

Judge Sotomayor

**earned \$3,773,824 since 1988 + received \$381,775 in loans = \$4,155,599
+ her 1976-1987 earnings, yet disclosed assets worth only \$543,903
thus leaving unaccounted for in her answers to the Senate Judiciary
Committee \$3,611,696 - taxes and the cost of her reportedly modest living
The similarity to the *DeLano* Case that she withheld from the Committee**

The Senate Judiciary Committee required Justice Nominee Judge Sonia Sotomayor to "Provide a complete, current financial net worth statement which itemizes in detail all assets [and] all liabilities".¹ Judge Sotomayor was also under an independent duty under the Ethics in Government Act to file "full and complete" annual financial disclosure reports.² Her discharge of such obligations or failure to do so reflects her respect or lack thereof for the law applicable to her and thus, the law that she applies to others and the quality of justice that she dispenses to them. Hence, examining her handling of such obligations is warranted by the need to ascertain her personal and judicial integrity.

The following table and its endnotes show that Judge Sotomayor failed to disclose the whereabouts of her earnings, as summarized in the title above. Money does not simply disappear.³ It is either spent, donated, or saved.⁴ To some extent, how a person spends money can be determined from her appearance and public conduct. How she saves it, e.g., by investing it, requires mostly disclosure or subpoenas.⁵ Failure to disclose financial information when under a duty to do so is a violation of the law. Nondisclosure by a bankruptcy petitioner constitutes concealment of assets and perjury. It is a crime punishable by up to 20 years imprisonment and a fine of up to \$500,000.

In the *DeLano* case, 06-4780-bk, Judge Sotomayor, presiding(20), and her colleagues on a panel of the Court of Appeals, 2nd Circuit (CA2), issued a summary order⁶ to protect, not the rule of law, but rather their appointee to a bankruptcy judgeship⁷, Bkrp. Judge John C. Ninfo, II, WBNY. He had covered up the concealment of at least \$673,657 by the most unlikely of „bankrupts“: a 39-year veteran banker who at the time of filing for bankruptcy was and remained employed by a major bank, M&T Bank, precisely as a bankruptcy officer!⁸ Both M&T and Mr. DeLano are clients of the law firm, Underberg & Kessler, in which Judge Ninfo was a partner at the time of taking the bench.⁹ To protect such concealment of assets by a bankruptcy system insider and her bankruptcy appointee, Judge Sotomayor violated discovery rights¹⁰ by denying *every single document* in all creditor-requests,¹¹ which would have exposed a judicially run bankruptcy fraud scheme.¹²

Worse yet, by so doing, Judge Sotomayor failed to protect the most important Constitutional guarantee that a judge, let alone a Supreme Court justice, is required to safeguard: due process of law.¹³ Her gross partiality toward her own and blatant denial of due process to the creditor so indict her integrity that she withheld *DeLano* despite the Committee's request for her to submit all her cases. Her conduct in, and handling of, that case has been brought to the Committee's attention.¹⁴

The table aims to have Judge Sotomayor and *DeLano* investigated by the Committee, which is authorized to do so¹⁵, and journalists¹⁶. Their *Follow the Money!* investigation should determine whether she has been complying with her financial disclosure obligations and, if not, whether she reckoned that she too was protected by her peers, who are also above the law.¹⁷ The investigation should also expose her and other judges¹⁸ involvement in a bankruptcy fraud scheme that aggravates the misery of millions and the extent to which withholding *DeLano* was part of the cover-up. The ensuing public outrage should force Congress to adopt effective judicial accountability and discipline legislation that brings our legal system closer to the noble ideal of "Equal Justice Under Law".

INCOME¹⁹

	Year	Federal, Outside, and Rental Income					Salary
1.	1976	The Equitable Life Assurance Society of the U.S. jun-aug1976					
		\$					
2.	1977	Office of the General Counsel, Yale U. jun-sep 77					
		\$					
3.	1977		The Graduate-Professional Center sep77-may78				
			\$				
4.	1978		\$	Paul, Weiss, Rifkind, Wharton & Garrison jun-aug78	Yale Law School Mimeo Room sep78-may79		
				\$	\$		
5.	1979	Assist. D.A. in NY County (Manhattan) D.A.'s Office sep79-mar84			\$		
		\$					
6.	1980	\$	Puerto Rican Legal Defense & Education Fund (now LatinoJustice PRLDEF) 1980-oct92				
			\$				
7.	1981	\$	\$				
8.	1982	\$	\$				
9.	1983	\$	\$	Sotomayor & Associates 1983-86			
				\$			
10.	1984	\$	\$	\$	Pavia & Harcourt: associate apr84-dec87		
					\$		
11.	1985		\$	\$	\$	Maternity Center Association 85-86	
						\$	
12.	1986		\$	\$	\$	\$	

13.	1987		\$		\$	State of New York Mortgage Agency 1987-oct92	
						\$	
14.	1988		\$	NY City Campaign Finance Board 88-oct92	partner 1jan88-30sep92 ²⁰	\$	
				\$	\$141,951 ²¹		141,951
15.	1989		\$	\$	\$145,920	\$	145,920
16.	1990		\$	\$	\$150,000	\$	150,000
17.	1991		\$	\$	\$154,080	\$	154,080
18.	1992	U.S. District Judge, SDNY 2oct92-12oct98	\$	\$	\$118,703 \$25,000 ²²	\$	215,469
		\$32,198 ²³					
19.	1993	133,600 ²⁴				Rental income from Brooklyn co- op apartment ²⁵	133,600
						\$1,100/month =\$13,200	
20.	1994	133,600 ²⁶				\$13,200	146,800
21.	1995	133,600 ²⁷				\$13,200	146,800
22.	1996	133,600 ²⁸				\$13,200	146,800
23.	1997	133,600 ²⁹				\$13,200	146,800
24.	1998	1Jan-12oct98				\$13,200	119,938
		106,738 ³⁰					
25.	1998	U.S. Circuit Judge, 2 nd Circuit 13oct-to date			Adjunct professor, NYU School of Law 1997-2007 ³¹		41,781
		31,781 ³²			\$10,000 ³³		
26.	1999	145,000 ³⁴	Lecturer-in-Law, Columbia University 1999-2009 ³⁵		\$10,000	\$13,200	168,200
			\$?				
27.	2000	149,900 ³⁶	\$10,000		\$12,000	\$13,200	185,100
28.	2001	153,900 ³⁷	\$10,000		\$10,000	\$13,200	187,100
29.	2002	159,100 ³⁸	\$10,000		\$13,500	\$13,200	195,800
30.	2003	164,000 ³⁹	\$10,000		\$14,600	\$13,200	201,800
31.	2004	167,600 ⁴⁰	\$10,000		\$13,205	\$13,200	204,005
32.	2005	171,800 ⁴¹	\$10,000		\$14,315	\$13,200	209,315
33.	2006	175,100 ⁴²	\$10,000		\$14,780	\$13,200	213,080
34.	2007	175,100 ⁴³	\$10,000	Trustee, Princeton University 2007-to date	\$14,780	\$13,200	213,080
				\$			
35.	2008	179,500 ⁴⁴	\$25,830	\$		\$13,200	218,530

36.	Jan-May 09	76,875 ⁴⁵	\$	\$		\$13,200 x 5/12= \$5,500	87,875
37.						Total earnings over time	\$3,773,824

	ASSETS			LIABILITIES		
38.	31,985	Cash on hand and in banks ⁴⁶		Real estate mortgages payable ⁴⁷		381,775
39.	360,000	purchase price of Greenwich Village condo bought in 1998 ⁴⁸		Accounts and bills due		5,752
				Credit card bills		15,823
40.	43,000	interest in condominium		Dentist bill (estimate)		15,000
41.	108,918	Autos and other personal property				
42.	\$543,903	Total			Total	\$418,350

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Note: Click a link or copy & paste it into your browser’s address box, delete any blank space between characters, and go there.

- ¹ **a)** U.S. Senate Committee on the Judiciary, Associate Justice of the U.S. Supreme Court – Sonia Sotomayor –Questionnaire;
<http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >Committee Questionnaire, United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees, Public, pp. 167 -168; and
b) <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >June 15, 2009 - Questionnaire Supplement, pp. 2-3;
c) also at http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf >JS:167-168 and 317-318; this file collects the above two and several others in the Questionnaire and adds to them bookmarks useful for navigating through them.
- ² The Ethics in Government Act of 1978 (5 U.S.C. Appendix (Appendix IV in West)) is one of the pieces of legislation adopted by Congress in the wake of the Watergate Scandal. It is made applicable to federal judges at §§101(f)(11) and 109(10), mandating that they file an annual financial disclosure report. Section 102(a) requires that they make “a full and complete statement with respect to...income,...gifts,...interest in property,... liabilities, ...purchase, sale or exchange...in real property...or...securities,...all positions held [in an entity],...any...future employment,...total cash value of any interest...in a qualified blind trust,...information...respecting the spouse or dependent child”. So it calls for very specific and detailed financial information. Judges must file their reports with the Administrative Office of the U.S. Courts (AO), where they are publicly available. For AO’s address, see **a)** <http://www.uscourts.gov/comment.html>. The Act, with added useful bookmarks, is at **b)** http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf. See **c)** http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_03-07_reports.pdf.

³ “Sotomayor, an avid Yankees fan, **lives modestly**, reporting virtually no assets despite her \$179,500 yearly salary. [Since January 1, 2009, her annual salary is \$184,500; [ent.45](#) infra.] On her financial disclosure report for 2007, she said her only financial holdings were a Citibank checking and savings account, worth \$50,000 to \$115,000 combined. During the previous four years, the money in the accounts at some points was listed as low as \$30,000. When asked recently how she managed to file such streamlined reports, Sotomayor, according to a source, replied, “When you don’t have money, it’s easy. There isn’t anything there to report.”” N.Y. Federal Judge Likely on Shortlist, Keith Richburg, *The Washington Post*, May 7, 2009; (emphasis added) **a)** <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/06/AR2009050603762.html>; also at **b)** http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/6articles_JSotomayor_financials.pdf.

Judge Sotomayor’s statement quoted above is contradicted by the evidence. Her own answers to the Questionnaire show that she is reimbursed for her numerous travel to, and lodging and meals at, judicial conferences and other events at which she speaks; [endnote 1a\)](#) and [c\)](#) *supra* >11. Membership, p.15.c.; 165(c-f); and 1c) JS:307, entry for 6/16/95. If she spent her earnings minus taxes and the cost of living modestly neither to participate in such events nor acquire assets other than those listed on the table, which exclude capital appreciation, how did she spend, or in what else did she invest, them?

⁴ There are basically three ways of spending money: on goods, on services, or in charitable contributions.

1. It is unlikely that a public figure could have spent millions of dollars on services, such as eating at expensive restaurants or going on extravagantly luxurious vacations, without attracting attention.
2. It is likely that if a person gave away to charitable entities almost every penny that she earned, she or the entities would bring it to public attention, if only to persuade others to contribute to her cherished charitable causes.
3. If the money went to the purchase of goods, the latter are somewhere, that is, either in:
 - a) household goods, and she would have had to buy lots of, and have space for, them;
 - b) personal goods, such as designer clothes and sparkling jewels that everybody would have noticed; or
 - c) (i) investment goods, such as real property, which must be recorded in somebody’s name in the county clerk’s office, or
(ii) certificates of deposit, stock and bonds, and similar financial instruments, all of which have to be reported in the annual judicial financial disclosure reports required under the Ethics in Government Act of 1978; [endnote.2b\)](#) *supra*.

⁵ http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/6DrCordero-SenJudCom_subpoena.pdf

⁶ The summary order, scanty as such orders are just to get rid of the case, appears at CA:2180 in http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf; see there CA:1725§VII. Statement of Facts.

⁷ Bankruptcy judges are appointed by their respective circuit courts; 28 U.S.C. §152;

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

- ⁸ The Salient Facts of the *DeLano* Case; http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf >2.
- ⁹ http://www.nywb.uscourts.gov/about_judge_ninfo_46.php. Do you trust the impartiality and objectivity of a judge who was a partner in your opposing counsel's firm?; <http://www.underbergKessler.com>. Judge for yourself; http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf >Tr.28/13-29/4; 75/8-76/3; and 141/20-143/16; and http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_WDNY_21dec5.pdf >Pst:1255§E.
- ¹⁰ Federal Rules of Civil Procedure 26 and 34, <http://www.uscourts.gov/rules/index.html>, are applied in bankruptcies by reference in Federal Rules of Bankruptcy Procedure 7026 and 7034, <http://www.uscourts.gov/redirects/cornellLaw.html> ><http://www.law.cornell.edu/rules/frbp/>.
- ¹¹ Table of Documents Requested by Dr. Cordero and Denied by CA2, at US:2484, in the appeal of *DeLano* to the Supreme Court on petition for certiorari to CA2, *Richard Cordero v. David DeLano et ux.*, docket 08-8382; http://Judicial-Discipline-Reform.org/US_writ/DrCordero-SCt_petition_3oct8.pdf. See there also US:2442§IX. Statement of Facts; and US:2456§X. Analysis of CA2's Order of Dismissal.
- ¹² http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf
The petition for panel rehearing and hearing en banc shows how the order was a perfunctory job intended to cover up the bankruptcy fraud scheme by disregarding the facts of the case, referring to cases unrelated to the law or the facts of the case, and evading the issues on appeal and even the term explicitly made its key issue: fraud; *ent.6* >CA:1719§V; and http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf
- ¹³ See the discussion of how Judge Sotomayor's and her colleagues' conduct gave "the appearance of impropriety" and constituted "improprieties" under the Code of Conduct for U.S. Judges; http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCt_rehear_23apr9.pdf.
- ¹⁴ http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/11DrCordero-SenJudCom.pdf
- ¹⁵ *Endnote.2b* supra: Ethics in Government Act §101(a)....Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.
- ¹⁶ Synopsis of an Investigative Journalism Proposal: Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?; *endnote 8* supra >1.
- ¹⁷ The Choice: Judge Sotomayor's Ethnicity v. Equal Justice Under Law; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf > para. 4 and 5.
- ¹⁸ See the role of District Judge Larimer, WDNY, and Former CA2 Chief Judge Walker in the scheme in *Pfuntner v. Trustee Gordon et al.*, 02-2230, WBNY; http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf >N:66§IV and http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf >A:1642§B.

¹⁹ [Endnote 1a\)](#) and [c\)](#) *supra* >question 6. Employment Record.

²⁰ “She reported making about \$150,000 in 1990, her last full year as a private lawyer in New York.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>; see also [ent.3b\)](#) *supra*.

In her answer to 6. Employment Record, she stated: “Pavia & Harcourt, *Partner* 1/1/88 – 9/30/92”; [endnote 1a\)](#) and [c\)](#) *supra* >2. It can reasonably be assumed that she earned at least as much for the subsequent full year and pro rata for part of her last year there.

To estimate her earnings as a partner for those years as well as for the preceding ones, i.e., 1988-1989, the average Cost of Living Adjustment for judicial salaries for the available years, namely, 1992-2009, has been used. The justification for this is that COLA intends to reflect the pace of earning increases that judges would have received if they had remained in private practice. The Late Chief Justice Rehnquist had this to say on the subject: “[Judges] are only asking that the pay that was set some years ago be adjusted for increases in the cost-of-living since that time -- a benefit that many working people in the private sector, and almost all employees of the federal government, regularly expect and receive”. Supreme Court Year-End Report, 1996; <http://www.uscourts.gov/ttb/jan96ttb/1yearend.html>.

Average of the Percentage Increases in Judicial Salaries Between 1992 and 2009						
1992	129,500 dis. judge			2001	153,900	2.67
1993	133,600	3.17		2002	159,100	3.38
1994	133,600	0		2003	164,000	3.08
1995	133,600	0		2004	167,600	2.20
1996	133,600	0		2005	171,800	2.51
1997	133,600	0		2006	175,100	1.92
1998	136,700	2.32		2007	175,100	0
1999	145,000 cir. judge	0		2008	179,500	2.51
2000	149,900	3.38		2009	184,500	2.79
					Average	2.72

1990 earnings of \$150,000 – 2.72% = 1989 earnings of \$145,920

1989 earnings of \$145,920 - 2.72% = 1988 earnings of \$141,951

1990 earnings of \$150,000 + 2.72% = 1991 earnings of \$154,080

1991 earnings of \$154,080 + 2.72% = 1992 earnings of \$158,271/ ¾ of a year (1/1-9/1/92)= \$118,703

Whatever excess income may have been thus estimated for these years is vastly compensated by the fact that no income at all has been estimated for the years 1979-1987.

²¹ Values in *italics* are estimated.

²² “She said she was due about \$25,000 for her partnership interest in a small firm, Pavia & Harcourt. By contrast, when Chief Justice John Roberts left a major Washington law firm, Hogan & Hartson, in May 2003 to take a seat on the D.C. Circuit Court, he was paid more than \$1 million in salary and compensation for his partnership interest.” For

a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>; see also [ent.3b](#)) supra.

²³ **1992:** 5 U.S.C. §5332 The General Schedule, Schedule 7, Judicial Salaries; http://bulk.resource.org/courts.gov/juris/j0110_03.sgml. Salary as U.S. district judge from 2oct-31dec92= \$129,500/366 days= \$353.83 x 91 days= \$32,198.

²⁴ **1993:** http://bulk.resource.org/courts.gov/juris/j0113_03.sgml.

²⁵ “Kinzer and Cardi became Sotomayor's friends in the 1980s when Cardi was working as a legal aid lawyer and Sotomayor was a prosecutor in the Manhattan district attorney's office. Cardi persuaded Sotomayor to move to their neighborhood, Carroll Gardens in Brooklyn, when there was a vacant apartment next door. Sotomayor later bought her own condo down the block.... Sotomayor only reluctantly left the neighborhood when she became a judge in Manhattan, because rules stipulate that judges must live in the district to which they are assigned.” Friends Provide a Glimpse Into Sotomayor's 'Very Full Life', Keith B. Richburg, Robin Shulman and Nancy Trejos, *The Washington Post*, Sunday, May 31, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/30/AR2009053002061.html?nav=emailpage>; see [ent.3b](#)) supra.

“Papers submitted in connection with her nomination to the 2nd Circuit Court of Appeals in 1997 say she was earning \$1,100 a month in rent on a co-op apartment that she owned in Brooklyn. As recently as 2004, she reported less than \$30,000 in her two bank accounts. A source told *The Washington Post* earlier this month that Sotomayor once said that filling out her financial reports was a breeze. “When you don't have money, it's easy. There isn't anything there to report”, she was quoted as saying. Sotomayor is divorced and has no children.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>. The implication is obvious: What else did she spend her money on or where did she place it? The question is particularly pertinent since it is reported that she “lives modestly”; [endnote 3](#) supra.

It is assumed that she still owns her rental property in Brooklyn and earns rent therefrom; otherwise, the proceeds of its sale are unaccounted for. To be conservative, the rent is stated at the same level for the past 11 years. By comparison, controlled rents increase in NY City on average 3.5% for a one-year lease and 7% for a two-year lease.

²⁶ **1994:** No Schedule 7 was found for the period beginning on or after January 1, 1994. However, since Schedule 7 for the preceding and the following years indicate that the salary for district judges was \$133,600, then it is absolutely certain that such was the salary also for 1994 given that Const., Art. III, Sec. 1, provides that “The Judges...shall...receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office”. http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf.

²⁷ **1995:** <http://www.gpoaccess.gov/uscode/search.html> >United States Coder (1994) >Search: 5usc5332> <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5USC Sec. 5332. The General Schedule > Text: <http://frwebgate6.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=510554514834+0+1+0&WAISaction=retrieve>.

²⁸ **1996:** <http://www.gpoaccess.gov/uscode/search.html> >United States Coder (1994 suppl.

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- 1) >Search: 5usc5332 > <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5USC Sec. 5332. The General Schedule > Text: <http://frwebgate5.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=511085272174+0+1+0&WAISaction=retrieve>.
- ²⁹ **1997**: Photocopy of 5usc5332 in USC, v. 1994, suppl. 2. Cf. <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 2) >Search: 5usc5332> <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5 USC Sec. 5332. The General Schedule > Text: <http://frwebgate5.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=610555377786+0+0+0&WAISaction=retrieve>.
- ³⁰ **1998**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 3) Search: 5usc5332 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >Text, <http://frwebgate6.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=60606640734+0+1+0&WAISaction=retrieve>. Judge Sotomayor's salary as district judge from 1jan-12oct98 at \$136,700/365 days= \$374.52 x 285 days= \$106,738.
- ³¹ United States Senate Committee on the Judiciary, Questionnaire for Judiciary Nominees, Public, <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >Committee Questionnaire >Question 19. Teaching, p. 164.
- ³² **Endnote 30** supra. Judge Sotomayor's salary as U.S. circuit judge from 13oct-31dec98 = \$145,000/365 days= \$397.26 x 80 days= \$31,781.
- ³³ Note that there are limitations on the amount of earned income that federal judges can add to their federal salaries under the Ethics in Government Act, **endnote 2** supra, (Titles I to V of Pub. L. 95-521) Title V. Government-wide Limitation on Outside Earned Income and Employment, §501. (1) [A judicial] officer... may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5 U.S.C., as of January 1 of such calendar year; <http://uscode.house.gov/pdf/2007/>. To see 5 U.S.C. §5313 go to <http://www.gpoaccess.gov/> >2006 U.S. Code >Search: 5usc5313 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >5USC Sec. 5313. Positions at level II: **PDF**
- ³⁴ **1999**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 4) Search: 5usc5332 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >Text, <http://frwebgate4.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=512498187600+0+1+0&WAISaction=retrieve>.
- ³⁵ **Endnote 31** supra >165.
- ³⁶ **2000**: 5 U.S.C. §5332; <http://wyomcases.courts.state.wy.us/applications/oscn/DeliverDocument.asp?CiteID=185097>
- ³⁷ **2001**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (2000) >Search: 5usc5332 > Text: <http://frwebgate4.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=509036228003+0+1+0&WAISaction=retrieve>.

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- ³⁸ **2002:** 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (2000 suppl. 1) >Search: 5usc5332 >Text: <http://frwebgate1.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=507570115300+0+1+0&WAISaction=retrieve>.
- ³⁹ **2003:** 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >107th Congress, 2d Session (2002) (2000 Edition and Supplement II) >Friday, April 09, 2004 4:28 PM 4494151 2002usc05.pdf
- ⁴⁰ **2004:** 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> > [108th Congress, 1st Session](#) (2003) (2000 Edition and Supplement III) >Thursday, July 07, 2005 3:56 PM 4576090 2003usc05.pdf.
- ⁴¹ **2005:** 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >108th Congress, 2d Session (2004) (2000 Edition and Supplement IV) > Thursday, April 06, 2006 3:21 PM 4753695 2004usc05.pdf.
- ⁴² **2006:** 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >109th Congress, 1st Session (2005) (2000 Edition and Supplement V) > Tuesday, April 17, 2007 12:55 PM 5269282 2005usc05.pdf.
- ⁴³ **2007:** 5 U.S.C. §5332; <http://www.gpoaccess.gov/> >2006 U.S. Code >5usc5332, <http://www.gpoaccess.gov/uscode/index.html>, Search: 5usc5332 <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi>, 5USC Sec. 5332 The General Schedule >PDF.
- ⁴⁴ **2008:** 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >110th Congress, 1st Session (2007) (2006 Edition and Supplement I) > Tuesday, April 14, 2009 5:02 PM 5343812 2007usc05.pdf.
Also at <http://uscode.house.gov/> > Search, <http://uscode.house.gov/search/criteria.shtml> >Title: 5, Section: 5332, <http://uscode.house.gov/uscode-cgi/fastweb.exe?search> >5 USC Sec. 5332 > <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+468+0++%28%29%20%20AND%20%28%285%29%20ADJ%20USC%29%3ACITE%20AND%20%28USC%20w%2F10%20%285332%29%29%3ACITE%20%20%20%20%20%20%20%20%20%20>.
- ⁴⁵ **2009:** The salary of circuit judges increased to $\$184,500/12=\$15,375 \times 5=\$76,875$. COLA for Federal Judges in 2009, The Third Branch, Newsletter of the Federal Courts, Mar 2009, vol. 41, num. 3; http://www.uscourts.gov/ttb/2009-03/article03.cfm?WT.cg_n=TTB&WT.cg_s=Mar09_article03_tableOfContents.
- ⁴⁶ The Financial Statement Net Worth table of the Questionnaire, [endnote 1a](#)) and [c](#)) *supra* >186, requires that Judge Sotomayor “Provide a **complete, current** financial net worth statement which **itemizes in detail all assets** (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) **all liabilities** (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.” (emphasis added)
- ⁴⁷ “The judge's reportable net worth has hardly changed at all since she was appointed to the bench in 1992, according to a source in a position to know. The modest increase in her

net worth in 2007 may be attributable to a home equity loan she took out to do some renovations, the source said. Disclosed assets may not tell the whole financial picture, as federal rules do not require judges to disclose the value of their personal residences. **Sotomayor has listed no outstanding loans or other liabilities in recent years, except for four credit cards.** Sotomayor brought in some extra income in 2007 by working as an adjunct professor at New York Law School and lecturing at Columbia Law School. Those jobs paid her nearly \$25,000 that year. She also has traveled frequently to conferences. In 2007, she reported being reimbursed for expenses related to six trips, such as a stint teaching at the University of Puerto Rico and a trip to a judicial clerkship institute at Pepperdine University.” Sotomayor Rose High, with Few Assets, Joe Stephens, *The Washington Post*, May 7, 2009; (emphasis added); http://voices.washingtonpost.com/44/2009/05/07/sotomayor_rose_high_with_few_a.html?sid=ST2009050702123; see *ent.3b*) supra.

But see *endnote 46* supra. See also, *endnote 48* infra, where it is reported that “city records indicate two outstanding mortgages totaling \$450,000.” This inconsistency needs to be resolved.

The rate of interest of those mortgages and their closing costs should also be found out. It is not apparent at all why a person would need to take those mortgages and incur those costs although the whereabouts of her earnings of \$3,577,024 plus those for 1976-1987 cannot be accounted for. A person with expertise in financial matters, let alone in real estate, who understands the basic concept of interest rate spreads, would not keep earnings in a savings account, where she would earn a low interest rate, only to take a mortgage and pay a high rate. Therefore, those mortgages can represent the leveraging of undisclosed investments that earn dividends at a higher rate or have a high potential for capital appreciation that will more than offset the mortgage rate.

Judge Sotomayor has real estate expertise and connections. To question “16. Legal Career ...a.ii. whether you practiced alone, and if so, the addresses and dates”, her answer was:

Yes, with Sotomayor & Associates, 10 3rd Street, Brooklyn, New York 11231, from 1983 to 1986, but this work was as a consultant to family and friends in their real estate, business, and estate planning decisions. If their circumstances required more substantial legal representation, I referred the matter to my firm, Pavia & Harcourt, or to others with appropriate expertise.” *Endnote 1* >1a) & c) 143-144.

“From April 1984 as an associate, and from January 1988 until October 1992 as a partner [in Pavia & Harcourt], I was a general civil litigator involved in all facets of commercial work including, but not limited to, real estate, employment, banking, contract, distribution and agency law.” *Id.*, p.145

[At] Pavia & Harcourt[, m]y typical clients were significant European companies doing business in the United States. My practice at that firm focused on commercial litigation...My work also involved advising clients on a wide variety of legal issues, including, but not limited to...banking, real estate, patents, employment, partnership, joint venture and shareholder laws...and franchising and licensing matters. Moreover, I conducted over fifteen arbitration hearings...involving banking, partnership, tire and fashion industry disputes.

She was a member of the board of directors of the State of New York Mortgage

Agency from 1987 to October 1992.

“She was engaged in the 1990s to Peter White, who worked in construction and real estate, but they later broke up.” Friends Provide a Glimpse Into Sotomayor's 'Very Full Life', Keith B. Richburg, Robin Shulman and Nancy Trejos, *The Washington Post*, Sunday, May 31, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/30/AR2009053002061.html?nav=emailpage>; see also [ent.3b](#)) supra.

Judge Sotomayor said this in her speech at her induction to the Court of Appeals:

“Before Peter, Marguerite and Tom moved me out of and settled me into every home I have ever had since I moved into the city. You don't know how hard that is.” p.39. “At Pavia [& Harcourt], I also met Alessandro and Fe Saracino of the Fendi family, who along with their parents have introduced me to the beauty of the international world. Every day for five years I spoke to Marta Fontanesi, Fendi's legal representative. We formed a bond that is so special that she has come from Italy to be here today. Her husband Daniel Valebrega and his parents, who could not be here, have not only given us friendship but they gave Peter and me the opportunity to buy our current home in the Village.” p.41 “Peter, it was you who convinced me to say yes when the President [Clinton] called about my nomination, and it was you who lifted my spirits each time I came close to giving up during this process. Four years ago, we committed to a life together. It is a commitment for life and it is the best thing that has ever happened to me. Thank you for all that you do for me, large and small, for all that we do together.” pp. 55-56;

<http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >November 6, 1998 - United States Court of Appeals for the Second Circuit, [Induction Speech](#).

- ⁴⁸ “Her personal financial disclosure form filed last year puts her sum total of investments at the end 2007 from \$50,001 to \$115,000. She reported only two assets: a checking account and a savings account — both at Citibank. The form does not require disclosure of the value of a judge's personal residence. **But New York City records show that Sotomayor owns a Greenwich Village condo that she bought in 1998 for \$360,000.** It's now worth about \$1.4 million, according to Zillow.com. And **city records indicate two outstanding mortgages totaling \$450,000.** Papers submitted in connection with her nomination to the 2nd Circuit Court of Appeals **in 1997 say she was earning \$1,100 a month in rent on a co-op apartment that she owned in Brooklyn.** As recently as 2004, she reported less than \$30,000 in her two bank accounts. A source told *The Washington Post* earlier this month that Sotomayor once said that filling out her financial reports was a breeze. “When you don't have money, it's easy. There isn't anything there to report”, she was quoted as saying. Sotomayor is divorced and has no children. In 2007, Sotomayor supplemented her federal judicial salary with nearly \$25,000 from teaching at the Columbia and New York University law schools. She has missed out on the escalation in salaries and profits at major law firms in the past two decades.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, *Politico*, May 28, 2009; (emphasis added); <http://www.politico.com/news/stories/0509/23045.html>; see [ent.3b](#)) supra. Cf. on why judges can engage in wrongdoing without fear of adverse consequences see http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf and http://judicial-discipline-reform.org/statistics&tables/bkr_stats/bkr_as_percent_new_cases.pdf.