother since they know that if they do not you can only complain to their peers, who will dismiss your complaint with no investigation at all? Can you reasonably expect a more receptive treatment from the politicians that recommended, nominated, or confirmed those judges?

4. The evidence of unaccountability and wrongdoing, further investigation, and advocacy of judicial reform

17. Why have journalists failed to investigate the many complaints of judicial wrongdoing? Why have they disregarded even the official judicial statistics? Do journalists not want a Pulitzer Prize anymore? What can take the place today of Watergate's "garden variety burglary" and reveal itself through responsible investigation as the story of judicial wrongdoing that leads all the way to the Supreme Court and the president and the members of Congress that recommend, nominate, and confirm its justices? Can the public outrage force politicians to turn against 'their' judges and undertake effective, lasting judicial accountability and discipline reform? These questions require strategic thinking to be answered and they are the ones that this proposal endeavors to answer.

18. Section(§) A analyzes official statistics of the Federal Judiciary. They reveal that its judges abuse their unaccountable power as their means to pursue their money and other motives in practically unreviewable cases that afford them the opportunity to engage in riskless wrongdoing. These statistics are compelling because they constitute declarations against self-interest.

19. Section B illustrates those statistics with real cases that went from a bankruptcy court at the bottom of the federal judicial hierarchy to the top, the Supreme Court. They are outrageous because they show how wrongdoing pervades even routine legal procedures and administrative processes, runs throughout the hierarchy, and results from and gives rise to its most reassuring enabler: coordination among wrongdoers. Coordination is the most powerful multiplier of wrongdoing's effectiveness and thereby, its attractiveness. It ensures the wrongdoers' collective survival and returns higher profits since there is no need to spend resources in costly measures to avoid detection and punishment. Through coordinated wrongdoing judges have arrogated to themselves a status that no person in a democracy is entitled to: Judges Above the Law.

20. 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. It describes the insidious explicit and implicit forms that coordination takes on. Moreover, it demonstrates the grounds in law and precedent for affirming that in spite of their coordinated wrongdoing, judges are the most vulnerable public officers to even "the appearance of impropriety". All this reliably supports the reasonable expectation for the proposed investigation to be concluded successfully and cost-effectively.

21. For exposing current judicial wrongdoing there are proposed a *Follow the money!* and *Follow the wire!* investigations of the §B cases, collectively referred to as *DeLano*. The *DeLano* case itself was presided over by Then-Judge Sotomayor of the U.S. Court of Appeals for the 2nd Circuit[19g] (CA2) in NY City. She covered up for her lower court peers in that case. Now a justice of the Supreme Court, she will be covered by both her current[cf.144d] and former peers. They must cover up for each other. Any investigation and exposure of their peers' wrongdoing that they tolerated, never mind engaged in themselves, would indict their honesty and the credi-bility of their commitment to the impartial application of the law; and refute their proclaimed sense of institutional responsibility for the integrity of the Judiciary and of legal process. It would give rise to a flood of motions to review their decisions for bias and conflict of interests. It could incriminate the top politicians that vetted them, had reason to suspect and the duty to investigate, even prosecute or impeach, them upon discovering probable cause to suspect their involvement in wrongdoing, but instead nominated and confirmed them as lifetime officers with the ultimate responsibility for interpreting the Constitution and saying national law. It would be a scandal. Public outrage would demand their resignation. Their agreement, let alone their refusal, to resign and the connivance of top politicians would create an institutional and a constitutional crisis. Thus, exposing J. Sotomayor's wrongdoing can expose coordinated wrongdoing in the Federal Judiciary and create conditions requiring judicial accountability reform. Hence the importance of the investigation. It can start in CA2(jur:106§c) and move on to law firms and financial institutions (jur:103¶232b); the D.A.'s office in Manhattan, NY City[160a], and the NY State Attorney General's Office[160b]; property registries(jur:102¶¶230a, 108¶244); a disciplinary committee[161]; on to Rochester[115b,159d], Albany[160c]; the District of Columbia[64,111], and beyond(jur:102¶230).

22. Articulated phases are proposed for exposing judicial wrongdoing and advocating reform:

    a. pioneering the news and publishing field of judicial unaccountability reporting(jur:166¶365);

    b. opening a field of research(jur:131§b) on judges to be conducted by a team of professionals (jur:128§0) as part of a multidisciplinary academic and business venture(jur:119§1);

    c. teaching The *DeLano* Case Course based on its study plan and Syllabus(dcc:18§§D-F; 23);

    d. creating a for-profit institute(jur:130§5) of judicial unaccountability reporting and advocacy (155§e) of legislated(158§§1-7) accountability reform with citizen participation (160§8);

e. promoting the development of a national movement(jur:164§9) of a people that hold as the foundation of their democratic government their right to Equal Justice Under Law.

23. An offer is made of a presentation where to lay out the available evidence of judicial unaccountability and wrongdoing; propose judicial unaccountability reporting and further investigation; and describe the multidisciplinary academic and business venture that advocates judicial reform.

5. From the initial presentation of the evidence to *the triggering of history!*

24. The above presentation can foreshadow the initial public presentation covered by the media. It can be made at a press conference or at another public event. For instance, the presenter can secure a journalism school's agreement to join his or her investigative effort as an academic project (dcc:1) and/or have him or her make the presentation as the keynote speech at the school's job fair or commencement attended by recruiters and editors from across the U.S. or covered by the media. In turn, they are likely to disseminate the presenter's statements and investigate them further. This can launch a Watergate-like generalized and first-ever media investigation of wrongdoing in the Federal Judiciary and then in the state judiciaries. It can lead to reform that holds judges accountable. It starts with pioneering JUDICIAL UNACCOUNTABILITY REPORTING.

25. That chain of events is statistically realistic and commercially promising[4]: 2,021,875 new cases were added to the pending ones in the federal courts in FY10; and the comparable figure in the state courts for 2007 was 47.3 million![5] 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 over 300 million[6] go or are brought to court every year. They are added to the parties to pending cases. Additional scores of millions of people are affected during litigation and thereafter: 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 lower protections or higher insurance premiums to cover money judgments or litigation costs, etc.

26. People involved in or affected by lawsuits form a huge media market. The media will want to reach them with a reliable story; journalists will want to get a name-making scoop. Neither will be held back by fear of retaliation, for not even judges can take on all of them at once. That is the strategy: To reach a huge market of people demanding news, punditry, and documentaries about a story of federal judges' outrageous wrongdoing because **a)** it has become a national story by showing that everybody can already be among the story victims; **b)** the American people have been outraged upon realizing that judges' wrongdoing is so coordinated, pervasive, and routine

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

[5] In "An Interview with Chief Justice Margaret H. Marshall, President of the Conference of Chief Justices", The Third Branch, vol.41, no. 4, p.1 and 9; April 2009, Pres. 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

[6] http://www.census.gov/main/www/popclock.html

that it constitutes their institutionalized modus operandi; and **c)** people's clamor keeps growing for judges and their judiciary to be investigated officially and held accountable by Congress, the Department of Justice, and their state counterparts. A national story of judges who have turned their judgeships into safe havens for wrongdoing can have such an impact by exposing an unbearable betrayal of public trust and national identity: 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!*

27. Official investigations can lead to public hearings where that key question of our political debate is 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 media, public interest entities, and politicians who pioneer the presentation of the evidence of judges' wrongdoing 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 foundational principle of our democratic life: All public officials are servants of, and accountable to, *We the People*. The courageous pioneers can be the Champions of Justice of a people convinced that their defining, inalienable right as Americans is to Equal Justice Under Law. *You can trigger history!*(dcc§7)

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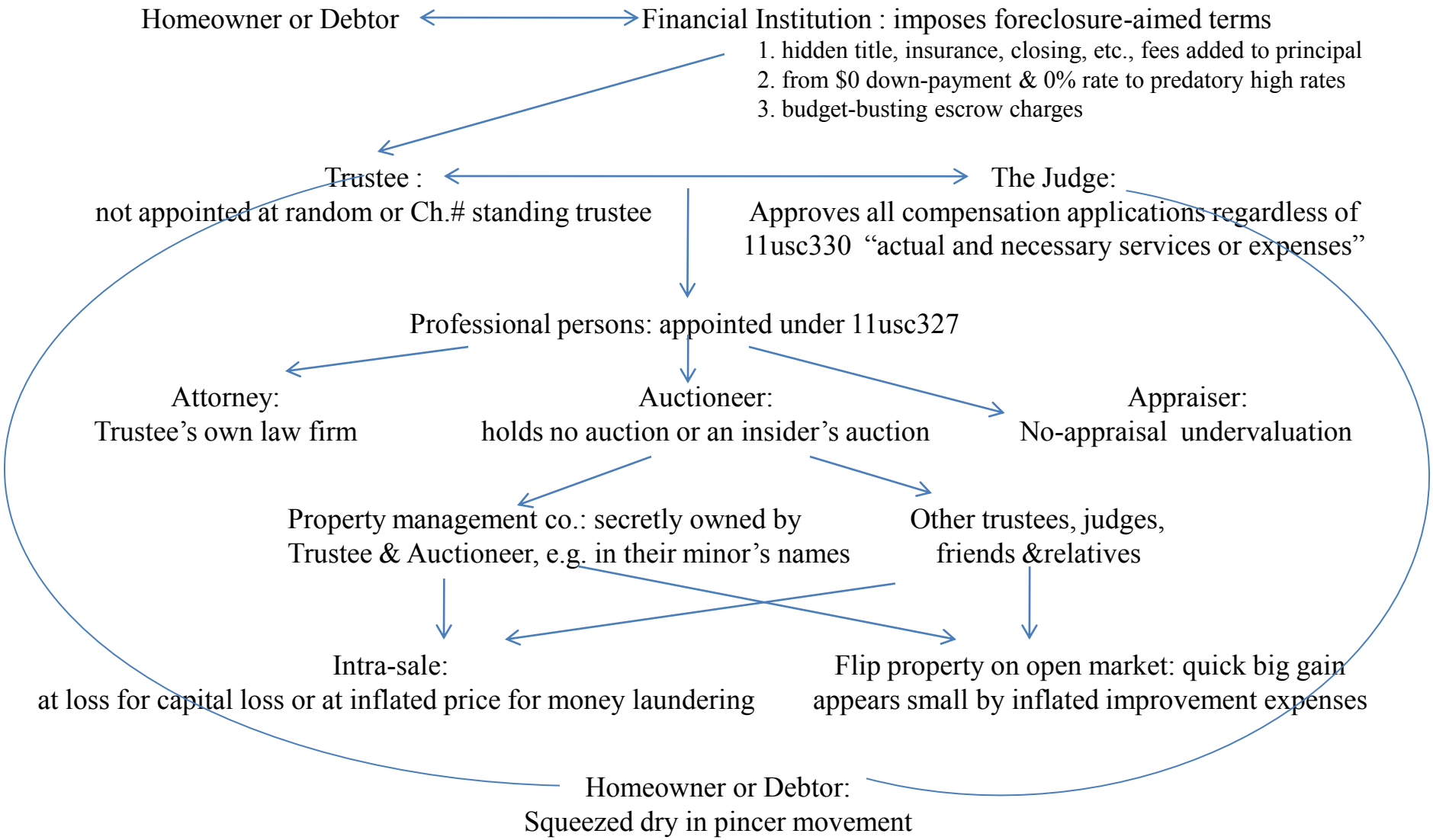
Fraudulent Coordination
Among The Main Players In The Bankruptcy System



http://Judicial-Discipline-Reform.org/docs/graph_fraudulent_coordination.pdf

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, Admnistrative 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.

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

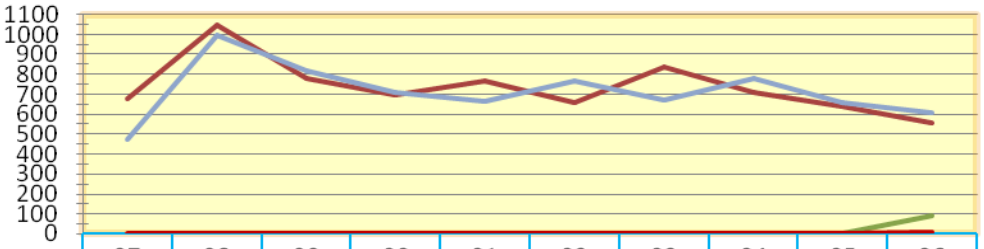
2nd Circuit Judicial Council's & J. Sotomayor's Denial of 100% of Petitions for Review of Systematically Dismissed Misconduct Complaints Against Their Peers & 0 Judge Disciplined in the Reported 12 Years[1]

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, Admnistrative Office of the U.S. Courts; http://www.uscourts.gov/Statistics/JudicialBusiness.aspx >year >Table

Data of Judicial Council 2nd Cir. for AO; 28 U.S.C. §332(g)	'96-97	'97-98	'98-99	'99-00	'00-01	'01-02	'02-03	'03-04	'04-05	'05-06	'06-07	'07-5/8	'96-5/8	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

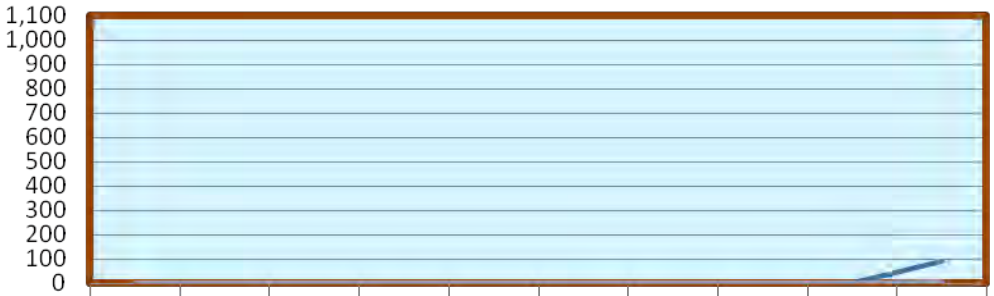
*Revised. ** Each complaint may involve multiple allegations against numerous judicial officers. Nature of allegations is counted when a complaint is concluded.

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



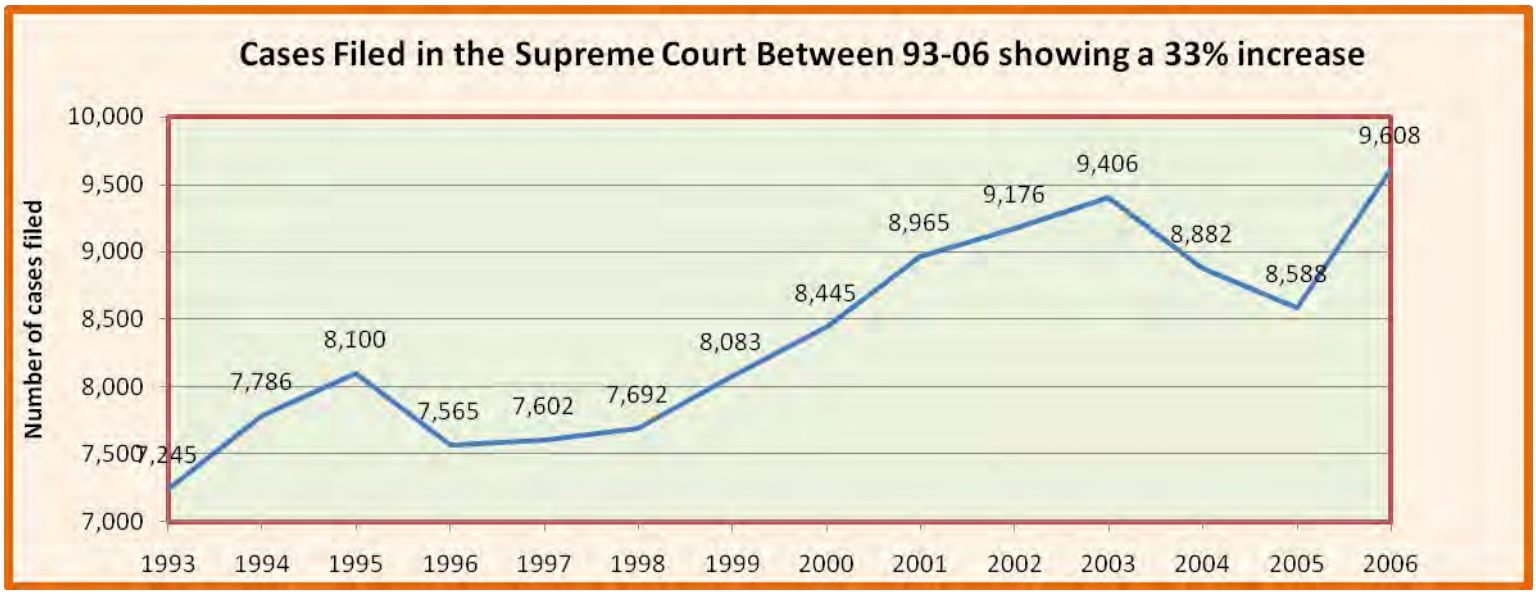
	97	98	99	00	01	02	03	04	05	06
filed by complainants	678	1,049	781	695	766	656	835	712	642	555
filed by chief judges	1	2	0	1	0	1	0	0	0	88
dismissed by chief judges & judicial councils	477	995	820	710	663	770	673	781	661	609
referred to Judicial Conference	0	0	0	0	0	0	0	0	0	0
special investigating committees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

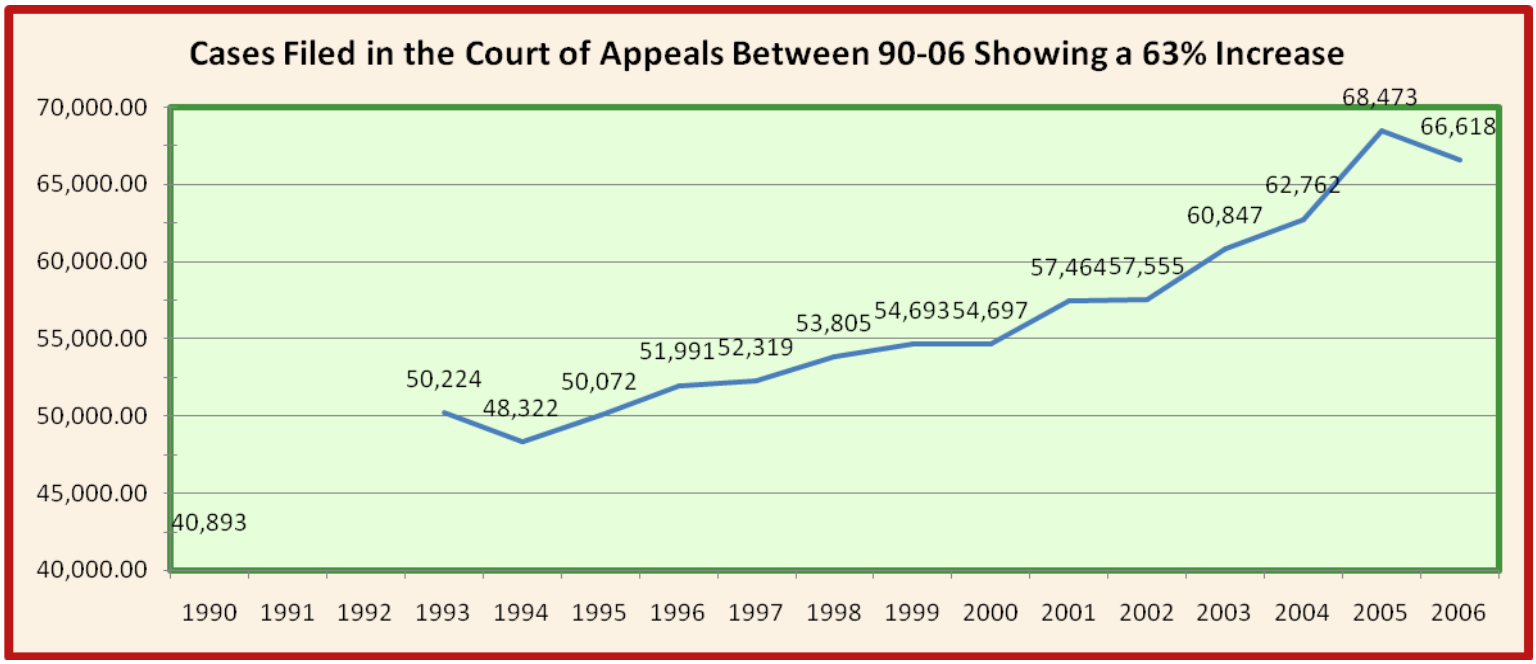
Judicial Councils' Action Against Complained-about Judges From 1997-2006

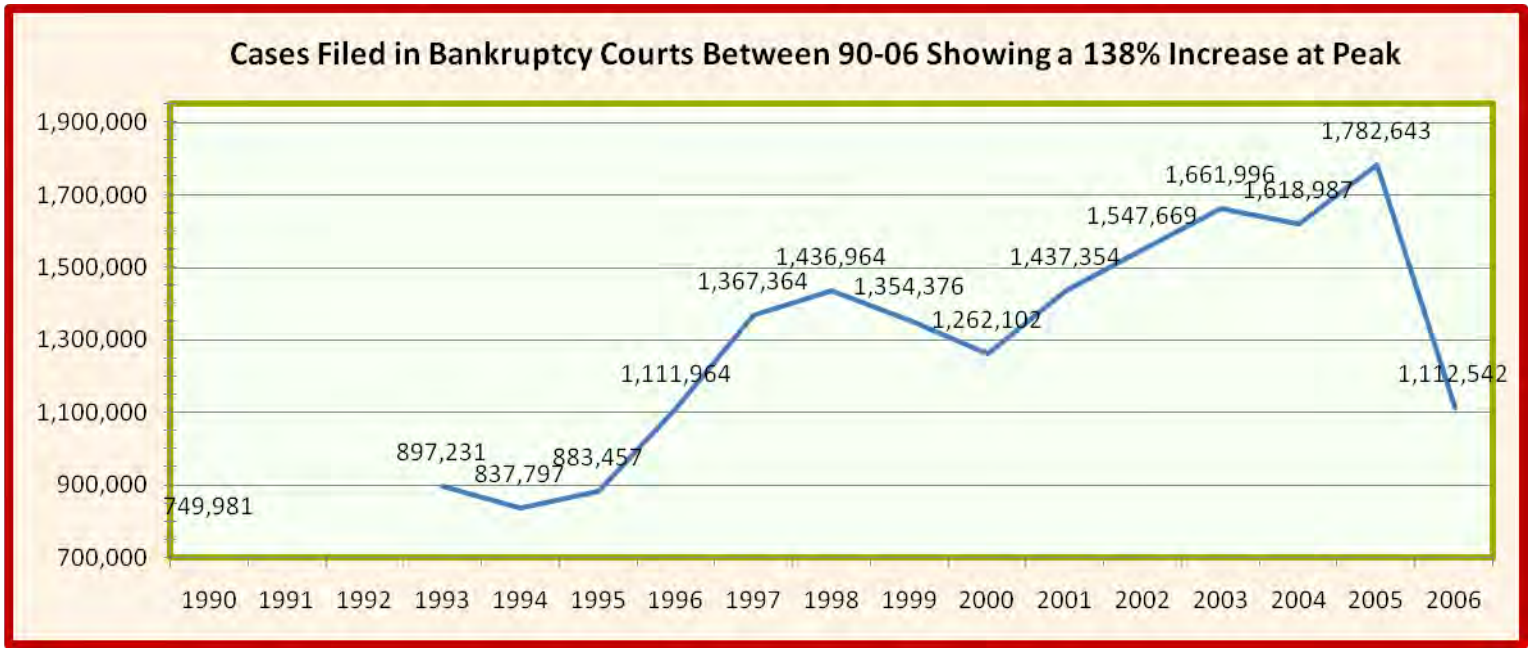


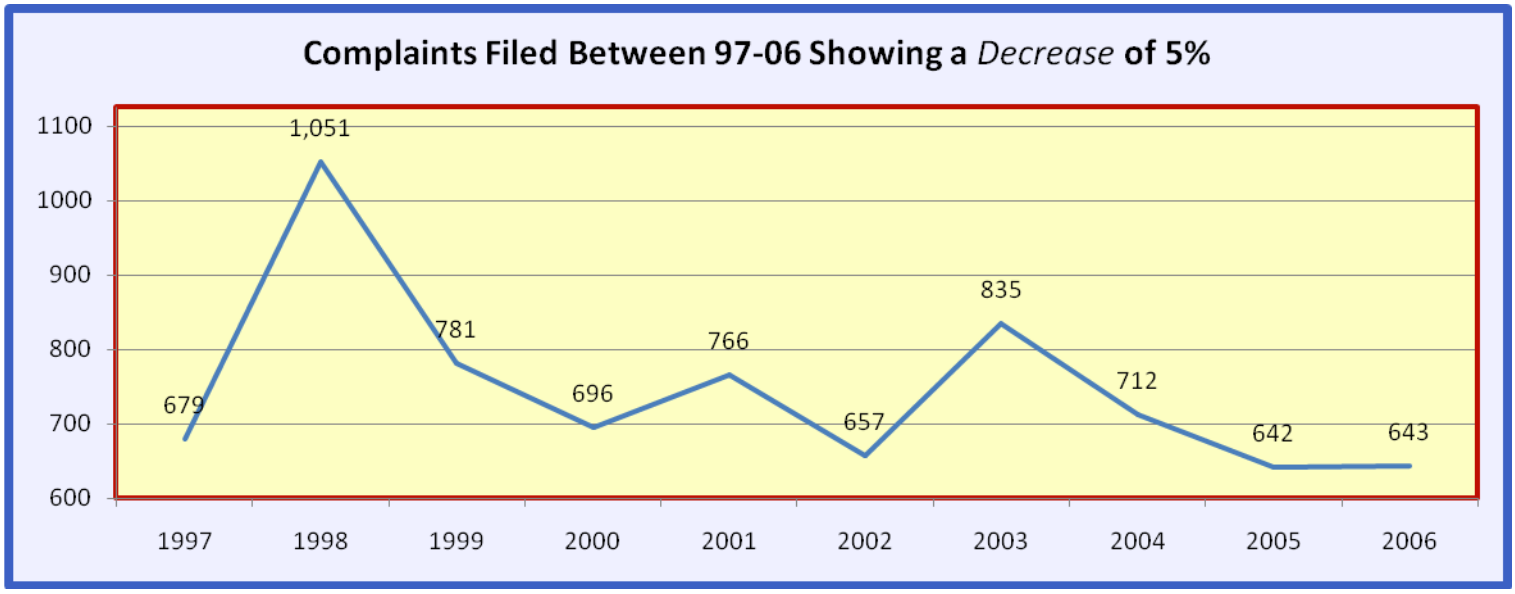
	97	98	99	00	01	02	03	04	05	06
filed by chief judges	1	2	0	1	0	1	0	0	0	88
directed chief district judge to take action (magistrate judges only)	0	0	0	0	0	0	0	0	0	1
certified disability	0	0	0	0	0	0	0	0	0	0
requested voluntary retirement	0	0	0	0	0	0	0	0	0	0
ordered temporary suspension of case assignment	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
Number of cases filed
10,000
9,500
9,000
8,500
8,000
7,500
7,000
7,245
7,786
8,100
7,565
7,602
7,692
8,083
8,445
8,965
9,176
9,406
8,882
8,588
9,608
1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006


Cases Filed in the Court of Appeals Between 90-06 Showing a 63% Increase
70,000.00
65,000.00
60,000.00
55,000.00
50,000.00
45,000.00
40,000.00
40,893
50,224
48,322
50,072
51,991
52,319
53,805
54,693
54,697
57,464
57,555
60,847
62,762
68,473
66,618
1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006


Cases Filed in Bankruptcy Courts Between 90-06 Showing a 138% Increase at Peak
1,900,000
1,700,000
1,500,000
1,300,000
1,100,000
900,000
700,000
749,981
897,231
837,797
883,457
1,111,964
1,367,364
1,436,964
1,354,376
1,262,102
1,437,354
1,547,669
1,661,996
1,618,987
1,782,643
1,112,542
1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006



[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.

 Source: Administrative Off of US Courts; cf. http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf

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

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

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

[a] The DeLanos claimed in their petition, filed just three years before traveling light of debt to their golden retirement, that their home was their only real property, appraised at $98,500 on 23nov3, as to which their mortgage was still $77,084 and their equity only $21,416 (D:30/Sch.A) …after paying it for 30 years! and having received $382,187 during that period through eight mortgages! *Mind-boggling!* They sold it for $135K[3] on 23apr7, a 37% gain in merely 3½ years.

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

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

[d] Why do these numbers not match?

3. Other relevant orders entered in the case

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

4. Table

Documents requested by Dr. Cordero and denial by CA2				
	Requests		**Denials**	
	page #	**date**	**page #**	**date**
1.	CA:1606	December 19, 06	SApp:1623	January 24, 07
2.	CA:1618	January 18, 07	SApp:1634	February 1, 07
3.	CA:1637	February15, 07	SApp:1678	March 5, 07
4.	CA:1777	March 17, 07	CA:2180	February 7, 08
5.	CA:1932	June 14, 07	CA:2180	February 7, 08
6.	CA:1975¶59a	July 18, 07	CA:2182	February 7, 08
7.	CA:2081¶c.1	August 29, 07	CA:2181	February 7, 08
8.	CA:2126¶e	November 8, 07	CA:2180	February 7, 08
9.	CA:2140¶e	November 27, 07	CA:2180	February 7, 08
10.	CA:2165¶33e	December 26, 07	CA:2180	February 7, 08
11.	CA:2179	January 3, 08	CA:2180	February 7, 08
12.	CA:2205¶25c	March 14, 08	CA:2209	May 9, 08

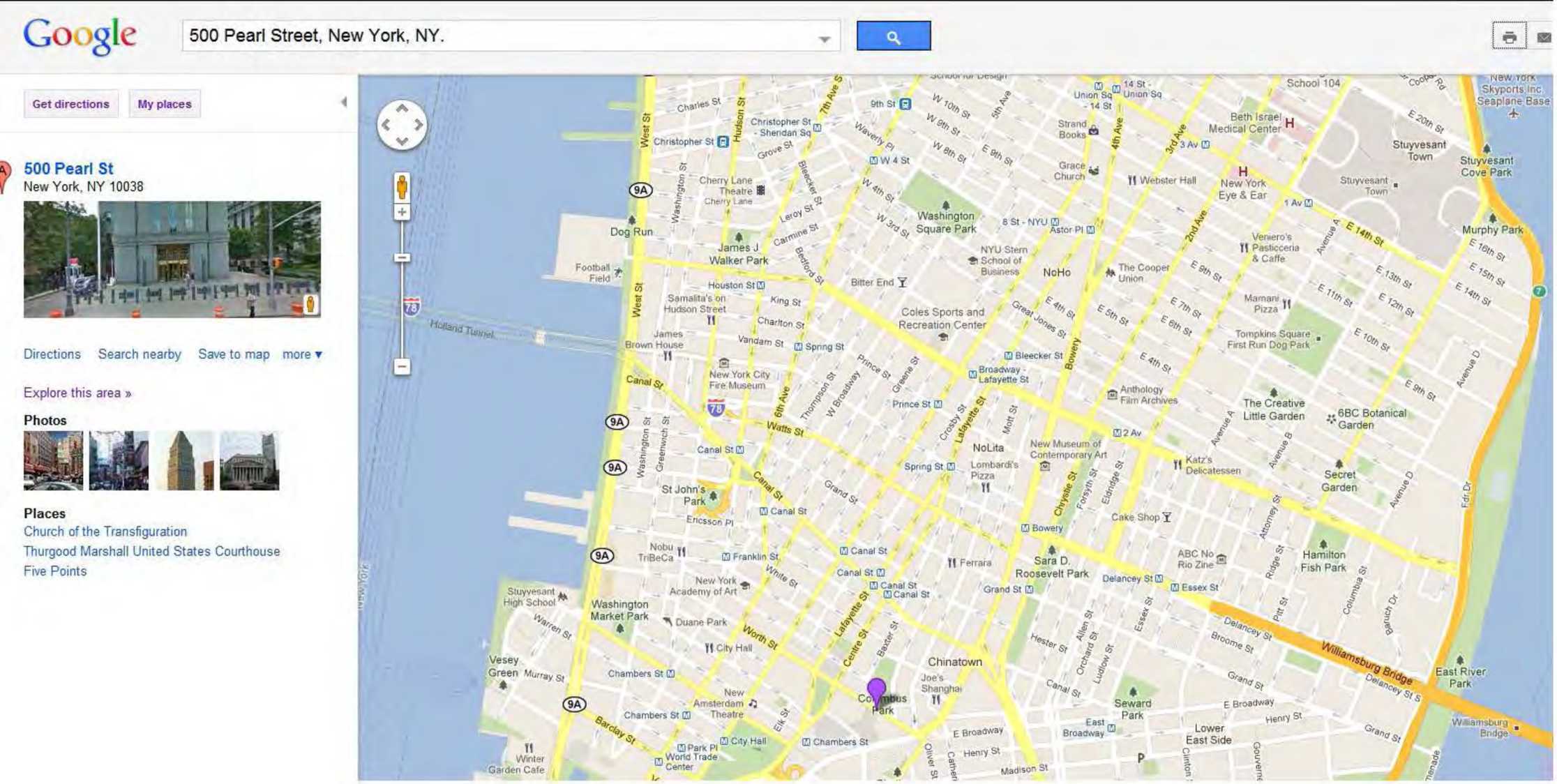
B. Table of Contents of items in the records of all courts US:2365

1. All the items: on the accompanying CD; and

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

C. Other relevant material

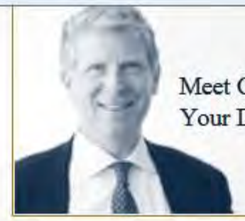
Proposed document production order..... infra at the back, bound and in a loose copy



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

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

The New York County District Attorney's Office



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

Directions

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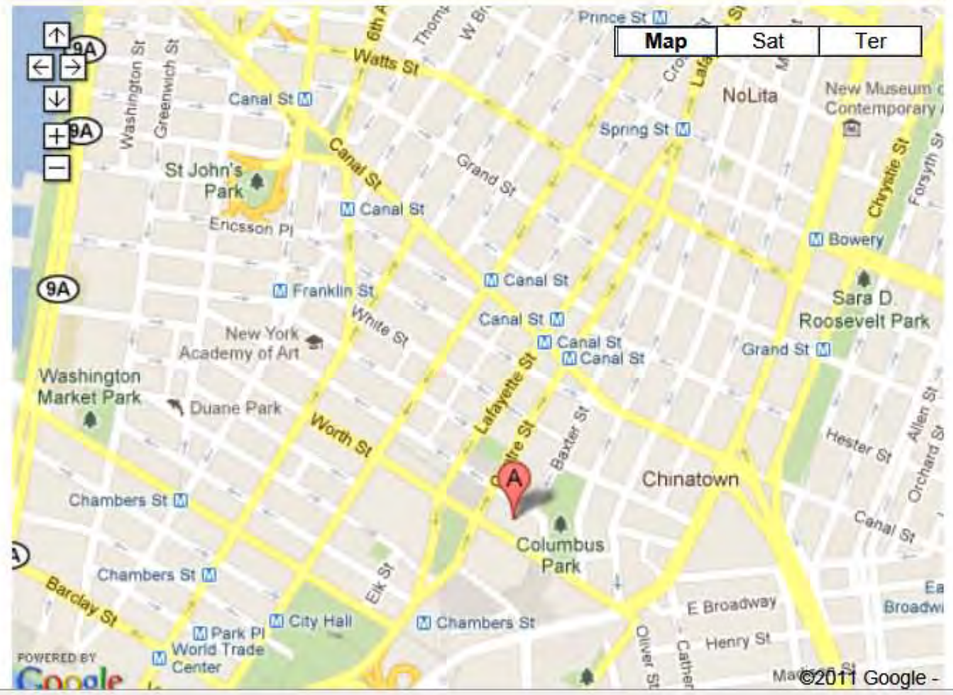
(212) 335-9000



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

Map of the federal circuits, produced by the Administrative Office of the U.S. Courts; http://www.uscours.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

28. Coordinated wrongdoing in the Federal Judiciary[7] 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 224 years: de facto unimpeachability and irremovability

29. The unaccountable power of federal judges[9] 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 terms[61], 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/28usc601-603_Adm_Off.pdf. Its director and deputy director are appointed and removable by the chief justice of the U.S. Supreme Court after consulting with the Judicial Conference [9[a]], id; http://Judicial-Discipline-Reform.org/docs/J_THogan_Named_AO_Director.pdf.

Federal Judicial Center[11]. Although thousands and thousands of federal judges have served since their Judiciary was created in 1789 under Article III of the U.S. Constitution[12] –2,131 were in office on 30sep11[13]-, the number of those removed in more than 223 years since then is only 8![14]

30. 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?

31. In recent years, there have been about four times more judges than the 535 members of Congress. Yet, in those years, there have been more members showing 'bad Behaviour' than judges so doing in well over two hundred years.[15] It is not possible that those who were

---

c) AO's official statistics are posted at http://www.uscourts.gov/Statistics.aspx. Those relevant to this proposal have been collected 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.

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

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

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

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

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

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

[15] **a)** 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,

recommended, nominated, endorsed, and confirmed to judgeships in an eminently political process conducted by politicians in "Washington[, a place that] is dominated by the culture of corruption"[16a], could have turned out to be so astonishingly consistent in their "good Behaviour". The corrupt, tainted as they are, could not have bestowed incorruptibility on those whom they chose as judges, aside from the fact that no one could do so on anybody else. It is more likely that they put in office judges whom they expected either to uphold the legislation that they had passed or would pass to enact their political agenda[17] or to be lenient toward them if on charges of their own corruption[16b] they had to face those judges or their peers in future. This explains

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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; https://www.judicialwatch.org/corrupt-politicians-lists/

b) Congressional approval is up. But barely; Ed O'Keefe; Inside the 112th Congress, *The Washington Post*, 12jun12; http://www.washingtonpost.com/blogs/2chambers/post/congressional-approval-is-up-but-barely/2012/06/11/gJQApSiZVV_blog.html;

c) Gallup's trend line on congressional approval in Why 'Fast and Furious' is a political loser; Chris Cillizza and Aaron Blake; The Fix, *The Washington Post*, 26jun12; http://www.washingtonpost.com/blogs/the-fix/post/why-fast-and-furious-is-a-political-loser/2012/06/25/gJQA80p42V_blog.html?wpisrc=nl_pmfix

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

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

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

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

why corrupt politicians and the peers who condone(jur:88§§a-d) their corruption disregard complaints about 'badly behaving' judges. If they investigated and disciplined those judges, they would antagonize not only those under investigation, but also turn into their enemy the whole class of them, a specially dangerous one: life-tenured, in practice unimpeachable, bias-longholding federal judges. Corrupt politicians and their condoners fear that if they ended up being indicted and brought before those judges and their peers, the judges would take that opportunity to retaliate against them and teach others a lesson: *Don't you ever mess with us!*

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

32. Under the Judicial Conduct and Disability Act of 1980[18a] any person can file a complaint against a federal judge for misconduct. But of the 9,466 complaints filed during the 1oct96-30sep08 12-year period reported online(jur:10; cf. jur:12-14), 99.82% were dismissed with no investigation [19a,b]. Since these complaints are kept confidential, they are not available to the public, who is thereby prevented from reviewing them to detect either patterns or trends concerning any individual judge or all judges as a class, or the gravity and reliability of the allegations.

33. Moreover, in the 13-year period to 30sep09, the all-judge judicial councils of the federal circuits, charged with their respective administrative and disciplinary matters, have systematically denied complainants' petitions to review[18b] such dismissals[19c]. In fact, the district and circuit judges on the Judicial Council of the Second Circuit[18f], including Then-Judge Sonia Sotomayor during her stint there[20] as member of the Circuit's Court of Appeals[18g], denied 100% of those petitions (jur:11) during FY96-09.[19d] Thereby they pretended that in that 13-year period not a single one of their 2nd Circuit complained-against peers engaged in conduct suspect enough to warrant the review by the Council of the dismissal by the CA2 chief judge of the corresponding complaint.

34. They also pretended that all of the many judges that during that period belonged on a rotating basis to that 13-member Council happened to come through their independent exercise of personal judgment to the unfailingly consistent conclusion that, not even the same chief judge, but rather, the successive chief judges were correct in every one of their complaint dismissals whose review was petitioned to the Council. To illustrate how utterly contrived and thus impossible this permanently coincidental eye to eye seeing is it suffices to try to imagine hundreds of cases each with particular factual and legal issues within any given category of cases in which nevertheless the fewer, eight associate justices of the Supreme Court invariably agreed with the decisions made by one or successive chief justices during a 13-year period. Is there an issue with varying

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[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; **g)** http://www.ca2.uscourts.gov/

[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

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

circumstances on which you have invariably agreed with another person for the last 13 years?

35. This denial of 100% -and even anything close to it- of petitions for review of peer wrongdoing complaint dismissal reveals perfect implicit or explicit coordination between judicial peers to reciprocally protect themselves on the understanding that 'today I dismiss a complaint against you, tomorrow you dismiss any against me or my buddies whatever the charge…*no questions asked!*' This establishes complicit collegiality among judicial peers: They provide to each other the wrongful benefit of such reciprocal protection at the expense of complainants, who are deprived of any rightful relief from the cause for complaint. They also impair the integrity of both the administration of justice and themselves, for partiality toward peers replaces "the equal protection of the laws" required by the 14th, and through it, the 5th Amendments[12]; and breaches the oath that they took to "do equal right to the poor [in judicial connections] and to the rich [in judicial decision-making power to reciprocate a wrongful benefit]"[90].

36. Realizing how totally rigged is the handling of complaints filed under the Judicial Conduct Act[18a] and how intolerably it condemns lawyers to keep suffering at the hands of federal judges, the two largest and most influential bar associations in New York City managed to set up an alternative complaint mechanism with the Court of Appeals for the Second Circuit. It provides for these three parties to appoint a "Joint Committee on Judicial Conduct [whose] mission is to serve as an intermediary between members of the bar and the federal courts"[21a]. By those terms, only lawyers can file a complaint with that Committee.[21b] This means that the pro ses that filed 49.2%[64] of the appeals in FY11 (the year to 30sep11) in the federal courts of appeals and the rest of the non-lawyer public are left out and must continue to file under the Act complaints that have an average 99.82%(jur:24¶32) chance of being dismissed.

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

37. Although a chief judge can appoint an investigative committee to investigate a complaint[18c] and a council can "conduct any additional investigation that it considers to be necessary"[18d], years go by without a single committee being appointed and any additional investigation being conducted in any of the 12 regional circuits[22a] and 3 national courts[18e]. As a result, the complained-against judges have gotten scot-free without the statistics reporting *for 13 years nationwide* but 1 single private censure and 6 public ones out of 9,466 complaints.[19e] This is .07% or 1 in every 1,352.

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[21] **a)** Press release of Chief Judge John M. Walker of the Court of Appeals for the Second Circuit, jointly with Bettina B. Plevan, President of the Association of the Bar of the City of New York, and Joan Wexler, President of the Federal Bar Council, announcing the continuing and new members of the Joint Committee on Judicial Conduct, originally created in 2001; http://Judicial-Discipline-Reform.org/NYCBar_FBC/Comm_JudConduct_17nov5.pdf. **b)** But that Committee too knows better than to even acknowledge receipt of a professionally prepared complaint supported with abundant evidence and involving even two chief circuit judges in covering up a bankruptcy fraud scheme run by judges of the 2nd Circuit; http://Judicial-Discipline-Reform.org/NYCBar_FBC/to_ComJudConduct_19jun6.pdf.

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

The judges have arrogated to themselves the power to effectively abrogate in self-interest that Act[18a] of Congress granting the people the right to complain against them and to petition for review of the dismissal of their complaints.[23]

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

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

39. The Supreme Court has protected its own by granting judges absolute immunity from liability for violating §1983 of the Civil Rights Act[24], although it applies to "every person" who under color of law deprives another person of his civil rights.[25] "This immunity applies even when the judge is accused of acting maliciously and corruptly".[id.] The Court has also assured judges that "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority"[26]. Appeals from decisions holding malicious judges harmless are not a remedy: Most litigants cannot afford to appeal and ignore how to, especially if pro se. Since more than 99% of appeals to the Supreme Court are denied[27], appeals offer no deterrence.

40. This self-immunization from liability is coupled with the systematic dismissal of complaints against them(jur:24§b). Through both mechanisms, judges self-ensure their historic de facto beyond prosecution status and unimpeachability. They enable them to remain unaccountable. Their unaccountability engenders an irresistible inducement to abuse their judicial power: risklessness. Their wrongdoing does not imperil either their office, their compensation, or their good repute. It has no downsize; only the upside of some illegal or unethical benefit, which may be material, professional, or social. Unaccountability renders the power that they wield not just enormous, but

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[23] **a)** Complaint statistics are reported under 28 U.S.C. §604(h)(2), http://Judicial-Discipline-Reform.org/docs/28usc601-613_Adm_Off.pdf, to Congress, which in self-interest ignores the Judiciary's nullification of its Act, the harm to the people that it represents notwithstanding. **b)** Cf. http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf

c) On the history leading to the sham drafting and adoption of the new rules for federal judges to process complaints against their peers so as to ensure the continued self-immunization against any investigation and discipline through systematic dismissal of complaints see fn.105b.

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

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

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

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

also absolute, which is the key element in power becoming absolutely corruptive.[28]

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

41. To evade accountability, they hold all their adjudicative, administrative, disciplinary, and policy-making meetings behind closed doors[29] and never appear at a press conference. That cloaks their operations in actual secrecy. In the same vein, the unreviewability in practice of their decisions, discussed next(jur:28§3), cloaks them in virtual secrecy. The Federal Judiciary has adopted actual and virtual secrecy as its institutional policy and the cover in practice of its judges' wrong and wrongful conduct and decisions. It is the most expedient and inexpensive measure to prevent detection of wrongdoing…*close the doors!*…and a powerful inducement to engage in it.

2. The corruptive motive of money

42. Two chief justices have stated the critical importance that federal judges attach to their salaries.[30] Unfortunately for them, they do not fix their own salaries. However, just the bankruptcy judges in only the 1,536,799 consumer bankruptcies filed in calendar year 2010 ruled on $373 billion[31].

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[28] Here are applicable the aphorisms of Lord Acton, Letter to Bishop Mandell Creighton, April 3, 1887: "Power corrupts, and absolute power corrupts absolutely".

[29] http://judicial-discipline-reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf >2

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

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

c) "Congress's inaction this year vividly illustrates why judges' salaries have declined in real terms over the past twenty years…I must renew the Judiciary's modest petition: Simply provide cost-of-living increases that have been unfairly denied!" U.S. Chief Justice John Roberts, Jr., 2008 Year-end Report on the Federal Judiciary, p. 8-9. http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx >2008;

d) http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_yearend_reports.pdf >yre:144-146; **e)** id. >yre:9-10; 29; 40-43; 52-53; 62; 109-114; 129

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

To that number must be added the $10s of billions in commercial bankruptcies that they ruled on. The other federal judges also ruled on $10s of billions at stake in cases before them, such as those dealing with antitrust, breach of contract, eminent domain, fraud, patents, product liability, licensing and fines by regulatory agencies, etc. Their unaccountable power endows their wrongful ruling on such massive amount of money with the most irresistible attribute: risklessness. Judges with an 'eroded morale' and the motive to correct what they feel to be the 'inequity of their judicial salaries'[30b] can wield their means of unaccountable power to risklessly resort to helping themselves to a portion of that mind-boggling amount of money.[32]

43. The money motive also drives judges to abuse their judicial decision-making power to obtain other material benefits, such as saving money due on taxes by filing bogus annual financial disclosure reports(jur:104¶¶236,237). Whether their motive is to gain material, professional, or social benefits through the wrongful exercise of their means for wrongdoing, that is unaccountable decision-making power, judges have ample opportunity to do so.

3. Opportunity for wrongdoing in millions of practically unreviewable cases

a. In the bankruptcy and district courts

44. The opportunity for individual and coordinated wrongdoing presents itself in the cases brought before judges for adjudication. That opportunity is amplest and most irresistible in the bankruptcy courts. There litigants are most numerous and vulnerable. Those courts are the port of entry into the Federal Judiciary of 80% of all federal cases.[33] Moreover, consumers filed 1,516,971 of the 1,571,183 bankruptcy cases filed in the year to March 31, 2011.[34] 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.[35] As a result, only 0.23%[36]

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[32] 1 Timothy 6:10: 'Money is a root of all evil and those pursuing it have stabbed many with all sorts of pains'. The integration of this biblical warning and Lord Acton's aphorism, fn.28, produces another insightful statement about human conduct: When unaccountable power, the key component of absolute power, strengthens the growth and is in turn fed by the root of all evil, money, the result is that both corrupt absolutely and inevitably.

[33] http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_as_percent_new_cases.pdf

[34] **a)** http://Judicial-Discipline-Reform.org/statistics&tables/latest_bkr_filings.pdf;

b) The most comprehensive set of statistics on cases are collected in the Annual Report of the Director of the Administrative Office of the U.S. Courts; http://www.uscourts.gov/Statistics/JudicialBusiness.aspx

[35] **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

of bankruptcy court decisions are reviewed by the district courts and fewer than .08%[37] by the circuit courts.[38]

45. Even litigants represented by lawyers do not fare much better necessarily. The bankruptcy bar is a specialized group of lawyers and they appear before the same bankruptcy judges repeatedly.[113b] Hence, it is not in the interest of those lawyers to provide their clients with zealous representation if that means challenging the judges by raising objections in the courtroom and taking appeals from their rulings and decisions. Doing so can provoke a judge into retaliating against the lawyers directly by disregarding or fabricating facts; misapplying the rules despite their clear wording or precedent; imposing burdensome requirements without any support in law or practical justification; time and again ruling and ruling untimely late against their motions; and indirectly by having court clerks enter the briefs and motions in the docket with dates that are wrong and detrimental to the lawyers' interest, when they enter those papers at all because they were not 'accidentally lost or misplaced'; schedule the hearings of their motions for the worst possible time, when it is likely that the judge will 'run out of time' and a rescheduling is needed, which may also be necessary when the clerks 'inadvertently set the hearing in conflict with the judge's previous commitment to deliver the keynote speech at the annual meeting of the bar's ethics committee'; etc.

46. This type of chicanery does happen even to the elite bankruptcy lawyers who represent the

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very technical, and a misstep may affect a debtor's rights….Debtors are strongly encouraged to obtain the services of competent legal counsel"; http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/FilingBankruptcyWithoutAttorney.aspx.

[36] 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)[61a], 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.33. Cf. http://Judicial-Discipline-Reform.org/docs/28usc158b_BAP_unconstitutional.pdf

[37] 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.33.

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

creditors in big bankruptcy cases, that is, those where the assets of the debtor are worth at least $100 million and all the way to billions of dollars, involving, for example, banks; store chain retailers; communications, shipping, and multinational companies; real estate developers, etc.

> By a series of procedural maneuvers Bankruptcy Judge Balick sent the secured creditors [in the Continental Airlines bankruptcy] home with nothing at all. Two and a half months into the case, the secured creditors filed a request for adequate protection [against the decline in the value of their collateral during the bankruptcy case]. Ordinarily, a bankruptcy court will rule on such a request within 30 to 60 days. Judge Balick held the hearing…six months after the request. Then she delayed her ruling for almost an additional year. *Courting Failure; How Competition for the Big Cases is Corrupting the Bankruptcy Courts*, Lynn M. LoPucki; University of Michigan (2005); e-book ed., Chapter 2.
>
> When Houston-based Enron filed its bankruptcy in New York, the New York court retained the case over the objection of some of Enron's major creditors. The court allowed Kenneth Lay, the apparent perpetrator of one of the biggest frauds in history, to remain as CEO long enough to choose a successor who flatly refused to take action against him [on behalf of Enron and its shareholders]. Ignoring a motion for appointment of a trustee filed by major creditors, the New York court left unindicted members of Enron's corrupt management in control through the crucial stages of the case. Apparently pleased with what they saw, the fraudulent managements of three other big companies, Global Crossing, Adelphia, and Worldcom, [engaged in forum shopping too] and filed those companies' cases in New York. Id., Chapter 10.

47. The above concerns creditors represented by top bankruptcy lawyers, who may charge $400, $500, $600 or more per hour and in addition bill for armies of assistants researching the law and devising strategy. Even they are denied their rights and made to suffer losses in the millions and tens of millions of dollars by wrongdoing bankruptcy judges. The latter are appointed, reappointed, and upheld by appellate judges that allow them to take off on ego trips in pursuit at the very least of the non-material benefit of the power, prestige, and deferential treatment that come from favoring big, headline grabbing debtors in their courts; through such debtors the judges send the message to similar big ones that they can expect the same favor if they shop into their courts rather than into other judges' when filing for bankruptcy relief from their well-heeled creditors. Would it be consistent with human nature and its reflection in institutional systems to expect any of the bankruptcy judges, who are assured by their Judiciary of impunity, jur:21§1, for their law-contemptous and self-interested abuse of the rich, not to deal equally or even more abusively with poorer debtors and creditors, never mind if also appearing pro se[35], from whom they can extract risklessly even material benefits, jur:27§2, as well as other social and professional ones? Do mob bosses' soldiers who handle ruthlessly even the toughest of bullies turn into Mother Theresa of Calcutta when dealing with the weaklings[34] of their hoods who have no choice, jur:28§3, but to turn to them for protection?

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

48. The judge can have the same retaliatory effect indirectly through their clerks. He can order them to take all sorts of damaging actions against challenging lawyers, such as lose or misplace the briefs and motions that they file; change their filing dates so that they miss their deadlines and are late and inadmissible, but make the filings of their opposing counsel appear timely filed even

if they are late; doctor the transcripts and entries in the record to support the judges' predetermined decision…after all, who is there to investigate the unaccountable judges' relations to bankruptcy lawyers or anybody else, including their clerks, whom they appoint?

49. 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.

50. 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.[39]

51. 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:[40]

a) Provisions in the Judicial Code, 28 U.S.C.[40], enabling removal without cause

<table>
<tr><th>Supreme Court</th><th>Courts of Appeals</th><th>District Courts</th><th>U.S. Court of Federal Claims</th><th>Court of Internat'. Trade</th></tr>
<tr><td rowspan="3">§671 Clerk and deputies
§672. Marshall
§673. Reporter
§677. Administrative Assistant to the Chief Justice</td><td rowspan="3">§332(f)(2) Circuit executive
§711. Clerks and employees
§713. Librarians
§714. Criers and messengers
§715. Staff attorney and technical assistants</td><td>§751 Clerks</td><td>§791. Clerk and its deputies and employees
§795. Bailiffs and messengers</td><td rowspan="3">§871. Clerk, chief deputy clerk, assistant clerk, deputies, assistants, and other employees
§872. Criers, bailiffs, and messengers</td></tr>
<tr><td>Bankruptcy Courts</td><td>Court of Appeals for the Federal Circuit</td></tr>
<tr><td>§156</td><td>§332(h)(1)</td></tr>
<tr><td colspan="2">Administrative Office of the U.S. Courts</td><td>§601</td><td>Federal Judicial Center</td><td>§624(1)</td></tr>
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[39] http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf

[40] http://Judicial-Discipline-Reform.org/docs/28usc_2011.pdf

52. 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….[41]

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

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

54. 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

55. 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.[42] The Advisory Committee[43] summarized the Congressional findings in its Note in 1979 to

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[41] http://Judicial-Discipline-Reform.org/docs/5usc_2011.pdf

[42] The Federal Rules of Bankruptcy Procedure, FRBkrP, with the Notes of the Advisory Committee, current after incorporation of all amendments are at http://uscode.house.gov/download/downloadPDF.shtml >112th Congress, 1st Session (2011) (2006 Edition and Supplement V) [or http://uscode.house.gov/pdf/2011/] > Thursday, April 12, 2012 7:21 AM 13385045 2011usc11a.pdf; http://Judicial-Discipline-Reform.org/docs/FRBkrP_notes_3jan12.pdf. For the Bankruptcy Code, 11 U.S.C., see fn.47a.

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

that rule (at the time titled Rule 2005)[44] 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[45a], 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)

56. 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[46a], to appoint private trustees for chapters 7, 11, 12, and 13 cases[46b], 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

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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.40 >§§2072-2075.

[43] "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[91a], 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.

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

[45] **a)** fn.62 >11 U.S.C. §327. Employment of professional persons. **b)** Id. >§341; . **c)** cf. fn.169

[46] **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."

compensation for actual, necessary services rendered"[47] and "reimbursement for actual, necessary expenses"[48]. 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.

57. Bankruptcy judges can still feel it very unfair that they have to do all the hard and time-consuming work of signing trustees' requests for compensation for the trustees' services rendered or reimbursement for their expenses incurred or at least so claimed, but it is the trustees who get all the money. The judges cannot have failed to realize that all the trustees' work is worthless without their approving signature; the latter is what makes their work valuable. That signature has economic value. Why should their duty or personal integrity force them to give it for free? Given the historic and statistical near certainty that a federal judge will not be removed(jur:21§a) or even disciplined(jur:24§b) regardless of the nature and gravity of his wrongdoing, it is reasonable to infer from 'the totality of circumstances' –just as jurors are required to do when sitting on a civil case or even a criminal one, where the defendant risks forfeiture of his liberty and even his life– that bankruptcy judges may have forced trustees to enter into deals providing for the judges' approval of the trustees' compensation or reimbursement claims in exchange for a cut in cash, in kind, or a service. After all, who will be the wiser in the "absence of effective oversight"?(jur:35§3) Nothing has changed.

58. 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.[47c] Although this provision requires that the judge's removal be "for cause", what constitutes "cause" is not defined or illustrated.(cf. jur:32¶53) This allows the judge to dangle over the trustee the threatening power of capricious and arbitrary removal however disguised as "cause".

59. Hence, it can prove costly for the trustee to be assertive and object to the judge's statements, let alone rulings, not to mention appeal from his decisions, as if the trustee's right and fiduciary duty to present her case zealously on behalf of the creditors that she represents actually existed in reality.[54] Refusing to share with the judge any of the money that she has legitimately worked for can be construed as an act of sanctionable ungratefulness and intolerable insubordination. It can provoke the judge into removing her 'for insufficient understanding of the intricacies of bankruptcy law revealed repeatedly during her performance before this court in this and numerous other cases'…and the trustee is out there in the cold, crowded lobby of the clerk's office begging for a discount rate

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

b) id. on compensation of trustee >§330(a)(1)(A) and (4) and 331; and **(1)** if under Chapter 7 >§§326(a) and 330(b),; **(2)** if under Chapter 13 ●if a panel or standing trustee >§§326(b), 330(c), and 1326(a)(2)-(3); and ●if a standing trustee >§1326(b)(2) and 28 U.S.C. §586(e), fn.46a;

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

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

appointment as the criminal defender of penniless defendants, holding in front of her eyes shot with disbelief the only thing colorful in her life: her pink slip from a retaliating unaccountable judge.

60. This power of removal –the counterpart of power of appointment– creates a relation of total dependence of the trustee on the judge's good will. Consequently, the trustee treats the judge's assessment or findings of facts and remarks or statements on the law with servile deference, adopting the same self-preserving attitude of a clerk who receives from the judge an order to engage in wrongdoing or be removed without cause[49]. Nothing has changed.

61. Therefore, so long as the judge keeps, for instance, confirming[47d] a Chapter 13 trustee's recommendations of debtors' plans for debt repayment[47e] and approving the trustee's final reports[50] and final accounts, and discharges her from liability on her performance bond posted in her cases[47f], the trustee will have the opportunity to keep earning a commission on her pending cases and recommending the confirmation of new ones. Every case is yet one more pretext to earn a commission[51] 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

62. U.S. Trustees are duty-bound to ensure the conformance of bankruptcy cases to the law, prevent the latter's abuse, and prosecute fraud.[52] They are also responsible for impaneling and supervising the private trustees[53] that deal directly with the debtors as representatives of the

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[49] **a)** jur:30§1); **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_WDNY_21dec5.pdf >Pst:1281§§c-d

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

[51] fn.47a >§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)

[52] fn.46 >§586(a)(3) and (3)(F)

[53] **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 estab-lishment, maintenance, and supervision of panels of trustees, and the monitoring and supervision of the

estate for the benefit of creditors[54]. Yet, the deficient review of the trustees' case handling by the Executive Office of the U.S. Trustees (EOUST)[159d] 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) [55]

63. 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.[159b,c] Although private, standing trustees are required by regulation to handle their cases personally under pain of removal[56], these U.S. Trustees allowed two of their standing trustees to amass an unmanageable 7,289 cases and bring them before the same judge[113a;114b]. By comparison, a judicial emergency is defined as "any vacancy in a district court where weighted filings are in excess of 600 per judgeship"[57].

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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.

[54] fn.47a >§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".

[55] **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.

[56] 28 CFR §58.6(10); http://Judicial-Discipline-Reform.org/docs/28_cfr_58.pdf

[57] "Beginning in December 2001, the definition of a judicial emergency [is] any vacancy in a district court

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

64. Handling a bankruptcy case requires the trustee to discharge a wide variety of complex and time-consuming duties to liquidate estate assets under Chapter 7, reorganize the bankrupt entity under Chapter 11, or execute a repayment of debts plan under Chapters 12 and 13 of the Bankruptcy Code(11 U.S.C)[47]. Some duties are repetitive and can last for three or five (§§1225(b)(1)(C) and 1322(a)(4) and (d)(2)); a claim of fraud may keep the case open longer(§1328(e)) as does the trustee's liability on his performance bond(§322(d)). They may involve dealing with dozens, hundreds, thousands or more creditors. They and the debtors may move for a review of even agreed-upon terms allegedly impacted so substantially by an alleged change in circumstances as to warrant modification of terms(§1127(d-f), 1144; 1323(c), 1329(a)). Some duties require the trustee to exercise good judgment, which debtors or creditors may challenge as bad judgment by suing the trustee(§323), thus tying up his attention, time, and resources even more with one single case. Among the trustee's duties are the following:

a. "investigate the financial affairs of the debtor", 11 U.S.C. §704(4)[58a], and to that end

   1) review the bankruptcy petition and schedules containing the debtor's supporting statement of financial affairs, both filed under oath and the penalty of perjury;

   2) seek and cross-check corroborating documents and assets, and interview persons;

b. move to dismiss a case or convert it to one under another chapter of the Bankruptcy Code if "the granting of relief would be an abuse of the provisions of chapter", §707(b)(1);

c. "If the debtor is engaged in business, then in addition to the duties specified in §1302(b), the trustee shall perform the duties", §1302(c):

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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.

[58] **a)** Most of the trustee's duties set forth in §704 of Chapter 7 are also applicable to trustees under Chapters 11, 12, and 13 together with others added therein and elsewhere in the Bankruptcy Code; fn.47 >§§1106, 1202, and 1302.

b) If the trustee is also an attorney, as many are, she must also comply with the due diligence requirement of FRBkrP 9011, fn.42, which in pertinent part provides thus: "(b) By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances…(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;…"

1) "investigate the acts, conduct, assets, liabilities, and financial condition of the debtor, the operation of the debtor's business and the desirability of the continuance of such business, and any other matter relevant to the case or to the formulation of a plan";

2) "file a statement of any investigation conducted, including any fact ascertained pertaining to fraud, dishonesty, incompetence, misconduct, mismanagement, or irregularity in the management of the affairs of the debtor, or to a cause of action available to the estate; and transmit a copy thereof to…"

d. "advise…and assist the debtor in performance under the plan", §1302(b)(1);

e. "ensure that the debtor commences making timely payments under §1326", §1302(b)(4),

f. "furnish such information concerning the estate and the estate's administration as is requested by a party in interest", §704(7), which requires the trustee to satisfy the requests for such information not only from the creditors that she represents, but also from all those included in the much broader notion of "party in interest", and to that end:

1) correspond, talk on the phone, and meet face-to-face with such parties,

2) identify who may have such information and where it may be held,

3) request such information, even by issuing subpoenas, defending against motions to quash them, and moving for sanctions for failure to comply;

4) ascertain, by number crunching if necessary, the validity of the information obtained, for false information is no information at all and furnishing it does not meet the requirement of due diligence imposed on a person with fiduciary responsibility, such as the trustee[58b];

g. "convene and preside at a meeting of creditors", §341, 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)[56];

5) "orally examine the debtor";

h. "collect (after adequate investigation of the debtor's inherently self-serving and thus suspect statement of financial affairs so that the trustee can establish that circumstances obtain under which "the court shall presume abuse exits", §707(b)(2)(A)(i)) and reduce to money the property of the estate for which such trustee serves (for instance, by organizing an auction that gives the widest timely notice possible of its date, place, and assets on the block to all those likely to be buyers so as to ensure that the largest percentage of the property is sold for the highest bid in a fair bidding contest so as to maximize the proceeds for the estate available for distribution to the creditors), and close such estate as expeditiously as is compatible with the best interests of parties in interest", §704(a)(1);

i. "ensure that the debtor shall perform his intentions as specified in…[his] schedule of assets and liabilities", §704(a)(3) and §521(2)(B);

j. "file…period reports and summaries of the operation of such business" "authorized to be operated", §704(8);

k. give notice and attend hearings before using, selling, or leasing estate property, §363;

l. operate the business of the debtor, §§721, 1108, 1203, 1204, or 1304;

m. "obtain unsecured credit and incur unsecured debt in the ordinary course of business", §364;

n. "appear and be heard at any hearing that concerns the value of a property subject to a lien, confirmation of a plan or modification of it", §1302(b)(1);

o. "make a final report and file a final account of the administration of the estate with the court and with the United States trustee", §§704(a)(9);

p. raise all sort of motions, give notice, read the opposing parties' answer, prepare to argue them, attend the hearing and argue them, and do likewise with respect to their motions;

q. sue others and defend if sued, §323;

r. etc., etc., etc.,

65. Can the EOUST Trustees(jur:35¶62) reasonably believe that one private trustee can discharge, never mind do so competently, all those duties, many of which she is bound to perform personally, with respect to thousands of cases that may take years to close? [cf.113a,114b] Would you feel that a trustee that took on such overwhelming workload had any intention of zealously representing your interests as a creditor? If you were a debtor, would you be concerned that such trustee would make an effort, let alone a serious one, to find out whether you had concealed assets and self-servingly valued those declared or would you realize that she had spread herself so thinly as to signal that she would not investigate the whereabouts of your assets and merely rubberstamp whatever declaration you made about them?

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

66. A standing trustee's annual compensation is computed as a percentage of a base, e.g., "ten percent of the payments made under the [debtor's repayment] plan"(11 U.S.C. §586(e)(1)(B) and (2))[47]. As a matter of law, "In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326."(§330(a)(7)) Hence, it is in the trustee's interest to increase the base by having debtors pay more so that her commission may in turn be a proportionally higher amount. Increasing the base could require ascertaining whether in the statement of financial affairs and schedules supporting his bankruptcy relief petition the debtor undervalued his assets and declared only some of them while concealing others, whose whereabouts must be determined through investigation. Any indicia that the debtor may have squirreled away assets into a rainbow pot for a post-discharge golden life must be pursued in order to enlarge the estate available for repaying the creditors.

67. Such investigation, however, takes time, effort, and money initially paid out of the trustees' pocket and reimbursed only if the judge finds that her expenses were "for actual and necessary services"(§330) The trustee may also be paid a lump sum per case or per distribution under a repayment plan.(§§330(b) and (c), and 326). Consequently, an investigation can adversely affect the trustee's economic interest, for it can lead to the dismissal of the case due to the debtor's abuse of the provisions for bankruptcy relief(§707(b)(1)) or the non-confirmation of his debt repayment plan. If so, the case will no generate a stream of percentage commissions flowing to

the trustee(§§1326(a)(2) and (b)(2)). To top it off she can be left holding the bag of investigative expenses! All the judge needs to do is state that 'no reasonable trustee would have wasted resources to investigate the good faith of a bankruptcy petition that on its face was obviously abusive and doomed to dismissal'.

68. The alternative is obvious too: Never mind investigating, not even cases patently suspect of abuse, just take in as many cases as you can as trustee and make up in the total of small easy commissions and lump sums from a huge number of cases what you could have earned in commissions from assets that you added to the estate by sweating it out and risking your money to recover. Of necessity, such a strategy redounds to the creditors' detriment since fewer assets are brought into the estate for their liquidation proceeds to be distributed to them or for those assets to be taken into account in drawing up a reorganization or repayment plan. When the trustee takes it easy, the creditors take a heavy loss, whether by receiving less on the dollar or by spending a lot of money, effort, and time investigating the debtor just to get what was owed them to begin with. Conversely, that strategy benefits the debtor…provided he is not greedy and wants to keep it all to himself and instead is willing to show his appreciation for all the hard work that the trustee is not willing to do on behalf of the estate and the creditors that she represents[54].

69. The income maximizing motive of the trustee has a natural and perverse consequence: As it becomes known that she has no time but rather an economic disincentive to investigate the financial affairs of debtors, ever more debtors with ever less deserving cases for relief under the Bankruptcy Code go ahead and file their petitions. What is worse, as people not even with debt problems yet catch on to how easy it is to get a bankruptcy relief petition rubberstamped, they have every incentive to live it up by binging on their credit as if there were no repayment day, for they know there is none, just a petition waiting to be filed in order to wipe out much of their debt.

70. The debtor begins by filing in court a voluntary bankruptcy petition, which grants him relief through the initial automatic stay of creditors' efforts to collect their debts(§§301(b); 1201(a); 1301(a)). If the creditors file the petition, it is involuntary and the court issues the order of relief.(§303(h)) The common allegation underlying a petition for asset liquidation and distribution, reorganization of a going business and debt restructuring, or debt repayment plan is that the debtor owes too much relative to the assets that he has or the income that he earns to repay his creditors. So he voluntarily asks the judge to be discharged of part or all of his debt; or he keeps living or doing business on credit until the creditors force him into involuntary bankruptcy and asks the court to require the debtor to pay them. In either scenario, the debtor may claim exemption(Form 6. Schedule C-Property Claimed as Exempt; fn.112 >D:35=W:55) of assets from the reach of creditors and dispute what creditors claim is owed them and its value.

71. For their part, the creditors may challenge the exemptions in order to keep the estate as large as possible, that is, the pool of assets that the trustee is charged with either liquidating so as to pay from the proceeds the debtors' debts or otherwise taking into account in determining the debtor's ability to repay under a plan. The creditors may also try to find any concealed assets to ensure that the largest estate is taken as the basis for determining how much they get on the dollar of debt owed them.

72. Under such adversarial circumstances, the trustee is the representative of the estate[54]. As such, she must take an active role in advocating the creditors' interest; she is not an arbiter who passively takes in the facts and claims submitted to her by the parties in controversy for fair and impartial adjudication. Yet, the U.S. Trustee allows a single trustee to amass thousands of

cases.[113a,114b] This is unnecessary and unjustifiable given that any number of trustees can be impaneled. What they earn comes from the estates that they represent, not from taxpayers' money.

73. As for the judge, he keeps approving the trustee's actions by simply signing her recommendations for approving bankruptcy petitions and her claims for reimbursement. Consequently, the trustee has neither the time nor the incentive to do little more than the bare minimum. On the contrary, her interest lies in rubberstamping bankruptcy petitions for approval by the judge so as to ensure as effortlessly and risklessly as possible an ever-greater stream of percentage commissions or lump sums per case or distribution. Thereby she develops a bankruptcy petition mill…but only if the bankruptcy judge plays along. That is likely to happen, for the judge too is driven by the money motive[30]. In addition, he has the means, his unaccountable judicial decision-making power(jur:21§1), and the opportunity in thousands of practically unreviewable cases to pursue that motive by running a bankruptcy fraud scheme[60]. What is more, he is irresistibly drawn to run it because its risklessness is all but totally assured by the history of de facto unimpeachability and his peers' common interest in reciprocal cover-up dependent survival. This situation of no downside, just ever growing profits lays the basis for collegial complicity between the judge and the trustee, and by extension the "professional persons" [45a] employed by the latter. All of them benefit as wrongdoing insiders of the bankruptcy and legal systems.

74. The risklessness of their wrongdoing is further assured by the fact that nobody has both the power and the interest to challenge the judge effectively. The trustee is subservient to the bankruptcy judge, who can remove her(jur:34¶58) and who determines whether she gets any reimbursement for her expenses. So their relation becomes one of junior-senior partner connivance: The trustee develops the bankruptcy petition mill that feeds petitions into the bankruptcy fraud scheme run by the bankruptcy judge with other judges. The later include the judges to whom his decisions are appealed, that is, the district judges and the circuit judges who appointed him(jur:43¶80), all of whom share the money motive. Other bankruptcy and legal system insiders benefit too as junior partners thanks to the judges' power to decide whether they win or lose their cases before him or whether they keep their jobs or are removed without cause(jur:30§1). The fewer are involved in the scheme, the tighter the judges' control over it, the less risk that somebody becomes unruly or careless and exposes everybody else, and the fewer the shares into which the pie of profit has to be divided.

75. As for the pro se debtors, they may not even realize that they are being abused; but even if they do, their slight understanding of the law can only allow them to whimper in front of the judge or his appellate peers. Moreover, when bankruptcy is a debtor's artifice to conceal assets from his creditors and get a discharge of the debts he owes them, the debtor is already predisposed to any proposal for further wrongdoing so long as it benefits him too. He may be in that collusive mindframe even when his bankruptcy is legitimate. The enormous stress caused by his worst financial predicament ever may have made him desperate to get any relief even if by acquiescing in wrongdoing.

76. For similar reasons, creditors can be willing accomplices, for they either want to get paid for non-existent or inflated debts or risk never receiving payment on their legitimate debts or only after heavily discounted to a few cents on the dollar. Neither the debtor has money nor the creditor wants to throw good money after bad in a protracted court battle with insiders who have superior knowledge and the power to prevail. If nevertheless they challenge the trustee, they must do so before her bankruptcy judge, who has no interest in reviewing their complaints fairly

and impartially only to let the trustee lose the money from which he is expecting his senior partner cut.

77. Given the enormous amount of money at stake(jur:27§2), the absence of honest and "effective oversight"(jur:35§3) causes the bankruptcy system to break down; the system of justice suffers the same profound detriment. The U.S. Trustees and the bankruptcy judges are not the only ones that have failed to provide such oversight. The chief circuit judges and judicial councils charged with the duty to process complaints against judges systematically dismiss them(jur:24§b) in the interest, not of justice, but rather "cronyism"(jur:32§2). So have the Department of Justice and the FBI[159] as they pursue the presidents' interest in not antagonizing judges that can retaliate by declaring the adopted pieces of their legislative agenda unconstitutional[17]. Consequently, the bankruptcy system has become the fiefdom of unaccountable judicial lords that risklessly abuse their power to pursue their money motive[30]. 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"[59] to produce a bankruptcy fraud scheme mounted on individual trustees' bankruptcy petition mills. Therein begins the grinding of Equal Justice Under Law through contemptuous disregard of due process and substantive rights. It continues in the appellate courts through the judges' coordination that has turned wrongdoing into their institutionalized modus operandi.(jur:49§4)

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

78. 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.[60] 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.

79. 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.

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[59] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_local_practice.pdf

[60] 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

b. In the circuit courts

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

80. 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.[61] 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 forms[62] and the Federal Rules of Bankruptcy Procedure[63] 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!*

81. 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.[64] That characterization is fatal because those courts calculate their "adjusted filings [by] weighting pro se appeals as one-third of a case"[65a]. 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"[65b]. 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[65c], 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?

82. This perfunctory treatment of the substantial majority of all appeals to the circuit courts can be

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

[62] 11 U.S.C.; http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_10.pdf

[63] http://Judicial-Discipline-Reform.org/docs/FRBkrP_1dec11.pdf

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

[65] **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 ses 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." [66]. Summary orders have no opinion or appended explanatory statement. They are no-reason[67], self-serving fiats of raw judicial power to ensure the needed unaccountability to cover up laziness, expediency, and wrongdoing.[68] 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"[69] and "not precedential"[70].

83. 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"[71]. Non-precedential decisions constitute an expedient contrived by the judge to satisfy his need for an outcome rather than a considered and considerate statement laying its foundation in the law as previous applied and

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[66] **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 such orders mask and encourage, see http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf.

[67] Justice Marshall stated in his dissent in *Greenholtz v.Inmates of the Nebraska Penal & Correctional Complex, 442 U.S. 1, 40 (1979)*: "[A]n inability to provide any reasons suggests that the decision is, in fact, arbitrary".

[68] 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.

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

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

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

[71] *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).

providing guidance for the future conduct of not only the parties, but also the rest of the public.

84. Imagine what Thomas Jefferson would have said of 5¢ summary orders given what he did say of opinions written by the Supreme Court as a whole, i.e., per curiam, instead of the justices' traditional seriatim opinions written individually by each of them in each case: (spelling as in the original)

> The Judges holding their offices for life are under two responsibilities only. 1. Impeachment. 2. Individual reputation. But this practice compleatly withdraws them from both. For nobody knows what opinion any individual member gave in any case, nor even that he who delivers the opinion, concurred in it himself. Be the opinion therefore ever so impeachable, having been done in the dark it can be proved on no one. As to the 2d guarantee, personal reputation, it is shielded compleatly. The practice is certainly convenient for the lazy, the modest & the incompetent. It saves them the trouble of developing their opinion methodically and even of making up an opinion at all. That of seriatim argument shews whether every judge has taken the trouble of understanding the case, of investigating it minutely, and of forming an opinion for himself, instead of pinning it on another's sleeve. It would certainly be right to abandon this practice in order to give to our citizens one and all, that confidence in their judges which must be so desirable to the judges themselves, and so important to the cement of the union.
> The Letters of Thomas Jefferson: 1743-1826; Letter to Justice William Johnson Monticello, October, 27, 1822; http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:99.

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

85. To ensure that those decisions stand, circuit judges systematically deny litigants' petitions to have the decision of their respective 3-circuit judge panel reviewed by the whole circuit court, that is, their petitions for en banc review.[72] 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.[73] 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?[74] 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*'.

86. To facilitate denying out of hand a petition, they use those "not for publication" and "not 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

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[72] fn.70.a >FRAP 35. En banc determination

[73] http://Judicial-Discipline-Reform.org/docs/statistics&tables/en_banc_denials.pdf

[74] 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.68 >R:26.

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 income[75] 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?

87. 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 either[12]– or, for that matter, do anything else to them. Reverse their decision? Why would they care! At least two judges concurred in any decision appealed from a 3-judge circuit court panel to the Supreme Court. Consequently, the responsibility for the reversal is diffused, that is, if any is felt. Circuit judges are not accountable to the justices –neither are district, bankruptcy, nor magistrate judges–. Instead, circuit judges take care of their appointees, the bankruptcy judges. They do so by 'taking out' any bankruptcy decision that against all odds has slipped their de facto unreviewability because the parties were able emotionally, financially, and intellectually to appeal twice, first to the district court and then to the circuit court. The circuit judges simply wield their unaccountable power to dispose of the appealed decision with another of their meaningless summary orders and non-published, in practice secret, opinions. By so doing, the circuit judges 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

88. In 1oct09-30sep10 FY10 there were 1,596,355 bankruptcy filings in the 90 bankruptcy courts[76a], but only 2,696[76b] in the 94 district courts, and merely 678 in the 12 regional circuit courts[76c]. 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 of 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

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[75] 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

[76] **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.64 >Table S-4, pr:106

those 1,596,355 new bankruptcy cases plus the scores pending, which form in the aggregate a mind-boggling pool of money[31], 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

89. 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[77a] required by the justices calls for typesetting by a specialized commercial firm[78]. Neither Kinkos nor Staples sell the special paper that must be used[77b], let alone print it. That can cost $50,000 and even $100,000 depending on the size of the record, which can run to tens and even hundreds of thousands of pages.

90. 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.[77c] 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""[79].

91. Then one must add the cost of writing the initial brief, for instance, by petitioning for a writ of certiorari or by other jurisdiction.[80] 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

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[77] **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 6⅛-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 4⅛ by 7⅛ 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

[78] cf. http://brescias.com/legal_us_supr.html

[79] Rule 1001 of the Federal Rules of Bankruptcy Procedure, fn.63; and Rule 1 of the Federal Rules of Civil Procedure, http://Judicial-Discipline-Reform.org/docs/FRCivP_1dec11.pdf

[80] fn.77 >Rules 10 and 17-20, respectively

receives.[81] If it takes up a case, then another brief, the brief on the merits, must be written[82a], which can cost even more than $100,000. In addition, there is the fee for the time that the attorney who will argue the case before the Court must invest in preparing alone and with his battery of assistants that will drill him in mock sessions, for all of whom a fee is also charged. Then there is the fee for the actual arguing and any expense of travelling to Washington, D.C., and room and board. Add to this the cost of preparing and arguing motions and applications that any of the parties may make.[82b] No wonder, having a case adjudicated by the Supreme Court can cost well over $1,000,000![83]

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

92. 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 FY10[4], only 8,205 were filed in the Supreme Court, which is .4% or 1 in every 245.[84] 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.[81a] For every one of the Court's 73 signed opinions in its 2009 term –FY10– there were 27,584 filed in all courts. How the Court takes up a case for discretionary review by granting a petition for a writ of certiorari is arbitrary and even shocking, for it is not even the justices who choose which cases to hear. Instead, as many as eight of the nine justices pool their law clerks, who have just graduated from law school, and let them in the "cert pool" pick and choose the cases to be heard by the Court.[81b,c]

93. That is the fate of the overwhelming majority of cases: They die **a)** of complicit indifference to wrongs and cold rejection at the door of the manor of the lords of the land of law; **b)** by execution of summary and unpublished orders of circuit lords; **c)** through contempt of law and

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[81] **a)** http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_caseload.pdf;

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

b) http://Judicial-Discipline-Reform.org/docs/Sen_Specter_on_SCt.pdf; see also

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

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

[83] 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

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

fact by district lords, who in effect 'convert'[85a] U.S. courts to their respective *"my court!"*[85b]; or **d)** under the feet of bankruptcy lords, who are sure that however outrageously they exact money from, or mishandle it in, the cases in the fiefs with which they have been enfeoffed, practically no debtor or creditor in bankruptcy has the knowledge or resources to embark on a protracted and very costly battle of appeal, for the great majority of them are broke, pro se, or barely able to afford a lawyer to fill out the bankruptcy forms. Unreviewability breeds arrogance. Coordination assures favorable review and risklessness. Appointers' review of their appointees' decisions allows their favorable bias and self-interest to nullify their impartiality from the outset. In addition, there is the steadily growing trend of public opinion that sees even the Supreme Court not as the single branch above the political fray, but rather politicized, the last bastion where corporate America imposes its will on the rest of the people and where big money has the last word.[86] These judgeship conditions and legal process circumstances turn federal justices and judges into Judges Above the Law. As such, they administer to themselves what they deny everybody else: Unequal Protection *From* the Law.

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

a. The absence of an independent and objective inspector general of the Federal Judiciary allows the Judiciary to escape oversight and be in effect above constitutional checks and balances

94. There are 73 inspectors generals[87] established under the Inspector General Act in order:

> to create independent and objective units—
>
> (1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 12(2);
>
> (2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) **to prevent and detect fraud and abuse** in, such programs and operations; and (3) to provide a means for keeping the head of the establishment and the Congress fully and currently

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

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

[86] Approval Rating for Justices Hits Just 44% in New Poll; Adam Liptak and Allison Kopicki; *The New York Times*; 7jun12; http://www.nytimes.com/2012/06/08/us/politics/44-percent-of-americans-approve-of-supreme-court-in-new-poll.html?pagewanted=all

[87] Cf. U.S. House Rep Darrell Issa, Chairman of the House Oversight and Government Reform Committee to Inspectors General, 3aug12; http://Judicial-Discipline-Reform.org/docs/OGRC_Inspectors_General_3aug12.pdf.

> informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action;…[88a] (emphasis added)

95. These inspectors general are established by Congress yet they supervise not only entities created by it, but also the departments of the Executive as part of the checks and balances that the Constitution allows the three branches of government to exercise upon each other. Congress learns officially about what is going on in the Judiciary through the latter's internally-prepared, and thus self-serving statements because Congress has provided:

    a. that "[t]he Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation"; under 28 U.S.C. §331, 8th paragraph,[91e] and

    b. that the Director of the Administrative Office of the U.S. Courts, who is "appointed and subject to removal by the Chief Justice…after consultating with the Judicial Conference", "shall…submit to the annual meeting of the Judicial Conference…a report of the activities of the Administrative Office and the state of the business of the courts, together with the statistical data submitted to the chief judges of the circuits…, and the Director's recommendations, which report, data and recommendations shall be public documents", and "submit to Congress and the Attorney General copies" thereof; under 28 U.S.C. §§601 and 604(a)(2) and (3)[10], respectively; and

    c. that "[t]he Director shall include in his annual report…a summary of the number of complaints filed with each judicial council under [28 U.S.C. §§351-364[18a]], indicating the general nature of such complaints and the disposition of those complaints in which action has been taken"; 28 U.S.C. §§601 and 604(h)(2)[10].

96. In addition, Congress learns unofficially about the Federal Judiciary because of the tradition initiated by Chief Justice Warren Burger to issue a yearend report on the Judiciary(fn.30 >yre:2).

97. However, for no constitutional reason at all but only because Congress's[15] and the Executive's[17a] prioritizing its own interest over that of good government and the people, there is no "independent and objective" inspector general of the Federal Judiciary to "prevent and detect fraud and abuse". As a result, fraud and abuse in the Federal Judiciary fester unchecked, corrupting its mission and what the people are entitled to receive from it: the fair and impartial administration of Equal Justice Under Law.

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

98. A series of fraudulent bankruptcies tolerated by the courts, not to mention concocted by them, contaminates with fraud every other activity of the judiciary. They provide judges and their

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[88] **a)** 5 U.S.C. Appendix; http://Judicial-Discipline-Reform.org/docs/5usc_app_Inspector_General.Act.pdf

b) Cf. http://Judicial-Discipline-Reform.org/docs/Sen_Sensenbrenner_on_Judicial_IG.pdf; and **c)** http://Judicial-Discipline-Reform.org/Follow_money/S2678_HR5219.pdf

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.

99. 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"[59].

100. Non-fraudsters put it together and it hits them: There are benefits to be made and injury to be avoided by going along with the wrongful "local practice". Some take the saying 'if you cannot beat them, join them' even further and either demand to be cut in or offer their own unlawful contribution as payment for their admission into the "practice". So grows the number of people participating in coordinated wrongdoing by fraud or who come to know about it but keep it quiet to avoid retaliation. Neither those who practice fraud nor those who want to stay out of trouble have any interest in reviewing according to law cases that can expose it, outrage the public, and give rise to media and official investigations.

101. With the extension of the series of fraudulent bankruptcies, fraud becomes what smart people do. No bankruptcy insiders do it more smartly than judges do. They do it risklessly in reliance on their unaccountability(jur:21§1) and through self-immunization by abusing their system of self-policing through systematic dismissal with no investigation of complaints against them (jur:24§b). Free from the constraint of due process and enjoying a lightened workload through expediency measures(jur:43§1), judges can divert energy and resources from the proper functions of administering bankruptcy relief and supervising the bankruptcy system to the illegitimate objective of practicing fraud and covering it up. In the same vein, they abuse their power to immunize other insiders of the legal and bankruptcy systems from the tortious or criminal consequences of their "absence of effective oversight".

102. 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 is to gain a wrongful benefit or evade a rightful detriment, into bankable realities.

103. As the practice of fraud increases in frequency and expands into other areas of the bankruptcy and legal systems, it eviscerates slice by slice the integrity of judges, both their personal and institutional integrity. By the same token, fraud becomes the factor that coalesces the judges into a compact class. Its members, those who have practiced it as much as those who have tolerated it, become dependent on one another to survive. Everyone is aware that each one can dare the others "if you bring or let me down, *I take you with me!*" Unless a judge resigns or can face the emotional and practical consequences of being ostracized(jur:26¶133 >quotation), he must go along with the others, whether doing her share or looking the other way(jur:88§§a-d).

104. 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:104¶¶236,237), 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. [89]

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

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

106. Hence, it is humanly and institutionally possible for federal judges to become corrupt as a class. To begin with, they cannot claim that God chose them for his ministry because of some special

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

disposition of their souls toward self-denial and altruism.[30] On the contrary, they must admit that they were nominated and appointed by precisely the main political components of the "swamp of corruption" that top politicians themselves have described Washington as being[16]. 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"[90] did not confer upon them any more incorruptibility than did upon the priests the oath that they took to obey God and the Church on behalf of their fellow men and women. Interjecting at every opportunity when talking to them "Your Honor here" "Your Honor there" year in and year out does not in any way makes them honorable. It only makes them aware that people fear the power that they wield to make them win or lose cases, and with that dramatically affect lawyers' livelihood or their clients' property, liberty, or even lives. That address form goes to their heads and makes them arrogant: Judges Above the Fearful.

107. 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 Washington[15]: *money!*(jur:27§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.

108. Moreover, judges have something else that even the movers and shakers of Washington, not to mention the rest of the population, lack: Federal judges not only have power over the inertia of money, that is, power to decide whether it stays with he who has it or flows to him who has a claim on it…or simply wants it. They also have power over the legal process in which the inertia of money is decided. In practice, their power is absolute, for it is vast and they wield it unaccountably(jur:21§1). That is the kind of power that corrupts absolutely.[32] Moreover, the absolute character of their power is special: They have been invested with the power to police themselves by handling the complaints filed against their peers[18a]. They blatantly abuse that power by systematically dismissing those complaints to self-exempt from any discipline[19]. They also enter collusive relationships with the other two branches of government[23a], which in self-interest do not hold them accountable(jur:81§1). Their power is even held beyond the investigative scope of the media, which out of fear of retaliation has shirked from their duty to investigate and expose judges' professional performance and individual conduct just as the media do the politicians'(jur:4¶¶10-14).

109. The unaccountable power of federal judges 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 by either 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 commit-tee of the Federal Judiciary. Since they do not have outsiders dropped as wrenches into their machinery –as is the secretary of defense in the military-, when one after the other holds those positions they simply cover up the past and present wrongs that they and their peers did or are doing as judges or individuals. From those administrative positions, not only do they reciprocally ensure their mutual survival, but also wield additional power to enforce class loyalty.

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[90] http://judicial-discipline-reform.org/docs/28usc453_judges_oath.pdf

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

110. Even the most recently confirmed nominee to a district judgeship keeps her job for life…"during good Behaviour". If she behaves badly, not even the Judiciary can fire her; only Congress can remove a judge through the process of impeachment, which is hardly ever used(jur:21¶29). In addition, Congress itself cannot penalize her by diminishing her compensation, for the Constitution prohibits doing so.[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.[61] 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.

111. In fact, the highest policy-making and disciplinary body of the Federal Judiciary, the Judicial Conference of the U.S.[91a-f], has no more statutory authority than to "submit suggestions and recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business"[91g].

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

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

c) The Conference also supervises the Administrative Office of the U.S. Courts[10], 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 meeting[221] when their 3-5-year service ends; http://www.uscourts.gov/FederalCourts/JudicialConference/Member ship.aspx.

g) e) > §331 4th para.

112. 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 circuit 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 an order of dismissal as if it were the Supreme Court's ridding itself of a petition for certiorari by a having a clerk issue its denial form. Instead, circuit 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. It is much easier for circuit judges to affirm a lower court decision that they do not like but cannot easily agree on the reason therefor and be done with it.[68] A district judge does not have to negotiate an agreement with anybody to dispose of a bankruptcy judge's decision however he wants. It follows that being reversed is career-wise inconsequential as is being affirmed. 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.

113. The same holds true for everything else they do or do not do. Life-tenured judges cannot be fired or have their compensation diminished because they do not keep 9-5 hours. Working 60 hour/weeks does not get a judge promoted to a higher court by a chief judge. The latter does not wield over his peers anything remotely similar to a company CEO's power over his employees. The chief earns no commendation from anybody from squeezing higher productivity from his peers; he only gets animosity and ill will from them. Thus, there is no upside or downside for a judge for doing or letting others do more or less than what he or they are supposed or want to do. Judges are not going to protest too loudly because one of theirs is lazy, sloppy, or uses 'court time' for his own activities, for they too want to enjoy the same freedom to manage their time however they want. A mumbled snide remark, a frown while looking away, a cold shoulder is basically the way for a judge to protest his colleague's failure to carry his own burden while taking too many liberties with his time management. Litigants cannot force any of them to work hard and write meaningful decisions. They are for all practical purposes equals and free agents.

114. However, it is not wise for those judges' career to turn a peer into an enemy. That peer may become an enemy for life given that federal district and circuit judges and the justices can stay put forever, their 'bad Behaviour' notwithstanding[12]. 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.

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

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

115. Bankruptcy judges can hardly have gotten the idea that they were term-appointed to exercise independent judgment and apply the law to ensure due process of law with disregard for what is really at stake in bankruptcy court: *money!*(jur:27§2) To begin with, a bankruptcy judge can exercise authority under the Bankruptcy Code, that is, 11 U.S.C.[62], "except as otherwise provided by…rule or order of the district court"[92a]. 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.[92b] Consequently, a bankruptcy judge has little incentive to do the right thing in handling a case before him, for he knows that it can be undone after the case has been withdrawn from him by the district court. Likewise, he is aware that the district court and the circuit's judicial council are keeping tabs on whether to allow him to remain on his job depending on his understanding of his real role: to direct the flow of money according to, not the Code or the Rules of Procedure[63,79], but rather "local practice"[93]: The district court, which can uphold decisions appealed to it from the bankruptcy judge, and the judicial council, which can deny petitions to review the dismissal of misconduct complaints against him(jur:24§b), assure the judge's riskless exercise of judicial power to take advantage of the opportunity afforded by every case to make the money(jur:27§2) at stake flow[60] among bankruptcy system insiders[169]. From the point of view of that court and the council, the judge has no excuse not to do what he is supposed to regardless of what the law or any general or local rule[94] may require him to do.

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

> 28 U.S.C. §152(b)(1) The Judicial Conference…shall, from time to time…determine the official duty stations of bankruptcy judges and places of holding court.
>
> §152(d) With the approval of the Judicial Conference and each of the judicial councils involved, a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which such bankruptcy judge was appointed.

117. 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 System[95], 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.

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[92] **a)** fn.61a >28 U.S.C. §151; **b)** id. >§157(d); **c)** id. >§152(e)

[93] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_local_practice.pdf

[94] http://Judicial-Discipline-Reform.org/docs/DrRCordero-JudCoun_local_rule5.1h.pdf

[95] http://www.uscourts.gov/FederalCourts/CMECF.aspxf; cf. http://www.nywb.uscourts.gov/cmecf.html

118. 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 council[96] may 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" [92c].

119. The risk to the council may require it to swing its authority hard enough to effect his removal: Circuit judges on the council together with other peers on the circuit court constituted the majority that chose a person to be appointed bankruptcy judge, thereby vouching for his integrity and competence. Quite obviously, those appointing judges as well as the council would be highly embarrassed, perhaps even incriminated, if their own bankruptcy appointee turned around and exposed the wrongdoing of any other judge, never mind a member of the circuit court or the council itself. The fear of embarrassment or incrimination may be so justified as to be a constant and conduct determining factor: The appointing circuit judges and the circuit and district judges on the council may have known about such wrongdoing but tolerated it or should have known about it had they performed with due diligence their duty to uphold personally the integrity of the institution of which they are members, the Judiciary, and to supervise collectively the administration of justice in the circuit, as provided for in the Code of Conduct for U.S. Judges[123a]:

> Canon 1: A Judge Should Uphold The Integrity and Independence of The Judiciary.
>
> > An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

120. 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"[93], 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.

121. 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

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[96] Each federal judicial circuit has a judicial council, which is composed only of circuit and district judges of that circuit, in equal numbers, to whom is added its chief circuit judge as presiding and voting member. The council has administrative and disciplinary functions only; it does not adjudicate cases, although its members, as judges, do. The council's circuit judge members may have been among the members of the circuit court at the time that that court appointed(fn.61a) the bankruptcy judge whose removal is under consideration by the council; http://Judicial-Discipline-Reform.org/docs/28usc332_Councils.pdf.

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[97a] 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:90§b) and willful ignorance(jur:91§c)?

122. Similarly, the district judges of the district court that appointed a magistrate judge have the authority both not to reappoint and to remove him[97c]. 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.[97b] If that does not do it, the Conference can simply beat his office out of existence.

> 28 U.S.C. §631(a)…Where the conference deems it desirable, a magistrate judge may be designated to serve in one or more districts adjoining the district for which he is appointed. Such a designation shall be made by the concurrence of a majority of the judges of each of the district courts involved and shall specify the duties to be performed by the magistrate judge in the adjoining district or districts. (See also fn.100)
>
> §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

123. 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 justices[98], could find himself or herself designated and assigned 'temporarily' to another court under 28 U.S.C. §§291-297[99];

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[97] **a)** fn.61a >§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.211. **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.61b >§634(a). **c)** fn.61b >§631(a) and (i)

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

[99] http://Judicial-Discipline-Reform.org/docs/28usc291-297_assign_judges.pdf

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

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

124. Thanks to global warming, winters in the federal judicial district of Alaska are quite pleasant, the temperature seldom dropping below -30°F. Being transferred there not only provides a refreshing start from zero for a judge's career, but also has a rather cooling effect on his temperament after he has unhealthily heated up by holding on to trifling disciplinary matters normally disposed of promptly, such as misconduct complaints dispatched through systematic dismissals(jur:24§b). If the judge prefers a tropical climate where in a brighter sun he can learn to make light of his peers' wrongdoing, he can be accommodated with an assignment to any of the Freely Associated Compact States, i.e., the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau. No doubt all the other judges will learn a lesson from his post cards about his laid-way-back and certainly very Pacific life. It is obvious why those courts are more appropriately referred to as 'reeducation' courts rather than dump courts, which is not a nice name. Being nice to each other is key in the Federal Judiciary…unless a judge is packed with integrity and ready to travel the narrow road to godforsaken courts.

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

(a) The Chief Justice or the chief judge of the United States Court of Appeals for the Ninth Circuit may assign any circuit or district judge of the Ninth Circuit, with the consent of the judge so assigned, to serve temporarily as a judge of any duly constituted court of the freely associated compact states…[100]

125. 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?

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

126. 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 meetings[101], they all have one vote and no one has a statutory right to draw up exclusively the agenda of their

[100] 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.91b >jcr:1036.

[101] fn.91b >jcr:822; 901

meetings.

127. 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[123a] because the justices are not subject to it either[102]. 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:58¶¶123,125). 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.

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

128. 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.

129. 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:48¶84). Carrots can also be dangled before the eyes of judges or fed to them in the form of appointment to prestigious administrative positions and committees within the Judiciary. While being so appointed does not bring an increase in salary, the prestige that it carries amounts to public recognition of not only a judge's competence, but also his forgiving attitude toward his peers: He or she will stick by them no matter what, even by dismissing 100% of petitions for review of complaint dismissals(jur:24¶33).

130. 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"[123a]. In practice, it is devalued by the judges, who pay to it only lip service[109c]. 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

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[102] http://Judicial-Discipline-Reform.org/teams/AFJ/11-12-10DrRCordero-DFranco-Malone.pdf

the Judicial Conference[103]. Those judges would certainly not vote for a judge that would put principles ahead of the reciprocal cover-up required by complicit collegiality, which provides the basis for their awareness of their mutually dependent survival.

131. Among the most prestigious appointments are to the at-pleasure directorship of the Administrative Office of the U.S. Courts and the chairmanship of the term-limited Executive Committee of the Judicial Conference of the U.S. The presiding member of the Conference is the chief justice, who makes those appointments just as he appoints the term-limited chairs of each of the 25 committees of the Conference[91b], such as the Committee on Financial Disclosure, on Judicial Conduct and Disability, and on Codes of Conduct.[cf.104a] Appointment to some committees, such as that on international judicial relations, involves travel abroad or hosting delegations of foreign jurists and judicial personnel.[104b] The chief justice can also create special committees, each of which can become known by the name of the judge that he appoints to chair it. For example, on May 25, 2004, Chief Justice Rehnquist created a committee to review the application of the Judicial Conduct and Disability Act and appointed Justice Breyer as its chairman; it became known as the Breyer Committee, which issued the Breyer Report in September 2006.[105] Chief circuit judges can also make similar appointments in their respective courts.

132. "The Chief Justice has sole authority to make committee appointments"[106] and bestow the concomitant reputational benefit on appointees…as well as a 'distraction' from the monotonous grind of deciding case after case of *Joe Schmock 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.

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[103] fn.91c >2nd paragraph

[104] **a)** http://www.uscourts.gov/News/TheThirdBranch/10-10-01/New_Chairs_Head_Five_Conference_Committees.aspx; **b)** fn.91 >jcr:1039

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

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

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

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

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

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

[106] http://www.uscourts.gov/FederalCourts/JudicialConference/Committees.aspx

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

133. In addition to ensuring reciprocal exemption from discipline through complaint dismissal, judges fail to investigate each other in the self-interest of preserving their good relations with the other members of the class of judges as well as out of fear of being outcast as traitors. Camaraderie built on complicit collegiality trumps the institutional and personal duty(jur:57¶119 >quotation) to safeguard and ensure the integrity of the Judiciary and its members.

> Cir. J. Kozinski [presently Chief Judge of the U.S. Court of Appeals for the 9th Cir.], dissenting: Passing judgment on our colleagues is a grave responsibility entrusted to us only recently. In the late 1970s, Congress became concerned that Article III judges were, effectively, beyond discipline because the impeachment process is so cumbersome that it's seldom used.…Disciplining our colleagues is a delicate and uncomfortable task, not merely because those accused of misconduct are often men and women we know and admire. It is also uncomfortable because we tend to empathize with the accused, whose conduct might not be all that different from what we have done -or been tempted to do- in a moment of weakness or thoughtlessness. And, of course, there is the nettlesome prospect of having to confront judges we've condemned when we see them at a judicial conference, committee meeting, judicial education program or some such event. 28 U.S.C. §453.[90] (Internal citations omitted.) *In re Judicial Misconduct Complaint*, docket no. 03- 89037, Judicial Council, 9th Cir., September 29, 2005, 425 F.3d 1179, 1183. http://www.ca9.uscourts.gov/opinions/ >Advance Search: 09/29/2005 >In re Judicial Misconduct 03-89037; and http://Judicial-Discipline-Reform.org/docs/CA9JKozinski_dissent.pdf

134. Judges can also wrongfully obtain the social benefit of acceptance by a clique of legal and bankruptcy systems insiders through the exercise of their means of wrongdoing, that is, their decision-making power to confer on the insiders a material benefit(jur:32§2), from which, of course, they can also extract a benefit for themselves in the form of kickbacks.

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

135. The above is an example of dynamic analysis of harmonious and conflicting interests[187b] among the judicial officers of the Federal Judiciary. Based thereon, a judge that determines her conduct on purely pragmatic considerations would see no benefit in either refusing to dismiss or voting to review a misconduct complaint against a peer. Only a highly principled judge whose conduct was determined by her duty to do what was legally, ethically, or morally right even if she had to suffer for it would dare expose a wrongdoing judge or the coordinated wrongdoing of the class of judges. To do so, she could not merely file a judicial misconduct complaint against her peer, which would be doomed to dismissal from the outset. The only action reasonably calculated to have a chance at effectiveness would be to bring the evidence or her reasonable suspicion of wrongdoing or impropriety outside the Judiciary to the attention of the public at large, whether by publishing it herself, for example, on her website, or through the media, that is, if she found a media outlet willing to become the object of retaliation of every member of the Federal Judiciary but for the complaining judge. The latter would cast herself out of the class of judges, who would deem her action treasonous and treat her as a traitor to be socially outcast(jur:26¶133; 107¶242, 243).

136. Therefore, if one is neither naïve nor compromised by self-interest, one can consider with an open mind the evidence in the next section, 65§B, of wrongdoing by the class of federal judges and their Judiciary. It shows how unaccountable power, the money motive, and the opportunity for wrongdoing in effectively unreviewable cases have enabled them to engage in individual and coordinated wrongdoing. The evidence in §B concerns federal judges involved in concealment of personal assets and a collective bankruptcy fraud scheme for concealing or misappropriating assets at stake in particular bankruptcy cases that went all the way from a bankruptcy to a district to a circuit court and on to the Supreme Court just as the judicial misconduct complaint against the bankruptcy judge went from a chief circuit judge to the circuit council and to the Judicial Conference and the Administrative Office of the U.S. Courts. Moreover, that wrongdoing was compounded by other forms of wrongdoing necessary to cover it up. The prevalence and routine character of all such wrongdoing throughout the judicial and disciplinary hierarchies reveal that wrongdoing has become the institutionalized modus operandi of the Federal Judiciary.

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B. *In re DeLano*, Judge Sonia Sotomayor Presiding, 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

137. 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[107a]. The evidence is in the financial statements that she filed with the Senate Committee on the Judiciary holding hearings on her confirmation.[107b] 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[107c]. Thereby she failed to comply with that Committee's request that she disclose "in detail all [her] assets…and liabilities"[107b]. 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[107d]. 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 Killefer[108]. 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.

138. 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 scheme[94] run by judges and bankruptcy system insiders[169] in a case in which she was the presiding judge: *DeLano*[109].

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[107] **a)** http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/6articles_JSotomayor_financials.pdf;

b) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf;

c) (i) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf; **(ii)** http://Judicial-Discipline-Reform.org/SCt_nominee/14SenJudCom_investigate_JSotomayor.pdf

d) http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf

[108] **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

[109] **a)** *DeLano*, 06-4780-bk-CA2, dismissed per curiam, J. Sotomayor, presiding; fn.131 >CA:2180

b) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf >US:2442§IX;

Although she and her CA2 peers were made aware of the scheme[110], they dismissed the evidence and protected their bankruptcy judge appointee[61a] that ran the scheme in *DeLano*. How they dismissed it is most revealing.

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

139. *DeLano*[111] concerns a 39-year veteran banker who in preparation for his debt-free retirement to a golden nest filed his personal bankruptcy[112a], 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[113a] before the WBNY judge hearing the case; one of his lawyers had brought 525 cases[113b] before that judge; his other lawyer also represented M&T and was a partner in the same law firm[113c] in which that judge[113d] was a partner at the time of his appointment[61a] to the bench by CA2; when he was reappointed in 2006[114a], Judge Sotomayor was a CA2 member. M&T was likely a client of that law firm and even of the judge when he was a bankruptcy lawyer and partner there. The analysis of M&T cases[114b-c] and *DeLano* revealed the bankruptcy fraud scheme and these insiders' participation in it[115a]. The very large number of cases that these two trustees and lawyer have brought before Judge Ninfo and the "unusually close

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c) cf. http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_rehear_23apr9.pdf

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

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

112 **a)** http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V >W:43;

b) id. >§I.B=W:2

113 **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.124

114 **a)** fn.111 >GC:32/fn.72; **b)** id. >GC:17§§B-C, describing bankruptcy cases to which M&T was a party and whose trustee had 3,382 cases before Judge Ninfo, http://Judicial-Discipline-Reform.org/docs/TrGordon_3383_as_trustee.pdf, and one of the lawyers 442, http://Judicial-Discipline-Reform.org/docs/MacKnight_442_before_JNinfo.pdf. The M&T cases went from bankruptcy court all the way to the Supreme Court, **c)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf, as did *DeLano*, fn.109b.

115 **a)** That analysis was set forth in support of the request of 25apr11 to the H.R. Judiciary Committee to investigate the scheme; fn.111. 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

relationship between the[m]" and these other parties have provided for the development of the driver of their relation dynamics: "cronyism"(jur:32§2). Money and its sharing provide them with convergent motivational direction. [116]

140. 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[117a]. Incongruously, they pretended that they only had $535 "on hand and in account"[117b]. 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[117c], and approved by the trustee and the judge. They also declared one single real estate property, their home, bought 30 years earlier[117d] 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[117e]…after making mortgage payments for 30 years! They sold it 3½ years later for $135,000, a 37% gain in a down market.[118f] 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[117g].

141. 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[118a]. It was not until the creditor brought to the judge's attention[118b] that the 'bankrupts' had engaged in concealment of assets that they moved to disallow his claim[118c]. 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[119a]. Thereby the judge deprived the creditor of his discovery rights, thus flouting due process. He turned the hearing[119b] and his grant of the motion into a sham[120]. The judge 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[121a] in Rochester, NY[115b], a WDNY district judge(jur:236), also denied *every single document* requested by the creditor[121b].

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[116] 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.

[117] **a)** fn.112 >§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.111>HR:217

[118] **a)** fn.111 >GC:47:§3; **b)** id. >GC:45§2; **c)** id. >GC:49§4

[119] **a)** http://Judicial-Discipline-Reform.org/Follow_money/docs_denied.pdf; **b)** fn.111 >GC:51§5

[120] **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

[121] **a)** fn.65. >GC:11¶11; **b)** fn.119a >de:28; and http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_WDNY.pdf >Pst:1255§1 and 1281¶62; **c)** fn.111 >GC:58§8; cf. GC:54§7

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

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

142. When *DeLano* reached CA2, Judge Sotomayor, presiding[109b], condoned those unlawful denials and even denied in turn *every single document* in 12 requests by the creditor-appellant[122a]. 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[122b]. Thus, she disregarded a basic principle of due process: The law must not be applied capriciously or arbitrarily[122c] in a vacuum of facts or by willfully ignoring them. Her conduct[121c] belied her statement before the Senate Judiciary Committee that her guiding principle as a judge was "fidelity to the law"[132f].

143. Judge Sotomayor also condoned the refusal of the bankruptcy judge to disqualify himself for conflict of interests(jur:66¶139) and "the appearance of impropriety"[123a-b], just as she refused to disqualify him[123c]. During her membership in the 2nd Circuit's Judicial Council[123d], she too denied the petition to review the dismissal without any investigation of the misconduct complaint against him[124]. This formed part of her pattern of covering up for her peers: As a CA2 member she condoned, and as a Council member she applied, the Council's unlawful policy during the 13-year period reported online of denying 100% of petitions to review dismissals of complaints against her peers[125a]. 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[125a]. She did not "administer justice" [to her peers] rich"[90] in judicial connections, but rather a 100% exemption from accountability[125b]; and the "equal right" [126] 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.[127] Her unquestioning partiality toward her own was "without respect"[90] for complainants, other litigants, and the public. Instead of Equal Justice Under Law[126], Judge Sotomayor upheld Judges Can Do No Wrong. She breached her oath.

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[122] **a)** fn.109b >US:2484 Table: Document requests & denials; jur:16; **b)** fn.119 >de:18§II; **c)** fn.33 >mp:3§A

[123] **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

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

[125] **a)** fn.111 >HR:214; **b)** other ways of judges self-assuring their unaccountability, id. >HR:3/fn.10

[126] fn.69 >§§4-6

[127] **a)** fn.19b >Cg:1-4; **b)** fn.111 >HR:219

144. 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 scheme[94] 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-up[128]. 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[129a].

145. 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 information about a higher-up wrongdoer in exchange for some immunity, which could be repeated by others and have domino effect, motivated Judge Sotomayor and her peers to allow the bankruptcy officer to retire to a golden nest with at least $673,657(jur:15) in known concealed assets[112b]. 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'[130a]. In how many of the thousands of cases[113a-b,114b] before their appointed[61] bankruptcy judges have she and other judges complicitly let the bankruptcy fraud scheme fester with rapaciousness[130b] and who benefited or was harmed thereby?

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

146. Then-Judge Sotomayor also took wrongful action to secure the benefit of her nomination to a justiceship by President Obama through its confirmation by the Senate. She so clearly realized how incriminating[131] the *DeLano* case was that she withheld it from the documents that she was required by the Senate Judiciary Committee to submit in preparation for its confirmation hearings[132]. By so doing, she committed perjury since she swore that she had complied with the

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

129 **a)** fn.111 >GC:61§1; **b)** fn.111 >HR:215; **c)** id. >HR:219, GC:63§2

130 **a)** http://Judicial-Discipline-Reform.org/docs/make_18usc3057_report.pdf >§3057(a) and fn.110 >CA:1961¶¶28-31; **b)** http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_crimes.pdf

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

132 **a)** http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_withheld_info.pdf;

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

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

d) Sample of the letter sent to each Senate Judiciary Committee member, 13july9; fn.159e;

e) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/18DrCordero-SenJudCom.pdf,

Committee's initial and supplemental document requests[107b].

147. Indeed, the Committee requested in its Questionnaire for Judicial Nominees that she "13.c. Provide citations to all cases in which you were a panel member, but did not write an opinion" and "13.f. Provide a list of all cases in which certiorari was requested or granted".[133] The Judge referred the Committee to the Appendix[134] for her answer and stated in her letter of June 15, 2009, that "In responding to the Committee Questionnaire, I thoroughly reviewed my files to provide all responsive documents in my possession". However, she did not include the *DeLano* case in the Appendix or in either of the supplements with her letters to the Committee of June 15 or 19[135] following its requests for more precise answers.

148. Then-Judge Sotomayor was fully aware of *DeLano*, for she was the presiding judge on the panel that heard oral argument on January 3, 2008, when she also received the written statement by the attorney arguing the case, Dr. Cordero, that he filed with her and each of the other members of the panel.[136] By then she had been made aware of the importance of the case by the motions judge referring to the panel many of the 12 substantive motions that he had filed in that case.[137] She was also the first judge listed on the order dismissing the case the following February 7.[138] She had to further handle the case because of the petition for panel rehearing and hearing en banc filed by the attorney on March 14.[131] Moreover, after she and her colleagues denied both on May 9 by reissuing the order as the mandate[138], the attorney filed an application with Justice Ginsburg on June 30[139], and then with all the Justices for injunctive relief and a stay of the order on August 4, 2008.[140] Thereafter, a petition for certiorari was filed on October 3.[137] What is more, a petition

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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

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

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

[134] http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm > Committee Questionnaire - Appendix; and fn.133b.

[135] Fn.133a and fn.133b >JS:304 and 313.

[136] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_oralarg.pdf

[137] http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCt_petition_3oct8.pdf >US:2484. Table: Document requests by Dr. Cordero and denials by CA2.

[138] fn.131 >CA:2180, as subsequently reissued as mandate.

[139] http://Judicial-Discipline-Reform.org/SCt_chambers/2injunctive_relief/DrCordero_JGinsburg_injunction_30jun8.pdf

[140] http://Judicial-Discipline-Reform.org/SCt_chambers/8application_injuction_stay/1DrRCordero-SCtJustices_4aug8.pdf

for rehearing was filed on April 23, 2009, of the denial of certiorari, which was denied the following June 1.[141]

149. All these proceedings were exceedingly sufficient to make the case stand out in Then-Judge Sotomayor's mind. Nonetheless, she had to deal with it once more after the attorney filed with the Judicial Council of the Second Circuit, of which she was then a member, a petition for review of the dismissal by Chief Circuit Judge Dennis Jacobs of the judicial misconduct complaint for bias, prejudice, and abuse of judicial power in *DeLano*, 02-08-90073-jm.[142] The complaint's subject was, not just any judge, but rather her and her colleagues' appointee to a bankruptcy judgeship, i.e., Bankruptcy Judge John C. Ninfo, II, WBNY. This could only have made her all the more aware of the need to submit also *DeLano* to the Senate Judiciary Committee in the context of its confirmation hearings on her justiceship nomination. However, the risk for her of the Committee reviewing it was too high because what was at stake was a cover-up of a judge-run bankruptcy fraud scheme involving lots of money.[60]

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

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

150. 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.[143] 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.[144] However, she was never a

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[141] http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCt_rehear_23apr9.pdf

[142] **a)** http://Judicial-Discipline-Reform.org/JNinfo/21review_petition/2DrCordero_JudCoun_10nov8.pdf. All the documents of this judicial wrongdoing complaint are collected at fn.124.

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

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

[144] **a)** The investigation of J. Sotomayor can lead to J. Ruth Bader Ginsburg, who as the 2nd Circuit's Circuit Justice[98], 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

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

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

151. As for Justice Clarence Thomas:

> [In February 2011], 74 Democrats in Congress cited the threat to the court's authority when they asked Justice Thomas to recuse himself from an expected review of the health care reform law. This came after an announcement by his wife, Virginia, a lobbyist, who said she will provide "advocacy and assistance" as "an ambassador to the Tea Party movement," which, of course, is dedicated to the overturning of the health care law. The representatives based their request on the "appearance of a conflict of interest," because of a conflict they see between his duty to be an impartial decision-maker and the Thomas household's financial gain from her lobbying." The Thomas Issue, Editorial, *The New York Times*, 17feb11;
>
> http://Judicial-Discipline-Reform.org/docs/justices_improprieties.pdf >imp:13
>
> Under pressure from liberal critics, Justice Clarence Thomas of the Supreme Court acknowledged in filings released on Monday that he erred by not disclosing his wife's past employment as required by federal law. Justice Thomas said that in his annual financial disclosure statements over the last six years, the employment of his wife, Virginia Thomas, was "inadvertently omitted due to a misunderstanding of the filing instructions."…While justices are not required to say how much a spouse earns, Common Cause said its review of Internal Revenue Service filings showed that the Heritage Foundation paid Mrs. Thomas $686,589 from2003 to 2007. Thomas Cites Failure to Disclose Wife's Job, Eric Lichtblau; *The New York Times;* 24jan11; id. >imp:1.

152. Justice Thomas's excuse has two equally unflattering implications: The first is that he was making an admission against self-interest of his incompetence to understand the vastly more intricate Tax and Bankruptcy Codes, the complexities of multistate class action litigation on securities fraud and product liability, the clash between abstract notions and public policy considerations of constitutional law, etc. The second implication is that he was being disingenuous by pretending that for six years he just could not figure out the simple requirement of the Ethics in Government Act of 1978[145a] –adopted sufficiently long ago for its interpretation to have become

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indifference and willful blindness; fn:123b >CA:1721. Cf. jur:90§§b,c.

d) Cf. http://Judicial-Discipline-Reform.org/journalists/CBS/11-5-18DrRCordero-ProdCScholl.pdf re Former Arizona Superior and Appellate Court Judge and Supreme Court Justice San-dra Day O'Connor and alleged corruption in Arizona courts. Cf. fn.249 on two-acts patterns.

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

well established– underlying the financial disclosure form entry "III. Non-investment income (Reporting individual and spouse; see 17-24 of filing instructions)"[145b]. This would mean that he was perfectly aware that if he disclosed the source of his wife's income, he would reveal his conflict of interests in cases where the conservative causes that she represented were at stake, thereby giving motive for parties to ask for his recusal and becoming less effective as an inconspicuous advocate for Supreme Court decisions that would benefit his household financially.

153. In determining whether Justice Thomas acted 'knowingly and willfully to falsify information or fail to file or report any reportable information', as provided for under the Ethics Act, 5 U.S.C. §104[145a], it can prove extremely valuable to speak, even if on the condition of anonymity, with those who not only worked for him daily and closely, but who also engaged in research and writing precisely for the purpose of shaping or expressing his thinking on the application of the law to issues and cases: their law clerks(jur:106§c). They can shed light on whether they or other clerks ever helped Justice Thomas directly or indirectly fill out his annual financial disclosure report, discussed it with him or heard him discuss it; if so, whether he gave them the "appearance" (jur:92§d) of being overwhelmed by the difficulty of understanding the requirement of disclosing his wife's income or rather of being clever enough to realize the obvious: For years he and his peers justices and judges have gotten away with filing pro forma disclosure reports[213]. So he could perform a simple cost-benefit analysis that would lead him to this conclusion: He could keep omitting his wife's income in order to derive a benefit that would become his and his wife's permanently because even if he ever got caught, he would merely file amended disclosure reports and go on holding his justiceship for life, whose salary cannot be diminished(jur:54¶110), and experience no other adverse consequence for 'bad Behaviour', let alone the civil and criminal penalties provided for by the Act, such as a penalty of up to $50,000 and/or up to one year in prison.

154. The justices' law clerks, like those of the lower court judges, may have been observers or even enforcers of the wrongdoing that the justices asked them to carry out. They may have kept silent about it or done wrong as asked to in order not to incriminate themselves or risk not receiving a glowing letter of recommendation with which a justice can make "a clerkship [] a ticket to a law firm job that can include a $250,000 signing bonus"[146]. That money was not gifted as a recognition prize for the achievement of clerking for a justice; rather, it was paid as the purchase price of the inside information about the justices that the former clerk gained while working among them. The former clerk was expected to divulge to his or her new bosses everything learned about the old one and the other brethren and sisters.

155. Therefore, one can only dread the impact on the clerks' integrity of their first-hand knowledge, and subsequent fat check, of justices' or judges' modus operandi as 'the richest in judicial power doing unequally well for themselves and performing with poorest impartiality all the wrongs expected of them under the agreements and implications necessitated by their reciprocal cover-up dependent survival so help me and I'll help you'(cf. jur:75¶160). What kind of persons and professionals did they go on to become after their clerkship ended and they had to discharge the duties incumbent upon them according to their own oath as officers of the court and attorneys at law? Have the justices, as well as their law clerks, become inured to giving precedence to complicit collegiality over principled conduct (jur:62§g)? Have they incorporated into their own modus operandi knowing

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SCt_nominee/JSotomayor_03-07_reports.pdf

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

indifference, willful ignorance and blindness(jur:88§§a-c), and coordinated wrongdoing (jur:69¶144) as means of rendering their office liability-proof? Let's compare some early and current facts.

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

156. Each of the justices is allotted to one or more of the circuits as circuit justice. This allotment traces its origin to the creation of the Federal Judiciary by the Judiciary Act of 1789[147]. It assigned to the justices appellate duties, from which supervisor functions derive.

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

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

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

159. It constituted an "error" under the 1789 Judiciary Act for a judge to decide a case by giving in to his bias as did by definition disregarding the law or the Constitution; this is still the case. By so doing, the judge violated any common or statutory law prohibiting such conduct on the part of, in particular, judges or, in general, public officers, which judges were and are, such as the constitutional provision of Article II, Section 4[12b], making it impeachable for such officers to commit "Treason, Bribery, or other high Crimes and Misdemeanors". Justices 'riding circuit' had to correct it. In modern times, since 1948, the law at 28 U.S.C. §144[40] so clearly recognizes "Bias or prejudice of judge" to be inimical to the administration of justice that under that caption it provides for the *automatic* replacement of the judge so charged, not by a justice reviewing his decision,

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

but rather by a party before the case has even started:

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

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

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

161. That oath is still essentially the same as the one that the current Judicial Code provides today at 28 U.S.C. §453[90], except that the subjective standard of the judges' "abilities and understanding" has been eliminated and replaced with the objective, more stringent standard "discharge and perform all the duties incumbent on me as…under the Constitution and laws of the United States. So help me God". From the start of the Federal Judiciary when justices 'riding circuit' realized that the appealed-from district judge had breached his oath, they had a duty to assign it as "error".

162. Today justices 'ride to the circuit or circuits' to which they are allotted, where they "shall be competent to sit as judges of the court", §43(b)[40]. They attend meetings of the circuit's judicial council[96] and are bound to learn, whether formally or informally, about its processing of petitions to review the chief circuit judge's dismissal of misconduct complaints against judges in the circuit. The justices also attend the circuit's judicial conference of all the judges in the circuit and invited members of the bar[148], where council reports on the handling of those complaints are discussed[23b]. Hence, the justices must be deemed to have constructive knowledge that the chiefs systematically dismissed 99.82% of complaints during the reported 1oct96-30sep08 12-year period(jur:24§§b-c) and that the councils have denied up to 100% of those petitions during the same reported time.[19] Indeed, the chief justice of the Supreme Court is the chairman of the publisher of those statistics, namely, the Administrative Office of the U.S. Courts[10], which must report them annually to Congress under 28 U.S.C. §604(h)(2)[23a].

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

163. Second Circuit Justice Ginsburg must know that the Circuit's judicial council denied each and every one of those petitions for review during that 96-08 12-year period, and that during part of that time Then-Judge Sotomayor was a member of it[20]. She bears institutional responsibility for judicial integrity(cf. jur:57¶119 >Canon 1), that is, for judges ruling free of the "error" of partiality and disregard for the laws and the Constitution. Her responsibility concerns the

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

integrity of, particularly, the 2nd Circuit judges and, generally, the Federal Judiciary. Yet, she too, like her 2nd Circuit peers and the other circuit justices, failed to discharge that responsibility by not stating publicly, as 'justice seen to be done' requires[71], that they had shown discipline-exempting partiality toward their complained-against peers by systematically dismissing complaints against them and denying 100% of petitions to review such dismissals or condoning such actions, whereby they had not only disregarded the underlying Judicial Conduct and Disability Act[18a], but had also in fact abrogated it.

164. Circuit Justice Ginsburg knows that any witness, including a criminal defendant, caught in a lie on the stand impeaches his character for truthfulness and can reasonably be doubted as to any other statement that he makes, have his testimony disbelieved, and be found guilty and sentenced to death. Hence, she must be conclusively presumed to know that those judges that showed systematic and even 100% partiality toward their peers as well as law-abrogating disregard for the law impeached their impartiality and respect for the rule of law and could reasonably be expected to show partiality and disregard for the law in every other case. As a circuit justice and a taker of the judicial oath of office, she had a duty to administer equal justice to her influence rich peers and the influence poor complainants and litigants by publicly finding their decisions in "error" for partiality and disregard of the law. Instead, she covered up their "error", thereby breaching her oath and denying justice to the people, that is, to everybody already and in future affected directly or indirectly by the decisions of partiality-prone, law-disregarding judges.

165. Likewise, Justice Ginsburg failed to discharge her statutory duty under 18 U.S.C. 3057(a)[130a] to make a report to the U.S. attorney whenever she had, not hard evidence, but just 'a belief that bankruptcy fraud may have been committed' or that an investigation thereof must be had (jur:69¶145). She was bound to have that belief if she had proceeded as a reasonable person who had repeatedly received notice[149] together with supporting evidence of Judge Sotomayor's concealment of her own assets[107a,c] and cover up of those involved in the bankruptcy fraud scheme[60] in the *DeLano* case[109a], which was presided over by Judge Sotomayor[131]. The latter's peers[150] on the court[110; 207-209] and the judicial council[151], other justices, including Chief Justices Rehnquist[152] and Roberts[153], and J. Breyer[154], the Supreme Court[109b,c; 155], and all the 27 top

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149 **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero-JGinsburg_injunction_30jun8.pdf;

b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justices&judges.pdf

c) http://Judicial-Discipline-Reform.org/docs/DrRCordero-CirJus_JudCoun_11feb4.pdf

150 **a)** fn. 105(b)(i)(ii),(iv);

b) http://Judicial-Discipline-Reform.org/docs/3DrCordero_v_reappoint_JNinfo.pdf

151 **a)** fn.149a,b;
b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-JudCoun_local_rule5.1h.pdf

152 **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf;
b) On C.J. Rehnquist's character and honesty see http://www.nytimes.com/2012/03/20/us/new-look-at-an-old-memo-casts-more-doubt-on-rehnquist.html, Adam Liptak, NYT, 19mar12; also at **c)** http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:1.

153 **a)** http://Judicial-Discipline-Reform.org/Follow_money/JConf_systematic_dismissals.pdf

b) http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf >N:6, 28

154 http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justice_SBreyer_Com_26nov4.pdf

judges on the Judicial Conference[156], had similarly received such notice repeatedly[157].

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

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

167. President Obama too disregarded *DeLano* despite the evidence therein incriminating his nominee in the cover-up of the bankruptcy fraud scheme and the schemers. His vetting of Judge Sotomayor through his staff and the FBI must have found that case, for it was in the CA2's public record. He too had a duty: to vet justiceship candidates and choose among them, not in his interest, but rather for their fitness. He was not entitled to have his staff and the FBI vet them only for him to hush up[158] their finding[107a] of Judge Sotomayor's concealment of her assets[107c] and of those trafficked through the fraud scheme. Had he acted responsibly in the public interest, he would have realized that she had withheld(jur:69§b)[132] *DeLano*[109] to prevent her cover on the scheme from blowing up and scuttling her nomination. Thereupon he had a duty to stop vouching for her integrity and either withdraw her nomination or disclose the incriminating information to enable others to make informed decisions, whether it was senators to confirm her or the public to request her confirmation.

168. Instead, the President buried the incriminating information in *DeLano* and in his staff's and FBI's vetting report under lies about her integrity in order to curry favor with Latino and feminists voters, who wanted a Latina and another woman on the Supreme Court, and whose support he needed to cajole in preparation for another 'confirmation' far more important to him:

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155 **a)** fn.109b,c; 114c;

b) http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf

156 **a)** fn.91a; **b)** fn.153 >N:6, 41, 92; **c)** fn.285

d) http://Judicial-Discipline-Reform.org/docs/DrCordero_2complaints_JConf.pdf

157 http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf

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

the passage by Congress of his signature piece of legislation, Obamacare. In his self-interest, President Obama fraudulently got a dishonest nominee confirmed and misled the Senate and *We the People*. Thereby he saddled this country with a dishonest justice for her next 20 or 30 years on the Supreme Court. From there she will contribute to making the law of the land, which she must continue to break through her continued concealment of assets, whose sudden appearance on her financial reports would incriminate her. Therefore, the offense of the President against the country is a continuing one as is J. Sotomayor's.

169. 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[159a]. Similarly duty-bound were the other federal[159b-f] and state officers[160] who vetted Judge Sotomayor or received complaints about her, the schemers[161], and their condoners. But they would not even ask those complained-against to answer the complaint or request any evidence-corroborating document[160d].

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

170. The same investigation should include all those Democrats and Republicans on the Senate Judiciary Committee[162] and the Senate leadership[132b] that requested and received financial

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

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

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

d) http://Judicial-Discipline-Reform.org/docs/DrRCordero-AG_J**Ashcroft**_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

[160] **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.111 >HR:7, 251;

d) id. >HR:233§E

[161] **a)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-**Disciplinary_Com**.pdf;

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

[162] http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/DrRCordero-list_Sen_mem_28

documents[107b] from Judge Sotomayor but disregarded their glaring inconsistencies[107c] and the suspicion of her concealment of assets raised by *The New York Times*, *The Washington Post*, and Politico[107a]. They continued to do so even after they were alerted repeatedly by hardcopy, fax, email, and telephone both to such inconsistencies through the analysis[132] 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[163a] 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 Committee[132] on the Committee website[163b] 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.

171. 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[132b-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 requested[132].

172. 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 wrongdoing 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 judges[164]. 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.

173. For instance, Senator Charles Schumer knew[159e] 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.[165] Senator Kirsten Gillibrand showed the same disregard[159f]. Although she, as Sen. Schumer's protégé, knew the incriminating evidence or

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aug9.pdf

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

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

165 "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

should have known it had she reviewed with due care the documents publicly filed by the Judge with the Committee[107b], 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 public[166]. 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[128a], they too should be investigated.

[**Note**: The above text consists of some 29,774 words in a pdf file and is submitted for publication. The materials that follow contain references that are useful to understand the cover letter(Lsch:8) and to veriy the manuscript's sources and statements. They have been included in this file to support the decision both to publish the manuscript and to implement the proposed plan of additional action set forth in the cover letter. Hence, the following materials need not be considered submitted for publication, but are available therefor. My CV is found below(CV:1-4).]

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

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BAR MEMBERSHIP AND SPECIAL SKILLS: • U.S. citizen admitted to the NY State Bar and specialized in field and library research and writing of legal briefs and business and high technology articles;

- I would like to work for you as a lawyer and researcher-writer strategist in a position where I can contribute to your business or legal problem solution a talent that gives me a competitive advantage: I can gather seemingly unconnected pieces of information, select those relevant to the objectives pursued, and imaginatively integrate them into a coherent new structure -expressed clearly and concisely both orally and in writing- that renders those pieces meaningful and useful, like a mosaic that depicts a realistic and decorative scene of the ancient Romans, yet originates in insignificant stone fragments expertly sifted from dirt and artfully set together to appeal to the spirit and the mind while serving a practical purpose.

ADVANCED KNOWLEDGE OF: • computers and their use for word processing, graphics composition and presentation, e-mailing; Internet research, desktop publishing, and office efficiency improvement.

LANGUAGES: • I speak fluently English, Spanish, and French; converse in German and Italian.

RELEVANT EXPERIENCE

ORGANIZER OF JUDICIAL-DISCIPLINE-REFORM.ORG New York City, NY

- A non-partisan and non-denominational website that advocates the study of the judiciary and the adoption of legislation to replace the inherently biased and ineffective judges-judging-judges system of judicial self-discipline with a system based on an independent board of citizens unrelated to the judges.

RESEARCHER AND WRITER, 1995-to date New York City, NY

- Developed the Euro Project, a 3-prong business proposal consisting of the Euro Conference, the Euro Consulting Services, and the Euro Newsletter, and aimed at enabling firms to capitalize on their expertise in the euro by providing services for the adaptation of business practices and information techno-logy systems to the European Union's new common currency that replaced its national currencies.

WAYNE COUNTY EXECUTIVE OFFICE, 1994 Detroit, MI

- Developed economic and marketing features of the master plan for the intermodal transportation and industrial complex of Willow Run Tradeport in Detroit.
- Drafted and implemented proposals for increasing office productivity using IT and equipment.

LAWYERS COOPERATIVE PUBLISHING, 1991-1993 Rochester, NY

- Member of the editorial staff of LCP, the foremost publisher of analytical legal commentaries.
- Researched and wrote articles on securities regulations, antitrust, and banking under American law.

COMMISSION OF THE EUROPEAN COMMUNITIES, 1984-1985 Brussels, Belgium

- Devised proposals for harmonizing supervisory regulations on mortgage credit and on reporting large loan exposures by one and all members of a banking system to individual and related borrowers.
- My proposals were adopted by the EEC Banking Division and negotiated with the national experts in the supervision of financial institutions of the Member States.
- Drafted replies to financial questions put by the European Parliament to the Commission.

EDUCATION

THE UNIVERSITY OF CAMBRIDGE Cambridge, England

Ph.D. of the Faculty of Law, 1988

- My doctoral dissertation analyzed the existing European legal and political environment and proposed a new system for harmonizing the regulation and supervision of financial institutions.

THE UNIVERSITY OF MICHIGAN Ann Arbor, Michigan

Master of Business Administration (MBA) of the Business School, 1995

- Emphasis on corporate strategies to maximize a company's competitiveness through the optimal use of computer-based expert systems, information technology, and telecommunications networks.

LA SORBONNE Paris, France

French law degree of the Faculty of Law and Economics, 1982

- Was awarded a French Government scholarship
- Concentrated on the operation of a currency basket to achieve monetary stability and on the application of harmonized commercial regulations & antitrust competition rules on companies with dominant positions.

EARLY PUBLICATIONS

- Availability of an Implied Right of Action under the Tender Offer Provisions of §14d-f of the Securities Exchange Act of 1934 (15 USCS §78n(d)-(f)), added to the Exchange Act by the Williams Act of 1968, and Rules Promulgated thereunder by the SEC, **120 ALR Federal 145**.
- Venue Provisions of the National Bank Act (12 USCS §94) As Affected By Other Federal Venue Provisions and Doctrines, **111 ALR Federal 235**.
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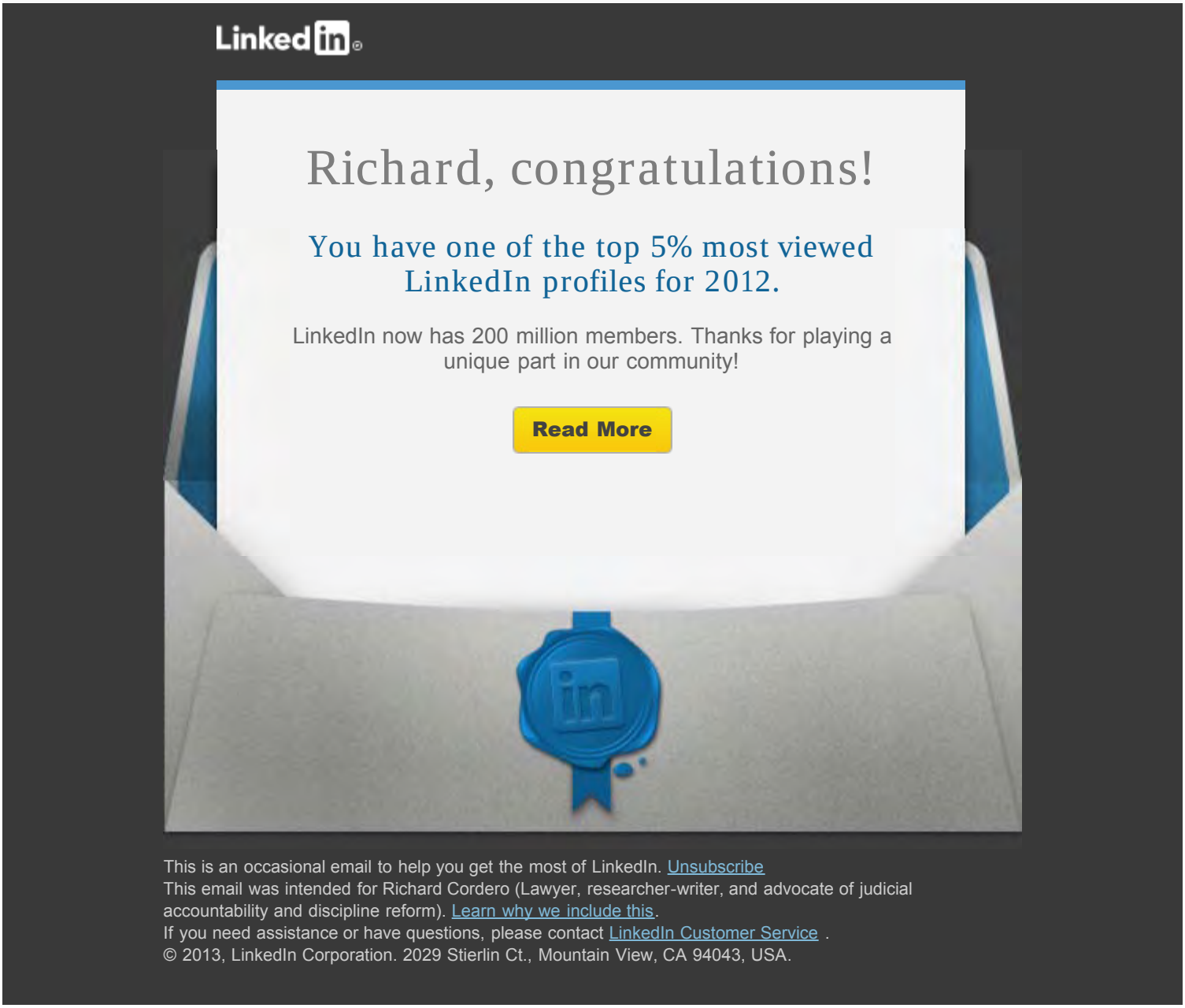

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Senior Vice President, Products & User Experience

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Summary

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I. Abstract and Index by Topics

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IV. Initiative to join forces with the International Consortium of Investigative Journalists to take advantage of its unique *Follow the money!* expertise

them to inspired action for everything that edifies character and builds good relations with people such as the noble cause of Equal Justice Under Law

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EXECUTIVE SUMMARY OF THE PROPOSAL FOR PIONEERING JUDICIAL UNACCOUNTABILITY REPORTING

Section A(jur:21) discusses the means, motive, and opportunity enabling federal judges to do wrong. They wield their decision-making power with no constraints by abusing their self-disciplining authority to systematically dismiss 99.82% of the complaints filed against them. This allows them to pursue the corruptive motive of money: In CY10 they ruled on $373 billion at stake in personal bankruptcies alone. While all bankruptcy cases constitute 80% of the cases filed every year, only .23% are reviewed by district courts and fewer than .08% by circuit courts. Such de facto unreviewability affords judges the opportunity to engage in wrongdoing, for it is riskless and all the more beneficial in professional, social, and financial terms. Yet Congress and journalists abstain from investigating their wrongdoing for fear of making enemies of life-tenured judges. Hence, federal judges enjoy unaccountability. It has rendered their wrongdoing irresistible. They engage in it so routinely and in such coordinated fashion among themselves and with others as to have turned it into the Federal Judiciary's institutionalized modus operandi.

Section B(jur:65) describes *DeLano*, a case that can expose one of the gravest and most pervasive forms of wrongdoing: a judge-run bankruptcy fraud scheme. The *DeLano* bankruptcy judge was appointed and removable by his circuit judges. The appeal was presided over by Then-Circuit Judge Sotomayor. She and her peers protected their appointee by approving his unlawful denial of, and denying in turn, *every single document* requested by the creditor from the debtor, a 39-year veteran bankruptcy officer, an insider who knew too much not to be allowed to avoid accounting for over $⅔ of a million. The case is so egregious that she withheld it from the Senate Committee reviewing her justiceship nomination. Now a justice, she must keep covering up the scheme and all her and her peers' wrongdoing, just as she must cover for the other justices and they for her.

Section C(jur:i) explains how judges cover up their wrongdoing through knowing indif-ference and willful ignorance and blindness; and how their standard "avoid even the appearance of impropriety" can support a strategy: *DeLano* exposed, an outraged public will cause a justice to resign, as it did J. Fortas, and the authorities to investigate judges and undertake judicial reform.

Section D(jur:97) deals with how to expose *DeLano* and the available evidence of a bankruptcy fraud scheme by making an initial presentation at an event well attended by journalists and broadcast to citizen journalists to launch them on a Watergate-like generalized media investigation of wrongdoing in the Federal Judiciary guided by the query: "What did the justices know and when did they know it?" and intent on finding the assets of her own that *The New York Times, The Washington Post*, and Politico suspected J. Sotomayor of concealing. The presentation can issue an Emile Zola *I accuse!*-like denunciation that pioneers judicial unaccountability reporting.

Section D4(jur:102) proposes a *Follow the money and the wire!* investigation of the *DeLano*-J. Sotomayor story. It implements the strategy of judicial unaccountability and wrongdoing expo-sure, not in court before reciprocally protecting judges, but journalistically. It can be cost-effec-tive thanks to the leads extracted from over 5,000 pages of the record of *DeLano*, which went from bankruptcy court to the Supreme Court. It can be confined to, or expanded beyond, the Internet, D.C., NY City, Rochester, and Albany; and search for Deep Throats in the Judiciary.

Section E(jur:119) Proposes a multidisciplinary academic and business venture to promote judicial unaccountability reporting and reform. From informing the public and assisting victims of judicial abuse tell their stories, it should lead to the creation of an institute to conduct IT re-search; train reformers; advocate a legislative agenda; call for citizen boards of judicial accountability and an IG for the Judiciary; and become a champion of Equal Justice Under Law.

Section F(jur:171) Offers to present this proposal to the prospective sponsors *to trigger history!*

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

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

174. 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.

175. The evidence shows that neither the Executive Branch nor Congress dare exert constitutional checks and balances on the Judiciary.(jur:22¶31) They have failed to both investigate complaints[167] about wrongdoing judges and exercise oversight of all judges to ensure their fair and impartial application of the law to others as well as themselves and their abidance by the high standards of honesty and integrity applicable to them[123a], 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.

176. 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.[168] Their exposing them now could lead to self-incrimination.

177. In addition, most law professors were and to some extent continue to be practicing lawyers. Attorneys are insiders of the legal and bankruptcy systems.[169] As such, they have the opportunity

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[167] Cf. **a)** http://Judicial-Discipline-Reform.org/docs/DrRCordero_**FBI_USAtt**_may-dec4.pdf;
b) http://Judicial-Discipline-Reform.org/DoJ-FBI/9-3-30DrRCordero-**DoJ**.pdf;
c) http://Judicial-Discipline-Reform.org/docs/DrRCordero-**Sen&HR_Jud_Com**_11jun4.pdf;
d) http://Judicial-Discipline-Reform.org/docs/DrRCordero-**SenJudCom**_3july9.pdf;
e) http://Judicial-Discipline-Reform.org/docs/DrRCordero-**Senate**_3aug9.pdf
f) http://Judicial-Discipline-Reform.org/HR/11-4-25DrRCordero-**HR_ComJud**.pdf;
g) http://Judicial-Discipline-Reform.org/HR/11-4-7DrRCordero-**HR_COGR**.pdf

[168] fn.30d >yre:43

[169] 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

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 year[31]; 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 judges[170], and gain of the valuable interpersonal relations of camaraderie, complicit confidentiality, and reciprocal support from grateful colleagues whose wrongdoing they have covered up as accomplices before or after the fact(jur:88§a), been knowingly indifferent to(jur:90§b), willfully blind to(jur:91§c), or handled with impropriety(jur:92§d). If they keep quiet as insiders do, they too, as law professors and lawyers, can receive the benefit of the extension to them[171] 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.

178. Hence, law schools will not encourage research on wrongdoing judges either and 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.

179. 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 systems[169] 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.

180. 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]".

181. The media too, as a matter of fact, have failed to expose judicial wrongdoing, particularly of federal judges.(jur:4¶9) 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"[172] accountable to them and thereby defend the very nature and

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bankruptcy systems.(cf. jur:9)

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

[171] http://Judicial-Discipline-Reform.org/NYS_att_complaints/1DrRCordero-Disciplinary_Com.pdf

[172] Abraham Lincoln's Address on the Battlefield at Gettysburg, Pennsylvania, 19nov1883;

practice of a democratic republic. Instead, they have sought in self-interest to remain in good terms with life-tenured federal judges and avoided antagonizing them with investigations that could give rise to their retaliatory reaction. Nevertheless, the media know from experience that those same judges are the most vulnerable public officers to the most easily demonstrable journalistic charge, "the appearance of impropriety", let alone wrongdoing. (jur:92§d) Why did *The New York Times*, *The Washington Post*, and Politico drop without any explanation their investigation into the concealment of assets that they themselves suspected[107a] Then-Judge Sotomayor of having engaged in?[173] Was pressure exerted on them? Was there a quid pro quo?

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

182. Those duty-bound to hold public servants, including judges, accountable have failed to do so. Now the task defaults to those for whose benefit that duty is supposed to be performed. In a democratic society governed by the rule of law, they have the right to hold all public servants accountable: the people. Foremost among them are the entities that have made it their mission to advocate in the public interest 'equal justice under law for all'. They must expose those who frustrate that mission, namely, federal judges that by exempting themselves from any discipline, and being exempted by politicians from compliance with the legal and ethical requirements of their office and being spared by the media from exposure of their failure to comply, have become Judges Unequally Above the Law who dispense what is under them to all: justice trampled underfoot.

183. 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.

184. These public interest entities, journalists, and journalism students can advance toward their professional and academic goals and rewards(jur:5¶¶13-14) 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 pursued a

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http://Judicial-Discipline-Reform.org/docs/ALincoln_Gettysburg_Address.pdf

[173] 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.144d;
e) http://Judicial-Discipline-Reform.org/docs/DrRCordero-**NewsHour_Jim_Lehrer**.pdf
f) http://Judicial-Discipline-Reform.org/docs/DrRCordero-**Sen&HR_Jud_Com**_11jun4.pdf
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wrongful motive, such as money in controversy or offered to buy a decision or influence one, or any other wrongful material, professional, or social benefit; and whether to advance such pursuit they have taken advantage of the opportunity of cases before them to abuse their means of unaccountable judicial power to make wrongful decisions in the interest of themselves and of insiders of their judiciary, such as those of the legal and bankruptcy systems. Judicial unaccountability reporting can render a valuable public service. It can provide the public with information about its judicial public servants that it needs to protect its own fundamental interest in "Equal Justice Under Law". The latter must be administered by servants that are honest and perform their job according to their foundational instruction: to ensure due process of law so that judicial decisions follow from the application of the rule of law.

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

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

186. In the same vein, the public disapproves in ever-growing numbers Congress[174] 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.

187. The public pressure thus generated will only be increased by political challengers who will seize

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[174] **a)** Congressional approval is up. But barely; Ed O'Keefe; Inside the 112th Congress, *The Washington Post*, 12jun12; http://www.washingtonpost.com/blogs/2chambers/post/congressional-approval-is-up-but-barely/2012/06/11/gJQApSiZVV_blog.html;
b) Gallup's trend line on congressional approval in Why 'Fast and Furious' is a political loser; Chris Cillizza and Aaron Blake; The Fix, *The Washington Post*, 26jun12; http://www.washingtonpost.com/blogs/the-fix/post/why-fast-and-furious-is-a-political-loser/2012/06/25/gJQA80p42V_blog.html?wpisrc=nl_pmfix

the opportunity to attack incumbents for their individual or party responsibility for enabling judges' wrongdoing. Members of Congress and the President, fearing for their political survival, are likely to give in and open judicial wrongdoing investigations. The authorities, such as congressional committees holding public hearings, DoJ-FBI, and their state counterparts, wielding their subpoena, contempt, and penal powers, unavailable to investigative journalists, can make findings yet more outrageous. As a result, the people will be stirred to demand and make it politically impossible for politicians not to undertake, a legislative process that brings about a far-reaching judicial accountability and discipline reform. It must contain a transparent mechanism beyond the reach of conniving politicians and judges to ensure in practice that judges are investigated for wrongdoing, wrongdoers are punished, and further wrongdoing is prevented as much as possible. Such mechanism can be an independent government agency, namely, a citizen board of judicial accountability and discipline.

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

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

189. Imagine the impact on a *national* audience of a journalistic story of concealment of assets to evade taxes, a judge-run bankruptcy fraud scheme, and their cover-up that involves President Barak Obama; his first justiceship nominee, Then-Judge Sonia Sotomayor of the Court of Appeals for the Second Circuit (CA2) and Now-Justice Sotomayor (J. Sotomayor); the Federal Judiciary, which enables its judges' wrongdoing and engages in it itself; and Congress, which has covered for those judges before and after the Senate confirmed their nominations. This story will provoke in the public action-stirring outrage.(jur:83¶184)

190. 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.[109] 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 law[71] by dismissing a case not only with a "perfunctory"[68] 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[121c]. 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 honest[175] 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.

191. 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 systems[169], and how they do it so routinely as to have made of wrongdoing their institutionalized modus operandi. It also reveals coordination among judges and politicians to lie to the American people about their official actions so as to advance their personal, partisan, and class interests. To all of those officers applies a principle of torts that springs from common sense: A person is deemed to intend the reasonable consequences of his actions. They all have intentionally harmed the people by enabling judges to wield unaccountable, in effect unreviewable, and thereby riskless, irresistible, and inevitably corruptive power over people's property, liberty, and lives. Their wrongdoing and the harm that they have inflicted will outrage the people. In their defense, the people will take action to demand that the judges be officially investigated and that judicial accountability and discipline reform be undertaken.

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

192. 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[109b;114c]; taken through all the competent administrative bodies of the Federal Judiciary[124;283a]; and supported by broad and thorough research[ii]. 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:97§A) to be presented as an engaging and compelling journalistic story to the public at large.

193. 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 Rootstrikers[176]; **c)** investigative organizations, such as Think Progress[177], the

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

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

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

Center for Public Integrity[178], and ProPublica[179]; 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.256e]. Among these schools are the Investigative Reporting Workshop of the School of Communication of American University[180] in Washington, D.C.; and in New York City Columbia University Graduate School of Journalism[181], City University of New York Graduate School of Journalism[182], and New York University Journalism Institute[183]. 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".

194. Investigating the *DeLano*-J. Sotomayor story is an appropriate goal of any media outlet that advocates "progressive ideas and policies"[177a], 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[176a]; 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"[184a-b], and have

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

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

180 **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

181 **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.256e-f

182 **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

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

184 **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.69] that it made the central point of its support for her confirmation as a justice. At stake is whether Alliance possesses the integrity to acknowl-edge that on the basis of old and new evidence, such as that presented here, it must hold Now-Justice Sotomayor accountable for her concealment of assets(jur:65§1) and her cover up of the bankruptcy fraud scheme(jur:68§a). The decision is between being a Democratic Political Action Committee disguised as a public interest entity, with as little attachment to ethical values as the Supreme Court Justices Alito, Scalia, and Thomas that it chastised in its documentary "A Question of Integrity" for being Republican fundraisers disguised in robes, and being an honest advocate of "justice for *all*"

recognized the need "to cultivate the next generation of progressive activists"[184c] and "expose students to careers in public interest advocacy"[184d] through a "Student Action Campaign, which provides year-round opportunities for students to engage in advocacy to ensure a fair and independent judiciary."[184e]

195. 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'.

196. 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:5¶¶13-0) as, the people's Champions of Justice[164a].

a. Wrongdoing and coordinated wrongdoing: broader notions easier to apply to judges and others

197. Wrongdoing is a broader notion than corruption because it includes also forms of conduct that are civilly liable, unethical, abusive of discretionary judgment, or that entail impropriety. Its field of applicability extends to what judges do in their official capacity, in non-judicial public life as citizens, and even in their private lives. Hence, wrongdoing is an essential notion for cleansing federal and state judiciaries of wrongdoing judges through media and public pressure rather than lawsuits in court, where judges watch out for their own. However, wrongdoing could be thought of as being limited to what an individual does alone.

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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

198. 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, e.g., she fails to make a report to the competent authority despite her statutory duty to do so[130] or her institutional duty as a member of the judiciary to safeguard the integrity of the court and of the administration of justice; 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 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[94], she would have found out about the third-parties' wrongdoing but she was too negligent or incompetent to do so (skylooking passerby).

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

a. explicit, such as through round-table agreement among primary and accessory wrongdoers; or

b. implicit 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.

200. A judge that knows or through due diligence could have found out that a wrong had been done but chose to do nothing becomes an accessory after the fact. Moreover, by giving implicit or explicit reassurance that he will not denounce wrongdoing to the authorities or expose it to the public, he eliminates the deterrence of adverse consequences to the commission of more wrongdoing, thereby becoming an accessory before the fact.

201. The modes of coordination include, in addition to round table coordination, a hub and spoke system organized by a central wrongdoer that imparts instructions to several others with the result that the wheel of combined effort turns in a given direction divergent from the normal one. For example, a judge may tell individually to each of some clerks of court and law clerks what to do when a person comes to court expressing the intention to file for bankruptcy and they find out that the person is unrepresented, has a home in a certain geographic area, and its estimated value is above a certain figure. The clerks may follow her instructions, regardless of whether they realize who ends up buying the foreclosed home at a private auction for under a certain amount (hub and spoke with rim because the clerks realize the connection between the intervening acts necessary to produce the ultimate result; or hub and spoke without rim when they do not know the ultimate result or do not realize how improbable such result is but for somebody's pulling strings to produce it).

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

202. 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.
>
> Whatever motive you have had up to now, let this warning motivate you from now on: I know enough about your own wrongdoing. If you even sit back and let others take me under, *I bring you down with me!* So stand up and do whatever it takes to make this complaint go away."

203. 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".[185]

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

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

205. 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.

206. In willful blindness, the ignorance is subjective in that the judge knew the facts but willfully failed to draw reasonable conclusions that would have led him to at least suspect wrongdoing. Hence, he was blind to the facts willfully. Willful blindness is a broader notion and easier to apply because a person cannot claim to be competent and at the same time pretend that he just did not realize the implications of known facts which would have been realized by, in general, a reasonable person that can put 2 and 2 together and, in particular, a person to whom knowledge of such implications is imputed as a result of his professional training and daily experience of 'doing the math' as part of his work. While the *willfully ignoran*t crosses his arms to cover his ears with his hands and block his view with his forearms to avoid taking into his mind the noise or image of wrongdoing that may be lurking or crawling in front of him, the *willfully blind* is in front of wrongdoing that is staring at her, but she shuts her mind's eyes to avoid staring back at it. When the news anchor announces that a terrorist attack caused a carnage, the *willfully ignorant* changes the TV channel; whereas the *willfully blind* waits until the anchor warns that "the images that you are about to see are graphic" and then she looks up to the right and fantasizes about a lakeside picnic on a sunny day.

207. Willful ignorance/blindness constitutes a form of wrongdoing even in the absence of probable cause to believe that a crime has been committed. The wrong lies precisely in the willfully ignorant/blind person's decision to look the other way from where such cause might be found and thereby avoid finding it and having to take action to expose and punish the wrongdoer, whom the person actively wants to protect or passively wants to avoid having to accuse. This lower standard is illustrated by the statutory duty imposed on federal judges under 18 U.S.C. §3057(a) to report to the respective U.S. attorney "reasonable grounds for believing [not just] that any violation [of bankruptcy laws] has been committed [but also] that an investigation should be had in connection therewith [to ascertain whether any violation has occurred]"[130a]. A judge who does not call for an investigation when a reasonable person would have enables, for instance, the bankruptcy fraud of concealment of assets to go on undetected.

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[185] fn.128 & http://Judicial-Discipline-Reform.org/Follow_money/JudReform_from_outside.pdf

208. Through willful ignorance/blindness, a judge avoids an investigation that can make her and others learn about, and take action against, the wrongdoer. The latter may be a peer, a clerk, an insider, or a lawyer who may be a voter or donor in a state judicial election. Friendship with a colleague for 1, 5, 10, 15, 20 years is given precedence over duty(jur:62¶133 >quotation from C.J. Kozinski). By so doing, the judge intentionally violates her shared, institutional duty to uphold the integrity of the courts and their administration of justice. That is a defining duty of her office.(cf. jur:57¶119 >Canon 1) Such conduct detracts from public confidence in her as well as other judges' impartiality and commitment to the rule of law. It gives rise to the perception that they cover for each other regardless of the nature and gravity of the wrong that may have been done. It casts doubt on their sense of right and wrong. Whatever the wrong committed by one of their own, they exonerate him from any charge before they even know its nature and his degree of moral responsibility or legal liability. Their attitude is "a judge can do no wrong". So they shut their eyes or turn them away to conjure up the defense of plausible deniability: They did not do anything because they had not seen or heard anything requiring them to take action. Such 'no action due to lack of knowledge' is a pretense. As such, it is dishonest. It is also blamable because it amounts to engaging in a blanket cover up.

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

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

210. 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"[123a]. Moreover, while federal judges are de facto unimpeachable (jur:21§a) and thus irremovable, the notion of "impropriety" has been applied with astonishing effect.

211. 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."[186]

212. 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.

e. The value of third-parties insiders of the Judiciary in exposing the coordinated wrongdoing of the core insiders, the judges

213. Coordination among wrongdoers results from an explicit or implicit meeting of the minds of people that intend to accomplish or permit what they know is illegal or unethical. It reveals premeditation. It acts as a multiplier of the usefulness and effectiveness of wrongdoing: Even some individual wrongdoing cannot be engaged in without the reliance by the wrongdoer in fact on those who know what he is about to do and those who may find out not exposing him, whereby they become accomplices before and after the fact, respectively. They share an interest in a cover-up, on which they can rely to do further wrongs. Worse yet, coordination enables them to commit wrongs that none could do alone.[84]

214. Unaccountable judges are, of course, the core parties to the Federal Judiciary's individual and coordinated riskless wrongdoing. They are the quintessential insiders of the Judiciary. One single judge could bring down a whole court without the need to provide proof beyond a reasonable doubt of her peers' wrongdoing. All she had to do was to show that they had failed "to avoid

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[186] 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.

even the appearance of impropriety"(jur:92§d). Her status as judge and her access as such to insider information would lend credibility to her denunciation or exposition of their wrongdoing.

215. But judges are not alone. They are supported by a panoply of third party insiders. Some are near-core insiders. Among them are those that recommend, nominate, and confirm candidates for justiceships. They have the most to lose if the judges' wrongdoing is exposed. They are also the ones who have gained the most from those whom they helped to the bench and the ones who in future can elevate judges to a higher court or the chief justiceship of the Supreme Court.(jur:77§§5,6)

216. There are also peripheral third party insiders. They are an essential component of the wrongdoing. In many instances, they are the executioners of the judges' instructions to do wrong. Without them, the wrongdoing could not be effected. Some are employees of the Judiciary, such as law and administrative clerks(jur:106§c) and court reporters[263]. Others are not employees. While they also execute wrongdoing, they are more important as feeders of wrongdoing, that is, they bring in opportunities to do wrong from which they and the judges benefit. They include lawyers, prosecutors, bankruptcy professionals[169], and litigants, particularly wealthy or powerful ones.

217. Third-party insiders can play a key role in exposing coordinated judicial wrongdoing.(jur:88§§a-d) They have intimate knowledge of the wrongdoing because they participated in it; otherwise, they knew about it but looked the other way, thereby tolerating it and becoming accessories after the fact as well as encouraging further wrongdoing by reassuring wrongdoers that no harm would come to them through denunciation or exposure if they committed further wrongdoing, whereby they became accessories before the fact. No doubt, they have something or even a lot to lose as principals of, or accessories to, the judges' wrongdoing. However, there is something that they do not have, namely, loyalty to the judges to the same extent that other judges do. They have neither the protection of life-appointment or removal from office only through the cumbersome and in effect useless process of impeachment nor the credibility attached to the prestige of a federal justiceship nor the connection to people in high places that can help them escape investigation, prosecution, and even conviction. Since their risk of suffering criminal penalties is much higher, so is their interest in cooperating either with law enforcement authorities by providing information or testimony in exchange for leniency obtained in plea bargain…if ever federal judges were at risk of being investigated.

218. Moreover, third party insiders may also feed to non-official investigators, such as journalists, information even on a confidential basis about the nature, degree, and full extent of the wrongdoing. They may be disgusted with the wrongdoing that goes on in the Judiciary and want to expose it. Also, they may want to provide enough information while they are still inside so that the full story of wrongdoing can be pieced together and reveal that their role was merely as the teeth that did the grinding work on cogs rotated by the judges as shafts and near-core insiders as levers in the Judiciary's coordinated wrongdoing machinery.

219. Peripheral third-parties[164] are the weak links. They can neither harm or benefit judges nor be harmed or benefitted by them as other judiciary insiders can, e.g., politicians and big donors. So they do not owe the judges the same loyalty that judges owe each other. They know, of course, their own wrongdoing. In addition, they, as insiders, are likely to know other insiders from whom they sought advice upon realizing that a judge was doing wrong or whose participation they needed when a judge asked them to do something wrong. In addition, insiders may boast to each other about the judges' wrongs that they know of or participated in.(jur:105§3) They are easier to

turn into accusers of judges in exchange for some immunity on 'a small fish giving up a big fish' deal. Moreover, the context in which they can be turned need not be an openly declared investigation of judges' wrongdoing, which would give judges the opportunity to call in their IOUs or threaten near-core insiders with cross-incrimination in order to have them prevent or terminate such investigation.

220. For instance, a judiciary committee may hold hearings on the need to include court proceedings among the public body meetings that may be audio recorded. The committee may subpoena court reporters to testify under oath about changes that they were required by judges to make to their transcripts. How many court reporters would risk the penalties of perjury to cover for wrongdoing judges? If need be, they can be given immunity to remove their 5th Amendment right against self-incrimination. Their refusal to testify or do so truthfully could lead to their being held in contempt and even imprisoned. Their testimony could provide both leads to other insiders that have incriminating information. The progressive revelation of judicial wrongdoing could provide the necessary justification for a proposal for legislation on judicial transparency, accountability, and discipline.

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D. Multimedia public presentation made by the judicial unaccountability reporters of i) the available evidence of judicial wrongdoing and the *DeLano*-J. Sotomayor story; ii) their own findings through their *Follow the money!* and *Follow the wire!* investigations; and iii) the *I accuse!* denunciation

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

221. The investigative reporters –a courageous politician who wants to become a Champion of Justice [164a], public interest entities, professional and citizen journalists, and journalism schools and students(jur:88¶196)– can make a presentation(cf. dcc:7)[187] of the statistics of judges' unaccountability and consequent coordinated judicial wrongdoing(jur:21§A), the evidence of it available in the *DeLano*-J. Sotomayor story(jur:65§B), and what they found through their own *Follow the money!* and *Follow the wire!* investigation[198] of that story(xxxvi). The presentation should take place at a widely advertised multimedia public event(dcc:11)[188]. It will be intent on provoking outrage at judicial unaccountability and wrongdoing(jur:84¶185) so intense and in an audience so broad as to stir up the people to action: The people must make such a vehement demand that judges be held accountable and prevented from further engaging in wrongdoing that politicians will not be able to disregarded it and will give in by candidates calling for, and incumbent launching, official investigation.(jur:xlv) 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:7¶¶22-26) 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 systems[169]. In so doing, the media will follow the lead of the investigative reporters who made the presentation, the pioneers of the new field of journalism and public interest activity: judicial unaccountability reporting.

222. The presentation can be held at a university auditorium, a theater, or news network studio. (dcc:11) 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(jur:49§4). 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

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[187] Also at http://Judicial-Discipline-Reform.org/DCC/DrRCordero_DeLano_Case_Course.pdf

[188] The week by week Syllabus of the organization of the public presentation by students of both the available evidence of judges' wrongdoing and that found by them as part of their study of The DeLano Case Course is at id. >dcc:31.

clerks; lawyers and law enforcement officers; law, journalism, business, and IT school professors and student class officers and organizations; etc.

223. A presentation at a journalism student job fair will offer an additional and exceptional opportunity in itself. It will allow the presenting students –and others, e.g., a reporter or a candidate invited to deliver a keynote speech– to display their acquired professional skills and turn a job fair into their personal job interview.(cf. dcc:8)[187] 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(dcc:7¶8) will lay out to the recruiters, editors, and other business people a business and academic venture proposal(jur:119§E). 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:130§5)

224. An event as a job fair that gathers many representatives of the media will greatly facilitate educating them on the evidence of coordinated judicial wrongdoing and the application to it of judicial unaccountability reporting. Thereby it will boost the effort to launch a Watergate-like generalized media investigation of the *DeLano*-J. Sotomayor national story in the reasonable expectation of getting a scoop: the resignation of one or even more justices(jur:92¶¶210-211) due at the very least to their failure to "avoid even the appearance of impropriety"(jur:68¶¶143-145)[189], 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:7¶22) 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 Emile Zola *I accuse!*-like denunciation of coordinated judicial wrongdoing

225. Unchecked and thus, riskless judicial wrongdoing becomes irresistible because of the professional, material, and social benefits that it makes available. It leads to a more insidious form, coordinated wrongdoing, which develops into its most harmful expression, schemes. The evidence thereof can be presented by the investigative reporters to the public in a series of expository articles widely published on their own websites and social media accounts as well as by traditional media, the hundreds of websites and Yahoo- and Googlegroups that complain about judicial wrongdoing, bloggers[190], and blawgs[191], etc.

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

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

191 **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-

a. The initial article can lay out the official statistics that reveal the federal judges' exercise of unaccountable power that enables judicial wrongdoing. It can narrate the *DeLano*-J. Sotomayor national story to show how the judges' unaccountability and pursuit of their money motive in practically unreviewable cases have allowed them to turn their Judiciary into a safe haven for wrongdoing. Their coordination has enabled them to multiply the instances and scope of wrongdoing so that it has become part of their accepted working routine: It is their institutionalized modus operandi. The article can describe the most structured, hierarchical, and profitable stage of wrongdoing, a scheme, such as the bankruptcy fraud scheme that appears in that story.

b. Another article can detail how judges' unaccountability has enabled them risklessly to:

1) dispose of cases by disregarding law and facts;

2) dispense with discovery rules and due process requirements;

3) arbitrarily and deceitfully dispose of even unread cases by issuing no-reason summary orders and perfunctory "not for publication" and "not 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 notwithstanding[192]; 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 had[130].

226. The initial evidence-exposing article can constitute a manifesto against judicial unaccountability and its consequent coordinated wrongdoing in the Federal Judiciary. It can become the modern version of *I accuse!,* the open letter to the French President that novelist Émile Zola published in a newspaper. In it, he dared denounce the conviction of Jewish French Lieutenant Alfred Dreyfus for spying for the Germans as based on false accusations stemming from an Anti-Semitic conspiracy among French army officers.[193] Zola's courageous denunciation is credited with not

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blawgs.php; **f)** http://blawgsearch.justia.com/blogs/categories/judiciary

[192] http://Judicial-Discipline-Reform.org/KGordon/11-8-18DrRCordero-CJDJacobs.pdf

[193] *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-

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

227. The *I Accuse!* denunciation can likewise launch a reformative debate in our country on the evidence of the Federal Judiciary as the safe haven for coordinated wrongdoing of Judges Above the Law.[194] 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.[195] 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:160§8)

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

228. 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 leads[198] in:

   1) the findings of their investigation and their *I accuse!* denunciation(jur:98§2)

   2) the public record of *DeLano*[109a], *Pfuntner*, and *Premier*[114c], and their analysis[111];

   3) the articles in *The New York Times*, *The Washington Post*, and Politico[107a];

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;[107a-c]

   2) J. Sotomayor's participation in the cover-up of the bankruptcy fraud scheme and other forms of judicial wrongdoing;(jur:24§b)

   3) what President Obama(jur:77§5), the senators that recommended her and

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Reform.org/Follow_money/Emile_Zola_I_Accuse.pdf

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

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

shepherded her nomination through the Senate[159,e,f;160e], and the Senate and its Judiciary Committee[132] knew about her concealment of assets and her perjurious withholding of *DeLano* from them(jur:78¶170) and when they knew it;

4) the pro forma filing and acceptance of judges' financial disclosure reports;[213b]

5) the participation of other justices in reciprocally covering up their individual and coordinated wrongdoing(jur:71§4) and that of the circuits[26a] to which they are allotted as circuit justices[144b; 23b];

6) the role of court staff as enforcers of wrongdoing rather than Workers of Justice;

7) the state judiciaries by applying, to the appropriate extent, the conceptual framework on which the investigation of the Federal Judiciary rests –i.e., judges' means of unaccountable judicial decision-making power(jur:21§1); the money motive (jur:27§2); and the opportunity to do wrong in millions of practically unreviewable cases(jur:28§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;[196]

d. encourage the audience, the media, and the public to:

1) endorse the *I accuse!* denunciation(jur:98§2);

2) sign the petition for the appointment of a special counsel;

3) distribute the *I accuse!* denunciation 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!* denunciation 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:93¶211);

7) search for the modern day Senator Howard Baker[197a], who became nationally

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

[197] **a)** fn.111 >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

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?"

4. 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

229. The investigation of the *DeLano*-J. Sotomayor story has two prongs: One is the *Follow the money!* investigation. This is understandable since the actors in the story are driven by the most insidiously corruptive motive: *money!* In addition, there is probable cause to believe that the email, mail, and phone communications of those trying to expose the judges' wrongdoing have been interfered with. This calls for a *Follow the wire!* investigation.[214]

a. The *Follow the money!* investigation

230. The investigative reporters –a courageous politician, public interest entities, journalists, and journalism schools and students(jur:88¶196)– can start off their investigation by pursuing the many leads[198] that the prosecution of *DeLano* and related cases from bankruptcy, district, and circuit courts all the way to the Supreme Court[199a] has already produced(jur:65§B; cf. jur:9).

231. They can search for:

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during her own confirmation for a justiceship were truthful and complete; id. >GC:61§A

[198] **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.111 >HR:215-218; and **d)** the guidance provided by a proposed subpoena identifying key documents to trace back concealed assets, id. >HR:233§E and http://Judicial-Discipline-Reform.org/HR/11-4-25DrRCordero-HR_ComJud_subpoena.pdf

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

f) Cf. 2 Ex-Timesmen Say They Had a Tip on Watergate First, Reporter Richard Pérez-Peña, who rightly remarked that "If [Mr. Phelps's] and Mr. Smith's accounts are correct, *The Times* missed a chance to get the jump on the greatest story in a generation"; NYT; 24may09; fn.173a.

[199] **a)** fn.114b; **b)** jur:24¶32; 68¶143; and fn.111 >HR:214

a. J. Sotomayor's –the Then-2nd Circuit Judge and Now-Justice Sonia Sotomayor[200a]– unaccounted-for earnings[107c] earned or acquired during the following periods:

1) 1976-1979: jobs held while a law student, including at a NY City top law firm[200b];

2) 1979-1984: Assistant District Attorney in the NY County District Attorney's Office[107b >JS:1¶6];

3) April 1984-December 1987, associate, and January 1988-September 1992 partner at the high-end boutique law firm Pavia & Harcourt;

4) October 1992-October 1998: District judge of the U.S. District Court for the Southern District of NY(SDNY; jur:17,18);

5) November 1998-July 2009: Circuit judge of the U.S. Court of Appeals for the Second Circuit[201];

6) August 2009 to date: Associate Justice of the Supreme Court. [202]

232. The table of Then-Judge Sotomayor's financial affairs[107] is based on the documents that she filed with the Senate Committee on the Judiciary[107b]. To supplement it with additional information about her earnings, assets, and liabilities, the investigators can:

a. address a request under the NY Freedom of Information Law (FOIL)[203] to the Records Access Officer at the NY County District Attorney's Office(jur:19) for the documents concerning the payment of her salary when she was an assistant district attorney there from 1979-1984[204];

b. interview her former employer, the high-end boutique law firm of Pavia & Harcourt, to find out, in general, her earnings there from April 1984 to September 1992 and, in particular, her receipts after quitting that firm. To determine the latter account should be had of the contrast made in the article "For a justice, Sonia Sotomayor is low on dough", by Josh Gersten of Politico, between 'the about $25,000 that she was due for her partnership interest' in that firm and 'the more than $1,000,000 that chief justice John Roberts was paid in salary and compensation for his interest when he left his law firm, Hogan & Hartson, in 2003'[205];

c. interview her law clerks and court clerks when she was a district and then a circuit judge

233. Then-Judge Sotomayor can be investigated for her condonation of the systematic dismissal of misconduct complaints against her peers and her cover-up of them through the denial in the Second Circuit council of 100% of dismissal review petitions during the 1oct96-30sep08 12-year

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200 **a)** http://Judicial-Discipline-Reform.org/docs/judges_bionotes.pdf; **b)** fn.107b >JS:1-3, et seq.

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

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

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

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

205 **a)** fn.107a >ar:7; **b)** http://Judicial-Discipline-Reform.org/SCt_nominee/Pavia&Harcourt_7feb10.pdf; **c)** Pavia & Harcourt, LLP, 600 Madison Avenue, New York, NY 10022; tel. (212)980-3500, fax (212)980-3185; http://www.pavialaw.com

period[199b](jur:11).

234. The investigators can *Follow the money!* unaccounted for by:

   a. WBNY U.S. Bankruptcy Judge John C. Ninfo, II,[114b,124];

   b. the judge to whom his M&T decisions[206] and *DeLano* were appealed, i.e., WDNY U.S. District Judge David G. Larimer[207];

   c. the 2nd Circuit judges, including Then-Judge Sotomayor; and

   d. the Supreme Court on behalf of themselves and legal and bankruptcy system insiders[113a,b;114b].

235. Those judges:

   a. helped conceal at least $673,657(jur:15) in *DeLano*[112b] by:

      1) denying *every single document* requested by the outsider-creditor and needed by the judges and justices themselves to find the facts on which to decide the case, including 12 denials in circuit court in *DeLano*, over which Judge Sotomayor presided[109], and

      2) J. Sotomayor's withholding *DeLano* from the Senate and its Judiciary Committee[132], lest the blatant violation of due process and discovery rights in that case lead to those documents and expose their bankruptcy fraud scheme[94]; and

   b. caused assets to disappear in *Premier* and *Pfuntner*[206], 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 order[208] and denying the mandamus writ[209] to remove those cases from Judge Ninfo and transfer them to another U.S. district court that could presumably be fair and impartial.

236. The investigators can search for Judge Larimer's unaccounted-for money in the mandatory[107d] annual financial disclosure reports that he filed with the Administrative Office of the U.S. Courts[210]. In 2008, his judicial salary alone was $169,300[211], placing him in the top 2% of

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206 fn.114b >GC:17§B and 21§C

207 **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

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

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

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

211 5 U.S.C. §5332; http://uscode.house.gov/pdf/2011/ Wednesday, April 11, 2012 7:53 PM 5677799 2011usc05.pdf >pg. 414 §5332, Schedule 7, Judicial Salaries; http://Judicial-Discipline-Reform.org/docs/5usc_2011.pdf: "(Effective on the first day of the first applicable pay period beginning on or after January 1, 2012)

income earners in our country[212]. 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?

237. The investigators can likewise examine the financial reports of Judge Ninfo[213], who presided over all the *Premier*, *Pfuntner*, and *DeLano* cases and more than 7,280 of only two insider trustees[113a, 114b].

b. The *Follow the wire!* investigation

238. This investigation will seek to determine whether the anomalies in the behavior of email accounts, mail, and phone communications[214] are traceable to the Judiciary's abuse of power by ordering its own and other technical personnel to illegally[215] intercept people's communications

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

Bankruptcy judges' salary is 92%, 28 U.S.C. §153(a)(fn.61(a)), and magistrates' is "up to an annual rate equal to 92%" of that of a district judge, §634(a)(fn.61(b)), i.e., $160,080. Such well-above average salary(fn.212) provides a strong motive for them to do whatever it takes to earn reappointment and avoid removal by their circuit and district peers(jur:56§e).

By comparison, the median income in the U.S. for a *household* rather than an individual was $50,054 in 2011, a 1.5 per-cent decline in real terms from 2010; http://www.census.gov/prod/2012pubs/p60-243.pdf >page 5.

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

213 **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.[91] Committee on Financial Disclosure, a committee of judges, who are their peers and filers of similar reports, assisted by members of the Administrative Office of the U.S. Courts(fn.10), who are their appointees and serve at their pleasure; http://www.uscourts.gov/SearchResults.aspx?IndexCatalogue=AllIndexedContent&SearchQuery=Committee%20on%20Financial%20Disclosure.

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

215 **a)** Obama administration warns federal agencies that monitoring employees' e-mail could be violating the law, by Lisa Rein, *The Washington Post*; 21jun12; http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:101;

b) Stepped-up computer monitoring of federal workers worries privacy advocates; by Lisa Rein, *The Washington Post*; 16aug12; http://Judicial-Discipline-Reform.org/docs/fed_gov_computer_monitoring.pdf

with the intent to:

a. impede the broadcast of facts regarding its abusive discipline self-exemption and resulting riskless coordinated wrongdoing;

b. hinder the formation of an entity for the advocacy of journalistic and official investigations of such wrongdoing; and thus

c. forestall the adoption of effective judicial accountability and discipline reform.

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

239. The investigative reporters(jur:102¶230) can continue their investigation in the field. There they can approach a source of information[216] that is essential to expose coordinated judicial wrongdoing: the judges' law clerks[217] and the clerks of court[218]. 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.[146] But law clerks are young and still have the idealism of young people. Some even studied law because they believed in our system of justice and the power of the rule of law to make a better world. In this frame of mind, they can only feel disgusted at all the wrongdoing that they must witness in silence in their judges' chambers and in the courtroom and are even required to execute as the judges' agents of wrongdoing.

240. 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 rules[219] 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…

241. 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

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[216] 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

[217] 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.

[218] **a)** National Conference of Bankruptcy Clerks; http://ncbc.memberclicks.net/;
b) Federal Court Clerks Association; http://www.fcca.ws/

[219] Cf. http://Judicial-Discipline-Reform.org/docs/CA2_Local_Rules_IOP_8sep11.pdf

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.

242. 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.[220] The same assurance can be extended, of course, to current and former legal and bankruptcy system insiders[169](cf. jur:9) and members of the Judiciary as well as members of the Executive Branch and Congress.

243. 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.[221], circuit conferences[222], private seminars[223], and meetings of classes of judicial officers and employees[224]. What did these service personnel

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[220] **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/

[221] The Judicial Conference[91] meets in Washington, D.C., in March and September[cf.fn.29] for two or three days at the Supreme Court and the Administrative Office of the U.S. Courts[10], which maintains its secretariat. At the latter venue, its circuit and district members meet with the judges that form the Conference's many committees, e.g., on financial disclosure reports, judicial conducts, and the code of conduct; http://www.uscourts.gov/FederalCourts/JudicialConference/Committees.aspx. Its meetings are always held behind closed doors, http://Judicial-Discipline-Reform.org/docs/DrRCordero-investigators_leads.pdf, after which it issues an anodyne press release on miscellanea, http://Judicial-Discipline-Reform.org/Follow_money/JConf_systematic_dismissals.pdf.

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

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

[224] **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/

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[224e] 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¶31)

d. Library investigation

244. The investigative reporters(jur:102¶230) can also conduct a library investigation. Starting with the leads already available[198], they can search for relevant information in:

a. commercial databases[225], e.g., Accurint, Dialog, Dun & Bradstreet, EDGAR (financial filings), Hoover, LexixNexis, Martindale & Hubble (directory of law firms and biographies of lawyers)[226], Proquest, Saegis and TRADE-MARKSCAN, Thomson Reuters CLEAR;

b. WestLaw[227], a division of the private company Thomson Reuters, and Lexis-Nexis[228], also a private company, but both report under contract with federal and state governments court procedural rules, case decisions, and legislation, as well as vast amounts of information on an extensive list of topics, including judges, lawyers, companies, people, commercial and financial transactions, etc.;

c. credit reporting bureaus, e.g., Equifax, Experian, TransUnion; Privacy Guard;

d. federal government databases, e.g.:

1) Administrative Office of the U.S. Courts[229],

2) PACER (Public Access to Court Electronic Records, particularly rich in bankruptcy

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fellows/default.aspx; **e)** cf. fn.123c >CA:1749§2

225 Cf. commercial databases with links at fn.254a >¶10

226 http://www.martindale.com/

227 **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;

c) http://directory.westlaw.com/

228 https://www.lexisnexis.com/

229 http://www.uscourts.gov/Home.aspx

filings)[230],

3) Code of Federal Regulations (regulations and decisions of federal agencies)[231],
4) Council of the Inspectors General on Integrity and Efficiency (73 I.G.s that act as watchdogs of federal government operations)[232],
5) General Accounting Office (the investigative arm of Congress, reputedly impartial and thorough)[233],
6) Office of Management and Budget (attached to the White House, i.e. the Executive Branch)[234],
7) Securities and Exchange Commission (filings of publicly traded companies)[235],
8) the U.S. Senate[236] and the U.S. House of Representative[237] (which contain a treasure trove of reports on the investigations and hearings that normally precede and provide the foundation for federal law);
9) U.S. Code[238] (the thematic collection of all public and private laws of the federal government),
10) US Tax Court (where litigants' filings may disclose otherwise confidential tax information)[239],
11) THOMAS (the Library of Congress)[240],
12) U.S. Code Congressional & Administrative News[241a] (U.S.C.C.A.N.; containing the transcripts of congressional sessions; published by WestLaw)[241b];
13) government offices at the federal, state, county, city, and local levels with which documents must be filed and that may issue licenses, certificates, permits; etc., e.g.:

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230 http://www.pacer.uscourts.gov/index.html

231 http://www.gpoaccess.gov/cfr/index.html

232 http://www.ignet.gov/

233 http://www.gao.gov/

234 http://www.whitehouse.gov/omb/

235 http://www.sec.gov/

236 http://www.senate.gov/

237 http://house.gov/

238 http://uscode.house.gov/download/download.shtml

239 http://www.ustaxcourt.gov/

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

241 **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

a) National Association of Counties[242],
b) National Association of County Recorders, Election Officials and Clerks[243],
c) National Center for State Courts[244]
d) Drug and Food Administration and similar state agencies;
e) the departments of labor;
f) departments of vehicles;
g) departments of buildings;
h) departments of vital statistics, such as births, weddings, divorces, deaths, etc.;
i) departments of educations that record enrollment in, and employment at, schools and other educational institutions;
j) land registries

e. state sources of information:
   1) state family courts (where divorce and child custody dispute may reveal hidden assets, unpaid taxes, and money laundering)[245],
   2) Private Library Associations[246];
   3) State & Regional Library Associations[247];

f. other sources of information:
   1) social networks, e.g., Facebook, Twitter, UTube;
   2) accounts of dealings with judges and insiders posted by the public on websites that complain about judicial wrongdoing;[248]
   3) rosters of marinas, airports, and landing strips that register docking, maintenance services, and landing rights; etc.

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242 http://www.naco.org

243 http://www.nacrc.org/

244 http://www.ncsc.org/

245 http://family.findlaw.com/family/family-law-help/state-family-courts.html

246 http://www.plabooks.org/

247 http://www.libraryconsultant.com/associations.htm

248 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/

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

1) Accounts of dealings with the judiciary

245. 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 patterns[249] of conduct that reveal intentional conduct and coordination among judges, insiders, and others. This in turn can help figure out the most organized and pernicious form of coordinated wrongdoing: a scheme[94]. Likewise, responses to neutral questionnaires can help determine public perception of the fairness, impartiality, and honesty of judges and the degree of public satisfaction with, and trust in, their administration of justice as what they are: judicial public servants of, and accountable to, the people.

2) Questionnaires as precursors of a statistically rigorous public opinion poll

246. 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 phase[254](jur:130§5) of the investigation of coordinated judicial wrongdoing.

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

247. Another type of accounts of dealings with judiciaries that can prove useful even if submitted in a smaller number than general accounts of dealings with the judiciary is formal misconduct complaints against judges filed under federal[18] or state law. In the Federal Judiciary, as revealed

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[249] 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).

by its official statistics[250], **a)** these complaints are systematically dismissed by chief circuit judges(jur:24¶¶32-§c); **b)** petitions to review those dismissals are systematically denied by the circuit and district judges of judicial councils;[127b] and **c)** petitions to review those denials have never been addressed by those chiefs and district judges that are members of the Judicial Conference[221]. This consistent and unconditional partiality of judges toward their own provides evidence of coordinated conduct, whether through agreement(jur:89¶¶198-199), knowing indifference(jur:90§b), or willful blindness(jur:91§c), aimed at reciprocally covering up their wrongdoing regardless of the nature and gravity of the allegations(jur:68¶143) or the detriment to complainants and the administration of justice.

248. 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[60]. Therefore, copies of these complaints can contribute to establishing that coordinated wrongdoing has become the Judiciary's institution-alized modus operandi.

249. 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.[251] 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 be in itself 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.[252]

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[250] fn.19a and b >Cg:1-10F

[251] fn.18 >§360(a)

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

E. Multidisciplinary academic and business venture to promote judicial unaccountability reporting and judicial accountability and discipline reform study and advocacy

1. The marketing premise of the venture's business plan: market behavior of people outraged by judges' wrongdoing

250. The initial multimedia public presentation of evidence of judges' wrongdoing(jur:97§1) can pioneer a new field of profit-making journalism(jur:7¶¶22-26) and public interest advocacy: Judicial unaccountability reporting and legislated reform with citizen-implementing participation. It will encourage journalists to investigate, in general, the evidence already available on judges' unaccountable power, money motive, and practically unreviewable cases, and the consequent riskless wrongdoing that is thus renders irresistible and all the more self-beneficial through coordination among judges and between them and insiders of the legal and bankruptcy systems(jur:21§A); and, in particular, the *DeLano*-J. Sotomayor case(jur:65§B; jur:xxxvi), as a concrete, especially egregious instance thereof involving a sitting Supreme Court justice, offering an abundance of leads(jur:102§4), and holding out the realistic(jur:81§C) prospect of becoming a national story, causing the resignation of one or more justices and judges (jur:92§d), and earning coveted rewards: a Pulitzer Prize, a bestseller book on the investigation, portrayal by a Hollywood star on a blockbuster movie, and being studied in every journalism, law, and business school in the country.

251. Moreover, the multimedia public presentation(cf. dcc:13§C) can set the stage for announcing a business and academic venture to pursue judicial unaccountability reporting and reform.[253a] Its operative core will be formed by a team of professionals engaged in for-profit multidisciplinary research, investigation, education, and publishing as well as monitoring, consulting, representing, and lobbying. All their activities will be aimed at bringing about and implementing legislated reform that allows the people to exercise democratic control of the federal and state judiciaries through citizen boards of judicial accountability and discipline. The venture will be open to the media, public interest entities, teaching institutions[cf.256e], 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 at least 100 million litigants that are parties to 50 million new cases filed annually and the scores of millions that are parties to the cases already on the dockets(jur:3¶22).

252. The rest of the people too will be outraged upon learning that wrongdoing judges who disregard the law are the ones affecting their rights concerning foreclosures, abortion, the bearing of arms, privacy, whom they marry, voting, equal pay, immigration, the quality of the air that they breathe or the food, water, and drugs that they take in or medical care that they receive, in short, every aspect of their property holding, liberty, and life. All of them, the people, are likely to become avid consumers of judicial unaccountability news. They may also feel the need to acquire services and products that can help them defend themselves from abusive unaccountable judges. They may wield them as swords to assert their constitutional rights to due process of law and equal protection thereunder just as they go on the offensive to hold judges, their public servants, accountable. They may also hire lawyers, lobbyists, and public relations consultants to advise

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253 **a)** fn.187a >ddc:10; **b)** id. >dcc:¶8

them on how and where to demand individual and class compensation for the harm inflicted upon them by wrongdoing and abusive judges and their respective judiciary. They may help financially those engaged in advancing the cause of judicial accountability and discipline reform. Outrage at those judges will stir up people to take action, whether to follow the news or spend money to act on it, because what is at stake is central to Americans' system of values as individuals and a nation and a source of commitment to defend it at whatever expense of effort, time, and money: the birthright to Equal Justice Under Law.

253. Outraged people feel a driving need for news of the outrage-causing event(jur:4¶12)[254], which need becomes a compelling urge when the outrage harms them as individuals, with the urge becoming compulsive when the harm is not only to their property or their bodies, but also offends their sense of fairness and justice and insults their dignity by humiliating them as objects of abuse; and people who have been harmed will pay for protection and invest to recover what was taken from them, with unwavering determination investing themselves in the recovery when what they want back is their personal worth: their self-image as equal to others and deserving of equal treatment, especially by those whose duty as public servants it is to serve the people and administer to them their entitlements, the overriding one of which is Equal Justice Under Law. That is the marketing premise underlying the business plan of the multidisciplinary academic and business venture. It is as pragmatically justified and morally acceptable as when lawyers charge attorney's fees to help people who have been sued solve their legal problems; when doctors bill for helping sick people regain their health; and when priests collect a service fee from bereaved relatives for officiating at a burial or holding a memorial service for the deceased; or when you as an engineer, a plumber, an electrician, a boilerman, or a mechanic charge victims of a storm for repairing their ravaged home or flooded car.

254. The outrage of people victimized or offended by judges' wrongdoing will generate demand for the products and services of the venture's two components:

    a. **The *DeLano* Case Course,** a hands-on, role-playing, fraud investigative and expository multidisciplinary course for undergraduate or graduate students(dcc:1 and [187]); and

    b. **The Disinfecting Sunshine on the Federal Judiciary Project**, the first professional and methodical study of wrongdoing in Federal Judiciary (and eventually of that in its state counterparts) aimed at pioneering judicial unaccountability reporting as a means of advocating and monitoring judicial accountability and discipline reform. The projects' elements are discussed below(jur:130¶¶5-8).

255. Conceived as precursors to the venture but also capable of being further pursued by it are:

    a. the multimedia public presentation of the available evidence of judges' wrongdoing(jur:97§1);

    b. the *I accuse!* denunciation presenting such evidence and calling for the investigation of judges and the legislated reform of judicial accountability and discipline(jur:98§2);

    c. the two-pronged *Follow the money!* and *Follow the wire!* investigations of the DeLano-J. Sotomayor story(jur:102§4); and

    d. the brochures that can follow the initial public presentation and resulting first bout of public outrage, particularly from judicial wrongdoing victims, whom the brochures should

[254] See also fn.187 >dcc:7, 10

assist in providing feedback in a value-enhancing format and in taking concrete, realistic, and feasible action to expose their victimization and seek redress and compensation (jur:122§§2-3).

256. The discussion of these venture components and elements as well as their precursors can provide substantive contents to the initial multimedia public presentation and its subsequent informative and advocacy activities. Likewise, they constitute necessary subjects of the pitch to promote the venture in order to raise financial and intellectual capital and manpower for it.

2. The brochure on judicial wrongdoing: conceptual framework, illustrative stories, local versions, and its templates for facilitating people's judicial wrongdoing storytelling and enhancing the stories' comparative analysis

257. 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 local[255] judiciaries. This can be done by inviting the public to call in[1] and by having local professionals comment on the incidence of wrongdoing in their respective judiciary.

258. Local professionals, the public, and the media can be provided with a brochure on coordinated judicial wrongdoing. It can be short, written for laypeople[256a-d], and explain[256e-f] the conceptual and statistical framework(jur:21§A) for understanding such wrongdoing(jur:88§a-d). It can contain real-life stories illustrating categories of wrongdoing in the federal and state judiciaries. It can be widely distributed by digital means as well as in print at the public presentation. Given

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[255] 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=73163469999999&RMID=20110927-CYBER-V9_REACT_DOTS_L369567&RRID=73163469999999&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.

[256] Cf. **a)** http://Judicial-Discipline-Reform.org/docs/strategy_expose_judicial_wrongdoing.pdf;

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

c) jur:9 and http://Judicial-Discipline-Reform.org/docs/graph_fraudulent_coordination.pdf

d) http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf

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

f) http://Judicial-Discipline-Reform.org/teams/NYU/11-10-24DrRCordero-ProfJCalderone.pdf

its availability in digital format, which allows its content to be easily recomposed, the brochure can gradually have a version for each of different judiciaries[257] 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!* denunciation(jur:98§2). A flier about the brochure and with the link to it can also be distributed at the presentation and similar events.

259. 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.

a. Template on detection and investigative method and its application to all those on the ring of wrongdoers

260. A template can set forth a method for non-journalists to detect and investigate several categories of judicial wrongdoing and impropriety[258] 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 dollars[31] 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.

261. Expanding the investigation to encompass all those on the ring of wrongdoers is intended to accomplish two objectives. On the one hand, it puts pressure on incumbent politicians to heed the public's outrage at judicial wrongdoing that holds them responsible for putting in office judges accused of wrongdoing. On the other hand, it alerts their challengers to recognize such wrongdoing as an issue on which incumbents can be fatally vulnerable. This is specially so if challengers can show that the incumbents covered for wrongdoing judges through agreement, knowing indifference, willful blindness, or improprieties.(jur:88§§a-d)

b. Template to facilitate writing brief stories susceptible of comparative analysis

262. Many victims of judicial wrongdoing are pro se or have little or no writing experience or skill.

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

[258] 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

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.[259] 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.[260] 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 enough[261] for their authors to post on blogs in order to call readers' attention to ongoing forms of judicial wrongdoing and bring together those that have had similar experiences[262]. 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 being 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.

263. 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.[263] 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.

c. Templates to request media coverage and to file judicial wrongdoing complaints

264. 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

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

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

261 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

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

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

unaccountability and wrongdoing, hold wrongdoers accountable, and undertake judicial accountability and discipline reform.

265. Yet another template can illustrate the steps for filing a judicial misconduct complaint that complies with the form and substance requirements of the Federal Judiciary[264]. 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.[265]

266. As offspring of the *I accuse!* denunciation(jur:98§2), the brochure and its templates can in turn be conceived of as prototypes of, and advertisement for, the writing seminars and classes that in due time the proposed venture can offer[254] 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.

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[264] **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

[265] 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

3. Collection of stories for the Annual Report on Judicial Unaccountability and Wrongdoing in America and its supporting database

267. Another incentive(cf. jur:123¶262) 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.[254] 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*:[266a] *How an outraged people turned into a movement*[266b] *for Equal Justice Under Law*.

268. The Annual Report will be a key evidentiary instrument and a main product of the venture.. Its underlying support will be a professionally built database of cases of judges' wrongdoing as well as their statements. It will list in a column the states for which there are to report incidents of egregious and thus unambiguous judicial wrongdoing. They must also be significant from a journalistic and legal standpoint. The row of each incident will have cells to provide essential docket information and hyperlinks to the most relevant court documents if a case relating to the incident has been filed. News articles, if any, will also be hyperlinked.

269. One of the cells will provide the incident-type identifier that will hyperlink to the incident synopsis, similar to the abstract of an article in a professional journal. This will be the most important paragraph, frequently the only one to be read by those choosing which incident to investigate or interested in an overview of judicial wrongdoing nationwide. The synopsis will describe in 150 or fewer words the kind of information that enables the first paragraph of a well-written news article to grab the attention of the reader and make her want to read on for details, the so-called 6-W's: what, where, when, who, how, and why. This should suffice to state the nature and gravity of the incident. However, understanding, analyzing, integrating, and summarizing information obtained from court documents, victims' letters, and phone or face-to-face interviews in order to compose a sober, accurate, and fair statement demand a high degree of professional competence. Such work also requires keen awareness of what is at stake: the responsible portrayal of all those involved in the incident and the reputation of the venture and its advocacy.

270. For the venture professionals and their supporting staff to be able to write clearly, concisely, and instructively, whether it be the incident synopsis, its longer account, or briefs, petitions, and articles for the courts, the authorities, and the media, they will perform several essential information-processing, highly detail-oriented, but imagination-demanding and creative tasks:

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

    b. **Boomerang scrutiny** identifies statements in orders, decisions, speeches, press releases,

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[266] **a)** fn.252 >7§f; and **b)** jur:162§9

and articles of wrongdoing judges as well as those who have been remiss in their duty to hold them accountable in order to detect patterns of bias or intrinsic inconsistencies or extrinsic incongruities and use their own words to impeach their credibility or knowledge and hold them to their views and promises.

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

d. **Springboard analysis of documents** analyzes documents, e.g., reports on previous investigations by authorities and civilians into official corruption and influence peddling, as well as legislative hearing and debate transcripts and reports on relevant subjects and laws, to gain inductive insight into judicial wrongdoing that allow the intellectual journey from the particular incident under consideration to wrongdoing as a judiciary's institutionalized modus operandi, by **1)** analyzing the dynamics of the harmonious or conflicting interests of those engaged in, or affected by, wrongdoing in that incident and in general; **2)** identifying the means, motive, and opportunity enabling the wrongdoing of the judge in question and of all his peers; **3)** picking up leads to further the investigation; and **4)** formulating particular and general investigative hypotheses, explanations of the incident and of judicial wrongdoing, and realistic proposals to deal with the incident or reform the judiciary.(cf. dcc:8)

e. **Mosaic integration of bits and pieces of data** is performed by reading a document to **1)** gain an understanding of the workings of its statements and discern between its lines its assumptions, implications, and hidden message; **2)** mine it for bits and pieces of data whose potential importance is more sensed by sensitive fingers than realized by trained eyes; and **3)** in light of their relative shades and shapes of relevance and credibility place them in the mosaic being developed with the bits and pieces of many other documents, whose placement in the mosaic sometimes is suggested by the picture that gradually reveals itself as the bits and pieces fall into place like those of a puzzle, and sometimes is prompted by intuition that causes an associative leap between apparently meaningless bits and pieces of data and some other element of knowledge that allows recognizing data as information and permits the reconfiguration of the developing mosaic into a different, even totally unsuspected, picture of meaning. Built on the support of the previous four items, this is the type of insightful analysis that will be most needed to penetrate the secrecy-ridden Federal Judiciary(jur:27§e; xli), establish the Annual Report as a piece of scholarship of the highest caliber, and illustrate the distinctive educational contribution that the academic component of the venture can make to the education of students(jur:153§c; dcc:15).

4. The set of professional skills needed in the multidisciplinary team of the academic and business venture

271. It is a wide set of skills that the academic and business venture will need to perform the above-described activities in its more mature phase, that is, as an institute of judicial unaccountability reporting and reform advocacy(jur:130§5). The entry into, and in-house performance of, all those activities will be progressive, of course, as happens whenever a new entity with a complex mission is formed, funds are hard to come by, and their allocation has to be very pragmatic. Progress will be made along the steps of an ambitious yet well laid out prudent and affordable plan of development flexible enough to take into account ever-changing internal and external realities. So, it is useful to identify the professional skills needed by the people that will be called upon both to devise and implement the plan.

a. Venture activities requiring professional skills

272. The fundamental skills that the venture needs are in the areas of the law, journalism, business, and social sciences. Therefore, the venture promoters welcomes inquiries from professionals that can multitask at a high level of proficiency in the largest number of the following activities:

a. legal, economic, corporate, and news and social networks research and analysis;
b. computer forensics;
c. database correlation;
d. literary and linguistic forensics[267];
e. fraud & forensic accounting and auditing;
f. statistics;
g. business management, psychological, and sociological analysis of close-knit groups and its members as they interact among themselves and with others driven by a 'black robe family first' and 'code of silence we-they' mentality;
h. public integrity and law ethics;
i. investigative journalism's techniques for interviewing and developing sources;
j. private investigators' personal and technical surveillance techniques;
k. nonviolent civic action planning and deployment[291] in conjunction with social media as a means of spreading a message, shaping public opinion, and galvanizing people into action;
l. good writing, creative non-fiction, and self-editing;
m. mass communications techniques for designing a public message and implementing a public relations campaign;
n. multimedia and marketing techniques for the life presentation, packaged distribution, and sale of research products and services;
o. public speaking and advocacy, and lobbying;

[267] http://www.forensicpage.com/new33.htm

p. multidistrict, class action, federal/state, constitutional law litigation;

q. fundraising.

b. University students as high quality assistants to the venture team

273. There is no doubt that the venture needs seasoned professionals with advanced knowledge and rich experience in the activity in which they are supposed to take a leading role as part of the venture team. However, the venture can also benefit significantly from the assistance that it can receive from a special group of promising and enthusiastic people: university students, particularly those in graduate schools(cf. dcc:10). Though still acquiring knowledge and having little experience in the venture-related activity in which they can work, they bring with them a set of mindframe and attitudes of great value: a need to prove to themselves and others what they are worth; the determination to meet that need by striving relentlessly for excellence; the capacity to take on with masochist gusto excruciating pressure in competition with themselves and others; and the still unblemished idealism of young people who believe that they can start now to change the world for the better by sacrificing their present personal interests in order to join a noble cause greater than themselves and beneficial to the common good, as is Equal Justice Under Law owed and demanded by We the People.

274. Students can be brought in as venture assistants through a variety of paid or unpaid arrangements:

a. after-school part-time job that students search for and obtain on their own initiative;

b. placement with the venture after the latter or the university student financial aid office took the initiative to contact the other;

c. externship or internship in the context of a more or less structured academic program that may include a project with identified quantitative or qualitative objectives with or without academic credit upon evaluation by either the venture supervisor or the university professor to whom the students submit a report or a completed project, e.g.. collecting judicial and non-judicial writings for database building(jur:150¶10)).

d. a semester-long academic course taught by either a venture instructor or a university professor geared toward completing a learning by doing project of academic value to the students and of professional relevance to the venture, e.g., judges' decisions auditing through statistical analysis(jur:136§a)); legislative drafting(jur:158§7).

e. "clinics" where students under the supervision of a venture instructor or a university professor offer services to certain types of members of the public, i.e. investigating or documenting their experience as victims of judges' wrongdoing for incorporation in a report(jur:126§3) or filing with an official judicial misconduct body;

f. case study where an individual or group of students goes to, for instance, a court, a legal defenders' office, or an organization of victims of judges' wrongdoing, to study it and submit for academic credit to venture or university supervisors intermediate and final reports that may be intended for publication and/or for use as teaching material (jur:122§§2-4);

g. joint project where a group of students work together with venture team members and university professors to accomplish a specific task, e.g. research and development of

software for identifying the presence or absence of variables in the written or verbal items of a database in order to perform literary and linguistic forensic analysis(jur:140§b)); public advocacy of judicial reform(jur:155§e);

h. collaborate with the students and their professors that at journalism schools, in particular, or universities, in general, run radio and TV stations; are learning to use the facilities and apply the techniques for making photo and video commercials and documentaries (dcc:13§C); are learning to develop public relations campaigns(dcc:14§D); and can integrate all the crafts of journalism and communications to produce a multimedia presentation of a message[188a];

i. full-time summer job.

5. Creation of an institute of judicial unaccountability reporting and reform advocacy

275. The business and academic venture[254] includes the creation of a for-profit institute of judicial unaccountability reporting and reform advocacy[253].

a. Purpose

276. 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, the consequent riskless wrongdoing engaged in individually or in coordination among themselves and with third parties, such as law and court clerks, lawyers, bankruptcy professionals[169], litigants, politicians, and other enablers and beneficiaries of judicial wrongdoing;

b. clearinghouse of complaints about judges' 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"[268] 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, and possible publication and investigation by the institute;

c. prototype of a citizen board of judicial accountability and discipline(jur:160§8) that through its official investigation of both complaints against judges received from the public and information about judges' wrongdoing obtained through its exercise of its subpoena, search and seizure, and contempt power 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, all of which can also exercise their power of criminal prosecution; and

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

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.

b. As researcher

277. As researcher[269] the institute of judicial unaccountability reporting and reform advocacy will conduct advanced statistical analysis and work in information technology.

1) Analysis of the official judicial statistics

278. The official statistics of the Administrative Office of the U.S. Courts[10] constitute the main data source of the analysis of the means, motive, and opportunity of federal judges' unaccountability and consequent coordinated riskless wrongdoing.(jur:21§A) Those statistics lie at the basis of the tables(jur:10,11) showing the chief circuit judges' systematic dismissal without investigation of 99.82% of misconduct complaints against their peers and the out of hand denial, even reaching 100% during a 13-year period, by the respective judicial council of the petitions for review of dismissed complaints.(jur:24§b) The tables already prepared concern only either the aggregate statistics for the 13 circuits or the individual statistics for the 2nd Circuit.

a. The institute can update those tables and perform the corresponding statistical analysis and tabulation for each of the other 12 circuits.

b. It can also research the records to establish which judges were holding the chief circuit judgeships or membership in the judicial councils and therefore participated in such unlawful and self-interested abrogation in effect of the Act of Congress[18a] conferring upon people the right to complain about judges.

c. Those judges' participation can be confronted with their statements about their "fidelity to the law"[132f] and their impartiality(jur:68¶143).

d. Similarly, judges' record of voting to deny ever more systematically petitions for panel rehearing and hearing en banc can also be researched in every circuit to establish the extent to which judges indulge in such "abuse of discretion"[74] and reciprocal cover up on the ground of the explicit or implicit agreement "if you don't rehear or review the decisions of the appellate panels on which I sat, I won't rehear or review those of the panels that you sat on, and never mind the appellants whining that the decisions were wrong or wrongful".(jur:45§2)

e. The suspicious stability year after year of the number of such complaints filed with judges-judging-judges has been compared with the remarkable trend of increasing number of cases filed at all levels of the federal courts hierarchy(jur:12-14) as the population increases and America becomes an ever more litigious society. This comparison can be updated and refined by comparing the increasing number of whistleblowers complaining against their employers as well as the increase in the number of wrongdoing public officers in the other

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

two branches of government, who are persons and members of the same society as judges are where lawful and ethical principles give way ever more blatantly to greed and expediency, as most recently shown by wide spread institutionalized fraud in the subprime mortgage debacle involving both lenders and borrowers.

279. Similar and other types of statistical work can be performed using current statistical methods while the advanced Information Technology software product proposed below is being researched and developed.

2) Research and development in Information Technology

280. The purpose of the institute's IT work will be to research and develop a software product capable of auditing the writings of or about subjects of the legal system and profiling them thereon. To that end, it will develop metrics of personal and official behavior and algorithms to identify instances, patterns[249], and trends of behavior that have predictive function for the outcome of a case to be filed or already at bar; and that reveal the subjects' underlying motive, means, and opportunity to engage in such behavior(cf. jur:21§A). Thereby the product will provide objective, factual information that can help private users to reliably develop their legal strategy and public users to obtain probable cause to open and conduct official investigations involving the subjects.

281. The metrics of behavior will measure the subjects' suitability to play their role in the legal system. Suitability will be a function of the subjects' fairness, impartiality, competence, and integrity, or the lack thereof due to evidence or appearance of wrong or wrongful behavior, which may be motivated by a wrongful attitude, that is, bias, prejudice, actual or potential conflict of interests, or personal agenda. In short, this software product will enable users to evaluate a subject's past and probable future behavior and proceed accordingly.

3) Judges to be the first subjects to be audited and profiled

282. The product will concentrate initially on auditing the writings and profiling the subjects that play the single most outcome-determinative role in the legal system and as to whom the available written materials are most abundant and reliable as matter of public record that also has precedential value, namely, judges. There is no implicit prejudgment in stating that a judge will be audited for wrongdoing. It is obvious that if the judge is discharging her judicial duty to administer justice according to law and is an otherwise law-abiding and ethical person, then there is no problem. But it is not reasonable to assume that judges, who are entrusted with an enormous amount of power over people's property, liberty, and lives, remain immune to the inherently corruptive effect of such power[28]. This is particularly so with regard to judges, who wield power to decide who gets or loses the most insidious corruptor: *money!*(jur:27§2) This is even more so because judges, as individuals and especially reciprocally as members of a class of similarly situated people, have the means to self-exempt from accountability and discipline to ensure the risklessness of their wrongdoing(jur:21§1).

283. Under those circumstances, the temptation to engage in wrongdoing and the pressure from other class members to tolerate the wrongdoing of any and all members of the class can be irresistible. This is the result of their wrongdoing having only an upside: It can be substantially beneficial in

professional(jur:25§c; 60§f), social(jur:62§g), and material(jur:27§2; 32§§2) terms yet carries no adverse professional, social, or material consequences. One statistic proves this: In the 223 years since the creation of the Federal Judiciary in 1789, the number of federal judges impeached and removed is 8!(jur:21§a) Nevertheless, of course, for those outside the judicial class and its enabling outsiders[169], judges' wrongdoing has a substantial downside, whether it be concrete adverse consequences on their property, liberty, and lives, or on the integrity of the judiciary and the rest of government by the rule of law.

284. Therefore, the only reasonable assumption that is supported by an understanding of the forces at play among a tight-knit class of people such as judges –cf. the police, political party leaders, sport teams– and that is not undermined by the naïve or partisan attribution to them of incorruptibility before or after becoming judge, is that wrongdoing by judges is, not waiting to happen, but rather waiting to happen again and to be exposed.

285. Moreover, for each judge there are numerous data sources that can be audited for analyzable data(jur:150¶337). That is so about the judge assigned to the case at bar as well as one likely to be assigned to it in a court where there are more than one judge or there is a schedule of panels of appellate judges to whom all cases are assigned that are filed during certain dates. Hence, the information obtained through auditing can allow legal strategizing and produce broadly based, reliable probable cause to initiate an official investigation, not to mention unofficial, journalistic ones. Eventually, the product can be applied to other legal system subjects with fewer data sources to mine for data, such as attorneys(jur:46¶46); clerks(73¶¶153-155; 106§c); bankruptcy professionals[169]; those who recommend, nominate, and confirm judges(77§§5,6); types of cases, etc.

4) The nature of judicial wrongdoing

286. The term 'wrongdoing' is ample, comprising both judicial performance, i.e., a judge's behavior in his capacity as such, and personal conduct, i.e., the rest of the judge's behavior in any other capacity. Judicial performance may be either wrong, thus possibly pointing to the judge's incompetence, or wrongful because it is driven by an ill motive, such as bias or prejudice concerning a person, a cause, or a type of case; self-interest in a conflict of interests; or a personal agenda pursued with disregard for the law, a sense of proportion, or the bounds of discretion. A judge's personal behavior can be as criminally or civilly unlawful or unethical as that of any non-judge. Judicial performance and personal conduct have some overlapping.

   a. Judicial performance centers on a judge's fairness, impartiality, and competence in the conduct of judicial proceedings and decision-making; e.g., whether he has been fair by not imposing sentences or allowing damages that are disproportionately harsh or mild compared with the defendant's culpable act and the punishment meted out to, or the compensation demanded from, similarly situated defendants in previous cases; impartial by not depriving a party of its right to discovery so as to protect the opposing party from incriminating material being discovered; and competent by not ignoring that a controlling case has been overturned by a recent case or overruled by legislation or not failing to integrate such new piece of information into his handling of the case at bar.

   b. Personal conduct centers on the judge's integrity in her private and official capacity. It concerns personal conduct such as her concealing assets and evading taxes; breaching a contract, e.g., by failure to pay rent or to buy or sell stock as agreed to; or using her

connections to secure admission to a college for a child despite the latter's disqualifying low grades or admission test score; and tolerating or even covering up other people's similar criminal, civilly unlawful, or unethical conduct.

c. i. Overlapping judicial performance and personal conduct occurs, for example, when a judge dismisses a complaint against another judge to cover up the latter's wrongdoing; takes advantage of confidential information learned in chambers or submitted under seal to purchase or sell property in a time-sensitive fashion or on more favorable terms; asks for or accepts a bribe to throw a case one way or another; or resorts to a defense lawyer that has appeared before her to have the lawyer set up offshore bank accounts to conceal the judge's illegal assets or engage in money laundering.

ii. There is also overlapping in the wrongful pursuit with judicial power of a personal agenda, as when a judge goes on a mission against police searchless warrants, although the Fourth Amendment only requires that searches not be unreasonable, not that they be executed only upon a search warrant; or a mission against computer hackers, such as those that hacked his private website and embarrassed him by exposing his collection of erotic pictures, whereupon he treats hackers as if they were terrorists, systematically denying them bail for posing a continued hacking threat to society and authorizing the tapping of their phone conversations, even with their lawyers, under color of measure to prevent the use of a phone for hacking.

287. Wrongdoing also includes failure to "avoid even the appearance of impropriety"[123a]. That concept has two points of emphasis: "Impropriety" bears on the nature of the behavior, which may fall anywhere along the spectrum ranging from clearly criminal to unbecoming of a person holding judicial office, such as becoming drunk and boisterous at a party. "Appearance" bears on the very low 'burden of proof' that must be carried by any person, for example, a journalist or a hotel concierge, for their allegations to create such an unfavorable or suspicious impression of the judge as to make her hold on office untenable and require her resignation(jur:92§d), such as discreetly rewarding her law school student who in her opinion is the best of the month with an all-paid weekend trip to the Cayman Islands bearing a gift for a friend of the judge who picks it up at the hotel front desk; or eating diner alone with a married law clerk in a restaurant's private room.

5) Main uses and users

288. The **main uses** of the initial software product that concentrates on judges will be:

a. to discharge an official duty both to hold judges accountable by monitoring their judicial performance and relevant personal conduct and to act on complaints about judicial misconduct by determining whether there is probable cause –not liable to attack as partisan animus– to believe that a judge has engaged in wrongdoing and should be investigate and, if warranted, disciplined or prosecuted; and

b. to detect any instance, pattern, or trend of behavior on the part of the judge or judges in the case to be filed or already at bar, which may or may not be wrong or wrongful but which may reveal the judge or judges' way of thinking and handling similar cases in the past, and devise legal strategy accordingly, for example, by deciding either to go ahead and litigate before them or petition on an objective, factual basis that the judges recuse themselves without incurring the risk of having the petition denied as a frivolous tactical move that can

provoke retaliation from the petitioned judges and their peers, or appeal their petition denial in order to have the judge or judges disqualified for cause.

289. The **main users** of the product will fall into two categories:

a. public

1) law enforcement agencies that must determine whether there is probable cause to believe that a judge has engaged in any wrongdoing, including failure to "avoid even the appearance of impropriety"(jur:134¶287), for which he or she should be investigated and held accountable; and

2) judicial performance commissions and citizen boards of judicial accountability and discipline(jur:160§8) empowered to:

a) monitor judges' performance on a regular basis; and

b) receive complaints against any judge from a judge or any other person and process them; and

b. private

1) attorneys, their clients, and pro ses who must devise their legal strategy for proceeding in their own cases; and

2) entities, such as the proposed institute for judicial accountability and reform advocacy, that

a) on commission from a third party audit for a fee a trial or appellate judge; or

b) audit judges, publish the results on the entities' websites, and make them accessible either on subscription or for free in the public interest and to attract webvisitors[cf. 213a].

290. All the main users must decide whether to spend months or years and thousands, tens of thousands, even hundreds of thousands or millions of dollars[83] in litigation. This can be emotionally-draining, for the stakes can include being sentenced to death, going to prison for the rest of one's life or for many years, plea bargaining, or being acquitted; being held liable for a high money judgment and even devastating punitive damages; establishing an adverse controlling precedent or a public perception contrary to a party's interest; or settling to dispose of the case with certainty as opposed to having it dismissed or reversed. At present, law enforcement officers, judicial performance commissioners, and attorneys base their decision on how to proceed on either their personal and thus limited and subjectively evaluated experience of practicing before a judge augmented by hearsay about such experience of others or base their decision only such hearsay alone if the decision-makers have never practiced before that judge. The decision may also be made by a client or a pro se relying on nothing more substantive than his passion-driven wishful thinking or fear-induced gut feeling. The toss of a coin may also be the decision-maker.

291. An advanced IT-based software product that evaluates a judge's past behavior by auditing vast amounts of data from a wide variety of sources constantly added to can provide users with a more reliable foundation for predicting how the judge is likely to handle the case to be filed or already at bar and whether users should petition the judge to recuse himself; appeal a denial in order to have him disqualified; settle or plea bargain.

292. For instance, using this product, a private user could find out that the judge assigned to his case ruled in 87.2% of her cases in favor of women suing their employers for promotion discrimination as opposed to the initially assigned judge, whom the user caused to recuse himself because the product audited judicial and extra-judicial writings of both the judge and other people and found expressions of ideas –not decisions– that gave the "appearance"[123a] of bias against women that work rather than stay home doing what they are supposed to do as wives. In reliance on that information, the user could decide to try his case more confidently rather than settle.

293. Likewise, the product can enable public users to discover the suspicious coincidence that a judge has been assigned purportedly by the luck of the draw conducted by the clerk of court whom he appointed(jur:30§1) to six involuntary bankruptcy petitions that any of three financial institutions, which financed the library annex of the law school of whose advisory board the judge was a member at the time of the annex construction, filed against debtors who were owners of land in the northern region of the judge's judicial district and who protested to the judge to no avail his approval of the sale by the same bankruptcy trustees of their land at below market price at private auctions to thinly capitalized international companies formed only weeks after the filing of the petitions and which have had no more activity after they sold the land to one of the members of a consortium that recently announced plans to build a freight train-airplane-truck intermodal transportation hub and merchandise distribution center in the district's northern region.(cf. jur:32§§2)3); 46§3) Based on this probable cause to believe that the judge has in effect engaged in a conspiracy to expropriate land for private use without due compensation, the public user can decide to open an investigation of the judge and others involved in this series of suspicious transactions.

6) Auditing a judge's writings

294. The auditing feature of the software product will audit a judge's judicial decisions in the case intrinsic data sources as well as his non-judicial writings constituting his case extrinsic data sources.(jur:150¶337) Its purpose will be to detect how a specific feature of a variable feature of cases, that is, the value of a variable –e.g., a parties' wealth, level of education, subject matter–, relates to the outcome of the judge's cases and whether that variable is controlled by a judge's behavior, which may or may not be wrong or wrongful, but which may result from a wrongful attitude, such as bias, prejudice, conflict of interests, and personal agenda. The product will calculate the statistical probability that such variable value will determine the judge's decision in a case that is or may come before that judge. Based on that information, a private user will be able to devise its legal strategy and a public user will be able to determine whether there is probable cause to investigate a judge for wrongdoing.

a) Statistical analysis for auditing a judge's decisions

295. The auditing feature of the software program only audits a judge's decisions and does so only through statistical analysis. This auditing is mostly in the nature of an accounting: A layout similar to a balance sheet is used, with the column on the left for plaintiffs and prosecutors and the column on the right for defendants. Under each column is set forth the same list of heading-like variables, each of which is subdivided into values. For instance, the variable 'party gender'

is subdivided into the two values of male and female; and the variable 'party representation' is subdivided into counseled and pro se; while the variables 'religion', 'race', 'ethnicity', 'company size', or 'subject matter' may each have three or more values. Next to each value is the *frequency number*, that is, the total number of cases before the audited judge where the party was, let's say, Catholic, Protestant, Jewish, Moslem, or None, followed by the *winning frequency* or number of cases where the parties with that value won; and the *frequency percentage*, or winning frequency expressed as a percentage of the frequency number. Other mathematical and statistical relations can be calculated in order to perform a more sophisticated analysis, but the ones named above suffice for the illustrative purpose here.

296. Let's consider the variable of political party affiliation and let's assign to it only two values, that is, affiliation to party A or to party Z. If either variable value has no bearing whatsoever on case outcome, then an A affiliated party opposing a Z affiliated party has the same 50%, toss of a coin chance of winning as of losing. That variable is outcome-irrelevant; it is a dependent variable because its influence on case outcome, if any, depends on the value of other variables. The opposite speaks for itself: If in 100% of cases the A party won when opposing a Z party, then the A value of the party affiliation variable is outcome-determinative. That variable is independent because its influence on the outcome of cases is not dependent on the value of any other single variable or set of variables. That variable is controlled by a judge's bias, prejudice, conflict of interests, or personal agenda, for there is no rational explanation in a system of justice governed by the rule of law that accounts for A parties winning 100% of cases when opposing Z parties, even where any two A parties have diametrically opposite values for all other variables, that is, they are completely different in every other respect, nevertheless they win merely because each is an A party opposing a Z party.

297. In this illustration, the political affiliation variable allows for proof of a judge's bias or prejudice: When opposing parties were both A parties or Z parties, there was no single variable that accounted for a party winning or losing 100% of cases. However, parties that were war veterans opposing non-veterans won 7 out of 10 cases; parties suing for, let's say, breach of contract won in 8 out of 10 cases; and parties defending against a charge of domestic abuse won in 9 out of 10 cases. Each of these three variables is dependent variables because none of each could determine the outcome of 100% of cases. Nonetheless, in combination they could become independent variables, and thus outcome-determinative: In litigation before the judge being audited where both parties were either A or Z parties, if a party was a war veteran and was suing for breach of contract, it won in 100% of cases.

298. The above makes the usefulness of the software product for auditing a judge's decisions patently obvious: An A party opposing a Z party could be all but certain of prevailing. Consequently, it would have no interest in either having the judge recuse himself or in settling with the opposing Z party on terms any lesser than the full relief requested. The same would hold true for a war veteran suing a non-veteran for breach of contract. The opposite would be the case for a Z party and for a non-veteran being sued for breach of contract: They would have every interest in petitioning the judge to recuse himself and doing so by invoking the evidence of his bias; otherwise, they would want to settle even by agreeing to the relief requested and thereby avoiding the expense of a judicial proceeding with a predetermined outcome adverse to them.

299. In the same vein but to varying degrees, a war veteran who learned that he had a 70% probability of winning over a non-veteran; a party suing for breach of contract with an 80% probability of winning; and a party defending against a domestic abuse charge with a 90% winning probability would find such information significant in devising their respective litigation strategy. By the

same token, a retired policeman suing an employed civilian; a party suing on reasonable reliance on an implied promise or estoppel by laches; and a party defending against a charge of assaulting another company executive officer could devise their litigation strategy by applying by analogy those statistics in the absence of statistics bearing on the specific variable values of their respective cases.

300. Likewise, law enforcement authorities, judicial performance commissions, and the proposed citizen boards of judicial accountability and discipline will use this product to determine whether there is probable cause to investigate a judge that has a record of ensuring a win for 100% of A parties opposing Z parties. Their attention will also be drawn to a judge whose record shows a pattern of partiality toward certain types of parties and subject matters.

(1) Enhancing the usefulness of statistics on a judge through comparison with judicial baselines

301. The *statistics* on *auditing a judge's decisions* take on much more significance when they are compared with their equivalent for all judges of her court, district, circuit, and judiciary. Each such level in the hierarchy of aggregates of judges can have its own *winning frequency average* and *frequency percentage* for each variable value. These comparative statistics represent baselines. The more a judge's winning frequency and, particularly, her frequency percentage for a given value deviate from the corresponding baseline, the more they point to the judge's anomalous behavior, which may signal wrongdoing.

302. To determine whether an audited judge's anomalous behavior results from wrongdoing the statistics on her can be vetted through a series of reasonable factual considerations; e.g., her unusually high number of winning defendants of Chinese descent is due to the fact that her judicial district includes China Town; the unusually high percentage of white collar convictions in cases before her is the result of the election of a district attorney who ran on a platform of holding accountable financial institution officers who organized or tolerated abusive subprime mortgage lending and, in addition, a pool of jurors particularly outraged by a notorious case of egregious abuse involving the husband of the state senate majority leader; her unusually high percentage of doctors held liable for high medical malpractice judgments is related to her having lost her kid brother when the apartment building that he was visiting collapsed due to a negligent engineering design.

303. Other patterns and trends may underlie a judge's decisions and come to light by auditing those decisions. The resulting statistics are revealing in themselves and even more so when compared with those on each level in the hierarchy of aggregates of judges, such as:

   a. the winning or losing of parties and:

      1) their wealth as well as the deciding judge's or panel judges';

      2) their pro se or counseled status, and if the latter, whether representation was provided by a solo practitioner or a small or medium firm or rather a large law firm capable or with a history of appealing unfavorable decisions and bringing their appeals to the attention of the media;

      3) their race; sexual or political orientations; religion; area of residence; employment status, type, and level; ethnicity; nationality; celebrity status and connection to

important people; etc.;

4) similarities between the investment portfolios of the judges of a court that cannot be explained by separate but coincidental investment decisions, and that point to either a group of people trading on inside information or acting as an investment syndicate and may having as their priority, not the administration of justice according to the rule of law, but rather the preservation of their portfolio value and enhancement of their return on investment[30];

b. granting or denying of bail, its amount, and imposition of other conditions restricting movement to a house, a geographic area, the wearing of an electronic bracelet[270], their consideration of the sentencing guidelines when imposing terms of imprisonment and other criminal punishment; etc.

(2) The archetype of judicial performance and the judge's decision auditing model

304. The auditing of individual judges' decisions and the calculation of baselines on aggregates of judges can provide a data rich, fact-based understanding of the qualitative and quantitative metrics of judges' performance realistic enough to enable the development of an *archetype of judicial performance* with disciplinary and prescriptive function.

305. The auditing statistics and the objective, factual considerations applied to test a judge's anomalous deviations from the baselines can provide the basis for developing *a judge's decision auditing model*. Its ever-greater sophistication can be the result of an ever more complex algorithm that takes into account general judiciary variable values adjusted by extra-judicial or judge-specific considerations. An algorithm can identify the one variable value or set of variable values that is most highly correlated to the respective case outcome.

306. The model's usefulness will be established to the extent to which it will produce *full range predictive statistical probabilities* that are reliable, to wit, that the model can predict with a degree of probability ever closer to 100% not only the final win or loss outcome of any given case before the audited judge for any given party, but also the content and outcome of the many intervening rulings on motions and objections and such predictions are correct in 100% of cases or a percentage ever closer thereto. The capacity to predict such range of probabilities will require, of course, that in addition to auditing the writings of a judge, the writings of or about other subjects of a case, such as attorneys, jurors, and circumstantial considerations, be audited and that all of them be profiled.

307. Such a vastly complex statistical model, whose most important variables are eminently psychological and sociological, is theoretical possible without the need to assume that human beings are predetermined to behave in a certain way. Rather, it suffices to assume that every individual is motivated by a hierarchy of harmonious and conflicting interests, that he or she pursues such interests in a sufficiently rational way to manifest them in patterns and trends of behavior characterized by constant elements, and that the interaction of a group of individuals is a system of interests susceptible to dynamic analysis of harmonious and conflicting interests.[187] That analysis can be infinitely refined incrementally by the dynamic reconfiguration of the

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[270] http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:147, 152

system as not only existing interests exit it, new ones enter it, and those in it are modified by the constant flow of knowledge, but also as the relative position of the interests on that hierarchy and the strength of their hold on that position are constantly recalibrated more accurately through an ever more perceptive analysis of the patterns and trends through which they manifest themselves. While this means that the system of interests of an individual and of a group is neither close nor stable so that even theoretically no analysis will ever be able to predict the system's behavior with 100% accuracy, it also means an analysis that dynamically takes into account changes and is ever more perceptive of the patterns and trends that give constancy to the system will be able to predict ever more accurately the system's behavior. The set of rules that allows such analysis to be performed constitutes a model.

308. Computer models of hurricane behavior are used today to warn millions of people that they are in harm's way and advise them on how to protect themselves. Those models have become more reliable than watching birds fly away from a cloudy sky. Medical expert systems are being developed to make patient diagnoses more accurate than those made by doctors with different degrees of training, amount of information, and mental acuity due to sleep deprivation, emotional problems, sympathy for the patient, etc. The principles and techniques underlying those models and systems as well as others will be applied in an innovative way to the field of law by this software product as part of the pioneering work of the institute of judicial unaccountability reporting and reform advocacy and its development of this auditing and profiling software product.

b) Linguistic and literary forensic auditing

309. This feature of the software product focuses its auditing on the idiosyncratic use of language by an author –who in the early stages of product development and use will be the judge(jur:132§3) in the case to be filed or already at bar; eventually other subjects of the legal system will also be audited–. It searches for patterns of speech to construct text, done by linguistic auditing, or for the message in the text and its meaning, done by literary auditing. The forensic versions of these two types of language-centered auditing aim to determine authorship of judicial decisions and reveal traits of the author's character as well as formal elements and substantive components of his writing.

310. A better understanding can thus be gained of the audited judge's way of reasoning, beliefs, expedient statements (those that he makes for reasons other than because he believes in them) and attitudes, all of which may have influenced or even determined the outcome of previous cases and may likewise affect the current case. Such understanding can enable private parties to devise legal strategy accordingly. It may bear on whether to file a case in a court where it may come before the audited judge or whether to pursue his recusal or disqualification. But the strategy may also deal with how to argue a case to that judge as a result of having gained a better understanding of him. Likewise, a better understanding of the judge gained through this auditing can enable public parties to determine whether there is probable cause to investigate the judge for wrongdoing and, if warranted, hold him accountable and liable to discipline or impeachment.

311. The **data sources** of linguistic and literary forensic auditing are broader than those used to audit a judge's decisions(jur:150¶337). They include:

    a. the audited judge's judicial and non-judicial writings, such as articles in law journals and newspapers of more or less reputation; books; etc.; and

b. available writings of other people, such as:

1) his clerks' letters, memos, and articles;

2) motions and briefs of lawyers that have appeared before the judge or his peers;

3) law research and writing papers, student notes for law journals, moot court briefs, and articles by other people submitted at law schools to law school journals, moot court competitions, and other publishers where the judge and his peers teach or to which they are connected as moot court judges or law article reviewers or submitters.

312. The search function of a computer can only perform the very limited aspect of linguistic auditing of finding the recurrence of previously identified words and phrases. Boolean terms and connectors can only serve to find some variations of the search term and its relation to another or to the context. A natural language search engine operates by searching for text that contains terms already contained in the search query or variations thereof and ordering the resulting text by highest frequency. Neither of these search methods is capable of performing the type of analysis that linguistic auditing is intended to do: analyze the structure of language used in a piece of text and detect its fine peculiarities so distinctly as to be able to identify who is or is not its author. The above statements apply even more squarely to performing literary auditing, for it analyzes text to reveal its author's character and intention as well as his message and its meaning. These two types of auditing call for the innovative application of the discriminating capacity, which mimics critical judgment, of artificial intelligence.

(1) Linguistic auditing

313. Linguistic auditing is the more mechanical analysis of these two types of language-based auditing. It deals with an author's idiosyncratic use of language. The auditing begins with her choice of words, which reflects the level, extent, and geography of her vocabulary, and her spelling of those words, which concerns their morphology; moves on to her use of those words as the grammatical units of language –articles, nouns, pronouns, adjectives, prepositions, verbs, adverbs, conjunctions, and interjections–; to arrive at her linkage of those words through syntax, that is, the lineal, one-after-the-other order, affected by punctuation, in which she places her words to construct sentences that contain the logical components of linguistic communication: a subject, a predicate, and their complements. The author's choice of words and the syntactical structure in which she puts them together are supposed to be understood, that is, to convey a message in a given language, English in our case, as opposed to being nothing but an incomprehensible string of words although each separately may have some meaning.

314. Linguistic auditing limits its analysis to the choice of words and their structure, and does not reach the message or its meaning. But that is enough to be richly informative. This is so because those words and their structure have so many features that their particular combination can be special enough, if not unique, to allow the author to be identified: A piece of writing whose author is not known can be compared to exemplars, that is, other writings whose authors are known, and the similarities between the former and at least one of the latter can identify the author of both. However, such identification may not be possible because the author has not written any other piece or none of his other pieces is in the pool available for comparison. Even so, the linguistic auditing of an unidentifiable author can still be richly informative. It can

indicate whether the author is a native speaker of the language of the writing, his level of education and social status, age, attention to detail, where he has lived, his intended audience, etc.

(2) Linguistic forensic auditing

315. Linguistic forensic auditing allows the determination whether a judicial decision purportedly written by a judge was actually written by someone else. This can reveal the judge's dereliction of duty by making an unlawful delegation of judicial power in order not to make the effort to deal with certain types of parties, such as pro ses, or subject matters, such as those found distasteful or too complex, or to free up her time for other activities, such as court administrative tasks or self-promoting writing and public speaking.

316. To that end, linguistic forensic auditing can compare the judges' writings and those of others in order to establish or provide foundation for the queries:

    a. whether the judge or a clerk, who may have just graduated from law school, a law student clerking for a summer or only part-time during the academic year wrote the text in question;

    b. whether the nature and amount of judicial authority delegated to a clerk allowed him through his research, legal thinking, and writing to:

        1) decide a thorny or novel legal issue;

        2) create or depart from precedent;

        3) deprive parties of their property and liberty and harm substantially or even dramatically their lives by impairing their medical, parental, privacy, stockholder, voting, and similar rights and thereby injure their means, manner, and opportunity to do business or gain their livelihoods; and through the precedential effect of decisions, also affect similarly non-parties, even the rest of the people;

    c. whether a contributing or the determining factor in delegating the writing of a decision was the preceding marking of it "not for publication" or "not precedential"(jur:43§1) or whether being so marked was the consequence of the decision's substandard quality resulting from having been written by someone else less competent than the judge[131];

    d. what the judge was doing to earn his well above the average salary of Americans[212] when he was having someone else write the decision.

(3) Literary forensic auditing

317. Literary auditing performs the more subtle analysis of one piece of writing and most effectively of many pieces, such as transcripts, opinions, and articles, of the same author. It deals with their semantic aspect, that is, the explicit message that the author conveys to his interlocutor or reader and the implicit message that he sends intentionally or unwittingly in his subtext and that reveals his reasoning, interests, and attitudes, including wrongful ones, such as bias, prejudice, conflict of interests, and personal agenda. Thus, literary auditing allows the understanding of the author's character as well as his message.

(a) Revealing the author's character

318. Literary forensic auditing can reveal a judge's (and eventually other legal system subjects'):

a. preference for deductive or inductive reasoning;

b. deference to, or defiance of, precedent and personal reputation of legal authority;

c. understanding of scientific, mathematical, and statistical evidence and embrace of it, which may come to light in a judge's reference to it in the jury instructions or reluctance to make the effort to understand it and deal with it;

d. reliance on personal opinion and conclusory statements or logical arguments, which may point to a dogmatic or professorial attitude;

e. richly or scantly detailed presentation of evidence and theories of the case;

f. propensity or reluctance to accord credibility to testimonial, physical, and circumstantial evidence and its effect on a judge's decisions on admissibility;

g. laziness or hard-working ethos and lack or abundance of self-confidence that determine her propensity to:

1) remain in the safety zone of precedent;

2) depart or overturn precedent;

3) accept or reject new legal theories and the request to create new rights;

4) uphold or strike down the constitutionality of a law;

5) 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;

h. leniency or harshness in her decisions.

(b) Detecting the author's implicit message

319. Reading a piece of writing for its explicit message requires choosing a meaning among various possible meanings of each word in the context of the various meanings of each of the other words in a string of words forming a unit of thought, such as a sentence or a paragraph. Through this mental exercise, it is possible to determine the composite, explicit message of all the words together. That is a difficult task for a human mind, let alone for a software product. For such a product to replicate this exercise, it must be capable of 'understanding' the same explicit message that would be understood by the average speaker of that language who is a member of the author's intended audience. That presupposes reason and the exercise of critical judgment. It calls for the software to run on artificial intelligence. But even if the product can recognize the writing's explicit message, that remarkable accomplishment alone is not enough to qualify as literary auditing, never mind its forensic version.

320. The valuable contribution of literary auditing lies in using that explicit message that is literally – or visibly, as it were– conveyed by a string of words forming text –thus, a comprehensible piece of writing– as a stepping stone to the implicit message carried by its subtext. That requires an

even more sophisticated reading. It must analyze the explicit message of a string of words or compare that of two or more strings in order to detect what is not explicitly in any one string, but rather only implicitly. That implicit message may consist in the author's true, consistent revelation of his character or meaning that runs in the subtext of his explicit message or his development, refinement, and modification of that meaning, as well as his misconceptions, ambiguities, inconsistencies, contradictions, misrepresentations, and lies. Therein lies the value of literary auditing: in detecting an author's implicit message in one or more of his writings that he may not even be aware of, would not want to convey if he were aware of it, or that he is very much aware of but sends out in the expectation that the same writing will not reach his different audiences so that he can convey to each audience different, even inconsistent and contradictory messages.

321. It should be apparent that the user of the forensic version of literary auditing, whether she be a lawyer, not to mention a skillful one, or a person similarly situated, can make a powerful argument based on her detection of the implicit message of an author, whether such author is the judge in the case to be filed or already at bar, opposing counsel, the writer of a contract, a letter, a complaint, or any other document that may be introduced into evidence or otherwise used in the case, or of course, those who wrote laws, regulations, or opinions that may come into play or are already referred to in the case. What is more, well before the literary forensic auditing user makes any argument in writing or orally, she can put what she has learned through it to work very advantageously: She can use it to devise legal strategy or as a source of probable cause to open an official investigation of either the author, his peers, or other people.

322. However, literary auditing comes at a high cost. For one thing, it relies heavily on comparative analysis. Consequently, it should review the largest amount possible of the author's writings in order to increase the probability of stumbling upon unknown passages that when compared with known passages will reveal in greatest detail, and thus, with greatest reliability, his character and implicit message. Such comparative analysis is most effectively performed by one mind, that is, one person. It is inefficient, if not impossible, for a team of persons to exchange constantly between them everything in an author's writings that each has read in a joint effort to paint with many hands the picture of his character or for each team member to recognize that a passage that standing alone does not reveal any implicit message should nevertheless be brought to the attention of the team so that it can puzzle that passage and all other passages together into the author's implicit message.

323. Moreover, literary *forensic* auditing must be performed by people that have at the very least enough legal training or experience to recognize the potential in an implicit message: The message may reveal what the author must have known at the time of writing; provide a foothold for a persuasive argument based on what appears to be a point of honor or pride for the author; allow drawing up an alternative theory of the case; hint at a new line of questioning; expose a psychological pressure point, an evidentiary trump card, or a financial vulnerability of the author or another person; open the door to pin down the author to his consistent message or impeach his credibility with inconsistent messages; etc. If the user lacks the capacity or the contextual knowledge and imagination to use the implicit message creatively, detecting such message will serve no purpose. Making comparative analysis between string of words, passages, and pieces of writings possible and cost-effective in search of the author's character and valuable implicit messages is what justifies the development and use of a software product that runs on artificial intelligence and is able to perform literary forensic auditing. It can give the user an outcome-determinative competitive advantage grounded in the axiom "Knowledge is Power".

7) Judge profiling software

324. Profiling is what the FBI and other intelligence-gathering entities do to detect past and potential criminal and terrorist behavior of any American citizen and any other person. It is what jury consultants do: In light of their client's case and the legal interests of the parties, they draw up questionnaires for veniremembers, taking into account their past and present socio-economic, educational, family, and employment circumstances; case-related experience and criminal record; and even their race, ethnicity, gender, and sexual orientation as well as information obtained by conducting their own investigations. Based on the veniremembers' answers, the consultants establish the profile of those that their clients should accept or challenge, and if the latter, whether for cause or as a peremptory strike. After the jury has been seated, the consultants advise their client on how to tailor its presentation of the case to the jury given its individual and collective psychological make-up; the probability based thereon that it will return a verdict one way or another; and whether to go to verdict, settle, or plea bargain.

325. This means that profiling is not a per se pejorative term reserved for the use by police of suspect categories to decide whom to stop, frisk, and arrest. Rather, profiling is a technique for behavioral analysis. Its purpose is to identify the fundamental and constant character traits of an individual in the context of his circumstances in order to draw up a picture of him that has a behavioral predictive function, that is, how his character and circumstances forecast his future behavior. Profiling:

    a. gathers extensive data of various types on the universal set of the population under study and individual members of it;

    b. analyzes that data scientifically to detect patterns of general and individual behavior; and

    c. calculates the statistical probability that certain character traits and circumstances influenced or determined a person's behavior in the past as well as the probability that they will do likewise when dealing with situations similar to those in the past or with new ones.

326. As such, profiling is a scientific technique accepted by the relevant expert community, including lawyers. Consequently, the institute researchers will apply these accepted profiling principles and techniques, mutatis mutandis, to provide a scientifically objective basis for calculating the statistical probability that the character and circumstances of a trial or appellate judge(jur:132§3) will influence or determine his handling in a certain way of a case to be filed or already at bar given the case's features. A software product that can output such behavior-analyzing profile with predictive function will be indisputably valuable. Today, parties estimate the likely impact of a judge on a case by venturing an educated guess or relying on a layperson's impression. The product will enable private users to make the qualitative quantum leap of devising legal strategy on the solid platform of extensive data on a judge's past written and verbal conduct scientifically analyzed by computer models to calculate the statistical probability of the judge behaving in a certain way. It will also enable public users to rely on statistical probability to determine the strength of their probable cause to open an official investigation for wrongdoing(jur:133§4). Users' reliance on the product will depend on its empirically demonstrated degree of accuracy, that is, how accurately its profile and behavioral probability forecast future behavior and the facts that a subsequent investigation would find.

327. Profiling a judge may also include the following types of research:

    a. legal analysis to determine whether the judge's decisions, non-judicial writings, and activities abide by, or disregard, the law, whether due to his wrong or incompetent

understanding of it or to his wrongful attitudes –bias, prejudice, conflict of interests, personal agenda–; for this type of critical analysis to be performed by computers so that its result is objective enough to win the approval of a majority of reasonable and fair-minded critics there will have to be developed a highly advanced software program that relies on artificial intelligence; meantime, that legal analysis will be performed by researchers;

b. interviews with people for inside information about judges, clerks, their relation to insiders, etc., initially concerning the Federal Judiciary and progressively state judiciaries too(jur:106§c);

c. opinion polls and surveys;

d. 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 judge's social circles and help draw up the sociogram showing the flow of influence[271];

e. computer and field search for evidentiary documents concerning wrongdoing, including:

   1) unreported trips[272] or attendance to seminars;

   2) non-disclosed receipt of gifts;[275]

   3) refusal to recuse so as to prevent discovery of wrongdoing or advance an improper interest;[271b]

   4) hidden assets and money laundering(jur:65§§1-3);

   5) other forms of illegal activity that support civil or criminal charges(jur:71§4);

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[271] **a)** The spectacular finding of a photo showing a state justice socializing at a posh seashore resort in southern France with a party who had contributed over $3 million to his judicial race and who subsequently won a case before him where scores of millions of dollars were at stake led to litigation all the way to the Supreme Court and to vacating the decision in favor of that party; *Caperton v. Massey*, slip opinion, 556 U. S. __(2009), http://Judicial-Discipline-Reform.org/docs/Caperton_v_Massey.pdf.

b) The Supreme Court has indicated that recusal does not require proof of actual bias, but rather a showing of circumstances "in which experience teaches that the **probability** of actual bias on the part of the judge or decision-maker is too high to be constitutionally tolerable." (emphasis added) *Withrow v. Larkin*, 421 U.S. 35, 47 (1975).

c) In *Caperton* it "stressed that it was not required to decide whether in fact [the judge] was influenced [by one of the litigants]. The proper constitutional inquiry is whether sitting on the case then before [him] would offer **a possible temptation** to the average judge to lead him not to hold the balance nice, clear and true…[where] the probability of actual bias rises to an unconstitutional level [recusal is required]." (internal quotations omitted; *Caperton*, pages 8-9, 16) "Circumstances and relationships must be considered." (id., 10); **d)** See also fn.272

[272] 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

f. establishment and operation of an 800 hotline number for reporting judicial wrongdoing and receiving other investigative tips.

8) A judge's fairness and impartiality appearance coefficient

328. A judge's fairness and impartiality appearance coefficient will express in a numerical value people's expectation of the capacity of a judge to conduct a fair and impartial judicial proceeding. The coefficient will be a function of the attribution to the judge of bias, prejudice, conflict of interests, and his personal agenda as well as the congruence of the judge's declarations, e.g., his financial disclosure reports and filings with property registries.

329. The data sources of this coefficient will be those used for auditing decisions and profiling. The calculation of the coefficient will be based on a balancing test of the weight to be assigned[273] to the different data sources given the nature of the information obtained from them and its impact on the fact and appearance of a judge's ability to conduct fair and impartial proceedings. For instance, the results of auditing a judge's decisions will be most objective and useful because by their own nature they will be expressed in sums and percentages. By contrast, assigning weights to other people's opinions about a judge will be a more subjective exercise. It will require the detection in the largest possible database of judges' auditing and profiling results of patterns of correlation between objective auditing values and subjective opinions.

330. The coefficient will allow comparison between judges through the development of a rating system based on the realistic determination of a minimum level of acceptable judicial fairness and impartiality as well as ranges of acceptability above the minimum that attract ever greater levels of reward and recognition or below the minimum that warrant advice and training, monitoring, admonition, censure, suspension, and referral to the U.S. House of Representatives (or equivalent state body in the case of state judges) for impeachment and removal.

9) The ratio and coefficients concerning extra-judicial activity and the patterns of time-consuming activities

331. The judicial to extra-judicial activity ratio will compare the amount of time and effort that the audited judge dedicates to his extra-judicial activities relative to the time and effort that he dedicates to his judicial ones. An objective basis for calculating the ratio can be found, on the one hand, in the judge's calendar and docket and, on the other hand, the time of day of the courses that he teaches as an adjunct professor at a law school; the moot court sessions that he judges; the presentations that he makes of his books, reports, etc., together with the travel time to

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[273] 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.

and from the respective places.(jur:54§d) Likewise, the number of a judge's written decisions and their number of words can make it possible to estimate the time it must have taken the judge to write them.[274]

332. By taking into account the extent to which the extra-judicial activities take place during regular business hours it should be possible to calculate a *coefficient of extra-judicial activities impact* measuring the impact of a judge's extra-judicial activities on his judicial ones[273]. The calculation of the coefficient is warranted by the intuitive correlation that arises from the indisputable fact that a worker's effort, attention span, and time are finite resources and cannot be dedicated simultaneously to two or more activities that the worker is required to perform personally rather than by delegation. Therefore, it is to be expected that:

    a. the higher a judge's:

        1) number of articles and books published as a private person;

        2) time and effort dedicated to researching and writing them;

        3) participation in judicial committees and non-judicial committees and activities, such as:

            a) teaching courses;

            b) moot court judging;

            c) public speaking;

            d) attendance at judicial seminars and conferences;

            e) attendance at non-judicial meetings of boards of charities, universities, law schools, and other entities, etc.,

    b. the higher the number of the judge's summary orders and "not for publication" and "not precedential" decisions(jur:43§1); and

    c. the lower the judge's:

        1) *coefficient of administered justice*, which expresses the number and quality of reasoned published decisions satisfying the need for "Justice [that is] manifestly and undoubtedly [to] be seen to be done"[71]; and

        2) *coefficient 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 country[212] relative to the baselines, namely,

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274 Lawyers Cooperative Publishing used to estimate that it took the lawyers on the staff of its American Law Reports Federal series (ALR Fed) four hours to research and write a page of their annotations. Law schools normally allow the full time instructors that join their faculty to prepare for and teach during their first academic semester or year only one 3-hour per week course in addition to holding a similar number of office hours to meet with their students and attending faculty meetings. Print media measure the work required of reporters in terms of, let's say, two weekly articles each of X no. of words or Y no. of inches of standard column width. Just as it is possible to calculate "reasonable attorney's fees" and the cost of writing an appellate brief, it is possible to calculate the time that it takes a judge to research and write so many words per decision.

the average time spent on judicial activities by the judges in her court, district, circuit, and judiciary, and the non-judicial officers in their judiciary, and the time spent on official activities by officers in the other branches of government who earn the closest salaries to the judges'.

333. It may be difficult for outside researchers to measure the time that a judge dedicates to different activities if the researchers do not have access to the time sheets or similar managerial devices that record time spent by judges on each activity and that are used by courts and the Administrative Office of the U.S. Court to calculate "weighted filings"[273]. Nevertheless, valuable insight into judges' time management can be gained by establishing *patterns of time-consuming activities*, such as:

   a. the signing of summary orders and "not for publication" and "not precedential" opinions (jur:43§1) just before or after a judge:

      1) goes on holiday;

      2) attends a seminar or a judicial conference, particularly if she must prepare to present a paper or a committee report;

      3) needs to grade the exams of the students that she teaches as an adjunct professor;

      4) is engaged in a series of presentations of her newly released book;

      5) is occupied by her own or a friend or family member's:

         a) medical treatment;

         b) divorce or wedding;

         c) death or child birth;

         d) money-making activities, such as a company incorporation or a merger or acquisition, which may be signaled by changes in investment portfolios and other items of personal and family wealth;

   b. handling of recusal motions, particularly those that are granted and thereby lessen the weight of the case load and free up time for other activities;

   c. attendance at seminars, conferences, and political meetings;

   d. participation in fundraising, whether by just 'attending' a political party's fundraising activity[275] or that of a school, charity, etc.

334. As in the case of totals and other statistics calculated in decision auditing(jur:138§(1), the ratio, coefficients, and patterns used here will gain in significance when compared with their equivalents and averages for the judges of a court, district, circuit, or judiciary. The latter can be

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[275] 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 called 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[123a]; 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

used as baselines, the deviations from them measured, and the effort to explain them undertaken. This comparative exercise may find that the greater a judge's extra-judicial activities, the greater the deviation of his metrics from the corresponding baselines. It may be possible to express those deviations in a single, composite metric called *a judge's judicial performance coefficient*.

335. For instance, it can be found that a judge that teaches a course at a law school has an 84% probability of deviating from the average performance more than 90% of all other judges. Expressed in simpler illustrative terms, it could be found that 8 out of every 10 of those 'teaching' judges write decisions whose average length is 500 words while the average word count for non-teaching judges is 2000 words; that on average they have only 1 citation to authority as opposed to the average 12 for non-teaching judges; and that they cite no page of any brief or motion in the case while the average for non-teaching judges is 7. These statistics would support the argument that a judge with such time-consuming outside commitment gives short shrift to her writing of opinions, which are more likely to be arbitrary because the judge did not have enough time to pay due regard to the law or enough sense of professional responsibility to bother to read the briefs and motion.

336. A further statistical refinement could establish that the higher the judge's evaluation by her law school students and the higher the reputation of the school, the lower her opinions' count of words and citations. This would indicate that the focus of her attention is her teaching job, where the students' evaluations of her performance may be publicly posted, and it is merely as a secondary job for extra cash that she deals with her judgeship, where she is not evaluated by either litigants or her peers and the quality of her judicial performance has no positive or negative consequence on her tenure or salary. Yet, she, like the other 'teaching' judges, collects the same salary from taxpayers as non-teaching judges do. A similar analysis can be carried out to determine any correlation between judges that are prolific writers of articles in prestigious law journals and of books that receive public acclaim but scribble judicial decisions. After all, there are only so many hours in a day. Something has to give.

10) Product's arc of operation: input data > computerized analysis >output statistics

337. The **data sources** supporting the product will be of several types:

   a. the product for auditing a judge's decisions will be based only on the judge's case-intrinsic sources, that is, her decisions, which include:

      1) holdings and dicta in her published and "not for publication" as well as precedential and "not precedential" opinions(jur:43§1);

      2) concurrent and dissenting opinions;

      3) rulings written and signed by the judge;

      4) transcribed orders issued orally from the bench or elsewhere, such as in chambers, as well as all her comments made in such context;

      5) summary orders;

      6) letters relating to cases before the judge;

      7) per curiam decisions of panels on which the judge sat

8) the judge's voting on petitions for:

a) panel rehearing and hearing en banc(jur:45§2);

b) review of dismissals by the chief circuit judge of misconduct complaints against judges(jur:24§§b,c);

b. the profiling of the judge will be based on the above case-intrinsic sources and also on:

1) the judge's case-extrinsic sources, such as his:

a) books and articles in law journals, magazines, newsletters, and newspapers;

b) appearances and postings on the Internet, including emails, blogs, social media, websites, chat rooms;

c) financial disclosure reports[213a] and documents filed with county clerks' offices and other public registries[242] of chattel, real, and time share property as well as land, sea, air vessels and rights, such as leases, patents, and contracts;

d) speeches, panel participation, comments, and statements at his or other judges' induction into the court and other court ceremonies, judicial conferences, hearings before Congress and other official federal or state bodies, seminars, bar association meetings, university or law school activities, charity board sessions, radio and TV appearances;

e) school where the judge held or holds an adjunct professorship;

f) submissions to commissions and committees tasked with recommending, nominating, and confirming candidates for judgeships and with reviewing judicial performance;

g) recommendations, including those in support of a job search, a lawyer's admission to the bar, or to a court pro hac vice;

h) letters unrelated to his cases, whether or not they are on his official letterhead;

i) previous private or public sector positions;

j) honorary titles and memberships;

k) department of vehicles driving licensing registration;

l) membership in clubs, charity boards, and law school committees;

m) photos and movie clips and journalistic footage[276];

n) yearbooks and records of the judge's alma matter law school, college, and high school; etc.;

2) judiciary sources that shed light directly or indirectly on the judge or on the

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276 "Caperton sought rehearing, and the parties moved for disqualification of three of the five justices who decided the appeal. Photos had surfaced of Justice Maynard vacationing with Blankenship in the French Riviera while the case was pending. Justice Maynard granted Caperton's recusal motion." *Caperton v. A. T. Massey Coal Co.*, 129 S. Ct. 2252 (2009), at page 4 of the Opinion of the Court.

background of her activities or particular acts, such as

a) dockets and judges' calendars;

b) memoranda, notes, and letters of the judge's law clerks and clerks of court;

c) court or court administration bodies' statistics, reports, newsletters, biographic notes on judges;

d) statements before Congress and other official bodies;

e) statements by third parties at the judge's induction in the court and similar court ceremonies;

f) a court's or peers' recognition of the judge's performance or public censure;

g) statements by other judges reflecting their opinion of the judge, such as those contained in concurrent and dissenting opinions[68];

h) the types of case-extrinsic sources, such as publications and media, listed at jur:150¶337; etc.;

3) non-judiciary sources[277] that directly or indirectly reflect the opinion on the judge:

a) held by:

(1) lawyers;

(2) journalists;

(3) parties;

(4) academic superiors;

(5) peers;

(6) students where the judge studied or where he has taught;

(7) friends, family, and neighbors;

(8) other members of the public; etc.

b) contained in:

(1) motions and briefs, including amicus curie briefs;

(2) students' and peers' evaluation of the judge's performance as instructor;

(3) laudations accompanying prizes, awards, and other forms of recognition bestowed upon the judge;

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277 "Canon 2: A Judge Should Avoid Impropriety And The Appearance Of Impropriety **In All Activities;** A. *Respect for Law.* A judge should respect and comply with the law and should act **at all times** in a manner that promotes public confidence in the integrity and impartiality of the judiciary"; fn123a. The words with emphasis added underscore the fact that the judges themselves state in their own Code of Conduct for U.S. Judges that it is fair to hold them to high standards even in the extra-judicial sphere of their lives. This justifies including in their profiles non-judiciary sources.

(4) brochures and annual reports of law firms and companies;

(5) biographic notes on the judge found in Martindale-Hubbell and other legal directories;

(6) websites that rate or comment on judges;

(7) the type of case-extrinsic sources, such as publications and media, listed at jur:151¶b.1); etc.

4) public non-judiciary sources that can place the judicial and personal activities of the audited judge and of parties that have appeared or may appear before him in context (jur:108¶244), particularly those sources that can provide financial(jur:27§2) information about them, such as:

a) county clerk's offices and similar property registries[242, 243];

b) rosters of marinas, airports, and landing strips that register docking, maintenance services, and landing rights.

338. **Data entry** will be made by scanning print data sources to digitize and enter them into the computer system that will run the auditing program on them together with the sources already available in digital format. Spoken-to written transcribing software will be used to enter judges' original spoken statements. Optical character recognition (OCR) software will be used to turn text digitized as picture into searchable text. Both OCR and transcribing software will be further developed by institute researchers as need be.

339. **Data mining** text will be performed using, in addition to Boolean terms and connectors and natural language, the auditing program developed by the institute. Face recognition software will be run on pictures and movies to establish who was where, when, and with whom.

340. **Data analysis** will rely on the most part on innovative application of artificial intelligence. Institute researchers will develop and run the algorithms of a computer-based expert system capable of auditing a judge's decisions(jur:136§6); performing linguistic and literary auditing(jur:140§b); drawing up a judge's profile(jur:145§7); and to the extent necessary, calculation the proposed ratio, coefficients, and averages(jur:147§§8)-9))

341. The **output statistics** will consist in a set of metrics with predictive function on a judge's profile and her judicial performance that will allow private users to devise their legal strategy regarding the case to be filed or already at bar; and will enable public users to determine whether there is probable cause to officially investigate a judge for wrongdoing and, if warranted, hold him accountable and liable to discipline.

c. As educator

342. As educator, the institute will offer courses, such as The *DeLano* Case Course(dcc:1), and promote its offering by other educational institutions(dcc:7). It will also journalistically explain[256e] to the public, in general, and common-purpose entities(jur:155¶344a), 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:

e. democratic and ethical values, policies, and strategies, and

f. their implementing interactive multimedia and live educational, advertising, coalition-building, and lobbying activities and campaigns,

g. methods for evaluating practices, identifying the best, training in their application, and applying them;

h. development and training in the use of software applications; interactive multimedia and social networking tools and techniques; and equipment;

i. organization and teaching of seminars and courses on:

j. basic writing skills;

k. legal research and brief and article writing;

l. complaint storytelling;

m. investigative[278] and 'explainer'[256e] journalism;

n. forensic investigation and deposition taking;

o. book editing, publishing, and marketing;

p. public speaking and advocacy;

q. coalition building;

r. legislative lobbying;

s. documentary production;

t. conference organization and administration;

u. grant writing;

v. organization of meetings and conferences to develop, share, and integrate conceptual and practical resources.

d. As publisher

343. 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:

b. descriptions of their manifestations;

c. complaints about judicial wrongdoing;

d. cases on point that have been decided or are pending;

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

e. the record and position of incumbent politicians, candidates for political office, and law enforcement officers on investigating, exposing, and disciplining wrongdoing judges;

f. production and sale of news, newsletters, tipsheets, articles, books, programs, and documentaries(jur:122§§2-3);

g. their publication on its own and third-party websites, newspapers, magazines, TV and radio programs, movie theaters, and other digital and electronic media;

h. 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:126¶267).

e. As leading advocate

344. 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:153¶342d);

2) the organization of implementing activities and campaigns, such as advertising, public advocacy, lobbying, and litigation, to achieve the common purpose (jur:130§a); and

3) compile and maintain rosters of:

4) common-purpose organizations;

5) people likely to have experienced or witnessed judicial unaccountability and wrongdoing; and

6) attorneys willing to assist pro bono or for a fee victims of judicial wrongdoing.

f. As for-profit venture

345. 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(dcc:1), 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.

g. As seeker and maker of grants

346. The seed money for the venture or complementary source of funds for its general or specific activities can come from common-purpose organizations(jur:155¶344a), 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
2) Annie E. Casey Foundation
3) AT&T Foundation
4) Benton Foundation
5) Bill and Melissa Gates Foundation
6) Carnegie Foundation
7) Council of Foundations
8) David and Lucile Packard Foundation
9) Entertainment Industry for Peace and Justice
10) Eugene and Agnes Meyer Foundation
11) Ford Foundation, providing funds as part of its Public Media Initiative
12) Ford Foundation's Independent Documentary Fund
13) Freedom Forum
14) John D. and Catherine T. MacArthur Foundation (provides fellowships)
15) The John S. and James L. Knight Foundation: based in Miami, funds efforts to enhance journalism and the functioning of American communities
16) Kohlberg Foundation
17) McCormick Tribune Foundation
18) Microsoft Foundation
19) National Endowment for the Arts
20) National Press Foundation
21) New America Foundation, part of a cohort of academics and journalists exploring the future of journalism, and its Media Policy Initiative
22) New America Media
23) Nieman Foundation, Harvard
24) Oak Foundation
25) Omidyar Foundation
26) Open Society Foundations
27) Packard Foundation
28) Park Foundation
29) Pew Charitable Trusts
30) Public Welfare Foundation

31) Richard Driehaus Foundation
32) Robert Wood Johnson Foundation
33) Rockefeller Foundation
34) Sandler Foundation
35) Surdna Foundation
36) Wallace Genetic Foundation
37) Waterloo Foundation

347. The institute will also engage in grantmaking to common-purpose organizations(jur:155¶344a).

348. 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.

6. Establishment of an inspector general for the Federal Judiciary

349. There should be an inspector general of the Federal Judiciary (I.G.J.)[88b] and:

a. should be as independent as the members of the citizen board(jur:160¶a);

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 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 wrong-doing engaged in by a judge, any other employee of the Judiciary, or any third party;

d. empowered to exercise subpoena power to compel 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 based on information 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:161¶c).

7. Legislative proposal to ensure judicial accountability and discipline

350. 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" [279], the judicial councils and all sessions of the judicial conferences of the circuits as well as the

[279] http://Judicial-Discipline-Reform.org/docs/DrRCordero_proposal_synopsis.pdf

Judicial Conference of the U.S. must be open to the public.[280] Making the Federal 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:160§8); 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 reading[281] 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.[69]

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:160§8) and the Oversight and Government Reform Committee of the U.S. House of Representatives[282] any reasonable belief that:

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[280] **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 and Disability Act of 1980; Congressional Record, September 30, 1980; 28086; http://Judicial-Discipline-Reform.org/docs/Jud_Councils_Reform_bill_30sep80.pdf. **b)** The Reform part of the bill included a provision for opening the councils, but was excluded from the version that was adopted; 28 U.S.C. §332(d)(1), fn.148. **c)** The Conduct and Disability part of it as adopted is at fn.18a.

[281] **a)** fn.66b; **b)** fn.123c >CA:1749§2;

[282] **a)** http://oversight.house.gov/; **b)** The members of the Senate Judiciary Committee, in

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.[130] (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.)

8. Creation of citizen boards of judicial accountability and discipline

351. 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.

a. Qualifications for membership

352. 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.

b. Nominating entity

353. 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.[282]

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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, 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.

c. Open and transparent operation

354. 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 easily accessible to the media and the largest number of people concerned by the matter at hand and by streaming the meeting life 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.

d. Board powers

355. The citizen board must be empowered to:

a. receive for the public record complaints against justices, judges[283], magistrates, law clerks, clerks of court[284], court reporters[285], circuit executives[286], and administrative employees, and investigate them

b. proceed also on the basis of information received other than through a complaint;[287a]

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;[288a-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

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283 **a)** http://judicial-discipline-reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf and fn. 124, 152; **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero-4recuse_CJWalker_04.pdf

284 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

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

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

287 Cf. **a)** fn.18a >§§351(a) and 354(b)(2); **b)** fn.192

288 **a)** fn:18a >§356; **b)** fn.280b >§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.

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;

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[288c]; 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;[289]

i. recommend on the basis of information that it has obtained from any source that any judge or justice, as the public servants that they are, 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.

e. Review of board decisions

356. 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.

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[289] 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

9. 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 a broadly based civic movement that demands Equal Justice Under Law

357. Common purpose entities(jur:155¶344a) 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(dcc:11) 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:102§4) of such wrongdoing(jur:5§3), in general, and of the *DeLano*-J. Sotomayor story(jur:65§B), in particular. They can extend their reporting's reach and efficacy through the proposed business and academic venture(jur:97§A) together with the venture's investors and philanthropic sponsors.

358. Moreover, a courageous politician that commands broad media and public attention and is determined to challenge publicly life-tenured federal judges can accelerate that reporting's diffusion throughout the national public and lend credibility to it that intensifies the outrage that it provokes. Such outrage can stir the public to more widespread and sustained action against coordinated judicial wrongdoing. An outraged national public can effectively overwhelm the authorities' interest in maintaining the status quo to protect their coordination with other insiders and avoid the risk of self-incrimination, forcing them to give in to the demand that they hold wrongdoing judges and their enabling Judiciary accountable and undertake judicial accountability and discipline reform. Therefore, it is realistic to conceive that an outraged national public so stirred to action can gradually develop into a broadly based civic movement that militates for Equal Justice Under Law.

a. The Tea Party

359. 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 '**t**axed **e**nough **a**lready', bandied 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.

360. In 2011, they strong-armed the debt ceiling debate to be resolved on their terms. They even compelled Republican Speaker John Boehner, a 21-year congressional veteran, to back down from even his overture to raising some taxes albeit modestly. Yet more revealing and precedential, their expected voting power caused all nine Republican presidential candidates to raise their hand at one of their debates in the summer to promise that they would not raise taxes regardless of how much the budget was cut. The Tea Party has become kingmaker, at least among Republicans. The next presidential elections will show whether that is the case among voters of all stripes nationwide.

b. Occupy Wall Street

361. In the same vein, the Occupy Wall Street protesters have been able to extend their following from New York City to the rest of our country with surprising speed, not to mention the demonstrations that have taken place simultaneously and under their name in several European countries and other parts of the world. To be sure, those protesters did not have to convince other people of the soundness of a new idea. Deep-seated frustration due to perceived economic injustice and experienced economic distress was already being felt by a great many people. But the protesters have caused such frustration to emerge and manifest itself in public, attracted by the identifiable and practical means of action that they have organized. Thereby the Occupy Wall Street protesters have turned a widely shared personal sentiment of impotent discontent into concrete collective action of self-assertive protest. The individual "why this's happnin' to me?", has become *"WE WON'T TAKE IT ANYMORE!"*

c. Bank Transfer Day

362. 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.[290] 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.

363. Ms. Christian's call for a "Bank Transfer Day" shows that even the smallest unit, one person, can open a vent for people's pent up anger. Moreover, that person can channel their anger constructively into a willingness to get involved in a common course of action to defend their interests. It also shows the power to influence and bring about collective action of the new means of mass communication, that is, social networking on Facebook, Twitter, and YouTube, and blogging by citizen journalists and comment-makers. These means are helping protesters to share their experiences, opinions, and demands broadly, tap grievances widely held, and stir people into doing something concrete[291] about them. By using those means, the people can prevail even

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[290] 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

[291] "Far too often people struggling for democratic rights and justice are not aware of the full range of methods of nonviolent action. Wise strategy, attention to the dynamics of nonviolent struggle, and careful selection of methods can increase a group's chances of success. Inspired by Mahatma Gandhi, American Professor Gene Sharp researched and catalogued these 198 methods and provided a rich selection of historical

upon those who have abused them by wielding power deemed up to now to be unassailable and crushing. The Arab Spring in Tunisia, Egypt, and Libya and the 99% protesters here in the U.S. are there to prove it indisputably.

d. From pioneers of judicial unaccountability reporting to a judicial reform institute to a civic movement

364. These current events provide precedent for the reasonable expectation of positive developments brought about by those who report on judicial wrongdoing and call for the wrongdoers to be held accountable and disciplined. To that end, they must progressively convince the public and their representatives of the need to adopt new legislation not just to write on paper a more explicit requirement that judges "avoid even the appearance of impropriety"[123a], but also to ensure in practice that judges are held accountable for doing so and disciplined when found to have failed. Given what judges are, not a special class of persons above the law, but rather public servants, they must be held accountable for rendering the service for which they were hired under the applicable terms and conditions: to determine in court controversies through the fair and impartial application of substantive law in proceedings that conform with due process of law equally for everybody [292], whether rich or poor[90]; and to behave in and out of court lawfully and ethically so as to honor the public trust placed in them.

365. Everything begins with the pioneers of JUDICIAL UNACCOUNTABILITY REPORTING. They can report the available evidence of judicial unaccountability(jur:21§A) and coordinated wrongdoing in the *DeLano*-J. Sotomayor story(jur:65§B), augmented by the findings of any investigation that they may undertake(jur:97§A). That will be their initial cry of denunciation(jur:98§2). It will also be a rallying cry in support of a new form of reporting on judges and their judiciaries. Their reporting will first concentrate on the federal judges and the Federal Judiciary because they set the law of the national land; hence, they attract national attention and serve as the model for the state judges and judiciaries.

366. Consequently, the pioneers of judicial unaccountability reporting will begin by systematically investigating the means, motive, and opportunity that enable federal judges to be unaccountable and, as a result, risklessly engage in wrongdoing. To enhance their credibility, they will be methodologically rigorous and use advanced research technology (jur:131§b). They will analyze official statistics and reports of the Federal Judiciary, its judges' disclosures[ii], and empirical evidence, whether contained in case documents or provided by litigants(jur:111§1)), complainants(jur:111§3)) and judicial personnel(jur:106§c). Their reporting will show how judges disregard the law, procedure, and ethical conduct in such routine fashion and with such coordination among themselves and between themselves and bankruptcy and legal systems insiders[169] as to have turned their judgeship into a safe haven for wrongdoing and their wrongdoing into the Federal Judiciary's institutionalized modus operandi.

367. The pioneers' reporting can become the rallying point for the rest of the media and the public.

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examples in his seminal work, The Politics of Nonviolent Action (3 Vols.) Boston: Porter Sargent, 1973." http://Judicial-Discipline-Reform.org/docs/Prof_Gene_Sharp_Politics_Nonviolent_Action.pdf

[292] "[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

Naturally, their reporting(jur:98§2) will first resonate with people who have been harmed by wrongdoing judges. But those people's rally will increase in number as the pioneers' reporting prompts ever more laypeople[1], citizen journalists[190], and members of the media(jur:100§3) to conduct their own investigation and reporting and ever more people become outraged by the revelations of judges' unaccountability and their consequent wrongdoing.

368. The pioneering reporters' cry may first be heard at a well-advertised multimedia public presentation(jur:97§1). But it could also begin as whispers made in digital newspapers and social networks. Those whose ears they catch can repeat them on social media[190] until they go viral. That way they can evolve from whispers into a deafening roar that awakens[293] the established media to hear the harmony between the reporting's social and political resonance and a nascent market's sounds of profit. Such development provides the economic justification for those media to assign their vast investigative journalism resources to the risky task of shedding light on the dark side of purportedly "honorable" but definitely powerful judges and justices. Among their resources are reporters with back channel access to Judiciary insiders and their protectors and detractors in the other two branches(jur:77§§5-6) who are willing to provide reliable information on condition of anonymity[294]; as well as reputable editorialists, columnists, anchors, and pundits

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293 **a)** There are precedents for this series of events: Oprah Winfrey picked up for her book club James Frey's autobiography *A Million Little Pieces* and thereby launched it to the top of the bestseller lists. This caught the attention of TheSmokingGun.com blog, which exposed it as embellished pseudo-nonfiction. Thereafter the major TV stations picked up the story and interviewed The Smoking Gun Editor Bustone. Investigative journalists of *The New York Times* and the *Star Tribune* followed suit with exposés that revealed the book as a fabrication around a few little pieces of truth. http://Judicial-Discipline-Reform.org/Follow_money/Million_Little_Pieces_lies.pdf

b) In the same vein, the ever more popular, compassion-inducing drama of Lonely Girl played on the Internet and developed quite a following of fans, including so many geeks, who found irresistibly attractive a beautiful girl with a sensitive soul and the techno-savvy necessary to allegedly put her story on her own webpage. The Internet buzz caught the attention of *The New York Times*, which revealed the whole thing as the hoax of some website promoters and an aspiring talented actress that was anything but lonely; http://Judicial-Discipline-Reform.org/Follow_money/bloggers_Lonely_Girl.pdf. See also fn.190.

294 An example of this is CBS Legal Commentor Jan Crawford Greenburg's report based on her confidential Supreme Court sources that Chief Justice Roberts had initially sided with Conservative Justices Alito, Scalia, and Thomas as well as Justice Stevens, all of whom wanted to hold the Affordable Health Care Act (Obamacare) unconstitutional, but then much to their chagrin switched side and joined Liberal Justices Breyer, Ginsburg, Sotomayor, and Kagan to uphold the constitutionality of its central feature –the mandate for all persons to buy health insurance– not under the Commerce Clause, but rather under Congress's power of taxation. She reported that the former four made a sustained effort to persuade the Chief Justice, who is deemed a conservative, to come back to their fold and were deeply disappointed when he refused. Her report was widely regarded as a scoop given that the Court is highly secretive(jur:27§e) and hardly ever do reports on the process of the justices' voting on any particular decision, let alone dissension among them, leak out. Most digital newspapers, not to mention citizen journalists, do not have anything remotely similar to the sources that both Rep. Greenburg and CBS have been able to cultivate over

with opinion-shaping influence and the means of measuring public reaction through both spontaneous feedback and professional polls. All of them can force politicians and law enforcement authorities, maybe even top judges or justices or their circuit councils[96] and the Judicial Conference[91a], to heed their call to step up and respond to their embarrassing reporting.[295]

369. The pioneers' reporting will lead to a growing recognition of the need for, and advocacy of, judicial accountability reform through new legislation containing innovative mechanisms for preventing judicial wrongdoing, overseeing judges' conduct, and enforcing their accountability

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time and on reliance of their proven professionalism; and if they had claimed that they did and had broken the story few people would have believed them. The established media, such as the national networks, still do count when it comes to making a story sound credible and gain broad public attention.

[295] The precedent for this lies in the present and yet it has already attained historic significance. CBS Reporter Sharryl Attkisson first broke the story of the botched Fast and Furious operation of the Department of Justice's Alcohol, Tobacco, and Firearms Bureau. It allowed thousands of all kinds of heavy guns, including Kalachnikovs and other assault rifles, to be acquired or fall into the hands of viciously violent Mexican gangs of drug smugglers and 'let guns walk' across the U.S.-Mexico border in the belief that the guns could be traced all the way to the top druglords. The finding that some of those guns were used to kill an American ATF agent caused outrage in the media and Congress. Other media investigated the story too.

The outrage led the House Committee on Government Oversight and Reform to open an investigation. Its request for information was met with the disclosure of thousands of documents, but many were so heavily redacted that some of their pages were nothing but a blotch of black ink. Hearings of ATF agents and DoJ officials, including Attorney General Eric Holder himself, gave rise to tergiversations, conflicting testimony, retractions, and corrections that prompted allegations that they had lied in an effort to cover up their responsibility for a reckless, ill-conceived, and worse implemented operation. The Committee's request for more documents was not only refused by AG Holder, but also prompted one of the rare invocations of executive privilege by President Obama to justify the document production refusal. This only strengthened the suspicion that a cover-up was indeed afoot and motivated by the realization that the documents would reveal information too damaging for the President's reelection campaign.

In response, the Committee and subsequently the whole House held AG Holder in contempt of Congress in spite of the fact that the Democrats staged a massive walkout when the contempt resolution came to the floor for a vote to protest it as predicated on an unreasonable demand for further documents and to support their fellow Democrat, AG Holder. It was the first time in the history of Congress that one of its chambers held a sitting member of the president's cabinet in contempt. The story has now become an issue in the presidential campaign that has provided ammunition to those that want to discredit the President and tie him up in a defensive effort.

This story makes it reasonable to expect that the media would not only outrage elected officials, but also the public with the *DeLano*–J. Sotomayor story(jur:65§B) involving concealment of assets by a justice as part of federal judges' coordinated wrongdoing, her cover up of a judge-run bankruptcy fraud scheme, and the President's and senators' lying to the American public to cover up her tax cheating and get her confirmed to the Supreme Court.

by disciplining wrongdoers. It will also develop support for such advocacy to be pursued through the proposed multidisciplinary academic and business venture(jur:119§E). In turn, the venture can lead to the establishment of an institute of judicial unaccountability reporting and reform advocacy(jur:130§5). Among the items that it will advocate is the creation of citizen boards of judicial accountability and discipline(jur:160§8). The boards will be a concrete manifestation of a reform based on adequate mechanisms established through appropriate legislation. To be such, the mechanisms and legislation must recognize and be founded on two axiomatic principle: The first one is that nobody can be judge in his own cause, for his self-preservation instinct will render him biased toward himself and prevent him from judging fairly and impartially. Hence, judges cannot be entrusted with judging their peers(jur:24§§b-c), who may be their friends or their colleagues holding their IOUs or having enough damaging information about the judges to compromise their judging for their own sake. The second principle is that in government, not of men, but of laws, nobody is above the law(jur:26§d) and all public servants are accountable to *We the People*.

370. This highlights the crucial importance of the people rallying behind the pioneers of judicial unaccountability reporting. Popular outrage at judges' wrongdoing is indispensable.(jur:83§§2-3) The people will amplify the pioneers' cry of denunciation by coming together and voicing their outrage as well as ideas for judicial reform.(jur:122§§2-3) They need not speak with one voice for one message to get through loud and clear: That it is outrageous for judges, who are public servants hired to render the service of applying the law fairly and impartially to determine controversies, to wrongfully abuse their position of trust for their own benefit. They beat the law out of due process and give the people what is left as its residue: the hardship and expense of motion through a rigged process: *the chaff of justice!* Formidable resistance can be expected from those judges to ensuring in practice that they apply the law to the performance of their office and to being held accountable for doing so and disciplined or removed for failing to. Overcoming it will likely require that *We the People* come together as a civic movement. They must demand with unyielding persistence what is their right in 'government of, by, and for the people'[172]: to hold judges, their public servants, accountable to them. When the complaining among victims of judges' wrongdoing grows louder until it becomes the rallying cry of an outraged people, the latter will begin the transformation of the rally into the necessary civic movement that not just cries, but rather demands Equal Justice Under Law.

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F. Offer to present the proposal for a process of exposing judges' unaccountability and wrongdoing that launches judicial unaccountability reporting and reform advocacy

371. 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[296] have dismissed with knowing indifference the annual report that Congress required the Judiciary to file with it, which has shown the judges' systematic dismissal without investigation of complaints against their peers: 99.82% of the complaints filed in the 1oct96-30sep08 12 year period reported online were dismissed.(jur:24§b) The media too, prioritizing their corporate interest in not antagonizing life-tenured judges over their professional duty to inform the people, have failed to hold those judges accountable as what they are: public servants in the people's government and answerable to them.(jur:81§§1-2)

372. Judges' unaccountability has made their wrongdoing(jur:5§3) riskless, and thus irresistible. It enables them to systematically disregard due process for expediency's sake. It results in arbitrary ad-hoc fiat-like decisions that they make for the professional, material, and social benefit of their own and of other insiders[169] to the detriment of litigants, the rest of the people, and judicial integrity. They explicitly or implicitly coordinate their wrongdoing among themselves and with others by showing knowing indifference and willful ignorance and blindness to each other's wrongdoing(jur:88§a-d), thus becoming reciprocal accessorial enablers before and after the fact. By engaging widely and routinely in wrongdoing, it has become so pervasive that it is the judges' and their Federal Judiciary's institutionalized modus operandi. This has allowed them to structure it as schemes, e.g., the bankruptcy fraud scheme[60]. Judges will not expose wrongdoers, lest they be ostracized by their peers(jur:62§g) and self-incriminate, whether due to their toleration of, or participation in, it. Consequently, they mutually cover up their wrongdoing, ensuring their interdependent survival and turning the Judiciary into a safe haven for wrongdoing. Thereby federal judges have secured for themselves an unlawful and undemocratic privyleged status and have a vested interest in helping each other to maintain it: Judges Above the Law.

373. Now the duty to expose those judges falls to the people through an individual or collective 'presenter of evidence': one or more persons who are:

    a. knowledgeable about the evidence of how wrong and wrongful decisions made by judges and tolerated by their peers harm litigants as well as the rest of the people;

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[296] The criticism of federal judges as "liberal" or "activist" by both Republican and Democratic politicians constituted a short-lived attack that was voiced only during the Republican primaries and before the Supreme Court's decision on Obamacare.[i] Once it became clear that the 2012 presidential election was too close to call, the attack on judges was dropped. Politicians must have realized that it could alienate the all important Hispanic vote and provoke retaliatory ill will on the part of federal judges, who could end up as the arbiters of the election, as they were of that in 2000. The failure of politicians to pursue the issues and factual considerations underlying their criticism showed that their attack had been politically motivated for immediate electoral benefit rather than the honest expression of concern for the long-term integrity of the judiciary and of judicial process.

b. courageous enough to report it to incriminate life-tenured federal judges in wrongdoing; and

c. sufficiently capable of thinking strategically and presenting skillfully to

1) set in motion a series of exposés and further journalistic investigations and reporting that

2) outrage the national public and

3) cause it to demand that politicians ● officially investigate judges, ● hold wrongdoers accountable, and ● undertake judicial reform. The presenters must advocate, and the people must insist on, changes to the current judicial system that ensure that judges not only in fact dispose of cases fairly and impartially according to law, but also transparently and notoriously appear to be doing so, for 'Justice requires the appearance of Justice'[71]. Thanks to their knowledge, courage, and skills on behalf of the people and justice, that or those presenters can become the people's Champions of Justice[164a].

1. How the public presentation that pioneers judicial unaccountability reporting can be followed by a series of events and thus *trigger history!*

374. The complaining about judges' wrongdoing(jur:5§3) suffered by many victims and affecting all people under government no longer by the rule of law can become a rallying cry for judicial accountability and reform. For that to happen, journalists or an important personality normally covered by the media are necessary intermediaries. They can make an initial public presentation (jur:xxviii) of this book's(a&p:5) analysis of the means, motive, and opportunity that provide the enabling conditions for judges to be unaccountable and engage in wrongdoing risklessly (jur:21§A) as well as the evidence thereof contained in the *DeLano*-J. Sotomayor story(jur:65§B; xxxvi). Their presentation can outrage the audience and provide the business and professional incentive(jur:8§5) to investigate both that story further(jur:97§A) and complaints by judicial wrongdoing victims(jur:xxx). It can begin the development of a market for more information about judges' wrongdoing and the judiciaries that tolerate and participate in it. Thereby those journalists or important personality will pioneer the news and publishing field of judicial unaccountability reporting.

375. Their initial public presentation(dcc:7) can take the form of an Emile Zola *I accuse!*-like denunciation(98§2) of judges' coordinated wrongdoing: the conspiracy of officers of the Judiciary to protect themselves by falsely charging Justice with having been done. The presentation can take place in a print or digital publication or on a newscast. It can also be performed at a well-advertised and rehearsed multimedia event(dcc:11) before an audience of multipliers of contents distribution and shapers of public opinion. To those in attendance a pamphlet can be handed out providing a summary of the available evidence of such wrongdoing, pointing to this book or another publication for detailed description and analysis, and proposing that they join judicial unaccountability reporting by conducting further investigation of judges' wrongdoing, such as that outlined for the *DeLano*-J. Sotomayor story(jur:102§4), and advocating judicial reform through the multidisciplinary academic and business venture(jur:119§§1-4).

376. Such initial presentation can open the doors to a series of presentations by the same presenters

and others at:

a. a series of talkshows[1],
b. press clubs and conferences,
c. public interest entities and public defender offices,
d. bar associations,
e. Continued Legal Education (CLE) courses and law firm informative meetings,
f. professional ethics centers and think tanks,
g. law, journalism, and business schools and undergraduate programs,
h. groups of judicial wrongdoing victims,
i. rallies of politicians seeking to capitalize on public outrage at judges' wrongdoing,
j. bookstores and other events(97§1).

377. The initial and subsequent presentations can:

a. give rise to public feedback(122§2) that in turn grows demand for news and publications about judicial unaccountability and wrongdoing(126§3) and how to reform the judiciaries;
b. pave the way for offering The *DeLano* Case Course(dcc:1);
c. launch a Watergate-like generalized and first-ever media investigation(100§3) of judges and their judiciaries, beginning at the federal level and then expanding to the states, by journalists in quest of Woodward-Bernstein(jur:3§2) rewards, such as a Pulitzer Prize, as they competitively search for the concealed assets of a sitting justice of the Supreme Court, J. Sotomayor(jur:102§4), and other judges[213], and thus follow the pioneers of judicial unaccountability reporting by contributing to its development as an innovative for-profit and public service news and publishing field;
d. attract sponsors of the formation of, and participants in, the multidisciplinary academic and business venture(jur:119§1) that begins to conduct professional judicial unaccountability and wrongdoing research and to advocate judicial reform; and
e. lead to the creation of an institute of judicial accountability reporting and reform advocacy that on a more permanent, structured, and for-profit basis(130§5) conducts advanced information technology research to establish such reporting on the solid basis of novel statistical and linguistic analysis of the writings and activities of judges and their judiciaries,(131§b); educates reformers; collects, publishes, and investigates judicial wrongdoing complaints; represents victims; lobbies for reform; etc.(153§§c-g);
f. generate momentum for a civic movement(164§9) that demands legislated reform to include the establishment of citizen boards of judicial accountability and discipline (158§§1-7) that participate in both implementing the reform and monitoring the very branches of government that have tolerated and engaged in judicial wrongdoing(160§8); and
g. lead to judicial unaccountability reporting and reform that have a realistic chance of making progress toward greater realization of the noble ideal of Equal Justice Under Law.

378. Dr. Cordero respectfully requests an invitation by journalists, politicians, and others interested in

honest judiciaries to lay out to them the proposal for them to act as initial presenters of judicial unaccountability reporting and reform advocacy as described above and become the people's Champions of Justice.

379. You have the opportunity to take action. If you do, *you can trigger history!* (dcc:11)

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Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing

Pioneering the news and publishing field of judicial unaccountability reporting

Journalists, politicians, and advocates of honest judiciaries thinking strategically have an interest in making a pioneering public presentation of the evidence herein. It is based on official documents revealing judges' unaccountability and motive, means, and opportunity risklessly to do wrong by denying due process, depriving people of their rights, and corrupting the rule of law. Judges' wrongdoing is so pervasive as to constitute their institutionalized modus operandi. Showing that it is so can launch a Watergate-like generalized media investigation of who knew what and when. Its findings can so outrage the people as to cause them to **1)** demand more information, providing a market incentive for further developing the news and publishing field of judicial unaccountability reporting; **2)** support a multidisciplinary academic and business venture that advocates judicial reform; and **3)** force the investigation of judges by Congress, DoJ-FBI, and their state counterparts. The authorities can make even more outrageous findings on the strength of their subpoena, search, contempt, and penal powers and during nationally televised public hearings. Confronted with such exacerbated outrage, politicians will find it in their self-interest to legislate reform implemented with the assistance of citizen boards of judicial accountability and discipline that

ENSURES THE ADMINISTRATION TO *WE THE PEOPLE* OF EQUAL JUSTICE UNDER LAW

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Dear Journalists, Politicians, and Advocates of honest judiciaries,

All presidential nominee candidates courageously criticized federal judges for being "activist"[ia,b] or Justice Sotomayor, P. Obama's first justiceship nominee, for being "liberal"[ic]. Those are subjective notions describing matters of opinion; as such, they resonate only with some people. This is a proposal, supported by my professional research[ii] on, and litigation experience in, the Federal Judiciary[109b,114c], for that criticism of federal judges, including J. Sotomayor[69], to be based on their wrongdoing[iii], which is a matter of objective evidence of their disregard of their duties(88§§a-d) and infraction of laws applicable to them too[213]; so it can outrage everybody.

Indeed, federal judges engage in wrongdoing because they are held by their peers, Congress, and the media unaccountable(21§1). As a result, their wrongdoing is riskless. This makes it irresistible for them to grab wrongfully material, professional, and social benefits. The analysis of the official statistics shows it: In the 223 years since the creation of the Federal Judiciary in 1789, only 8 federal judges[13] have been impeached and removed[14]. The Judiciary has allowed its chief circuit judges to dismiss systematically 99.82% of the complaints filed[18a] against judges in the 1oct96-30sep08 12-year period[19a-c]. In that period, its judicial councils –the circuits[22a] all-judge disciplinary bodies– denied up to 100% of the petitions to review those dismissals(24§b), as did the 2nd Circuit's council[19d], of which Then-Judge Sotomayor was a member[20]. Up to 9 of every 10 appeals are disposed of ad-hoc[29] through no-reason summary orders[66a] or opinions so "perfunctory"[68] that they are neither published nor precedential[70], mere fiats of raw judicial power.

Judges abuse their <u>means</u>, unaccountable power, to pursue the most corruptive <u>motive</u>: *money!* Just in the bankruptcies filed by consumers in CY10, bankruptcy judges ruled on $373bl.[31] Money is what drives[30] the concealment of assets in *DeLano*[109], a consumer bankruptcy appeal presided over by Then-Judge Sotomayor(66§2). She engaged in such concealment as part of a routine practice that has developed into a judge-run bankruptcy fraud scheme[60]. In fact, even the liberal papers *The New York Times*, *The Washington Post*, and Politico suspected her of con-cealing assets of hers[107a] despite her duty to disclose[107b,d], which pointed to evasion of taxes[107c] or concealment of the assets' illicit source. Yet, the President nominated her as he had for cabinet positions other known tax cheats[¶137]. While 1.5ml. bankruptcies are filed annually[34], only .23% are reviewed by district courts and fewer than .08% by circuit courts[33]. Their unreviewability provides the <u>opportunity</u> for riskless wrongdoing(86§4) since nobody will hold judges accountable.

But you can by contributing to the exposure of **1)** the conditions that have allowed wrongdoing to become the Judiciary's institutionalized modus operandi(49§4) and **2)** the need for the justices who earlier as judges engaged in[109b§X], or tolerated their peers'[144d], wrongdoing to keep doing so to protect them and themselves[89]. Your exposé at a public presentation(97§1) need only provide enough evidence thereof in the *DeLano*-J. Sotomayor-P. Obama story(xxxv) for journalists, in quest of a name-making scoop, and others to be sent on a Watergate-like(4¶¶10-14) generalized media investigation(100§3) that asks: What did the President(77§5) and the justices[23b] and judges know(71§4) about J. Sotomayor's concealment of assets(65§1) and tax evasion[107c] and other judges'[213] wrongdoing and when(75§d) did they know it? Their revelations of how judges wrongfully benefit while harming millions of new parties annually(7¶22) can outrage everybody; cause one or more justices to resign, as Justice Abe Fortas had to in 1969[¶211]; and force the authorities to investigate federal and state judiciaries. A business and academic venture(119§E) can channel their outrage toward advocacy of judicial accountability reform. Thus, I respectfully request an invitation to present to you and your colleagues(171§F) the evidence of judges' wrongdoing through which you can become the People's Champion of Justice[164].

Sincerely, Dr. Richard Cordero, Esq.

Correcting Links Broken at the End of a Line

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".

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[i] **a)** Republicans Turn Judicial Power Into a Campaign Issue; by Adam Liptak and Michael D. Shear, *The New York Times*, 23oct11; http://Judicial-Discipline-Reform.org/docs/Rep_candidates_fed_judges_12.pdf; **b)** Dems Hit Romney for Going After Sotomayor in Ads; TPM (5mar12); Hispanic leaders condemn Romney for criticizing Sotomayor in ad; by Griselda Nevarez. VOXXI (29feb12); National Institute for Latino Policy; 5mar12; id; **c)** CBS "Face the Nation" Host Bob Schieffer interviews Speaker Newt Gingrich on "activist judges"; 18dec11; id. See [296] and jur:171¶371.

[ii] This proposal is based, not on secondary sources, i.e., other authors' opinions, but rather on official statistics and statements found through original research and analyzed by Dr. Cordero:

a) official statistics of the Administrative Office of the U.S. Courts, http://www.uscourts.gov/Statistics.aspx, and of individual courts, e.g., http://www.ca2.uscourts.gov/;

b) official reports on the federal courts, http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx and http://www.uscourts.gov/Statistics/JudicialBusiness.aspx; and reports of individual courts, e.g., http://www.ca2.uscourts.gov/annualreports.htm;

c) official reports on the proceedings of judicial bodies, e.g., http://www.uscourts.gov/FederalCourts/JudicialConference/Proceedings.aspx

d) documents publicly filed with the courts, http://www.pacer.uscourts.gov/index.html;

e) rulings, decisions, and opinions of judges available in print and online through the courts' websites, http://www.uscourts.gov/court_locator.aspx, and through official court reporters, e.g. West Publishing, http://web2.westlaw.com/signon/default.wl?bhcp=1&fn=%5Ftop&newdoor=true&rs=WLW11%2E10&vr=2%2E0; and unofficial aggregators of official court materials, e.g., http://www.findlaw.com/ and https://www.fastcase.com/;

f) judges' speeches, e.g., http://www.supremecourt.gov/publicinfo/speeches/speeches.aspx;

g) official news releases and articles in the official newsletter of the federal courts, http://www.uscourts.gov/News/InsideTheJudiciary.aspx;

h) other materials, http://www.uscourts.gov/FederalCourts/PublicationsAndReports.aspx;

i) federal laws and rules of judicial procedure, http://uscode.house.gov/;

j) reports providing the evidentiary justification for the need, purpose, and intent of legislative bills, http://www.senate.gov/pagelayout/legislative/g_three_sections_with_teasers/legislative_home.htm and http://clerk.house.gov/floorsummary/floor.aspx

k) statements of members of Congress on their websites, http://www.house.gov/representatives/ and http://www.senate.gov/general/contact_information/senators_cfm.cfm;

l) reports of the U.S. Govt. Accountability Office, http://www.gao.gov/browse/date/week.

Most of these materials have been downloaded, converted to pdf's, enhanced with links to the originals and navigational bookmarks, and posted to http://Judicial-Discipline-Reform.org to ensure that they are always available no matter what happens to the originals. Cf. this note on the Administrative Office's website: "Page Not Found. Sorry, the page you requested could not be found at this address. We've recently made updates to our site, and this page may have been moved or renamed"; http://Judicial-Discipline-Reform.org/docs/AO_Page_Not_Found_5nov11.pdf.

[iii] Judges' wrongdoing is pervasive(jur:xxxix); their unaccountability & coordination among themselves and with bankruptcy[33] & legal systems insiders[169] makes it riskless, irresistible. They:

a) systematically dismiss complaints against them, which are not public record, preventing complaint analysis to detect patterns of wrongdoing and habitual wrongdoing judges;(jur:24§b)

b) fail to report gifts from, and participation in seminars paid by, parties before them;[272]

c) routinely deny motions to recuse themselves[272] due to, e.g., conflict of interests by holding shares in, or sitting on a board of, one of the parties, fundraising for promoters of an ideology, despite violating thereby the requirement to "avoid even the appearance of impropriety"[123a];

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

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

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

g) get rid of 9 out of 10 cases through either reasonless, meaningless summary orders or decisions so perfunctory that the judges mark them "not for publication" and "not 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[66b];

h) in pursuit of that expediency policy, overwhelmingly affirm the decisions of their lower court colleagues, for rubberstamping an affirmance is decidedly easier than explaining a reversal and the way to avoid the same prejudicial error on remand[69] >¶¶1-3;

i) systematically deny petitions for en banc review by the whole court of each other's decisions, thus assuring reciprocal deference and the continued force of their decisions regardless of how wrong or wrongful they are(jur:45§2);

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

k) do not publish comments on court rules proposed by courts, thus cloaking in secrecy judges' comments, which fosters and conceals wrongful motives and coordination, and turning the request for public comments into a pro forma exercise that allows even overwhelming opposition to be kept undisclosed and disregarded without public protest ¶355e;

l) never hold press conferences, thus escaping the scrutiny of journalists and that of the public, since federal judges do not have to run in judicial elections[29](cf. jur:97§1; dcc:11) and

m) file pro forma financial disclosure reports[213b] with the Judicial Conference[91] Committee on Financial Disclosure, composed of report-filing peer judges assisted by Administrative Office of the U.S. Courts[10] members, who are their appointees and serve at their will(31§(a)).

[iv] The rewards for pioneering JUDICIAL UNACCOUNTABILITY REPORTING AND REFORM ADVOCACY(1643§d) will be many, commensurable with the risk involved and the courage, leadership, and originality needed. One comes to mind: Time Magazine's person of the year. Last year's was The Protester, portrayed on the cover by the head and face of a person wrapped in a turban in Arab-like fashion. Who has a better chance of being the next Time's person of the year, a politician or journalist with his pen clenched between his teeth and his hands over his eyes and hears as he stoops down the street past a courthouse or a person who dare investigate(102§4) judges and justices to expose their coordinated wrongdoing and mutual cover-up dependent survival(88§§ad) and thereby renders a public service to *We the People*, to the integrity of judicial process, and to democracy itself? That courageous person can be you.

EXECUTIVE SUMMARY OF THE PROPOSAL FOR PIONEERING JUDICIAL UNACCOUNTABILITY REPORTING

Section A(jur:21) discusses the means, motive, and opportunity enabling federal judges to do wrong. They wield their decision-making power with no constraints by abusing their self-disciplining authority to systematically dismiss 99.82% of the complaints filed against them. This allows them to pursue the corruptive motive of money: In CY10 they ruled on $373 billion at stake in personal bankruptcies alone. While all bankruptcy cases constitute 80% of the cases filed every year, only .23% are reviewed by district courts and fewer than .08% by circuit courts. Such de facto unreviewability affords judges the opportunity to engage in wrongdoing, for it is riskless and all the more beneficial in professional, social, and financial terms. Yet Congress and journalists abstain from investigating their wrongdoing for fear of making enemies of life-tenured judges. Hence, federal judges enjoy unaccountability. It has rendered their wrongdoing irresistible. They engage in it so routinely and in such coordinated fashion among themselves and with others as to have turned it into the Federal Judiciary's institutionalized modus operandi.

Section B(jur:65) describes *DeLano*, a case that can expose one of the gravest and most pervasive forms of wrongdoing: a judge-run bankruptcy fraud scheme. The *DeLano* bankruptcy judge was appointed and removable by his circuit judges. The appeal was presided over by Then-Circuit Judge Sotomayor. She and her peers protected their appointee by approving his unlawful denial of, and denying in turn, *every single document* requested by the creditor from the debtor, a 39-year veteran bankruptcy officer, an insider who knew too much not to be allowed to avoid accounting for over $⅔ of a million. The case is so egregious that she withheld it from the Senate Committee reviewing her justiceship nomination. Now a justice, she must keep covering up the scheme and all her and her peers' wrongdoing, just as she must cover for the other justices and they for her.

Section C(jur:81) explains how judges cover up their wrongdoing through knowing indifference and willful ignorance and blindness; and how their standard "avoid even the appearance of impropriety" can support a strategy: *DeLano* exposed, an outraged public will cause a justice to resign, as it did J. Fortas, and the authorities to investigate judges and undertake judicial reform.

Section D(jur:97) deals with how to expose *DeLano* and the available evidence of a bankruptcy fraud scheme by making an initial presentation at an event well attended by journalists and broadcast to citizen journalists to launch them on a Watergate-like generalized media investigation of wrongdoing in the Federal Judiciary guided by the query: "What did the justices know and when did they know it?" and intent on finding the assets of her own that *The New York Times, The Washington Post*, and Politico suspected J. Sotomayor of concealing. The presentation can issue an Emile Zola *I accuse!*-like denunciation that pioneers judicial unaccountability reporting.

Section D4(jur:102) proposes a *Follow the money and the wire!* investigation of the *DeLano*-J. Sotomayor story. It implements the strategy of judicial unaccountability and wrongdoing exposure, not in court before reciprocally protecting judges, but journalistically. It can be cost-effective thanks to the leads extracted from over 5,000 pages of the record of *DeLano*, which went from bankruptcy court to the Supreme Court. It can be confined to, or expanded beyond, the Internet, D.C., NY City, Rochester, and Albany; and search for Deep Throats in the Judiciary.

Section E(jur:119) Proposes a multidisciplinary academic and business venture to promote judicial unaccountability reporting and reform. From informing the public and assisting victims of judicial abuse tell their stories, it should lead to the creation of an institute to conduct IT research; train reformers; advocate a legislative agenda; call for citizen boards of judicial accountability and an IG for the Judiciary; and become a champion of Equal Justice Under Law.

Section F(jur:171) Offers to present this proposal to the prospective sponsors *to trigger history!*

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Proposed Key Points for the Presentation by Journalists, Politicians, and Advocates of Honest Judiciaries of Evidence of Wrongdoing by Unaccountable Judges and The Harm that They Cause *We the People* and Thereby

a) launch a Watergate-like, generalized investigation that can lead justices & judges to resign and
b) make a Pulitzer Prize-worthy scoop and/or become the People's Champion of Justice

1. **Judges' wrongdoing harms economically scores of millions of people**(jur:7¶22). This is only most evident with regard to the 1.5 million personal bankruptcies with over $373 billion at stake(27§2) that are filed every year by an overwhelming majority of pro se debtors [33,38]. 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(46§3). Debtors and creditors are abused and their families, employees, the businesses that they used to patronize, etc., are also harmed economically.(cf. 83§2)

2. **Judges' conceal assets and evade taxes that the people need paid.** Judges do wrong since they are unaccountable(21§1) and need not fear being investigated(81§1). They file mandatory financial disclosure reports pro forma[213b] that beg the question: Where is the money that judges earn from salaries[211] which put them in the top 2% income earners[212] in the U.S. and which are increased by their investment, outside income, and gifts? They routinely conceal income[272] and spare their peers investigation(104¶¶236,237). But average Americans must declare all their income, pay taxes thereon, and count on being audited. Evidence thereof will outrage the people and draw their attention to the courageous presidential candidate that reveals such abusive inequality.

3. **P. Obama covered up of his justiceship nominee J. Sotomayor's concealment of assets.** He had the articles in *The New York Times*, *The Washington Post*, and Politico that suspected J. Sotomayor of concealing assets[107a] and the FBI vetting reports(77§5). Yet, he nominated her, just as he had nominated for cabinet positions known tax cheats Tim Geithner, Tom Daschle, and Nancy Killefer[108]. The evidence contained in those articles can set off a Watergate-like[¶¶10-14] generalized media investigation(100§3) that asks: What did the President(77§5) and the justices and judges know[23b] about J. Sotomayor's concealment of assets(65§1) and tax evasion[107a,c] and other justices'(71§4) and judges'[213] wrongdoing and when(75§d) did they know it? The journalists' stream of revelations that P. Obama lied to the public about J. Sotomayor's integrity can provoke such outrage as to curb donations to his fundraising campaign aimed at raising $1 billion! This investigation can alter profoundly the financial and public relations dynamics of the primary and the presidential campaigns.

4. **J. Sotomayor participated in the cover-up of a judge-run bankruptcy fraud scheme**. Circuit judges, such as Then-Judge Sotomayor was, appoint bankruptcy judges for renewable 14-year terms, and can remove them. They have a vested interest in validating the good character and competence of their appointees, who rule on huge amounts of money. She covered up the participation of the bankruptcy judge in a judge-run bankruptcy fraud scheme in *DeLano*(66§§2-3) a case so incriminating that she withheld it from the Senate Judiciary Committee(69§b).

5. **The presentation can lead a politician to cause the deepest and most enduring reform of the Federal Judiciary.** The investigation findings(97§D) can cause judicial resignations due to wrongdoing or the appearance of impropriety(92§d); enable politicians to recommend, nominate, and confirm judges respectful of the 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 betraying public, and administer Equal Justice Under Law to themselves and the People(171§F)

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Who or what caused *The New York Times*, *The Washington Post*, and Politico[107a] to kill their series of stories that suspected Then-2nd Cir.(17, 18) Judge Sotomayor (65§B), the first nominee of President Obama to the Supreme Court, of concealing assets of her own? Was there a quid pro quod?

Can the findings of professional and citizen journalists(163¶363) 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 Judiciary[ii] and articles of top media entities[107a]. They call for responsible professional and citizen journalists to investigate a story(xxxv) of national interest and potentially grave political consequences. This is so because the story involves:
   a. a sitting president and reelection candidate: Did he, to secure support from Latino and feminist voters for Obamacare, nominate J. Sotomayor, just as he had other tax cheats[108]?(77§5);
   b. a sitting justice: Did she abuse federal judges' unaccountability(21§1) to conceal assets of hers [107c] and others(68§a) and must cover it up, lest any investigation end up incriminating her?;
   c. judges who file with their peers or approve the latter's annual financial disclosure reports[107d]: Do they file and approve them pro forma[213b], 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(27§2) and where most cases are brought pro se[33,38] and are in practice unreviewable(28§3): Do they abuse such unreviewability to run[60] a bankruptcy fraud scheme(66§2)?;
   e. a dead heat presidential campaign and voters' heightened attention: Can journalists' pursuing a scoop deserving of a Pulitzer Prize make an initial presentation(xxxii) of judges' wrongdoing evidence that sets off to a Watergate-like(100§3) generalized media investigation(102§§a-e) guided by a historic query that caused President Nixon to resign, his White House aides to go to prison, and iconic journalistic figures to emerge(4¶¶10-14), and which now can be rephrased thus:

      > What did the President(77§5) and the justices and judges know[23b] about J. Sotomayor's concealment of assets(65§1) and consequent tax evasion[107c] and other justices'(71§4) and judges'[213] wrongdoing and when(75§d) did they know it?

2. The findings of those pioneering JUDICIAL UNACCOUNTABILITY REPORTING(164§d) can outrage(83§§2, 3) the public at wrongdoing judges and the politicians who put and keep them in office(81§1); and:
   a. lead one or more justices to resign, as U.S. Justice Abe Fortas had to on 14may69(93¶211);
   b. stir up the public into demanding that the authorities, i.e., Congress, the U.S. Dept. of Justice, the FBI, and their state counterparts, investigate(97§D) judges and the Federal Judiciary for tolerating, enabling, and engaging in wrongdoing(88§§a-d) just as they investigate others;
   c. whereby that public can become a new news market(7¶¶22,26) that generates a profit incentive for journalists to commit further investigative resources and even join their demand;
   d. cause officeholders and candidates fearing voters' disapproval at the polls to take action to expose judges' wrongdoing(97§§1-E1) and make them accountable and disciplinable(126§§4-5);
   e. make the courageous[iv] exposer and judicial accountability advocate a Champion of Justice[164a].

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

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

A. THE PROBLEM

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

B. THE OBJECTIVE

2. The objective of this endeavor is to expose how ingrained wrongdoing has become in the Judiciary's operation; how high it reaches in its hierarchy; and how long it has perverted the administration of justice. Based on the facts(21§§A,B), it is possible to identify the conditions enabling wrongdoing that must be eliminated; devise the necessary measures to prevent, detect, and punish it; and correct or adopt the statutory and constitutional provisions that will ensure that federal judges behave and are treated as public servants accountable to, and disciplinable by, the people, who are the source, agents, and intended beneficiaries of 'government of, by, and for *We the People*'[172] In short, the objective is to achieve judicial accountability and discipline reform.

C. THE STRATEGY

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

3. The strategy to achieve that objective is based on the realization that it amounts to self-contradictory conduct doomed to failure from the outset to sue or complain against judges for their wrongdoing by filing process in their own turf, that is, their courts. That is mostly the place where they are charged with disregarding the laws and the rules, including those applicable to suits and complaints against judges. In addition, such process in the courts is presided over by the defendant judges' peers, who may have known those judges for 1, 5, 10, 15, 20 years or more.(62¶133) As a result, the presiding peers may have known about the wrongdoing of the defendant judges or should have known about it had they proceeded with due diligence to safeguard the integrity of judicial process and of the Judiciary.(57¶119 >Canon1) But they did nothing about it, thereby covering the past and enabling the future wrongdoing of the defendant judges. Worse yet, the peers themselves may have engaged in their own wrongdoing in reliance on the expectation of reciprocal cover-up. Thus, the presiding peers cannot allow any

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

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

4. The judges' wrongdoing exposed by journalistic investigations can provoke such outrage as to cause the public to demand that wrongdoing judges be officially investigated. The authorities can be thus forced to investigate. Thanks to their subpoena, contempt, and penal powers, they can be more incisive and make even more outrageous findings that will compel a legislated(126§4) reform of the Judiciary. The reform must hold judges as publicly accountable as other public servants are now(156§6) but in a forum outside and independent of all the courts and their judges(129§5), such as a citizen board of judicial accountability and discipline(158§8).

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

5. Out of self-preservation –perhaps partiality and a quid pro quod–, the media has failed to investigate complaints about wrongdoing by life-tenured and de facto unimpeachable federal judges, who can retaliate with impunity against those who investigate and expose them. Consequently, journalists must be provided with a proposal for the investigation of judicial wrongdoing enticing enough to overcome such fear. The enticement may consist of the likelihood of a name-making scoop, better yet, one worth a Pulitzer Prize or being named Time Magazine Person of the Year, with the prospect of recounting the investigation in a bestseller book and of being portrayed in a blockbuster film so that one becomes an iconic figure of journalism and a case study at every school of journalism or earns the moral reward of recognition by a grateful nation for having contributed to a greater realization of the noble ideal of Equal Justice Under Law in government, not of officers, but of laws.

6. There is precedent for this: *Washington Post* Reporters Carl Bernstein and Bob Woodward and their decisive contribution to the exposure of the Watergate Scandal.(4¶¶10-14) The proposal should also provide sufficient retaliation-reducing features to make any remaining risk acceptable. That requirement can be satisfied by a national personality staging such an attention-grabbing presentation on judges' wrongdoing and their enabling Judiciary as to bring into their investigation so many journalists that judges cannot retaliate against them all, lest they betray blatant abuse of power. An unprecedented political circumstance makes this propitious now.

4. The opportunity for causing politicians to launch a Watergate-like generalized competitive media investigation of judicial wrongdoing

7. Open and notorious criticism of federal judges by politicians is rare[17]. Simultaneous criticism by all the four Republican candidates as well as the President (23fn17b >act_j:61) is unprecedented, particularly given the harsh corrective and even retaliatory measures to deal with those judges that some candidates have proposed. Sen. Santorum, Rep. Paul, and Speaker Gingrich have criticized them on grounds of their judicial "activism"; as for Gov. Romney, he criticized Justice Sotomayor specifically as a "liberal" judgei. Those are subjective notions that describe matters of opinion. As such, they resonate only with people who happen to know what an "activist" or a "liberal" judge looks like and who condemn those to whom such labels have been affixed.

8. By contrast, judicial wrongdoing concerns matters of objective evidence of the judges' disregard of their duties, people's rights, and their own obligation to obey the law. As such, knowledge of it, never mind realizing that one was, may have been, or is likely to be a victim of the judges themselves, can outrage all the people regardless of their political persuasion or lack thereof. It is outrageous for judges who were entrusted with decision-making power over the people's property, liberty, and lives to have in coordination among themselves abused it in self-interest and knowingly to the detriment of the people. The public at large outraged by the judges' wrongdoing, particularly during a presidential campaign, is likely to make candidates and incumbents hear its demand for those who engaged in outrageous conduct to be held accountable and for action to be taken to prevent their future outrageous conduct. It is also likely that those candidates and incumbents will be forced to take a stand on the issue and be seen acting accordingly.

9. It is to make each of those candidates realize that it is in his interest to **a)** take the lead in pursuing his criticism of federal judges as the issue that each sorely needs to make himself stand out, attract voters' attention, donations, and votes; **b)** base it on the broadly appealing, outrage-provoking objective evidence of the judges' wrongdoing so as to become the People's Champion of Justice defending them from abusive public servants who have arrogated to themselves an intolerably undemocratic status: Judges Above the Law; **c)** take advantage of his access to the national media to make a presentation of the evidence; and **d)** entice all journalists into a rewarding and reasonably safe race for once-in-a-lifetime scoop that leads to a Water-gate-like generalized media investigation of judges' wrongdoing and their enabling Judiciary.

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

10. The President nominated Then-2nd Circuit Judge Sotomayor to the Supreme Court and maintained her nomination. Yet, he had access to the articles in *The New York Times, The Washington Post*, and Politico that suspected her of concealment of assets[107a], which pointed to her evasion of taxes and possibly to concealment of their illicit source. He also disregarded the financial statements that Judge Sotomayor had to file with the Senate Judiciary Committee as part of her confirmation process[107b], which also pointed to concealment of assets[107c]. Similarly, he disregarded the FBI's secret report on its vetting of her, which is likely to have been even more damaging given its power to subpoena her bank accounts statements, colleagues at and clients of the law firm where she had been a partner, bank officers that extended loans to her, etc. The President had already disregarded publicly filed documents pointing to the tax evasion of three other known tax cheats, whom he nevertheless nominated for cabinet positions: Tim Geithner, Tom Daschle, and Nancy Killefer[108].

11. Therefore, when President Obama vouched for Judge Sotomayor's integrity, he lied to the American public. He did so in his self-interest of currying favor with voters that wanted a Latina and another woman on the Supreme Court and on whose support he counted as he prepared for the battle to adopt his signature legislation: the Affordable Health Act, a.k.a. Obamacare.

12. There can be no doubt that a presidential nominee candidate would provide journalists with a powerful incentive to investigate judges' wrongdoing by formulating the investigative query thus:

> What did the President(77§5) and the justices[23b] and judges[131] know about J. Sotomayor's concealment of assets(65§1) and consequent tax evasion[107c] and other justices'(71§4) and judges'[213] wrongdoing and when(75§d) did they know it?

13. Any of the candidates can also dangle the prospect of the journalists' making a series of revela-

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

14. By contrast, J. Sotomayor would appear to have committed the crime of evasion of taxes and to continue to commit it by keeping her assets concealed on her IRS return forms and annual financial disclosure reports. Such "appearance" would make her holding to her office untenable. The situation would even be worse if she refused to resign, for that would only aggravate the embarrassment for President Obama, who would be pressured to call for the impeachment of his own former nominee. His embarrassment, however, can begin much earlier, the moment a Republican candidate or a journalist first calls for his release of the secret FBI vetting report on her.

15. Moreover, the journalistic revelations pointing to the President's lying to the American public about his Nominee Sotomayor's integrity as well as the lying of the senators that recommended her nomination and that he appointed to guide her through her confirmation in the Senate can also provoke public outrage. It can give rise to such disaffection from the President as to reduce the flow of donations to his fundraising machinery, which is said to have set itself a goal of $1 billion! Equally outrageous can be revelations that his Department of Justice refused to investigate complaints against federal judges to avoid giving them any motive to scuttle his adopted legislative agenda[17] when challenged on, for instance, constitutional grounds, as Obamacare is.

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

16. These three types of news reporters can pioneer JUDICIAL UNACCOUNTABILITY REPORTING. Thereby they can profoundly alter the financial and public relations dynamics of the presidential campaign. The scandal that they uncover can surpass the scope and impact of Watergate, which dealt with a president, Richard Nixon, in his second and last term. Here the scandal involves life-tenured judges that up to now have conducted themselves as a center of power escaping democratic control, even that provided by the Constitution's checks and balances. A constitutional crisis will likely arise. Its determining factors will be the judges' unaccountability and consequent wrongdoing; public outrage and demand for full exposure and preventative and punishing measures; and a power play among the government branches; its solution can give the opportunity to the next president to change the balance of that power and make of the reform of the Judiciary his most significant and enduring reform. There lies the vital interest in this issue for each of the four candidates that have criticized "activist" and "liberal" judges. The reporters can highlight that interest when challenging the candidates to criticize them on the evidence of their wrongdoing.

17. For those reporters that by pioneering judicial unaccountability reporting precipitate a judicial wrongdoing-cleansing crisis and reformative solution there await professional and social rewards(4¶13). To start that reporting and end up deserving those rewards, the reporters can:

    a. present those candidates with the objective evidence(21§§A,B) of **(i)** the wrongdoing of the judges; **(ii)** the harm that they inflict on the people; and **(iii)** the corrupting influence that they propagate throughout the Judiciary, the legal and bankruptcy systems, and legal process;

    b. ask that they take a stand on the evidence and state their plan to deal with such wrongdoing;

c. call and ask that also the candidates call **(i)** on P. Obama to release the secret FBI report on the vetting of Then-Judge Sotomayor; and **(ii)** on her to account for her assets[108c] and for her concealment of *DeLano*, which she presided over, from the Senate Judiciary Committee(77§5);

d. ask people to send them copies of their complaints against judges so as to discern patterns of wrongdoing, and draw up the sociogram of wrongdoing judges and other insiders(111§3))

e. encourage the media, whether separately or in a joint investigation, in general, to:

   1) access and analyze[213] the judges' annual financial disclosure reports[107d] collected at www.judicialwatch.com; and in particular,

   2) search for J. Sotomayor's concealed assets[198] and her receipt for cashing in her partnership interest at Pavia & Harcourt(103¶232b); Pulitzer-deserving finding can unravel a judicial and political scandal, to be fueled by the Republican candidates;

   3) interview former and current law and court clerks, as well as judges and magistrates that resigned their commission and, consequently, are more likely to agree to talk, even if only on deep background, and less likely to fear retaliation(106§c);

f. call on Congress to hold public hearings on:

   1) how routine in the Federal Judiciary's operation and its judges' conduct wrongdoing coordinated among judges and between them and insiders of the legal and bankruptcy systems has become and how high in the judicial hierarchy it has reached;

   2) what the President knew about Then-Judge Sotomayor's concealment of assets, which pointed to her concealment of their source and tax evasion, when he nominated her for a justiceship and vouched for her integrity, and when he knew it;(

g. ask the candidates to commit themselves to:

   1) making judicial wrongdoing and its investigation a front-burner campaign issue;

   2) participating in the presentation to the public of the media's investigative findings so that the candidate openly and notoriously may reaffirm his support for the media's investigation of unaccountable judges' wrongdoing and implicitly state that it would be ill advised for judges to retaliate against the media, with which he stands close on the issue and will defend with the influence attached to his national figure status;

h. interview Dr. Cordero on talkshows and newscasts, and ask him to submit for publication articles on **(i)** the evidence of judicial wrongdoing(21§§A,B); **(ii)** its investigation(97§D); **(iii)** the academic and business venture to expose and investigate it and advocate judicial reform (97§D); and **(iv)** the media's professional duty as the 4th power in 'government of, by, and for the people'[172] to check on the three government branches and inform the people about wrongdoing so that the people may cast informed votes and hold all their public servants accountable;

i. broker a presentation by Dr. Cordero to the candidates and their campaign managers(171§F) to lay out why it is in their political interest to make a presentation criticizing judges on the objective evidence of their wrongdoing so as to become the People's Champion of Justice;

j. assist in setting up the investigative and reporting unit[256](121§§1-1), which can lead to creating the venture's institute of judicial unaccountability reporting and reform advocacy(129§5).

18. Your pioneering judicial unaccountability reporting informs the public of the wrongdoing that necessitates judicial accountability and discipline reform. It can lead to your *triggering history!*

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5apr12

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

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

1. Federal judges are unaccountable(jur:21§1) because their peers, the politicians that recommend, nominate, and confirm them(65§1), and the media(4¶¶10-14) hold them so.*
   a. In fact, in the 223 years since the creation of the Federal Judiciary in 1789 only 8 federal judges have been impeached and removed from the bench.[13]
   b. Federal judges systematically dismissed 99.82% of the complaints filed against their peers in the 1oct96-30sep08 12-year period, thus exempting themselves from any discipline.(24§b)
   c. The media have shied away from investigating federal judges' conduct, as opposed to their judicial opinions, or the complaints against them for fear that the judges close ranks as a privileged class and in coordinated fashion retaliate against them.(81§1)
2. In reliance on their historic de facto unimpeachability and their untouchability, unaccountable federal judges engage in wrongdoing in pursuit of material, professional, and social benefits. Their most powerful motive to do wrong is *money!* In calendar year 2010, federal judges dealt in personal bankruptcies alone with $373 billion!(27§2)

B. The strategy to expose unaccountable federal judges' wrongdoing

3. The strategy to expose wrongdoing judges(88§§a-d) and their enabling Judiciary provides for a national figure who has access to the national media and through it to the national public to expose objective evidence thereof.(21§§A,B) People of all political persuasions will be outraged by evidence of how precisely those entrusted with administering justice under law abusively squeeze it out of due process and give the people what is left as residue: *a mockery of justice!*
4. Thereby the national figure can launch a Watergate-like generalized and first-ever media investigation(97§D) of the Federal Judiciary and its judges for wrongdoing. It may in turn force official investigations by Congress and DoJ-FBI. Their even more outrageous revelations compel politicians to undertake a realistic solution, e.g., judicial accountability and discipline reform (126§4), including the creation of a citizen board of judicial accountability and discipline (158§8).

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

5. You can state to each of the four Republican presidential nominee candidates or their top campaign managers how the candidate can win the attention of the national media and the public by exposing objective evidence(21§§A,B) of outrageous judicial wrongdoing and how the judges harm the people.(cf. 171§F) They may well be receptive to your statement because of a most rare circumstance in politics: Each of them has already openly and notoriously criticized federal judges for being either "activist" or "liberal" and have proposed corrective, even coercive measures to force them to respect the Constitution and the laws thereunder.[17b]
6. You can use a written or verbal statement on wrongdoing judges and how they harm people and deliver it at any of the candidates' state offices or events -announced on their websites- to:

a. the candidate, his adult family members, top managers, and event organizers or owners and managers of the establishment where the event is held, who presumably have access to him;

b. the cohort of journalists covering the events, who are likely to be receptive because they want to sound off the attitude of the people at the event. They can either **(i)** investigate the evidence of outrageous judicial wrongdoing that can directly affect the campaign and allow them to make a Pulitzer Prize-deserving scoop(4¶13); **(ii)** bring it up with the candidates when they interview them; and **(iii)** relay it to their anchors for the latter to authorize its investigation; or **(iv)** decide on their own, particularly if they are freelancers and citizen journalists in quest of a name-making scoop(4¶¶10-14), to investigate the evidence.

c. the event-goers, who can be requested to ask the candidates to take a stand on the evidence of judicial wrongdoing. Young attendants, still full of the idealism, are likely to do so.

7. To be able to distribute a handout, such as the one suggested at http://Judicial-Discipline-Reform.org/jur/DrRCordero_AJADR_handout.pdf, give people time to read it, and work the crowd to prompt them to ask questions about judicial unaccountability and wrongdoing one should arrive early at the events and address in particular small groups of three to five people that appear to come together and those who appear capable of standing up and addressing the candidate.

8. The emphasis of the statement should be on how the candidate will benefit in his campaign by exposing judicial wrongdoing. At this advanced point in the race, the only consideration that matters to each of them is how he can survive until the Convention. Here is a sample statement:

> The four of you Republican candidates have courageously criticized federal judges for disregarding the Constitution by being "activist" or "liberal". Those are subjective notions shared by only part of the electorate that you need to win the race. But, there is also objective evidence of their wrongdoing, that is, their disregard for their duty, the laws applicable to them too, and the rights of all of us.(21§A) Most politicians and the media too are so afraid to take on life-tenured powerful judges as to hold them unaccountable. The result is Judges Above the Law. They do wrong risklessly to gain undue benefits for themselves and those who cover for them, such as the politicians who recommended, no-minated, and confirmed them and who disregard the people's complaints against judges.
>
> Such is the case of Now-Justice Sotomayor and President Obama. She was suspected in articles in *The New York Times*, *The Washington Post*, and Politico[107c] of concealing assets of her own, which points to tax evasion, yet President Obama nominated her to the Supreme Court(65§B). The exposure of such evidence can outrage people of all political opinions, who insist that only honest judges may sit in judgment of them and make decisions affecting their property, liberty, and lives. Just "the appearance of impropriety" can force a justice to resign, as Justice Abe Fortas had to in 1969(¶211). It can outrage everybody at the President, who lied to the public about Judge Sotomayor' integrity in order to curry favor with Latino and feminist voters that wanted another woman on the Supreme Court and whose support he needed to pass his Obamacare legislation. It can curb his fundraising.
>
> You can defend the people and the Constitution by exposing the objective evidence of J. Sotomayor-P. Obama-judges' wrongdoing, thus attracting everybody's attention, donations, and even votes. So are you merely biased against "activist" or "liberal" judges or are you a principled man, courageous enough to be our Champion of Justice by exposing their wrongdoing and calling on the media and Congress to investigate it (97§D) and on the President to release the secret FBI report on the vetting of J. Sotomayor?

9. You need not just take the abuse that wrongdoing Judges Above the Law inflict on you and all of us. You can stand up and expose them. If you do so, you can *trigger history!*[fn.188a]

Advocates of Judicial Accountability and Discipline Reform

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April 1, 2012

Dear Officeholders and Politicians,

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

We are or have been parties to some of the 2 million new cases filed annually in the federal courts and more than 47 million in state courts (not including traffic offenses; see the statistics in the below-referenced file, jur:7¶¶22-26). That is 50 million new cases filed every year that involve at least 100 million parties directly and additional scores of millions of people indirectly who experience to varying degrees what we have experienced to the full extent:

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

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

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

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

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

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

Advocates of Judicial Accountability and Discipline Reform

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

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April 12, 2012

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

A. The wrongdoing evidence to be presented

1. This proposal is based on showing that the President lied to the public when he vouched for the integrity of his first nominee to the Supreme Court, Then-Judge, Now-Justice Sotomayor:
   a. He disregarded a series of articles in *The New York Times, The Washington Post*, and Politico[108]a that suspected Then-Judge Sotomayor of concealing assets of her own(65§1), which points to tax evasion[108c] and keeping secret their unlawful origin(103¶232b).
   b. The President also disregarded the secret FBI report on the vetting of J. Sotomayor that must have shown how she had withheld from the financial and case documents(69§b) that she was required to and did file publicly[108b] with the Senate Judiciary Committee a publicly filed bankruptcy appeal, *DeLano*[110a], which she had presided over. That appeal incriminated her in covering up the concealment of assets involved in a bankruptcy fraud scheme(66§2) that trafficked in vast sums of money(27§2) and was run by her and circuit peers' appointee[62a](28 U.S.C. §152(a)), a bankruptcy judge. Exposing their appointee as corrupt or as their agent(56§e) raised a conflict of interest that led to their "absence of effective oversight"(35§3)).
2. The President nevertheless nominated Judge Sotomayor, maintained his nomination of her, and vouched for her to curry favor with advocates of another woman and the first Latina jurist on the Supreme Court. He was courting their support in preparation for his battle to adopt the central piece of his legislative agenda, that is, affordable health care reform, now Obamacare.

B. The initial public presentation of the available evidence

3. Relying on the evidence of the conditions enabling judicial(21§A) and J. Sotomayor's(65§B) wrongdoing(88§§a-d) and any other found by an investigative team[257a], a presentation can be made at a press conference(97§D) to show that J. Sotomayor has given "the appearance of impropriety" by concealing assets as a judge, which she must keep doing as a justice to avoid self-incrimination; and that the President covered and keeps covering it up. There need only be shown that she 'appears to have committed an impropriety'. That would suffice to criticize her and call for her to resign, just as Justice Abe Fortas had to on May 14, 1969, though his "impropriety" was not even a misdemeanor(92§d), whereas hers points to crimes, among others, tax evasion and perjury.
4. At the presentation, both the President can be called on to release the FBI report on Then-Judge Sotomayor and she to account for her missing assets[108c]. The journalists covering it can be given a well-defined though broadly framed and widely-known incriminating investigative query(xviii) that is likely to lay out the high stakes and enticing potential of investigating them:

   What did the President(77§5) and the justices and judges know[23b] about J. Sotomayor's concealment of assets(65§1) and tax evasion[107c] and other justices'(71§4) and judges'[213] wrongdoing and when(75§d) did they know it?

5. This can send journalists in quest for a Pulitzer Prize-worthy scoop on a Watergate-like generalized media investigation of wrongdoing(97§D) that develops unstoppable momentum.

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

6. It is to be expected that, to avoid self-incrimination, both the President and Justice Sotomayor will refuse to release the FBI report on her and to account for her missing assets[108c]. Their refusal will strengthen the suspicion of their wrongdoing only to be hardened into evidence by the blow after blow of "impropriety" findings by newssmith journalists searching for J. Sotomayor's concealed assets and her peers' wrongdoing[iii](jur:88§§a-d) This will generate an embarrassment for him, who will be locked into his defense of her integrity and his refusal to release the report. It will put him on the defensive, thus distracting him from his campaigning.

7. If any of J. Sotomayor's concealed assets are found, the embarrassment will become a scandal and the distraction a constitutional crisis: If this life-tenured justice refuses to resign, will President Obama keep supporting her or be forced to endorse or even call for the impeachment of his own former nominee at the risk of causing her to retaliate, e.g., by agreeing in plea bar-gaining to testify to his cover-up in exchange for leniency on the tax evasion and perjury charges?

8. This query can be expected to put under intense scrutiny the President's second justiceship nominee, Now Justice Kagan(71§4), and other of his nominees. This expectation arises from the fact that he already nominated for cabinet positions three known tax cheats: Tim Geithner, Tom Daschle, and Nancy Killefer[109]. Those Democrats that shepherded J. Sotomayor through the Senate confirmation process will also be scrutinized, such as Sen. Chuck Schumer and Sen. Kirsten Gillibrand(78§6). Will any of them crack and 'sing' to save his or her own skin?

9. Calls for Congress to hold public hearings on the query will force the President to go into full damage control mode. This will only further impair his campaigning ability and diminish his resources intake. Moreover, it will deepen the disappointment of those who supported him just as it will turn away Independents and the undecided that may still be considering voting for him.

D. Initial presenter: prominent politician or personality covered by media

10. A prominent politician can make the initial presentation(xvii) of the evidence of J. Sotomayor's and the President's wrongdoing. All the presidential candidates, even the President, criticized federal judges for being either "activist" or "liberal"[17b] Those are subjective notions that appeal only to those who share that opinion. But the presenter can focus on objective evidence of wrongdoing, which will outrage everybody at unaccountable(21§1) justices and judges who abusively(26§d) exempt themselves(24§§b,c) from the laws that they impose on everybody else.

11. The presentation can initiate the development of the politician's image as the People's Champion of Justice, who battles Judges Above the Law to ensure that *We the People* of 'government of, by, and for us'[172] receive our due: Equal Justice Under Law. That will serve him well when contrasted with a president under media investigation as a conniving liar who showed no respect for the law and ethics when he saddled Americans with a life-tenured tax cheating judge contemptuous of the law of the land and the Constitution under which it is adopted. The initial presenter can also be another personality who can call reputable news organizations to a press conference or make the presentation at an event well attended by the media(97§1) such as the job fair of a journalism school or a university commencement where he or she is the speaker.

12. The resignation of one or more life-tenured justices will be more dramatic than that of 2nd and last term President Nixon due to his wrongdoing in the Watergate scandal. It will earn greater rewards(4¶13) to those most responsible for a cleansing of the presidency and the Judiciary(83§§ 2,3). To contribute to that outcome Dr. Cordero welcomes invitations to present(171§F) the evidence and the strategy to a presidential candidate or an organization willing *to trigger history!*[188a]

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April 18, 2012

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

A. Failed strategy: fighting in court judges' wrongdoing

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

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

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

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

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

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

4. During a presidential campaign, journalists' interest in a politics-related scoop is heightened. Such is one that takes root in media as reputable as *The New York Times, The Washington Post*, and Politico[107a] and their suspicion that President Obama's first justiceship nominee, Then-Judge Sotomayor, concealed assets of her own(jur: 65§1). This points to breaking the law requiring disclosure[107d], tax evasion, and laundering assets obtained from an unlawful source(jur:68§3). Since both the President(jur:77§5) and the Senate[107b](jur:78§6) vetted her, it must be established whether they learned about it but covered it up by lying to the public when they vouched for her

honesty so as to advance their interest in catering to the constituencies petitioning for another woman and the first Latina on the Supreme Court in exchange for their support for the passage of the President's signature piece of legislature: affordable health care reform, now Obamacare. Journalists' competitive effort to score a scoop can set off a Watergate-like generalized media investigation(jur:97§) of 'Sotomayor's assets', 'what the President and the Senate knew and when they knew it', and similar wrongdoing by other judges[213;144d].

2. Public outrage at judges' unaccountability and consequent wrongdoing

5. The media's steady stream of incriminating findings of coordinated judicial wrongdoing can provoke public outrage(jur:83§2). It can stir up the public to demand that the authorities, e.g., Congress, DoJ-FBI, and their state counterparts, also investigate, in particular, the evidence of Justice Sotomayor-President Obama's wrongdoing and, in general, the conditions and motive that have enabled judges to do wrong in such coordination among themselves and so routinely as to have turned wrongdoing into the Federal Judiciary's institutionalized modus operandi(jur:49§5).

6. The authorities, wielding their subpoena, contempt, and penal powers, can investigate so incisively as to make findings that are even more outrageous. As a result, the public can demand that the Judiciary be reformed through legislation(jur:131§§1,4,6) enforced and monitored(jur:158§§8,5) from the outside, as opposed to a predetermined exculpatory internal review by the Judiciary[105b].

3. Politicians yielding to public pressure

7. Public pressure can operate on the politicians' interest in being voted in and not out of office. It can force challenging candidates to call for, and incumbents to undertake, such reform. They will not do it without such pressure, for it is contrary to their interest in not antagonizing life-tenured judges that can declare their signature legislation unconstitutional[17] or otherwise retaliate against them if those politicians appear before those judges on charges of their own wrongdoing[15].

4. Judicial wrongdoing exposed by self-interested politicians

8. One of those candidates is Gov. Romney. Right now he faces an 18% disadvantage in women's vote. Almost every analyst agrees that he cannot win the general election with such percentage of disaffection on the part of half of 52% of the electorate. Hence, he has a survival interest in so embarrassing President Obama and causing such disappointment among his supporters as to dissuade them from making donations and volunteering work to his campaign, and to dispose them to express to pollster after pollster that they do not intend to vote for the President.

9. Such voters' reaction can diminish the President's intake of resources enough to make him a comparatively ineffective campaigner and mar the perception of his electability. Worse yet, it can absorb him with the dilemma whether to defend his former justiceship nominee, thus tying his name and fate to hers, or call for her resignation or even impeachment, thus acknowledging her wrongdoing and risking involvement in its cover-up. Either scenario will strengthen the media's interest in meeting the demand of a profitable newsmarket riveted by its investigation(jur:97§D).

C. Prioritizing judicial reform over politics

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

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

11. Gov. Romney need not expose the wrongdoing of J. Sotomayor and P. Obama because of any deep commitment that he may or may not have to an honest judiciary that impartially applies the law to itself and others. He only needs to do it. He certainly can do an effective "job" of it, just as he did a devastating "job" in the Florida primary on Speaker Gingrich right after the Speaker's decisive victory in South Carolina, and did the same "job" on Sen. Santorum thereafter.

12. By the same token, Speaker Gingrich, Sen. Santorum, and Rep. Paul as well as other prominent national figures have an interest in making the proposed initial presentation(jur:xxvii) of the available evidence of judicial wrongdoing(jur:21§§A,B) in order to come back or into to the national spotlight, draw attention as the People's Champion of Justice, and earn the currency of public approval with which to play a meaningful game at their party convention.

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

13. Many judicial victims and court journalists have shown an enormous commitment to the pursuit of justice in their own cases and to courageously and truthfully reporting about judges and their verbal or written opinions. They now have the opportunity to show the same commitment to pursuing an honest judiciary where judges are treated as what they are: public servants hired to administer justice impartially and fairly according to law and accountable to *We the People*.

14. They can contribute to it by implementing this novel strategy that is founded on a deeper and broader base of knowledge and that is realistic and feasible: To expose outside the courts judges' unaccountability and consequent wrongdoing and cause an outraged public to demand of the media and the authorities that they investigate wrongdoing judges and their enabling judiciary and undertake effective legislated judicial accountability and discipline reform.

1. Feasible steps for implementing knowledgeable and realistic strategy

15. Implementing that strategy calls for the study* of judges' wrongdoing to be widely distributed and posted so as to appeal to journalists' interest in a Pulitzer Prize-worthy scoop and to that of presidential and other candidates in having a say at their party convention and in being elected. To draw attention to the study and its evidence, these targeted summaries can be addressed to:

    a. judicial victims and reform advocates(jur:xxiv); handout to distribute at meetings(jur:xxvi);

    b. talkshow hosts, journalists, and news anchors(jur:xix); investigative query for them(jur:xviii);

    c. journalist interested in investigating this story with a professional team(jur:xxxii);

    d. presidential and other political candidates and their staffers as well as other national figures and organizations capable of making the proposed broadly publicized initial presentation (jur:xvii) of the available evidence of judges' unaccountability and consequent wrongdoing(jur:21§A) and the concrete case of concealment of assets by Then-Judge, Now-Justice Sotomayor, and its cover-up by President Obama and the Senate(jur:65§B).

2. Reasonably expected rewards

16. If you take knowledgeable, realistic, and committed action now for the sake of your case, your work, and of "Equal Justice Under Law", you can set in motion events and assist in the emergence of an academic and business venture(jur:129§5) that can lead to legislated judicial accountability and discipline reform. Your rewards can be not only material, but also self-realizing, noble, and enduring commensurate with your effort(jur:4¶13). Indeed, you can *trigger history!*

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

1. I would like to introduce myself and then set forth the investigation proposed in the title. This investigation can proceed from the advanced point where journalists will find the many leads to the actors, victims, and enabling conditions of judicial wrongdoing[iii] already collected by the above-mentioned reputable news organizations and by me[107a,c]. It aims to be cost-effective by focusing on a case that can reach a level of public attention high enough to impact the presidential campaign and attain its ultimate objective: to force Congress and state legislatures to legislate, enforce, and monitor judicial accountability and discipline reform based on constitutional 'checks and balances' and controls operated independently, from outside of, and on, the judiciaries. The immediate objective is to set off through an initial presentation(jur:xxvii) of the available leads a Watergate-like generalized and first-ever media investigation of federal judges and their Judiciary, an objective supported by precedent known to journalists, the Watergate scandal(jur:4¶¶10-14).

A. My legal research and litigation experience

2. I am a doctor of law, a lawyer in New York City, and a legal researcher-writer on federal judges' unaccountability and consequent wrongdoing. My current study is below(jur:1). I have conducted my research, not where most people do, to wit, in the courtrooms where trials or oral argument take place or in the published opinions of the courts and writings by law professors, students, and lawyers; but rather where most people do not, that is, I focus on the official statistics, reports, and news and newsletters of the federal courts published by the federal courts, in general, and the Administrative Office of the U.S. Courts[10], in particular[ii].

3. As its name indicates, this Office assists in the administration of the federal courts with matters such as collecting the statistics on caseload, judges, complaints about judges' misconduct, etc.[10]. While it has no adjudicatory or appellate functions whatsoever, its director and deputy director are appointed by the chief justice of the Supreme Court, who removes them after consulting with the Judicial Conference of the U.S., composed of the chief justice and 26 other top and representative federal judges(28 U.S.C.§601[91]). Hence, the Office is the spokesman for the Judiciary. Its publications can be used to impeach with their own words the honesty of judges as a class and the Federal Judiciary as an institution. That is why research on it is so valuable and promising.

4. In addition to my original research, my study is based on my experience in litigating cases from federal bankruptcy, district, and circuit courts to the Supreme Court[109b,114c] as well as in each representative administrative body of the Federal Judiciary[124].

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

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

5. At the time Then-Judge Sotomayor was being considered by President Obama for nomination to the Supreme Court, *The New York Times*, *The Washington Post*, and Politico vetted her and found grounds to suspect her of concealing assets of hers[107a]. The evidence obtained through my research and litigation shows that concealment of assets is a routine practice in the Federal Judiciary. This statement is all the more plausible upon learning that the Federal Judiciary has a self-policing buddy system of life-tenured judges judging judges[18a] with no input of non-judges.

6. Any federal judge ever so slightly disciplined is a potential enemy for the rest of his or her professional life. What is more, the Supreme Court justices are exempt from even this system[18e] just as they are not subject to the Code of Conduct for U.S. Judges![102] When the top officers of an institution can do whatever they want, those below, who were their former complicit peers, do as they like. They know so much about each other's wrongdoing that if one is allowed to fall, he or she can bring down all the others through domino effect.

7. That is what happens in fact. All misconduct complaints against federal judges and magistrates are filed with the respective chief circuit judge. In the 1oct96-30sep08 12-year period these chiefs dismissed systematically 99.82% of those complaints[19a,b]. Any petitions for review of dismissals are filed with the respective circuit's judicial council, which is composed of only life-tenured district and circuit judges. In that same period, the councils denied up to 100% of the petitions to review those dismissals(jur:24§b). That is what the 2nd Circuit's council did, of which Then-Judge Sotomayor was a member[19d]. She protected her peers with the same absolute partiality regardless of the nature and gravity of their complained-about misconduct –e.g., bribery, corruption, conflict of interests, bias, prejudice, abuse of power, etc.[127]– with which she can now demand that they protect her(jur:24¶33).

8. All this results in judges being held unaccountable. The statistics prove it: In the more than 223 years since the Federal Judiciary was created in 1789 under Article III of the Constitution –2,131 justices, judges, and magistrates were in office on 30sep11[13]– the number of those removed is only 8![14] Their unaccountability is the unjustified quality of their office that ensures that abusing their means, decision-making power, for wrongdoing is riskless. That dispenses with costly measures to guard against, and defend after, being caught, thus rendering their wrongdoing all the more profitable. Indeed, one[iii] of their motives is the most corruptive: *money!*(jur:27§2) Bankruptcy judges handle 80% of all new cases in the Federal Judiciary[33] and ruled on $373 bl. in only the 1.5+ ml. personal bankruptcies filed in CY10[31]. Those cases offer the opportunity for making decisions that are in practice unreviewable(jur:28§3). Wrong or wrongful, they stand, which facilitates wrongdoing. A person confirmed to the federal bench becomes a Judge Above the Law.

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

9. Then-Judge Sotomayor concealed assets not only of her own, as suspected by *The New York Times*, *The Washington Post*, and Politico(jur:65§1). She help conceal assets also involved in a bankruptcy fraud scheme trafficking in large sums of money(jur:62§2) and run by a bankruptcy judge, who was the appointee of hers and her circuit judge peers(jur:68§3): All federal bankruptcy judges are appointed to a 14-year renewable term by their circuit judges[61] and can be removed by their council. This creates the opportunity for pay-to-stay collusion(jur:56§e). To avoid incrimination, any money changing dirty hands must be concealed and any investigation obstructed.

10. The President had reason to know about J. Sotomayor's concealment of assets of hers and of the scheme.(jur:77§5) Yet, he covered it up and lied to the public about her integrity. He did so to curry favor with voters that wanted a Latina and another woman on the Supreme Court and whose support he counted on as he prepared for the battle to adopt his signature legislation: Obamacare.

3. Life-tenured justice & nominating president: stakes higher than in Watergate

11. Unaccountable judges are effectively unimpeachable and by means of complaints untouchable. Yet, they are the most vulnerable of government officers to the easiest form of incrimination: competent and respected journalists showing that they gave "the appearance of impropriety". By doing so, they forced Supreme Court Justice Abe Fortas to resign on May 14, 1969.(jur:92§d)

12. That "appearance of impropriety" is all the proposed investigation needs to show about J. Sotomayor. That standard is very promising when coupled with a widely-known incriminating query that already proved its devastating effect: It was asked of every witness during the nationally televised congressional hearings on the Watergate scandal; it brought about the resignation of President Nixon on August 8, 1974(jur:4¶¶10-14). Today that query would be phrased thus:

> What did the President(77§5) and the justices and judges know[23b] about
> J. Sotomayor's concealment of assets(65§1) and tax evasion[107c] and
> other justices'(71§4) and judges'[213] wrongdoing and when(75§d) did they know it?

13. This query lays out the investigation's enticing potential. The available evidence(jur:21§§A,B) and any additional resulting from leads[198] and the investigation proposal(jur:97§D) can set off a Watergate-like generalized media investigation(jur:100§3) where journalists(jur:xlvi§§H-I) compete to find J. Sotomayor's concealed assets, determine whether the President lied to the public when he vouched for her honesty, and follow other judges' wrongdoing right into a Supreme Court(cf. jur:104¶¶ 236,237;[144d]) that covers it up through knowing indifference and willful ignorance or blindness(jur:88§§a-d). That investigation can become part of the national debate on a dysfunctional government and self-interested public servants…and bring in a Pulitzer Prize.

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

14. Setting off a Watergate-like investigation can be accomplished by publishing an expository article(jur:98§2) or making the proposed initial presentation of the Sotomayor-Obama-judges' wrongdoing evidence at a press conference or another event well attended by the media(jur:97§1), e.g., editors' convention, journalism school student job fair, university commencement(cf. ddc:11).

15. The presentation would be even more impactful if it were made by one of the presidential candidates(jur:xvii). All of them –even the President[17b]– have criticized federal judges, albeit for being "activist" or "liberal", which are subjective notions. Now they can base their criticism on the objective evidence of the judges' wrongdoing(jur:1) and thus become the People's Champion of Justice.

16. The investigation(jur:97§D) can develop its own unstoppable momentum to the point of having a significant impact on the party conventions and presidential campaign. That is part of a realistic and feasible strategy(jur:xxix): to expose a case of judicial wrongdoing that reveals it as the Federal Judiciary's modus operandi and so outrages the public as to stir it up to demand during a presidential campaign, when politicians are most receptive, what is this process's ultimate objective: legislated judicial accountability reform enforced and monitored from outside the Judiciary.

17. Thus, I respectfully suggest that we collaborate on this investigation. You can contribute your journalistic investigative skills, contacts, and access to the public(jur:xxii), and I can provide my research, leads, and strategy for exposing wrongdoing that runs throughout the Judiciary all the way to the Supreme Court under protection of the President and other politicians(jur:78§6). Successful collaboration can open the way for a multidisciplinary academic and business venture (jur:119§E) to advocate(jur:121§§1-1) and monitor(jur:126§§4-5) judicial accountability and discipline reform. So I look forward to hearing from you. Together we can *trigger history!*[188a]

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The *DeLano*-Judge Sotomayor story

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

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

1. The evidence hereunder concerns what *The Washington Post*, *The New York Times*, and Politico[107a] suspected in articles contemporaneous with President Barak Obama's first justiceship nomination, to wit, that Then-Judge Sonia Sotomayor of the U.S. Court of Appeals for the Second Circuit (CA2) had concealed assets of her own(65§1). The evidence is in the financial statements that she filed with the Senate Committee on the Judiciary[107b]. 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[107c]. Thereby she failed to comply with that Committee's request that she disclose "in detail all [her] assets…and liabilities"[107b]. Her motive was to cover up her previous failure to comply with the requirement of the Ethics in Government Act to file a "full and complete" annual financial disclosure report[107d]. The President disregarded the evidence(77§5) of her dishonesty just as he did that of his known tax cheat nominees Tim Geithner, Tom Daschle, and Nancy Killefer[108].

2. The President also disregarded a case that incriminates Judge Sotomayor in the cover-up of concealment of assets as part of a bankruptcy fraud scheme(66§2) and in protecting the schemers[110], i.e., *DeLano*[109a],over which she presided[109b]. His vetting of her through his staff and the FBI must have found that case, for it was in the CA2's public record. The Judge so clearly realized how incriminating[131] that case was that she withheld it(69§b) from the documents that she was required by the Senate Judiciary Committee to submit in preparation for holding confirmation hearings on her justiceship nomination. By so doing, she committed perjury, for she swore that she had complied with the Committee's initial and supplemental requests for documents[107b].

3. *DeLano* concerns a 39-year veteran banker who before retiring filed his personal bankruptcy, yet remained employed by a major bank, M&T Bank, as a bankruptcy officer! He was but one of a clique of bankruptcy system insiders: His bankruptcy trustee had 3,907 *open* cases[113a] before the WBNY judge hearing the case; one of his lawyers had brought 525 cases[113b] before that judge; his other lawyer also represented M&T and was a partner in the same law firm in which that judge was a partner[113c] at the time of his appointment[113d] to the bench by CA2; and the judge was reappointed[61a] in 2006, when J. Sotomayor was a CA2 member. M&T was likely a client of that law firm[114b-c] and even of the judge when he was a bankruptcy lawyer and partner there. They participated in a bankruptcy fraud scheme run nationally and enabled by the Federal Judiciary[115].

4. A co-schemer, the 'bankrupt' officer declared $291,470 earned with his wife in the three years preceding their bankruptcy filing[117a]. Incongruously, they pretended that they only had $535 "on hand and in account"[117b]. 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[117c], and approved by the trustee and the judge. They also declared one single real estate property, their home, bought 30 years earlier[117d] 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[117e]…after making

mortgage payments for 30 years! They had engaged in a string of eight mortgages from which they received $382,187, but the trustee and the judge refused to require them to account for it[117g].

5. For six months the bankruptcy officer and his wife, their lawyers, and the trustee treated a creditor that they had listed among their unsecured creditors as such and pretended to be searching for their bankruptcy petition-supporting documents that he had requested[118a]. It was not until the creditor brought to the judge's attention[118b] that the 'bankrupts' had engaged in concealment of assets that they moved to disallow his claim[118c]. 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[119a]. Thereby he deprived the creditor of his discovery rights, thus flouting due process. He turned the hearing[119b] and his grant of the motion into a sham[120]. 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[121a] in Rochester, NY, a WDNY district judge, also denied *every single document* requested by the creditor[121b].

6. All these circumstances rendered this bankruptcy officer's bankruptcy petition suspicious per se. Yet, when *DeLano* reached CA2, Then-Judge Sotomayor, presiding[109b], condoned those unlawful denials and denied in turn *every single document* in 12 requests[122a](16). She too needed those documents to find the facts to which to apply the law[122b]. Thus, she disregarded a basic principle of due process, which requires that the law not be applied capriciously or arbitrarily[122c] in a vacuum of facts or by willfully ignoring them. Her conduct[121c] belied her statement before the Senate Judiciary Committee that her guiding principle as a judge was "fidelity to the law"[132f].

7. Judge Sotomayor also condoned the refusal of the bankruptcy judge to disqualify himself for conflict of interests and "the appearance of impropriety"[123a-b], just as she refused to disqualify him [123c]. During her membership in the 2nd Circuit's Judicial Council[20], she too denied the petition to review the dismissal without any investigation of the misconduct complaint against him[124]. This formed part of her pattern of covering up for her peers: As a CA2 member she condoned, and as a Council member she applied, the Council's unlawful policy during the 13-year period reported online of denying 100% of petitions to review dismissals of complaints against her peers[125a]. Thereby she contributed to illegally abrogating in effect an act of Congress giving complainants the right to petition for review[123b]; and also condoned the successive CA2 chief judges' unlawful practice of systematically and without any investigation dismissing such complaints[125a]. She did not "administer justice" [to her peers] rich"[90] in judicial connections, but rather a 100% exemption from accountability[125b]; and the "equal right"[126] 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.[127] Her total partiality toward her own was "without respect"[90] for complainants, other litigants, and the public. Instead of Equal Justice Under Law, Judge Sotomayor upheld Judges Can Do No Wrong. She breached her oath.

8. By so doing, Judge Sotomayor rendered wrongdoing irresistible: She assured her peers of its risklessness, insulating it from any disciplinary downside while allowing free access to its limitless scope and profitability upside. So she emboldened them to engage ever more egregiously in the bankruptcy fraud scheme[60] and other forms of wrongdoing. By removing wrongdoing's stigmatizing potential and allowing its incorporation into the judges' modus operandi, she encouraged their resort to its efficiency multiplier: coordination. Through it wrongdoing becomes institutionalized and wrongdoers' fate becomes interdependent, requiring their continued reciprocal cover-up[89]. 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[129a].

9. Indeed, the *DeLano* bankruptcy officer had during his 39-year long banking career learned who had turned the skeletons in the closet into such. The risk of his being indicted and trading up with domino effect motivated J. Sotomayor and her peers to allow him to retire with at least $673,657(jur:15) in known concealed assets[112b]. 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'[130a]. In how many of the thousands of cases [113a-b,114b] before their appointed[61] bankruptcy judges have she and other judges complicitly let the bankruptcy fraud scheme fester with rapaciousness[130b] and who benefited or was harmed thereby?

10. President Obama too had a duty: to vet justiceship candidates and choose one, not in his interest, but for their fitness. He was not entitled to have his staff and the FBI vet them only for him to hush up[158] their finding[107a] of J. Sotomayor's concealment of her assets[107c] and of those trafficked in the fraud scheme. Had he acted responsibly in the public interest, he would have realized that she had withheld(69§b) *DeLano* to prevent her cover on the scheme from blowing up and scuttling her nomination, and either withdrawn her nomination or disclosed the incriminating information to enable others to make informed decisions. By burying that information under lies about her integrity, he fraudulently got a dishonest nominee confirmed and misled the Senate and the public.

11. A.G. Eric H. Holder, Jr., also had a duty. By taking the oath of office, he bound himself to uphold the Constitution and enforce the laws thereunder in the interest of, not the President, but rather the people[159a]. Similarly duty-bound were the other federal[159b-f] and state officers[160] who vetted Judge Sotomayor or received complaints about her, the schemers[161], and their condoners. But they would not even ask those complained-against to answer the complaint or request any evidence-corroborating document[160d]. As for Sen. Charles Schumer, he disregarded the evidence submitted to him, endorsed J. Sotomayor, and became the President's point man to shepherd his nominee through the Senate. So did Sen. Kirsten Gillibrand. Although she, as Sen. Schumer's protégé, knew or should have known the incriminating evidence, she recommended the Judge to the President, introduced her to the Senate Judiciary Committee, and endorsed her to New Yorkers and the rest of the U.S. public.(78§6) For such dereliction of duty aimed at protecting their party members and reelection donors, they should be held accountable in the 2012 race.(xviii; xxxii)

12. To that end, *DeLano* can be used as a test case for a *Follow the money!* investigation.(102§a) It can expose the condonation by the President and his administration of, and the involvement by J. Sotomayor, other judges, and bankruptcy and legal systems insiders in, deficit-aggravating tax evasion and a nationwide judge-run bankruptcy fraud scheme corruptive of the Judiciary.(27§2) There is probable cause to believe that these coordinated wrongdoers have also interfered with the email, mail, and phone communications of those trying to expose their wrongdoing. This calls for a *Follow the wire!* investigation(105§b). These investigations can remedy the abdication of the Executive, Congress, and the media(81§1) of their duty of oversight(35§3) of the Judiciary. They have connived in self-interest and to the people's detriment to allow judges -their servants- to become unaccountable(21§1). So judges routinely deny due process and substantive right[iii] and discipline self-exempt by systematically dismissing complaints against them(21§1). As a result, in the 223 years since the creation of their Judiciary in 1789 only 8 judges have been im-peached and removed![14] Such survivability produces, and is the product of, **Judges Above the Law**.

13. To expose wrongdoing judges there is proposed: **1)** a Watergate-like generalized media investigation(101§D) of the evidence(21§§A,B) guided by the query:

> 'What did the President(77§5) and the justices know[23b] about J. Sotomayor's tax evasion[102a,c] and other judges'[213] wrongdoing and when did they know it(75§d)?';

2) an academic and business venture(125§3); and **3)** presentations(171§F; xxv).

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The Salient Facts of The *DeLano* Case[109a]

revealing the involvement of bankruptcy & legal system insiders in a bankruptcy fraud scheme

(*D:#* & footnotes are keyed to Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf; blue text points to bookmarks on the left)

1. *DeLano* is a federal bankruptcy case. Part of a case cluster, it reveals fraud that is so egregious as to betray overconfidence born of a long standing practice[1]: Coordinated wrongdoing evolved into a bankruptcy fraud scheme.[2] It was commenced by the DeLano couple filing a bankruptcy petition with Schedules A-J and a Statement of Financial Affairs on January 27, 2004. (04-20280, WBNY[3]) Mr. DeLano, however, was a most unlikely bankruptcy candidate. At filing time, he was a 39-year veteran of the banking and financing industry and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a Xerox technician, were not even insolvent, for they declared $263,456 in assets v. $185,462 in liabilities(*D:29*); and also:
   - **a.** that they had in cash and on account only $535(*D:31*), although they also declared that their monthly excess income was $1,940(*D:45*); and in the FA Statement(*D:47*) and their 1040 IRS forms(*D:186*) that they had earned $291,470 in just the three years prior to their filing;
   - **b**. that their only real property was their home(*D:30*), bought in 1975(*D:342*) and appraised in November 2003 at $98,500[4], as to which their mortgage was still $77,084 and their equity only $21,416(*D:30*)…after making mortgage payments for 30 years! and receiving during that period at least $382,187 through a string of eight mortgages[5].(*D:341*) *Mind-boggling!*
   - **c**. that they owed $98,092 –spread thinly over 18 credit cards(*D:38*)- while they valued their household goods at only $2,810(*D:31*), less than 1% of their earnings in the previous three years. Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their working lives of more than 30 years.
   - **d**. Theirs is one of the trustee's *3,907 open* cases and their lawyer's *525* before the same judge.
2. These facts show that this was a scheming bankruptcy system insider offloading 78% of his and his wife's debts (*D:59*) in preparation for traveling light into a golden retirement. They felt confident that they could make such incongruous, implausible, and suspicious declarations in the petition and that neither the co-schemers would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by providing supporting documents. Moreover, they had spread their debts thinly enough among their 20 institutional creditors(*D:38*) to ensure that the latter would find a write-off more cost-effective than litigation to challenge their petition. So they assumed that the sole individual creditor, who in addition lives hundreds of miles from the court, would not be able to afford to challenge their good faith either. But he did after analyzing their petition, filed by them under penalty of perjury, and showing that the DeLano 'bankrupts' had committed bankruptcy fraud through concealment of assets.
3. The Creditor requested that the DeLanos produce documents[6] as reasonably required from any bankrupt as their bank account statements. Yet the trustee, whose role is to protect the creditors, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied *every single document* requested by the Creditor, he moved for production orders. Despite his discovery rights and their duty to determine whether bankrupts have concealed assets, the *bankruptcy* and *district judges* denied him *every single document*. So did the *circuit judges,* even *then CA2 Judge Sotomayor*, the presiding judge, who also needed the documents to find the facts to which to apply the law. They denied him and themselves due process of law. To eliminate him, *they* disallowed his claim in a *sham evidentiary hearing*. Revealing how incriminating the documents are, to oppose their production the DeLanos, with the trustee's recommendation and the *bankruptcy judge's approval*, were allowed to pay their lawyers $27,953 in legal fees[7]…though they had declared that they had only $535. To date $673,657[8] is still unaccounted for. Where did it go[9]? How many of the trustee's 3,907 cases have unaccounted for assets? For whose benefit?[2]

[1] §XIII [2] §III [3] §V. [4] §X [5] §§I.B & VIII [6] Cf. §XII [7] §XI [8] §I.B [9] §II

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A Strategy for Advocates of Public Integrity To Jointly Bring The Issue of Corruptive Power, Money, and Secrecy in Politics and The Judiciary To National Attention and Lead to Corrective Action By Inducing Journalists and Politicians To Engage in Conduct That Works in Their Interest, Not Against It, And That Can Attain Such Objective

A strategy based on self-interest, public outrage, and citizen oversight

The presidential campaign allowed candidates and the media to make claims or present evidence aimed at showing how politicians are or have been corrupt. Can you begin to imagine how much more pervasively corrupt politicians would be if they, as do federal judges,

a. held life-appointments with self-policing authority that allowed them to assure their impunity by dismissing the complaints against them; were in effect above investigation, never mind prosecution, and thus unimpeachable;

b. ruled on $100s of billions annually…

c. in the secrecy of closed-door meetings and through decisions that were not published and in effect non-reviewable but could deprive you of your rights to property, liberty, and life?

A. Judges' wrongdoing is more pervasive and outrageous than that of politicians

1. The above is a succinct description, detailed below, of how judges' conditions of office are qualitatively different from, and more corruptive than, those of politicians. They explain how compared with politicians judges have a more effective means, insidious motive, and greater opportunity to engage in wrongdoing that consequently is substantially more pervasive. The Federal Judiciary has national scope and affects profoundly every person's vital rights. Exposing federal judges' wrongdoing will be unexpected, shocking, and widely resented by the public.

2. The realization that those who are duty-bound to administer Equal Justice Under Law have arrogated to themselves and exploit the status of Judges Above the Law can outrage the public. So can the realization that self-interested politicians have allowed judges to get away with wrongdoing that robs people of their birthright: to have their vital rights protected by the rule of law. As a result, exposing judges' wrongdoing will generate more visceral and widespread public outrage than exposing politicians' will. An informed public can swing the 'stick' of its vote on politicians to force them to investigate judges for wrongdoing and reform the judiciary.

3. Since the Federal Judiciary is its state counterparts' model, exposing its judges' wrongdoing will provide the impetus for investigating state judges for similar and other forms of wrongdoing.

B. The statistics show that the conditions for wrongdoing enable far more pervasive and outrageous wrongdoing among judges than politicians

4. The analysis(jur:21§A) of the official statistics of the Administrative Office of the U.S. Courts provide the foundation for the reasonable conclusion that wrongdoing among federal judges is far more pervasive than among politicians because the judges:

a. have been entrusted[18] with the power to police themselves and abuse it by dismissing 99.82% of all complaints filed against them(24§b). Although on September 30, 2011, the number of federal judges in service was 2,131, in the 223 years since the creation of their Judiciary in 1789, the number of federal judges impeached and removed is only 8!(21§a) Not only do they hold life-appointments, but also are in practice unimpeachable. Thus, federal judges are unaccountable and their wrongdoing is irresistible, for it is riskless;

b. rule on amounts of money that dwarf the combine corruptive donations to politicians: In CY10, just the federal bankruptcy judges, who first rule on 80% of all the federal cases filed every year, ruled on $373 billion in personal bankruptcies alone(28§2); and

c. i) hold their adjudicative, administrative, and disciplinary meetings behind closed doors and never hold a press conference, which cloaks their operations in actual secrecy(27§f); and

ii) the majority of cases are filed by pro-ses, who have neither lawyers nor knowledge of the law and are easy prey; only a minute percentage of decisions are appealed; and up to 90% of all appeals in the federal circuit courts are disposed of through either fiat-like summary orders with only one operative word, overwhelmingly 'affirmed', or opinions so perfunctory and arbitrary that the judges stamp them "not for publication" and "not precedential". Such unreviewability cloaks their decisions in virtual secrecy(29§3).

5. As a result, federal judges have **a)** the absolute means for wrongdoing since they exercise power with the feature that is absolutely corruptive[29]: unaccountability, which provides the irresistible inducement to abuse it without the inhibiting fear of adverse consequences; **b)** the most insidious motive for wrongdoing, *money!*; and **c)** the most favorable opportunity for wrongdoing in the actual secrecy of their operations and the virtual secrecy of their cases. These circumstances have combined to enable federal judges to engage in wrongdoing in its most pervasive manifestation: Wrongdoing is the institutionalized modus operandi of the judges of the Federal Judiciary.

6. By contrast, politicians:

a. hold power for only two, four, or six years with voters' approval, which they must win again at the next election or they are out of office automatically; and they are held accountable for their exercise of their power, as they are subject to challenges from members of their own party and of the opposite party as well as by the other of the two congressional chambers and the other branch of either Congress or the Executive; and must bear intense media scrutiny, voters' feedback, and challenges in court. (An appeal from a federal judge's decision, even one leading to a reversal, is inconsequential since federal judges cannot be voted out of the bench or promoted or demoted by their peers.(jur:46¶77);

b. will collect during this presidential campaign, the most expensive ever, at most $1 billion in donations, most of which are too small to even buy access to the candidates, let alone influence and corrupt their performance; and

c. most of their sessions, meetings, hearings, and voting occur in the open.

C. Judges' more pervasive wrongdoing can give rise to a virtuous circle of public outrage >incentive for media investigation >outrageous findings >

7. The public outrage at judges' wrongdoing will incentivize the media to investigate the evidence showing how district and circuit judges who tolerated or participated in wrongdoing while in the lower courts continued to do likewise after they were elevated to the Supreme Court.(jur:65§§1-3) Journalists will engage in that investigation in pursuit of their own professional interest in

winning a Pulitzer Prize and their editors will assign them to it in pursuit of their business interest in growing their audience by satisfying and stoking its demand for news on a story of wrongdoing(jur:xxxiii) affecting its vital rights. The stream of ever more outrageous investigative findings will exacerbate the public outrage, which will only heighten the incentive for the media to keep investigating. This will give rise to a self-reinforcing action and reaction.

8. The initial presentation(jur:xxv) of the evidence showing how power, money, and secrecy have corrupted federal judges can launch a generalized media investigation just as the Watergate Scandal did: It began with an initially derided "garden variety burglary" at the Democratic National Committee on June 17, 1972, and led to the resignation of President Nixon on August 9, 1974, and the imprisonment of all his White House aides.(jur:2¶¶4-9) This investigation will be guided by a question that emerged from that Scandal and proved its capacity to incentivize media and official investigations and topple wrongdoers at the top of government , now rephrased thus:

> What did the justices know about judges' pervasive and outrageous wrongdoing due to their corruptive power, money, and secrecy and when(75§d) did they know it?(jur:71§4; [196])

9. What is more, the media investigation of judges' wrongdoing will naturally follow the leads to those that recommended, nominated, and confirmed those judges and in their own interest have spared them any wrongdoing investigation, namely, the politicians.(jur:77§§5-6) This is the workable mechanism through which the journalistic investigation will develop its own unstoppable momentum that will take journalists from judges to politicians and other wrongdoers; it can lead back to judges who tolerated or participated in the corruption of politicians through money that bought access to them and influenced their votes and their secrecy-enabled cover-up.

10. This can so outrage voters as to stir them up to demand that politicians investigate and hold judges accountable, under pain of voting those politicians out of, or not into, office. That is the voters' 'stick' to force politicians, out of self-preservation, to investigate judges at the risk of ending up investigating their peers or themselves. The energy to swing that stick comes from voters being well informed and, as a result, outraged. The necessary information can be provided by politicians themselves if they are first given a 'carrot' that interests them in doing so.

D. Showing politicians how it is in their electoral interest to expose judges' wrongdoing due to corruptive power, money, and secrecy

11. There is a carrot that can be offered to politicians to interest them in investigating judges and other politicians: increasing the chances of winning an election by embarrassing their political opponents substantially and enhancing their own standing as advocates of public integrity.

12. For instance, Gov. Romney still risks losing the election, with him trailing President Obama in most polls. Hence, it is in his interest to embarrass the President. The Governor can do so himself or through his surrogates, such as pro-Romney superPACs. To that end, either of them can make the initial presentation(jur:xxv) of the evidence of how the President nominated Then-Judge Sotomayor(jur:xxxiii) to the Supreme Court although he knew that she had concealed assets, just as *The New York Times, The Washington Post*, and Politico had suspected[102a], and the secret FBI vetting report on her must have first known, and consequently, that she had evaded taxes[102c].

13. That the President had no qualms about doing so is indisputable, for he nominated other known tax cheats to cabinet positions, namely, Tim Geithner –the current Secretary of the Treasury–, Tom Daschle, and Nancy Killefer[103]. That he had a motive is also beyond doubt, for he expected those who were pressing him to appoint another woman and the first Latina to the Supreme

Court to support in exchange the passage of his signature legislature: Obamacare.

14. For those who put their advocacy of public or judicial integrity above their personal political preferences, offering this carrot to a presidential candidate is a principled application of the saying: The enemy of my enemy is my friend. Advocates of getting money out of politics and of whistleblowing on corruption in government agencies, such as the Alcohol, Tobacco, and Firearms Bureau, the Federal Drugs Administration, or the Environmental Protection Agency, may be for or against Gov. Romney. Yet, all of them may deem him their 'friend' if he in his own political interest makes the initial presentation(jur:xxv) of the Obama-Sotomayor story(jur:xxxiii) that sends journalists into a Watergate-like, generalized media investigation of judges' pervasive and outrageous wrongdoing that leads to broader story of corruptive power, money, and secrecy.

15. Bringing to the national public this national story of wrongdoing in the Federal Judiciary tolerated or participated in by Congress and the Executive(jur:71§§4-6) can cause the farthest-reaching public wrongdoing investigation and government overhaul ever. It can surpass those brought about by the Watergate Scandal, which was limited to wrongdoing by President Nixon (in his second and last term), his aides, and at their instigation some agencies in the Executive.

E. The role of advocates of public integrity in launching the investigation through the initial presentation of the evidence of judges' wrongdoing

16. Also the advocates of getting money out of politics and of protecting whistleblowing on government agencies, whether the EPA, FDA, ATF, or others, can make the initial presentation(jur:xxv) of the evidence of judges' wrongdoing. Alternatively, they can call on others who have access to the national media to do it. The objective in either case is the same: To appeal to the professional and business interests of the media by presenting to them evidence showing that:

    a. judges' wrongdoing is far more pervasive and outrageous than that of politicians,

    b. its exposure can more widely and lastingly hold public attention, and

    c. lead to an investigation of the wrongdoing of politicians and others resulting from the drivers of wrongdoing common to all of them: corruptive power, money, and secrecy.

17. Their investigation will not only expose wrongdoing; it will also aim to reform our government. It will convincingly demonstrate that if judges and politicians do not find it in their interest to apply the law, they will disregard it, to the detriment of *We the People* and our government by the rule of law. This makes the case for a reform, including of the Federal Judiciary, that gives an important role to citizen oversight of the performance of our government and our public servants.(jur:131§§e-h) Exposing how power, money, and secrecy corrupts judges is the path to exposing how power, money, and secrecy corrupts politicians in Congress and the Executive.

F. Thinking strategically and working together for public integrity

18. Advocates of getting money out of politics and protecting whistleblowers can advance their agenda by implementing this strategy. They can do so more cost-effectively by joining forces to make the initial presentation(jur:xxv) of the Obama-Sotomayor story(jur:xxxiii) and/or contact the Romney campaign or pro-Romney superPACs to propose that they make it.(cf. dcc:11) Through its imple-mentation, the advocates can become recognized nationally as Champions of Justice[159a], attract a broader audience that can develop into a wider base of supporters, and lead to reform in the functioning, transparency, and accountability of judges and politicians.

Dare trigger history![233a]

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The reliance of the proposal to expose judges' unaccountability and consequent riskless wrongdoing on STRATEGIC THINKING to formulate and implement its proposed action; the SELF-INTEREST of politicians and journalists to advance it unwittingly; and HISTORIC PERSPECTIVE to set judicial reform in a series of millennial impossibles that became realities and thus convince advocates of judicial reform that it can be realized and significant to attain the noble ideal of Equal Justice Under Law

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A. The dynamics of the proposal: from judges' wrongdoing to judicial reform

1. The proposal begins by exposing judges' unaccountability and consequent riskless wrongdoing. It envisages an initial presentation(jur:xxvii; cf. dcc:11) of the evidence thereof by a politician with national standing or an ambitious journalist whose principled investigating and reporting win him or her the support of their media bosses, to wit, their publishers and assignment editors, and establish their credibility with their media colleagues and the public. As a result, the journalist and the bosses set off a Watergate-like, generalized media investigation that produces an ever-broader stream of stories depicting the serious nature and gravity of wrongdoing risklessly and thus irre-sistibly engaged in by judges so routinely and widely as to have become their institutionalized modus operandi. The public grows outraged. It demands of incumbent politicians and their challengers that they open or call for official investigations by Congress and DoJ-FBI. On the strength of their subpoena, search, contempt, and penal powers, these investigators make findings of even more outrageous judicial wrongdoing. An exacerbatedly outraged voting public forces politicians, afraid of its wrath at the polls, to advance toward the final objective: legislated judicial reform implemented with the assistance of citizen boards of judicial accountability and discipline and aimed at administering Equal Justice Under Law.

B. Counting on politicians' and journalists' self-interest

2. This proposal does not depend on either politicians or journalists' acting out of a concern for fairness or judicial integrity. These exposers are not described in the proposal with the positive attribution to them of the terms "fair" or "fairness". Those terms are given there only a normative and aspirational value: the standard of fairness and impartiality against which to measure the performance of all judges, and the quality of the administration of justice that *We the People* are entitled to demand of the judiciary as part of government, not of men, but of laws. On the contrary, the proposal clearly recognizes that the politicians "dominated by Washington's culture of corruption" are the ones who nominate and confirm federal judges. It also asks whether the media that suspected Then-Judge Sotomayor of concealing assets, namely, *The New York Times, The Washington Post*, and Politico[107a], killed their stories in a quid pro quo with the President. The proposal does not count on even an enlightened interest on the part of politicians and journalists, but simply on their political or commercial, professional, and personal self-interest.

C. Reliance on strategic thinking

3. Instead, the proposal relies on strategic thinking: the dynamic analysis that constantly reconfigures, rather than take a static view of, the harmonious and conflicting interests of the parties to a system as they act and react among themselves and to external input, and based thereon the formation of a change-susceptible plan for facilitating or hindering the alignment of interests and building or preventing implicit or agreed-upon alliances and coalitions among parties, as appropriate, so as to maximize their separate or joint positive, or lessen as much as possible their negative, impact on one's intermediate and final objectives.

4. Strategic thinking applies three strategic principles: "The best storekeeper's employee is its owner" (i.e., working for oneself is most productive and reliable); "The enemy of my enemy is my friend" (i.e., allies and coalitions can emerge by implication)(jur:xxxix); and "Knowledge is power" (i.e., a strategy is only as effective as it integrates into its basis of information the constantly interacting interests of known and new parties). The application of these principles identifies those who have an interest through whose pursuit they can unwittingly advance the interest of advocates of judicial reform. Thus, concern for fairness or judicial integrity need not motivate them to take action in behalf of such reform. Their own self-interest is enough if presented to them persuasively: 'Standing in your shoes, you will advance your own interest the farthest by doing this'.

D. The interests of Republicans

5. Republicans and their friendly superPACs have an interest in embarrassing President Obama by exposing how he knew that Then-Judge Sotomayor had concealed assets, but nominated her for a justiceship in the expectation that those lobbying him to do so would in turn lobby Congress to pass ObamaCare. Her concealment of assets, suspected by top rated national media(see above), must have been established by the FBI's secret vetting report on her prepared for the President (jur:77§5), for even a review of the financial statements that she disclosed to the Senate Judiciary Committee[107b] pointed to it and its likely motives: evasion of disclosure[107d] of her asset's illegal source and of taxes thereon[107c]. Hence, Republicans have an interest in causing the resignation or removal through impeachment of J. Sotomayor as well as any other of her peers and even all of them so as to give their legislative agenda the best possible insurance policy: an outraged public that presumptively suspects the President and asks for Republicans' scrutiny of his policies.

6. The above shows how thinking strategically, judicial reform advocates can factor into their strategy the self-preservation interest of politicians in being voted into, and not out of, office so as to force them to contribute even unwittingly to attaining the reform's intermediate and final objectives.

E. The interests of journalists

7. Journalists would want to expose judicial wrongdoing to win a Pulitzer Prize and earn national recognition for causing the resignation of Now-Justice Sotomayor, just as they caused that of Justice Abe Fortas on May 14, 1969(jur:92§d). Greater recognition would come to them if they launched a Watergate-like, generalized media investigation(jur:100§3) of the Federal Judiciary that exposed the coordination[213b] that enabled and tolerated her concealment of assets of hers and others(jur:xxxv), and led to judicial accountability and discipline reform. Such historic development would earn them a more enduring reward: They would become this generation's Bob Woodward and Carl Bernstein, the *Washington Post* reporters of Watergate fame.

F. The precedent of journalists' 1972-74 Watergate Scandal investigation

8. Woodward and Bernstein began reporting on the break-in at the Democratic National Committee headquarters at the Watergate building complex in Washington, D.C., committed on June 17, 1972. Soon they were derided for wasting their time on a "garden variety burglary". However, they persevered. Thereby they were able to show that the money to defend the "five plumbers" cum burglars came from a slush fund linked to the Republican Committee for the Reelection of President Nixon. The public became ever more attracted to their story, for it realized what the 'burglary' was all about: political espionage and sabotage that might have been known to the President. Thus, all other members of the media scrambled to get on the Watergate investigative bandwagon.

9. The media, i.e., the decision-making publishers and assignment editors, were not spurred into action by a newly developed concern for the unfairness of Nixon's corrupting the integrity of the electoral process. Rather, they were pursuing their commercial interest: to provide their audiences with the story that had caught the national public's attention, for it concerned the betrayal of trust by those at the highest level of 'government of, by, and for *We the People*'[172].

10. The media realized that the public would go wherever it could find follow-up stories that satisfied its interest in learning about wrongdoing so pervasive that these top officers had turned the White House and key agencies of the Executive Branch into a "criminal enterprise", as Bernstein called it years later. So much so that the story had provoked an attention-sustaining reaction that the media could not afford to ignore: outrage. The Watergate Scandal had outraged the national public. As a result, the Watergate investigation took on a life of its own…and the unprecedented happened, which at the beginning of the story would have been ludicrous even to daydream about: President Nixon resigned on August 9, 1972, and all his White House aides went to prison.

G. Judicial reform in a series of historic attainments of the impossible

11. Judicial reform advocates can gain from solid research(jur:21§A; cf. 130§b) a deeper and more accurate understanding of the means, motive, and opportunity for judges to engage in wrongdoing[iii]; a more realistic appreciation of the obstacles to expose it(jur:49§4; 81§§1-3); and a realization of the exacting requirements to curb it through reform(jur:129§§5-9). They also need something else: historic perspective. It will allow them to glean history lessons that will inform their strategic thinking and thereby enable them to elaborate a more realistic as well as imaginative proposal for action. Of equal importance, historic perspective will provide a justification based on facts for adding endurance to their commitment: It will show that what had not occurred in not just hundreds of years, but rather thousands of years became a reality:

    a) child labor was prohibited by law and schools were opened, not just for the sons of the wealthy, but also for the children, even the daughters, of the poor; and black and white

students studied together in schools as well as in colleges;

b) men without land got the right to vote, and the unthinkable also happened: women were allowed to vote and even be voted into office; and a black man even became president, a "laughable" idea as recently as 45 years ago, when blacks and whites were run away, beaten, and lynched for merely trying to organize voting registration drives for blacks;

c) institutionalized slavery was dismantled as was the enslavement in practice resulting from arbitrary termination from employment; and employees won the right to unionize and even to go on strike without being fired in support of their demands for an adequate salary earned from work under safe conditions for a regulated number of hours;

d) the Jews, scattered for thousands of years in a Diaspora through the four corners of the world, finally came back to their former land and established the nation of Israel.

12. Many other conversions of millennial or centennial impossibles into realities could be listed. They invariably go to the credit of men and women who never gave up, who shut their ears to those who repeated the same reasons why their efforts too would fail and instead opened their minds to think up innovative strategies, seizing even fleeting opportunities that only they could perceive because they looked around them with wide open eyes despite their sobering contemplation of the mountainous hurdles on the path to attaining their objectives. They are a source of realistic encouragement for judicial reform advocates to persevere.

13. They, who succeeded, and all those who preceded them but failed or brought them only an inch closer to their objective provide historic evidence of the imperative for mortal judicial reform advocates to join forces to expose all-powerful life-tenured judges. A joint effort is more likely to reduce the time to success and cost-effectively set the strategy in motion by finding the politician or journalist needed to begin exposing judges' wrongdoing that outrages the national public.

H. Profile of the journalist likely to initiate the judicial wrongdoing investigation

14. This journalist is young, from a low middle to poor economic class, likely to be the first to go to college in his or her family, not socially polished, resentful of those in higher social standing who have looked down on him or her and defiant of authority, stubborn, angry, and possessed by both the need to prove himself or herself to others and the idealism that respect for the rule of law can prevent the powerful from humiliating and abusing others, and determined to compel his or her acceptance by them due to a feat. He or she works at a medium or small media outlet.

15. There his or her bosses are desperately looking for a story that will grow their audience and make them a name; they realize that otherwise they will drown in the ever-growing wave of news swelling from the Internet. It already caused the 80-year old Newsweek to announce in October 2012 that it will cease print publication in January and will be available only on the Internet on subscription…and whom does Newsweek expect to pay the subscription and for how long?

16. The search for, not to mention the finding of, J. Sotomayor's concealed assets can be the profiled journalist's and his or her media bosses' breakthrough story…perhaps the one for Newsweek or a newcomer to make an opening splash on the Internet. For that reason, they may be willing to risk what the established media are unwilling to do by running initially with the story: to antagonize judges who in self- and class interest can close ranks to retaliate against the exposer. By so doing, the established media abdicates its mission to hold those that have an impact on the public interest accountable and thus inform the public so that it may knowledgeably exercise its right to vote in and out of office those who can or cannot represent its interests properly in a democratic government. By doing the opposite to fulfill that mission, a journalist and his or her

bosses interested in establishing or reestablishing themselves in the system of journalists-subjects-audiences can succeed by earning professional prizes and national recognition.

I. Journalism students and bloggers can set the investigative bandwagon rolling

17. The profiled journalist can also be a student of journalism.(dcc:8) This is so because the main method of learning journalism is by investigating and writing stories and submitting them to the professors. The best student stories are published by the student media and can even be published by media outlets. The student may be researching and writing her doctoral dissertation or his master's thesis.(dcc:10) The 'journalist' can actually be a team of students taking a class on how to conduct a complex journalistic investigation requiring the joint effort of many media staff.

18. Bloggers too can be interested in the story. They can publish it on the Internet and on social media. Their story can go viral. Citizen journalists can run with the story until the buzz on Cyber-space is so loud that the established media too jumps on their investigative bandwagon. There is precedent for this too[293]. This illustrates how research discovers precedent that affords historic perspective and informs strategic thinking when proposing constructive and realistic action.

J. The choice of action for judicial reform advocates

19. Advocates can sit back in their lounges at the Roman circus and bet as spectators that their fellow judicial reform advocates will be abused and mangled on the arena in their unequal battle with life-tenured wrongdoing judges and the politicians that put and keep them in place. Otherwise, advocates can follow the example of Mandela and Aung San Suu Kyi, who even as they spent almost 30 years in prison or 20 in house arrest kept faith and supported those who maintained in the streets their struggle for equality and freedom. They can also jump into the fray, as did Washington and his soldiers, Rosa Park and Martin Luther King, and Ben-Gurion in Israel.

K. The proposed action of informing and persuading

20. If judicial reform advocates choose to take action, there is plenty to do. It begins by learning the facts about the nature and gravity of judges' wrongdoing[iii], for Knowledge is Power. To that end, they can take advantage of the extensive research[ii]that has found those facts(jur:21§A), their analysis with professional objectivity, and their integration through strategic thinking into a realistic proposal for initial(jur:xxvii; dcc:11) mid-term(jur:101D), and long-term(jur:121§E) action.

21. Then they can make an individual and joint effort to distribute to politicians, particularly Republicans, and journalists the concise set of questions on judges' wrongdoing that they have an interest in answering, as shown by this article. In its letter format for faxing and manual distribution, the questions are found below(xlviii) at http://Judicial-Discipline-Reform.org/jur/DrRCordero_fax&handout.pdf. The emails and fax numbers of journalists can be found on their media websites and the mastheads of their print publications. The deans and professors of journalism schools can be approached, as can their students(dcc:7,8). The list of accredited journalism schools and programs is found at http://www2.ku.edu/~acejmc/STUDENT/PROGLIST.SHTML.

22. If judicial reform advocates join forces and get to work, this exercise can lead to the formation of a steering committee for the advocacy of such reform(jur:119§E). But all of them can start now on their way to becoming Champions of Justice who persevere in defending and asserting what is the birthright of *We the People* in our government, not of men, but of laws: Equal Justice Under Law. How to do so is the subject of the presentation that the author offers to make(jur:171§F).

Dare *trigger history!*[254]

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November 11, 2012

Questions for An Investigation of National Interest by Principled and Ambitious Journalists and Politicians

concerning whether they
dare hold the Supreme Court justices and federal judges accountable[i]
or will continue to allow them to engage in wrongdoing to avoid antagonizing them because,
just as the justices upheld, but could have overturned, ObamaCare,
they and their peers[ii] can doom a president's legislative agenda and even his signature law[iii].

Did the President disregard Then-Judge Sotomayor's concealment of assets, suspected by *The New York Times*, *The Washington Post*, and Politico[102a], and nominated her to the Supreme Court –the same way he had disregarded the tax evasion of known tax cheats Tim Geithner [now Treasury Secretary], Tom Daschle, and Nancy Killefer and nominated them to cabinet posts [the latter two had to withdraw their names in the face of public outrage][103]– so as to curry favor with the voters who wanted another woman and the first Latina on the Court and from whom he expected in exchange that they lobby Congress to pass ObamaCare?

Can politicians[iv], inspired by the founding principle of government, not of men, but of laws *Nobody Is Above The Law*; and journalists motivated by their watchdog mission and the prospect of winning a Pulitzer Prize, make the initial presentation(xxv) of this issue and thereby launch a Watergate-like, generalized media investigation guided by a query that proved its devastating effect when it caused President Nixon to resign on 9Aug74, and which can be rephrased thus:

What did the President(77§5), the justices, and judges[196] know [23b]
about J. Sotomayor's concealment of assets(65§1) and consequent
tax evasion[102c] and when(75§d) did they know it?

Can journalists searching for J. Sotomayor's concealed assets bring about her resignation[v] for having failed to "avoid even the appearance of impropriety"[118a], just as Supreme Court Justice Abe Fortas had to resign on 14May69, on the same grounds?(92§d)

How will President Obama respond to the demand that he release
the secret FBI vetting report on J. Sotomayor?

Did *The New York Times*, *The Washington Post*, and Politico[102a] simultaneously and without explanation kill in a quid pro quod with President Obama their stories suspecting Then-Judge Sotomayor of concealment of assets?(xxxiii)

Can the issue of judges' wrongdoing tolerated for political gain[vi] so outrage the national public, already lied to about the integrity of J. Sotomayor, as to increase the disapproval of politicians and the disconnect between *We the People* and our representatives?

Can journalists and superPACs investigating judges' unaccountability and riskless wrongdoing lead to a Pulitzer Prize, national recognition, and the most enduring legacy: judicial reform that subjects the Federal Judiciary to democratic control through citizen boards of judicial accountability and discipline that ensure that judges apply to themselves and administer to *We the People* Equal Justice Under Law?

Endnotes

[i] In the 223 years since the creation of the Federal Judiciary in 1789, the number of federal judges impeached and removed is 8![14] To put this in perspective, 2,131 federal judges were on the bench as of 30sep11.[13] So they can and do engage in wrongdoing risklessly, unless the politicians[15] of "Washington[, which] is dominated by the culture of corruption (Former Speaker Pelosi [16])" confer incorruptibility upon nominating and confirming judicial candidates. Judges' wrongdoing is rendered irresistible by the most insidious corruptor: *money!* In CY10, bankruptcy judges, who handle 80% of all new federal cases annually[32], ruled on $373 billion[31] in consumer bankruptcies alone. How much more pervasively corrupt would politicians -your boss too?- be if they held their jobs for life with impunity and ruled on $100s of bl.[29]?(xxxvii)

[ii] Chief federal circuit judges dismissed systematically 99.82% of the complaints against their peers filed[18a,] by anybody in the 1oct96-30sep08 12-year period[19a-c]. In that period, the federal judicial councils –the circuits' all-judge disciplinary bodies– denied up to 100% of the petitions to review those dismissals(10; 24§[b]), as did the 2nd Circuit's council(11), of which Then-Judge Sotomayor was a member[20]. Thereby she too exempted her peers from all accountability regardless of the nature and gravity of their wrongdoing. Now as Justice Sotomayor, she, like other justices(71§4), and judges[196], has to prevent any investigation of federal judges, lest the wrongdoing that she tolerated or her own concealment of assets be discovered and she end up incriminated. Can you trust justices and judges who in their personal and class interest break the law to apply it impartially when they rule on your property, liberty, and life?

[iii] Up to 9 of every 10 appeals to the federal circuit courts are disposed of ad-hoc[28] through no-reason summary orders[65a] or opinions so "perfunctory"[66] that they are neither published nor precedential[68], mere fiats of raw judicial power that enable arbitrariness. You can spend $10,000s on an appeal to a circuit court only for it to dispose of the appeal with a 5¢ form whose only operative word is "Affirmed", as did Then-Judge Sotomayor[67] in *Ricci v. DeStefano*[66].

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

[v] This Watergate-like(4¶¶10-14) generalized media search can make a stream of revelations of improprieties(101§1) that chip away at the denials of J. Sotomayor, the President, and their peers and aides, and so mar their PR image as to lead to resignations(92§d). People would be outraged(83§§[2],3) at dishonest judges abusing their power for their benefit while affecting people's property, liberty, and lives[5,6] and their due process of law rights. Their outrage can be channeled through a multidisciplinary academic and business venture(119§[E]) that advocates legislated and citizen-monitored judicial accountability and discipline reform(131§e-h).

[vi] Senators Schumer and Gillibrand(78§6) recommended J. Sotomayor to the President. Sen. Schumer, his point man to shepherd her nomination through the Senate[160], disregarded the evidence submitted to him[154e] showing **1)** her concealment of assets of hers and others(66§§[2], 3), and **2)** her perjurious(69§[b]) withholding from the Senate Judiciary Committee[102b] a case over which she had presided, *DeLano*[104,106], that incriminated her[127] in covering up a bankruptcy fraud scheme[59] run by a bankruptcy judge[119] that she and her CA2 peers[105] had appointed[60a]. Sen. Gillibrand introduced Judge Sotomayor to that Committee and endorsed her to New Yorkers and the rest of the country[161] by lying about the Judges' dishonesty[169](104§2).

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

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May 10, 2013

Mr. Gerard Ryle, Director
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Dear Mr. Ryle and Journalists,

I read with great interest your Offshore Leaks report (OL). Indeed, I have written a study based on federal judges' 'leaked' files: their official statistics, jur:10-14, reports[ii], and annual financial disclosure reports that they must file, 65fn107d, publicly, 105fn213a. These files show their means, motive, and opportunity to engage in tax evasion and money laundering. Among them is a justice of the Supreme Court whom *The New York Times, The Washington Post*, and Politico suspected of concealment of assets, 65fn107a-c, J. Sotomayor, only to kill their stories inexplicably, xviii. Now the national media networks, which are the public's main source of information, have in effect ignored OL. But nothing would catapult it to the center of national attention as exposing J. Sotomayor's and her colleagues' routine commission and toleration of off- and onshore financial wrongdoing, xxxv. So this is a proposal for exposing the available, verifiable facts of such wrongdoing by federal judges, 21§A; pursue them through an OL-connected joint investigation, 102§4; and reveal the circumstances enabling their wrongdoing:

1) The proximate enabler is the authority entrusted to federal judges to police the filing and accuracy of their financial reports. Such entrustment runs afoul of the obvious fact that 'nobody can judge fairly and impartially his own cause'. Nor is it mandated by the separation of powers doctrine, which is trumped by the foundational principle of our republic: Nobody is Above the Law. Judges abuse this authority by filing and approving reports full of pro forma, incongruous, and implausible information, 105fn213b. **2)** They are able to do so risklessly because they are held unaccountable by the politicians that nominated and confirmed them, 77§§5-6; the media that fear their retaliation, xlviii; and compromised lawyers, who either learned about their wrongdoing while clerking for them but kept silent in exchange for a valuable job recommendation, 81§1, or cannot risk antagonizing them. **3)** The third enabler is their authority to discipline their own conduct, 24fn18, which they abuse by systematically dismissing 99.82% of the complaints filed against their peers, 24§b. **4)** As a result, they are able to risklessly cover up their financial wrongdoing by disregarding due process and the rule of law, 65§§1-3, to the detriment of litigants and all those affected by their decisions, that is, the public. **5)** Worse yet, they can coordinate their wrongdoing, 49§4: Bankruptcy judges handle 80% of all federal cases under the influence of the most insidious corruptor: *money!*, over $373 billion in CY10 in just consumer bankruptcies, 27§2. Their decisions are in practice unreviewable, 46§3, but if reviewed, it is by the judges who appointed, 43fn61, and thus are biased toward, them, and who can also remove them, 31§a. This fosters pay-to-play collusion, 56§1, and the coordination among judges and between them and other insiders, 81fn169, of a bankruptcy fraud scheme, 39§§5-6.

The public outrage, 83§§2-3, that the publication of the available, verifiable facts will provoke can cause the media to investigate judges by pursuing a query that has proved its attention-galvanizing power and can be rephrased thus: What did the President, 77§5, Congress, 78§6, and the money and tax authorities know about the financial wrongdoing of a justice, 65§§1-3, and her colleagues, 71§4, and of Offshore Leaks participants, and when did they know it? Our joint investigation can promote integrity in a key area of public life: the administration of justice. So I offer to make a presentation to you, 171§F, of the proposed investigation, 100§§3-4, and its related business venture, 119§E.

Sincerely, Dr. Richard Cordero, Esq.

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Judicial Discipline Reform

May 11, 2013

How You Can Contribute To Exposing Judges' Wrongdoing In Light Of Offshore Leaks' Revelations Of Financial Wrongdoing

1. Offshore Leaks: the files and report on tax evasion and money laundering

Offshore Leaks are the leak of 2.5 million financial files on 260GB of data to the International Consortium of Investigative Journalists, headquartered at the Center for Public Integrity in Washington, D.C., and its report thereon, released last April 3[1]. They reveal how more than 120,000 offshore companies and trusts in 170 countries manage between $21-32 trillion in private financial assets. These include the trillions that transit through places with tax haven status and complaisant authorities and that are involved in tax evasion and money laundering. Such crimes are committed by private persons and public officers, all wealthy, some shady too, using layers of anonymity, secrecy, and false declarations with the assistance of a host of bankers, lawyers, accountants, and other professionals with a lot of knowledge and not so many scruples;

For comparison's sake, the FY13 U.S. budget is $3.8 trillion, the Gross Domestic Product is $16.2 trillion[2], and the national debt stood on April 18 at $16.78 trillion[3]. Tax evasion and money laundering aggravate our national deficit and spread corruption and criminality. Those crimes harm the government and the people. They can be exposed by the Investigative Journalists. They have shown commitment to public integrity and transparency, and during their 15-month Offshore Leaks investigation developed techniques, software, insights, and contacts that can expose how federal judges too are engaged in financial wrongdoing, whether off- or onshore.

2. Judges' wrongdoing: demonstrated by a study and suspected by top journalists

I researched and wrote the study Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting; jur:1.

The study is based on official files "leaked" by federal judges, such as their statistics, 10-14, writings[ii], and annual financial disclosure reports that they must file, 65fn107d, publicly, 105fn213a. Those files contain evidence of the judges' means, motive, and opportunity, 21§§1-3, to engage in wrongdoing coordinated among themselves and between them and insiders, 81fn169, of the legal and bankruptcy systems, including tax evasion and laundering the proceeds of a bankruptcy fraud scheme, 65§§1-3. In fact, *The New York Times, The Washington Post*, and Politico suspected a nominee to the Supreme Court, Then-Judge, Now-Justice, Sotomayor, of concealment of assets, 65fn107a-c, only to kill their stories inexplicably, xviii.

3. How the Federal Judiciary has become a safe haven for wrongdoing

Offshore Leaks show that those who are liable to investigation and exposure nevertheless engage massively in tax evasion and money laundering. By contrast, judges are in effect shielded from any investigation, let alone exposure, by the tax and money authorities under the control and influence of the politicians who nominated and confirmed them as judges, jur:81§1. It follows that they are likely, if not more likely, to engage in such financial wrongdoing too.

Judges' financial wrongdoing only renders more likely their non-financial, 5§3, wrongdoing and vice-versa: A person who does wrong in one aspect of her life and gets away with it feels more confident in, and greater pressure to cover it up by, doing wrong in any other aspect. Both types of wrongdoing are rendered possible by the same enabling circumstances, ol:1.

Wrongdoing spreads infectiously to those who see it succeed. Coordination and reciprocal cover-ups among wrongdoers render them unaccountable, 21§a, and make their wrongdoing more effective, riskless, and beneficial, 60§§f-g. It becomes ever more difficult to resist; routine to commit; and self-incriminating to oppose, 90§§b-d. Their unaccountability turns wrongdoing into their institutionalized modus operandi, 44fn69. Through this psychological and pragmatic process, judges have turned the Federal Judiciary into a safe haven for wrongdoing, 49§4.

4. Exposing judges' financial wrongdoing will outrage the public and lead to exposing their non-financial wrongdoing

Despite their worry-free employment for life, 22fn14, and salaries that cannot be diminished, 22fn12, federal judges resort to financial wrongdoing to ensure their high life, 104fn211. At the same time, the national public struggles through the worst economic recession since 1929, with unemployment that is persistently high and a constant threat. Its diminishing median *household* income of $50,054[4] is one fourth of a federal judge's *personal* salary of around $200,000, not counting her outside income[5]. That public would be outraged by Investigative Journalists' revelation, made thanks to their Offshore Leaks expertise, of Justice Sotomayor's participation in, and toleration of her colleagues', off- and onshore financial wrongdoing, including their running of a bankruptcy fraud scheme, xxxv. An outraged national public would demand official investigation of federal judges, which would expose their non-financial wrongdoing too; 83§§2-3.

5. My proposal to Offshore Leaks journalists and your contribution to their accepting it and exposing wrongdoing judges

Thus, I have proposed to the International Consortium of Investigative Journalists that they and I jointly:

1) publish, 98§2, the verifiable facts of judges' wrongdoing already stated in my study, 21§§A-B;

2) investigate the leads in my study, 102§4, and their Offshore Leaks concerning judges, using their unique *Follow the money!* expertise to expose concealed assets and their origins; and

3) promote and execute a multidisciplinary academic and business venture, 119§1 -which may interest all advocates of honest judiciaries- intended to lead to a for-profit institute, 130§5, judicial reform, 158§6-7, and the creation of citizen boards of judicial accountability, 160§8.

Thus, I respectfully request that you, in your own and the public interest, contribute to exposing wrongdoing judges by emailing at the addresses below the Investigative Journalists to ask that they do so and to support my joint publication, investigation, and venture proposal. I also request that you invite your colleagues, a&p:26-27, to email them too or to cosign your emails.

6. Material and moral rewards for contributors to exposing wrongdoing judges

Your contribution of support can help the Investigative Journalists, and through them the media networks and the rest of the media, to shake free of the fear, xlviii, of judges, for not even federal judges can gang up on all journalists at the same time, 100§3, lest they betray their retaliatory motive. Hence, your contribution can have an enduring and reformative impact on the public, the media, and the Judiciary just as it can earn you material and moral rewards:

1) prompt the pioneering of the news and publishing field of judicial unaccountability reporting, and reap the economic benefits flowing therefrom; 1§Introduction;

2) lead to a scoop that brings about the resignation or impeachment of one or more justices and judges, just as U.S. Justice Abe Fortas had to resign on May 14, 1969, after the revelations

made by Life magazine; 92§d;

3) be hired by, or merge with, a national media outlet thanks to that scoop;

4) write a bestseller account of such scoop, similar to *All the President's Men* on the Watergate Scandal by *Washington Post* Reporters Bob Woodward and Carl Bernstein; 4fn3;

5) be portrayed on a movie, e.g., the homonymous blockbuster *All the President's Men*; 4¶13;

6) win a Pulitzer Prize, as did *The Washington Post* in 1973 for its Watergate Scandal coverage;

7) appear on the cover of Time magazine as Person of the Year, as U.S. District Judge John J. Sirica of Watergate fame did in 1973; jur:iv/endnote iv.

8) make a nationally recognized name for yourself, as did Michael Moore after making the documentary Fahrenheit 9/11; and Woodward, and Bernstein for being instrumental in exposing the Watergate Scandal and forcing President Nixon to resign on August 8, 1974, 4¶¶10-14

9) become an icon in your field, as Moore, Woodward, and Bernstein are;

10) be studied in every journalism school, as Woodward and Bernstein are;

11) advance the deep-seated personal conviction and common cause that wrongdoing judges corrupt our justice system and deprive us of rights, property, liberty, and life;

12) be known for reasserting in practice heroically against Judges Above the Law the principle that in "government of laws and not of men"[6] there is no place for a class of unaccountable judges who for their own benefit, 27§2, 62§g, abuse their office with impunity, 26§d;

13) be instrumental in setting in motion a trend for other people abroad to follow –as they have done so many other developments in American society and pop culture– where their countries' unaccountable judges risklessly engage in financial and non-financial wrongdoing too; and

14) set in motion judicial reform that leads to *We the People* exercising through citizen boards of judicial accountability and discipline their sovereign power to hold judges, their public servants, accountable for administering to the *People* and themselves Equal Justice Under Law; and

15) consequently, be bestowed by a grateful nation a more enduring and noble reward: the title that earns national recognition now and is written on the history books of Champion of Justice.

7. Email addresses for you to contribute your support for the joint publication, investigation, and venture proposal

Those are valuable and meritorious rewards for contributing to exposing wrongdoing judges. You can earn some and use all of them to persuade others to do so. Thus, I encourage you to take this opportunity to contact the International Consortium of Investigative Journalists to express your support for my proposal and my offer to present it to them: that they and I apply both their unique expertise and leads resulting from their Offshore Leaks investigation and the evidence and analysis in my study to expose judges financial wrongdoing and thus set in motion judicial unaccountability reporting and reform. I also encourage you to invite your colleagues and all advocates of honest judiciaries to email, or cosign your emails, to:

ICIJ Director Gerard Ryle: gryle@icij.org; Deputy Director Marina Walker: mwalker@icij.org; the journalists: investigations@icij.org; CPI Director Bill Buzenberg: dbetts@publicintegrity.org

Take action and *dare trigger history!* dcc:11

1. http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:176

2. http://www.whitehouse.gov/sites/default/files/omb/budget/fy2014/assets/tables.pdf

3. http://www.treasurydirect.gov/NP/BPDLogin?application=np

4. http://www.census.gov/prod/2012pubs/p60-243.pdf >page 5

5. http://Judicial-Discipline-Reform.org/docs/5usc_2012.pdf >§5332 Schedule 7, Judicial Salaries

6. "In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men." Constitution of the Commonwealth of Massachusetts of 1780, Article XXX. https://malegislature.gov/laws/constitution.

7. **a)** "…a single judge signs most surveillance orders, which totaled nearly 1,800 last year. None of the requests from the intelligence agencies was denied, according to the court." In Secret, [FISA]Court Vastly Broadens Powers of N.S.A., by Eric Lichtblau; The New York Times, 6july13; http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:263. **b)** Only 11 out of nearly 34,000 warrant requests made since 1979 by the federal intelligence agencies to the secret court established under the Foreign Intelligence Surveillance Act were denied. "If the request ; The Foreign Intelligence Surveillance Court, by Todd Linderman, The Washington Post, 7jun13; id. >Ln:212. **c)** "The criticism of the Foreign Intelligence Surveillance Court is simple: that it's a rubber stamp, and that the government always gets what it wants. And here's a number that seem [sic] to support that: 1,856. That's the number of applications presented to the court by the government That's the number of applications presented to the court by the government last year. And it's also the number that the court approved: 100 percent success." FISA Court Appears To Be Rubber Stamp For Government Requests, by Dina Temple-Raston, NPR News Morning Edition, 13jun13;id. >Ln:269.

8. "Welcome to IGnet serving as a **portal to the *Federal Inspector General Community*** whose primary responsibilities, to the American public, are to *detect and prevent fraud, waste, abuse, and violations of law and to promote economy, efficiency and effectiveness in the operations of the Federal Government*. The **Inspector General Act of 1978, as amended**, [5 U.S.C. Appendix] establishes the responsibilities and duties of an IG. The IG Act has been amended to increase the number of agencies with statutory IGs. In 1988 came the establishment of IGs in smaller, independent agencies and there are now 73 statutory IGs." Council of the Inspectors General on Integrity and Efficiency; http://www.ignet.gov/. Inspector General Act of 1978, Pub. L. 95-452, 5 U.S.C, Appendix; http://Judicial-Discipline-Reform.org/docs/5usc_app_Inspector_General_Act.pdf.

9. Federal Tort Claims Act, 28 U.S.C. §§171-179; http://Judicial-Discipline-Reform.org/docs/28usc_2013.pdf. "Under the FTCA, the federal government acts as a self-insurer, and recognizes liability for the negligent or wrongful acts or omissions of its employees acting within the scope of their official duties. The United States is liable to the same extent an individual would be in like circumstances. The statute substitutes the United States as the defendant in such a suit and the United States—not the individual employee—bears any resulting liability"; http://www.house.gov/content/vendors/leases/tort.php.

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May 15, 2013

Strategic thinking and historical perspective to make the media strategy work in pursuit of honest judiciaries

****

A. The campaign to have the Investigative Journalists investigate federal judges' financial wrongdoing

1. A campaign is under way to have as many fellow advocates of honest judiciaries as possible email the International Consortium of Investigative Journalists, headquartered at the Center for Public Integrity in Washington, D.C., to request that they apply to exposing federal judges' financial wrongdoing the unique *Follow the money!* techniques, software, insights, and contacts that the Investigative Journalists developed during their 15-month investigation of assets concealed for tax evasion and money laundering through offshore financial entities, as revealed by the 2.5 million files leaked to them and their April report thereon, both known as Offshore Leaks. http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:176

2. The campaign is warranted by such expertise of the Investigative Journalists as well as their proven commitment to public integrity and transparency, and their courage in exposing even powerful public officers. Their exposure of federal judges' concealment of assets, a criminal act, would so outrage the NATIONAL public that the latter would force already discredited and even

conniving politicians, lest they not be elected or reelected, to open official investigations of federal judges' financial and non-financial wrongdoing and thereafter undertake judicial unaccountability and discipline reform. This is the strategy, jur:83-2-3, laid out in my study Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting; jur:i.

B. Comments on why the campaign will not work rather than how to make it work

3. However, some advocates have commented that such campaign is doomed to failure. They argue that the whole media are not credible and are in league with public officers and will protect, not expose, them; and that advocates that try to expose wrongdoing judges will be hounded down and chased away from this country just as they have been.

C. Instances in which the media have exposed federal judges

4. Such comments allow the personal experience of unjustifiable abuse by public officers block the view of the facts, even those made part of the campaign emails:

> Life magazine's revelations of money-handling improprieties –not even wrongdoing– caused U.S. Supreme Court Justice Abe Fortas to withdraw his name as nominee to chief justice and subsequently forced him to resign on May 14, 1969; jur:92§d.

   a. In 2009, *The New York Times, The Washington Post*, and Politico suspected a federal circuit judge nominated to the Supreme Court, Then-Judge, Now-Justice, Sotomayor, of concealment of assets, id. >65fn107a-c, only to kill their stories inexplicably, xviii.

   b. In 2011, the media criticized Justice Thomas for misreporting his wife's assets in his financial disclosure reports, 72§b.

   c. As recently as the past presidential election, the media criticized Supreme Court Justices Scalia, Thomas, and Alito for attending fundraisers for Republican candidates, 87fn184b.

5. However, it remains a fact that the media do not investigate federal judges anywhere as intensely as it does federal politicians. As a result, in the 224 years since the creation of the Federal Judiciary in 1789, the number of federal judges -2,131 were in office on September 30, 2011, 22fn13- impeached and removed is 8! 22fn14 Hence, federal judges are in effect unimpeachable and irremovable. Their unaccountability has the consequence of irresistibly attracting them to do wrong with the assurance of impunity.

D. The notion of the media as a monolithic entity that as one man will refuse to investigate federal judges betrays failure of analysis

6. To portray the media as a monolithic entity all of whose members have the same interests and, thus, handle news items the same way betrays lack of analysis. It indisputable that even in the simplest human system of two individuals –e.g. a married couple, two identical twins, two business partners- the two of them never ever think the same way and act in accord always under all circumstance for years, much less for decades, not even on a daily basis.

7. Therefore, it is impermissible for a reasonable person to appear saying that the hundreds of thousands of people that compose the media and hold different responsibilities, seniority, and reputation in and out of their media outlets nevertheless have the same interests and will forever

react exactly the same way to the same news item:

a. *The New York Times* does not have the same interests as The Crier of Woolsy Town.

A digital editor of an Internet newsroom competing with the other digital newsrooms in the country and around the world does not handle a potentially scandalous news piece the same way as the managing editor at a print weekly with total circulation of 20,000 limited to her state and with declining advertising revenue and an increasing probability of bankruptcy.

The editor-in-chief and the part owner publisher of even a regional paper do not have the same sources to protect and influential people to handle deferentially as the irreverent, authority-defiant, young student of journalism who wants to impress a professor, get a scoop on his journalism school paper to land a good job, or exorcise the demons of his childhood by going after a public figure or officer that appears to be engaged in wrongdoing.

8. A ticket to journalistic stardom does not look the same for each of the scores of thousands of beat journalists in the U.S. and the rest of the world. See the profile of the journalist likely to expose wrongdoing judges, xlvi§H.

E. Thinking strategically as a leader with historical perspective of change rather than as a victim with broken spirit and eyes blurred by tears

9. People with the attitude, not of victims, but rather of indomitable leaders overcome even the unbearable pain inflicted by ruthless enemies and do what is indispensable for a chance at success: They analyze the situation objectively and think strategically:

> People out there have different interests, some harmonious and some conflicting. If I identify which is which, I can try to influence those interests to play people against each other and thereby have a fighting chance to advance my own interests.

10. Strategic thinking is enhanced decisively by historical perspective. Such perspective should prevent the suggestion that because investigative journalists have not pursued the investigation of wrongdoing judges as they have that of wrongdoing politicians, business people, entertainment and sport celebrities, members of the clergy, etc, they will never do so. A situation is not unchangeable because it has not changed up to now. Historical perspective shows how even millennial impossible have become present day realities:

a. For thousands of years, men without land or freedom, never mind woman, could not vote. Yet, not all landowners and free men defended as a monolithic block the preservation of that exclusive right. Some on practical, other on moral, grounds, fought to change that situation. And they extended the right to vote to the poor.

b. For thousands of years women had nothing to say in public life. For hundreds of years it was so in our own country. But neither all men fought to preserve that privilege for themselves nor all women allowed themselves to be deterred from demanding the right to vote on account that it has always been so: “woman belong in the kitchen”. They kept fighting against all odds and despite great personal suffering to change that situation, and they did prevail.

c. For thousands of years, since biblical times, there have been slaves. But not all those who could own slaves, not even all slave owners had the same interest in preserving

that situation. Whether on humanitarian principles or because of the calculation that an economy without slaves would favor their economic interests, they fought together and separately and managed to abolish that millennial institution of slavery.

11. Many other conversions of millennial or centennial impossibles into everyday realities could be listed:

    d. education reserved for the children of the wealthy;

    e. workers hired and fired at the mercy of employers;

    f. health care accessible only to those who could afford it;

    g. homosexuals had no other place but inside a locked closet;

    h. Jews had no land of their own for thousands of years; etc., etc., etc.

12. Regardless of where one stands on any of these issues, even a person minimally aware of his surroundings must recognize that the situation changed. An analytical persons goes beyond that to realize how over time, whether measured in thousands or hundreds of years, the interests of the players on the 'monopoly board' of an issue and their relative strength were caused or forced to change by people that never gave up their campaign to change what had always been a certain way up to then.

F. Judges' wrongdoing can be changed by people with the same strength of character as those who changed other millennial situations

13. Likewise, "the king can do no wrong" and 'the clergy is protected by the hand of God' and neither can be sued by the people or men. Those were statements that described and preserved millenarian situations. But that too has changed. In the case of Catholic priests, only in the last 30 years or so.

14. But still today judges, especially life-appointed federal judges, are about the last class in our society that enjoys the privilege of immunity. Nevertheless, with historical perspective it can be seen how that situation can be caused or forced to change. However, change will not come because judges become disinterested in their privilege and give it up voluntarily.

15. Change in judges' unaccountability will have to be caused or forced to happen by people who have the unwavering determination, not just to whimper about it, but to continue thinking how to identify and reinforce conflicting and harmonious interests in order to make them stronger than the judges' interest in the status quo. Those people are the ones who have the strength of character and of spirit to emerge as leaders not just of advocates of honest judiciaries, but also of the change that they strive for.

G. Fostering change by strengthening the Investigative Journalists' interest in maximizing their investigation investment by exposing judges

16. At present, the interest of the International Consortium of Investigative Journalists is to maximize their material and moral investment in their Offshore Leaks investigation. The interest of advocates of honest judiciaries lies in persuading them that using their *Follow the money!* expertise to expose the concealment of assets by federal judges is harmonious with theirs and will boost their desired maximization of their investigation investment.

17. What is more, we can interest the Investigative Journalists in a concrete case of concealment of

assets that reasonably holds out that prospect: the concealment of assets by J. Sotomayor suspected by *The New York Times*, *The Washington Post*, and Politico, 65fn107a-c, and supported by the evidence that I gathered while prosecuting cases from bankruptcy to district court, to circuit court with Judge Sotomayor presiding, and on to the Supreme Court, 65§§1-2.

18. The Investigative Journalists' finding of the whereabouts, amount, and length of time of J. Sotomayor's concealment of assets, not to mention that of her colleagues, 105fn213, has the potential of provoking such NATIONAL public outrage as to boost the single most important interest of the media: to increase their audio/visual audience and readership and the commercial advertisement that comes with it. This can lead to one of the main and indispensable boosters to our interest in honest judiciaries: a Watergate-like generalized media investigation of federal judges' financial and non-financial wrongdoing.

H. Information for contacting the Investigative Journalists and contributing to causing or forcing judges' wrongdoing to change

19. Therefore, I encourage all commentators and all advocates of honest judiciaries to reach out to all your colleagues, other advocates, and contacts in the media and elsewhere to ask that they too email, or cosign your emails to, the International Consortium of Investigative Journalists to argue, not the case of defeat, not even our interest, but rather the Journalists' own interest in earning the material and moral rewards, ol:3:§6, for accepting this joint publication and investigation proposal:

> that the Investigative Journalists expose judges' financial wrongdoing through a joint publication of the evidence and further investigation of the leads in their Offshore Leaks investigation and in my study **Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing**: Pioneering the news and publishing field of judicial unaccountability reporting, 21§§A-B and xxxv

20. To that end, here is the contact information of the International Consortium of Investigative Journalists:

> ICIJ Director Gerard Ryle: gryle@icij.org
>
> ICIJ Deputy Director Marina Walker: mwalker@icij.org
>
> the ICIJ journalists: investigations@icij.org; contact@icij.org
>
> CPI Director Bill Buzenberg: dbetts@publicintegrity.org
>
> tel. (202)466-1300; postal address >ol:1

21. Strategic thinkers identify opportunities. Leaders with historic perspective show others the way to take advantage of those opportunities and inspire them to take action and persevere. Be a leader! Step forward as leaders who, even if still nursing their wounds, have their conviction intact and the clarity of mind to think strategically and find ways big and small, obvious and imaginative, with outsiders and Deep Throat, 106§c, insiders, to invigorate and sap, create and block other people's interests in order to advance our common interest in advancing a noble cause: to expose unaccountable wrongdoing judges and bring about reform where *We the People* ensure that judges administer Equal Justice Under Law. Those leaders will be recognized by a grateful nation as their Champions of Justice.

Take action and *dare trigger history!* dcc:11

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May 25, 2013

THE TRIFECTA OF DISTRUST

In the context of the IRS Scandal and the Benghazi Scandal the investigation of the suspicion raised by *The New York Times*, *The Washington Post*, and Politico that President Obama's first nominee to the Supreme Court, Then-Judge Sotomayor, had concealed assets can have the gravest consequences, including calls for their resignation or impeachment, and the first-ever investigation of the Federal Judiciary

The IRS and the Benghazi scandals have gripped the NATIONAL public's attention and, as a result, have given journalists a market incentive to investigate them further. Underlying both scandals is a common query:

Is there a pattern of President Obama covering up wrongdoing by him, his administration, or those whom he wants to nominate to high office? Cf. jur:111fn249.

In fact, this pattern began early on in his first term when he nominated for cabinet positions known tax cheats Tim Geithner, Tom Daschle, and Nancy Killefer, none of whom were confirmed; jur:65§1. Subsequently, media outlets of superior credibility and even said to be liberal and Democrat-leaning, namely, *The New York Times*, *The Washington Post*, and Politico, suspected the President's first nominee to the Supreme Court, Then-Judge, Now-Justice, Sotomayor, of concealing assets of her own; jur:65fn107a.

This begs a question that entered our political discourse when the Watergate scandal, which led to the resignation of President Nixon on August 9, 1974, brought it to the attention of the NATIONAL public and that today can guide journalists in yet another investigation after being rephrased thus:

What did President Obama know
through the FBI vetting of Then-Judge Sotomayor about her concealment of assets, and
when did he know it? jur:77§5

The President knew, jur:90§§b-c, or by exercising due diligence before making a nomination for life-appointment to the Supreme Court should have known of the evidence of J. Sotomayor's concealment of assets. He only had to list the salary that she had earned as a public officer and compare it with the assets and liabilities that she declared under oath, jur:65§107b-c, and wonder, as did *The New York Times*, *The Washington Post*, and Politico: Where did her money go?!

The evidence of her concealment of assets disqualified her as a judge, not to mention as a justiceship nominee, because it revealed her failure of a fundamental requirement for judges: 'to avoid even the appearance of impropriety', jur:68fn123a. This failure forced Supreme Court Justice Abe Fortas to resign on May 14, 1969, after Life magazine revealed his money improprieties, jur:92§d. By contrast, concealment of assets, whether to avoid taxes or hide the unlawful origin of money, is a crime; dcc:13fn27.

Knowing of her concealment of assets, the President intentionally saddled the American public for the next 20, 30, or more years of J. Sotomayor's justiceship with a dishonest person who was unqualified to say the law that she had violated by concealing assets, and who had to continue violating the law by not declaring such assets, lest she incriminate herself, jur:68§3.

The President had a powerful motive to cover up J. Sotomayor's concealment of assets: To gain political capital by ingratiating himself with Hispanic voters who wanted a Hispanic on the Supreme Court. He violated the public trust that he appealed to when he falsely vouched for her honesty and qualifications and asked the public to support his nominee.

In the context of the suspected cover-up in the IRS and the Benghazi scandal, President Obama's cover-up of the evidence of J. Sotomayor's concealment of assets confirms a pattern: for political gain, he covers up his and other people's wrongdoing. It completes **a trifecta of distrust**.

The distrust that this cover-up can engender is of greater gravity because, unlike in the other two scandals, the President personally vouched for Then-Judge Sotomayor's honesty and qualifications. It warrants the call by the public and journalists for him to release the FBI vetting report on J. Sotomayor.

The trifecta of distrust justifies the search by journalists for the whereabouts of J. Sotomayor's concealed assets. In so doing, they will gain a competitive advantage by joining forces with a media outlet that after a 15-month investigation of 2.5 million financial documents leaked to it, known as the Offshore Leaks, has developed unparalleled expertise, including techniques, software, and contacts, in conducting off- and onshore *Follow the money!* investigations, namely, the International Consortium of Investigative Journalists.

They are headquartered at the Center for Public Integrity in Washington, D.C. This is their contact information:

ICIJ Director Gerard Ryle: gryle@icij.org

ICIJ Deputy Director Marina Walker: mwalker@icij.org

CPI Director Bill Buzenberg: dbetts@publicintegrity.org

tel. 1(202)466-1300.

For the physical address of, and links to, ICIJ and CPI, and a proposal to them for joint publication and investigation of evidence, and an academic and business venture, see ol:1.

The journalist and the managing editor who start the process of highlighting to ultimately the NATIONAL public the trifecta of distrust completed by President Obama's cover-up of J. Sotomayor's concealment of assets can have a far-reaching public impact:

1. launch a Watergate-like generalized *Follow the money!* search for J. Sotomayor's concealed assets; jur:4¶¶10-14;
2. set off the first-ever media investigation of the means, motive, and opportunity, jur:21§§1-3, that enable justices and judges to conceal assets in spite of their duty, jur:65fn107d, to file annual financial disclosure reports, jur:105fn213; and
3. exacerbate public distrust far beyond what the other two scandals already have and to the point of prompting calls for the resignation or impeachment of both President Obama and Justice Sotomayor and other judges as well as for an overhaul of the Federal Judiciary, jur:158§§6-8.

For the journalist and managing editor that set in motion this investigative bandwagon there are substantial moral and material rewards, ol:3§6, including becoming known to a grateful NATIONAL public as Champions of the Public Trust. Those rewards are accessible to you too.

Dare trigger history! dcc:11

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July 4, 2013

A Call To Anonymous, E. Snowden, J. Assange, and Their Likes To Use Their Expertise Legally, Following ICIJ's Example, To Expose Judges' Financial Wrongdoing Enough to Set Rolling an Investigative Bandwagon Leading to Profound Government Reform that Subjects Public Servants to Increased Accountability to *We the People*

This is a call to Anonymous, Mr. Snowden, and their likes to act, not as hackers, which makes it easier for their detractors to portray them as cyber-hoodlums and traitors, but rather as conscientious men and women, who inspired by a sense of what is right and indignant at politicians' and judges' abuse of power, hypocrisy, and betrayal of public trust, ol:11, use their computer expertise responsibly and with the assistance of Mr. Assange come to the aid of *We the People* as our Champions of Justice.

A. Two examples of legally exposing coordinated wrongdoing

1. Woodward and Bernstein of Watergate fame *Followed the money!*...on shoes

Washington Post Reporters Bob Woodward and Carl Bernstein conducted a legal *Follow the money!* investigation that led them from a burglary at the Democratic National Committee in the Watergate building in Washington, D.C, on June 17, 1972, to the burglars' indictment, to an account in a bank in Florida, to a slush fund of the Republican Committee for the Reelection of President Nixon used for political espionage and abuse of political enemies, to Nixon's resignation on August 9, 1974, and the imprisonment of all his White House aides. jur:4¶¶10-14

If they could do so while proceeding legally in the pre-computer era, you can do even more by using legally your computer expertise and the journalistic skills of your media contacts.

2. The International Consortium of Investigative Journalists' unique IT expertise in, and knowledge about, exposing financial wrongdoing

The International Consortium of Investigative Journalists, headquartered at the Center for Public Integrity in D.C., ol:1, received a hard drive with more than 260 GB of data consisting of over 2.5 million documents from offshore banks and trusts. They were named the Offshore Leaks, an allusion to J. Assange's WikiLeaks. Working in all legality during 15 months, the Investigative Journalists applied and developed highly advanced computer technology and techniques to extract and correlate the data and build a database that could help them figure out the flow and true ownership of financial assets. They also conducted journalistic investigations to verify in the field the data and their interpretation of it. As a result, they discovered a massive $21-32 trillion in private financial offshore assets, most of them concealed in tax havens to evade taxes and launder money of its criminal origins by the powerful, the rich, and the well-connected –who may include judges– in collusion with bankers, lawyers, and accountants; cf. 81fn169.

Their April 3 Offshore Leaks report has contributed to unprecedented cooperation among the U.S., the European Union, and the G8 to combat offshore financial criminality through the exchange of information and pressure to bring concealed assets under their control from tax havens.

The Investigative Journalists have gained extensive knowledge of the functional details

of concealing assets; acquired unique IT expertise in off- and onshore *Follow the money!* investigations; and developed invaluable journalistic leads and contacts. Their know-how can be applied legally to expose the financial wrongdoing of federal judges as the initial step of the strategy described below. To cooperate with, and learn from them, contact them at:

tel. (202)466-1300; postal address, ol:1; Director Gerard Ryle: gryle@icij.org; Deputy Director Marina Walker: mwalker@icij.org; Senior Editor Michael Hudson: investigations@icij.org; Digital Editor Kimberley Porteous: http://www.icij.org/email/node/527/field_email; the journalists: contact@icij.org; Center for Public Integrity Director Bill Buzenberg: dbetts@publicintegrity.org.

B. A unique story that can expose wrongdoing at the top of government as its institutionalized modus operandi and its harm to the people below

In 2009, as President Obama's first nominee to the Supreme Court, i.e., Then-U.S. Judge Sonia Sotomayor, was being scrutinized, *The New York Times*, *The Washington Post*, and Politico, published articles that suspected her of concealment of assets; 65fn107a-c. But then they killed their story simultaneously and inexplicably; jur:xviii. Yet, their *Follow the money!* investigation could have revealed enough of her financial impropriety, even the whereabouts of her concealed assets, to repeat the result of the revelations by Life magazine of the financial improprieties of U.S. Supreme Court Justice Abe Fortas: He was forced to resign on May 14, 1969; 92§d.

1. The President's benefit from catering to voters at the cost of saddling the people with a life-tenured dishonest justice

Following the leads in those three sources –all the more credible because criticized as Democrat-leaning– and finding Now-Justice Sotomayor's concealed assets would beg the questions:

a. Did President Obama learn about Nominee J. Sotomayor's concealment of assets through the report of the FBI on its vetting of her?

b. Did he disregard that report and lie to the American public by vouching for her honesty because he wanted to gain a personal benefit from voters who were calling for another woman and the first Hispanic for the Supreme Court? 78§6

c. How would the President react if the media and an outraged public demanded that he release that FBI report? 77§5

The President is capable of such conduct: At the beginning of his first term, he disregarded the known tax cheating of Tim Geithner –whom he wanted with revealing irony as his Treasury Secretary–, Tom Daschle, and Nancy Killefer and nominated them to his cabinet; 65fn108. The outrage in the media was such that the latter two had to withdraw their names.

He has kept from the public that the phone records and Internet communications of millions of Americans have been under surveillance through the National Security Agency's Prism program. He can be hypocritical enough to rightfully criticize China for hacking American entities and stealing their trade secrets while conducting, as Mr. Snowden revealed, an advanced hacking program of Chinese entities as well as sophisticated electronic surveillance of the offices of even our European allies, who feel that their trust has been violated.

The President has conducted surveillance under the Foreign Intelligence Surveillance Act with the approval of federal judges, who have approved close to 100% of his administration's requests. In turn, they have been allowed to file mandatory financial disclosure reports that are meaningless, 105fn213, and implausible, 104¶236, but a useful cover for concealing assets.

2. Congress's benefit from neglecting to check on life-tenured judges' administration of justice to the people to ensure that it is according to law

Congress too has failed to exercise checks and balances on judges to assert the principle that trumps their independence: Nobody is Above the Law. It wants to avoid antagonizing judges who can frustrate its legislative agenda by declaring it unconstitutional, 23fn17, and retaliate against members of Congress brought before them on charges of corruption, 22fn15. So in the last 224 years since the creation of the Federal Judiciary in 1789, the number of federal judges –2,131 were in office on September 30, 2011, 22fn13– that Congress has impeached and removed is 8! 22fn14

3. Judges' unaccountability and their consequent riskless wrongdoing

Federal judges, who hold life appointments de jure or de facto, 43fn61, are in effect unimpeachable and irremovable; and have power to dispose of our property, liberty, life, and rights. If your boss could keep his or her job for life no matter what they did or did not do to you, would you fear their abusing such absolute, corruptive power, 28fn32, for their benefit at your expense?

The resulting unaccountability, 21§A, has allowed J. Sotomayor and her peers to conceal assets and even run a bankruptcy fraud scheme, 66§§2-3, for the benefit of money, an enormous amount of it, 27§2. Unaccountable judges are assured of the risklessness of non-financial wrongdoing too, 5§3, the kind that thrashes due process to get rid of its requirements, takes the benefit of expediency –e.g., up to 91% of appeals is disposed of by reasonless, non-publishable, non-precedential, and in practice secret and arbitrary decisions, 44fn66-70–, and gives litigants and the rest of the people the residue: the chaff of justice!, neither equal nor under law.

C. Thinking strategically to set off a series of events leading to reform

Let Mr. Assange[1] call on the many journalists to whom he has access to join Anonymous and Mr. Snowden in investigating the unique story of a sitting president and his sitting Supreme Court nominee, jur:xxxv, that can lead to defections because not even partisans can excuse wrongdoers for personal benefit as defenders of national security or of the Constitution and the laws thereunder. You all can begin with the leads concerning J. Sotomayor's concealed assets. You need only expose enough of her and the President's wrongdoing, connivance, and hypocrisy to provoke public outrage, 83§§2-3, and make the media and principled as well as opportunistic politicians realize, 167fn293, that they can make money selling story updates, 119§1, get the scoop of a lifetime, or turn the story into a political issue to advance their agenda or be elected.

You can thus launch an investigative bandwagon, 100§§3-4, that puts on the defensive those who would put you on trial and disqualifies those who failed their own Canons to "maintain high standards of conduct", 57¶119, and "avoid even the appearance of impropriety", 152fn277.

The findings of all those who climb on the bandwagon can force Congress to hold public hearings that ask: What did the President and judges know about J. Sotomayor's and her peers' financial wrongdoing and when did they know it? Its even more outrageous findings thanks to its subpoena and contempt powers can result in the resignation or impeachment of the President, J. Sotomayor, and other judges; and the adoption of measures to curb their unaccountability and wrongdoing.

Think strategically, ol:6, so that instead of running away for refuge, you lead the way to an unprecedented process of reform, 158§§6-7, that contributes to *We the People* bringing politicians and judges under our control, e.g., through citizen boards of accountability, 160§8, and securing, 130§5, our birthright: a government of, by, and for us. *Dare trigger history!* dcc:11.

[1] http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf

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Judicial Discipline Reform

August 2, 2013

Mr. Edward Snowden
c/o: Attorney Anatoly Kucherena
Civic Chamber of the Russian Federation, 7/1, Miusskaya Sq., Moscow, GSP-3, 125993, Russia
ОБ ОБЩЕСТВЕННОЙ ПАЛАТЕ РОССИЙСКОЙ ФЕДЕРАЦИИ
Адрес: 125993, г. Москва, ГСП-3, Миусская пл., д. 7, стр. 1

Dear Mr. Snowden,

I encourage you to persevere in your effort to expose abuse of power and contribute to government transparency. You recently stated, "ha[ving] the capability without any warrant to search for, seize, and read…anyone's communication at any time [amounts to wielding] the power to change people's fates". More than Congress and the Executive, the judges of the Federal Judiciary have the power to take your rights, property, liberty, and life. Appointed and assured for life of their office and salary([1] >jur:22fn12), they escape de jure all democratic control and are exempted de facto from the other Branches' checks and balances: In the 224 years since the creation of their Judiciary in 1789, the number of federal judges –2,131 were in office on September 30, 2011(22fn13)– impeached and removed is 8!(22fn14) They are unaccountable(21§1). Risklessly, they do wrong(5§3) for material(27§2), professional(56§§e-f), and social(62§g) benefits. While President Obama can threaten to punish you for leaking data, the federal judges hold the power to do so. This is a proposal for you in your interest to expose how he and unaccountable judges abusively and in secrecy can change your, and do change *We the People*'s, fates.

A. Proposal for you to make a preemptive move by exposing federal judges' financial wrongdoing and what the President knew about it and when he did

1. Thinking strategically, you can use the evidence that I have gathered through research and analyzed(iiifn.ii) to put on the defensive he who would put you, Mr. J. Assange, Anonymous members, etc., on trial and to disqualify those who would sit in judgment of you but who have failed their own Canons to "maintain high standards of conduct"(57¶119) and "avoid even the appearance of impropriety"(152fn277). You can thus set off a chain of events leading to public accountability reform in the U.S. and abroad from which you all can emerge, not as the data thieves and their accessories depicted by your detractors, but rather as the Champion of Justice of *We the People.*

2. You all can do so by using legally your respective IT expertise and contacts. Indeed, you can call on Mr. Assange and the many journalists to whom you both have access to investigate the unique story(xxxv) of wrongdoing involving a sitting president and a sitting justice and first Supreme Court nominee of his: Then-Judge Sotomayor. As she was being scrutinized in 2009, *The New York Times*, *The Washington Post*, and Politico suspected her of concealment of assets(65fn107 a-c). But then they killed their story inexplicably(jur:xviii) and failed to expose her perjurious withholding of information from Congress(83fn173a; 69§b). Yet, their *Follow the money!* investigation could have revealed enough of her financial impropriety, even the whereabouts of her concealed assets, to repeat the result of the revelations by *Life* magazine of the financial improprieties of U.S. Supreme Court Justice Abe Fortas: Under media pressure, he was forced first to withdraw his name as nominee for the chief justiceship and then to resign on May 14, 1969(92§d).

3. The leads in *NYT*, *WP*, and Politico are especially credible because those outlets are criticized as Democrat-leaning. Following them(100§3) and getting on the trail of J. Sotomayor's concealed assets would raise these questions: **a.** Did President Obama learn about her concealment through the report of the FBI on its vetting of her? **b.** Did he disregard that report and lie to the American public by vouching for her honesty because he wanted to gain a personal benefit by ingratiating

[1] http://Judicial-Discipline-Reform.org/WL/13-7-20DrRCordero-ESnowden.pdf

himself with voters who were calling for another woman and the first Hispanic for the Supreme Court?(78§6) **c.** How would he react if an outraged public and the media demanded that he release that FBI report?(77§5) He is capable of disregarding and concealing information: At the start of his first term, he disregarded the known tax cheating of Tim Geithner, Tom Daschle, and Nancy Killefer and nominated them to his cabinet(65fn108). The outrage in the media was such that the latter two had to withdraw their names. Despite his promise that his would be a transparent administration, he has kept from the public the fact that the phone records and Internet communications of millions of Americans have been under surveillance through the National Security Agency's Prism program. He can be hypocritical enough to rightfully criticize China for hacking American entities and stealing their trade secrets while conducting, as you revealed, an advanced hacking program of Chinese entities as well as sophisticated electronic surveillance of the offices of even our European allies, who feel that their trust has been violated.

4. Abusing their self-disciplining authority, federal judges dismiss 99.82% of complaints against them(24§b). History and themselves assure their impunity. Under the influence of the most insidious corruptor, *money!*, they run a bankruptcy fraud scheme(66§2): Appointed and removable by circuit judges(43fn61a), bankruptcy judges, who handle 80% of all federal cases, adjudicated on $373 billion in only consumer bankruptcies in CY10(27§2) to the detriment of millions of debtors, creditors, and their dependents(42§6). Hence, they conceal their assets. Judges commit non-financial wrongdoing too(5§3), e.g.: For expediency, they disregard the requirements of due process and cover it up by disposing of up to 91% of circuit court appeals by reasonless, non-precedential, non-publishable, in practice arbitrary, ad-hoc, and secret decisions(44fn66-70). They do wrong so routinely and with such coordination (105fn213) among themselves and with legal and bankruptcy systems insiders(81fn169) that their wrongdoing is their modus operandi. What they administer in the guise of justice is their operational residue, neither equal nor under law.

B. Your initial step to launch a Watergate-like generalized media investigation

5. J. Sotomayor is, not a lone rogue judge, but rather one of the unaccountable judges(65§§1-3). The initiators of the financial wrongdoing investigation need only expose enough additional (65fn107c) findings to raise suspicion of her assets concealment. Given the distrust of the President and the rest of the government generated by your revelations and the IRS, Benghazi, and Fast and Furious scandals([1] >ol:11), the findings can provoke public outrage(83§§2-3). After all, judges' financial wrongdoing cannot be excused as the exercise of judicial discretion. It will be resented as the betrayal of trust by the very public servants charged with upholding the rule of law.

6. Consequently, the public outrage at judges' financial wrongdoing will set an investigative bandwagon rolling. Onto it will climb every media outlet, egged on by principled and opportunistic politicians. All will realize(167fn293) that they can make money selling breaking news on the Obama-Sotomayor story(119§1); get the scoop of a lifetime that makes their names or wins them other rewards(ol:3§6); or turn the story into a political issue to advance their agenda or be elected. The investigation will be guided by a proven(4¶¶10-14) devastating query that can be rephrased thus: What did the President and the judges know about J. Sotomayor's and her peers' financial wrongdoing and when did they know it? Their findings and statements can so exacerbate the outrage that the public can pressure Congress into holding public hearings on, and DoJ-FBI into investigating, the story and the wrongdoing that festers among the judges. For the first time, the Judiciary(52§c) can be the target of a probe. Guided by the same query and exercising their subpoena, contempt, search and seizure, and penal powers, Congress and DoJ can make even more outrageous findings. These can result in national attention-arresting calls for the resignation of, and debate on whether to impeach, the President, J. Sotomayor, and other public servants(71§§4-6).

C. Legally exposing coordinated wrongdoing is a realistic proposal

1. Watergate Woodward and Bernstein *Followed the money!*...on shoes

7. *Washington Post* Reporters Bob Woodward and Carl Bernstein conducted legally a *Follow the money!* investigation that led them from a burglary at the Democratic National Committee in the Watergate building in Washington, D.C, on June 17, 1972, to the burglars' indictment, to an account in a bank in Florida, to a slush fund of the Republican Committee for the Reelection of President Nixon used for political espionage and abuse of political enemies, to Nixon's resignation on August 9, 1974, and the imprisonment of all his White House aides(4¶¶10-14). If they could do so while proceeding legally in the pre-computer era, you and Anonymous collaborating with your and Mr. Assange's media contacts can do even more by using legally your IT expertise.

2. The International Consortium of Investigative Journalists' unique IT expertise in, and knowledge about, exposing financial wrongdoing

8. As you likely know, the International Consortium of Investigative Journalists, headquartered at the Center for Public Integrity in D.C.(ol:1), received a hard drive with more than 260 GB of data consisting of over 2.5 million documents from offshore banks and trusts. They were named the Offshore Leaks, an allusion to Mr. Assange's WikiLeaks. Working legally during 15 months, the Investigative Journalists applied and developed highly advanced computer technology and techniques to extract and correlate the data and build a database that could help them figure out the flow and true ownership of financial assets. They also conducted journalistic investigations to verify in the field the data and their interpretation of it. As a result, they discovered a massive $21-32 trillion in private financial offshore assets, most of them concealed in tax havens to evade taxes and launder money of its criminal origins by the powerful, the rich, and the well-connected –who may include judges– in collusion with bankers, lawyers, and accountants(cf. 81fn169). Their April 3 Offshore Leaks report has contributed to unprecedented cooperation among the U.S., the European Union, and the G8 to combat offshore financial criminality through the exchange of information and pressure to bring concealed assets under their control from tax havens.

9. The Investigative Journalists have gained extensive knowledge of the functional details of concealing assets; acquired unique IT expertise in off- and onshore *Follow the money!* investigations; and developed invaluable journalistic leads and contacts. Their know-how can be applied legally to expose the financial wrongdoing of J. Sotomayor and her peers as the initial step of the strategy described above. To collaborate with, and learn from them, they can be contacted at:

tel. (202)466-1300; postal address, ol:1; Director Gerard Ryle: gryle@icij.org; Deputy Director Marina Walker: mwalker@icij.org; Senior Editor Michael Hudson: investigations@icij.org; Digital Editor Kimberley Porteous: http://www.icij.org/email/node/527/field_email; the journalists: contact@icij.org; Center for Public Integrity Director Bill Buzenberg: dbetts@publicintegrity.org.

D. Exposing judges' interference with communications and the conniving quid pro quo with the Executive: the *Follow the wire!* investigation

10. J. Sotomayor's and her peers' financial wrongdoing and the President's toleration of it; and the Executive's snooping on Americans' Internet communications and phone records are matters that you can expose to help yourself and others. There is another even more outrageous: The Federal Judiciary too has a vast IT infrastructure, staff, and know-how. It uses them to manage the hundreds of millions of documents and docket entries pertaining to scores of millions of cases filed, checked, and retrieved electronically. Evidence([2] >ws:46§V) supports probable cause to suspect unaccountable federal judges of risklessly abusing those means in the crass self-interest of preserving their unlawful benefits by *interfering* with the email, phone, and mail communications

[2] http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf

of individuals trying to expose judges' wrongdoing and to organize a movement to hold them accountable. Recent articles(e.g., ol:2,11,13) have likely been interfered with as were earlier communications(ws:54§3). You, Mr. Snowden, Anonymous, and your journalistic contacts can use your respective skills legally and collaboratively to determine whether judges interfere with Americans' communications. That is the objective of the proposed *Follow the wire!* investigation(id.).

11. Such interference is criminal: It violates the statutory prohibition under 18 U.S.C. §2511[3] against the interception of communications as well as the constitutional rights to privacy under the 4th Amendment and to "freedom of speech, of the press, [and] peaceably to assemble, and to petition the Government for a redress of grievances" under the 1st.[4] Findings that point to federal judges' interfering with their exposers' and other people's communications would stir up such outrage as to rock their Judiciary to its foundation. Those findings would put an even larger investigative bandwagon in motion and overcome any separation of powers doctrine scruples to Congress's and DoJ's investigating the Judiciary. For a doctrine's sakes, politicians would not risk voters' wrath.

12. Imagine the paroxysm of distrust and outrage resulting from finding quid pro quo connivance between the Executive Branch and the Judiciary, with the latter –e.g., through the secret court set up by the Foreign Intelligence Surveillance Act (50 U.S.C. §§1801-1811[5]) or by complaisant judges granting defective applications for search and seizure warrants– allowing the Executive to snoop on the communications of Americans in the interest of national security, while the Executive allowed judges to interfere with such communications in self-interest, e.g., to continue filing meaningless financial disclosure reports(104¶236). The subsequent official investigation by Congress could bring about the discredit of federal judges in the eyes of Americans and the rest of the world. It could clog federal courts with a flood of motions, followed by appeals, to recuse, and to review rulings and judgments entered by, judges shown to have done wrong or only under suspicion of wrongdoing. This could delay any trial of you, Mr. Assange, Anonymous members, and other whistleblowers for years. If such trial were held in the U.S. at all, any condemnatory judgment might not be recognized internationally. Thus, the exposure of federal judges' wrongdoing is a preemptive move born of strategic thinking and in the interest of all those who, like you and the others, want to expose public servants' abuse and secrecy, and hold them accountable.

E. Not just exposing wrongdoing, but a strategy to launch a process of reform

13. Public outrage can render politically unavoidable the launch of reform aimed at monitoring public servants and curbing their wrongdoing. It can lead to depriving the Judiciary of its wrongdoing-fostering secrecy(27§e) of operations by opening the doors of its administrative and policy-making meetings(158¶350b). Given the current climate of distrust, a dysfunctional partisan Congress can be compelled to increase transparency in government operations and innovate democracy by creating citizens boards for holding public servants accountable and disciplining them(160§8).

14. Many developments in American society and pop culture have been copied by the rest of the world. That precedent makes it realistic to envision that your implementation of this proposal by initiating the exposure of federal judges' wrongdoing followed by reform can spread from the federal to the state level and on to other countries where judges and others 'abuse their power to without regard to the law learn about people's lives and change their fates'. Think strategically(ol:6) so that instead of running away for refuge, you lead the way to an unprecedented process of reform(158§§6-7), on behalf of *We the People*. To that end, consider the proposed academic and business venture(119§§1-4) followed by the creation of an institute(130§5) of judicial unaccountability reporting(a&p:1) and reform advocacy. I look forward to hearing from you.

Dare trigger history!(dcc:11) Sincerely, Dr. Richard Cordero, Esq.

 [3] http://Judicial-Discipline-Reform.org/docs/18_usc_11.pdf; [4] http://Judicial-Discipline-Reform.org/docs/US_Constitution_&_annotations.pdf; [5] http://Judicial-Discipline-Reform.org/docs/Foreign_Intelligence_Security_Act.pdf

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Judicial Discipline Reform

July 29, 2013

Columnist Glenn Greenwald
The Guardian Glenn.Greenwald@guardian.co.uk
Kings Place, 90 York Way
London N1 9GU, U.K.

Re: Story for you and letter to Mr. Edward Snowden

Dear Mr. Greenwald,

Enclosed you will find a letter to Mr. Edward Snowden. It contains a story that I submit for him and you to expose the political and financial wrongdoing of President Obama, his first Supreme Court nominee, Now-Justice Sotomayor, and her peers; and impugn their qualifications to prosecute and judge him and other whistleblowers. You and The Guardian may want to pursue this story on the journalistic principle that '**democracy needs an informed public**' and the business consideration that '**scandals and scoops for cash and prizes are the hooks**'. You will likely recognize the story's significant news potential since it arises from leads in *The New York Times*, *The Washington Post*, and Politico, all of which suspected her of concealing assets. Other leads I discovered through research and prosecution of cases from a bankruptcy to a district court, to a circuit court, where I argued before J. Sotomayor, presiding, to the Supreme Court; they point to a bankruptcy fraud scheme driven by the most insidious corruptor, *money!*, and run risklessly by in practice unimpeachable and unaccountable federal judges, including her. All leads are at [1].

You criticized judges in "**With Liberty and Justice For Some: How the Law Is Used to Destroy Equality and Protect the Powerful**". But judges and their enablers can defend their wrongful decisions under the pretense of judicial discretion. Instead, the Obama-Sotomayor story allows you to expose federal judges' conduct that everybody will find indefensible: financial wrongdoing in self-interest. Hence the search for J. Sotomayor's concealed assets. It can uncover her peers' assets too since judges do wrong through such extensive coordination as to have institutionalized their wrongdoing and turned their Judiciary into their safe haven. The search can be cost-effective by collaborating with the International Consortium of Investigative Journalists to apply their unique *Follow the money!* expertise. Public outrage can bring about judicial resignations, as it did that of Justice Abe Fortas in 1969, provoked by *Life* magazine's revelations of his financial improprieties. It can force official investigations, which can extend to non-financial wrongdoing and expose how the Presidency and Congress have in their interest exempted the Judiciary from their checks and balances, resulting in judges' unaccountability and abuse of office. Distrust of government aggravated by this, as it was by the Snowden leaks, can lead to historic reform, e.g., a citizen-monitored and disciplined Judiciary to transparently administer **Equal Justice Under Law for All**. A new *We the People*-government paradigm can emerge in the U.S. and spread abroad: the *People*'s Sunrise.

You and The Guardian are well qualified to set these developments in motion. Both enjoy international credibility for having broken the Snowden story. Despite having an office in NY, it is headquartered abroad so that it is not as exposed to federal judges' retaliation as are the American media. You can *start* the investigation of the Obama-Sotomayor story and thus launch a Watergate-like generalized media investigation that ever more American and foreign media feel it necessary due to market demand and competitive pressure, and safe, to join, for not even federal judges can risk revealing their abuse of power by intimidating all their exposers at once.

Thus, I kindly request that you forward the letter to Mr. Snowden and let me know your reaction to my investigation proposal to you. I offer to make a presentation of it to you all. Thus, I look forward to hearing from you.

Dare trigger history!

Sincerely,

Dr. Richard Cordero, Esq.

ol:17
jur:77§5
jur:65fn107a-c
[1] jur:xxxv
cf. jur:104¶236
ol:19§2
jur:92§d
jur:5§3
ol:11
ol:8§§E-F
jur:100§§3-4
ol:17
jur:98§2
dcc:11

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August 15, 2013

What You Can Accomplish By Encouraging Journalists to Pick Up Where *The New York Times*, *The Washington Post*, and Politico Left Off Their Stories Suspecting President Obama's First Justiceship Nominee, Then-Judge Sotomayor, of Concealment of Assets: Provoke Such Outrage in the Public, Already so Distrustful of Government as a Result of Current Scandals and the Revelations of Edward Snowden, as to Cause It to Demand Democracy-Reformative Mechanisms for Public Accountability, Such as Citizen Boards for Monitoring the Transparent Operation of Government and Disciplining its Officers, that Can Give Rise to A New *We the People*-government Paradigm: the *People*'s Sunrise

The revelations by Mr. Edward Snowden(ol:17) of government programs that run surveillance on tens of millions of Americans' telephone records and Internet communications have only deepened public distrust(ol:11) of government already provoked by the IRS, Benghazi, Fast and Furious scandals and the government's complicit decision not to hold anybody accountable for the mortgage debacle and the banks' use of fake documents to foreclose on mortgages. This is the right time to show the public how unaccountability and consequent riskless wrongdoing begin at the top of government and percolate throughout the rest of it. An outraged public may force substantial reform of the government that *We the People* are sovereign to give ourselves.

Indeed, in 2009, *The New York Times*, *The Washington Post*, and Politico(jur:65fn107a) suspected Then-Judge, Now-U.S. Supreme Court Justice, Sotomayor of concealing assets. President Obama must have learned about her concealment from her financial affairs statements publicly filed with the Senate Judiciary Committee, which was preparing her confirmation hearings, and the report of the FBI, which had vetted her. But he disregarded the requirement that the judges have imposed on themselves, namely, to "avoid even the appearance of impropriety", because he wanted to cater to voters calling for another woman and the first Hispanic for the Supreme Court and from whom he expected in return support for his Obamacare bill.(77§5)

The President lied to the American people by vouching for J. Sotomayor's honesty despite his knowledge or probable cause to believe that she was concealing assets, whether for tax evasion or money laundering. Her commission(65fn107c) of that crime disqualified her from remaining a judge, let alone becoming a justice, for it showed that, far from keeping her oath to apply the law also to herself, she kept breaking it through the continuous crime of concealment. An economically struggling public will resent a President that in self-interest saddled it with a dishonest justice as greedy as her peers(105fn213): Federal judges earn a salary of around $200K, four times the average American *household* income, but conceal assets, breaking the law and showing that they cannot be trusted to respect the law enough to administer Equal Justice Under Law.

J. Sotomayor was also dishonest by swearing that she had produced all documents requested by the Senate Committee although she had withheld a case that incriminated her in covering up a bankruptcy fraud scheme run by federal judges and driven by the two most corruptive forces: money and power. *DeLano*(jur:xxxviii), 06-4780-bk-CA2(69fn131), was well known to her since she had presided over it and it had been appealed to the Supreme Court on a writ of certiorari only a few months earlier. What is more, a judicial misconduct complaint arising from it had been appealed to the 2nd Circuit's Judicial Council, of which she was a member(65§§1-3).

In addition, my study Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing(jur:i) allows journalists to expose the dishonesty of federal judges generally, whether by

their commission or condonation of wrongdoing. It provides evidence of their motive, means, and opportunity to do wrong and the reason for the media to hold them unaccountable.(jur:21§A) The study subtitle tells the journalist and media outlet that break the story what they will be accomplishing thereby: Pioneering the news and publishing field of judicial unaccountability reporting. Its discussion sets the basis for a multidisciplinary academic and business venture(119§§1-4) aimed to lead to the creation of an institute of judicial unaccountability reporting and reform advocacy(130§§5-8).

The proposed investigation(97§D) of the Obama-Sotomayor story begins with the search for her concealed assets. It can be conducted cost-effectively by working with the International Consortium of Investigative Journalists, who have gained especial *Follow the money!* expertise (ol:1,2) After the *breaking* of the story, the public will be so outraged as to demand that the President release the FBI vetting report on her. Its interest in follow-up news will generate the market incentive for a Watergate-like generalized media investigation guided by a proven(jur:4¶¶10-14) query:

What did the President and the justices and judges know about
J. Sotomayor's concealment of assets and cover up, and when did they know it?

The investigation will expose how the Executive Branch and Congress(171¶371) have in self-interest exempted the Judiciary from their checks and balances, resulting in judges' unaccountability, disregard of the law, and harm to the people, left at the mercy of judges wielding unaccountable and thus absolute, power over their rights, property, liberty, and lives.(28fn32)

It can reasonably be stated that this story is unique: It allows journalists to expose the dishonesty of a sitting president and a sitting justice of the Supreme Court and his first nominee to it; of Congress, which confirmed her and her peers and enables their unaccountability(78§6); and of the Judiciary, allowed to be the most abusive(21§1), secretive(27§e), and unresponsive(28§3) of the branches despite the fundamental principle that "justice must not only be done, it must manifestly and undoubtedly be seen to be done"(44fn71). Not even the Watergate Scandal had such scope, yet it led to the resignation of President Nixon on August 9, 1974, on suspicion of plotting political espionage and covering it up through abuse of power. What will this one lead to?

To begin with, the journalist and the managing editor who break the Obama-Sotomayor story will have their reputation enhanced nationally and qualify for many other moral and material rewards(ol:6§3). Their example will assure a judge-afraid media of the safety of joining them, for not even federal judges can retaliate against all their exposers simultaneously. A public mobilized(163§9) by outrage will force politicians, lest they be voted out or not into office, to investigate the story. Their subpoena, search and seizure, contempt, and penal powers will facilitate their tracking income and loans down to the whereabouts of concealed assets. Their findings will further expose the nature, gravity, and pervasiveness of public servants' unaccountability and wrongdoing(cf. jur:5§3). They will so exacerbate the outrage of the public as to cause it to compel historic, democracy-innovating reform of the mechanisms for holding public servants accountable, e.g., a new statutory or constitutional framework for a Judiciary that operates transparently and monitored by independent citizen boards of judicial accountability and discipline.

Thus, the journalist and managing editor who break the story can have a more substantial impact than The Guardian Columnist Glenn Greenwald(ol:21), who published the Snowden leaks: They can launch a process leading to **a new *We the People*-government paradigm** where the people play a direct role in ensuring that public servants are, not above the law, but only their hired administrators and that in fact government is of, for, and by the people. It can spread from the federal to the state level and on to the rest of the world, which is wont to adopt our culture and political developments: It can lead to the ***People's* Sunrise**. *Dare trigger history!*(dcc:11)

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August 23, 2013

Ms. Laura Poitras
c/o: *The New York Times*
620 Eighth Avenue
New York, NY 10018

Dear Ms. Poitras,

I read with interest your profile by *New York Times* Investigative Reporter Peter Maass and his account of your participation in disclosing Mr. Edward Snowden's leak of documents revealing the government's unauthorized surveillance of Americans. This is a proposal for you to expose what is actually more dangerous than surveillance: pervasive government secrecy in the official organization that is most powerful, unresponsive, and actually harmful, the Federal Judiciary, which is above the democratic 'surveillance' of *We the People* and our representatives.

The Judiciary holds all its administrative, adjudicative, policy-making, and disciplinary meetings behind closed doors and no press conferences[29]. A single federal judge can hold unconstitutional what 535 members of Congress and the President have debated, voted, and enacted[17a]. Unlike them, justices are life-tenured, as are district and circuit judges; the latter appoint bankruptcy judges for renewable 14-year terms[61a] with no consent of representatives of the people. In the 224 years since the creation of the Federal Judiciary in 1789, only 8 federal judges [13] have been impeached and removed[14]. Chief circuit[22a] judges abuse their statutory self-disciplining authority by dismissing 99.82%(jur:10-14) of complaints against their peers; with other judges they deny up to 100% of appeals to review such dismissals(24§b). Up to 9 of every 10 appeals are disposed of ad-hoc[29] through no-reason summary orders[66a] or opinions so "perfunctory"[68] that they are neither published nor precedential[70], mere fiats of raw judicial power. They are influenced by the most insidious corruptor, *money!*(27§2) If your bosses knew that they were entrenched for life and could unaccountably(21§A) wield power for material and professional profit(5§3) and neither Congress, the President nor the media would dare criticize, let alone investigate, them, would such unchecked power, unbalanced due to lack of adverse consequences, corrupt them absolutely[28], causing[32] them to abuse with a sense of entitlement your rights, property, liberty, and life?

The exposé can start with the President Obama-Justice Sotomayor story set forth in the letter to Mr. Snowden(ol:17-21). It can pick up where *NYT*, *The Washington Post*, and Politico [107a], inexplicably[173a] left off their stories suspecting J. Sotomayor of concealing assets[107c]. The exposé can also rest on my prosecution of cases from bankruptcy court all the way to the Supreme Court[109b,114c]; and on my verifiable research[ii] for my study(i) "Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting"(119§E). The exposé relies on an external sources strategy: judges' publicly filed financial disclosure reports that contain incongruous data[107b,213] and a *Follow the money!* investigation (ol:1,2). The unique story of a sitting justice's tax evasion/money laundering and a sitting president's condonation of it and nomination of her will so outrage a financially struggling public as to set off a Watergate-like generalized media investigation, and make you this generation's Woodward/Bernstein. You will be able to cast a critical view on the media, which by abdicating their mission to inform the people on *all*(jur:3§2) public servants' abuse of power have allowed judges to become Wrongdoers Above the Law. Indeed, through the *Follow the wire!* investigation(ol:19§D), you may reveal their abuse of their IT infrastructure and expertise to run surveillance on people trying to expose them. Thus, I respectfully propose that you discuss with Mr. Maass my letter to Mr. Snowden and forward it to the latter so that we may do(100§§3-4) the exposé jointly.

Dare trigger history!

Sincerely, Dr. Richard Cordero, Esq.

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August 24, 2013

Ms. Jill Abramson Jill.Abramson@nytimes.com
Executive Editor, *The New York Times* Abramson@nytimes.com
620 Eighth Avenue, New York, NY 10018 executive-editor@nytimes.com

Dear Ms. Abramson,

When you appointed Mr. Matt Purdy Assistant Managing Editor and praised his Pulitzer-winning investigations team, you stated, "We have long placed a special kind of emphasis on our stories behind the story, our exclusive investigative pieces, our long term enterprise projects — they are our hallmark." In that vein and The Guardian's enviable E. Snowden scoop, this is a proposal for an introductory piece on, followed by the findings of an investigation of, the lack of reverse, democratic 'surveillance' of the Federal Judiciary by *We the People*'s representatives. The result is pervasive secrecy[71] with wrongdoing festering as its institutionalized modus operandi(jur:49§4).

The Judiciary holds all its administrative, adjudicative, policy-making, and disciplinary meetings behind closed doors and no press conferences[29]. A single federal judge can hold unconstitutional what 535 members of Congress and the President have debated, voted, and enacted[17a]. Justices are unelected yet life-tenured, as are district and circuit judges; the latter appoint bankruptcy judges for renewable 14-year terms[61a] with no consent of popular representatives. In the 224 years since the creation of the Federal Judiciary in 1789, only 8 federal judges[13] have been impeached and removed[14]. Chief circuit[22a] judges abuse their statutory self-disciplining authority by dismissing 99.82%(jur:10-14) of complaints against their peers; with other judges they deny up to 100% of appeals to review such dismissals(24§b). Up to 9 of every 10 appeals are disposed of ad-hoc through no-reason summary orders[66a] or opinions so "perfunctory"[68] that they are neither published nor precedential[70], mere fiats of raw judicial power. They are influenced by the most insidious corruptor, *money!*(27§2) If your bosses knew that they were entrenched for life and could unaccountably(21§A) wield power for material and professional profit(5§3) and neither Congress, the President nor the media would dare criticize, let alone investigate, them, would such unchecked power, unbalanced due to lack of adverse consequences, corrupt them absolutely[28], causing[32] them to abuse with a sense of entitlement your rights, property, liberty, and life?

The investigation can start with the President Obama-Justice Sotomayor story set forth in the letter to Mr. Snowden(ol:17). The unique story of a sitting justice's tax evasion/money laundering and a sitting president's condonation of it and nomination of her will so outrage a financially struggling public as to set off a Watergate-like generalized media investigation, giving *NYT* a second[198f] chance. You can pick up where *NYT*[173a], *The Washington Post*, and Politico left off their stories[107a] suspecting J. Sotomayor of concealing assets[107c]. The investigation also rests on my prosecution of cases(xxxv) from bankruptcy court all the way to the Supreme Court[109b,114c]; and on my verifiable research[ii] for my study(i) "Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting"(119§E). The investigation relies on an external sources strategy: judges' publicly filed financial disclosure reports that contain incongruous data[107b,213] and a *Follow the money!* investigation(ol:1,2). You will be able to cast a critical view on the media, which by abdicating their mission to inform the people on *all*(jur:3§2) public servants' abuse of power have allowed judges to become Wrongdoers Above the Law. Indeed, through the *Follow the wire!* investigation(ol:19§D), you may reveal their abuse of their IT infrastructure and expertise to run surveillance on people trying to expose them. Thus, I respectfully request that you consider becoming this generation's Katharine Graham(4¶¶10-14) and ask me in to present(171§F) to you the proposed piece and investigation (98§§2-4).

Dare trigger history!

Sincerely, Dr. Richard Cordero, Esq.

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620 Eighth Avenue
New York, NY 10018

and

email addresses of the editors to whom a personalized letter was sent

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The *DeLano* Case

a hands-on, role-playing,
fraud investigative and expository
multidisciplinary course
for undergraduate or graduate students

WITH

A SYLLABUS

setting forth
the work for the Classroom and
the Organization of the Public Presentation
for each of a semester's 15 weeks

by

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December 10, 2012

http://Judicial-Discipline-Reform.org/DCC/DrRCordero_DeLano_Case_Course.pdf

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January 4, 2013

The *DeLano* Case Course

a hands-on, role-playing, fraud investigative and expository course
for undergraduate and graduate students

based on

The Disinfecting Sunshine on the Federal Judiciary Project

multidisciplinary research and investigation to expose the inner workings of the most secretive branch of government and its riskless disregard for ethics and the law

1. The *DeLano* Case is based on cases that started in a U.S. bankruptcy court and were appealed to the District Court, the Court of Appeals for the Second Circuit (CA2), and on to the Supreme Court(dcc:11[2,3]). Throughout this long journey along the full length of the hierarchy of federal courts they revealed the harmful effect on the judicial process of the two most corruptive forces: lots of money and unaccountable power to dispose of it. So, although thousands of federal judges and magistrates have served since the Federal Judiciary was created in 1789 –2,153 were in office in 2008-, in the last 221 years only 7 have been removed.(jur:21§a) Likewise, of the 9,466 judicial misconduct complaints filed in the reported 1oct96-30sep08 12-year period, 99.82% were dismissed with no investigation and no private or public discipline(jur:24§§b-c). Judges have also granted themselves absolute immunity from liability for deprivation of civil rights.(*Pierson v. Ray*, 386 U.S. 547 (1967), but see J. Douglas' dissent) The CAs get rid of about 75% of the appeals by a rubberstamped no-reasons summary order and about 15% by opinions so perfunctory(jur:44fn68) and arbitrary that they mark them "not for publication" and "not precedential" (jur:43§1). They have been assured 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". (*Stump v. Sparkman*, 435 U.S. 349 (1978)) A life-tenured person that can do anything without fear of consequences or even having to explain themselves, develops a sense of entitlement to do everything. Together with others similarly situated, they will protect their privilege. So is human nature.

2. Thus, federal judges are de facto unimpeachable and have made themselves unaccountable. Without accountability, the basis of any ethical system, they need not apply judicial ethics. Individually and as a class, they can fail in their duty to ensure due process and instead pursue self-interest by coordinating wrongdoing[iii] among themselves and with others. They have the means to secure riskless benefit. Judges that unaccountably disregard legality while ruling annually on $10's of billions exercise absolute power, which corrupts absolutely(jur:28§2). So they have placed themselves where neither the President, nor a member of Congress, nor anyone among *We the People* is allowed to be: Judges Above the Law. Unrestrained by law or rules, their administration of justice is dominated by relativism where anything goes.(jur:50§4) The mere capacity of judges so to behave, let alone their actual behavior, mocks every professor's scholarship on, and teaching of, the rule of law. Students should be made aware of this situation; otherwise, once they are out there in the real world and confront it for the first time, they will feel misled and become, not just ethics skeptics, but also amoral cynics who feel justified in doing wrong as judges do.

3. The *DeLano* Case course aims to teach students outcome-determinative facts about judicial conduct and the first steps toward holding judges accountable and liable to discipline(11§A). It illustrates the clash between the theory of how the legal system is supposed to work as bound by law and judicial ethics and evidence obtained during the prosecution of the cases of how in reality it is made to work by judges as free agents(jur:54§d) who cannot be fired, whose "Compensation… shall not be diminished during their Continuance in Office"(Const. Art. III, §1), and whose "good [or bad] Behaviour"(id.) cannot authorize their colleagues, from the chief justice down, either to promote or

demote them. The key documents in the record of the cases and official publications provide the core teaching materials(18§§D, E). They are used to develop the students' independent and critical thinking(17§B). So teams of students(10) are taught to apply ever-greater perceptiveness, inquisitiveness, and discernment as they compete with each other(8) to pierce apparently lawful acts and authoritative statements in order to find the facts behind them and realize their generating force(11[5]): a bankruptcy fraud scheme run by insiders of the bankruptcy and legal systems that in practice enjoy immunity(9). The students also learn in clinic-like fashion to cooperate to organize a public presentation(11) to expose how unaccountable judges run or cover up such a scheme while depriving litigants and the public of economic and welfare rights. Its audience will be in the university auditorium and that reached by its broadcast on student-run or commercial TV, radio, and interactive web, its brochure and documentary(13§C), and the PR campaign(14§D). This exercise will sharpen their research and writing skills(12§B) as well as their ability to draw up and advocate public policy and legislation to ensure that judges run the system according to due process requirements. The Syllabus sets forth in detail the work for the classroom and the organization of the public presentation for each of a semester's 15 weeks(23).

4. The presentation is intended to have the effect that Justice Lewis Brandeis believed could be attained through open and transparent government activity that informs the public when he said, "Sunshine is the best disinfectant". That light will shine most brightly and be most salutary as a result the project(jur:121§E). The latter is broader in scope than the course and requires specialized knowledge as opposed to providing for role-playing. Though hands-on too insofar as learning is achieved by doing, the project uses the wealth of documents(dcc:19¶14) in *DeLano*, not as the basis for teaching, but rather as an advanced station for further discovery. Whether conducted by students earning a higher education degree(10) or a team of practitioners, the project consists in multidisciplinary legal research, investigative journalism(xlvi§§H-I), and fraud & forensic accounting(126§4). Its methods are field research to interview people for inside information and find evidence of unethical or illegal activity and hidden assets(102§§a-c); legal analysis to determine their consonance with the rule of law or bias(108§d); and computer-based literary forensics and database correlation –dockets, judges' calendars, court reports, etc.- to find statistically significant patterns in judicial writings and events(129§b). The project aims to determine how far up, pervasive, and grave is the coordinated wrongdoing[iii] that runs the bankruptcy fraud scheme revealed in *DeLano*.(50§4) To that end, it will promote(97§1) a Watergate-like, generalized media investigation(100§3) guided by a proven query thus rephrased: "What did the justices and judges know and when did they know it?"(jur:1-4) By bringing about disinfecting exposure, the project will contribute to the progressive realization of the noble ideal of Equal Justice Under Law(id.).

5. The public presentation by students and experts is the short-term objective of the course and the project. It has significant fundraising potential because it will explain to lawyers, their clients, and the public why in 9 of 10 federal cases they end up with a meaningless 5¢ summary order form or decision.(43§1) To redeem themselves and continue their quest for justice, they will bid to have their most outrageous case studied as *DeLano* has been. For the students, it will be a job fair where to exhibit their skills live.(ddc:8) It will enhance their college's reputation for providing imaginatively novel and challenging education and expert work that meets the highest standards. It will instill in students and experts a sense of professional honesty and community service as they take action in behalf of millions(jur:3¶14) who are denied a fair and impartial forum. Hence, it will be the first step in the long-term objective of establishing a watchdog institute for the study of the Judiciary that casts disinfecting light on it and holds judges accountable(128§5). This fundraising, job finding, and reputational potential and the prospect of securing for *We the People* justice through the rule of law warrant careful review of this course and project proposal.(7)

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of the materials for

The *DeLano* Case Course

Note: All (jur:#) references are at

http://Judicial-Discipline-Reform.org/jur/DrRCordero_jud_unaccountability_reporting.pdf

and herein beginning at ..... jur:i

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Presentation by the Author to the Faculty and the Students of The *DeLano* Case Course and The Disinfecting Sunshine on the Federal Judiciary Project

6. **Objectives of the oral presentation**. It will aim to demonstrate that undergraduate or graduate students in a multidisciplinary class(10) can benefit academically and professionally from the course. It will show how *DeLano*, a federal case, deals with a subject that affects millions of people: unaccountable power, greed, and fraud. It will describe how bankruptcy, district, and circuit judges and Supreme Court justices systematically(jur:21§A) **1)** dismiss misconduct complaints against them to self-exempt from discipline; **2)** engage in money-driven wrongdoing in bankruptcy cases: 1.5 ml. filed in CY10 worth $373+ bl. and unreviewable since fewer than .08% reached the circuit courts; and **3)** disregard due process by issuing no-reason summary orders. Judges abuse their decision-making power risklessly and in coordination, e.g., in a bankruptcy fraud scheme(9). Their wrongdoing[iii] cannot be stopped through litigation before other judges, who fearing incrimination for at least having tolerated it dismiss any proceedings(jur:xxix). Students trained in detecting and exposing the scheme and judges' wrongdoing will render a valuable public service to victims and the community as advocates of official investigation(xxxix) and reform(155§e).

7. **Concepts and proposal**. The *DeLano* Case will be described as a course to teach the observing, analytical, synthesizing, and applying skills of an inquisitive, critical, imaginative mind: It skeptically **reads** parties' and judges' documents to identify between lines conflicting and harmonious interests(17§B); **separates** their interests, means, and opportunities using facts, common sense, and group dynamics(18§C); **composes** a reconfigurable mosaic of interacting judges, bankruptcy and legal systems insiders, and outsiders; and **makes** boomerang use of authors' statements to impeach or hold them to their words and implications(19§E). Such methodical way of thinking will give students a competitive advantage when as practitioners they deal with similar documents and dynamic situations. So a proposal will be made for **1)** jointly taught legal research, investigative journalism, fraud & forensic accounting, statistics, and public policy advocacy courses and practicums; **2)** a multidisciplinary project to analyze judges' decisions, financial disclosure reports, and investments; correlate them with their vacations, seminars, connections; and publish findings; and **3)** a Watergate-like *Follow the money!* investigation of asset concealment in *DeLano*(9) and its cover-up by judges and others running or tolerating a bankruptcy fraud scheme.

8. **A public presentation by students and faculty**. The author will discuss how the faculty can present that proposal at an event that will enhance its reputation for innovative teaching that affords students a unique professional experience while fostering the civic commitment of all of them: a multimedia public presentation(11) of *DeLano* in their auditorium to members of the university, government, the business world, and journalists. **1)** It can be the final exam of the role-playing course(8): The students mount a PR convention for their public interest firm to present **a)** lessons of their study of *DeLano*, **b)** findings of their *Follow the money!* investigation of a bankruptcy fraud scheme(12§B), and **c)** their recommendations to expose and end it(14§D). **2)** That presentation can be a faculty-guided, school-wide event to **a)** explain the need for academia(126§4) in the interest of legal system integrity to pioneer judicial unaccountability reporting (jur:1-4); **b)** develop it through exposition of coordinated judicial wrongdoing(122§§1-3), research (129§b), and advocacy of legislation(155§§6,7) to discipline judges as public servants; and **c)** call for an institute(128§5) to act as **(i)** clearinghouse of complaints about judges' misconduct and due process denial; **(ii)** prototype of a citizen board of judicial accountability(jur:157§8); and **(iii)** for-profit(154§f) provider of consulting and representational services as Champion of Justice.

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Course Description for Students
The *DeLano* Case Course
A hands-on, role-playing, fraud investigative and expository course for undergraduate and graduate students

9. *DeLano* is a case that went from bankruptcy, district, and circuit courts to the Supreme Court(9). It deals with an issue affecting over 1.5 million new bankruptcy cases a year: fraud. Part of a cluster of cases that originated in 2001, it has produced a wealth of documents(18§§D,E).

10 In this course(3), you analyze some of those documents to answer the questions asked by the managing partner, who assigned *DeLano* to you: Has fraud been committed?; if so, how does it operate and who is involved? Thus the course is structured as a role-playing exercise where you join a small consulting team that is pitted against other teams(18§C). All of you must get your work approved by the toughest of partners: your classmates. The latter will evaluate your team's presentations in oral and written fact-finding reports, legal and audit opinions, and editorials, all expressed in proper English; showing fairness, accuracy, and insight; with multimedia display of sources, data, and charts; complying with time and space limitations; and likely to attain your goal: to persuade your audience to rate your presentations' content and delivery highly.

11. To that end, the course will develop your ability to perform dynamic analysis of conflicting and harmonious interests and skeptical text analysis.(17§B) The former requires you to identify what debtors, creditors, trustees, judges, and lawyers want and do not want and how each party may or may not satisfy its interests in interaction with other parties' interests. So you need to be skeptical of their written or transcribed statements because the story that they tell may be a cover for the real interests that they are pursuing. You must read *DeLano* documents discriminatingly to determine where the parties' statements lie along the true-false continuum, for you will not be reading the textbook of an expert, reasonably assumed to be knowledgeable and reliable. Thereby you develop the capacity to pierce any party's surface credibility by asking poignant questions; exercise independent judgment to evaluate answers critically; and constantly revise your view of the case in light of new information as you engage in mosaic building: Use your common sense, general knowledge, and logic to sift from the parallel planes of told and hidden stories scattered and seemingly unimportant data pebbles as potentially relevant; assess their suspiciousness, plausibility, internal consistency, and external congruity; and imaginatively integrate(20§F) them into a coherent narrative that crafts a mosaic depicting a reason-appealing scene of meaning.

12. A demanding course(23), it also teaches you to work to professional standards in a large corporate environment. Using digital means of communication, you must coordinate and perform activities by tight deadlines with the accounting, law, business intelligence, and PR departments of your consulting firm as it produces an extraordinary event. Fun in itself and apt to enrich your life with valuable personal experiences and professional practice, it is the presentation(11) in your school auditorium of The *DeLano* Case: its lessons and your research findings and views. You will enlighten your audience about how bankruptcy fraud works, how to detect judicial wrongdoing[iii], and what measures to adopt to combat both. A presentation in the public interest and yours too!, for you will address students and faculty in your university as well as representatives of law and auditing firms, news and advertisement agencies, and government that you and your classmates invited and would like to turn into your employers and clients…a job interview the size of a job fair where you will highlight your multidisciplinary knowledge and skills(10) as you 'enact your resume' and stand out as the best candidate thanks to having taken this course.

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The Salient Facts of The *DeLano* Case

(as of 9dec12)

revealing the involvement of bankruptcy & legal system insiders in a bankruptcy fraud scheme

(*D:#* & footnotes are keyed to Judicial-Discipline-Reform.org/DCC/DeLano_docs.pdf; *blue text* points to bookmarks on the left)

13. *DeLano* is a federal bankruptcy case. Part of a case cluster, it reveals fraud that is so egregious as to betray overconfidence born of a long standing practice[1]: Coordinated wrongdoing evolved into a bankruptcy fraud scheme.[2] It was commenced by the DeLano couple filing a bankruptcy petition with Schedules A-J and a Statement of Financial Affairs on January 27, 2004. (04-20280, WBNY[3]) Mr. DeLano, however, was a most unlikely bankruptcy candidate. At filing time, he was a 39-year veteran of the banking and financing industry and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a Xerox technician, were not even insolvent, for they declared $263,456 in assets v. $185,462 in liabilities (*D:29*); and also:

    a. that they had in cash and on account only $535 (*D:31*), although they also declared that their monthly excess income was $1,940 (*D:45*); and in the FA Statement (*D:47*) and their 1040 IRS forms (*D:186*) that they had earned $291,470 in just the three years prior to their filing;

    b. that their only real property was their home (*D:30*), bought in 1975 (*D:342*) and appraised in November 2003 at $98,500[4], as to which their mortgage was still $77,084 and their equity only $21,416 (*D:30*)…after making mortgage payments for 30 years! and receiving during that period at least $382,187 through a string of eight mortgages[5]. (*D:341*) Mind-boggling!

    c. that they owed $98,092 –spread thinly over 18 credit cards (*D:38*)- while they valued their household goods at only $2,810 (*D:31*), less than 1% of their earnings in the previous three years. Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their working lives of more than 30 years.

    d. Theirs is one of the trustee's *3,907 open* cases and their lawyer's *525* before the same judge.

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

15. The Creditor requested that the DeLanos produce documents[6] as reasonably required from any bankrupt as their bank account statements. Yet the trustee, whose role is to protect the creditors, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied *every single document* requested by the Creditor, he moved for production orders. Despite his discovery rights and their duty to determine whether bankrupts have concealed assets, the *bankruptcy* and *district judges* denied him *every single document*. So did the *circuit judges,* even *then CA2 Judge Sotomayor*, the presiding judge, who also needed the documents to find the facts to which to apply the law. They denied him and themselves due process of law. To eliminate him, *they* disallowed his claim in a *sham evidentiary hearing*. Revealing how incriminating the documents are, to oppose their production the DeLanos, with the trustee's recommendation and the *bankruptcy judge's approval*, were allowed to pay their lawyers $27,953 in legal fees[7]…though they had declared that they had only $535. To date $673,657[8] is still unaccounted for. Where did it go[9]? How many of the trustee's 3,907 cases have unaccounted for assets? For whose benefit?[2]

[1] §XIII [2] §III [3] §V. [4] §X [5] §§I.B & VIII [6] Cf. §XII [7] §XI [8] §I.B [9] §II

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Multidisciplinary Academic and Business Venture

Complementary intellectual and professional skills that undergraduate and graduate students and professionals can contribute to enriching the hands-on learning experience of a course and to performing the work at the expert level of the project to attain their investigative, expository, and public interest objectives

16. **The law team** will **1)** find and analyze the evidence contained in the court record of *DeLano*(9) that shows federal judges concealing assets, withholding material information[213], and showing peer partiality by disregarding due process and systematically dismissing complaints against them (jur:24§§b,c); **2)** research(129§b) the Judiciary's statistics(jur:21§A), financial disclosure reports, and news[ii], which reveal coordinated wrongdoing[iii] and self-immunization against its adverse consequences as its institutionalized modus operandi(jur:50§4); and **3)** draw therefrom pertinent implications for the integrity of our legal system and its basic tenet: Equal Justice Under Law.

17. **The journalism team** can **1)** conduct a *Follow the money!* journalistic investigation(12§B) of judges and other insiders of the legal and bankruptcy systems that engage in concealment of assets and cover it up as part of a bankruptcy fraud scheme; **2)** apply their mass communication skills to the multi-platform(13§C) advertising of the class's public presentation to be held in its auditorium to report the lessons drawn from its study of *DeLano* and the findings of its library and field research; **3)** layout and help write the brochure and CD to be distributed at the presentation; and **4)** design and implement(14§D) **a)** a public relations campaign to market class 'editorials' on how to render judges accountable and disciplinable based on **b)** the strategy of •the media(jur:100§3) investigating the Judiciary through a case –such as *DeLano*(9)- that reveals judges from U.S. bankruptcy court to the Supreme Court participating in, or tolerating, coordinated wrong-doing; •an outraged public demanding that Congress and the FBI investigate and their findings be followed up with •legislation eliminating the judges' abusive discipline self-exemption and de facto unimpeachability through which they have become Judges Above the Law.

18. **The business team** will apply their fraud & forensic accounting (FFA) skills to(jur:102§a) **1)** identify the means used **a)** by insiders to inflate creditors' proofs of claims and conceal debtors' assets in bankruptcy petitions' schedules and financial affairs statements(19¶14) and hide their bank and credit card statements; and **b)** by judges not to disclose in their annual financial reports(12[20]) as many assets as held by earners of similar salaries; **2)** detect money and asset laundering by insiders(13[27]); and **3)** track assets from **a)** their origin -e.g., salary, fee, and commission payments, loan receipts, and lottery wins- **b)** through property registries -such as county clerks' offices(12[21])-, DMV records, credit bureau reports, SEC filings, auction records, etc., **c)** to wherever assets have been concealed under the insiders' names, their relatives', and strawmen's.

19. **A research and writing course** using *DeLano* materials(18§D,E) will benefit **1)** law students, who will learn how judges work in practice as opposed to in theory; **2)** journalism students, who need to explain complex issues in a way understandable to the public[256e], and **3)** business students, who must find FFA and generally accepted business standards, and their application. It can be taught to provide experiential learning -as a learning-by-doing course or an internship in a media outlet or an auditing firm- by having **4)** the joint class research, write, design, publish, and distribute an exposé(jur:98§2) of the corruptive effect of unaccountable judges ruling on $100s of billions(jur:28§2). Both the *DeLano* and the R&W courses will **5)** teach all students the essential skills in today's business world needed for a multidisciplinary team of professionals and their clients to draft, comment on, and produce a collaborative multimedia piece of writing

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The Public Presentation of the *DeLano* Case Course

an imaginative and ambitious multimedia Brandeis brief presentation based on multidisciplinary knowledge, skills, and means and intended for undergraduate and graduate students *to trigger history!*

20. Before Louis Brandeis became a justice of the Supreme Court in 1916, he was an effective litigator advocating progressive causes. He won his cases, not only by arguing the law, but also by writing briefs where he presented socio-economic data and treated it with as much rigor as if it were legal evidence. His briefs were so persuasive that they gave rise to a new type: the Brandeis brief. They contributed to ushering in a more just society and thus, to make history.

A. *DeLano* and the empowerment of the people through information and knowledge

21. *DeLano*(9) is a case that was filed in a U.S. bankruptcy court[1] and appealed to the district and circuit courts and the Supreme Court[2]. It is the representative case of a cluster that followed the same path along the Federal Judiciary courts.[3] They show judges engaging in a series of acts, such as withholding of material information, concealment of assets, and partiality, so consistently in favor of other judges and insiders of the bankruptcy and legal systems to the detriment of outsiders and so blatantly in disregard of the facts and due process of law as to be non-coincidental and intentional. That series of acts constitutes pattern evidence[4] from which a reasonable person can infer a judicially supported bankruptcy fraud scheme[5]. The latter is only one manifestation of the two most insidious corruptors: unaccountable power and lots of money, i.e., the $10s of billions that federal judges rule on annually and their way above average salaries.[6]

22. The law, journalism, and business students(10) taking The *DeLano* Case and/or its research & writing course will study key documents in the 2,500+ page *DeLano* record[7]. They will learn the findings of, and conduct research on Judiciary publications, e.g., reports[8], statistics[9], and news[10], that reveal what has allowed the Judiciary to institutionalize coordinated wrongdoing(jur:50§4) as its modus operandi: the unaccountability of life tenured, de facto unimpeachable judges, who abuse their self-discipline system[11] by systematically dismissing complaints(jur:21§1)[12] against them; assured of impunity[13], they disregard due process and do wrong[iii] while exercising their vast judicial power[14]. The students will apply convergently their multidisciplinary skills and means

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[1] *In re DeLano*, 04-20280, WBNY; http://Judicial-Discipline-Reform.org/DCC/DeLano_docs.pdf >§V

[2] http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCt_petition_3oct8.pdf >§IX Statement of Facts

[3] *James Pfuntner v Trustee Kenneth Gordon et al*., 02-2230, WBNY; http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf

[4] http://Judicial-Discipline-Reform.org/docs/18usc1961_RICO.pdf >7¶(5) "pattern of racketeering activity"

[5] http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

[6] http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf

[7] http://Judicial-Discipline-Reform.org/DeLano_record/DrCordero_DeLano-ToC.pdf

[8] http://www.uscourts.gov/library/annualreports.htm; and http://www.ca2.uscourts.gov/annualreports.htm

[9] http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf

[10] http://www.uscourts.gov/news.cfm and http://www.uscourts.gov/ttb/2009-01/index.cfm

[11] http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf

[12] http://Judicial-Discipline-Reform.org/jur/DrRCordero_jud_unaccountability_reporting.pdf

[13] http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf

[14] http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf

to find evidence thereof, put their findings into across-platform multimedia reports, and deliver them in class and at a public presentation. They will thus perform a fundamental function of lawyers sworn to uphold the Constitution and of journalists in a democratic society: to inform the citizenry so that it may maintain or regain control of 'the government of, for, and by the people'.

B. Student evaluation of *DeLano* & the stages of the *Follow the money!* investigation

23. The students will learn the structure of the Judiciary, the principles of legal research, and the requirements for handling legal evidence. That way they can become knowledgeable legal reporters and forensic accountants, in particular, and competent lawyers, journalists, and financial analysts in general. They will develop a healthy 'paranoid' concern for reporting information with accuracy and for presenting evidence or citing precedent for every legal principle: 'There are people out there trying to get me!, be it the opposing counsel, the professor, the fact-checker, the editor, or the audience, including competitors, and their own sense of professional responsibility.

24. The students will apply independent and critical judgment to distinguish between factual and fraudulent statements of parties and even judges so as to detect judicial wrongdoing. To assess its scope, they will execute any of the stages of the *Follow the money!* journalistic investigation/discovery, as allowed by their knowledge, experience, and funding, and required by due diligence:

25. **Computer research.** This includes research on PACER (Public Access to Court Electronic Records) and the websites of the Administrative Office of the U.S. Courts (AO) and the courts[15]; legislators[16]; and pundits on the judiciary and consumers of judicial services[17]. The students can research further **1)** the case handling policies that the courts have developed on their own and their compliance with Constitutional and statutory requirements[18]; **2)**(jur:129§b) **(a)** the statistics on the nature, handling, and disposition of cases and **(b)** public opinion on the services of, and trust in, each of the government branches[19]; **3)** the judges' publicly filed annual financial disclosure reports and how they compare with the assets and liabilities of non-judicial earners of similar salaries[20]; **4)** repositories of public records to track online judges' and their surrogates' assets[21]; etc.

26. **Local field research.** Students can conduct field interviews with current and former staff and law clerks of the local federal court; litigants; lawyers; bankruptcy debtors, creditors, and service providers[22], e.g. trustees, appraisers, accountants, auctioneers, and deposition reporters; etc.

27. **Advanced, Watergate-like *Follow the money!* investigation**. The Judiciary's coordinated wrong doing can be investigated(102§4) through *DeLano*(9) as representative of circa 1.5 million bankruptcy cases filed annually and the one involving a former circuit judge who is now Justice Sotomayor[23a]. Students will travel as necessary to **1)** interview **(a)** those involved in *DeLano*[23b]; **(b)** if possible, active, senior, and retired judges; **(c)** law clerks and staff, if need be with their identity hidden to protect their Deep Throat status(106§c); **(d)** legislators, who under the

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[15] http://www.**pacer**.uscourts.gov/index.html; AO: http://www.uscourts.gov/; and http://www.uscourts.gov/**courtlinks**/

[16] http://www.**senate**.gov/general/contact_information/senators_cfm.cfm ; https://writerep.**house**.gov/writerep/welcome.shtml

[17] http://victimsoflaw.net/; http://www.wellsofjustice.com/; http://www.scotusblog.com/**wp**/; http://thecaucus.blogs.**nytimes**.com/

[18] http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf

[19] http://www.uscourts.gov/library/statisticalreports.html and http://www.harrispollonline.com/

[20] http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_2011.pdf and http://www.census.gov/

[21] E.g., National Association of Counties: http://www.naco.org >clerks' offices; and footnote 1 supra >§X

[22] http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_06.pdf >§327

[23] Footnote 1 supra [a] >W:23; [b] >§XIII

pretext(jur:81§1) of separation of powers have allowed the Judiciary to become an undemocratic power center[24]; **(e)** law enforcement officers[25], who investigate more legislators than they do members of the larger Judiciary[26]; **2)** attend court proceedings; and **3)** track down assets from county clerks' offices to their current and former owners, sellers, neighbors[27]; etc. The students' investigation –which can be an academic degree's final project– and their storytelling –which can be the model for that of others(122§2)– can show that even justices tolerate or cover up[28] the same wrongdoing that they engaged in when they were judges, lest they end up incriminated[29].

C. The students' across-platforms short & long-term telling of the *DeLano* story

28. **The public presentation**. The *DeLano* course includes a presentation by the students in their auditorium of its lessons and their research findings, opinions, and editorials.(8) They will broadcast it on campus/internship TV and radio, and interactive web. Their audience will be university members and other opinion-shapers and decision-makers, e.g., political party and law enforcement officers; legislators; judges and Judiciary staff; journalism, fraud & forensic accounting, and law professors, practitioners, and associations; litigants represented pro se and by small, medium, and large law firms; public interest advocates; bloggers; talk show hosts; book publishers; etc. Their presentation(jur:97§D) can crown the course or launch a campaign for a higher objective(130§5); either way it can enhance the schools' reputation for academic excellence and civic leadership.

29. **Presentation invitations and advertising materials.** These call for copywriters, designers, and producers to cooperate to devise a story theme and compose a message that catch the attention of the target of the presentation advertisement, and do so on time and within budget. They will be mailed to invitees, posted on campus and the web, released at a press conference, broadcast, etc.

30. **The brochure**. The students will tell their *DeLano* story in a magazine-like package integrating main text(jur:119§1) and sidebars; statistical time series tables(jur:9-20); trend-depicting graphs[30]; hierarchical relations charts; clip art representations of people in systems; and realism-providing photos. They will give away the print version at the presentation, post it on their website[31], and burn it on CDs for low cost promotional distribution and possible sale. Their brochure can be updated(122§2) as the *Follow the money!* investigation of *DeLano* and similar cases is pursued in subsequent courses. So it can become the first investigative law/journalism periodical(126§3) dedicated to the in-depth professional exposure of the Judiciary, the most secretive of the branches of government, the only one to hold all its meetings behind closed doors[32], whose close-knit (88§§a-d) members appear at no press conference, account to nobody, yet wield power the

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[24] Cf. http://Judicial-Discipline-Reform.org/docs/Sen_Specter_on_SCt.pdf

[25] http://Judicial-Discipline-Reform.org/DoJ-FBI/4DrRCordero-DoJ_30mar9.pdf

[26] In 2008, 2,153 federal judges and magistrates were in office, but there were only 535 members of Congress. Yet, the Dept. of Justice has recently investigated and/or prosecuted Rep. William Jefferson (D- La.); Sen. Ted Stevens (R-Alas.); Lobbyist Jack Abramoff and members that he influenced; Rep. Duke Cunnigham (R-Cal.); Rep. Bob Ney (R-Ohio); Rep. Tom Delay (R-Tex.), Rep. John T. Doolittle (R-Cal.); Rep. Mark Foley (R-Fl.), Rep Rick Renzi (R-Ariz.); etc.; but only U.S. Judge Samuel Kent (SDTx-5th Cir.). Cf. http://www.crewsmostcorrupt.org/; http://Judicial-Discipline-Reform.org/docs/Judicial_Watch_Corrupt_Politicians_09.pdf.

[27] En.1 sup. >§II; http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_related.pdf >§§1956-1957: money laundering

[28] http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf

[29] [a] http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf & [b]…money/Unaccountable_judges.pdf

[30] http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf

[31] http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf >5§C

[32] http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf

longest directly on parties and through case law over *We the People*'s property, liberty, and lives.

31. **TV, radio, and web documentary.** Shot during the *Follow the money!* investigation and aimed to attract advocates and donors to its judicial reform campaign, it can be shown at the presentation; meetings of, and schools for, mass communicators, accountants, and lawyers; on TV, radio, and the web; entered in intercollegiate competitions and film festivals; and played at high schools and universities as a recruiting tool for the participating schools, clinics, and internships by illustrating the sophisticated craft that their students learn and the weighty subjects that they treat.

D. The students' PR campaign and strategy for judicial accountability and discipline

32. The students can pursue that legitimate journalistic and public policy objective as community service to inform about the Judiciary's institutionalized self-exemption from discipline, bankruptcy fraud scheming, and disregard for due process. This requires planning a PR campaign based on a cogent strategy.(jur:xliii) They must persuade their audience, especially the journalists in it (xxxii), to disseminate their findings to the national public and launch their own Watergate-like, generalized media investigation(jur:100§3; xlviii). The public should become outraged at learning how those who took an oath to "administer justice without respect to persons"[33], have instead turned the Judiciary into a safe haven for coordinated wrongdoing[iii] for their own and other insiders' benefit. Their outrage should force the Justice Department and Congress to investigate *DeLano*(85§3), in particular, and the Judiciary, in general. The findings of such investigation should force Congress to give up its historic refusal to take on the judges[34] and undertake judicial reform(156§7) that includes establishing citizen boards of judicial accountability(157§8).

33. A key to understanding that refusal is found in Former Speaker N. Pelosi's candid statement that "Congress is dominated by the culture of corruption"[16a]: If its members tried to hold judges accountable for their abuse of power only to appear on corruption charges[26] or election irregularities before those judges, the latter could take the opportunity to retaliate against their nemeses. So the campaign should be not only informative to the public, but also transformative of Congress' self-preserving hands-off-the-Judiciary attitude. This requires on the students' part insightful reporting, editorials, and advocacy that outrage[35a](98§2) the public and stir it up to demand(83§2) reform. They must analyze the reactions and circumstances of members of Congress so as to cultivate the interest of those that can reap a benefit from seizing the occasion to become this generation's Sen. Howard Baker(jur:3¶¶4-8), vice-chairman of the Senate Watergate Committee[36]. His equivalent today can attain similar national recognition supportive of a presidential bid[35b] (jur:xxvii) by updating his devastating trademark query thus: "What did the justices and judges know about coordinated judicial wrongdoing and to what extent did they tolerate, or participate in, it?"

34. The students can design their PR campaign so that their Brandeis-brief reporting on the corruption of the Judiciary due to unaccountable power, money, and secrecy(jur:xxxix) leads to dynamic analysis of the interests at stake(dcc:17§B.1) and to realistic proposals: citizen boards of judicial accountability, an IG for the judiciary, transparent operation(155§§6-8). Thereby they will not just witness historic events, but also influence them so as *to trigger history!* If they show the courage(xlvi§§H-I) to expose and the capacity to propose, they can become the statesmanship version of Woodward/Bernstein and their faculty the Graham/Bradlee of the 21st century(jur:3¶¶4-8).

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[33] http://Judicial-Discipline-Reform.org/docs/28usc453_judges_oath.pdf

[34] http://Judicial-Discipline-Reform.org/docs/bill_to_amend_judicial_discipline.pdf, never reported out.

[35] [a] http://Judicial-Discipline-Reform.org/Follow_money/Emile_Zola_I_Accuse.pdf; [b]...money/Champion_of_Justice.pdf

[36] http://Judicial-Discipline-Reform.org/docs/WP_The_Watergate_Story.pdf >p7

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Teaching The *DeLano* Case Course

A. Table of Contents of the Instructions for the Instructor

1. Class structure: teams competing with, and evaluating, each other and its rationale
2. Students' permanent, course role
3. Students' transient, class roles
4. Educational objectives and types of materials
   a. A publicly filed federal bankruptcy petition
   b. Briefs, motions, letters, dockets, court orders and decisions, and local rules in the *DeLano* record in bankruptcy, district, and circuit courts, and the Supreme Court
   c. Public records filed in county clerks' offices and other depositories of information
   d. Excerpts from legal documents such as:
      1) The Bankruptcy Code, 11 U.S.C.
      2) The Judicial Code, 28 U.S.C.
      3) The Federal Rules of Bankruptcy and of Civil Procedure, 28 U.S.C.
      4) The Criminal Code, 18 U.S.C.
      5) Code of Federal Regulations
      6) Ethics in Government Act, 5 U.S.C., Appendix [no. 4 in Thomson West]
   e. Publications of the:
      1) Administrative Office of the U.S. Courts
      2) Federal Judicial Center
      3) Judicial Conference of the U.S.
   f. Articles on Fraud and Forensic Accounting
   g. Standards of ethical and investigative journalism
   h. Articles written for the course on:
      1) the structure of the Federal Judiciary
      2) the operation of the bankruptcy system
      3) critical reading for understanding between the lines and outside the paper
      4) methodical thinking based on the scientific method
      5) good writing that is grammatically correct and achieves stylistic elegance through unambiguous, accurate, concise, and meaningful expression
5. Educational technique: Dynamic analysis of conflicting and harmonious interests
   a. Students' performance of the analysis
   b. Example of the analysis

6. Bilateral role-playing: students making presentations as auditing-consulting teams that provide legal, investigative journalism, and fraud & forensic accounting (FFA) reports and services to their classmates, who are their managing partners, editors, and clients
7. The bankruptcy petition as the first and key document to analyze
    a. Method and objective of analyzing the bankruptcy petition
    b. The petition's importance for the course's academic objectives
8. Reading to find the hidden reality behind the declared reality: two parallel planes of interests
    a. Skeptical text analysis
    b. 'Plutonic thinking' or the postulation of what should exist
    c. From skepticism to a 3-D presentation of information: connecting the parallel planes
    d. Divide and integrate to understand a complex, constantly reconfiguring system
    e. Mosaic building: from bits of information to a theory explaining the planes of interests
9. The Bankruptcy Code: a system and its disruption by the scheme of coordinated wrongdoers
10. Progressive release of documents
11. Rewarding necessary, insightful, and timely questions of facts
12. The Statements of Facts as scripts for the instructor
13. Analytical documents as chapters in the manual for the instructor
    a. Table of materials for the instructor and for the students
14. The importance of the writing exercises
    a. Exercises to produce letters, reports, and multimedia data displays
    b. Format and contents of written communications and multimedia data displays
15. Types of analyses
    a. Springboard analysis of documents
    b. Boomerang scrutiny
    c. Broth reduction
    d. Database creation
16. Criteria to evaluate written reports and oral presentations
    a. the Payment Evaluation Form and its Checklist for clients' services value assessment
    b. Applying the evaluating criteria to oral presentations and written communications
    c. Evaluation by students of peer performance using the checklist and the payment form
17. Digital means for efficient transmission and proper presentation of written communications
18. Business attire at presentations
19. Final presentation to university members, government officers, business people, and the public
20. Use of the course materials and Table of Contents of Materials Reserved for the Instructor
21. Suggestion for a follow up course

B. Key Concepts Underlying the Course(cf. jur:125a¶253c)

1. Dynamic analysis of harmonious and conflicting interests

What each of the parties wants and does not want is identified and integrated into a system of opposite or convergent and mutually reinforcing forces, which frequently reconfigure themselves in response to the exit of, or change in, existing, interests and the entry of new ones

2. Skeptical text analysis

Documents represent the parties' declared reality of interests that covers their hidden reality of interests, both of which are matched up in a 3-D mosaic

3. "Plutonic" thinking

Specific knowledge of the declared reality, general knowledge of what makes people tic and how the world turns, common sense, and logic to extrapolate from the declared reality and postulate what musts exist in the hidden reality

4. Mosaic building with bits of information

Gathering and integrating bits of scattered information into Plutonic profiles of parties, events, and dynamic systems of interests to portray declared and hidden realities

5. Boomerang use of a person's words

Turning against him his inconsistencies, incongruities, and implausibilities to impeach his credibility or hold him to his declarations against self-interest

6. From salami slicing to reasoning by extremes

Increasing values and adding elements that render a system more complex and describe a progresssion that reveals patterns and trends or system evaluation by leaping to its logical conclusion

7. Coordinated wrongdoing as institutionalized modus operandi

Involvement in wrongful activity through active participation based on explicit agreements or reciprocal three-monkey passivity whereby everyone sees, hears, and says nothing concerning the others' wrongdoing on the expectation that they will return the same complicity

7. Confluence of causes

Causes that individually are insufficient to have a given effect may nevertheless have it when their respective effective forces cumulate serially or simultaneously; their collective sufficiency can only be realized by integrating the bits of information about each of them

8. To run the scene

A static scene of objects and people are described individually in terms of their appearance and true nature –declared and hidden interests known or reasonably assumed- and then the dynamics of their relations is narrated to create a drama that explains how the event in question could have happened. This calls for tridimensionalizing each bit of information by describing its surface appearance of declared interests, postulating its internal composition of hidden interests, establishing how the appearance was able to cover the composition of motives and in turn was determined by it, and then explaining the process through which over time that bit of information came into being in the context of other bits of information and gave rise to a mosaic.

C. Role Playing Structure of The Class

1. Permanent roles
    d. lawyers, investigative journalists, and accountants teamed in consulting firms
    e. the clients that hired them to find out: Were they defrauded as creditors?; before investing in the bankrupt company, are the court and parties to the bankruptcy involved in fraud?
2. Transient roles:
    a. debtor
    b. institutional or individual creditor or investor
    c. the private or U.S. trustee
    d. the bankruptcy or appellate judge
    e. the lawyer for a party
    f. an interested party, as referred to by the Bankruptcy Code
    g. an unrelated third party
    h. an investigative authority, e.g., the FBI, a Congressional committee, and their state counterparts
    i. a law enforcement authority, e.g. a DoJ U.S. attorney and a state district attorney
    j. a member of Congress or of a state legislature

D. Sources of Course Materials

1. A federal bankruptcy petition, publicly filed under oath, with its A-J Schedules and Statements
2. Briefs, motions, letters, court orders and decisions publicly filed in court
3. Public records in county clerks' offices and other government offices
4. The Bankruptcy Code, 11 U.S.C.
5. The Judicial Code, 28 U.S.C.
6. The Federal Rules of Bankruptcy Procedure, 28 U.S.C.
7. The Federal Rules of Civil Procedure, 28 U.S.C.
8. The Criminal Code, 18 U.S.C.
9. Code of Federal Regulations
10. Publications of the:
    a. Administrative Office of the U.S. Courts
    b. Federal Judicial Center
    c. Judicial Conference of the U.S.

11. Articles on Fraud and Forensic Accounting
12. Standards of ethical and investigative journalism:
    a. The New York Times Statement on Integrity
    b. Washington Post Standards and Ethics, February 17, 1999
    c. Jim Lehrer's Rules of Journalism
    d. American Society of Newspaper Editors Statement of Principles
13. Articles written for the course on:
    a. the structure of the federal judiciary
    b. the operation of the bankruptcy system
    c. critical reading for understanding between the lines and outside the paper
    d. methodical thinking based on the scientific method
    e. good writing that is grammatical correct and achieves stylistic elegance through unambiguous, accurate, concise, and meaningful expression and aims at eloquence and poetic beauty
14. See the documents collected at:
    http://Judicial-Discipline-Reform.org/DCC/DeLano_docs.pdf

E. Materials to analyze as two sets of conflicting interests:

assets v. liabilities and debtors v. creditors

Parts of a federal bankruptcy petition under 11 U.S.C. Chapter 13
Adjustment of debts of an individual with regular income

D:# in http://Judicial-Discipline-Reform.org/DCC/DeLano_docs.pdf

F. Documents to be produced during the course

1. Letters: in the nature of executive summaries
   a. Letterhead with name, title, address, and qualifications or logo
   b. Date
   c. Complete name and address of the addressee and email to which sent or fax number to which faxed, and telephone number
   d. Greeting with appropriate form of address
   e. Subject or reference line
   f. First paragraph:
      6) recalls what has occurred before
      7) summarizes the letter, phone call, or other communication to which the letter is responding
      8) iii) indicates the gist of the author's position or response
   g. Middle paragraphs sets forth:
      9) reasonable arguments based on factual or documentary evidence
      10) summary of statements developed in accompanying document or exhibits
      11) references to:
         a) accompanying document containing detailed statements
         b) exhibits consisting of previously submitted documents or new supporting materials
   h. Last paragraph with requests to the addressee that are:

1) concrete by stating the action to take, to what extent, when or by when, where
2) ii) clearly identified
    a) as entries in separate lines a of list
    b) series of clauses separated by numbers in bold in the same paragraph

i. Signature on first page
j. Page X of Y, particularly when a multipage letter is faxed
k. Footer, particularly after the first page of a multipage letter, stating in abbreviated form:
    a) sender's name
    b) date
    c) addressee's name and location, e.g., of a court or company branch
    d) subject matter

2. Reports
    a. Name of reporting entity
    b. Title that summarizes the nature of the report
    c. if title is figurative, subtitle providing a literal statement of the report's nature
    d. subtitle that clarifies or defines more precisely the report's nature
    e. Typographical highlights: in title and paragraphs
    f. Introduction that summarizes the fundamental proposition of the report
    g. Headings that summarize the section(s) that each covers
    h. Numbered paragraphs
    i. Table of contents
    j. Different left and right footers
    k. Indented bulleted points and numbered lists
    l. Explanatory footnotes and referential endnotes
    m. Conclusion
        1) recapitulates the essential points
        2) sets forth requests for action
        3) makes recommendations
    n. Table of exhibits:
        1) with title identifying the main document, date and author
        2) exhibits summarized in descriptive entries
        3) entries highlighting author, addressee, date and key terms of content
        4) as a single list of numbered entries
        5) as a hierarchical list

a) with headings identifying categories of exhibits
b) indentation of attachments to main exhibits
c) the main headings of key documents
    (i) with table of category headings to overview along table of exhibits
    (ii) page numbers hyperlinked to a file containing the exhibits

3. Graphs to show, rather than tell
    a. title verbalizing the point illustrated by the graph
    b. columnar table with colors to set out columns, rows, or cells
    c. with axes and values either together with corresponding pictorial device inside the graph area or gathered outside the area in a legend table
    d. with legend and footnotes
    e. with links and link banks to sources and other supporting materials

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Syllabus of the *DeLano* Case Course

Outline of the week by week

Classwork

and

Work of Organizing

the Public Presentation of The *DeLano* Case

based on a 15-week semester

and

illustrating the practical application of the description

Teaching The *DeLano* Case Course

1st Week of Classwork

1. Discussion of course objectives, structure, and rules
2. Introduction to dynamic analysis of conflicting interests, how such interests give rise to declared and hidden realities, and fraud as intentional distortion of reality to advance one's interests and safeguard them from conflicting ones
3. Overview of the bankruptcy system and the Bankruptcy Code
4. Discussion of the parts of a bankruptcy petition using the DeLanos' petition
5. Introduction to skeptical text analysis
    a. Intrinsic consistency: compare among themselves the declarations in the DeLanos' petition for bankruptcy relief
    b. Extrinsic congruity: compare their declarations with the rest of the world, including other writings and general knowledge of what makes people tic and how the world turns: Do the declarations make sense?
6. Form & substance: Elements of an analytical report & its evaluating criteria
7. Formation by teams of three to five students of their consulting firms to provide legal, investigative journalism, and accounting advice
8. Assignment to establish a baseline: The firms prepare a report on the petition using keen observation to detect bits of information, and general knowledge, common sense and logic to integrate them into mosaics of realities

2nd Week of Classwork

1. Discussion of the formal elements of a professional presentation
2. Presentation of firms' reports & composition of best of reports' elements report
3. List of questions that Investigative Journalists (IJ) would want to pursue
4. Extrinsic congruity
    a. Who are the DeLanos? From facts to a socio/psychological profile
    b. Proximate causes of people's and the DeLanos' bankruptcy
    c. What corrective and preventive action could they have taken to avoid it?
    d. Timeline of debt accumulation: What were debtors & creditors thinking?!
5. Elements & method of professional letter (re)writing…revising, letting it sit,…
6. Assignment: The firms request information, i.e. answers and documents, depositions, and interviews necessary to ascertain the petition's good faith

3rd Week of Classwork

1. The system of peer evaluation and the use of points
2. Firms' presentation of their information requests
3. Clients critique the firms' presentation
    a. clarity of expression: proper use of language
    b. precision that avoids ambiguity: X is requested, but Y is produced
    c. conciseness: go to the point
    d. usefulness of the information for the intended purpose
    e. appearance and delivery that inspires confidence & retains attention
4. Composition of model request and integration of information into a system
5. Legal, practical, and ethical differences between depositions & interview
6. Identification and role of the players in the bankruptcy system
    a. The role of the U.S. trustee and the appointed panel trustee
    b. The judge's role: former power to appoint trustees v. current power to approve her recommendations and remove her for cause as trustee
7. Assignment: Identify and prepare to discuss the key bankruptcy concepts

4th Week of Classwork

1. Listening, observing, classifying, conceptualizing, static system building, interests as drivers of dynamic model, reconfigured after exit/entry of elements
2. Bankruptcy Code as a dynamic system of conflicting & harmonious interests
    a. Key concepts as conflicting interests: assets v liabilities; debts v claims
    b. Actors: debtors v creditors; lawyers, trustees, & court officers as insiders
    c. Life-cycle events: petition filing, approval, discharge, revocation, appeal
4. The use and development of information presentation devices
    a. to organize and present at a glance large amounts of information
    b. to discover and present relations and patterns
    c. types: hierarchical lists, tables, charts, graphics, clip-art, animations
    d. incremental display: from the schematic to the whole picture
5. Assignment: Make a graphic of the bankruptcy system's concepts, actors, and life-cycle events and display it in a slide show or with a flip chart

5th Week of Classwork

1. Charting to organize the known and guide the discovery of the unknown
2. Presentation of the firms' graphics and composition of a model graphic
3. Model graphic that identifies breakdown of a dynamic system due to:
    a. inchoate development v. overwhelming complexity
    b. lack of training, incompetence, imperfect transmission of information, ambiguity, failure to foresee consequences, fraud
    c. slackening controls: overconfidence in honesty & machine performance
4. Analysis of the process by which systems grow in complexity
    a. addition of tasks and more extensive and deeper coverage
    b. who controls the controllers?
    c. fail-proof system v. complexity that bogs down its operation
5. Murphy's law: system failure, known accident, act of God, the unforeseen
6. Plutonic thinking: unknown variables, reasonable assumptions, value ranges
7. Practice: Sue wants to earn money selling lemonade to ride the rollercoaster
8. Assignment: Build a system with objectives, people, internal processes and external interactions using only general knowledge, common sense, and logic

6th Week of Classwork

1. Presentation of firms' systems and their evaluation in light of their objectives, cost/effectiveness, checks and balances, risks/rewards ratio, novelty
2. Categories and types of elements of dynamic systems
    a. driving interests: need, desires, fame, principles, ego, obsession, tradition
    b. measuring elements: of performance, capacity utilization, waste
    c. control: to detect, prevent, remedy malfunctions, & learn from experience
3. Undermining in-, outside interests: benefit from system exploitation/defeat
4. The dynamics of corruption in a functional network
    a. development of friendship, belongingness and interdependability
    b. material gains, the benefits of camaraderie and moral IOUs
    c. treason, exclusion, pariah status and material and moral loss
5. Assignment: As per the allotted role, prepare a statement of interests to be distributed before, and defended at, the meeting of creditors

7th Week of Classwork

1. Enactment of the meeting of creditors: one partly eaten pie of assets and too many liabilities to finish it off
    a. dynamic play of conflicting and consonant interests
2. Scope and purpose of discovery upon the debtors
    a. the instructor uses his materials as the ultimate source of facts
    b. non-contradicting facts can be made up if not contained in the documents
    c. to point out inaccuracies, incongruities, implausibilities, and lies by comparing information in documents and made up
3. Assignment: Draw up and send a request for information:
    a. from parties other than the DeLanos
    b. with statement of justification and intended benefit

8th Week of Classwork

1. Comparison of requests for documents and documents produced
2. Model request for documents
    a. Plutonic thinking used to postulate the occurrence of events and the existence of documents and data and request their production
3. Mosaics of declared and hidden realities built with seemingly unimportant and unrelated bits of information scattered over many documents
4. Analysis of the Equifax credit reports on the DeLanos
5. Assignment: Prepare a comparative table of the DeLanos' financial data
    a. collect data from various documents and present it in one
    b. annotate it with factual and evaluative comments
    c. draw the timeline of data and debt production to show patterns and trends

9th Week of Classwork

1. Presentation of the annotated comparative tables
2. Model table that draws on the best features of the other tables:
    a. data most useful to establish the petition's good faith or fraud
    b. annotations most insightful, accurate, and clearly expressed
    c. graphical aspects most helpful to the understanding of data
3. Lists of the types of information derived from the analysis of data
4. Mortgages' purpose, actors, cost, life-cycle events, expectations
    a. Plutonic thinking applied to the DeLanos' string of 8 mortgages and closing costs but only one real property declared
5. Assignment: Report on the DeLanos' mortgages, proceeds and their application, mortgage payments, real property valuation, and income

10th Week of Classwork

1. Presentation of the mortgage and income reports
2. Model report that draws on the best information to answer the queries:
    a. Who needed to do what for the mortgage applications to be approved and the proceeds applied as they were?
    b. What system of interests does the mortgages analysis reveal?
3. Methods for tracing concealed assets
    a. title search and search for property in county clerk's offices
    b. subpoena for financial institutions to produce account documents
    c. trustee's accounts and annual judicial financial disclosure reports
4. Assignment: Report on the second batch of mortgage documents to determine the role of the trustees and the DeLanos' attorney

11th Week of Classwork

1. Presentation of the 2nd batch of reports on mortgages documents
2. Model report to ascertain:
    a. How useful for the lawyers and the trustees were the produced documents compared with those available in the county clerk's office?
    b. How should the bankruptcy judge have handled the produced mortgages documents when they were filed in court?
    c. What inferences can be drawn from the production of those documents?
3. Assignment: Report on the second batch of documents denying document production for the evidentiary hearing
    a. Analysis of conflicting interests, Plutonic thinking and integration of bits of information to build the mosaic: the documents were produced
    b. Is there still a need for documents and, if so, why and which?

12th Week of Classwork

1. Discussion of the reports on the denial of documents
2. Model report to identify the trustee and the court's interest in not requiring document production, yet approving the petition
3. The fees of the DeLanos' attorney: amount and nature of services
    a. Inferences from an attorney rendering such services and a bankrupt incurring such fees to avoid producing documents
4. Discovery of a theme during writing, its function, and rewriting to emphasize it
    a. An idea common to key points that allows them to reinforce each other and gives it unity so as to deliver a focused message
    b. Key words; summarizing headings and title; in- or deductive structure of the written piece
5. Assignment: Report on the appearance, content, purpose, and reliability of the "Trustee's Report"

13th Week of Classwork

1. Presentation of the reports on the "Trustee's Report" and its theme
2. Model report to discuss how form and content of a written piece reinforce each other and reflect on the author's professionalism and credibility
    a. the "Trustee's Report" and its place in his work and the *DeLano* case
    b. how the "Report" helps determine the petition's good faith or fraud
3. The bankruptcy judge's approval of the "Trustee's Report"
    a. whether the "Report" allowed the judge to determine that the trustee had investigated the DeLanos and found no fraud
    b. reverse Plutonic thinking: had there been a proper trustee-judge relationship, what should have been in the report and its approval?
4. Assignment: Prepare to present evidence and argue whether the DeLanos committed fraud, if so, what kind, and whether alone or with others

14th Week of Classwork

1. Final presentation of the consulting teams to their clients, if possible in the auditorium as rehearsal of the Public Presentation to be held there
    a. Were the clients defrauded; if so, in what amount and what should they do?
2. Model report to identify:
    a. consonant interests that induce and allow bankruptcy fraud and conflicting interests that work against exposing it
    b. interests and structural changes that should be introduced in the bankruptcy system to dissuade fraud and detect and expose it
3. Selection by the clients of the best presenters:
    a. to address the media at the press conference
    b. to present The *DeLano* Case at the Public Presentation

15th Week of Classwork

1. Rehearsals of:
    a. the press conference
    b. the Public Presentation of The *DeLano* Case
2. A single large consulting company holds:
    a. the press conference
    b. the Public Presentation

1st Week of Organizing the Public Presentation of The *DeLano* Case

1. Discussion in class of PP objectives, contents, and organization
2. Selection of dates to reserve the auditorium for rehearsals and PP
3. The class is the board of directors of the single large consulting company organizing the PP of The *DeLano* Case; each student is an officer of it
4. Division of labor among teams of officers that group themselves to take on primary responsibility for running the following departments
    a. Financing & Budget
    b. Accounting, reception
    c. Public Relations Artists
    d. Invitation & PP brochure
    e. PP stage script
    f. Auditorium & catering
    g. Audio/Visual
    h. Information Technology
5. Depending on the company size, a&b, c&d, e&f, & g&h may be merged

2nd Week of Organizing the Public Presentation

1. A bidding contest is held for primary responsibility for a department, with a run-off if necessary
    a. programmatic proposal: each team writes a description of its members' qualifications to, and how it would, run its two preferred departments
2. The winning programmatic proposals are announced and the departments choose and announce their directors
3. Each department discusses how to coordinate its programmatic proposal with the other winning proposals; and makes suggestions for
    a. a website for making, archiving, and retrieving inter-departmental communications, for commenting on submissions and voting on them
    b. PP's stationery: logo, letterhead, envelopes and typography
    c. categories of guests to invite to the PP presentation and the reception

3rd Week of Organizing the Public Presentation

1. Financing sources are identified and contacted and bank accounts are opened
2. Based on suggestions, PP stationery is developed and distributed for use
3. Industry standards to measure sizes, quantities, timeframes, expectations and feasibility are researched to make proposals for, and lists of:
    a. forms, e.g., purchase requests, payment authorization, payables
    b. receiving and disbursing funds and making financial reports
    c. guests to invite to PP and/or reception, contact information, attendance registration, food and place for reception, advertising campaign
    d. kinds of contents and layouts for the invitation and PP brochure
    e. desired and available A/V items, i.e. equipment, props and programs
4. The website and its secure communications are tested and set up

4th Week of Organizing the Public Presentation

1. The first estimate is drawn up of the in-hand and expected funds within which the departmental budgets will have to fit
2. A PR campaign is drawn up to invite the mass media and the specialized media, e.g. accounting, auditing, financial, law and educational publishers
3. Estimates are obtained with ranges of firm and contingent numbers of
    a. print runs, paper size and quality & colors of the PP brochure templates
    b. eaters at the reception, catering staff, food types and delivery options
4. A catalog is compiled of A/V items, instructions, tutorials and examples for
    a. classwork presentations and recording and replaying them for practice
    b. PP in the auditorium and recording it, cutting and splicing to make a video
5. The departments draw up their preliminary expense items and budgets

5th Week of Organizing the Public Presentation

1. The departments submit for comment and suggestions their draft proposals for
    a. their budgets
    b. accounting forms and procedure for requesting and making payment
    c. the PR campaign, master list of guests and their registration system
    d. the invitation and PP brochure templates (to add contents to later on)
    e. the script of PP on stage
    f. management of the auditorium, reception and catering
2. The A/V catalog so far compiled is distributed and proposals are made for
    a. refining, and adding to, it throughout the course as necessary
    b. terms and procedure for borrowing A/V items for practicing presentations

6th Week of Organizing the Public Presentation

1. An updated financial report is presented to inform about the funds in-hand or on account, pledged, or expected from known or new sources
2. The comments, suggestions and classwork learning are discussed by each department, which draws up three final proposals for:
    a. a general budget and the departmental budgets
    b. accounting forms and funds management
    c. the PR campaign, master list of guests and registration system
    d. the invitation and PP brochure templates
    e. the PP stage scripts
    f. management of the auditorium, reception and catering
    g. updating the A/V catalog and borrowing items for class presentations

7th Week of Organizing the Public Presentation

1. An updated financial report is presented
2. Each department submits to the board of directors three final proposals for choosing among them the final departmental program
3. The departments discuss the proposals
4. The officers vote on the proposals and any necessary run-off is conducted
5. The winning proposals are announced

8th Week of Organizing the Public Presentation

1. The accounting forms are used to request payment authorization and to grant it or in a reasoned statement to deny it
2. Three press releases are drafted to extend an invitation to the media to a press conference on PP and to it and the public to attend PP
3. Plans are drawn up for, with description of A/V items to use at:
    a. a press conference to inform and answer questions about PP and invite the media to announce and attend it
    b. PP script rehearsals with volunteers and their recording to determine the right number of cameras and angles for making the PP video
4. Content for the PP brochure is selected from course documents, consulting firms' classwork, officers' proposals, press clips, and laid out on the template
5. The auditorium, reception, catering and A/V officers may volunteer to help in other activities in order to gain experience

9th Week of Organizing the Public Presentation

1. The drafts of the press release and the plans for rehearsing the press conference and PP and making the PP video are submitted
    a. for comment and suggestions
    b. to announce rehearsals and full-dress rehearsal schedules and venues
    c. to call for volunteer presenters, journalists and audience to critique their performance
    d. with a list to be added to of media representatives and organizations to whom to send the press release
2. Three PP brochures with contents, in digital form and ready to be sent to the printer are submitted for comment and suggestions
3. The A/V items are made available for practicing for the press conference and PP rehearsals and the PP video making

10th Week of Organizing the Public Presentation

1. The departments submit an updated list of expense items and budgets with contingency margins
2. An updating financial report is presented
3. The PP invitations and envelopes are printed and mailed to the guests
4. The comments and suggestions made are used to revise
    a. the press release drafts
    b. the press conference and PP rehearsal plans
    c. the three proposed PP brochures
    d. the plan for using A/V items at the rehearsals and recording them to make the PP video

11th Week of Organizing the Public Presentation

1. An updated general budget is presented
2. Submission to the board of directors of the revised proposals and discussion of them in each department
3. Voting by the officers is held to choose the final version of
    a. the press release
    b. the press conference and PP rehearsal plan
    c. the PP brochure
    d. the plan for using the A/V items
3. Follow-up emails and phone calls are used to obtain feedback from the PP guests and encourage them to register their intent to attend

12th Week of Organizing the Public Presentation

1. An updated financial report is presented
2. Follow-up emails and phone calls are used to obtain feedback from the PP guests and encourage them to register
3. The press conference and PP are rehearsed to improve as need be
    a. the presenters' command of the subject and the accuracy, relevance and fairness of the information presented
    b. the A/V items' understanding-assisting value and proper use
    c. the number of recording items and the optimal recording angles for shooting the PP video
4. The brochure is sent to the printer
5. Drafts are drawn up for signs, i.e. flyers, posters and banners, to advertise PP in campus and direct to, and in, the auditorium and reception
6. Forms are drafted for the evaluation
    a. by the PP guests of the presenters, PP, and The *DeLano* Case
    b. by the departments of their own organizational and presenting performance

13th Week of Organizing the Public Presentation

1. The press release is sent out to inform the media and the public about PP and invite the media to attend the press conference on it
2. The second rehearsal of the press conference and PP is held
    a. the A/V items, i.e., props, equipment, and programs, are tested to ensure their availability, effectiveness, and ease of use
3. The draft signs are submitted for comment and suggestions
4. A call is made for officers to help prepare the auditorium before PP and clean it up afterwards and to serve as ushers at PP
5. The printed brochure is collected and inspected for quality and completeness and any necessary corrective measure is taken
6. Contingency planning: the departments v. a gang of Murphy's Law psychos that raise obstacles to which workarounds must be devised
7. The draft PP evaluation forms are submitted for comment and suggestions to the departments, which meet to discuss them

14th Week of Organizing the Public Presentation

1. An updated financial report is presented
2. After the classwork final presentations and the choosing of PP presenters
    a. a PP full-dress rehearsal is held for accuracy of information, on and back stage coordination and professional appearance and performance
3. The press conference is held
    a. a follow-up critique is held to determine what the media found interesting or in need of clarification and modify the PP script as appropriate
4. Firm arrangements are made with the caterers for the reception in light of the number of guests that have registered or are expected
5. Guests not yet registered are contacted
    a last time by phone and email
6. The signs are revised in light of the comments and suggestions, produced, and the advertising ones are posted or handed out while the directional ones are stored
7. The PP evaluation forms are revised in light of the comments and suggestions and then printed

15th Week of Organizing the Public Presentation

1. Possession of the auditorium is taken before and surrendered after PP
2. The signs directing to, and in, the auditorium and the reception are displayed and the PP brochure and evaluation form are distributed to the guests
3. The Public Presentation of The *DeLano* Case is held
4. The reception is held as an opportunity to
    a. thank the sponsors and gain feedback on The *DeLano* Case and PP
    b. network with the guests, inquire about jobs and ask for job interviews
    c. collect the PP evaluation form from the guests
5. Preliminary accounts and a balance sheet are presented:
    a. the final accounts are presented a week later to the board and university authorities, who issue the release or investigate
6. PP evaluation forms and Report
    a. the forms filled out by the guests are copied and distributed to the departments
    b. the departments discuss the PP guest evaluation forms, evaluate themselves, and fill out their forms
    c. the board meets to discuss the evaluation forms and outline a report of negative and positive points about PP and The *DeLano* Case
    d. three reporters are elected to write the official Evaluation Report on the Public Presentation of The *DeLano* Case
    e. the reporters issue their Report and distribute it to the officers and university authorities

NOTES

1. Given the amount of work involved in the theoretical and practical learning experience of the classwork and the organization to professional standards of the Public Presentation of The *DeLano* Case, it may be considered to attach more credits to this course than those attached to an otherwise regular one semester course.
2. Throughout the course it may be necessary to ask officers who have proved to be most capable to take over the directorship, or become members of, other departments whose officers have proved to be less so.

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September 29, 2013

Dear Literary Agent and Book Publisher,

I would like to submit to you for representation and publication my manuscript *Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing*: Pioneering the news and publishing field of judicial unaccountability reporting(jur:1), supported by my academic course(dcc:1) and creative works(cw:1).

While many books comment on statutory and case law, judicial decision-making, and court functioning, no book compares with mine: My manuscript is based on my statistical findings(jur:21§A) as researcher[ii](a&p:16), and experience as practitioner prosecuting cases from federal bankruptcy, district, and circuit courts to the Supreme Court[107b,114c](jur:65§B). By analyzing statistics, reports, and newsletters of that Judiciary –the model for the state ones– and speeches, articles, and filings of its judges, it describes the means, motive, and opportunity(21§§ 1-3) enabling their wrongdoing(5§3): In the 224 years since the creation of their Judiciary in 1789, the number of federal judges –2,131 were in office on 30sep11[13]– impeached and removed is 8![14] They abuse the Judiciary Code, procedural rules, and their decisional power to self-exempt from discipline(24§§b-d). They are unaccountable(21§1). Whether they act individually or in coordination, e.g., running[60] a bankruptcy fraud scheme(39§5, 66§2), their unaccountability renders their wrongdoing irresistible: It is riskless and highly profitable, for their grabbing of unethical and unlawful material[213], professional[69], and social(60§§f-g) benefits does not require costly measures to avoid detection and punishment. Consequently, their wrongdoing is so routine and coordinated(88§§a-d) among judges -including justices- and between them and bankruptcy and legal systems insiders[169] as to constitute the Federal Judiciary's institutionalized modus operandi(49§4).

The manuscript is part of a more ambitious[iv] project than just a one-time publication of a groundbreaking exposé of the Federal Judiciary as a safe haven for wrongdoing: the pioneering of JUDICIAL UNACCOUNTABILITY REPORTING(166¶365). This novel news and publishing field(4¶¶ 10-14) can be developed through a multidisciplinary academic(128§4) and business venture(119 §E) that advocates judicial accountability reform(130§§5-8) as it builds the market of: **1)** lawyers and pro ses that need intelligence on the wrongdoing patterns of judges sitting on their cases(136§ 6); **2)** those affected by the 1.5 million new bankruptcy cases every year[34], constituting 80% of all new federal cases[33], mostly filed by pro ses[35], who fall prey –as top lawyers do too(29¶¶46-47)– to judges driven by the most insidious corruptor: *money!*, $373+ billion in CY10 alone(27§2); **3)** the parties to the other 48 million federal and state cases filed annually(7§5), many of whom end up as judicial wrongdoing complainants in many websites and Yahoo- and Googlegroups, which are ignored by judges and politicians; and **4)** a nation outraged by reports that Then-Judge Sotomayor's assets concealment, suspected by *NYT, WP,* and Politico[107a], and its cover-up by politicians(xxxv) are but part of institutionalized tax evasion[213] and interbranch connivance(77§§5-6).

There is a vast market for public corruption books: The nation holds Congress[16] in contempt with single digit approval ratings[15]; and has rated its confidence in the Supreme Court at a historic low[86]. *The Corruption Chronicles*(a&p:18) on the presidency, published by Simon & Shuster, was no. 1 bestselling nonfiction in the country. The University of Michigan Press dare publish *Corrupting the Bankruptcy Courts*(20). National outrage(83§§2-3) that stirs up public demand for news, information, and reform, thus fostering market development, can be provoked by:

a) a presentation(xxvii) of evidence that launches a Watergate-like media investigation(100§3);
b) an Emile Zola *I accuse!*-like denunciation(98§2) of judges' unaccountability and wrongdoing;
c) a series of talkshows1 and other events(172§1) that give rise to public feedback(121§§2-3); and
d) the 103K-word manuscript, and the project phases(a&p:5) and platform(23) of the venture.

Hence, I look forward to hearing from you. Sincerely, Dr. Richard Cordero, Esq.

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Correcting Broken Links at End of Line

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".

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[i] **a)** Republicans Turn Judicial Power Into a Campaign Issue; by Adam Liptak and Michael D. Shear, *The New York Times*, 23oct11; http://Judicial-Discipline-Reform.org/docs/Rep_candidates_fed_judges_12.pdf; **b)** Dems Hit Romney for Going After Sotomayor in Ads; TPM (5mar12); Hispanic leaders condemn Romney for criticizing Sotomayor in ad; by Griselda Nevarez. VOXXI (29feb12); National Institute for Latino Policy; 5mar12; id; **c)** CBS "Face the Nation" Host Bob Schieffer interviews Speaker Newt Gingrich on "activist judges"; 18dec11; id. See [296] and jur:171¶371

[ii] This proposal is based, not on secondary sources, i.e., other authors' opinions, but rather on official statistics and statements found through original research and analyzed by Dr. Cordero:

a) official statistics of the Administrative Office of the U.S. Courts, http://www.uscourts.gov/Statistics.aspx, and of individual courts, e.g., http://www.ca2.uscourts.gov/;

b) official reports on the federal courts, http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx and http://www.uscourts.gov/Statistics/JudicialBusiness.aspx; and reports of individual courts, e.g., http://www.ca2.uscourts.gov/annualreports.htm;

c) official reports on the proceedings of judicial bodies, e.g., http://www.uscourts.gov/FederalCourts/JudicialConference/Proceedings.aspx

d) documents publicly filed with the courts, http://www.pacer.uscourts.gov/index.html;

e) rulings, decisions, and opinions of judges available in print and online through the courts' websites, http://www.uscourts.gov/court_locator.aspx, and through official court reporters, e.g. West Publishing, http://web2.westlaw.com/signon/default.wl?bhcp=1&fn=%5Ftop&newdoor=true&rs=WLW11%2E10&vr=2%2E0; and unofficial aggregators of official court materials, e.g., http://www.findlaw.com/ and https://www.fastcase.com/;

f) judges' speeches, e.g., http://www.supremecourt.gov/publicinfo/speeches/speeches.aspx;

g) official news releases and articles in the official newsletter of the federal courts, http://www.uscourts.gov/News/InsideTheJudiciary.aspx;

h) other materials, http://www.uscourts.gov/FederalCourts/PublicationsAndReports.aspx;

i) federal laws and rules of judicial procedure, http://uscode.house.gov/;

j) reports providing the evidentiary justification for the need, purpose, and intent of legislative bills, http://www.senate.gov/pagelayout/legislative/g_three_sections_with_teasers/legislative_home.htm and http://clerk.house.gov/floorsummary/floor.aspx

k) statements of members of Congress on their websites, http://www.house.gov/representatives/ and http://www.senate.gov/general/contact_information/senators_cfm.cfm;

l) reports of the U.S. Govt. Accountability Office, http://www.gao.gov/browse/date/week.

Most of these materials have been downloaded, converted to pdf's, enhanced with links to the originals and navigational bookmarks, and posted to http://Judicial-Discipline-Reform.org to ensure that they are always available no matter what happens to the originals. Cf. this note on the Administrative Office's website: "Page Not Found. Sorry, the page you requested could not be found at this address. We've recently made updates to our site, and this page may have been moved or renamed"; http://Judicial-Discipline-Reform.org/docs/AO_Page_Not_Found_5nov11.pdf.

[iii] Judges' wrongdoing is pervasive(jur:xxxix); their unaccountability & coordination among themselves and with bankruptcy[33] & legal systems insiders[169] makes it riskless, irresistible. 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:27§2)

b) fail to report gifts from, and participation in seminars paid by, parties before them;[272]

c) routinely deny motions to recuse themselves[272] due to, e.g., conflict of interests by holding shares in, or sitting on a board of, one of the parties, fundraising for promoters of an ideology, despite violating thereby the requirement to "avoid even the appearance of impropriety"[123a];

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

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

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

g) get rid of 9 out of 10 cases through either reasonless, meaningless summary orders or decisions so perfunctory that the judges mark them "not for publication" and "non-precedential"; both are all but unreviewable ad hoc fiats of raw judicial power serving as vehicles for arbitrariness and means for implementing a policy of docket clearing through expediency without an effort to administer justice on the facts of each case and the law applicable to them[66b];

h) in pursuit of that expediency policy, overwhelmingly affirm the decisions of their lower court colleagues, for rubberstamping an affirmance is decidedly easier than explaining a reversal and the way to avoid the same prejudicial error on remand[69] >¶¶1-3;

i) systematically deny petitions for en banc review by the whole court of each other's decisions, thus assuring reciprocal deference and the continued force of their decisions regardless of how wrong or wrongful they are(jur:45§2);

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

k) do not publish comments on court rules proposed by courts, thus cloaking in secrecy judges' comments, which fosters and conceals wrongful motives and coordination, and turning the request for public comments into a pro forma exercise that allows even overwhelming opposition to be kept undisclosed and disregarded without public protest¶355e;

l) never hold press conferences, thus escaping the scrutiny of journalists and that of the public, since federal judges do not have to run in judicial elections[29](cf. jur:97§1; dcc:11); and

m) file pro forma financial disclosure reports with the Judicial Conference[91] Committee on Financial Disclosure, composed of report-filing peer judges assisted by Administrative Office of the U.S. Courts[10] members, who are their appointees and serve at their pleasure[213b].

[iv] The rewards for pioneering JUDICIAL UNACCOUNTABILITY REPORTING AND REFORM ADVOCACY(164§d) will be many, commensurable with the risk involved and the courage, leadership, and originality needed. One comes to mind: Time Magazine's person of the year. Last year's was The Protester, portrayed on the cover by the head and face of a person wrapped in a turban in Arab-like fashion. Who has a better chance of being the next Time's person of the year, a politician or journalist with his pen clenched between his teeth and his hands over his eyes and hears as he stoops down the street past a courthouse or a person who dare investigate(102§4) judges and justices to expose their coordinated wrongdoing and mutual cover-up dependent survival(88§§a-d) and thereby renders a public service to *We the People*, to the integrity of judicial process, and to democracy itself? That courageous person can be you.

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INFORMATION FOR LITERARY AGENTS AND BOOK PUBLISHERS
To Evaluate The Merits of the Manuscript
Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing

Pioneering the news and publishing field of judicial unaccountability reporting

Can you imagine what would happen to you and those you care about if all your bosses:

a. held their jobs for life with self-policing authority that enabled them to assure their impunity by dismissing your complaints against them; were in fact above investigation, never mind prosecution, and thus had no fear of suffering any adverse consequences from their wrongdoing, not even losing their jobs or part of their salaries, because they enjoyed the unusual guarantee that their salaries could not be diminished; and

b. ruled on $100s of billions annually…

c. in the secrecy of closed-door meetings and through decisions that were overwhelmingly unpublished; need not be followed, so they could be inconsistent and arbitrary; and in effect, not reviewable but could deprive you of your rights to property, liberty, and life?

The Information below is about the contents and business potential of the manuscript that exposes your and everyone else's wrongdoing 'bosses' of the law: unaccountable federal judges.

A. Manuscript's subject matter

1. The above scenario illustrates how federal judges' officeholding conditions are qualitatively different from those of any private boss or public officer, whether a member of Congress or the President himself. Such conditions enable judges' wrongdoing.

2. So the manuscript studies the link between federal judges' officeholding conditions and their wrongdoing; analyzes cases of such wrongdoing; and proposes its journalistic and official exposure as the foundation of reform to ensure that judges hold office under transparent conditions that permit the monitoring of the discharge of their duty: to administer Equal Justice Under Law.

B. Manuscript's sources and thesis

3. The manuscript is the first to conduct a systematic analysis both of official statistics, reports, and statements[ii] of the federal courts and its judges, and of practice[107b,114c] jur:65§B, in those courts and show that the conditions of holding their judgeships are free of the deterrent of suffering any detrimental consequence for committing judicial and personal wrongdoing, 5§3. This makes judges unaccountable, 21§A. Their unaccountability clears the way for them to disregard the constraints of due process of law without regard for the harm that they inflict upon litigants and the rest of the public. It leaves them free to go through the motions of their office while risklessly abusing their means and opportunity to pursue their motive for wrongdoing, i.e., to gain for themselves material, 27§2, professional, 56§§e-f, and social benefits, 62§g, a&p:1¶2nd.

4. Yet, federal judges are the most vulnerable public officers to a showing of their failure to "avoid even the appearance of impropriety"[123a]. Thus, the exposure, 97§D, of their wrongdoing will out-

rage the national public, 81§C. It will stir up public demand to know the nature, extent, gravity, and harmfulness of their wrongdoing; have those who have participated in, or tolerated, it resign; 92§d, and discuss new prevention and detection measures, 130§§5-8. This will open a novel news and publishing field: JUDICIAL UNACCOUNTABILITY REPORTING. Its pioneers can capitalize on entering it first. Supported by public demand for information and clamor for accountability and change, the pioneers will be able to report on wrongs and advocate reform through the principled, for-profit, and ever more structured phases of a multidisciplinary academic and business venture[256a]→119§E.

C. Judges' unaccountability and consequent riskless wrongdoing

5. Federal judges hold their office under unique conditions. They are the only public officers whose office is endowed under the Constitution and any federal or state law with life tenure and a prohibition against diminishing their salaries[12]. They earn salaries that place them in the top 2% of income earners in the U.S.[211] and such salary income does not even take into account their income from investments, their own businesses, book royalties, etc. They form the top echelon of the Federal Judiciary, the most undemocratic government branch since all of them are unelected and none can be recalled by the people. This explains why they are dismissive of "the people's right to petition for a redress of their grievances", 111§3, against judges.

6. Federal judges are the most secretive public officers, holding all their administrative, adjudicative, disciplinary, and policy-making meetings behind closed doors and never holding press conferences, 27§e. Judges protect their decisions, even wrong and wrongful ones, from review by issuing summary orders, "not for publication" and "not precedential" opinions, and denying review of even conflicting decisions, 43§1-2. Those are means enabling their arbitrary and ad hoc disposition of cases through fiats of raw judicial powers in disregard of due process.

7. Judges are the only officers in effect exempted from constitutional checks and balances by the officers of the other two branches, who fear them: In addition to the power to adjudicate controversies, judges wield the ultimate frightening power, to wit, the power to declare any law unconstitutional and thereby doom a president's and his party's legislative agenda[17]; and to turn the prosecution of any president, member of Congress, or other defendant into an opportunity for retaliation. The latter can include steering the proceedings into a conviction[15]; imposing devastating fines and the crippling loss of an asset or a right; denying discovery, thus forcing a party to litigate without access to the evidence while protecting the opposing party from having to disclose incriminating evidence, 67¶¶141-142,[141]; granting discovery requests that force the other party to disclose even privileged information, incur ruinous expense, and make such an oppressive investment of time and effort as to have its life or business operations disrupted; etc., 5§3.

8. The threat of such power enables federal judges to actually abuse the power to discipline themselves in judges-judging-judges proceedings: They dismiss without any investigation 99.82% of all the complaints filed by any persons against their judges, 24§§b-c. They have self-granted immunization for even malicious and corrupt acts, 26§d.

9. Federal judges' abuse of their power goes unreported, for not even a free press is free from fear of judicial retaliation. Therefore, the media shy away from subjecting judges to anything remotely comparable to the scrutiny to which they subject politicians and all other powerful persons. Hence, the media limit themselves to court reporting, which concerns only the conduct of trials –mostly involving celebrities or particularly shocking crimes– and a handful of written opinions among the few, about 10%, that judges do publish, 28§3.

10. As a result, federal judges have a unique historic assurance of immunity: In the 224 years since

the creation of the Federal Judiciary in 1789, the number of federal judges –2,131 were on the bench on September 30, 2011– impeached and removed is 8!; 21§a. Federal judges are de facto unimpeachable, that is, as a matter of fact irremovable regardless of what they do or fail to do.

11. A factual determination follows: Unresponsive to a public that can neither elect nor remove them; insulated from media and political scrutiny; and partial to themselves as judges in their own cause, federal judges are unaccountable. Their unaccountability enables them to a greater extent than any other public officer or private boss to do wrong, for they risk no professional or personal retribution. This allows them to wield most abusively the means of their office, namely, decision-making power, give in more readily to insidious motives, and blatantly take advantage of their greater opportunity in the millions of cases that come before them, for wrongdoing, 5§3.

12. Indeed, being unaccountable, they pursue the most insidiously corruptive motive: *money!*, 27§2. Just the bankruptcy judges ruled on $373+ billion in controversy in only the personal bankruptcies in CY10 alone, 27§2. Yet, on average only .23% of such bankruptcies are reviewed by district courts and fewer than .08% by circuit courts[33]. Their unreviewability increases the opportunity for riskless wrongdoing, 86§4, since nobody will require judges to account for their decisions.

13. Another feature enhances the attractiveness of wrongdoing by enabling judges to engage in it more efficiently, safely, and profitably: coordination among themselves and with insiders of the bankruptcy and legal systems[169]. Coordination, 88§a, can occur implicitly, by one judge showing knowing indifference, 90§b, or willful ignorance or blindness, 91§c, to the wrongdoing of another. Thereby the judge gives assurance in fact that he will not tell and the wrongdoer receives encouragement in fact that he can keep doing wrong without fear of exposure. Coordination also occurs explicitly through agreements that provide for division of 'labor' and benefits. This explains how judges can be passive or active wrongdoers, but equally culpable of wrongdoing: One judge may look away to allow another to commit wrongs unembarrassed or even looked on but do nothing to stop him at the time or to denounce him afterwards. Thereby the passive judge aids through collusive silence the active wrongdoer, becoming accessory after the first wrongdoing witnessed and accessory before the next wrongdoing to be committed by the principal. Whether through silence or action, both judges are indispensable in their respective roles to doing wrong that erodes judicial integrity and leads to ever-graver corrupt and corruptive acts.

14. It follows that coordination broadens the scope of wrongdoing and functions as its efficiency multiplier. Through it, judges can carry out wrongdoing too complex for a single judge to commit, but which correspondingly brings all of them enhanced professional and social benefits as well as greater profit: Coordinated reciprocal cover-ups reduce the need to spend resources on costly measures to avoid detection and punishment from the outside. Conversely, it increases the risk of exposure from the inside. Every member of implicit or explicit coordinated wrongdoing has incriminating information about the wrongdoing that the others have committed or tolerated, gathered while working for the same institution for 1, 5, 10, 15, 20 or more years. They can use that information to incriminate each other as well as to tell on a 'bigger fish' and thus secure leniency for himself or herself in a plea bargain. Thereby all can fall by domino effect; 68§a. Hence, reciprocal cover-ups act as insurance of collective survival, giving every member a personal stake in preventing any other from being investigated or indicted. Consequently, coordination not only enables, but also emboldens judges to orchestrate the most complex and profitable form of wrongdoing: a scheme. Through it, federal judges run the one with the most attractive motive, money: a bankruptcy fraud scheme[60] 66§§2-3.

15. These are the historic, factual, and self-assured conditions of federal judges' office resulting in their unaccountability. In reliance thereon, they have arrogated to themselves a unique privilege

as a class of persons in our society and an impermissible status in government, not of men, but of laws: Judges Above the Law. That privileged status has enabled them to turn their judgeships into safe havens for self-beneficial individual and coordinated riskless wrongdoing, 49§4. Doing wrong through participation or toleration is so pervasive and routine, 5§3, that it is their and their Federal Judiciary's institutionalized modus operandi, 10-14.

D. Manuscript's 1st purpose: to lay out the strategy for exposing judicial unaccountability and consequent riskless wrongdoing

16. Up to now, exposing wrongdoing of judges has been pursued by filing lawsuits against them or complaints[18a] with other judges. Underlying this course of action has been the assumption that judges will apply the law impartially to other judges charged with wrongdoing. This course of action has failed completely, 24§§b-d. Its inherent flaw is that judges judging judges cannot be impartial. Far from the defendants being unknown and unrelated to them, they are their peers, colleagues, and friends; instead of being disinterested in the outcome of the proceedings, they are directly interested in not ending up incriminated in them, for the defendants know too much about the wrongdoing of the judging judges themselves and all other judges. Personal relations take precedence over impartiality, which succumbs to the interest in self-preservation.

17. Moreover, let's assume that some vestige of sense of duty has survived a judging judge's collusive silence –let alone her explicit coordination for wrongdoing with others– and is causing her to lean toward finding that the defendant judge did wrong. That sense of duty will in all likelihood be overwhelmed by the daunting prospect of having to work with those defendant judges and all the other judges for the rest of her life-tenured officeholding after being branded by them on her forehead with a repellant, pariah marking: 'traitor once, unreliable forever'. Only a principled person would wear it proudly with her head up as a scar from battle for judicial integrity…and a grateful national public would transform it into an inscription of honor: *Champion of Justice!*

18. It follows that to expose judges, they as well as those who recommended, nominated, confirmed, or appointed them must be bypassed, for they share a common interest: their survival and avoidance of pariah treatment. The exposure of judges' wrongdoing must be made first to the public and then by public demand. In addition, the wrongdoing cannot be such that it can be dismissed as a matter of a judge's discretion or of an individual rogue judge. It must concern the conditions enabling their unaccountability that consequently renders irresistibly attractive to abuse their means, motive, and opportunity to do wrong by disregarding the rule of law, 5§3. It must be shown to be the judges' collective modus operandi. Their judiciary must be exposed, jur:xxix, as being run on wrongdoing that is grave, pervasive, and coordinated. The public must be outraged.

19. Exposing federal judges' wrongdoing, in general, and their bankruptcy fraud scheme, in particular, will outrage the public at their betrayal of trust in their commitment to their lofty mission: to administer Justice. Public outrage can shake their Judiciary to its foundation, for in spite of their unaccountability, judges are the most vulnerable public officers to their failure "to avoid even the appearance of impropriety"[123]. Conduct that does not even reach the level of a misdemeanor or offend against an ordinance can constitute an "impropriety". An act that was not unlawful to any degree whatsoever, yet was deemed an "impropriety" forced U.S. Supreme Court Justice Abe Fortas to withdraw his name as nominee for the chief justiceship and then to resign on May 14, 1969, 92§d. Hence, far from any evidence, just responsibly raised suspicion of unlawful, even criminal, activity engaged in by a justice or a judge can make their hold on office all the more untenable.

20. This is the manuscript's first purpose: to present this strategy for exposing judges' unaccountabi-

lity and consequent riskless wrongdoing by provoking public outrage, 83§2. The strategy appeals to the professional, business, and reputational –i.e., celebrity status and public gratitude– interests of those who through their reporting can undertake such outrage-provoking exposure, cf. xxxix. The strategy counts on self-interest, xliii, to bring about public enlightenment and then public demand for more light to be shone on the most secretive branch, the Federal Judiciary, and what that secrecy, xli§D, and its compounding due to lack of reporting of available evidence, 21§§A-B, enable: unaccountability and riskless wrongdoing. This strategy is based on a sound premise: Self-interest in not being retaliated against by judges and in extracting from them a quid pro quo for collusive silence, xviii, has kept politicians, journalists, and law professors, 81§1, from discharging their institutional duty to ensure the integrity of the judiciary and of legal process by exposing judges' wrongdoing. Similarly, self-interest in winning professional, business, and reputational rewards can be cultivated to cause people to do the right thing and expose them.

21. You can take notice of that strategy and share it with others through the publication of the manuscript. Then you together with Dr. Cordero and other competent and business-minded people can join in implementing it. That constitutes the manuscript's second purpose.

E. Manuscript's 2nd purpose: to propose articulated phases for pioneering judicial unaccountability reporting and developing it as a news and publishing field

22. The manuscript also proposes articulated phases to enact its strategy for exposing judges' unaccountability and consequent riskless wrongdoing. These phases are a realistic, for-profit, ambitious, project; enhanced by the public interest goal of reform; and inspired by what still is a noble ideal: Equal Justice Under Law. The first phase is to bring the published book to its vast market.

1. The market: an outraged public and its demand for news and publications

23. Precedent, facts, and the law support the reasonable expectation that an outraged public will be a welcoming market for the book. That public will be national, for the Federal Judiciary is national and serves as the model for its state counterparts. It has been identified at a&p:1¶3rd. It includes:

    a. parties to lawsuits, including pro ses and bankruptcy debtors and their creditors; lawyers; and amicus curie. Their contact information appears in their publicly filed papers and court dockets, both of which are accessible in the court clerks' offices and also increasingly through the courts' websites[230], jur:20; bar association rosters; and lists of attendees to seminars and conferences on law, journalism, and business subjects who are affected to a substantial degree by judicial decisions and who frequently are addressed by judges and lawyers invited, in many cases with all expenses paid[223, 272], by the organizers;

    b. victims of judicial wrongdoing, who can be contacted through their websites, and Yahoo- and Googlegroups; and those related to them, 8¶25;

    c. a national public affected by the precedential effect of judicial decisions applicable nationally –e.g., on abortion, gun control, health care, immigration, same sex marriage, etc.–, who in the aggregate are the same people who will realize how they are affected by the decisions of unaccountable and wrongdoing state judges;

    a. those concerned about the impairment of judicial process and disregard of the rule of law.

24. The public's outrage will manifest itself in the usual reaction: An ever-increasing demand for wider and deeper coverage –progressively extending to state judges– in the news as well as ana-

lytical publications, TV news magazines, documentaries, etc. Their contents will cover, for instance:

a. the findings revealing the nature, extent, gravity, and harm of judges' wrongdoing;

b. the judges who people believe abused them; before whom they appeared; or who may in future adjudicate cases of concern to people who are not even party to those cases; and

c. the politicians' and law enforcement authorities' words and actions concerning the public demand that judges be investigated and held accountable and their judiciaries be reformed.

2. Starting phase: presentations of evidence of judges' wrongdoing

25. In the starting phase, the pioneers of judicial unaccountability reporting can make public presentations, 97§1, of the available evidence, 21§A-B, that judges' wrongdoing is so coordinated and pervasive as to constitute an integral means for running the Federal Judiciary. The initial presentation, jur:xxvii, can be made by a personality covered by the national media, e.g., a former or incumbent politician, a candidate for public office, xvii, even a judge who can be made to realize that it is in his or her interest, xliii§§B-D, to make such presentation; a VIP from the business or entertainment world interested in the integrity of legal process and the judiciary; or a journalist reporting on a TV news magazine. Such initial presentation can provide broad though inexpensive publicity since the media will be covering the VIP presenter or making the presentation. The most memorable presentation can be a multimedia one along the lines described at dcc:11.

26. The presentations can be made to and take place at:

a. bookstores and talkshows[1];

b. college and university classrooms and auditoriums to address faculty, dcc:7, jur:128§a, and students, 129§b, especially those at law, journalism, and business schools and undergraduate programs[cf.256a], particularly the members of related subject matter clubs –e.g., federal courts, investigative journalism, fraud and forensic accounting– holding meetings during the academic year and recruiting members at club fairs during club week at the beginning of the year; student job fairs and commencements, dcc:8;

c. bar, Continuing Legal Education (CLE), and law firm-sponsored, meetings; jur:171§F;

d. journalists and press club, media, and publishers conferences; jur:xxxii, xliv§§E-I; and

e. groups of judicial wrongdoing victims, xxiv, public interest advocates, monitors of public officers' conduct, think tanks, and entities that develop ethical conduct standards.

27. The pioneers and presenters can offer at the presentations a brochure containing an Emile Zola *I accuse!*–like denunciation, 98§2, of judges' coordinated wrongdoing; describing the novel news and publishing field of judicial unaccountability reporting; and referring to the book for further detail, much as this Information refers to the manuscript.

3. The subsequent phases

28. The pioneers of judicial unaccountability reporting can structure and target the initial and all other multimedia public presentations to:

a. assemble an ad hoc team of field investigators, e.g. investigative journalists, and library researchers to pursue the evidence already available, 21§§A-B, of judges' wrongdoing;

b. cause journalists to pursue their own interest, xlv§§E-I, in a Pulitzer Prize and other

professional rewards by launching a Watergate-like, 4¶¶10-14, generalized and first-ever competitive media investigation, 100§3, of a test case, xxxviii, of judges' wrongdoing involving a sitting U.S. Supreme Court justice, 65§§1-3, the sitting president who nominated her, 77§5, and the top senators who confirmed her, 78§6. It can be guided by a query that has proved its devastating as well as name-making effect and can be rephrased thus:

What did the President, jur:xlviii, and the justices[23b] and judges[125a,126] know about Then-Judge Sotomayor's concealment[107a] of assets, xxxv, and tax evasion[107c] and other justices', 71§4, and judges'[213] wrongdoing, 5§3, and when, 75§d, did they know it?

c. promote a multidisciplinary academic and business venture, 119§1, that includes:

   1) appealing to the outraged public, 83§§2-3, and to judicial wrongdoing victims for feedback, which can lead to the publication of templates, 122§2, and the Annual Report on Judicial Unaccountability and Consequent Wrongdoing in America, 126§3;

   2) teaching, dcc:15, The *DeLano* Test Case Course, a hands-on, role-playing, dcc:18§C, fraud investigative and expository multidisciplinary, dcc:10, course for undergraduate or graduate students, dcc:1, based on its study plan, dcc:18§§D-F, and Syllabus, 23;

   3) conducting with a stable team field and library research on judges' unaccountability and wrongdoing, 102§4, to provide content for judicial unaccountability reporting;

   4) catering to the growing number[35] of pro ses, who in hard economic times cannot afford lawyers and need easy to understand self-help literature on how to prosecute their cases effectively so that they are not doomed to perfunctory treatment by judges who weigh a pro se case regardless of its merits as one third of a case, 43¶81;

   5) promoting and conducting research and development of techniques that through innovative application of statistical, 131§1), and literary and linguistic, 140§(b), analysis of court decisions and other judges' writings, 136§6), will allow lawyers and pro ses to discover judges' bias and wrongdoing patterns;

   6) advocating judicial reform, in particular, and

   7) developing, in general, the multidisciplinary academic and business venture so that it matures into an institutional phase that makes it possible to…

d. create an institute, jur:130:5, of judicial unaccountability reporting and reform advocacy staffed by professionals, 128§4-a, and students, 129§b, engaged in for-profit, 156§f:

   1) research on the advanced application of Information Technology to statistical, 131§1), and linguistic and literary, 136§6), analysis of judges' performance, decisions, and other writings to develop marketable software, databases, publications, and services that will audit them for patterns of decision-making, bias, and wrongdoing;

   2) education, 153§c, and publishing, 154§d, on judicial unaccountability and reform; and

   3) public advocacy, 155§e, of reform by establishing an independent inspector general of the judiciary, 158§6, passing legislation, 158§7, and implementing it aided by citizen boards of judicial accountability and discipline, 160§8, that will publicly monitor judges' conduct by receiving and filing complaints against them, investigating them with subpoena, search, and contempt power, holding hearings on them, and imposing disciplinary measures on judges, including the compensation of victims; and

e. promote the development of a national movement, 162§9, of a people that hold as the foundation of their democratic government their right to Equal Justice Under Law.

F. Reasonable expectations the manuscript offers agents and publishers

29. The manuscript can help the pioneers of the news and publishing field of judicial unaccountability reporting to:

    a. reap the competitive advantage of establishing the first toehold in a new market by gaining experience ahead of others and giving rise to its first set of rules and standards, which can temporarily function as entry barriers to the field, and cultivate the product-provider name association that can translate into customer loyalty;

    b. become the multimedia, dcc:11, disseminators of the long-term demand for reform of a public outraged at wrongdoing judges that escape the rule of law and democratic control;

    c. participate in the reform's components, all of which have for-profit aspects, jur:156 §f: publication, 122§§2-3 and 154§d; research, 131§b; education, 153§c, which includes teaching The *DeLano* Test Case Course, dcc:1; and public and client advocacy, 155§e;

    d. earn the reputational benefit of becoming nationally recognized and hailed by a grateful nation as its Champions of Justice, 171¶373; and

    e. create the name recognition for Dr. Cordero that would make the public more receptive to the publication or filming of his creative writings, cw:1.

G. Length of the manuscript

30. The manuscript on judges' wrongdoing is 91K-words long; that on the academic course is 12.6K.

H. What to include in the book and corresponding timetable for manuscript completion

31. Depending on the editorial and marketing decision agreed upon, publication can be envisaged:

    a. as the manuscript stands now;

    b. after incorporating ideas and text in Dr. Cordero's articles referred to in over 300 end- and footnotes, many with parts a, b, c, d, e, etc., separating internal links to such articles; or

    c. after some of the proposed two-pronged *Follow the money!* and *Follow the wire!* investigation, jur:102§4, xviii, of the *DeLano* test case of judicial unaccountability and wrongdoing, xxxv, and/or some of the research projects, 131§b, intended for the institute have been conducted by either an ad hoc team of professionals or the permanent team, 128§4, at the core of the multidisciplinary academic and business venture, 119§1.

I. Number of illustrations

32. The illustrations are statistical tables and graphs, such as those on jur:9-16; see also 24fn19b > http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf. Some of the official statistical tables of the Administrative Office of the U.S. Courts referred to in the end- and footnotes can also be included, e.g., 24fn19a > http://www.uscourts.gov/Statistics/JudicialBusiness.aspx >Table S-22. There has been no need to include them in the manuscript

since they are downloadable through the numerous links in the notes, which links are active in the manuscript's digital version at jur:i and downloadable through the footer link hereunder.

J. Summary of sections: jur:v; a&p:21 **K. Table of Contents:** jur:vi

L. Manuscript's overview and introduction: jur:xix: Overview; jur:1§Introduction

M. Marketing strategy: jur:119§1; dcc:11 **N. Author's resume:** a&p:16

O. Competing or similar books

33. The proposed book is not intended to be a practitioner treatise or a student textbook and therefore, does not compete with those published by West, Lexis-Nexis/Matthew Bender, Aspen Law, Oxford, Wolters Kluwer, Little Brown, ABA, and Emmanuel. The other kind of law books consists in commentaries on judicial decision-making, law personalities, and court functioning. They are not even similar to the one proposed, which exposes judges' unaccountability and riskless wrongdoing and demonstrates the need for judicial reform.

34. Public interest in official corruption is shown by the market success of *The Corruption Chronicles*, by Tom Fitton, though he deals only with corruption imputed to President Obama, a&p:18.

35. The proposed book has a broader scope and probes wrongdoing-enabling conditions deeper than the well-researched and -written *Courting Failure: How Competition for the Big Cases is Corrupting the Bankruptcy Courts*, by Prof. Lynn LoPucki, courageously published by The University of Michigan Press in 2005, a&p:20. It dare expose blatant judicial corruption but limited to federal bankruptcy judges competing for cases where the debtor's assets exceed $100 million. However, his book confirms the manuscript's thesis: Federal judges' corruption through abuse coordinated among themselves and with others of their decision-making means in pursuit of the money motive and exploiting the opportunity of cases before them is part of the Federal Judiciary's modus operandi.

P. Sound investment in an author and writer with more than one book in him

36. **Non-fiction publications**: Dr. Cordero worked as a researcher-writer on the staff of American Law Reporters Federal (ALR Fed), a&p:17, of Lawyers Cooperative Publishing, the foremost publisher of legal analytical commentaries on American law, now part of West Publishing.

37. **Fiction writings**: Dr. Cordero has written two novels; a treatment for a third; eight movie scripts; a short story that imaginatively storytells a proposal for a business venture in pursuit of academic excellence; and a one-act drama, cw:1. He has a lawyer's public speaking capacity to persuade and a fiction writer's ability to show rather than tell an audience the need for judicial unaccountability reporting and reform advocacy, and enthuse it to embark on a journey of the imagination, whether in pursuit of uplifting entertainment or a noble ideal, such as Equal Justice Under Law.

Q. Offer to make a presentation of the project

38. Dr. Cordero offers to present, 171§F, dcc:7, upon request this project for pioneering the news and publishing field of judicial unaccountability reporting and for developing it for profit through the articulated phases of a multidisciplinary academic and business venture. His presentation will let him show his business-like pragmatism and sober enthusiasm and his storytelling capacity, demonstrated in his novels and other creative writings, cw:1, for which he also seeks representation.

Dare trigger history! (dcc:11)

R. TABLE OF LAW RELATED BOOKS AUTHORS

1. Inside Appellate Courts: The Impact of Court Organization on Judicial Decision Making in the United States	Jonathan M. Cohen
2. Making Law in the United States Courts of Appeals	David E. Klein
3. The Supreme Court: A C-SPAN Book Featuring the Justices in their Own Words	Brian Lamb, Susan Swain, Mark Farkas et al
4. The Federalist Papers	Alexander Hamilton, James Madison, John Jay
5. A Matter of Interpretation: Federal Courts and the Law: Federal Courts and the Law	Antonin Scalia
6. Legally Speaking, Revised and Updated Edition: 40 Powerful Presentation Principles Lawyers Need to Know	David J Dempsey
7. Institutions of American Democracy : The Judicial Branch	Kermit L. Hall, Kevin T. McGuire
8. Storming the Court: How a Band of Yale Law Students Sued the President--and Won	Brandt Goldstein
9. The Supreme Court: The Personalities and Rivalries That Defined America	Jeffrey Rosen
10. The Majesty of the Law: Reflections of a Supreme Court Justice	Sandra Day O'Connor
11. Sandra Day O'Connor	Joan Biskupic
12. The Brethren: Inside The Supreme Court	Bob Woodward & Scott Armstrong
13. Judges and Their Audiences: A Perspective on Judicial Behavior	Lawrence Baum
14. When Courts and Congress Collide: The Struggle for Control of America's Judicial System	Charles Gardner Geyh
15. Ladies And Gentlemen Of The Jury: Greatest Closing Arguments In Modern Law	Michael S Lief, H. Mitchell Caldwell et al
16. A Good Quarrel: America's Top Legal Reporters Share Stories from Inside the Supreme Court	Timothy R. Johnson
17. A Court Divided: The Rehnquist Court and the Future of Constitutional Law	Mark Tushnet
18. Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History	Keith E. Whittington
19. That Eminent Tribunal: Judicial Supremacy and the Constitution	Christopher Wolfe
20. The Judges: A Penetrating Exploration of American Courts and of the New Decisions –Hard Decisions– They Must Make for a New Millennium	Martin Mayer
21. Packing the Court: The Rise of Judicial Power and the Coming Crisis of the Supreme Court	James MacGregor Burns
22. The Supreme Court	William H. Rehnquist
23. Active Liberty: Interpreting Our Democratic Constitution	Stephen Breyer
24. In the Interest of Justice: Great Opening & Closing Arguments of the Last 100 Years	Joel J. Seidemann

25. Origins of the Bill of Rights	Levy Leonard W.
26. Making Our Democracy Work: A Judge's View Supreme Court	Stephen Breyer
27. Supreme Conflict: The Inside Story of the Struggle for Control of the United States Supreme Court	Jan Crawford Greenburg
28. Making Your Case: The Art of Persuading Judges	Antonin Scalia and Bryan a. Garner
29. The Nine: Inside the Secret World of the Supreme Court	Jeffrey Toobin``
30. What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution	Herbert J. Storing
31. Deposition Preparation - For All Kinds Of Cases, In All Jurisdictions	Edwin H. Sinclair, Jr.
32. The Judge in a Democracy	Judge Aharon Barak
33. The Supreme Court Reborn : The Constitutional Revolution in the Age of Roosevelt	William E. Leuchtenburg
34. How Judges Think [Paperback]	Richard A. Posner
35. Justice for All: Earl Warren and the Nation He Made	Jim Newton
36. The Great Justices, 1941-54: Black, Douglas, Frankfurter, and Jackson in Chambers	William Domnarski
37. The Puzzle of Judicial Behavior	Lawrence Baum
38. Strategies of Successful Litigators: Best Practices of the World's Top Litigation Lawyers	Aspatore Book Staff
39. First Among Equals: The Supreme Court In American Life	Kenneth W. Starr
40. The Wall Street Journal Guide to Business Style and Us	Paul Martin
41. Tangled Webs: How False Statements are Undermining America: From Martha Stewart to Bernie Madoff	James B. Stewart
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51. Tried and Convicted: How Police, Prosecutors, and Judges Destroy Our Constitutional Rights	Michael D. Cicchini JD
52. Thinking Like a Lawyer: An Introduction to Legal Thinking	Kenneth J. Vandevelde
53. Disrobed: An Inside Look at the Life and Work of a Federal Trial Judge	Judge Frederic Block
54. America on Trial; 55. The Genesis of Justice	Alan M. Dershowitz

Dr. Richard Cordero, Esq.
2167 Bruckner Blvd., Bronx, NY 10472-6500
tel. (718) 827-9521; **Dr.Richard.Cordero.Esq@gmail.com**

BAR MEMBERSHIP AND SPECIAL SKILLS: • U.S. citizen admitted to the NY State Bar and specialized in field and library research and writing of legal briefs and business and high technology articles;

- I would like to work for you as a lawyer and researcher-writer strategist in a position where I can contribute to your business or legal problem solution a talent that gives me a competitive advantage: I can gather seemingly unconnected pieces of information, select those relevant to the objectives pursued, and imaginatively integrate them into a coherent new structure -expressed clearly and concisely both orally and in writing- that renders those pieces meaningful and useful, like a mosaic that depicts a realistic and decorative scene of the ancient Romans, yet originates in insignificant stone fragments expertly sifted from dirt and artfully set together to appeal to the spirit and the mind while serving a practical purpose.

ADVANCED KNOWLEDGE OF: • computers and their use for word processing, graphics composition and presentation, e-mailing; Internet research, desktop publishing, and office efficiency improvement.

LANGUAGES: • I speak fluently English, Spanish, and French; converse in German and Italian.

RELEVANT EXPERIENCE

ORGANIZER OF JUDICIAL-DISCIPLINE-REFORM.ORG New York City, NY

- A non-partisan and non-denominational website that advocates the study of the judiciary and the adoption of legislation to replace the inherently biased and ineffective judges-judging-judges system of judicial self-discipline with a system based on an independent board of citizens unrelated to the judges.

RESEARCHER AND WRITER, 1995-to date New York City, NY

- Developed the Euro Project, a 3-prong business proposal consisting of the Euro Conference, the Euro Consulting Services, and the Euro Newsletter, and aimed at enabling firms to capitalize on their expertise in the euro by providing services for the adaptation of business practices and information techno-logy systems to the European Union's new common currency that replaced its national currencies.

WAYNE COUNTY EXECUTIVE OFFICE, 1994 Detroit, MI

- Developed economic and marketing features of the master plan for the intermodal transportation and industrial complex of Willow Run Tradeport in Detroit.
- Drafted and implemented proposals for increasing office productivity using IT and equipment.

LAWYERS COOPERATIVE PUBLISHING, 1991-1993 Rochester, NY

- Member of the editorial staff of LCP, the foremost publisher of analytical legal commentaries.
- Researched and wrote articles on securities regulations, antitrust, and banking under American law.

COMMISSION OF THE EUROPEAN COMMUNITIES, 1984-1985 Brussels, Belgium

- Devised proposals for harmonizing supervisory regulations on mortgage credit and on reporting large loan exposures by one and all members of a banking system to individual and related borrowers.
- My proposals were adopted by the EEC Banking Division and negotiated with the national experts in the supervision of financial institutions of the Member States.
- Drafted replies to financial questions put by the European Parliament to the Commission.

EDUCATION

THE UNIVERSITY OF CAMBRIDGE Cambridge, England
Ph.D. of the Faculty of Law, 1988

- My doctoral dissertation analyzed the existing European legal and political environment and proposed a new system for harmonizing the regulation and supervision of financial institutions.

THE UNIVERSITY OF MICHIGAN Ann Arbor, Michigan
Master of Business Administration (MBA) of the Business School, 1995

- Emphasis on corporate strategies to maximize a company's competitiveness through the optimal use of computer-based expert systems, information technology, and telecommunications networks.

LA SORBONNE Paris, France
French law degree of the Faculty of Law and Economics, 1982

- Was awarded a French Government scholarship
- Concentrated on the operation of a currency basket to achieve monetary stability and on the application of harmonized commercial regulations & antitrust competition rules on companies with dominant positions.

EARLY PUBLICATIONS

- Availability of an Implied Right of Action under the Tender Offer Provisions of §14d-f of the Securities Exchange Act of 1934 (15 USCS §78n(d)-(f)), added to the Exchange Act by the Williams Act of 1968, and Rules Promulgated thereunder by the SEC, **120 ALR Federal 145**.
- Venue Provisions of the National Bank Act (12 USCS §94) As Affected By Other Federal Venue Provisions and Doctrines, **111 ALR Federal 235**.
- Construction and Application of the Right to Financial Privacy Act of 1978 (12 USCS §§ 3401-3422), **112 ALR Federal 295**.
- Exemption or Immunity From Federal Antitrust Liability Under the McCarran-Ferguson Act (15 USCS §§1011-1013) and the State Action and Noerr-Pennington Doctrines for the Business of Insurance and Persons Engaged in It, **116 ALR Federal 163**.
- Who May Maintain an Action Under §11(a) of the Securities Act of 1933 (15 USCS §77k (a)), in Connection With False or Misleading Registration Statements, **111 ALR Fed. 83**.
- Judicial Conference's Reforms Will Not Fix the Problem of Abusive Judges Who Go Undisciplined, Letter to the Editor, National Law Journal, March 3, 2008, http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1204212424055.
- The Creation of a European Banking System: A study of its legal and technical aspects, Peter Lang, Inc., NY, XXXVI, 390 pp., 1990; this book earned a grant from the Commission of the European Communities and was reviewed very favorably in 32 Harvard International Law Journal 603 (1991), http://Judicial-Discipline-Reform.org/docs/Harvard_Int_Law_J.pdf; and 24 New York University Journal of International Law and Politics 1019 (1992), http://Judicial-Discipline-Reform.org/docs/NYU_JIntLaw&Pol.pdf
- Competition Strategies Must Adapt to the Euro, 17 Amicus Curiae of the Institute of Advanced Legal Studies, London, 27 (May 1999).
- Why Business Executives in Third Countries and Non-participating Member States Should Pay Attention to the Euro, European Financial Services Law 140 (March 1999).
- Some Practical Consequences for Financial Management Brought About by the Euro, 5 European Financial Services Law 187 (1998).
- Impending Conversion to the Euro Prompts New Guidelines from the IRS, New York Law Journal, pg. 1, Friday, October 2, 1998.
- A Strict but Liberalizing Interpretation of EEC Treaty Articles 67(1) and 68(1) on Capital Movements, 2 Legal Issues of European Integration 39 (1989); article proposing a novel interpretation and application of European Communities provisions on capital movements.
- The Development of Video Dialtone Networks by Large Phone and Cable Companies and its Impact on their Small Counterparts, 1 Personal Technologies no. 2, 60 (Springer-Verlag London Ltd., 1997).
- Video Dialtone: Its Potential for Social Change, 15 Journal of Business Forecasting 16 (1996).
- Video Dialtone Network Architectures, by Richard Cordero and Jeffery Joles, 15 Journal of Business Forecasting 16 (Summer 1996).

Subject:	We're #1!
From:	Tom Fitton (info@news.judicialwatch.org)
To:	corderoric@yahoo.com;
Date:	Thursday, August 2, 2012 4:21 PM

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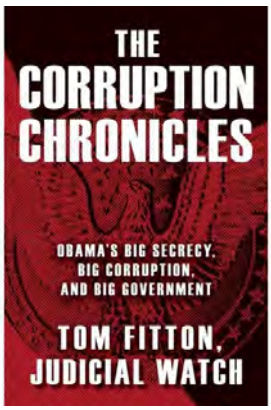
Judicial Watch®
Because no one is above the law!

Dear Judicial Watch Supporter,

We did it. My new book ***THE CORRUPTION CHRONICLES: Obama's Big Secrecy, Big Corruption, and Big Government*** (Threshold Editions; July 24, 2012; Hardcover; $26.99), is the Number 1 best-selling nonfiction hardcover book in the country (according to the industry-leading Nielsen's BookScan results for the week ending July 29).

The Judicial Watch book, released on July 24, 2012, has also debuted at #6 on *The New York Times* Best Sellers Nonfiction Hardcover List (to be published on August 12). Our debuting anywhere on the *The New York Times* list is great - but #6 is a major achievement for our cause!

The book was also featured in the lead story earlier this week on Bill O'Reilly's *The O'Reilly Factor* on Fox News Channel.



If you have not already ordered your copy, you can do so by clicking here. And I encourage to help keep us on the *New York Times* list by ordering extra copies for your family, friends, and colleagues.

a&p:18

Mark Tapscott, Executive Editor, *The Washington Examiner* said about *THE CORRUPTION CHRONICLES*, "Tom Fitton has captured his organization's exciting and important journey in THE CORRUPTION CHRONICLES, a highly readable, informative and entertaining look at how Judicial Watch lawyers and investigators have uncovered scandal after scandal..."

I suspect that there are many corrupt politicians of both political parties (such as Barack Obama) who would like this book to disappear - which is all more the reason to push for an even wider release.

Thank you very much for all of your support in helping us to achieve this organizational milestone. Now, let's keep the momentum going and keep *THE CORRUPTION CHRONICLES* on the bestseller lists for weeks to come!

Thank you.

Tom Fitton
President

MAKE A CONTRIBUTION

Judicial Watch is a non-partisan, educational foundation organized under Section 501(c)(3) of the Internal Revenue code. Judicial Watch is dedicated to fighting government and judicial corruption and promoting a return to ethics and morality in our nation's public life. **To make a tax-deductible contribution in support of our efforts, click here.**

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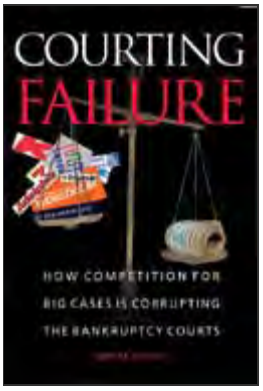

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Courting Failure

How Competition for Big Cases Is Corrupting the Bankruptcy Courts

Lynn M. LoPucki

An eye-opening account of the widespread and systematic decay of America's bankruptcy courts

Description

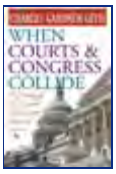
A sobering chronicle of our broken bankruptcy-court system, *Courting Failure* exposes yet another American institution corrupted by greed, avarice, and the thirst for power.

Lynn LoPucki's eye-opening account of the widespread and systematic decay of America's bankruptcy courts is a blockbuster story that has yet to be reported in the media. LoPucki reveals the profound corruption in the U.S. bankruptcy system and how this breakdown has directly led to the major corporate failures of the last decade, including Enron, MCI, WorldCom, and Global Crossing.

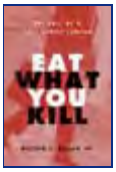
LoPucki, one of the nation's leading experts on bankruptcy law, offers a clear and compelling picture of the destructive power of "forum shopping," in which attorneys choose courts that offer the most favorable outcome for their bankrupt clients. The courts, lured by power and prestige, streamline their requirements and lower their standards to compete for these lucrative cases. The result has been a series of increasingly shoddy reorganizations of major American corporations, proposed by greedy corporate executives and authorized by case-hungry judges.

Lynn LoPucki is the Security Pacific Bank Professor of Law at the University of California, Los Angeles, and a leading expert on U.S. bankruptcy law.

Also of Interest



When Courts and Congress Collide: The Struggle for Control of America's Judicial System



Eat What You Kill: The Fall of a Wall Street Lawyer

A Good Quarrel: America's Top Legal Reporters Share Stories from Inside the Supreme Court

V. Excerpt with a summary of sections (jur:6-7)

16. Knowing what you know now about what judges do routinely as follows from their own statistics, if you currently have a case in court or next time that you do, are you confident that they will bother to give you a fair and impartial day in court? After all, why should they bother since they know that if they do not you can only complain to their peers, who will dismiss your complaint with no investigation at all? Can you reasonably expect a more receptive treatment from the politicians that recommended, nominated, or confirmed those judges?

4. The sections of the proposal: the evidence of unaccountability and wrongdoing, further investigation, and advocacy of judicial reform

17. Why have journalists failed to investigate the many complaints of judicial wrongdoing? Why have they disregarded even the official judicial statistics? Do journalists not want a Pulitzer Prize anymore? What can take the place today of Watergate's "garden variety burglary" and reveal itself through responsible investigation as the story of judicial wrongdoing that leads all the way to the Supreme Court and the president and the members of Congress that recommend, nominate, and confirm its justices? Can the public outrage force politicians to turn against 'their' judges and undertake effective, lasting judicial accountability and discipline reform? These questions require strategic thinking to be answered and they are the ones that this proposal endeavors to answer.

18. Section(§) A analyzes official statistics of the Federal Judiciary. They reveal that its judges abuse their unaccountable power as their means to pursue their money and other motives in practically unreviewable cases that afford them the opportunity to engage in riskless wrongdoing. These statistics are compelling because they constitute declarations against self-interest.

19. Section B illustrates those statistics with real cases that went from a bankruptcy court at the bottom of the federal judicial hierarchy to the top, the Supreme Court. They are outrageous because they show how wrongdoing pervades even routine legal procedures and administrative processes, runs throughout the hierarchy, and results from and gives rise to its most reassuring enabler: coordination among wrongdoers. Coordination is the most powerful multiplier of wrongdoing's effectiveness and thereby, its attractiveness. It ensures the wrongdoers' collective survival and returns higher profits since there is no need to spend resources in costly measures to avoid detection and punishment. Through coordinated wrongdoing judges have arrogated to themselves a status that no person in a democracy is entitled to: Judges Above the Law.

20. 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. It describes the insidious explicit and implicit forms that coordination takes on. Moreover, it demonstrates the grounds in law and precedent for affirming that in spite of their coordinated wrongdoing, judges are the most vulnerable public officers to even "the appearance of impropriety". All this reliably supports the reasonable expectation for the proposed investigation to be concluded successfully and cost-effectively.

21. Section D lays out the proposal for exposing current judicial wrongdoing: the *Follow the money!* and *Follow the wire!* investigations of the §B cases, collectively referred to as *DeLano*. The *DeLano* case itself was presided over by Then-Judge Sotomayor of the U.S. Court of Appeals for the 2nd Circuit[19g] (CA2) in NY City. She covered up for her lower court peers in that case. Now a justice of the Supreme Court, she will be covered by both her current[cf.144d] and former peers. They must cover up for each other. Any investigation and exposure of their peers' wrongdoing that they tolerated, never mind engaged in themselves, would indict their honesty and the credibility of their commitment to the impartial application of the law; and refute their proclaimed sense of institutional responsibility for the integrity of the Judiciary and of legal process. It would give rise

to a flood of motions to review their decisions for bias and conflict of interests. It could incriminate the top politicians that vetted them, had reason to suspect and the duty to investigate, even prosecute or impeach, them upon discovering probable cause to suspect their involvement in wrongdoing, but instead nominated and confirmed them as lifetime officers with the ultimate responsibility for interpreting the Constitution and saying national law. It would be a scandal. Public outrage would demand their resignation. Their agreement, let alone their refusal, to resign and the connivance of top politicians would create an institutional and a constitutional crisis. Thus, exposing J. Sotomayor's wrongdoing can expose coordinated wrongdoing in the Federal Judiciary and create conditions requiring judicial accountability reform. Hence the importance of the investigation. It can start in CA2(jur:§c) and move on to law firms and financial institutions (jur:103¶232b); the D.A.'s office in Manhattan, NY City[160a], and the NY State Attorney General's Office[160b]; property registries(dcc:10¶18, jur:108¶244); a disciplinary committee[161]; on to Rochester[115b,159d], Albany[160c]; the District of Columbia[64,111] , and beyond(jur:102§a).

22. Section E proposes articulated phases for exposing judicial wrongdoing and advocating reform by:

    a. pioneering the news and publishing field of judicial unaccountability reporting(jur:166¶365);

    b. opening a field of research(jur:131§5) on judges to be conducted by a team of professionals (jur:128§4) as part of a multidisciplinary academic and business venture(jur:119§1);

    c. teaching The *DeLano* Case Course based on its study plan and Syllabus(dcc:18§§D-F; 23);

    d. creating a for-profit institute(jur:130§5) of judicial unaccountability reporting and advocacy (155:§e) of legislated(158§§6-7) accountability reform with citizen participation(160§8);

    e. promoting the development of a national movement(jur:163§9) of a people that hold as the foundation of their democratic government their right to Equal Justice Under Law.

23. Section F offers to present this proposal: to lay out the available evidence of judicial unaccountability and wrongdoing; propose judicial unaccountability reporting and further investigation; and describe the multidisciplinary academic and business venture that advocates judicial reform.

5. From the initial presentation of the evidence to *the triggering of history!*

24. The above presentation can foreshadow the initial public presentation covered by the media. It can be made at a press conference or at another public event. For instance, the presenter can secure a journalism school's agreement to join his or her investigative effort as an academic project (dcc:1) and/or have him or her make the presentation as the keynote speech at the school's job fair or commencement attended by recruiters and editors from across the U.S. or covered by the media. In turn, they are likely to disseminate the presenter's statements and investigate them further. This can launch a Watergate-like generalized and first-ever media investigation of wrongdoing in the Federal Judiciary and then in the state judiciaries. It can lead to reform that holds judges accountable. It starts with pioneering JUDICIAL UNACCOUNTABILITY REPORTING.

24. That chain of events is statistically realistic and commercially promising[4]: 2,021,875 new cases were added to the pending ones in the federal courts in FY10; and the comparable figure in the state courts for 2007 was 47.3 million![5] 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 over 300 million[6] go or are brought to court every year. They are added to the parties to pending cases. Additional scores of millions of people are affected during litigation and thereafter: 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 lower protections or higher insurance premiums to cover money judgments or litigation costs, etc.…

W. Developing a platform by making an offer to law schools to begin with

Dr. Cordero has seized on what seems to be an opportunity to market to 201 American law schools, http://www.abanet.org/legaled/approvedlawschools/alpha.html, not just his manuscript's research, but also his proposal to use it as the basis for a multidisciplinary academic(jur:128§4) and business venture(a&p:9§E). That opportunity is found in law schools' dire financial situation due to dwindling enrollment; a glut of unemployed lawyers burdened with academic debts, http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:157-175; and an increasing number of people who represent themselves in court as a result of unaffordable attorney's fees in a bleak economy(jur:43fn64).

Hence, he is laying out to law schools a new economic model for financing their operation(a&p:24): They can leverage their knowledge of our judicial system and their lawyering skills to explain to the public the reasons underlying its ever-growing dissatisfaction with that system: Judges disregard people's rights and the rule of law because nobody holds them accountable; as a result, they abuse their decision-making power to engage risklessly in wrongdoing. Unaccountable power is the hallmark of 'absolute power, which corrupts absolutely'(jur:26fn28).

The market of dissatisfied users of our judicial system is huge given that more than 100 million people are directly involved in the more than 50 million new lawsuits filed every year (a&p:7§5), which are added to the scores of millions pending in court. That market is increased by all those people who indirectly use the system because they too are affected by the decisions of wrongdoing judges and the dereliction of their duty as public servants to administer Equal Justice Under Law. It follows that the litigants' employees, customers, friends and relatives, suppliers, etc., just as the rest of the public are also part of that market.

Law schools can turn the market that all these people form into a novel source of income by accepting Dr. Cordero's proposal to pioneer the field of judicial unaccountability reporting (jur:97§D). Then they can extend the scope of the multidisciplinary academic and business venture(jur:119§1) by advocating judicial accountability and discipline reform(jur:130§§5-8).

Law schools constitute only the first sector of this platform to be contacted. Given the nature of the proposed research(jur:131§b), other schools will be contacted subsequently, including schools of journalism, business, and computer and political science. All of them form a very enticing platform because their members are faculty who currently are and students who after completing their studies will be high earners with high ambitions and enormous drive to pursue them. An entrepreneurial agent and Dr. Cordero(a&p:24) can turn this platform and the underlying proposal into a very engaging and profitable multidisciplinary academic and business venture.

Reading about law schools' dire financial situation, turning such news into the rationale for a business proposal, and viewing in it the foundation for a platform reveal Dr. Cordero's business approach to his research and writing career. Likewise, his capacity to do so reveals that he is in natural harmony with the approach of the best literary agents, who not only place a book with a publisher, but also help nurture an author's career to create a business from which all parties benefit.

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England **2167 Bruckner Blvd., Bronx, NY 10472-6500**
M.B.A., University of Michigan Business School **tel.(718)827-9521; follow @DrCorderoEsq**
D.E.A., La Sorbonne, Paris **Judicial Discipline Reform** **Dr.Richard.Cordero.Esq@gmail.com**

, 2013

«Address_form» «FirstName» «LastName»«Suffix»
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Dear Dean «Greeting_name»,

This is a proposal for a multidisciplinary academic and business venture that can contribute to resolving a critical problem faced by law schools across the country: a dire financial situation due to dwindling student enrollment. The venture would allow your School to attract the favorable attention of law school applicants because it would attract that of the nation as a result of the School's defense of its interest in the integrity of our legal system: Over 100 million people are involved in the more than 50 million new federal and state lawsuits filed every year(*>jur:7§5).

The venture is based on official statistics, reports, and writings of the Federal Judiciary – the model for the state judiciaries– and its judges analyzed in my study *Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering a novel and profitable field*(jur:1). Lawyers in our adversarial legal system who zealously present both sides of every story will recognize that the concept of "free market of ideas", developed by JJ. Holmes and Brennan, is also properly applied to judges' wrongdoing. The venture focuses on for-profit(119§1) teaching(21§§A-B) and sale of research(102§4; 131§b) products and services exposing the enabling conditions and consequences of this troubling fact: In the 224 years since the creation of that Judiciary in 1789, the number of federal judges –2,131 were in office on 30sep11[13]– impeached and removed is 8![14] Such irremovability is due to and results in unaccountability that leads to riskless, irresistible wrongdoing.

The nation will look up to the school that has the courage to exposes such wrongdoing (jur:5§3) to defend it from what those who have quashed the founding principle of our democracy "Nobody is Above the Law" have inflicted on it: denial of Equal Justice Under Law. Prospective students will be drawn to that school because its offering of groundbreaking knowledge and research skills will give them an edge when they hunt for a job in a legal market with ever-fewer openings for lawyers and ever more pro ses(43fn64). Your school can become the leader of a new type of business-savvy educational and research center(130§5) that finances itself(156§f) by:

1. teaching the study(dcc:1; jur:153§c), furthering the research(131§b), and attracting students from journalism, business, and political and computer science schools to venture-related tuition-charging courses(dcc:10) as well as faculty, thus lowering their salary demands(128§4);
2. pioneering the field of judicial unaccountability reporting and reform advocacy(a&p:9§E);
3. further researching official judicial statistics(jur:131§1) to allow their use in briefs and judicial reform advocacy(155§e) similar to the pioneering use by Then-Attorney Brandeis of social studies data in briefs to the Supreme Court that became famous as "Brandeis briefs";
4. using Information Technology to develop software that applies linguistic and literary forensics to audit the writings of judges and others in order to establish their track records and profiles, which can reveal their outcome-determinative values and biases(jur:136§§6-7); etc.

Thus, I suggest that we discuss this proposal with a view to my making to you, your faculty and students, and others a presentation(jur:171§F; dcc:7) of a venture that offers an innovative model for financing a law school, prioritizing empirical research in the public interest, and becoming nationally recognized as a Champion of Justice. So I look forward to hearing from you.

Dare trigger history! (dcc:11) Sincerely, s/

Y. A message from LinkedIn augurs the development of a broad platform

LinkedIn sent Dr. Cordero and email under the subject line: Congratulations! You have one of the top 5% most viewed LinkedIn profiles for 2012.

It should be noted that Dr. Cordero posted his profile on LinkedIn on or around Thursday, June 14, 2012, when he focused it on his work on his manuscript's subject matter, namely, judicial unaccountability and consequent riskless wrongdoing; http://www.linkedin.com/pub/dr-richard-cordero-esq/4b/8ba/50.

LinkedIn's ranking of the viewership of Dr. Cordero's profile may be reliable because LinkedIn is not using it to induce him to pay it to upgrade his account to any type of enhanced account. In fact, LinkedIn is not asking him to do anything, perhaps in recognition of the practical wisdom in the saying 'if it ain't broke, don't fix it'. Apart from fostering his goodwill toward LinkedIn, its email appears to be just for his information. He copies it below for yours.

Indeed, in the body of the email, LinkedIn states: LinkedIn now has 200 million members. Thanks for playing a unique part in our community!

LinkedIn is not implying –much less Dr. Cordero– that 5% of 200 million people viewed his profile, just that his profile is among the top 5% of LinkedIn's accounts ranked by viewership.

Nevertheless, to the extent that such membership number is reliable, it can give agents and publishers a third-party's impartial indication of the interest out there among professionals, who constitute the bulk of LinkedIn's membership, in the subject matter of Dr. Cordero's manuscript. Professionals are more likely than non-professionals to pay to buy his book and to be persuasive when making any kind of recommendation about it.

You could argue that interest when pitching his manuscript to publishers or to booksellers, and when persuading bookstore and talkshow hosts and media people to book Dr. Cordero to make book presentations(dcc:11; jur:171§F) or to interview him on their shows and newscasts or for their written reviews of his book.

Likewise, agents and publishers can reasonably find this LinkedIn email to be a source of confidence in investing their time and effort to examine carefully the financial(a&p:1/3rd para., 156§f), public interest(jur:119§1), and reputational(jur:7§5) potential of Dr. Cordero's proposed multidisciplinary academic and business venture(a&p:9§E) based on his manuscript *Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing*: Pioneering the news and publishing field of judicial unaccountability reporting(jur:1), supported by his academic course(dcc:1) and creative works(cw:1).

Dare trigger history!

Gmail by Google

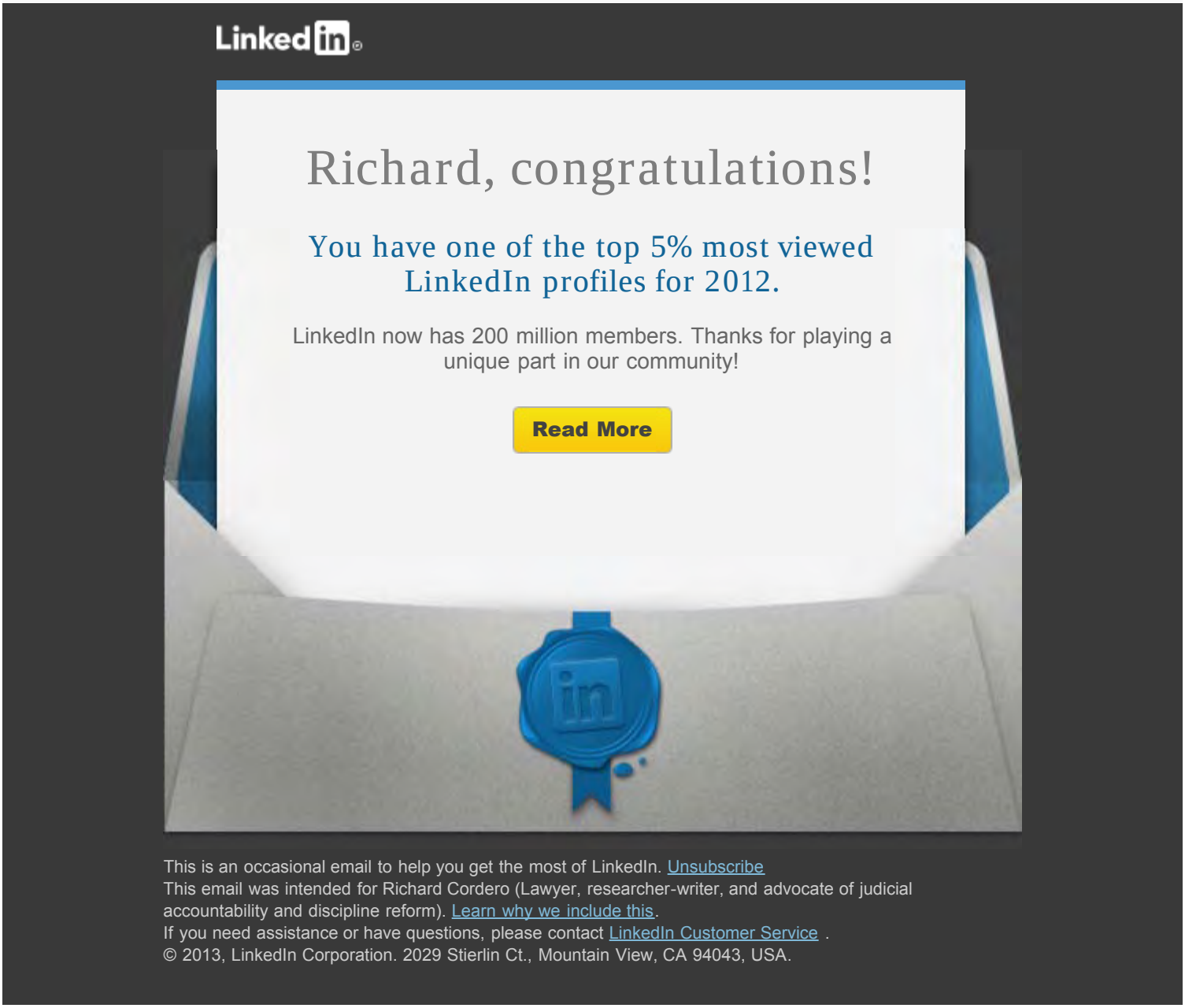
Richard Cordero <dr.richard.cordero.esq@gmail.com>

Congratulations! You have one of the top 5% most viewed LinkedIn profiles for 2012.

1 message

LinkedIn <linkedin@e.linkedin.com> Thu, Feb 7, 2013 at 4:02 PM
Reply-To: LinkedIn <donotreply@e.linkedin.com>
To: dr.richard.cordero.esq@gmail.com

LinkIn now has 200 million members.



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LinkedIn

Visit LinkedIn.com

Hi Richard,

Recently, LinkedIn reached a new milestone: 200 million members. But this isn't just our achievement to celebrate — it's also yours.

I want to personally thank you for being part of our community. Your journey is part of our journey, and we're delighted and humbled when we hear stories of how our members are using LinkedIn to connect, learn, and find opportunity.

All of us come to work each day focused on our shared mission of connecting the world's professionals to make them more productive and successful. We're excited to show you what's next.

With sincere thanks,

Deep Nishar
Senior Vice President, Products & User Experience

P.S. What does 200 million look like? See the infographic

A stat this delightful deserves to be shared

Hurray! I have one of the top 5% most viewed @LinkedIn profiles for 2012. http://www.linkedin.com/pub/profile/4b/8ba/050

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by

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December 14, 2012

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