

September 5, 2018

**The official statistics of the U.S. District of Columbia Circuit show that P. Trump SCt nominee Judge Brett Kavanaugh, P. Obama SCt nominee Chief Judge Merrick Garland, and their peers received during the 10oct06/30sep17 11-year period, 478 complaints against judges in their Circuit and exonerated 100% of them thus covering as a matter of policy for abusive judges regardless of the gravity of their abuse<sup>1</sup>**

### **A. You benefit from knowing how judges handle complaints**

Complaints against federal judges are filed with the chief judge of the circuit or national court where the complained-about judge sits. Every year, each of the circuits and courts submits its statistics on such complaints to the Administrative Office of the U.S. Courts (AO) for publication in Table S-22 of the Annual Report to Congress and the public(28 U.S.C. §604(h)(2)) of the AO director, who is appointed by the Chief Justice of the U.S. Supreme Court(§601).

Those statistics are official documents. They are not partisan. They carry infinitely more weight than either your or anybody else's allegation that a judge disregarded the law and abused his or her power at your or their expense. That is why those statistics provide a reliable reflection on the integrity and impartiality of the judges that must process complaints against their peers, who are their colleagues and may be their friends or the friends of their friends.<sup>2</sup>

So, you need not have filed any complaint against any judge or be a former, current, or potential party to a lawsuit to benefit from finding out whether judges have the integrity necessary to wield fairly and impartially their enormous power over your and everybody else's property, liberty, and all the rights and duties that frame your lives.

The review of the complaint statistics submitted by the federal District of Columbia Circuit (DCC) is most pertinent because one of its judges, namely, J. Brett Kavanaugh, has been nominated by President Trump to the Supreme Court and the Senate is holding confirmations hearings.

What is more, its Chief Judge, J. Merrick Garland, was nominated by President Obama to the Supreme Court in 2016, but due to political considerations, the Senate did not hold confirmation hearings on him. Judge Garland has been serving on that court since 1997, though not always as its chief; J. Kavanaugh since 2006<sup>3</sup>.

### **B. Cover-up of judges' abuse as institutionalized policy**

The official statistics on complaints against judges show that during that 11-year period, 487 complaints were filed. However, CJ Garland, J. Kavanaugh, and their peers participated in, or tolerated, the exoneration of 100% of the judges' complained about. They themselves may have been complained about, but since the complaints are kept secret, it is not known how many have been filed against them and the gravity of the allegations.

The statistics explicitly tabulates some allegations, and they are very grave, for they include "acceptance of a bribe", "conflict of interest (including refusal to recuse)", "racial, religious or ethnic bias", "improper discussion with party or counsel", "partisan political activity or statement", "retaliation against complainant, witness, or others involved in the process", "failure to give reasons for decision", and "undue decisional delay".

Despite the gravity of those allegations, only one single special investigative committee was

appointed, in 2013, and its report only led to the dismissal of the complaint on the grounds that what it alleged was “not misconduct or disability”. As a result, not even one of the 478 complaints filed in those 11 years led to the taking of any “remedial or corrective action”.

What the statistic of 478 exonerations out of 478 complaints reveals is not merely a pattern of judges covering up for each other. Under the Racketeering Influenced and Corrupt Organizations<sup>4</sup>, “(5) “pattern of racketeering activity” requires at least two acts of racketeering activity... within ten years”. Engaging in such two-racketeering act pattern carries a penalty of up to 20 years in prison or even life imprisonment if the racketeering acts include such a longer penalty<sup>5</sup>.

What 100% exonerations reveal is that covering up judges' complained-about abuse, without investigation regardless of its gravity, is the policy of the judges of the DC Circuit. The analysis<sup>6</sup> of the statistics of the other reporting circuits and courts shows that they too enforce the same policy: Judges' abuse cover-up has become the Federal Judiciary's institutionalized policy.

On the assurance that they will cover for each other so that their abuse of power is riskless, judges abuse as their modus operandi. Through their reciprocal exonerations and complicit silence, they are the enablers of each other's abuse. CJ Garland and J. Kavanaugh are only known enforcers and beneficiaries of that policy. They would tolerate and continue it as Supreme Court justices, as do Chief Justice Roberts<sup>7</sup> and the other justices, all of whom have official access to the statistics<sup>8</sup>.

Judges' oath of office requires that they “do equal right to the poor [in ties to them] and to the rich [in power to exonerate them in turn] [and] to uphold the Constitution and the laws thereunder”<sup>9</sup>. Unfaithful to it, they disregard the rights of complainants 100% and cover up for each other 100% as a matter of policy. Unconcerned by the gravity of the complained-about abuse, they show contempt for their sworn duty to safeguard due process and the equal protection of the law.

### **C. Causes of action against a judicial cover-up**

The judges knowingly frustrate the complainants' reasonable expectation that their complaints will be processed fairly and impartially. The dismissal of complaints as a matter of policy constitutes intentional infliction of emotional distress on the complainants.

Complaints are DOA; their dismissal is a clerical act to enable their burial. Their death was caused by judges at the time they adopted their undisclosed policy of exoneration. Since then they cause all the effort and money invested by complainants in writing and submitting their complaints to be a waste from the outset. That constitutes the known and intentional causation of injury in fact.

To such injury must be added the injury that the complained-about abuse has already caused and will continue to cause those left exposed to it, including complainants, current parties to lawsuits, non-parties foreseeably affected by the abuse, and the other parties that will come after them. The exonerating judges show reckless disregard for the injury to the rights and well-being of any number of people for any length of time, and wanton indifference to the gravity of the injury.

Judges dismiss 100% of complaints in dereliction of their duty “to uphold the Constitution and the laws thereunder”, such as the law governing those complaints, the Judicial Conduct and Disability Act<sup>10</sup>, which is intended to provide complainants redress for their grievances against judges.

The judges know that as a matter of undisclosed policy complaints will be dismissed. Yet, they continue their deceptive practice of accepting them for processing to pretend compliance with their duty to accept them. They also pursue a benefit for themselves: By dismissing them, they ensure their good standing with their peers and avoid being outcast by them as traitors to the class of judges. Furthermore, they ensure that when they or their friends are complained about, they too

will be exonerated. Such conduct constitutes fraud, both in the inducement and in the performance.

The rules of evidence allow judges to let lawyers in the presence of the jury impeach the credibility of any witness who takes the stand. Their impeachment can be based on the witness's pattern of bad acts, such as his or her criminal record and record of bankruptcies, and reputation for untruthfulness and dishonesty. By the same token, judges who as a matter of policy cover up the abuse of their peers regardless of its gravity take the bench with their credibility about their oath to be impartial and law-abiding already impeached. They are not entitled to the benefit of the doubt.

Therefore, judges' conduct provides probable cause to believe that their lack of impartiality extends to showing partiality for the friends and family of their peers, political partisans, members of their racial, religious or ethnic groups, their alma matter, etc. 'Power corrupts and absolute power to exonerate peers corrupts absolutely, engendering bias toward or against any party'<sup>11</sup>.

An impeached witness can add little credible testimony in support of his or her case, and a convicted defendant cannot serve on a jury to apply the law that he or she held in such contempt as to break it. Likewise, judges that for decades have covered for their peers and others regardless of the gravity of their abuse cannot sit in judgment of others who similarly covered up their peers at the expense of those whom they were charged to protect and protect equally. Here applies the strategic thinking principle 'if the enemy of my abuser is disgusting too, he should nevertheless be drawn to join the battle to weaken my abuser'.

Indeed, most likely you too were disgusted after the Pennsylvania grand jury report revealed that more than 300 Catholic priests abused over 1,000 children during some 70 years and that the Church covered for them as a matter of policy. Let the Church that has been condemned by judges who for decades have covered for their abusive peers use its resources to impeach those hypocritical judges on grounds of their moral and ethical unfitness to sit in judgment of those priests and Church policy. Let the Church move for the annulment of their cases; retrial before newly appointed judges that cannot have been part of the judges' cover-up; and compensation for the expenses that it incurred in the judicial process that those judges were not fit to conduct.<sup>12</sup>

#### **D. Public hearings, annulment of cases, and damages**

The publication by *The New York Times* of its exposé of Harvey Weinstein on October 5, 2017, sparked a swift societal transformation: The victims of sexual abuse, who had resigned themselves to suffering in silence, gave rise to a self-assertive *MeToo!* national public that courageously shouts since then the rallying cry: *Enough is enough!* We won't take abuse from anybody anymore.

Among that *MeToo!* national public is the huge untapped voting bloc of The Dissatisfied With The Judicial and Legal System. The Dissatisfied can join forces to assert their voting power in the mid-term and 2020 presidential campaigns. If they think and proceed strategically, they have a reasonably calculated chance of inserting judges' abuse as a key issue of the national debate and politics.

To that end, there are concrete steps that you can take:

- a. Share this article with all your friends and family, workmates, peers, other victims of judges' abuse<sup>13</sup>, etc.; and post it to social media as widely as possible.
- b. Request that the Senate Judiciary Committee at the confirmation hearings on nominee J. Kavanaugh and other judicial nominees<sup>14</sup>, hear not only their self-serving and tergiversating statements, but also your experience or knowledge of judges' abuse. Contact:

1) Chairman Chuck Grassley<sup>15</sup>; and

- 2) Ranking Member Dianne Feinstein<sup>16</sup>.
- c. Contact prominent politicians who have attracted national attention, particularly newbies, who have never recommended, endorsed, confirmed, or appointed any judge. They have the least conflict of interest, for they will not be torn between exposing and defending ‘*their own* men and women on the bench’. Newbies have the most to gain by exposing judges’ abuse: A campaign theme that distinguishes them and the opportunity to become the leaders of the huge untapped voting bloc of The Dissatisfied.
- d. Request that politicians:
  - 1) hold a press conference to denounce judges’ abuse of power<sup>17</sup>;
  - 2) ask that the Senate Judiciary Committee hear also you and other victims of, and witnesses to, judges’ abuse;
  - 3) call on the media to do the unprecedented: in their own commercial interest and to repair their battered public image, hold nationally televised public hearings conducted by news anchors, top journalists, and professors and graduate students of journalism. This is how the media can become *The People’s* Spokesperson<sup>18</sup>; and
  - 4) announce the formation of a national movement of former, current, and potential parties to lawsuits and related people to demand that the courts compensate them for the cost of researching and writing their complaints, pay damages<sup>19</sup>, and disqualify the judges that have committed or covered up abuse of power.
- e. Use official statistics rather than your opinion and allegations as the foundation for motions to recuse, annul, new trial, etc.<sup>20</sup>
- f. Have politicians and the media review the article on “the math of abuse”. Its basic math formula is a court’s number of cases divided by the number of its judges or panel of judges equals an unmanageable number of cases per judge or panel. Hence, judges do not read most briefs. Instead, they dump the majority of cases, including motions, out of their caseload by having their clerks, who do not read the briefs either, uncritically fill out dumping forms: unresearched, unreasoned, fiat-like orders.<sup>21</sup>
  - 1) For proof, download from the DCC website the biographical note of J. Kavanaugh<sup>22</sup>. Take into account all the academic, social, associational, publishing, sport, and non-adjudicatory activities in which he participates. Do the same as to the other DCC judges, and any other judge for that matter<sup>23</sup>. Then ask yourself: What amount of time is left for them to read briefs, never mind research and write reasoned opinions?

## **E. National movement & statistics-based and writing**

Judges’ failure to read the brief causes its filing party to lose the \$Ks and even \$10Ks that it invested in researching, writing, printing, filing, serving, and arguing its brief. Official statistics, no personal opinion, can furnish the foundation for convincing victims to form a national movement and to file motions to demand that the court in question refund their filing fees, pay damages, and only use reasoned opinions to decide cases.

If so, just as the *NYT* article launched a societal transformation, this can launch a transformation of the most powerful entity in what is supposed to be “government of, by, and for the people”<sup>24</sup>: the Federal Judiciary, staffed by life-tenured, unaccountable, in effect irremovable, and risklessly abusive Judges Above the Law.

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- <sup>1</sup> [http://Judicial-Discipline-Reform.org/retrieve/DrRCordero\\_JJ\\_Kavanaugh-Garland\\_exoneration\\_policy.pdf](http://Judicial-Discipline-Reform.org/retrieve/DrRCordero_JJ_Kavanaugh-Garland_exoneration_policy.pdf)
- <sup>2</sup> Dr. Cordero's novel analysis of official statistics, reports, and statements provides the basis for his professionally researched and written study of judges and their judiciaries, titled and downloadable thus: [Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting](#) \* †
- \* [http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest\\_Jud\\_Advocates.pdf](http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf) >all prefixes:# up to OL2:393
- † [http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Honest\\_Jud\\_Advocates.pdf](http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Honest_Jud_Advocates.pdf) >from OL2:394
- <sup>3</sup> Dr. Cordero has collected all the statistics on complaints against federal judges that are available on the website of the Administrative Office. They cover the 21 fiscal years from October 1, 1996 to September 30, 2017; [http://Judicial-Discipline-Reform.org/retrieve/DrRCordero\\_collected\\_statistics\\_complaints\\_v\\_judges.pdf](http://Judicial-Discipline-Reform.org/retrieve/DrRCordero_collected_statistics_complaints_v_judges.pdf). He has created a table collecting all the DCC statistics for the 10oct06-30sep17 11-year period during which both J. Kavanaugh and Now-Chief Judge Garland have served on the Court of Appeals for that Circuit; [http://Judicial-Discipline-Reform.org/retrieve/DrRCordero\\_table\\_exonerations\\_by\\_JJ\\_Kavanaugh-Garland.pdf](http://Judicial-Discipline-Reform.org/retrieve/DrRCordero_table_exonerations_by_JJ_Kavanaugh-Garland.pdf). Use the data found in this file to create a table for another circuit or court by filling out the table template at [http://Judicial-Discipline-Reform.org/retrieve/DrRCordero\\_template\\_table\\_complaints\\_v\\_judges.pdf](http://Judicial-Discipline-Reform.org/retrieve/DrRCordero_template_table_complaints_v_judges.pdf).
- <sup>4</sup> RICO, 18 U.S.C. §§1961-1967; \*>jur: 111<sup>249</sup>
- <sup>5</sup> Id. §1963(a)
- <sup>6</sup> \*>jur:10-14; †>OL2:548
- <sup>7</sup> †>OL2:645
- <sup>8</sup> \*>jur:26<sup>23</sup>
- <sup>9</sup> 28 U.S.C. §453; \*>jur:62¶133
- <sup>10</sup> 28 U.S.C. §§351-364; \*>jur:24§b
- <sup>11</sup> \*>jur: 28<sup>27</sup>
- <sup>12</sup> For detailed analysis of causes of action against abusive judges see †>OL2:729, and consider supporting their prosecution as a test case.
- <sup>13</sup> To identify and contact other victims see \*>OL:274-280, 304-307.
- <sup>14</sup> <https://www.judiciary.senate.gov/nominations/judicial>
- <sup>15</sup> [www.grassley.senate.gov/contact](http://www.grassley.senate.gov/contact); tel. (202) 224-3744; Subcommittee on Judicial Nominations Majority Office, tel. (202)224-5444)
- <sup>16</sup> <https://www.feinstein.senate.gov/public/index.cfm/e-mail-me>, tel. (202) 224-3841; Subcommittee on Judicial Nominations Minority Office, tel. (202)224-3244
- <sup>17</sup> †>OL2:717, 718, 724
- <sup>18</sup> †>OL2:747
- <sup>19</sup> †>OL2:729
- <sup>20</sup> †>OL2: OL2:608§A, 457§D
- <sup>21</sup> [http://Judicial-Discipline-Reform.org/retrieve/DrRCordero-Media\\_Academe\\_Lawyers.pdf](http://Judicial-Discipline-Reform.org/retrieve/DrRCordero-Media_Academe_Lawyers.pdf) >nrd:1
- <sup>22</sup> <https://www.cadc.uscourts.gov/internet/home.nsf/Content/VL+-+Judges+-+BMK>
- <sup>23</sup> †>OL2:717                      <sup>24</sup> \*>jur:82¶181

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Bulk Actions Apply Change role to... Change 24,594 items of 1,230

<input type="checkbox"/>	Username	Name	Email	Role	Posts
<input type="checkbox"/>	197	—	a.com	Subscriber	0
<input type="checkbox"/>	101	—	t.net	Subscriber	0
<input type="checkbox"/>	36!	—	l.ru	Subscriber	0
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Windows taskbar with icons for Start, Task View, File Explorer, Edge, Chrome, and system tray showing 2:17 AM.

The file with the above table and its supporting materials can be downloaded and made available to others through this link:

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Their basis is my study of judges and their judiciaries, which holds the materials corresponding to the (blue text references). It is titled and downloadable thus:

**Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing:  
Pioneering the news and publishing field of judicial unaccountability reporting\* †**

By Dr. Richard Cordero, Esq.

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- a. On judges' abuse of power over your property, liberty, and all the rights and duties that frame your life, and their systematic denial of your constitutional right to due process and equal protection of the law, see †>OL2:608§A; 455§§B-D; and their failure to read briefs, see 729.
- b. On their unaccountability through self-exemption from discipline see \*jur:21§a, †>OL2:548.
- c. See also the proposal for the publication of a series of expository articles at †>OL2:719.

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