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Providing a rationale for a law school to hear a presentation on offering a course on, and consider creating an institute of, judicial accountability reporting and reform advocacy

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A. The importance of pro ses and the rest of the national public for law schools to attract students and for the latter to find and keep a job

1. There can be no law school without students and there will be no students if there are no prospects of finding a job after graduation. Law jobs for students are dependent on how many people and entities want to pay to receive services from lawyers. Their number has been dwindling for years and so has law school enrollment while the number of graduates who cannot find a law job has increased and even prompted a group to file a class action against some schools.

2. The largest segment of those requiring legal services is composed of those who can neither afford a lawyer nor have the capacity to appear pro se. To them are added those who dare commence a suit however ineptly they may write a complaint and everything else. In fact, pro ses file 51% of all appeals to the 12 federal regional circuit courts(Table B-9 ↓ol2:462c; *>jur:21fn10c; jur:28fn35, 29fn38, 43fn64). This percentage has an upward trend. It is likely to be sur-passed in the state courts by more people with less education, lower income, and less disposable money to pay attorney's fees appearing pro se in cases of state law that affects their daily lives, e.g., family, probate, zoning. A potential client drops out of the legal market whenever a person re-presents himself or herself, whether because he or she cannot afford attorney's fees or distrusts lawyers for abusing their superior knowledge to behave themselves unethically and even rapaciously. This puts the viability of law schools and the salary that their deans and professors earn at risk.

3. Pro ses, however, are not even the largest market that law schools and their students can aim for to secure their future. Pro ses form part of the huge untapped voting bloc of the dissatisfied with the judicial and legal markets(cover letter 2nd ¶), who in turn belong to a demographics of whose existence and mood everyone who has followed the presidential campaign is aware of: the dominant component of our society, the Dissatisfied With The Establishment, the ones who have so unexpectedly and passionately supported Establishment Outsider Donald Trump(ol:311, 362; †>ol2:422, 437, 444) and Establishment Critic Sen. Bernie Sanders(ol:311, 362, 377).

4. However, this proposal will have its most persuasive effect on lawyers, especially those who are aware that it was a lawyer by the name Brandeis who introduced the use of statistics alongside legal arguments in briefs to the Supreme Court and did it so effectively that he gave rise to a new type of brief: the Brandeis brief, the best known of which is the one he filed in *Muller v. Oregon*, 208 U.S. 412, 28 S.Ct. 324 (1908), a case that he also won. Subsequently, he became a justice of the Court(ol:275 §1). That is precisely why even corporate superlawyers can be keenly interested in the grave implications of the official court statistics analyzed below: They point to coordinated judicial wrongdoing. But instead of their objecting to it in the traditional way of making allegations resting on opinion and impressions, statistics will provide them with an objective, verifiable, and convincing foundation for taking legal action, such as filing a motion for recusal, disqualification, reversal and remand for new trial, etc. It is top lawyers who are in the best position to perform cost-benefit analysis based on statistics; otherwise, they and their wealthy clients can afford the most innovative forms of statistical, linguistic, and literary analysis that the proposed institute will develop(jur:131§b; ol:42, 60) together with other techniques for auditing judges' decisions (ol:274; 304) and cultivating Deep Throats or confidential informants(ol2:468).

5. Knowledge is Power. This is a proposal for law schools and their students to pioneer new forms of meeting the traditional legal needs of, and offer new courses of action to, pro ses, the dissatisfied that dominate the legal market and the national public, and lawyers. It uses a new kind of knowledge: that gained through the analysis of the official statistics of the federal courts and of the way their judges operate. That knowledge will empower schools and students to attract those market segments' attention and generate a demand for the new legal services that they will offer.

6. Given the economic stress of law schools and the dim hiring prospects faced by their students, a presentation that sounds reasonably calculated to meet those challenges with a concrete, feasible, and promising proposal should at least pique the curiosity of, and be considered carefully by, deans and other law school members who are responsible for the continued existence of their institution and for helping students attain their most basic goal: work as lawyers upon graduation. This presentation begins by explaining in lay terms to pro ses to illustrate how to approach them. Then it transitions to a discussion of statistics and their implications accessible to all lawyers.

B. A case filed by a pro se in a federal court is weighted as a third of a case

7. When you file a case in a federal district court, you must add a Case Information Sheet(jur:44fn69). It asks, among other things, whether you are represented, i.e., a lawyer is appearing on your behalf, or you are pro se, that is, you are appearing 'for yourself'. Checking the "pro se" box on that Sheet has consequences at the brief in-take office of the clerk of court that are funereal without the solemnity: Your case was dead on arrival and is sent unceremoniously to potter's field.

8. In the Federal Judiciary, pro se cases are weighted as a third of a case(*>jur:43fn65a >page 40). By comparison, "a death-penalty habeas corpus case is assigned a weight of 12.89"(jur:43¶81). Such weighting means that a pro se case is given some 39 times less attention than a death penalty case no matter the pro se case's nature, what is at stake in it, and whether the complaint was written by joe the plumber or a law professor. If any attention is given it, it is pro forma.

9. Your brief is likely not to be read at all, for that is the whole purpose of the Case Information Sheet: to tell the court on half of one side of one page what the case is all about and what relief the party is requesting so that if the court does not want to grant it, why bother reading the brief? But you still had to pay the filing fee of $400, while a party that filed an ap-plication for a writ of habeas corpus only had to pay $5. Is this why it is said "Justice is blind"?

C. Justice is blind, but the judge sees the incompetence of pro se pleadings

10. A federal district judge has hundreds of weighted cases. In fact, "a judicial emergency [is not declared until there is a] vacancy in a district court where weighted filings are in excess of 600 per judgeship"(jur36fn57). The judge is expected not to waste her time with a pro se case, which is most likely poorly written by an emotional plaintiff who ran to court thinking all he had to do to get relief was to tell his story of injustice, but had no clue whether the law gave him a cause of action against the defendant; if it did, what elements of the action he must prove; what admissible evidence that he must introduce to prove each; and what standard of proof he must apply.

11. If you did not understand a word of the above, why would you expect the judge to think that you understood, never mind complied with, the myriad rules, subrules, and their details in the hundreds of pages of the Federal Rules of Civil Procedure(FRCP; ol:5a/fn15e), the Federal Rules of Evidence(id.), and the applicable law contained somewhere in the hundreds of volumes of the U.S. Code (ol:5a/fn15a) as interpreted in court decisions among millions written by judges?

1. A pro se is likely not to have any idea what subject matter jurisdiction is and how its absence can doom his case

12. You also have to show something of which you, as a pro se, are presumed not to have any idea: subject matter jurisdiction(FRCivP 12(b)(1); ol:5b/fn15e): You have to show that the federal court has the authority conferred upon it by statute as interpreted by case law to entertain your type of case and use its judicial power to decide it. Unless you understand and can invoke diversity of citizenship and meet the required amount in controversy, you cannot run to federal court and ask it to adjudicate a matter governed only by state law, e.g., family, wills, and real estate.

13. Nor is it enough for you to allege that the state judge and a host of other state officials engaged in what you, in your law-untrained opinion and your emotional state of mind as a party, a parent, an heir, or a resident in the neighborhood, consider to be corruption(jur:86§4).

14. The issue of subject matter jurisdiction is so important that it cannot be waived: The defendant cannot confer upon the court authority to hear and decide your type of case by merely failing to

raise an objection to it in its answer or by motion to dismiss. At any time, even in the middle of trial, the defendant can move to dismiss the case, thus terminating it, due to the court's lack of subject matter jurisdiction. What is more, the court can dismiss the case on its own motion upon realizing that it does not have authority to deal with the type of matter presented to it. In fact, when judges do not feel like dealing with a case, they take the easy way out by simply claiming that they do not have subject matter jurisdiction. Cf. Of the 4,990 appeals terminated in the 2015 Fiscal Year –1oct14-30sep15 (FY15)– by federal circuit judges, 69% (3,423) were terminated due to "jurisdictional defects"(jur:22fn10c >Table B-5A, ↓ol2:462b).

15. Plaintiff's only remedy is to go up on appeal to argue a highly technical issue of law. Do you have any idea how to argue that the court has subject matter jurisdiction based on common law, a statutory provision, notions of federalism, and the 14th Amendment clause on "the equal protection of the laws" after analogizing your type of case to another type that was held to fall within the court's jurisdiction? And where are you going to appeal, the Supreme Court? Read on.

16. You may hate lawyers as a pack of deceitful, uncaring, money grabbers. Yet, it is logically sound to assume that people who went to college for four years and then to law school for three years know something about the law that people who did not go there ignore. The same applies to those who successfully conducted doctoral research, analysis, and writing. How do you think the judge will react if you tell her that you consider the above statement arrogant and elitist?

2. From the outset, a pro se brief is likely to reveal itself as a soap opera's sob story with no awareness of the other side of the story

17. Just because paper holds everything one writes on it, the writing on it by a pro se does not produce a brief of law. To begin with, a pro se is likely to have failed to number his paragraphs and neglected to group them under headings strictly corresponding to the required 'parts of the brief'.

18. Ignoring how to state a case, the pro se is likely to plunge in his opening paragraph into a rambling rant full of legally irrelevant allegations and assumptions passed off as facts and truths that "everybody knows". He will show his incapacity to step in the shoes' of the opposing party to see the latter's side of the story from its perspective. Thus, he will be unable to do what lawyers do to gain a better understanding of their case: argue against themselves. A pro se is unlikely to have even identified the legal arguments of the adverse party, ignoring them as if they did not even exist "'cause their false!" Have you noticed that although this article is critical of judges from its title, it also takes their point of view to present their arguments fairly and convincingly?

19. Why would the judge expect the rest of the complaint or other pleading to be any better? She knows from experience that pro ses hardly ever cite cases as precedential support for what they say and do not lay out arguments of law, but instead intone articles of faith and cries of pain caused by an intuitive sense of justice denied. They are prone to state their cases so inadequately as to be incapable of surviving a Rule 12(b)(6) motion for dismissal for "failure to state a claim upon which relief can be granted" by a court(FRCP, ol:5a/fn15e).

3. The court commits fraud by charging a pro se the filing fee without disclosing that it is a burial fee to dump the case

20. Your pro se brief reaches the judge tainted by the presumption of irrelevancy, inadmissibility, and incompetence. She will give it the perfunctory attention that the official weighting of the case enables her to give it. The weighting works as a self-fulfilling expectation: Because your pro se case is weighted as merely a third of a case, the judge will presume it to be worthless and

do a quick job of disposing of it, a chore likely relegated to her law clerk. The judge will likely not even read your brief. Cf. Of the 18,969 appeals terminated in FY15 on procedural grounds, 73% (13,814) were terminated by the staff(Table B-5A ↓ol2:462b). It follows that as a pro se, you do not stand a chance of getting a due process fair hearing or reading. You are DoA.

21. But you were treated "equal" to a represented party in that you had to pay the same $400 filing fee in the district court. The court failed to disclose on the Case Information Sheet before demanding and receiving from you that fee that as a result of your checking the "pro se" box, the court would unduly process your case into a coffin and send it to the potter's field for those who had committed pro se status. Instead, it put up the pretense that if you paid the fee, a judge would be assigned to your case who would fairly and impartially handle it on the merits according to law. Since the district courts know that they will handle a pro se case, not as equal, but rather as inferior, to a represented case, those courts commit fraud on the public, in general, and the district court where you filed your case defrauded you, in particular.

22. If this is the treatment that a pro se gets when he pays the $400 filing fee, how is he treated when in addition he files *in form pauperis* and pays no fee so that the judges and clerks feel that they are doing him a favor to take in his case at all, rather than that they are bound to do him justice?

D. The federal courts of appeals defraud appellants by disposing of 93% of appeals in "procedural, unsigned, unpublished, without comment, and by consolidation" decisions, including blank-on-a-form summary orders

23. Every year, the Administrative Office of the U.S. Courts publishes the Annual Report of the Director. It contains the official statistics on their caseload and their management of it by the judges and staff(jur:21fn10). A return on investment analysis of Table B-12(↓ol2:462d) points to whether a rational human being, a homo economicus, should file in the court or gamble in Las Vegas.

24. In the FY15, 52,698 cases were filed in the 12 regional federal courts of appeals. Of them only 65% (34,244) were disposed of on the merits rather than on procedural grounds. Only 7.2% (3,794) of all appeals were disposed of in opinions of quality high enough for the judges to dare sign and publish them. The rest 92.8% was so defective that they wanted to negate even the implication that they knew anything about it. You have 1 chance in 14 of getting an opinion that means anything so that none of the judges on the three-judge appellate panel would be embarrassed by giving the public access to it with her name as the author or as one who concurred in it.

25. Indeed, 87% (27,507) of the 31,622 written opinions were so meaningless and "perfunctory" (jur:44fn68) that they were not even published. Even among the opinions classified as "reasoned" but whose reasoning was so sloppy that none of the judges on the respective panels would sign them, 98.4% (17,794) were also not published, mere scribbles that put 'reason' to shame so that they should not be seen by anybody but the respective party.

26. Yet, you could have done worse than getting one of these opinions that pretended to be "reasoned", for 13% (4,099) were not only unsigned and unpublished, they were also "without comment". Those opinions are the ultimate means for reasonless, arbitrary(jur:44fn67) ad-hoc disposition by fiat of star chamber judges who do not deign explain themselves. To issue an "unsigned without comment" opinion there is no need to even take a look at your brief. It suffices to rubberstamp it "affirmed!" so that the whole responsibility for what happened in your case is laid on the lower court judge appealed from. Had the appellate judges reversed her, they would have had to read the briefs and write an opinion so that the reversed judge would not commit the same reversible error on remand. But that entails work; doing it would defeat the caseload from-desk-

sweeping function of their means for pro forma and perfunctory disposition of appeals.

27. You could still have done worse, because 7.7% of the appeals allegedly disposed of "on the merits" were "disposed by consolidation"(Table B-5 ↓ol2:462a). Since no judge deemed that the identity of your ap-peal, with its unique set of parties, amount in controversy, aggravating and attenuating circum-stances, etc., merited disposition in an individual opinion, your appeal was most likely thrown with those of other appellants into a mass grave extending over the 88% (27,827) of "unsigned, unpublished, and without comment" opinions. What an undignified, contemptuous way for the appellate judges to put an end to your quest for justice in an appeals court!

28. That figure of 88% means that such fate was not reserved for the uneducated pro ses, who wrote horribly substandard, amateurish briefs. Pro ses filed 51% of appeals(Table B-9 ↓ol2:462c). Even if all pro ses had their appeals terminated by "unsigned, unpublished, and without comment" opinions, that would leave 37% of appeals by parties who spent a lot of money to have attorneys represent them and write presumably competent briefs, but nevertheless got treated just as perfunctorily and were denied their due process right to be 'heard' in their written briefs.

1. "Not precedential" defines summary orders and is stamped on any opinion to escape the strictures of due process

29. Circa 75% of decisions are issued in summary orders(jur:44§66). They skip reasoning and reduce the disposition to the only operative word that fills the blank on a 5¢ form, which almost always is: 'The decision of the court below is Affirmed' or 'The relief requested is Denied'. That is all you get for your appeal filing fee of $505. Hence, they are "not precedential". So, summary orders have no value to influence the decision in future cases and need not have respected the precedent set by previous ones. They are anathema to a common law system based on precedent to ensure predictability, prevent unfair surprise, and curb abuse by judges writing off the cuff decisions on the spur of the moment or to serve any expedient, even personal, wrongful interest in the case at hand. They make a mockery of "equal protection of the laws", for their function is to be unequal to the rule of law as already applied or to be applied. They are an abusive exercise of appellate judges' power to sweep appeals off the caseload on their desktops. By marking any opinion, even a "reasoned" one, "not precedential", the judges can use it for the same purpose as a summary order: to dash off a lazy, off the top of their head note with no legal research.

2. Fraud by judges who in exchange for a filing fee offer appellate services that they know they will not render; and breach of contract

30. The courts of appeals knew that before you filed your appeal you had spent $10,000s in legal fees or the equivalent in the effort and time that you invested in writing your brief and the pain and suffering that you had to endure to figure out whatever it was that you had to do to represent yourself. The courts offered appellate services, which implicitly were to be rendered honestly, if you paid their $505 filing fee. Your payment of the fee was the giving of consideration that validated your acceptance of their offer. A contract was formed, even if it was one of adhesion. But they failed to deliver on it: They disposed of your and the rest 93% of appeals with "unsigned, unpublished, without comment, by consolidation opinions", so defective or wrongful that the appellate judges deprived them of precedential value. District judges have no incentive to write meaningful decisions since they know that 93% of appeals from them will be disposed of in such perfunctory way. Appeals courts' perfunctoriness sets the example for district courts'. Pro forma affirmance of district court decisions leaves them unreviewed in fact(jur:28§3, 46§3, 48§2); unreviewability breeds perfunctoriness and, by reinforcing its risklessness, wrongdoing too.

31. Anyway, a reversal is no risk, for it has no adverse consequences, neither for the district nor the circuit judges: They have a life-appointment! and are in practice irremovable(jur:21§a) Their salary cannot be diminished regardless of the dismal quality of their work. Criticizing a peer with whom they have to work even after they take senior, semi-retired status is not a smart social move. Live and let live is, lest they become pariahs within their judicial class. Nor can their salary be increased by a good performance bonus. None of them, not even the justices, has any say whatsoever in deciding who should be elevated to a higher court. That is a political decision made by the president on the informal recommendation of politicians of his party. They have little to gain from doing a conscientious job in compliance with the requirements of due process and equal protection of the laws (but see jur:56§§e-g on carrot and stick as compliance tools).

32. So, judges risklessly defraud you of the filing fees and make all your effort, time, and costs go to waste. They frustrate your reasonable expectation for disposition of your case and appeal in written and reasoned opinions that recognized that "Justice should not only be done, but should manifestly and undoubtedly be seen to be done"(jur:44fn71). They do it knowingly and intentionally, for a settled principle of torts provides that "a person is deemed to intend the reasonable consequences of his or her acts". They intend to commit fraud and breach of contract.

E. Barriers to the Supreme Court: the booklet format, the preference given to a few lawyers, the 1 in 93 review chance, and the cost of representation

33. One of the first barriers encountered when filing for review in the Supreme Court, i.e., petitioning for certiorari, is the format of both the brief and the record to be filed. It can cost $100,000 or more just to pay a specialized company to transcribe and print the record on appeal in the booklet format required by Rule 33(jur:47fn77) of the Rules of the Supreme Court because if you do not qualify as indigent to file *in forma pauperis*, you cannot file them on regular 8.5" x 11" paper(jur:47§1). The Court grants petitions in its discretion and declines without explanation. So, if it does not grant yours, the decision on appeal is left unreviewed and your printing costs together with the filing fee as well as the expense of researching and writing the brief go to waste.

34. If you cannot download the Rules of the Court(jur:47fn77b) and pay attention to, and comply with, their hundreds of minute details, the Court will not even have the opportunity to decide whether to take your case for review: The clerk will not accept your brief for filing. He will send it back for you to correct the mistakes that he listed. You must do so within the time allowed. If you miss the deadline, subsequently you cannot file your case, due to untimeliness.

35. In the last few years, some 7,250 cases were filed annually in the Court, but it disposed of an average of only 78 cases. So your chances of having your case taken for review are roughly 1 in 93(cf. jur:47fn81a). In the casinos of Las Vegas, your odds of winning are better. The odds of having your case reviewed by the Court are substantially worse if you are not represented by one of the "superlawyers", whose cases are decidedly preferred by the Court: 8 superlawyers argued 20% of cases in the 2004-2012 9-year period[1]. They command the attorney's fee that the law of

[1] a. The Echo Chamber...At America's court of last resort, a handful of lawyers now dominates the docket; Reporters Joan Biskupic, Janet Roberts, and John Shiffman, Reuters Investigates, Thomson Reuters; 8dec14; http://www.reuters.com/investigates/special-report/scotus/

b. Elite circle of lawyers finds repeat success getting cases to the Supreme Court; Gwen Ifill interviews Joan Biskupic, Legal Affairs Editor in Charge, Reuters; PBS NewsHour; 9dec14; http://www.pbs.org/newshour/bb/elite-circle-lawyers-finds-repeat-success-getting-cases-supreme-court/

offer and demand allows, which only a few, mostly corporate parties, can afford. Superlawyers deliver what the justices demand: knowledgeable and authoritative arguments based on legal precedent and firmly established or proposed principles of law. The justices want clarification about any contention in the briefs that raised questions in their minds. From the bench, they will ask the kind of question that is the most difficult to answer because it requires a firm command of the law: 'What are the legal implications of that contention?'

36. The law is a system of rules of conduct developed over time that intends to ensure predictability and prevent surprise and arbitrariness. Points of law in a case have to fit logically together and with previous ones for the law to make sense and provide a reliable standard of expected or acceptable conduct. A pro se is unlikely to have the depth and breadth of legal knowledge needed to answer the legal implications question. He or she cannot stand before the justices and wing it.

37. Nor is a pro se likely to have the habit or skill to argue by analogy and distinction, i.e., similar facts should be governed by the same legal principles, which contributes to meeting the overarching requirement of "equal protection of the laws"; and distinguishable ones by principles that are different or new. A pro se cannot improvise the application of that method of reasoning.

38. Consequently, a pro se cannot reasonably expect the Chief Justice and the eight Associate Justices of the august Supreme Court of the United States, sitting on the high bench to hear oral argument before the national press and a select audience of guests, to let a pro se babble, ramble, and rant about the facts of the case and his or her heartfelt pain at so much injustice visited upon him or her by the adverse party '*and this is so unfair!*'…but zero legal arguments. The scenario where that does happen is cobbled together out of ignorance of, or reckless disregard for, the applicable standards of performance and court decorum. Wishful thinking stands aloof from reality.

39. It can cost more than $1,000,000(jur:48fn83) to take a case all the way to final adjudication in the Supreme Court. If it remands to the district court for a new trial, you start all over again. Do you have the money to retain a member of the Supreme Court bar to argue your case? If you do not have money to even pay a lawyer to review your brief before filing it in the Court, you don't.

40. Having money does not ensure review by the Court. In the 2014 Term –from 1oct14 to 30sep15–, 52,698 cases were filed in the 12 regional circuit courts, but only 7,033, or 13%, were filed in the Court(jur:iii/fn.ii.b), a number that includes appeals from the Court of Appeals for the Federal Circuit, the Court of Appeals for the Armed Forces, and any of a handful of cases that can be filed originally in the Court. Only 75 were argued to, and disposed of by, the Court. So, fewer than 1 appeal out of every 7.5 appeals in the appeals courts petitioned for certiorari in the Court, and fewer than 1 out of every 703, 0.14%, was actually reviewed by the Court, that is, fewer than 15 hundredths of 1%(jur:28fn34b). Court of appeals decisions are in effect unreviewable (jur:28§3). Since appellate judges know that the Court is unlikely to review their decisions, they can be perfunctory, deny due process, and engage in wrongdoing. Indeed, judicial review in the Supreme Court is not only discretionary with the justices, it is also an illusion of the public.

F. Unaccountable judges' abuse of power and connivance to do wrong risklessly

41. Obtaining justice from the judges of the Federal Judiciary, the model for their state counterparts, is illusory, with worse odds than gambling and near certain waste. They bait people with an offer to administer justice only to switch it in 93% of cases to a pro forma, perfunctory opinion or "no comment" at all that defrauds parties of their filing fee and the public of the honest services for which it hired them as public servants and pays their salary. Their wrongdoing in disposing of cases is so coordinated among themselves and court clerks(jur:30§1) that they have developed

that wrongdoing structurally into the caseload reduction fraud scheme. It is one of the several judges' schemes(ol:85¶2, 91§E), the most complex and harmful form of wrongdoing(ol:91§E).

42. Federal judges do wrong because they know that they are unaccountable: Whereas 2,293 of them were in office on 30sep15, the number of them impeached and removed in the last 227 years since the creation of the Federal Judiciary in 1789 under Article III of the Constitution is 8! (jur:22fn13,14). This historic record shows that once people become members of that Judiciary, they can do any wrong without risking any adverse consequences. They do wrong with the assurance of impunity. Those who complain against federal judges must file their complaints with other fellow judges, who dismiss 99.82%(jur:10-14; 21§a) of them and deny up to 100% of appeals from such dismissals(24§b). This makes it understandable why judges dare wield abusively their power of self-administration to deal with their caseload however they want: They abuse their power of self-discipline to arrogate to themselves the status of Judges Above the Law.

43. That is the inevitable result of power that goes unchecked: Power is inherently expansive: It will keep extending its reach until it is stopped by a counterpower or even beaten back. Exercised unaccountably, 'power becomes absolute, and it corrupts absolutely'(jur:27fn28). It renders those who wield it indifferent to the harm that they cause. For judges, only their benefits(ol:173¶93) matter as they exercise their vast decisional power over people's property, liberty, and the rights and duties that determine their lives. When it suits them, they disregard the requirements of due process and equal protection of the laws; frustrate reasonable expectations; and breach their end of the bargain of an implied contract for services. As judicial public servants, they engage(jur:88§§a-c) risklessly in wrongdoing (jur:5§3; ol:154¶3) so widespread, routine, and grave that wrongdoing has become functionally the judges' institutionalized modus operandi(jur:49§4).

44. Judges' counterpower should be Congress and the President through their exercise of constitutional and consuetudinary checks and balances. But they, out of self-interest(jur:23fn17a), have abdicated such exercise and connive with them. The remaining counterpowers are so feeble and disorganized as to be impotent: the parties to lawsuits, the victims of their wrongdoing, the advocates of honest judiciaries, and lawyers afraid of losing their livelihood due to judges' retaliation.

45. But there is another counterpower: the national public. However powerful judges are, they are the most vulnerable public officers to public outrage provoked when they fail to abide by their own injunction to "avoid even the appearance of impropriety"(jur:68fn123a). For 'appearing' to be involved in improprieties, Justice Abe Fortas had first to withdraw his name from the nomination to the chief justiceship and then resign from the Supreme Court on May 14, 1969(jur:92§c).

G. The out-of-court strategy for judicial wrongdoing exposure and reform by informing and outraging the national public

46. "The appearance of impropriety" is an easy to meet standard of *showing*. It is lower than even the lowest standard of proof applied in court, i.e., 'by a preponderance –more than 50%– of the evidence', never mind 'by clear and convincing evidence', let alone 'beyond a reasonable doubt'. Professors, students, and journalists can apply it to implement the concrete, realistic, and feasible out-of-court(ol:219, 224, 236) inform and outrage strategy(ol:248, 250, 319). By their brandishing that sword of knowledge, the public is empowered to hold judges accountable.

47. Initially, the strategy seeks to inform graduate schools and members of the media about judges' wrongdoing and so to outrage them and through them the national public as to elicit in ever more informed people their competitive, professional, and personal interest in joining a Watergate-like (jur:4¶¶10-14) generalized media investigation, focused for cost-effectiveness on two unique

national stories(ol2:440) of judicial abuse of power to gain a wrongful benefit and ensure impunity. The investigators' findings will further outrage the national public and stir it to demand that politicians call for, and conduct, nationally televised hearings on unaccountable judges' riskless wrongdoing, akin to the hearings of the Senate Watergate Committee and the 9/11 Commission.

48. Only an outraged national public has the power to generate a situation of fear where politicians give priority to the higher self-preservation instinct of not being voted out of, or not into, office, over their self-serving interest in protecting the people that they recommended and confirmed to the bench in expectation of reciprocity. Unless driven by the overpowering survival interest, politicians will at all cost oppose, never mind approve or initiate, the investigation for wrongdoing of even one judge, for it could provoke his or her fellow judges to close ranks and retaliate (jur:22¶31), e.g., by declaring the politicians' legislative agenda unconstitutional(jur:23fn17a).

49. It is not only out of solidarity that judges too protect every judge, but also out of self-preservation: The investigation of one judge can lead to the discovery of their own participation in, or condonation of(jur:88§§a-c), that judge's wrongdoing, or worse yet, the exposure of the circumstances of secrecy, unaccountability, coordination, and risklessness(ol:190¶¶1-7) that enable the institutionalized wrongdoing that pervades their judiciary cloaked in their collective black robe.

50. The strategy seeks to inform about, not a replaceable individual(jur:50§b) rogue judge, but rather a wrongdoing judicial class. To succeed, the full nature, extent, and gravity of judges' wrongdoing must be exposed as the indispensable prerequisite to convince an intensely outraged public that the current system of judicial self-administration and -discipline(jur:24fn18a) is an utter failure due to its abuse by judges in connivance with politicians. A public so outraged and convinced will render judicial reform unavoidable and make it adopt measures that are inconceivable today.

51. Indeed, judicial reform intended to effectively detect, deter, and punish judges' wrongdoing must include legislation that forces judges to give up their secrecy and operate transparently. e.g., holding all their meetings open to the public, as are those of Congress and of the President's cabinet(jur:158§§6-7), for "justice must be seen to be done"(supra, ol2:459¶32). Today, failure to require transparency constitutes a license to engage in wrongdoing unaccountably and risklessly. Transparency will facilitate accountability. To ensure accountability free of peer pressure and reciprocal protection, citizen boards(jur:160§8) of judicial accountability must be established. They must be authorized to publicly receive and investigate complaints with power of subpoena, search and seizure, and contempt, and to hold public hearings, suspend, transfer, and indict. Only citizens so empowered can hold their judicial public servants, which is what judges are, and the Judiciary itself accountable and liable to compensate the victims of their wrongdoing, as are police and their departments, doctors and their hospitals, priests and their churches, etc.(ol:261§C), because a tenet of a democracy by the rule of law is that Everybody is Equal Before the Law.

H. A course and an institute as self-interested actions in the public interest

You and your professors and students have the opportunity to pioneer financial sources in the new education and research field of 'applied law' in the courts, and areas in the national public where your students can carve a niche either individually or by forming their own law firms or joining law firms that recognize the significant growth potential of offering legal services attuned to the mood and the needs of the largest, growing, and wealthiest segments of the legal market. So, I respectfully request your invitation to present to you the case for you to enhance your and your school's reputation by fostering a common good: the status of *We* in 'government of, by, and for' *the People* as the masters with the power to hold all our servants accountable and reform their service.

Dare trigger history!(jur:7§5)…and you may enter it.

Table B-5.
U.S. Courts of Appeals—Decisions in Cases Terminated on the Merits, by Circuit and Nature of Proceeding, During the 12-Month Period Ending September 30, 2015

Circuit and Nature of Proceeding	Total Cases Terminated	Terminated on the Merits									
		By Consolidation	Percent of Total Terminated	Total	Affirmed/ Enforced [1]	Dismissed	Reversed	Remanded	Other	Certificate of Appeal-ability	Percent Reversed [2]
Total	**53,213**	**2,622**	**59.4**	**31,622**	**20,493**	**2,691**	**2,553**	**501**	**57**	**5,327**	**8.3**
Criminal	11,214	872	69.3	7,770	5,757	1,359	505	139	10	-	6.5
U.S. Prisoner Petitions	4,684	65	64.9	3,038	857	93	108	18	6	1,956	3.6
Other U.S. Civil	2,681	129	58.0	1,556	1,167	132	208	45	4	-	13.4
Private Prisoner Petitions	9,563	176	61.0	5,832	1,824	319	286	27	5	3,371	4.9
Other Private Civil	11,992	805	51.1	6,125	4,773	402	857	83	10	-	14.0
Bankruptcy	860	85	53.7	462	310	38	108	3	3	-	23.4
Administrative Agency Appeals	7,301	369	39.0	2,850	2,213	202	230	186	19	-	8.1
Original Proceedings and Miscellaneous Applications	4,918	121	81.1	3,989	3,592	146	251	-	-	-	-
DC	**1,134**	**286**	**45.1**	**511**	**383**	**34**	**70**	**19**	**1**	**4**	**14.8**
Criminal	85	15	52.9	45	31	2	5	7	-	-	11.1
U.S. Prisoner Petitions	70	1	51.4	36	25	3	2	1	1	4	5.6
Other U.S. Civil	245	24	64.5	158	122	6	23	7	-	-	14.6
Private Prisoner Petitions	5	-	-	1	1	-	-	-	-	-	-
Other Private Civil	173	20	54.9	95	73	2	20	-	-	-	21.1
Bankruptcy	9	1	-	6	5	1	-	-	-	-	-
Administrative Agency Appeals	454	223	24.9	113	75	17	17	4	-	-	15.0
Original Proceedings and Miscellaneous Applications	93	2	61.3	57	51	3	3	-	-	-	-
1st	**1,589**	**79**	**57.5**	**914**	**714**	**24**	**89**	**10**	**2**	**75**	**10.2**
Criminal	563	44	65.5	369	315	11	39	4	-	-	10.6
U.S. Prisoner Petitions	122	1	67.2	82	21	-	3	-	-	58	3.7
Other U.S. Civil	78	1	59.0	46	41	1	4	-	-	-	8.7
Private Prisoner Petitions	91	1	47.3	43	23	1	2	-	-	17	4.7
Other Private Civil	460	22	46.7	215	183	4	25	3	-	-	11.6
Bankruptcy	29	3	48.3	14	12	1	1	-	-	-	7.1
Administrative Agency Appeals	162	6	50.0	81	60	3	13	3	2	-	16.0
Original Proceedings and Miscellaneous Applications	84	1	76.2	64	59	3	2	-	-	-	-

Table B-5A.
U.S. Courts of Appeals—Cases Terminated by Procedural Judgments, by Circuit and Nature of Proceeding, During the 12-Month Period Ending September 30, 2015

Circuit and Nature of Proceeding	Total Terminated	Terminated on Procedural Grounds											
				By Judge						By Staff			
		Total	By Consolidation	Total	Juris. Defects	FRAP 42 [1]	Default	Cert. of Appealability	Other	Total	FRAP 42 [1]	Default	Other
Total	**53,213**	**18,969**	**166**	**4,990**	**3,423**	**684**	**70**	**156**	**657**	**13,814**	**5,004**	**6,904**	**1,906**
Criminal	11,214	2,572	3	659	336	104	10	-	209	1,910	1,270	535	105
U.S. Prisoner Petitions	4,684	1,581	1	414	322	5	8	66	13	1,166	130	1,007	29
Other U.S. Civil	2,681	996	12	258	191	36	7	-	24	726	305	386	35
Private Prisoner Petitions	9,563	3,555	1	1,135	969	11	27	90	38	2,419	314	2,046	59
Other Private Civil	11,992	5,062	104	1,219	909	246	15	-	49	3,739	2,031	1,625	83
Bankruptcy	860	313	6	100	75	19	-	-	6	207	128	74	5
Administrative Agency Appeals	7,301	4,082	18	1,077	621	263	3	-	190	2,988	826	1,231	931
Original Proceedings and Miscellaneous Applications	4,918	808	21	128	-	-	-	-	128	659	-	-	659
DC	**1,134**	**337**	**11**	**85**	**32**	**12**	**6**	**7**	**28**	**242**	**130**	**80**	**32**
Criminal	85	25	-	2	1	1	-	-	-	23	17	6	-
U.S. Prisoner Petitions	70	33	-	12	5	-	-	7	-	21	3	17	1
Other U.S. Civil	245	63	-	11	7	2	1	-	1	52	24	28	-
Private Prisoner Petitions	5	4	-	1	1	-	-	-	-	3	-	3	-
Other Private Civil	173	58	1	17	7	3	3	-	4	40	15	23	2
Bankruptcy	9	2	-	2	1	-	-	-	1	-	-	-	-
Administrative Agency Appeals	454	118	10	21	10	6	2	-	3	88	71	3	14
Original Proceedings and Miscellaneous Applications	93	34	-	19	-	-	-	-	-	19	15	-	15
1st	**1,589**	**596**	**7**	**195**	**124**	**13**	**6**	**17**	**35**	**394**	**269**	**115**	**10**
Criminal	563	150	1	26	17	2	1	-	6	123	98	25	-
U.S. Prisoner Petitions	122	39	-	21	6	1	1	12	1	18	7	9	2
Other U.S. Civil	78	31	2	8	7	1	-	-	-	21	13	8	-
Private Prisoner Petitions	91	47	-	20	12	-	3	5	-	27	13	14	-
Other Private Civil	460	223	4	65	58	4	1	-	2	154	115	38	1
Bankruptcy	29	12	-	4	2	2	-	-		-	8	5	
Administrative Agency Appeals	162	75	-	37	22	3	-	-	12	38	18	18	2
Original Proceedings and Miscellaneous Applications	84	19	-	14	-	-	-	-	-	14	5	-	5

Table B-9.
U.S. Courts of Appeals—Pro Se Cases Commenced and Terminated, by Circuit and Nature of Proceeding, During the 12-Month Period Ending September 30, 2015

Circuit and Nature of Proceeding	Total Cases Commenced	Pro Se at Filing	Total Cases Terminated	Pro Se at Termination
Total	**52,698**	**26,883**	**53,213**	**27,779**
Criminal	11,380	2,636	11,214	3,292
U.S. Prisoner Petitions	4,187	3,732	4,684	4,175
Other U.S. Civil	2,748	1,148	2,681	1,138
Private Prisoner Petitions	9,713	8,674	9,563	8,456
Other Private Civil	11,902	4,089	11,992	4,076
Bankruptcy	841	285	860	270
Administrative Agency Appeals	7,141	2,313	7,301	2,325
Original Proceedings and Miscellaneous Applications	4,786	4,006	4,918	4,047
DC	**1,125**	**368**	**1,134**	**357**
Criminal	66	14	85	13
U.S. Prisoner Petitions	86	75	70	58
Other U.S. Civil	247	104	245	105
Private Prisoner Petitions	10	10	5	5
Other Private Civil	142	62	173	71
Bankruptcy	4	4	9	9
Administrative Agency Appeals	476	27	454	20
Original Proceedings and Miscellaneous Applications	94	72	93	76
1st	**1,504**	**510**	**1,589**	**550**
Criminal	522	43	563	76
U.S. Prisoner Petitions	88	64	122	94
Other U.S. Civil	78	33	78	38
Private Prisoner Petitions	112	84	91	69
Other Private Civil	446	179	460	166
Bankruptcy	34	9	29	6
Administrative Agency Appeals	139	34	162	44
Original Proceedings and Miscellaneous Applications	85	64	84	57
2nd	**4,416**	**1,896**	**4,942**	**2,282**
Criminal	705	55	700	195
U.S. Prisoner Petitions	232	181	371	338
Other U.S. Civil	249	147	255	151
Private Prisoner Petitions	525	482	563	517
Other Private Civil	1,547	605	1,631	618
Bankruptcy	66	31	86	29
Administrative Agency Appeals	822	179	1,003	192
Original Proceedings and Miscellaneous Applications	270	216	333	242

Table B-12.
U.S. Courts of Appeals—Types of Opinions or Orders Filed in Cases Terminated on the Merits, by Circuit, During the 12-Month Period Ending September 30, 2015

Circuit	Total	Disposed of by Consolidation	Last Opinion or Final Order								
					Written Opinion or Order						
					Signed [1]		Reasoned, Unsigned [1]		Unsigned, Without Comment		
			Total	Oral	Published	Unpublished	Published	Unpublished	Published	Unpublished	Percent Unpublished
Total	**34,244**	**2,622**	**31,622**	**1**	**3,794**	**5,667**	**290**	**17,741**	**30**	**4,099**	**87.0**
DC	797	286	511	-	241	-	12	257	-	1	50.5
1st	993	79	914	-	346	26	5	525	-	12	61.6
2nd	2,914	286	2,628	-	234	2,346	47	1	-	-	89.3
3rd	2,185	67	2,118	-	150	1,325	2	527	-	114	92.8
4th	3,363	169	3,194	-	196	310	2	2,686	-	-	93.8
5th	4,743	698	4,045	-	288	82	43	3,617	1	14	91.8
6th	3,305	158	3,147	1	300	668	12	2,163	1	2	90.1
7th	1,739	151	1,588	-	562	-	28	996	-	2	62.8
8th	2,394	118	2,276	-	518	2	54	495	2	1,205	74.8
9th	6,898	347	6,551	-	497	4	34	3,341	26	2,649	91.5
10th	1,301	34	1,267	-	254	863	2	148	-	-	79.8
11th	3,612	229	3,383	-	208	41	49	2,985	-	100	92.4

NOTE: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

[1] Includes only those opinions and orders that expound on the law as applied to the facts of each case and that detail the judicial reasons upon which the judgment is based.

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Collapse menu

Users Add New

SSL activated!

Take the time to review these things

- Don't forget to change your settings in Google Analytics and Webmaster tools. More info
- Improve your security with security headers

Really Simple SSL Pro

Hi, Really Simple SSL has kept your site secure for a month now, awesome! If you have a moment, please consider leaving a review on WordPress.org to spread the word. We greatly a
questions or feedback, leave us a message.

- Rogier

Leave a review | Maybe later | ✕ Don't show again

All (33,639) | Administrator (1) | Subscriber (33,638)

Bulk actions Apply | Change role to... Change | 33,639 items

Username	Name	Email	Role
1970mdegcf	—	einarcruickshank1989@e.bengira.com	Subscriber
1Barret1cuple	—	tornado102034@hotmail.com	Subscriber
1ofthemany	—	terree@comcast.net	Subscriber
365betv31h	—	yana.negrebetskaya.95@mail.ru	Subscriber
3aplus63von	—	sam@3aplus63.ru	Subscriber
791064087357326	—	daniellacarroll@mailcatch.com	Subscriber

Blank