131 Federal Judges Broke the Law by Hearing Cases Where They Had a Financial Interest

The judges failed to recuse themselves from 685 lawsuits from 2010 to 2018 involving firms in which they or their family held shares, a Wall Street Journal investigation found

By James V. Grimaldi, Coulter Jones and Joe Palazzolo. Sept. 28, 2021 9:07 am ET

More than 130 federal judges have violated U.S. law and judicial ethics by overseeing court cases involving companies in which they or their family owned stock.

A Wall Street Journal investigation found that judges have improperly failed to disqualify themselves from 685 court cases around the nation since 2010. The jurists were appointed by nearly every president from Lyndon Johnson to <u>Donald</u> <u>Trump</u>.

About two-thirds of federal district judges disclosed holdings of individual stocks, and nearly one of every five who did heard at least one case involving those stocks.

Alerted to the violations by the Journal, 56 of the judges have directed court clerks to notify parties in 329 lawsuits that they should have recused themselves. That means new judges might be assigned, potentially upending rulings.

When judges participated in such cases, about two-thirds of their rulings on motions that were contested came down in favor of their or their family's financial interests.

Edgardo Ramos, Lewis Babcock, Julia Smith Gibbons

In New York, Judge Edgardo Ramos handled a suit between an Exxon Mobil Corp. unit and TIG Insurance Co. over a pollution claim while owning between \$15,001 and \$50,000 of Exxon stock, according to his financial disclosure form. He accepted an arbitration panel's opinion that TIG should pay Exxon \$25 million and added \$8 million of interest to the tab.

In Colorado, Judge Lewis Babcock oversaw a case involving a Comcast Corp. subsidiary, ruling in its favor, while he or his family held between \$15,001 and \$50,000 of Comcast stock.

At an Ohio-based appeals court, Judge Julia Smith Gibbons wrote an opinion that favored Ford Motor Co. in a trademark dispute while her husband held stock in the auto maker. After she and the others on the three-judge appellate panel heard arguments but before they ruled, her husband's financial adviser bought two chunks of Ford stock, each valued at up to \$15,000, for his retirement account, according to her disclosure form.

The hundreds of recusal violations found by the Journal breach a bedrock principle of American jurisprudence: No one should be a judge of his or her own cause. Congress first laid out that principle in 1792 to guarantee litigants an impartial judge and reassure the public that courts could be trusted. Judge Ramos, who oversaw the Exxon case, was unaware of his violation, said an official of the New York federal court, because his "recusal list"—a tally judges keep of parties they shouldn't have in their courtrooms—



Edgardo Ramos, Lewis Babcock, Julia Smith Gibbons

listed only parent Exxon Mobil Corp. and not the unit, whose name includes the additional word "oil." The official said the court conflict-screening software relied on exact matches.

The unit had informed the court at the outset of the case that it was a subsidiary of Exxon Mobil so Judge Ramos could "evaluate possible disqualification or recusal," a court filing shows.

After the Journal contacted Judge Ramos, who was named to the court by former President Barack Obama, the court's clerk notified the parties of his stockholding. TIG attorneys asked the court to set aside his ruling and send the case to a new judge because of "the inevitable appearance of partiality." Exxon opposed assigning a new judge, calling that a "manifest unfairness, gross inefficiency, and waste of judicial resources." An appellate court has put a hearing on hold until the district court decides what to do.

In the Comcast case, a Colorado couple asked Judge Babcock to issue an order blocking Comcast from accessing their property to install fiber-optic cable. Representing themselves in court, Andrew O'Connor and Mary Henry accused Comcast workers of bullying them, scaring their 10-year-old daughter and injuring their dog, Einstein, allegations the company denied. Judge Babcock, who was appointed to the court by former President Ronald Reagan, ruled the couple had "continually blocked Comcast's access to the easement." He sent the case back to state court, as Comcast wanted.

"I dropped the ball," Judge Babcock said when asked about the recusal violation. He blamed flawed internal procedures. "Thank you for helping me stay on my toes the way I'm supposed to," he said. A Comcast spokeswoman declined to comment.

Mr. O'Connor, who settled his case in state court, said, "If you are a federal judge, you should not be holding individual stocks."

Judge Gibbons from the Ford trademark case, appointed to the appeals court by former President George W. Bush, said she had mistakenly believed holdings in her husband's retirement account didn't require her recusal. She later directed the clerk of the Sixth U.S. Circuit Court of Appeals to notify the parties of the violation and said that her husband has since told his financial adviser not to buy individual stocks.

"I regret my misunderstanding, but I assure you it was an honest one," she said.

A spokesman for Ford said: "A fair and impartial judiciary is critical to the integrity of our legal system. In this case, the violation of Ford's trademarks was clear."

"I dropped the ball. Thank you for helping me stay on my toes the way I'm supposed to."

Nothing bars judges from owning stocks, but federal law since 1974 has prohibited judges from hearing cases that involve a party in which they, their spouses or their minor children have a "legal or equitable interest, however small." That law and the Judicial Conference of the U.S., which is the federal courts' policy-making body, require judges to avoid even the appearance of a conflict. Although most lawsuits don't directly affect a company's stock price, the Supreme Court in 1988 said the law's purpose is to promote confidence in the judiciary.

Conflict-of-interest rules are common for state and federal employees as well as for lawyers, journalists and corporate executives. U.S. government workers may not participate "personally and substantially" in matters in which they have a financial interest.

The Journal reviewed financial disclosure forms filed annually for 2010 through 2018 by roughly 700 federal judges who reported holding individual stocks of large companies, and then compared those holdings to tens of thousands of court dockets in civil cases. The same conflict rules apply to criminal cases, but large companies are rarely charged, and the Journal found no instances of judges holding shares of corporate criminal defendants in their courts.

It found that 129 federal district judges and two federal appellate judges had at least one case in which a stock they or their family owned was a plaintiff or defendant. Judges' stockholdings exceeded \$15,000 in 173 cases and \$50,000 in 21 of those cases, although under the law, the amount doesn't matter.

The Journal found 61 judges or their families not only holding stocks in companies that were plaintiffs or defendants in the judges' courts but also trading the stocks during cases.

Judges offered a variety of explanations for the violations. Some blamed court clerks. Some said their recusal lists had misspellings that foiled the conflictscreening software. Some pointed to trades that resulted in losses. Others said they had only nominal roles, such as confirming settlements or transferring cases to other courts, though there is no legal exemption for such work.

The ethics code for federal judges "requires recusal when a judge has a financial conflict, regardless of the substance of the judge's actual involvement in the case," the Judicial Conference's Committee on Codes of Conduct wrote in a letter to a judge this month.

In response to the Journal's findings, the Administrative Office of the U.S. Courts said: "The Wall Street Journal's report on instances where conflicts inadvertently were not identified before a case was resolved or transferred is troubling, and the Administrative Office is carefully reviewing the matter." It said the federal judiciary "takes very seriously its obligations to preclude any financial conflicts of interest" and has taken steps, such as conflict -screening software and ethics training, to prevent violations. "We have in place a number of safeguards and are looking for ways to improve," the office said.

Chief Justice John Roberts, who heads the federal judiciary, didn't respond to requests for comment.

The nation's roughly 600 full-time federal trial judges, supplemented by about 460 semiretired jurists called senior judges, wield enormous power. Holding lifetime appointments, they preside over hundreds of thousands of civil and criminal cases each year in 94 court districts.

They have soup-to-nuts control over all elements of their courtrooms, from pretrial process and trial to criminal pleas, judgments and sentencing. Judges have wide latitude for fact findings and evidentiary rulings, most of which can be overturned only for abuse of discretion, a high hurdle.

Violations of the 1974 law almost never become public. Judges' financial disclosures aren't online, are cumbersome to request and sometimes take years to access.

Judges are informed if anyone requests to see their disclosures, creating a disincentive for lawyers who might fear annoying judges in whose courtrooms they frequently appear.

Judges rarely make public the lists of companies on whose cases they shouldn't work. When judges disqualify themselves from cases, they typically don't disclose details. No judges in modern times have been removed from the federal bench solely for having a financial interest in a plaintiff or defendant that appeared in their courtroom.

"I just blew it. I regret any question that I've created an appearance of impropriety or a conflict of interest." — Judge Timothy Batten Sr., when notified of his violations

The Journal analyzed data from the Free Law Project, a nonpartisan legalresearch nonprofit that is planning to post judicial disclosure forms online. The findings amount to a pervasive disregard for the judicial conflict-of-interest laws, legal experts said.

A recusal violation in isolation could be viewed as an oversight, but the Journal's investigation "raises a more systemic problem of judges chronically neglecting their duty to disqualify in such cases," said Charles Geyh, a law professor at Indiana University, who specializes in judicial conduct, ethics and accountability. The findings "are both surprising and disappointing," said Timothy Batten Sr., chief judge of the U.S. District Court for the Northern District of Georgia and a member of the Committee on Codes of Conduct for the Judicial Conference of the U.S.

"I believe in the vast majority of these cases, it is an oversight and indolence," he added.

Judge Batten himself owned shares of JPMorgan Chase & Co. while he heard 11 lawsuits involving the bank, most of which ended in the bank's favor, the Journal's analysis shows.

"I am mortified," Judge Batten said in a phone interview when notified about his violations, which occurred in 2010 and 2011, before he joined the Codes of Conduct committee in 2019. "I had no idea that I had an interest in any of these companies in what was a most modest retirement account" managed by a broker.

"I just blew it. I regret any question that I've created or appearance of impropriety or a conflict of interest," he said.

Judge Batten, appointed by former President George W. Bush, said he stopped investing in individual stocks in 2012 and moved his portfolio to mutual funds, which don't require recusal, and has since closed the account.

The Journal analyzed cases to determine whether judges made rulings on contested motions, such as those seeking dismissal or summary judgment. Judges ruled on contested motions in 21% of the nearly 700 cases in question.

Those rulings favored the judges' financial interests in 94 cases, went against the judges' interest in 27 cases and had mixed outcomes in 24 cases.

Already, several parties on the losing side of the rulings have petitioned for a new judge to hear their cases after they were alerted to the violations identified by the Journal. Several judges misunderstood the law, initially saying that they didn't have to recuse themselves because their shares were held in accounts run by a money manager.

The ban on holding even a single share of a company while presiding in a case involving the firm means judges must be vigilant. The 1974 law requires judges to inform themselves about their own financial interests and make a "reasonable effort" to do the same for their spouses and any minor children. The Judicial Conference of the U.S. requires courts to use conflict-checking software to help identify cases where judges should bow out. Judge Janis Sammartino of California traded in stocks of Bank of America Corp. , CVS Health Corp. , Deutsche Bank AG , Hartford Financial Services Group Inc., HSBC Holdings PLC, JPMorgan, Pfizer Inc., Public Storage, Wells Fargo & Co. and Microsoft Corp. while hearing 18 lawsuits involving one or more of those companies, the Journal found. In all, she heard 54 cases involving companies held in her family's trusts.

In the Microsoft case, a Chicago man alleged the software giant violated the Telephone Consumer Protection Act by sending an unsolicited text about its Xbox gaming console to his mobile phone. He filed suit in 2011. One of Judge Sammartino's family trusts bought Microsoft stock twice in 2012 and added three purchases in 2013.

The plaintiff's lawyers sought in 2013 to turn the case into a class action involving 91,708 people who allegedly received the text messages. Microsoft said that it had received permission to send the texts but that records confirming this had been destroyed. Had a class been approved, the case could potentially have cost Microsoft more than \$45 million, according to court filings by the plaintiff.

Judge Sammartino denied the class-action motion as well as Microsoft's motion to dismiss the case. She ruled that the law permitted the plaintiff to seek damages of \$500 for one alleged violation, potentially tripled. He appealed but settled before the appeal was heard. A spokesman for Microsoft declined to comment. One of the plaintiff's lawyers also declined to comment.

Judge Sammartino, an appointee of former President George W. Bush, initially referred questions from the Journal to William Cracraft, a spokesman for the Ninth U.S. Circuit Court of Appeals. "She asked me to let you know" her stocks "are in a managed account, so she's not seeing as how there could be a conflict," Mr. Cracraft said. "She's not inclined to discuss her private business with you since it is all in managed accounts, and she thinks that's sufficient."

An opinion by the Judicial Conference's Committee on Codes of Conduct in 2013 confirmed that judges must bow out of cases involving stocks they own in accounts run by money managers.

Judge Sammartino later informed the court clerk's office of the conflicts, and the office filed a letter notifying parties to the Microsoft case and other cases with violations identified by the Journal.

"Judge Sammartino was not aware of this financial interest at the time the case was pending," the letter said. "The matter was brought to her attention after disposition of the case. Thus, the financial interest neither affected nor impacted her decisions in this case. However, the financial interest would have required recusal."

Before the Journal contacted Judge Sammartino about her recusal violations, she disqualified herself in at least 10 other cases involving companies whose

stocks were listed on her disclosure forms, a review of her cases shows.

Judge Rodney Gilstrap, chief of the U.S. District Court for the Eastern District of Texas, had the largest number of conflicts in the Journal's analysis: 138 cases assigned to him involving companies in which he or his wife held an interest.

Judge Gilstrap said he believed he didn't need to recuse himself from some cases because they required little or no action on his part, and in other cases because the stocks were in a trust created for his wife. Legal-ethics experts disagreed on both counts.

"I take my obligations related to potential conflicts/recusals seriously," he said in an email. "Throughout my judicial career, I have endeavored to comply with all such obligations, and I will continue to do so."

Judge Sammartino's 54 conflicts were the second-most recusal violations. Brian Martinotti in New Jersey ranked third, handling 44 cases involving companies in which he had invested. Among his biggest holdings was Alphabet Inc., the parent of Google. He disclosed in 2016, 2017 and 2018 that he owned \$15,001 to \$50,000 of Alphabet shares.

In 2017, the judge threw out a lawsuit against Google alleging that videos on its YouTube unit falsely said the plaintiff was a sex offender, ruling that the Communications Decency Act let Google off the hook.

Judge Martinotti, an Obama appointee, didn't respond to requests for comment, but after the Journal inquired, the district court clerk notified parties to 44 cases of Judge Martinotti's stock ownership. His Alphabet holding didn't affect the judge's decisions but would have required recusal, the clerk wrote. A spokesman for Google declined to comment.

"I would like my case to be re-opened as Judge Brian R. Martinotti was unfairly biased and should have recused himself from my case," the plaintiff, Nuwan Weerahandi, wrote in an August 2021 letter to the court, after receiving notice of Judge Martinotti's violation.

The chief judge of the New Jersey federal court, Freda Wolfson, denied Mr. Weerahandi's request on Sept. 2, saying the Communications Decency Act bars defamation-related claims against computer services such as Google.

"Importantly, in making this purely legal determination, Judge Martinotti did not engage in any factfinding that would bear on the credibility of any party, including you," Judge Wolfson wrote.

In at least 18 instances, judges disqualified themselves over conflicts, only to have the case reassigned to a judge who also had a conflict but didn't recuse.

In 2015, Judge Robert Cleland in Michigan, a George H.W. Bush appointee, bowed out of a suit by an injured motorist against insurer Allstate Corp., whose stock the judge had been buying and selling that year.

The case was reassigned to Judge Gershwin Drain, who also owned Allstate shares. Judge Drain heard the case — and six others involving Allstate—and wrote a ruling denying a request by the motorist to move the dispute to state court. The case then settled on undisclosed terms.

Presented with his conflicts in 42 cases, Judge Drain, an Obama appointee, said he had added notices to the court's public docket for each suit.

"I can say with absolute certainty that I never made any decision in favor of a company because I owned stock and was invested in that company," Judge Drain said in an email. "To prevent any future issues, however, I have taken steps to review any new cases and if I am invested in any of the companies among the new cases that are assigned to me I will immediately recuse myself." Allstate didn't respond to requests for comment. A lawyer for the motorist declined to comment.

Frequent recusals can upset courts' random drawing of judges for cases and lead to a smaller pool. In 20 federal districts, a third or more judges owned the same stock in the same year. In the U.S. District Court for the Eastern District of Virginia in 2017, fully a third disclosed a Microsoft stock holding.

More than 340 federal appellate and trial judges reported holdings in Apple Inc. at some point from 2010 to 2018 and 300 in Microsoft. About 500 judges owned Bank of America, Citigroup Inc., JPMorgan or Wells Fargo shares at some point. Those numbers reflect only stock ownership, not recusal violations. However, the Journal found 37 judges who owned a bank stock while improperly hearing a case involving that bank.

Judge Emily Marks bought Wells Fargo stock two weeks after she was assigned a Wells Fargo case, a conflict that now threatens to upset a ruling she made.

In the suit, Jacob Springer and Jeanetta Springer of Roanoke, Ala., acted as their own attorneys in challenging Wells Fargo's foreclosure of Ms. Springer's father's home.

In court filings, they said her ailing father missed a mortgage payment three months before he died, after which his daughter, who inherited the home, made payments. Wells Fargo foreclosed, saying the Springers missed payments of about \$4,100 on an outstanding mortgage of more than \$80,000; they said they had missed just one \$695 payment.

"This is outrageous. How am I supposed to know she owns stock in Wells

Fargo?"

— Jacob Springer, when told of the judge's violation in the case he lost.

Judge Marks, chief judge of the U.S. District Court for the Middle District of Alabama and an appointee of former President Donald Trump, was assigned the case in mid-August 2018. The judge bought Wells Fargo stock at the end of the month. In September, she adopted a magistrate judge's recommendation to dismiss the Springers' suit, a decision affirmed on appeal.

Judge Marks declined to comment. The court clerk told parties to the case that the judge had informed her of having owned the bank stock and directed the clerk to notify the parties. The clerk told them Judge Marks's stock ownership didn't affect her decisions in the case but would have required recusal.

Mr. Springer said, "This is outrageous. How am I supposed to know she owns stock in Wells Fargo?"

The Springers asked the court to reopen the case, saying in a filing that "a non-interested Judge" might have let them amend their pleadings. The court assigned a new judge to their suit in July. A spokesman for Wells Fargo declined to comment. The nation's 94 district courts are organized into 12 circuits, or regions. The Journal identified recusal violations in each region.

The U.S. Supreme Court wasn't part of the Journal's analysis. Nor did it include bankruptcy or magistrate judges.

Half of all federal trial and appellate judges in the Journal's review disclosed minimum financial assets of \$775,000 in 2018, while 31 reported a minimum of \$10 million of assets. Some jurists joined the bench after lucrative careers in private practice.

Federal district judges draw an annual salary of \$218,600, which isn't much more than a first-year attorney at a top-tier law firm earns. Some judges said their salary level makes stock investments an attractive option.

"I have my judicial salary, but the law really restricts what else judges can do for additional income," said Judge Susan Webber Wright in Arkansas. She said she held more stock when she was younger and trying to build a nest egg for her family.

Judge Wright, an appointee of former President George H.W. Bush, oversaw 2005 and 2006 cases involving Eli Lilly and Co. and Home Depot Inc. while owning shares of those companies. She issued no major rulings before one case settled and the other was transferred to another district.

"A judge has to be on her toes, and obviously I was not," Judge Wright said.



Susan Webber Wright, Donald Graham, Benjamin Settle

Judges who have many conflicts are "either being careless or have people working for them who are not exercising due diligence," she said, though she added that judges bear the ultimate responsibility for steering clear of conflicts.

Judge Donald Graham in Florida held American depositary receipts of Alcatel-Lucent while assigned to a case involving the French telecom maker. He sold the ADRs in 2010, a day after he approved a \$45 million civil settlement between the U.S. Securities and Exchange Commission and Alcatel-Lucent over allegations the company bribed foreign officials. The company neither admitted nor denied the allegations.

After being contacted by the Journal, Judge Graham, a George H.W. Bush appointee, notified the court clerk of the violation. In a publicly filed letter to the parties, the clerk said Judge Graham's holding didn't affect his decisions.

A lawyer for the SEC told the court the agency didn't believe any further action was required. Alcatel-Lucent's current owner, Nokia Corp., declined to comment.

Judge Benjamin Settle in Washington state sold as much as \$15,000 of Amgen Inc. stock during a case that was settled in 2012. He sold the stock in 2008, while the suit was under seal, giving him access to nonpublic information about an allegation of kickbacks to doctors. The case contributed to a \$762 million penalty against the biotech company in 2012.

Judge Settle, a George W. Bush appointee, said he hadn't included all of his holdings on his recusal list when he inherited the case in 2007 as a newly commissioned federal judge. "Amgen was among those mistakenly omitted," he said. Judge Settle said he directed his broker in 2008 to sell all of his stocks. A spokesman for Amgen declined to comment.

The Journal's tally of recusal violations is likely an undercount. In Mississippi, Judge Sharion Aycock's husband owned as much as \$15,000 in shares of Dollar General Corp. at a time when the Journal found two cases she heard involving the retailer. After being asked about the matter, Judge Aycock found five more violations involving Dollar General and notified the clerk about all seven.

A few of the judges with violations the Journal identified had legendary careers, including Jack Weinstein and Arthur Spatt in the U.S. District Court for the Eastern District of New York.

Judge Weinstein, a Lyndon Johnson appointee, oversaw four cases involving Medtronic PLC or Target Corp. while he or his family held their shares. Judge Spatt, who was named to the court by former President George H.W. Bush, had a violation involving Johnson & Johnson. Judge Spatt died in 2020 and Judge Weinstein died earlier this year, both having served into their 90s.

Judge Margo Brodie, chief of the Eastern District, which includes New York City's Brooklyn and Queens boroughs, acknowledged the conflicts but said the judges' "involvement was minimal, limited to ministerial actions" such as approving settlements or opinions by magistrate judges.

"These two judges have been revered by the practicing bar for their integrity and even handedness," Judge Brodie said in an email. "There has never been a suggestion, much less an accusation, that either ever acted inappropriately."

The Journal identified 36 conflicts by one judge in Colorado, R. Brooke Jackson. The cases included Apple, Chevron Corp., Eli Lilly, Facebook Inc., General Electric Co., Home Depot, Honeywell International Inc., Johnson & Johnson, JPMorgan, Pfizer and Wells Fargo. "I have preferred to stay unknowledgeable about it."

- Judge R. Brooke Jackson, on the stocks in his and his wife's portfolio

Reached by phone, Judge Jackson said he had no idea which stocks he owns because a money manager handles them and because his wife fills out his disclosure forms. He said that because he doesn't know, he couldn't have a conflict of interest.

"I've never really paid much attention to it," Judge Jackson said of his and his wife's investments. "I have preferred to stay unknowledgeable about it.

Told he was required to know under the law, he said: "That's news to me."

In a later email, Judge Jackson, an Obama appointee, admitted his mistake. "I am taking immediate steps to provide a current list of stocks and other investments held by my wife and by me to our Clerk's Office so that we can create an appropriate conflicts list and be sure that this does not happen again," he wrote.

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In a subsequent 21-page letter to the Journal, Judge Jackson said he should have recused himself in most if not all of the 36 cases.

"I am embarrassed that I did not properly understand and apply the stock ownership rule," he wrote. "Being informed of what could be viewed as an ethical violation, even a technical one, is no fun."

Judge David Norton in South Carolina presided over six asbestos suits beginning in 2012 while his disclosures show he held between \$95,004 and \$250,000 of stock in two defendants, 3M Co. and GE.

In 2015 he heard a case filed by James Chesher, who alleged that he developed cancer from exposure to asbestos in the Navy. Mr. Chesher and his wife sought



R. Brooke Jackson, David Norton, Sharion Aycock

damages from 3M, GE and about two dozen other companies. They reached settlements with 3M and GE in 2016.

Mr. Chesher died in 2017. His widow, Cheryl Ann Chesher, was surprised to learn from the Journal of the judge's financial interest in GE and 3M.

"He should have policed himself," Ms. Chesher said. "He knows what the law is on that and he should have followed through," she said, adding: "You have to wonder if he's looking out for himself...rather than the clients."

In an emailed statement, Judge Norton said he didn't recuse himself because 3M and GE played no significant role in the suits and were "defendants in name only."

He added: "At the outset the lawyers involved in these cases assured me that 3M and GE would be dismissed and not involved in the case pursuant to a preexisting agreement between the plaintiffs' lawyers and GE and 3M."

Peter Kraus, an attorney for the Cheshers, said he and his co-counsel "have no recollection about making any assurances to the judge that GE and 3M would be dismissed." They "were sued because the evidence in the case implicated them, and were certainly not 'defendants in name only,'" he said, adding that attorneys for both companies participated in depositions.

A 3M spokeswoman said neither the company nor its attorneys ever assured the judge regarding any dismissals. A spokeswoman for GE didn't respond to questions about whether it had conveyed such an assurance. An attorney for GE said she didn't recall the case.

Told what 3M and the plaintiffs' attorney said, Judge Norton reiterated his recollection of the case.

As remaining asbestos defendants moved toward trial, Judge Norton, a George H.W. Bush appointee, issued rulings that broadly benefited companies with asbestos liabilities.

In hearings, he took aim at the theory behind the cases: that any exposure to asbestos was significant enough to contribute to their cancer. The defendants said the plaintiffs' expert witness shouldn't be allowed to testify because he was unable to show that the men more likely than not would have avoided the disease but for their exposure to the asbestos. Judge Norton sided with the companies, ruling that the expert witness's testimony—"scientifically sound as it may be"—couldn't be presented to a jury.

The ruling drew national attention. Plaintiffs' lawyers denounced it, while lawyers who often defend corporations embraced it as common-sense analysis. A Harvard Law Review article blasted it, saying that "unrealistic legal expectations of science could do great injustice."

Mr. Kraus, the Cheshers's attorney, called the decision out of sync with court

precedent on liability in asbestos cases. Other courts have adopted Judge Norton's analysis, including the Ohio Supreme Court.

Mr. Kraus said he has never asked to see a judge's financial disclosure form. He said he wasn't sure he ever would.

"If a judge who is considering a matter you have before him finds out that you've been snooping around about his finances, I'd be very concerned as a practitioner that it would cause a negative backlash that would affect my clients' rights in the court," Mr. Kraus said.

Judge Norton also violated an ethics rule when he bought a box of cuff links at an auction of the government-seized property of a man he earlier sentenced to prison for a Ponzi scheme, according to the chief judge of the Fourth U.S. Circuit Court of Appeals.

"The judge's purchase did create an appearance of impropriety," though it didn't affect the sentence imposed, Chief Judge Roger Gregory wrote in 2017, without identifying the cuff links buyer.

Judge Gregory quoted the unnamed judge as saying he tried to "keep current on all ethical rules and take the yearly ethics test prepared by the Administrative office" but was unaware that his participation in the auction could create the appearance of impropriety.

Judge Norton, who confirmed in a separate filing that he bought the cuff links, told the Fourth Circuit: "Now that I have been made aware of this, my actions will not be repeated."

Ava Sasani and Lisa Schwartz contributed to this article.

Illustrations by Art Lien for The Wall Street Journal

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By <u>James V. Grimaldi</u>, <u>Coulter Jones</u> and <u>Joe Palazzolo</u> Sept. 28, 2021 9:07 am ET

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Dozens of Federal Judges Had Financial Conflicts: What You Need to Know

A Wall Street Journal investigation finds 131 federal judges unlawfully ruled in cases involving companies in which they or their families held shares

By Michael Siconolfi, <u>Coulter Jones</u>, <u>Joe Palazzolo</u> and <u>James V. Grimaldi</u> Updated Oct. 7, 2021 9:13 pm ET This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit https://www.djreprints.com. https://www.wsj.com/articles/dozens-of-federal-judges-broke-the-law-on-conflicts-what-you-need-to-know-11632922140

HIDDEN INTERESTS

Dozens of Federal Judges Had Financial Conflicts: What You Need to Know

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By Michael Siconolfi, <u>Coulter Jones</u>, <u>Joe Palazzolo</u> and <u>James V. Grimaldi</u> Sept. 29, 2021 9:29 am ET

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A Wall Street Journal investigation found that federal judges around the nation have violated U.S. law and judicial ethics by overseeing nearly 700 court cases

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Palazzolo, Joe; Grimaldi, James V; Jones, Coulter . Wall Street Journal , Eastern edition; New York, N.Y. [New York, N.Y]. 30 Sep 2021: A.1.

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FULL TEXT

No federal judge in America has heard more patent-infringement lawsuits in the past decade than Rodney Gilstrap, who presides over a small courthouse in Marshall, Texas.

He also holds another record: Judge Gilstrap has taken on 138 cases since 2011 that involved companies in which he or a family member had a financial interest, more than any other federal judge, a Wall Street Journal investigation shows.

The companies included Microsoft Corp. (53 cases), Walmart Inc. (36 cases), Target Corp. (25 cases) and International Business Machines Corp. (9 cases).

A 1974 federal law requires judges to disqualify themselves from cases if they, their spouse or minor children hold a financial interest in a plaintiff or defendant, including the interest of a beneficiary in assets held by a trust. The Journal investigation, which compared judges' financial-disclosure forms against their court dockets, found that 131 federal judges violated this law from 2010 to 2018, in a total of 685 cases. Judge Gilstrap had several dozen more violations than the runner-up.

Judge Gilstrap, chief judge for the U.S. District Court for the Eastern District of Texas, also disclosed one of the largest holdings in a conflicted company. He had a patent-infringement case against a Walt Disney Co. unit while he or his wife reported holding between \$100,001 and \$250,000 of Disney stock. The plaintiff later withdrew its claim.

The 64-year-old Judge Gilstrap, one of America's most prominent district judges, said he believed he didn't need to recuse himself from some cases because they required little or no action on his part, and in other cases because the stocks were in a trust created for his wife without her stock-picking input. Legal-ethics experts disagree on both counts.

Judge Gilstrap declined interview requests. "I take my obligations related to potential conflicts/recusals seriously," he said in one of seven emails to the Journal. "Throughout my judicial career, I have endeavored to comply with all such obligations, and I will continue to do so."

Federal district judges have considerable discretion on matters of fact finding and other pretrial issues, and this can be especially important in patent litigation, a complex area of law.

Friends and other lawyers said they couldn't imagine that Judge Gilstrap would ever be swayed by his or his family's investments in making court rulings. "That man is as pure as the driven snow in terms of his ethics and personal responsibility," said Brad Toben, the dean of Baylor University Law School and a longtime friend of the judge.

An unusually large role in patent litigation has made the Eastern District of Texas a lightning rod for criticism from some academics, corporations and think tanks.



These critics say its rules encourage patent holders to bring suits there because they are dispatched swiftly, often with quick settlement payouts to the plaintiffs. A 2016 article in the Southern California Law Review described how it said the court engaged in "forum selling," a pejorative twist on "forum shopping," the practice of lawyers seeking out friendly legal venues.

In one suit, a McKinney, Texas, company called Biscotti Inc. alleged that Microsoft's Xbox One services infringed a patent covering live video-chat capabilities. A jury found in Microsoft's favor in 2017.

Biscotti sought a new trial, for reasons including an assertion that a video shown to the jury about videoconferencing calls broke evidentiary rules..

"The video does not present the sort of prejudice that would justify a new trial," Judge Gilstrap said. "A plethora of other evidence in this record supports the jury's verdict in this regard." For most of the nearly five years he oversaw the case, Judge Gilstrap's disclosure forms listed between \$15,001 and \$50,000 of Microsoft stock.

Judge Gilstrap took unusually strong action in one 2015 case involving a stock held in his wife's trust.

A firm called Iris Connex LLC sued Microsoft and 17 other technology companies alleging that their computer and smartphone devices infringed its patent for videoconferencing. In a 2016 ruling, Judge Gilstrap said that "no reasonable juror could find the accused camera system" with fixed cameras violated a patent held by the plaintiff that called for a movable camera.

He granted summary judgment, though the defendants hadn't requested it. He cited precedent that said disposing of the claims at such an early point in the infringement case was highly unusual "but entirely appropriate at an early stage in a case where . . . the issues are cut and dry."

In a later ruling, Judge Gilstrap also called Iris Connex's lawsuit "exceptionally bad," said the company was a shell meant to insulate the true owner of the patent against sanctions for filing frivolous cases, and ordered him to pay attorneys' fees and expenses to one of the defendants.

Lawyers for Iris Connex and a spokesman for Microsoft declined to comment.

Judge Gilstrap said he removes himself from cases involving companies in which he or his wife hold stock -- but not when those stocks are held in a trust created for his wife and her descendants. He said a trustee makes investment decisions for the trust and holds legal title to its assets, and the trust will continue to exist after his wife's death.

Judge Gilstrap said he checked the trust's characteristics against ethics guidance provided to other federal judges and believes that "its structure, the limitations it imposes, and the Trustee's discretion place it in a category of trusts which would not require recusal."

Legal experts told the Journal his wife has an interest in the trust's stocks, even if she doesn't hold legal title to them. Federal law defines a "financial interest" in a party as either a "legal or equitable interest," such as a beneficiary's interest in a trust.

"The judge must recuse if the trust for the spouse has even one share of stock in a party," said Stephen Gillers, a New York University law professor and author of a judicial ethics casebook, who reviewed the filings for the Journal.

Investments in his wife's trust should be disclosed if she either is the legal owner of the trust or has an equitable interest, said Ben Johnson, a law professor at Pennsylvania State University, who published research on recusal failures among district judges. "He would have to recuse."

Judge Gilstrap's financial disclosure forms make no distinction between the trust's assets and stocks the judge and his wife hold in other investment accounts.

In emailed statements, he declined to provide an accounting of the stocks in the trust but confirmed that Microsoft was among them, reiterating that he believed he had no duty to recuse in cases involving the company.

Judge Gilstrap initially said he had no duty to recuse himself from cases involving parties in which his family's other investment accounts held stock, because the cases identified by the Journal were handled by a magistrate judge or required only "ministerial" actions by Judge Gilstrap.

After the Journal contacted him, he sought counsel from the U.S. judiciary's ethics committee. A Sept. 2 opinion by



the committee, provided to the Journal by Judge Gilstrap, said the Code of Conduct for U.S. Judges "requires recusal when a judge has a financial conflict, regardless of the substance of the judge's actual involvement in the case," and "encompasses a situation where the Clerk's Office assigns you a case, even where you do not act." Judge Gilstrap said he would follow the panel's guidance. "In hindsight and considering the attached opinion from the Committee, I now understand that, despite my lack of any involvement or action, such cases result in a need for me to recuse," he said.

He declined to say whether he sought an opinion from the committee on whether he was required to recuse in connection with his wife's trust.

Court dockets give no indication Judge Gilstrap or the court clerk has notified parties that he had a financial interest while assigned to the cases.

Fifty-seven judges have told clerks to issue such court notices, in 345 lawsuits, after the Journal identified violations.

Judge Gilstrap joined the federal bench in 2011, nominated by ex-President Barack Obama and recommended by two Texas GOP senators. He reported that he orhis family owned a total of nearly \$1.8 million in shares of more than three dozen companies. In 2018, he reported holding \$3.7 million in stocks among total assets of more than \$8 million.

Shares he disclosed owning when nominated included \$16,521 of Microsoft, \$6,915 of JPMorgan Chase &Co. and \$1,756 of Cisco Systems Inc. Within days of his confirmation, his docket filled with over 100 cases, including suits that named Microsoft, JPMorgan and Cisco as parties. By the end of the year, he had over a dozen cases involving firms in which he or his wife had stock, the Journal found.

A magna cum laude graduate of Baylor with a degree in religion, Mr. Gilstrap went to Baylor Law School. In 1984 he co-founded a firm in Marshall focused on patent law.

Court rules at the time let plaintiffs file patent suits anywhere the defendant's product was sold. Marshall acquired a reputation for having juries sympathetic to plaintiffs and for being a place where suits could go to trial quickly. A series of judges in the Eastern District of Texas adopted local rules that promised a "rocket docket" for patent cases. Since 2011, Judge Gilstrap has heardnearly 15% of the over 47,800 patent cases filed in federal courts. Assets reported by Judge Gilstrap and his family include companies that are typically defendants in patent suits. Judge Gilstrap has retained or enhanced rules that made the court attractive to plaintiffs' lawyers seeking to enforce patents rights, who often seek to settle suits quickly.

The Eastern District's outsize role in patent litigation has eased since 2017, when the Supreme Court limited plaintiffs to bringing their suits where defendants have an established place of business. The district now is only the third-busiest, of 94 court districts, in patent cases. Judge Gilstrap, though, is still one of the busiest patent judges.

Judge Gilstrap disqualified himself from a patent case in early 2012 but kept the case when it boomeranged back to him after brief stops in the courtrooms of two other judges.

In the suit, the plaintiff alleged its patent was infringed by a tool on the websites of McDonald's Corp. and several other companies to help people find stores near them. Judge Gilstrap recused himself without explanation. Asked recently about it, he said, "This was a long time ago, but I suspect the presence of McDonald's Corp. (which I hold in a personal brokerage account) would have prompted" him to bow out.

The judge to whom the case was reassigned retired after about two months. The district court assigned it to another judge, but later took it away from that judge in a rebalancing of caseloads. The case landed in Judge Gilstrap's docket again in January 2013. This time, he didn't recuse himself.

McDonald's was no longer a defendant, having settled. The plaintiff, however, had filed more suits alleging that various retailers, banks and big-box stores were infringing its patent. Judge Gilstrap consolidated these suits. Of the more than two dozen companies that were by then parties, Judge Gilstrap's disclosure forms showed investments in five: Home Depot Inc. and JPMorgan (each \$15,001 to \$50,000 worth) plus Microsoft, Target and Walmart (each up to \$15,000).



Walmart and the plaintiff, LBS Innovations LLC, entered into an agreement to dismiss the claims against the retailer in September 2013. Judge Gilstrap discarded some of LBS's infringement claims against the remaining companies in a January 2014 ruling. Settlements with Home Depot, JPMorgan, Microsoft and Target quickly followed.

Judge Gilstrap said the stocks in the five companies were assets of his wife's trust and didn't require his recusal. Eric Buether, a lawyer who represented LBS in the case, said, "My experience is that he's a fastidious judge who holds all parties and lawyers to obey the rules and [I] would not expect this to be anything other than an innocent error if there even were one." Mr. Buether has a trial in Judge Gilstrap's court starting next week. Credit: By Joe Palazzolo, James V. Grimaldi and Coulter Jones

DETAILS

Subject:	Stocks; Committees; Video teleconferencing; Investments; Ethics; Attorneys; State court decisions; Trials; Recusal; Judges &magistrates Patent law
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U.S. News: Judge Recused After Endorsing Lawyer

Jones, Ashby; Kendall, Brent . Wall Street Journal , Eastern edition; New York, N.Y. [New York, N.Y]. 23 May 2014: A.2.

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ABSTRACT

Earlier this year, Randall R. Rader, the chief judge of the U.S. Court of Appeals for the Federal Circuit -- one of the nation's highest federal courts -- sent a laudatory email to Edward Reines, a patent lawyer at Weil Gotshal &Manges LLP in Silicon Valley, said people familiar with the matter.

FULL TEXT

A federal judge who wrote an endorsement of a lawyer has recused himself from two patent cases in which the attorney participated, weeks after the court took key actions in both cases.

Earlier this year, Randall R. Rader, the chief judge of the U.S. Court of Appeals for the Federal Circuit -- one of the nation's highest federal courts -- sent a laudatory email to Edward Reines, a patent lawyer at Weil Gotshal &Manges LLP in Silicon Valley, said people familiar with the matter.

The email raised questions among lawyers in the patent bar because Mr. Reines had appeared before the court -- a key venue in U.S. patent law -- in two prior cases involving Microsoft Corp. and Medtronic Inc.

Judge Rader originally participated in court actions in both cases. Earlier this month, the Federal Circuit disclosed that the judge was now recused and reissued an opinion in one case and a judicial order in another.

Judge Rader declined to comment through a court spokesman. A Weil Gotshal spokeswoman declined to comment.

The 18-judge Federal Circuit is one of 13 federal appeals courts throughout the country, one notch below the U.S. Supreme Court. Unlike the other federal appeals courts, however, the Federal Circuit specializes largely in one area: patent law.

The court's profile has skyrocketed in recent years, alongside the rise of big-dollar patent disputes, such as those between technology giants Apple Inc. and Samsung Electronics Co. The Federal Circuit has made key rulings in the Apple-Samsung cases and others in the global smartphone patent war, and in recent years has seen an increasing number of its rulings taken up by the U.S. Supreme Court.

The incident shines a light on the clubby world of patent law, where judges from the Federal Circuit and its top lawyers often develop a familiarity that can spill over into friendship. Judges from that court and lawyers often appear together on panel discussions and hobnob at patent-law conferences.



Mr. Reines appears regularly in cases before the Federal Circuit, which has become a crucial venue in the highstakes world of patent litigation, where a single case can be worth hundreds of millions of dollars to the companies involved.

In the email, Judge Rader said he and other court colleagues had been impressed by Mr. Reines's skill as an appellate lawyer, according to people familiar with the details of the judge's note. The judge encouraged the lawyer to share the endorsement with others, a tool that could be used to impress clients, people familiar with the matter said.

It couldn't immediately be learned whether the court received direct complaints about Judge Rader's action.

The email triggered concerns that, in regard to Mr. Reines, Judge Rader's impartiality had been compromised, according to experienced patent lawyers who know both men. Some attorneys familiar with the judge's email said the endorsement was an inappropriate action for a sitting federal judge.

One case pitted Microsoft and SAP AG against a patent holder that had sued the companies' customers. The court ruled in favor of the companies on some issues, but stopped short of granting them a full victory. Judge Rader had partially dissented, saying the court should have sided more fully with Microsoft. Mr. Reines represented Microsoft in the case.

The court earlier this month reissued the opinion on behalf of the remaining two judges on the panel, with Judge Rader's partial dissent removed from the decision.

On Wednesday, the losing party in the case, DataTern Inc., filed a letter asking the Federal Circuit to reveal the reason for Judge Rader's recusal. "We understand that this is a matter of great sensitivity," the letter read. "Whatever the reason for recusal it should be open to scrutiny so as to avoid any appearance of impropriety," the firm told the court.

A spokesman for SAP declined to comment, as did a Microsoft spokeswoman.

The second recusal came in a closely watched patent case involving heart devices. A lower court barred Medtronic from selling its new CoreValve aortic heart valve after a jury found the device infringed on a patent held by rival Edwards Lifesciences Corp. Judge Rader joined a 2-1 majority that put a lower court's injunction on hold. Mr. Reines represented Medtronic in the case.

The appeals court replaced Judge Rader with another judge, and then swapped the order with a new one that also stayed the lower court's injunction.

A spokesman for Medtronic declined to comment. A spokeswoman for Edwards LIfesciences didn't respond to a request for comment.

Credit: By Ashby Jones and Brent Kendall

DETAILS



Subject:	Recusal; Attorneys; Judges &magistrates Patents; Patent law; State court decisions
Business indexing term:	Subject: Patents; Industry: 54111 : Offices of Lawyers
Location:	United StatesUS
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Company / organization:	Name: Medtronic Inc; NAICS: 334510, 339112; Name: Microsoft Corp; NAICS: 334614, 511210
Classification:	9190: United States; 4330: Litigation; 54111: Offices of Lawyers
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Maryanne Trump Barry (AP/Julie Jacobson)

Trump's sister resigns from federal appeals court, halting probe into alleged family tax fraud

Maryanne Trump Barry abruptly filed for retirement 10 days after learning she was being investigated for tax fraud



Judge Maryanne Trump Barry, the elder sister of President Trump, retired as a federal appeals court judge days



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The Trump family used and his siblings inherite	S	We'd like to send you customized notifications from our Editors Notifications can be turned off anytime in your browser settings	Ilars President Trump
		Dismiss	

Barry, 82, received a letter in February informing her of complaints the court had received stemming from the report and said the investigation was "receiving the full attention" of a judicial conduct council, the Times reported on Wednesday. Barry filed her retirement papers 10 days later.

Her retirement makes her immune from judicial misconduct proceedings since she is no longer a sitting judge. Complainants were notified last week that the investigation was dropped.

As a retired judge, Barry will continue to receive an annual pension worth between \$184,500 and \$217,600 per year.







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Barry had not heard cases for more than two years prior to her retirement but was still listed as an inactive senior judge.

Scott Shuchart, a former lawyer at the Department of Homeland Security who filed one of the complaints, told the Times that he found it "galling" that Barry would receive a pension despite the misconduct allegations "just because she changed from one form of retired status to another."

According to the Times investigation, Barry was the co-owner of All County Building Supply & Maintenance, a shell company created by the family to siphon millions from Fred Trump's real estate empire. Barry, her siblings and a cousin split the money, which was free from gift and estate taxes.

Advertisement:



Barry, who was appointed to the federal bench by Ronald Re

Appeals for the Third Circuit by Bill Clinton in 1999, said on I

the All County income had been more than \$1 million over the previous 17 months.



tens of millions of dollar 2004 and 2006, Barry's	S	We'd like to send you customized notifications from our Editors Notifications can be turned off anytime in your browser settings	mp's empire between
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All told, Fred Trump transferred more than \$1 billion in wealth to his children, which should have come with a 55 percent tax rate that was imposed on gifts and inheritances at the time. Rather than pay more than \$550 million, the Trumps paid a total of \$52.2 million in taxes, or roughly a 5 percent rate, according to the Times.

An attorney for President Trump denied The Times report, calling it "100 percent false" and "highly defamatory."

But the report caught the eye of New York tax investigators. The New York State Taxation authority released a statement in October 2018, saying it was "reviewing the allegations in the New York Times article" and "vigorously pursuing all appropriate avenues of investigation."

IGOR DERYSH

Igor Derysh is a staff writer at Salon. His work has al Chicago Tribune, Boston Herald and Baltimore Sun.

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MORE FROM IGOR DERYSH





Appendixes

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A three-volume study of judges and their judiciaries that exposes their coordinated abuse of power as their institutionalized modus operandi; and promotes a generalized media investigation and unprecedented citizens hearings that inform and so outrage the national public as to stir it up to assert its right as *We the People*, the Masters of all public servants, including judicial public servants, to hold judges accountable for their performance and liable to compensate the victims of their abuse

VOLUME III:

http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest_Jud_Advocates3.pdf

Volume I:

http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf

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http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Honest_Jud_Advocates2.pdf

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A. Every meaningful cause needs resources for its advancement; none can be continued, let alone advanced, without money

Support Judicial Discipline Reform

- 1. Activities intended to advance the common cause of judges and their judiciaries held accountable and liable, to be financed by donations and capital investment to:
- 2. continue its professional law research and writing, and strategic thinking, which has produce a three-volume study of judges and their judiciaries, titled:

Exposing Judges' Unaccountability and Consequent Riskless Abuse of Power: Pioneering the news and publishing field of judicial unaccountability reporting * † *;

- 3. turn the website at http://www.Judicial-Discipline-Reform.org, whose articles(Appendix 6) have attracted countless webvisitors and elicited in them such a positive reaction that 39,276 (App.3) have become subscribers as of August 11, 2021, from an informational platform, into:
 - a. a clearinghouse for complaints against judges uploaded by anybody;
 - b. a **research center** for fee-paying clients auditing judges' decisions and searching many other writings from many sources that through computer-assisted statistical, linguistic, and literary analysis can reveal the most persuasive type of evidence: judges' patterns, trends, and schemes of abuse of power, e.g.; their interception of people's emails and mail; and
 - c. the digital portal of the precursor to the creation of the Institute of Judicial Unaccountability Reporting and Reform Advocacy attached to a top university or news network;
- 4. organize and embark on a tour of presentations on the above article[‡], to you and your group of guests; at law, journalism, and business schools; media outlets; etc., via video conference or, if in NY City, in person. To assess my capacity to present view my video and follow it on its slides;
- 5. hold together with academics, media outlets, and journalists, the proposed UNPRECEDENTED CITIZENS HEARINGS, where people will be able to tell the national public their stories of judges' abuse;
- 6. organize the first-ever, and national conference on judges' abuse in connivance with the politicians who fear their power of retaliation, where the report on the citizens hearings will be presented;
- 7. publish as its sequel an academics/journalists multidisciplinary Annual Report on Judicial Unaccountability and Riskless Abuse of Power-cum-citizens inspector general report on the judiciary;
- 8. launch an abuse investigation that attracts ever more media because Scandal sells & earns Pulitzers;
- 9. promote the formation of a national, single issue, apolitical, civic movement for judicial abuse of power exposure, compensation of abusees, and reform through transformational change; etc.(¶49).

B. Put your money where your outrage at abuse and passion for justice are

10. DONATE by making a deposit into, or a transfer using your online bank account Bill Pay feature to,

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or by mailing a check to the address in the above letterhead.

Dare trigger history!...and you may enter it.

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November 10, 2021

A study and articles already written on judicial abuse of power, compensation of abusees, and transformative reform; subjects for articles that may be commissioned; and links to external sources of information useful for law research and writing[‡]

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A. The study and articles available for review before publication or law writing

1. The study

1. The three-volume study* † ♣ of judges and their judiciaries that supports the articles, which are downloadable as individual files

Exposing Judges' Unaccountability and Consequent Riskless Abuse of Power:

- Pioneering the news and publishing field of judicial unaccountability reporting* **
- * Volume 1: http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf >all prefixes:page# up to prefix OL:page393
- [†] Volume 2: http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Honest_Jud_Advocates2.pdf >from page OL2:394-1143
- Volume 3: http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest_Jud_Advocates3.pdf >from OL3:1144-1386+

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In each downloaded file, go to the Menu bar >View >Navigation Panels >Bookmarks panel and use its bookmarks, which make navigating to the **contents'** numerous(* † • >blue footnote-like references) very easy.

- 2. Many of the articles have been posted to the website of Judicial Discipline Reform at http://www.Judicial-Discipline-Reform.org.
- 3. Visit the website and join its 40,205+ subscribers to its articles thus: homepage <left panel ↓Register or + New or Users >Add New.

2. The individual sections of the study

1. jur:1; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Intro_jur:1-8.pdf

* http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest_Jud_Advocates3.pdf >from OL3:1144 *.../OL/... >all prefixes:# up to OL:393 * http://Judicial-Discipline-Reform.org/OL2/DrRCordero_individual_files_links.pdf

- 2. jur:10; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_complaint_dismissal_statistics_jur9-20.pdf
- 3. jur:21; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Sec_A_jur21-63.pdf
- 4. jur:65; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Sec_B_jur65-80.pdf
- 5. jur:85; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Sec_C_jur85-97.pdf
- 6. jur:97; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Sec_D_jur97-111.pdf
- 7. jur:119; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Sec_E_jur119-130.pdf
- 8. jur:130; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Sec_E_jur130-169.pdf
- 9. jur:171; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Sec_F_jur171-174.pdf

3. The articles already written

- 10. http://Judicial-Discipline-Reform.org/OL2/DrRCordero_collected_statistics_complaints_v_judges.pdf
 - Cf. a. jur:11: while Then-Judge, Now-Justice Sonia Sotomayor served on the Court of Appeals for the Second Circuit, http://Judicial-Discipline-Reform.org/OL2/DrRCordero_complaint_dismissal_statistics.pdf
 - b. OL2:546; while Then-Judge, Now-Justice Neil Gorsuch served on the Court of Appeals for the Tenth Circuit, http://Judicial-Discipline-Reform.org/OL2/DrRCordero_hearings_JGorsuch_complainants&parties.pdf
 - c. OL2:748; Judge Brett Kavanaugh, Chief Judge Merrick Garland, and their peers and colleagues in the District of Columbia Circuit dismissed 478 complaints against them during the 1oct06-30sep17 11-year period; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_JJ_Kavanaugh-Garland_exoneration_policy.pdf; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_table_exonerations_by_JJ_Kavanaugh-Garland.pdf
 - d. OL2:1176; while Then-Judge, Now-Justice Amy Coney Barrett served on the Court of Appeals for the Seventh Circuit; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_JgACBarrett_condonation_judges_power_abuse.pdf
 - e. OL3:1229; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-JudgeRPratt.pdf and https://www.iasd.uscourts.gov/content/senior-district-judge-robert-w-pratt
 - f. OL3:1237 on exposing attorney general designate Judge M. Garland; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_media_exposing_judges.pdf
 - g. Template to be filled out with the complaint statistics on any of the 15 reporting courts: http://Judicial-Discipline-Reform.org/OL2/DrRCordero_template_table_complaints_v_judges.pdf
- 11. Congress's finding of cronyism in the federal courts, http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf >(jur:32§§2-3)
- 12. *>jur:65; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_abuse_by_justices.pdf
- 13. >jur:72fn144d; http://judicial-discipline-reform.org/journalists/CBS/11-5-18DrRCordero-ProdCScholl.pdf
- 14. jur:122; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_judicial_unaccountability_brochures_report.pdf
- 15. jur:130; http://Judicial-Discipline-

Reform.org/OL2/DrRCordero_Institute_judicial_unaccountability_reporting.pdf

- 16. *>Lsch 5; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Deans_professors_students.pdf
- 17. *>Lsch:13; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_dynamic_analysis&strategic_thinking.pdf
- 18. http://Judicial-Discipline-Reform.org/DoJ-FBI/9-2-3DrRCordero-FBI_Corruption_Unit.pdf
- 19. *>DeLano Case Course; dcc; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Syllabus.pdf
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- 21. *>OL:42; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_law_research_proposals.pdf
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- 23. *>OL:180 http://Judicial-Discipline-Reform.org/OL2/DrRCordero_turning_judges_clerks_into_irformants.pdf
- 24. *>OL:190; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_institutionalized_judges_abuse_power.pdf
- 25. OL:215; former CBS reporter Sharyl Attkisson and her suit against the Department of Justice for illegal electronic surveillance of her home and CBS office computers
- 26. *>OL:255; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-university_law_research.pdf
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- 33. OL2:468; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_turning_court_clerks_into_informants.pdf
- 34. OL2:546; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_complaint_dismissal_statistics.pdf; see also infra OL2:792; see the supporting official statistical tables of the federal courts at http://Judicial-Discipline-Reform.org/statistics&tables/statistical_tables_complaints_v_judges.pdf
- 35. OL2:548; table of 100% complaint dismissal and a100% dismissal review petitions denial while Then-Judge, Now-Justice Neil Gorsuch served on the 10th Circuit; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_hearings_JGorsuch_complainants&parties.pdf
- 36. OL2:567; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-The_Dissatisfied_with_Judicial_System.pdf
- 37. OL2:608, 760; article using official court statistics to demonstrate "the math of abuse": neither judges nor clerks read the majority of briefs, disposing of them through 'dumping forms', which are unresearched, reasonless, arbitrary, ad-hoc fiat-like orders on a 5¢ rubberstamped form; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_judges_do_not_read.pdf
- 38. OL2:614; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_how_fraud_scheme_works.pdf

- 39. OL2:760; see OL2:608
- 40. OL2:768; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Congress.pdf
- 41. OL2:773; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Harvard_Yale_prof_students.pdf
- 42. OL2:781; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_judges_intercepting_emails_mail.pdf
- 43. OL2:792; Complaint filed with Supreme Court Chief Justice John G. Roberts, Jr., and the U.S. Court of Appeals for the District of Columbia Circuit; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-SupCt_CJ_JGRoberts.pdf
- 44. OL2:799; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-RepJNadler.pdf
- 45. †>OL2:821; Programmatic presentation on forming a national civic movement for judicial abuse of power exposure, redress, and reform; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_programmatic_presentation.pdf
- 46. OL2:840; http://www.Judicial-Discipline-Reform.org/OL2/DrRCordero-LDAD.pdf;
- 47. *>OL2:879; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_Black_Robed_Predators_documentary.pdf
- 48. OL2:901; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-LDAD.pdf
- 49. OL2:918; File on the complaint's journey –from OL2:792– until its final disposition in the U.S. Court of Appeals for the 11th Circuit; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-11Circuit.pdf
- 50. OL2:929; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-IT_investigate_interception.pdf
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- 70. OL2:1066; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_adapting_to_new_legal_market.pdf [sent to LexisNexis]
- 71. OL2:1073; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_inform_outrage_be_compensated.pdf
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- 91. *>OL2:1205: http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Reuters_Law_Firm_Council.pdf
- 92. *>OL2:1212: agenda for video conference; http://Judicial-Discipline-

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- 93. OL2:1221; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-News_Directors_on_judges_abuse.pdf
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- 107. OL3:1323; http://Judicial-Discipline-Reform.org/OL2/DrRCorderopoliticians_v_Biden_SCt_Commission.pdf
- 108. OL3:1329; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_method_for_writing_your_story.pdf
- 109. OL3:1338; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_joining_forces_to_tell_your_story.pdf
- 110. OL3:1342; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_citizens_hearings_by_students&journalists.pdf
- 111. OL3:1348; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_politicians-judges_connivance.pdf
- 112. OL3:1351; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_folly_of_pro_se.pdf
- 113. OL3:1367; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_becoming_teacher&leader.pdf
- 114. OL3:1371; proposal to apply to judges expertise in financial criminality investigations; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-media_to_investigate_judges_financial_criminality.pdf

115. http://Judicial-Discipline-Reform.org/OL2/financially_conflicted_judges.pdf

- 116. OL3:1378; exposing the Federal Judiciary as a racketeering enterprise; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-media_to_investigate_judges_financial_criminality.pdf
- 117. OL3:1380; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_writing_reliable_stories&telling_national_public.pdf

- 118. OL3:1383; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_webinar_judges_abuse_compensation.pdf
- 119. OL3:1388; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_webinar_&_workshop_dates.pdf
- 120. OL3:1389; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_webinar&story_workshop_slides.pdf
- 121. OL3:1394; http://Judicial-Discipline-Reform.org/OL2/DrRCordero_thinking_strategically_to_gain_resullt_allies.pdf

B. Subjects for commissioning one or a series of articles

- 122. judges' unaccountability(*>OL:265) and their riskless abuse of power(*>jur:5§3; OL:154§3);
- 123. statistical analysis for the public([†] >OL2:455§§B-E, 608§A) and for researchers(jur:131§b);
- 124. significance of federal circuit judges disposing of 93% of appeals in decisions **"on procedural grounds** [i.e., the pretext of **"lack of jurisdiction"**], unsigned, unpublished, by consolidation, without comment", which are unresearched, reasonless, ad-hoc, arbitrary, fiat-like orders, in practice unappealable(OL2:453);
- 125. to receive 'justice services' (OL2:607) parties pay courts filing fees, which constitute consideration, whereby a contract arises between them to be performed by the judges, who know that they will in most cases not even read their briefs(OL2:608§A), so that courts engage in false advertisement, fraud in the inducement, and breach of contract(OL2:609§2);
- 126. Justiceship Nominee Judge Neil Gorsuch said, **"An attack on one of our brothers and sisters of the robe is an attack on all of us"**: judges' gang mentality and abusive hitting back(OL2:546);
- 127. fair criticism of judges who fail to "avoid even the appearance of impropriety" (jur:68123a);
- 128. abuse-enabling clerks(OL2:687), who fear arbitrary removal without recourse(jur:30§1);
- 129. law clerks' vision at the end of their clerking for a judge of the latter's glowing letter of recommendation(OL2:645§B) to a potential employer morally blinds them to their being used by the judge as executioners of his or her abuse;
- 130. judges dismiss 99.82% of complaints against them(jur:10-14; OL2:548), thus arrogating to themselves impunity by abusing their self-disciplining authority(jur:21§a);
- 131. escaping the futility of suing judges(OL2:713, 609§1): the out-of-court inform and outrage strategy to stir up the public into holding them accountable and liable to compensation(OL2:581);
- 132. how law professors and lawyers act in self-interest to cover up for judges so as to spare themselves and their schools, cases, and firms retaliation(jur:81§1): their system of harmonious interests against the interests of the parties and the public(OL2:635, 593¶15);
- 133. turning insiders into Deep Throats(jur:106§C); outsiders into informants(OL2:468); and judges into criers of 'MeToo! Abusers'(OL2:682¶¶7,8) that issue an I accuse!(jur:98§2) denunciation of judges' abuse: thinking and acting strategically(OL2:635, 593¶15) to expose judges' abuse by developing allies who want to become Workers of Justice(OL2:687), as opposed to being enforcers of abuse or enablers by endorsement or willful ignorance or blindness;
- 134. two unique national stories, not to replace a rogue judge, but to topple an abusive judiciary:
 - a. Follow the money! as judges grab(OL2:614), conceal(jur:65^{107a,c}), and launder(105²¹³) it;

- b. The Silence of the Judges: their warrantless, 1st Amendment freedom of speech, press, and assembly-violative interception of their critics' communications(OL2:582§C);
 - made all the more credible by Former CBS Reporter Sharryl Attkisson's \$35 million suit against the Department of Justice for its illegal intrusion into her computers to spy on her ground-breaking investigation and embarrassing reporting(OL2:612§b);
 - the exposure of such interception can provoke a scandal graver than that resulting from Edward Snowden's revelations of NSA's massive illegal collection of only non-personally identifiable metadata(OL2:583§3);
 - the exposure can be bankrolled as discreetly as Peter Thiel, co-founder of PayPal, bankrolled the suit of Hulk Hogan against the tabloid Gawker for invasion of privacy and thereby made it possible to prosecute and win a judgment for more than \$140 million(OL2:528);
 - 4) principles can be asserted and money made by exposing judges' interception;
- 135. launching a Harvey Weinstein-like(jur:4¶¶10-14) generalized media investigation into judges' abuse of power as their institutionalized modus operandi; conducted also by journalists and me with the benefit of the numerous leads(OL:194§E) that I have gathered;
- 136. Black Robed Predators(OL:85) or the making of a documentary as an original video content by a media company or an investigative TV show, with the testimony of judges' victims, clerks, lawyers, faculty, and students; and crowd funding to attract to its making and viewing the crowd that advocate honest judiciaries and the victims of judges' abuse of power;
- 137. promoting the unprecedented to turn judges' abuse of power into a key mid-term elections issue and thereafter insert it in the national debate:
 - a. the holding by journalists, newsanchors, media outlets, and law, journalism, business, and IT schools in their own commercial, professional, and public interest as *We the People's* loudspeakers of nationally and statewide televised citizens hearings(OL2:675§2, 580§2) on judges
 - unaccountability and consequent riskless abuse;
 - b. a forensic investigation by Information Technology experts to determine whether judges intercept the communications of their critics(OL2:633§D, OL2:582§C);
 - c. suits by individual parties and class actions to recover from judges, courts, and judiciaries filing fees paid by parties as consideration for 'justice services'(OL2:607) offered by the judges although the latter knew that it was mathematically(OL2:608§A; 457§D) impossible for them to deliver those services to all filed cases; so the judges committed false advertisement and fraud in the inducement to the formation of service contracts, and thereafter breach of contract by having their court and law clerks perfunctorily dispose of cases by filling out "dumping forms"(OL2:608 ¶ 5);
 - d. suits by clients to recover from their lawyers attorneys' fees charged for prosecuting cases that the lawyers knew or should have known(jur:90§§b, c) the judges did not have the manpower to deliver, or the need or the incentive to deal with personally, whereby the lawyers committed fraud by entering with their clients into illusory contracts that could not obtain the sought-for 'justice services'; and
 - e. suits in the public interest to recover the public funds paid to judges who have failed to earn their salaries by routinely not putting in an honest day's work, e.g., closing their courts before 5:00 p.m., thus committing fraud on the public and inflicting injury in fact on the parties who have been denied

justice through its delay(cf. OL2:571¶24a);

- how parties can join forces to combine and search their documents for communality points (OL:274-280; 304-307) that permit the detection of patterns of abuse by one or more judges, which patterns the parties can use to persuade journalists to investigate their claims of abuse;
- 139. the development of my website Judicial Discipline Reform at http://www.Judicial-Discipline-Reform.org, which as of November 9, 2021, had 40,205+ subscribers, into:
 - a. a clearinghouse for complaints against judges uploaded by the public;
 - b. a research center for professionals and parties(OL2:575) to search documents for the most persuasive evidence of abuse: patterns of abuse by the same judge presiding over their cases, the judges of the same court, and the judges of a judiciary; and
 - c. the showroom and shopping portal of a multidisciplinary academic and business venture (jur:119§§1-4). It can be the precursor of the institute of judicial unaccountability reporting and reform advocacy attached to a top university or established by a consortium of media outlets and academic institutions(jur:130§5);
- 140. a tour of presentations(OL:197§G) by me sponsored by you on:
 - a. judges' abuse(jur:5§3; OL:154 ¶ 3);
 - b. development of software to conduct fraud and forensic accounting(OL:42, 60); and to perform thanks to artificial intelligence a novel type of statistical, linguistic, and literary analysis of judges' decisions and other writings(jur:131§b) to detect bias and disregard of the requirements of due process and equal protection of the law;
 - c. promoting the participation of the audience in the investigation(OL:115) into judges' abuse; and their development of local chapters of investigators/researchers that coalesce into a Tea Party-like single issue, civic movement(jur:164§9) for holding judges accountable and liable to their victims: the People's Sunrise(OL:201§J);
 - d. announcement of a Continuing Legal Education course, a webinar, a seminar, and a writing contest(*>ddc:1), which can turn the audience into clients and followers;
- 141. a multimedia, multidisciplinary public conference(jur:97§1; *>dcc:13§C) on judges' abuses held at a top university(OL2:452) to pioneer the reporting thereon in our country and abroad;
- 142. the call of the constitutional convention(OL:136§3) that 34 states have petitioned Congress to convene since April 2, 2014, satisfying the amending provisions of the Constitution, Article V.

C. Links to external sources of information useful for law research and writing

1. Treatises

- 143. Start your research here to gain an overview of the subject and proceed to the ever more specific: https://store.legal.thomsonreuters.com/law-products/Legal-Encyclopedias/American-Jurisprudence-2d/p/100027544, covering state and federal, civil and criminal, substantive and procedural law
- 144. https://store.legal.thomsonreuters.com/law-products/Publication-Types/Treatises/c/20231?page=1&n=c%3d20231%3bcount%3d25%3bi%3d1%3bq1%3dFederal%3bsort %3dSC_Units%3bx1%3djurisdiction
- 145. https://store.legal.thomsonreuters.com/law-products/Publication-
 - * http://Judicial-Discipline-Reform.org/*OL*/DrRCordero-Honest_Jud_Advocates.pdf >all prefixes:# up to OL:393 App.6:9

Types/Treatises/c/20231?page=1&n=c%3d20231%3bcount%3d25%3bi%3d1%3bq1%3dFederal%3bq2% 3dCriminal%2bLaw%2band%2bProcedure%3bsort%3dSC_Units%3bx1%3djurisdiction%3bx2%3dPractic eArea

2. Law reviews and journals

146. Gain a narrower and more specialized understanding of particular topics; https://store.legal.thomsonreuters.com/law-products/Law-Reviews-and-Journals/Law-Reviews--Journals-Westlaw-PROtrade/p/104937407

3. U.S. Constitution

- 147. U.S. Constitution, **Preamble:** "We the People of the United States, in Order to form a more perfect Union, establish Justice"; http://judicial-discipline-reform.org/docs/US_Constitution.pdf
- 148. U.S. Constitution, Article II, Section. 2. The President...shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment. http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf

4. U.S. Code (compilation of all federal, as opposed to state, laws)

- 149. https://uscode.house.gov/download/download.shtml; cf. Legal Information Institute (LII) of Cornell Law School; https://www.law.cornell.edu/
- 150. E.g., US Code, Title 11 (11 USC), Bankruptcy Code; id. ; enhanced with bookmarks to facilitate navigation at http://Judicial-Discipline-Reform.org/docs/11usc_Bankruptcy_Code.pdf
- 151. E.g., US Code, Title 18 (18 USC), Criminal Code, containing all federal criminal laws;. id.; with bookmarks at http://Judicial-Discipline-Reform.org/docs/18usc_Criminal_Code.pdf

5. The law organizing the Federal Judiciary

152. U.S. Code, Title 28 (28 USC), The Judicial Code; https://uscode.house.gov/download/download.shtml; enhanced with bookmarks to facilitate navigation at http://Judicial-Discipline-Reform.org/docs/28usc_Judicial_Code.pdf

6. Federal rules of procedure applicable in all federal courts

- 153. U.S. Code, Title 11, Appendix (11 USC Appendix) containing the Federal Rules of Bankruptcy Procedure; https://uscode.house.gov/download/download.shtml; enhanced with bookmarks to facilitate navigation at http://Judicial-Discipline-Reform.org/docs/11usc_Bankruptcy_Rules.pdf
- 154. U.S. Code, Title 18, Appendix (18 USC Appendix) containing the Federal Rules of Criminal Procedure; id.; enhanced with bookmarks to facilitate navigation at http://Judicial-Discipline-Reform.org/docs/18usc_Criminal_Rules.pdf
- 155. U.S. Code, Title 28, Appendix (28 USC Appendix) containing the Federal Rules of Civil and Appellate Procedure and Evidence; id.; enhanced with bookmarks to facilitate navigation at http://Judicial-Discipline-Reform.org/docs/28usc_Civ_App_Evi_Rules.pdf
- 156. Cf., https://store.legal.thomsonreuters.com/law-products/Statutes/Federal-Civil-Judicial-Procedure-and-Rules-2021-revised-ed/p/106721176?trkcode=recsrpl&trktype=internal&FindMethod=recs
- 157. For the rules of the Supreme Court, see subsection 11 infra.

7. Rules of procedure specific to each federal court

158. E.g. Local rules and internal operating procedure of the U.S. Court of Appeals for the Second Circuit; https://www.ca2.uscourts.gov/clerk/case_filing/rules/rules_home.html

8. Code of Federal Regulations

159. Regulations adopted by the federal administrative agencies that implement and enforce the applicable law; https://www.govinfo.gov/app/collection/cfr/

9. Bills pending (in committees and on the floor of the U.S. Senate and House of Representatives)

- 160. https://www.senate.gov/pagelayout/legislative/b_three_sections_with_teasers/active_leg_page.htm
- 161. https://www.house.gov/legislative-activity

10. Some federal laws of particular interest

- 162. The Ethics in Government Act of 1978, Appendix to 5 USC; https://uscode.house.gov/download/download.shtml; enhanced with bookmarks to facilitate navigation at http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_in_Government.pdf
- 163. Duty to report abuse, 18 USC §3057; https://www.law.cornell.edu/uscode/text/18/3057
- 164. Circuit justices, 28 USC 42
- 165. 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 (see also jur:159²⁸⁰)
- 166. The Reform part of the bill included a provision for opening the meetings of the judicial councils, but was excluded from the version that was adopted; 28 U.S.C. §332(d)(1), http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf (see also jur:75¹⁴⁸)
- 167. Judicial Conduct and Disability Act of 1980; (28 USC §§351-364); http://Judicial-Discipline-Reform.org/docs/28usc.pdf (see also jur:24^{18a}), setting forth a procedure for anybody to file a complaint about a federal judge with the chief circuit judge where the complained-about judge sits
- 168. Rules for Processing Judicial Conduct and Disability Complaints; https://www.uscourts.gov/judgesjudgeships/judicial-conduct-disability
- 169. https://www.law.cornell.edu/rules/frcp/rule_11 (duties of lawyers and pro ses who sign papers and make representations to the court; sanctions for non-compliance)
- 170. Ethics in Government Act of 1978; 5 U.S.C. Appendix
- 171. Racketeer Influenced and Corrupt Organizations Act(RICO); 18 U.S.C. §§1961 to 1968; https://uscode.house.gov/download/download.shtml
- 172. Foreign Intelligence Surveillance Act; 50 U.S.C §§1801-1885c; https://uscode.house.gov/download/download.shtml; enhanced with bookmarks to facilitate navigation at http://Judicial-Discipline-Reform.org/docs/50usc_FLSA.pdf

11. U.S. Supreme Court cases, rules of procedure, and case statistics

- 173. https://www.supremecourt.gov/
- 174. https://www.supremecourt.gov/filingandrules/rules_guidance.aspx
- 175. https://www.supremecourt.gov/publicinfo/year-end/2020year-endreport.pdf of the Chief Justice of the Supreme Court, who discusses the key statistics on federal cases
- 176. Cf. Workload of the Courts, Appendix to the Year-end Report of the Chief Justice; https://www.supremecourt.gov/publicinfo/year-end/2020year-endreport.pdf
- 177. Table 1

Federal cases disposed of or terminated in the fiscal year to September 30, 2020			
Supreme Court		69	
Courts of appeals (12 regional circuit courts)	48,300		
Federal circuit	1,568		
94 District courts (civil cases)	271,256		
94 District courts (criminal cases)	58,589		
90 Bankruptcy courts	721,251		
U.S. Court of International Trade	631		
U.S. Court of Federal Claims	1,742		
Totals		1,103,337	

12. Cases in the lower federal courts

- 205. Case Management/Electronic Case Filing (CM/ECF); https://www.uscourts.gov/court-records/electronicfiling-cmecf
- 206. Cf. https://store.legal.thomsonreuters.com/law-products/Publication-Types/Statutes/c/20196
- 207. Public Access to Court Electronic Records (PACER); https://pacer.uscourts.gov/
- 208. To find the website of each federal court, where its cases are posted go to https://www.uscourts.gov/federal-court-finder/search

13. Forms

- 209. E.g., District Courts—Civil (Vols. 2-4A, West's® Federal Forms); https://store.legal.thomsonreuters.com/law-products/Forms---Topical/District-CourtsmdashCivil-Vols-2-4A-Westsreg-Federal-Forms/p/100001667
- 210. Bankruptcy Courts (Vols. 6-6C, West's® Federal Forms); https://store.legal.thomsonreuters.com/lawproducts/Forms---Topical/Bankruptcy-Courts-Vols-6-6C-Wests174-Federal-Forms/p/100001669

14. Judicial Conference of the U.S. (the highest policy-making and disciplinary body of the Federal Judiciary)

211. https://www.uscourts.gov/about-federal-courts/governance-judicial-conference, which contains a list of its 20 committees

- 212. Reports of the Judicial Conference's biannual meetings, https://www.uscourts.gov/about-federalcourts/reports-proceedings-judicial-conference-us
- 213. Regulations on judges' annual mandatory financial disclosure reports, https://www.uscourts.gov/rules-policies/judiciary-policies/ethics-policies/financial-disclosure-report-regulations

15. Administrative Office of the U.S. Courts (federal, as opposed to state, courts)

- 214. Administrative Office of the U.S. Courts (AO); https://www.uscourts.gov/
- 215. Administrative Office of the U.S. Courts; (28 USC §§601-613); http://Judicial-Discipline-Reform.org/docs/28usc.pdf
- 216. https://www.uscourts.gov/statistics-reports
- 217. Annual Report of the Director of the Administrative Office of the U.S. Courts, filed with Congress as a public document(28 USC §604(a)(3-4)); the Director is appointed by the Chief Justice of the Supreme Court(§601); https://www.uscourts.gov/statistics-reports/analysis-reports/directors-annual-report
- 218. https://www.uscourts.gov/statistics-reports/judicial-business-2020
- 219. https://www.uscourts.gov/statistics-reports/analysis-reports/judicial-facts-and-figures
- 220. http://Judicial-Discipline-Reform.org/statistics&tables/num_jud_officers.pdf
- 221. Table 2

Number of federal judicial officers				
https://www.uscourts.gov/statistics-reports/judicial-business-2020				
Categories of federal judicial officers	30sep18	30sep19	30sep20	
Supreme Court justices	9	9	9	
circuit judges	166	175	179	
senior circuit judges (semi-retired)	96	100	99	
district judges id.	562	585	621	
senior district judges	412	423	419	
bankruptcy judges (including recalled judges)	350	344	334	
magistrates (including recalled judges)	664	671	680	
Totals	2259	2307	2341	

- 263. https://www.uscourts.gov/statistics-reports/judicial-business-2020-tables; and
- 264. https://www.uscourts.gov/statistics-reports/annual-report-2019
- 265. https://www.uscourts.gov/judicial-business-2019-tables
- 266. **AO's 1997**-2019 judicial business reports, containing the statistics on complaints about federal judges in Table S-22(28 USC §604(h)(2)); https://www.uscourts.gov/statistics-reports/analysis-reports/judicial-
 - * http://Judicial-Discipline-Reform.org/*OL*/DrRCordero-Honest_Jud_Advocates.pdf >all prefixes:# up to OL:393 App.6:13

business-united-states-courts

- 267. https://www.uscourts.gov/statistics-reports/judicial-business-2019j
- 268. Judicial misconduct procedure, e.g., in the Court of Appeals for the District of Columbia Circuit; https://www.cadc.uscourts.gov/internet/home.nsf/Content/Judicial+Misconduct
- 269. https://www.uscourts.gov/services-forms/fees/court-appeals-miscellaneous-fee-schedule

16. Federal Judicial Center (for research; and education of judges)

- 270. https://www.fjc.gov
- 271. List of the 8 impeached federal judges since the creation of the Federal Judiciary in 1789; https://www.fjc.gov/history/judges/impeachments-federal-judges

17. Other federal entities and people

- 272. White House press release of April 9, 2021, "President Biden to Sign Executive Order Creating the **Presidential Commission on the Supreme Court of the United States";** https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/09/president-biden-to-sign-executive-order-creating-the-presidential-commission-on-the-supreme-court-of-the-united-states/
- 273. Presidential Commission on the Supreme Court of the United States (PCSCOTUS): Commission charge and public comment policy; 14 June 2021; https://www.regulations.gov/document/PCSCOTUS-2021-0001-0003/comment
- 274. Office of Professional Responsibility of the U.S. Department of Justice; https://www.justice.gov/opr
- 275. Judges' annual mandatory financial disclosure reports, collected by, and downloadable from, JudicialWatch.org; https://www.judicialwatch.org/documents/categories/financial-disclosure/
- 276. https://www.iasd.uscourts.gov/content/senior-district-judge-robert-w-pratt

18. United States Postal Service

277. https://facts.usps.com/#:~:text=For%2055%20cents%2C%20anyone%20can%20send%20a%20letter%2C, mail%20pieces%20each%20day.%20Zero%20tax%20dollars%20used

19. Sources of state legal authority

a. Treatises

278. E.g., https://store.legal.thomsonreuters.com/law-products/Publication-Types/Treatises/c/20231

b. State constitution and laws

279. https://legal.thomsonreuters.com/en/products/law-books/jurisdictions?gclid=EAIaIQobChMImbuX1sHh8gIVh9zICh0mTgt-EAAYASACEgI0nfD_BwE&searchid=TRPPCSOL/Google/PrintUS_PP_Law-Books_Main_Search_Brand-Phrase_US/TRLegalBooks-Phrase&chl=ppc&cid=9015549&sfdccampaignid=7014O00000vZOgQAM&ef_id=EAIaIQobChMImbuX1sH h8gIVh9zICh0mTgt-EAAYASACEgI0nfD_BwE:G:s&s_kwcid=AL!7944!3!440994957489!p!!g!!thomson%20reuters%20legal%20 books

280. Search for a compilation of all state codes, laws, rules, and regulations; e.g., McKinney's Consolidated Laws of New York Annotated® (Annotated Statute & Code Series); https://store.legal.thomsonreuters.com/lawproducts/search?r=13001&s=KEYWORDSEARCH&g=consolidated+laws+of+new+york

c. Uniform laws (the product of agreements among the states)

- 281. Uniform Laws Annotated; https://store.legal.thomsonreuters.com/law-products/Uniform-Laws-Annotated/Uniform-Laws-Annotated/p/100028543
- 282. Uniform Commercial Code; https://store.legal.thomsonreuters.com/law-products/Uniform-Laws-Annotated/Uniform-Commercial-Code-2020-2021ed/p/106675446?trkcode=recspdpb&trktype=internal&FindMethod=recs

d. Restatement of laws

283. https://store.legal.thomsonreuters.com/lawproducts/search?r=13001&s=KEYWORDSEARCH&q=restatement+of+laws

e. Rules of procedure applicable in all the courts of a state

284. E.g., McKinney's New York Civil Practice Law and Rules, 2020 ed.; https://store.legal.thomsonreuters.com/law-products/Jurisdictions/New-York/c/20075

1) Rules of the specific court where a brief is being filed; e.g., in New York; https://www.nycourts.gov/courts/index.shtml

- 285. Rules of the Chief Judge, http://ww2.nycourts.gov/rules/chiefjudge/index.shtml, of the Court of Appeals, https://www.nycourts.gov/courts/courtofAppeals.shtml, the highest NY State court (#1- to 81)
- 286. Rules of the Chief Administrative Judge (#100 to 154), http://ww2.nycourts.gov/rules/chiefadmin/index.shtml
- 287. Uniform Rules of the New York State trial courts (#200 to 221), http://ww2.nycourts.gov/rules/trialcourts/index.shtml; e.g., the supreme and the county courts; http://ww2.nycourts.gov/rules/trialcourts/202.shtml.
 - a. Rules of the First Department Supreme Court [of four departments], which in NY is a trial court; http://ww2.nycourts.gov/courts/1jd/supctmanh/Commencement-of-Cases-2.shtml
 - b. There are uniform rules (#205 to 221) for specialized courts, e.g., family and surrogate, capital cases, and particular activities, e.g., jury selection, depositions
- 288. Joint Rules of the Departments of the Appellate Division (partial: 22 NYCRR Parts 1200-1400); http://ww2.nycourts.gov/rules/jointappellate/index.shtml
 - a. Rules of the Appellate Division, First Judicial Department, of the Supreme Court of the State of New York; https://nycourts.gov/courts/AD1/Practice&Procedures/index.shtml
- 289. Each court may have supplementary rules of its own as well as rules of specific judges...so much for a New York State *Unified* Court System.

f. Regulations of the state administrative agencies

290. Go to the state's department of state; Google the state administrative agency; or search for a compilation of

the state codes, laws, rules, and regulations

291. E.g.,

- https://govt.westlaw.com/nycrr/Index?bhcp=1&transitionType=Default&contextData=%28sc.Default%29
- 292. E.g., https://store.legal.thomsonreuters.com/law-products/Statutes/New-York-Codes-Rules-and-Regulations-NYCRR/p/100019553

g. Bills pending in the state legislature

293. E.g. https://www.nysenate.gov/legislation

h. State cases

- 294. For information on state cases Google the highest court in the state, which may have a state court locator or a "Links of interest"; otherwise, Google the lower state court in question, which may have a website and post its cases to it; e.g., https://nycourts.gov/courts/
- 295. E.g., Court of Appeals of the State of New York (the highest court in New York State), https://www.nycourts.gov/ctapps/index.htm
- 296. E.g., https://nycourts.gov/courts/cts-NYC-SUPREME.shtml (the supreme courts in NYS are trial courts)
- 297. E.g., Supreme Court for the County of New York (Manhattan and Bronx) http://ww2.nycourts.gov/courts/1jd/supctmanh/index.shtml

i. Forms

298. E.g., Domestic Relations (Volume 7, West's Legal Forms); https://store.legal.thomsonreuters.com/lawproducts/Forms---Topical/Domestic-Relations-Vol-7-Westsreg-Legal-Forms/p/100001671

j. Cases from the Federal Judiciary and from other states

20. Entities representing state courts and compiling their statistics

- 299. Conference of Chief Justices of the states; https://ccj.ncsc.org
- 300. National Center for State Courts; www.ncsc.org/services-and-experts/areas-of-expertise/court-statistics
- 301. Court Statistics Project; https://www.courtstatistics.org/court-statistics https://www.courtstatistics.org/court-statistics
- 302. Conference of State Court Administrators (COSCA); https://cosca.ncsc.org
- 303. National Association for Court Management (NACM); https://nacmnet.org
- 304. National Conference of Appellate Court Clerks (NCACC); www.appellatecourtclerks.org
- 305. Number of cases filed in state courts annually; http://Judicial-Discipline-Reform.org/docs/num_state_cases_07.pdf

21. Rules and codes of conduct for judges and lawyers

- 306. Code of Conduct for U.S. Judges; https://www.uscourts.gov/judges-judgeships/code-conduct-unitedstates-judges
- 307. American Bar Association Model Rules of Professional Conduct;

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_ conduct/model_rules_of_professional_conduct_table_of_contents/

- 308. American Bar Association Model Code of Judicial Conduct; https://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_con duct/
- 309. New York Rules of Professional Conduct; https://nysba.org/attorney-resources/professional-standards/

22. Reports by media outlets and VIPs that have exposed judges a. Reports exposing judges

- 310. The Teflon Robe; Michael Berens and John Shiffman; Thomson Reuters:
 - a. Part 1, 30jun20; https://www.reuters.com/investigates/special-report/usa-judges-misconduct/
 - b. Part 2, 9july20; https://www.reuters.com/investigates/special-report/usa-judges-deals/
 - c. Part 3, 14juy21; https://www.reuters.com/investigates/special-report/usa-judges-commissions/
 - d. https://www.reuters.com/article/us-usa-judges-commissions-snapshot-idUSKCN24F1E4
 - e. 30jun20; https://www.reuters.com/investigates/special-report/usa-judges-methodology-qanda/
 - f. https://www.reuters.com/investigates/special-report/usa-judges-data/
- 311. In the secret courts of Massachusetts A Globe Spotlight report; Jenn Abelson, Nicole Dungca, and Todd Wallack; edited by Patricia Wen; The Boston Globe; 30sep18
 - a. https://apps.bostonglobe.com/spotlight/secret-courts/
- 312. 131 Federal Judges Broke the Law by Hearing Cases Where They Had a Financial Interest; James V. Grimaldi, Coulter Jones, Joe Palazzolo; Wall Street Journal; https://www.wsj.com/articles/131-federal-judges-broke-the-law-by-hearing-cases-where-they-had-a-financial-interest-11632834421?fbclid=lwAR17veisSou0tQJdrn4VM9Ssvk_JYFqCY-Foselbnkb1SsNx2ia1Fji1GAQ; 28sep21
 - a. James.Grimaldi@wsj.com; https://www.wsj.com/news/author/james-v-grimaldi
 - b. Coulter.Jones@wsj.com; https://www.wsj.com/news/author/coulter-jones; reach Mr. Jones at 212-416-3778
 - c. Joe.Palazzolo@wsj.com; https://www.wsj.com/news/author/joe-palazzolo
 - d. See alsohttp://Judicial-Discipline-Reform.org/OL2/financially_conflicted_judges.pdf
- 313. Senator Elizabeth Warren's "I have a plan for the Federal Judiciary too"; https://elizabethwarren.com/plans/restore-trust?source=soc-WB-ew-tw-ro

b. Reports with leads and methodology useful for investigating judges

314. Pandora Papers; International Consortium of Investigative Journalists, Washington, D.C.; 3oct21; https://www.icij.org/investigations/pandora-papers/

23. Journalists and media outlets

315. CBS newsanchor Norah O'Donnell interviews Candidate Joe Biden on October 22, 2020, on 'packing the Supreme Court'; https://www.youtube.com/watch?v=enEzm-QL5RY

* http://Judicial-Discipline-Reform.org/*OL*/DrRCordero-Honest_Jud_Advocates.pdf >all prefixes:# up to OL:393 App.6:17

- 316. *Biden's* court-reform commission hears from experts on term limits and judicial review; Mitchell Jagodinski; SCOTUSblog (July 1, 2021, 8:45 AM); https://www.scotusblog.com/2021/07/bidens-court-reform-commission-hears-from-experts-on-term-limits-and-judicial-review/
- 317. The Associated Press; https://www.ap.org/about/

24. Entities accrediting educational institutions (and serving as portals to them)

- 318. (journalism schools) http://www.acejmc.org/accreditation-reviews/accreditedprograms/accreditedreaccredited/
- 319. https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/
- 320. (business schools) https://acbsp.org/page/contact-event
- 321. https://www.academia.edu/upgrade?feature=searchm&stm_copy=a+thesis+chapter&trigger=stm; consortium of 16,941+ universities to enable the storage and retrieval of professional articles and reports)

25. Law book publishers

- 322. https://legal.thomsonreuters.com/en/products/law-books
- 323. https://legal.thomsonreuters.com/en/support#contact
- 324. https://store.legal.thomsonreuters.com/law-products/Jurisdictions/New-York/c/20075?elq_mid=23169&elq_cid=15386188&elq_ename=P_PRNT_PRD_9030215_EMUSNPR1RE MNYTitles_em1_20201209&cid=9030215&email=drrcordero%40judicial-disciplinereform.org&sfdccampaignid=7014000000vZ0gQAM&campaignCode=&chl=Em&utm_medium=email&ut m_source=eloqua&utm_campaign=P_PRNT_PRD_9030215_EMUSNPR1REMNYTitles_20201209&utm_c ontent=9030215
- 325. https://www.lexisnexis.com/en-us/home.page

26. Other private entities and people

- 326. American Association of University Professors, https://www.aaup.org/report/statement-professional-ethics
- 327. American Association of Retired People; https://press.aarp.org/?intcmp=FTR-LINKS-PRO-PRESS2-EWHERE
- 328. Judicial Watch, https://www.judicialwatch.org
- 329. Judicial Watch's repository of judges' financial disclosure reports, https://www.judicialwatch.org/documents/categories/financial-disclosure/

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Appendix 7

Two blocs of email addresses of

the members of the Biden Commission for the reform of the Supreme Court[‡]; and journalists, students, and professors to interest them in holding

UNPRECEDENTED CITIZENS HEARINGS⁺,

to be placed in the To: and cc: boxes of your email containing your story of judges' abuse of power and financial criminality*

To: [commissioners]

cristina.rodriguez@yale.edu,	robert.bauer@nyu.edu,	kandrias@law.columbia.edu,	
jack.balkin@yale.edu, RBauer@perkinscoie.com, baude@uchicago.edu, madams@yu.edu,			
charles@law.duke.edu,	acrespo@law.harvard.edu,	wdellinger@omm.com,	
ecb95@law.rutgers.edu,	justin.driver@yale.edu,	rfallon@law.harvard.edu,	
heather.k.gerken@yale.edu,	ngertner@law.harvard.edu,	jgoldsmith@law.harvard.edu,	
tgriffith@law.harvard.edu,	tgrove@law.ua.edu,	bhuang@law.columbia.edu,	
mkang@northwestern.edu,	ojohns@law.columbia.edu	, lacroix@uchicago.edu,	
lemos@law.duke.edu, levi@law.duke.edu, staff@pcscotus.gov, trevor.morrison@nyu.edu,			
cnelson@law.virginia.edu,	rick.pildes@nyu.edu,	mramsey@SanDiego.edu,	
krooseve@law.upenn.edu,	bross@law.virginia.edu,	d-strauss@uchicago.edu,	
tribe@law.harvard.edu,	awhite36@gmu.edu,	kewhitt@princeton.edu,	
michael.waldman@nyu.edu,	caroline	.fredrickson@georgetown.edu,	
development@naacpldf.org, Dr.Richard.Cordero_Esq@verizon.net,			

cc: [journalists and academics]

James.Grimaldi@wsj.com, Coulter.Jones@wsj.com, Joe.Palazzolo@wsj.com, contact@icij.org, gryle@icij.org, fshiel@icij.org, investigations@icij.org, insiders@icij.org, info@elizabethwarren.com. Elizabeth_Warren@warren.senate.gov, tips@thomsonreuters.com, john.shiffman@thomsonreuters.com, contact@go.reuters.com, michael.berens@thomsonreuters.com. blake.morrison@thomsonreuters.com. marketresearch.thomsonreuters@thomsonreuters.com, "Todd Wallack" <twallack@gmail.com>, patricia.wen@globe.comrs.com, "editor Brian McGrory"

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[#] http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Biden_SCt_reform_Commission.pdf

http://Judicial-Discipline-Reform.org/OL2/DrRCordero_citizens_hearings_by_students&journalists.pdf

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