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August 3, 2009

Senator Harry Reid
Senate Majority Leader
522 Hart Senate Office Building
Washington, D.C. 20510

Senator Mitch McConnell
Senate Minority Leader
361A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Reid and Senator McConnell,

At the hearings, Judge Sotomayor stated that “Many senators have asked me about my judicial philosophy. It is simple: fidelity to the law.” However, you and the Senate have verifiable evidence that such statement is not factually correct. It consists of her answers to the Judiciary Committee’s Questionnaire and supplementary questions, the U.S. Code, court documents, and official judicial statistics. If your vote on her confirmation will be based on the evidence in the record rather than in disregard of it, then it behooves you to consider the evidence summarized herein and the linked documents with the references to the sources available to you. The evidence indicts her claim of fidelity to the law and ‘non-empathetic’, impartial application of it, for it shows that Judge Sotomayor withheld from the Committee and the public:

- a) material information about her finances, though the Committee required that she “itemize in detail all assets and all liabilities”, which if she had done would have exposed her failure to account for at least \$3,611,696 due to her repeated failure to comply with her duty under the Ethics in Government Act of 1978 to file a “full and complete” annual financial disclosure report; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf
- b) the *DeLano* case, 06-4780-bk-CA2, where she was the presiding judge and covered up a similar concealment of assets to protect her fellow judges below involved in a bankruptcy fraud scheme due to “the absence of effective oversight” –Bankruptcy Abuse Prevention Act finding - by upholding their denial of, and denying in turn in 12 creditor-requests, *every single document*, thus denying all discovery rights and denying herself the facts to which to apply the law, whereby she denied due process of law and enabled the continued running of the scheme; and http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/11DrCordero-SenJudCom.pdf; infra 5
- c) her partiality toward all her fellow judges by participating, as a member of the 2nd Circuit Judicial Council, in exonerating 100% of complained-against judges from misconduct charges. http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf >N:51¶¶1-4; infra 6

In each of these patterns of conduct Judge Sotomayor showed ‘infidelity to the law’ and dispensed, not blind justice, but rather wide-eyed empathy for her peers and indifference to their victimized debtors, creditors, complainants, and the public, who bears their losses. At the hearings, though sworn to tell the whole truth, she allowed the misrepresentation to persist that she had elicited in her answers by writing that she had provided “all” information and cases requested. As for the Committee, it failed to post the evidence and confront her with it, although on July 3 I began filing it with each of its members by email, fax, and mail with many follow-up phone calls.

Hence, I respectfully request that you **1)** have the evidence posted and Judge Sotomayor address it publicly, assuming you believe that you and the public are entitled to pro and con evidence to assess her claim of fidelity to the law and impartiality before confirming her to public office for life with no oversight; and **2)** cause the Senate to launch a *Follow the money!* investigation, which can allow you to become a national Champion of Justice, like Senator Sam Ervin, chairman of the Senate Watergate Committee, by asking: What assets did the Judge and her *DeLano* peers conceal and why did they conceal them? I look forward to hearing from you.

Sincerely, *Dr. Richard Cordero, Esq.*

August 3, 2009

**Summarizing Statement Filed With The Senate of Verifiable Evidence
of Material Information That Judge Sotomayor Withheld From
The Judiciary Committee and The Public That Indicts Her Claim to “Fidelity to
the Law” and ‘Non-empathetic’ Impartiality; and Request That Publicly The
Senate Post and Pursue the Evidence in a *Follow the money!* Investigation¹**

I hereby bring to the Senate’s attention evidence of three patterns of wrongful conduct of Justice Nominee Judge Sonia Sotomayor. This evidence is all the more compelling because it has to do with objective matters based on facts; as such, they rely on neither her judicial philosophy and its subjective appreciation, nor her gender nor ethnicity. The facts of her conduct indict her claim at the hearings to “fidelity to the law” and ‘non-empathetic’ impartiality.

This statement summarizes detailed ones that refer to their sources, to wit, the answers that Judge Sotomayor submitted to the Committee’s Questionnaire and supplementary questions; the U.S. Code; court documents and statistics; and articles of reputable newspapers, such as *The Washington Post*. The detailed statements can be retrieved through the links below. In brief, those statements show that Judge Sotomayor:

1. 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 + the cost of her reportedly modest living; http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf
2. withheld from the Committee the *DeLano* Case, which reveals her cover-up of similar concealment of assets to protect her peers below involved in a bankruptcy fraud scheme; and http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/11DrCordero-SenJudCom.pdf
3. showed similar partiality toward all her peers by condoning the systematic dismissal of complaints against them and participating in the *denial of 100% of petitions* to review such dismissals. http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf>N:51¶¶1-4 & N:39

1. EVADED HER DUTY TO DISCLOSE HER FINANCIAL AFFAIRS

The Senate Judiciary Committee required Judge Sotomayor to “Provide a complete, current financial net worth statement which itemizes in detail all assets [and] all liabilities”. She was also under an independent duty imposed by the Ethics in Government Act of 1978 (5 U.S.C. App.) to file publicly “full and complete” annual financial disclosure reports. Whether the Judge discharged such obligations reflects her respect or lack thereof for the law applicable to her. By the same token, such respect determines how she applies the law to others and the quality of blind or wide-eyed justice that she dispenses to them. Thus, examining her handling of such obligations is warranted by the need to ascertain her “fidelity to the law” in personal and judicial matters as an indispensable qualification to being confirmed as a justice...and to remaining a judge.

A table of her financial affairs where every figure is accompanied by a reference to its source in its 48 endnotes has been drawn up. In summary, it shows that:

- a) a financially savvy “wise woman with the richness of her experiences” as a
 - i) former member of the board of directors of the State of New York Mortgage Agency;
 - ii) financial counselor in her own firm of Sotomayor and Associates; and

¹ http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/26evidence/1DrCordero-Senate.pdf

- iii) corporate litigator at the boutique law firm of Pavia & Harcourt for high-end international clients, such as Ferrari, Fendi, and Bulgari;
- b) who studied on scholarships, thus avoiding otherwise necessary student loans;
- c) has no children;
- d) has had no catastrophic illness or disaster, either affecting herself or her family;
- e) reportedly lives a modest life;
- f) is reimbursed for all travel and boarding expenses relating to her professional trips;
- g) is given food for free at other local events;
- h) earned \$3,773,824 since 1988 + received \$381,775 in loans = \$4,155,599 (Why would she ever need a loan, particularly one said to be for home improvements?);
- i) whose average effective tax rate was well below the 1988-08 average top individual marginal tax rate of 36%;
- j) plus had earnings as a professional between 1976-1987:
 - i) part-time while a law student at an elite law school, i.e., Yale, between 1976-1979;
 - ii) during a summer at a top Manhattan law firm;
 - iii) full time as an Assistant D.A. at the NY County D.A.'s Office between 1979-1984;
 - iv) as an associate from 1984-1987 and a partner from 1988-1992 at Pavia & Harcourt,
- k) who disclosed assets worth only \$543,903, excluding capital appreciation;
- l) is likely not to have 'provided a full and complete statement' of her remaining \$3,611,696.

Money does not disappear. Earnings are spent, donated, or saved. Given the Judge's conspicuous public life and her inconspicuous spending, she must have saved them as assets, e.g., securities or real estate investments, but disregarded her duty to disclose them. She was nominated by the President, who also nominated tax evaders Tim Geithner, Tom Daschle, and Nancy Killefer.

2. WITHHELD FROM THE COMMITTEE *DELANO* TO COVER UP A BANKRUPTCY FRAUD SCHEME

The likelihood that Judge Sotomayor unlawfully did not disclose her assets is heightened by the fact that she withheld production to the Senate Judiciary Committee of one of her cases on the three principal and supplementary productions of cases through which she represented having discharged her duty to produce all of them. *DeLano*, 06-4780-bk, is the case that she withheld. She was the presiding judge on the panel of the Court of Appeals, 2nd Circuit (CA2), that heard my oral argument on it and disposed of it through the summary order of February 7, 2008. (p.5 infra) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf

DeLano deals similarly with concealment of assets despite a duty to disclose. Her order protected, not the rule of law, but rather those who evaded such duty: i) her peer and CA2 appointee Bankruptcy Judge John C. Ninfo, II, WBNY, ii) the district judge, and iii) the one for whom they had covered up the concealment of at least \$673,657, Mr. DeLano, 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, as a bankruptcy officer! 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. According to PACER, the *DeLano* case was one of the 3,907 *open* cases that trustee George Reiber had before Judge Ninfo, before whom Mr. DeLano's attorney had 525 cases. These are bankruptcy system insiders running a bankruptcy fraud scheme.

The finding of the concealed assets would have led to the indictment of Mr. DeLano for bankruptcy fraud, who in exchange for leniency could have incriminated other insiders, including Judge Ninfo, who could have given ‘bigger fish’. To forestall this domino effect, Judge Sotomayor condoned the denial below of, and denied in turn, *every single document* in all creditor requests: She violated discovery rights, denied herself the facts that she needed to find in order to apply the law to them, and denied due process of law in self and her peers’ interest. Her conduct in *DeLano* so incriminates her “fidelity to the law” that she withheld it from the Committee. She thus prevented its investigation, which would have exposed her cover-up of a scheme that involves lots of money and injures millions of debtors, creditors, and the public that sustains their pass-through losses. Cf. http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_v_Equal_Justice.pdf >¶¶4-6

3. WAS PARTIAL TO HER PEERS BY DENYING ALL PETITIONS TO REVIEW COMPLAINTS AGAINST THEM

Judge Sotomayor’s partiality toward those judges is part of her pattern of conduct. She has condoned the systematic dismissal by her peers, the successive CA2 chief judges, of complaints against fellow judges and participated, as member of the 2nd Cir. Judicial Council, in the latter’s 1oct96-30sep08 12-year period *denial of 100% of petitions* for review of such dismissals. (6 infra)

Those complaints and the petitions for review were filed under the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364) by anybody trying to protect himself or the integrity of the legal system itself. Yet, Judge Sotomayor denied review regardless of the gravity of the judge’s alleged misconduct and disability, which included, according to CA2’s own classification, bias, prejudice, bribery, corruption, conflict of interests, abuse of power, incompetence, mental or physical disability preventing the discharge of official duties, etc.

By so doing, she abrogated in effect that Act of Congress. She also showed no “empathy” for all those complainants and litigants whom she left with no redress for the personal or systemic injury already sustained. On the contrary, she exposed them to the vindictiveness of judges who were sure that no matter how they mistreated anybody, she too would protect them from any adverse consequences of a subsequent complaint. Self-immunity from discipline and unaccountable power over lots of money explain their participation in a bankruptcy fraud scheme.

4. REQUESTED ACTION: PUBLIC PURSUIT OF THE EVIDENCE AND A *FOLLOW THE MONEY!* INVESTIGATION

Therefore, I respectfully request that the Senate:

- 1) require Judge Sotomayor to comment publicly on the evidence of her patterns of infidelity to the law and judicial class partiality by evading her financial disclosure duties, withholding *DeLano* to protect a similar concealment of assets by her peers, and exonerating 100% of complained-against peers; http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf
- 2) conduct a *Follow the money!* investigation of her financial affairs, *DeLano* as part of a bankruptcy fraud scheme, and her moral or material gain from exonerating 100% of her peers; to that end, hold public hearings and allow me to present the evidence thereon; and cf. http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/6DrCordero-SenJudCom_subpoena.pdf;
- 3) investigate the impossible coincidence that on several occasions my four email accounts stopped receiving emails a day after I widely emailed evidence of CA2’s scheme cover-up.

To *Follow the money!* to ascertain what assets Judge Sotomayor and her peers have concealed and why they have concealed them can turn a principled and ambitious senator into the Senator Sam Ervin of our generation and the national champion of those to whom they have denied Equal Justice Under Law.

August 3, 2009 *Dr. Richard Cordero, Esq.*

MANDATE

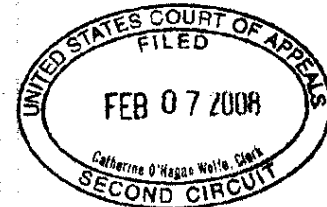
W.D.N.Y.
05 cv-6190
Larimer, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of February, two thousand eight.

Present:

Hon. Sonia Sotomayor,
Hon. Debra Ann Livingston,
Circuit Judges,
Hon. Gregory W. Carman,
Judge, U.S. Court of International Trade.



Dr. Richard Cordero,

Creditor-Appellant,

v.

06-4780-bk

David DeLano, Mary Ann DeLano,

Debtors-Appellees.

George M. Reiber, as Bankruptcy Trustee, moves to dismiss the appeal as moot. Although Appellant's argument that the Trustee's motion is deficient may be correct, any such deficiencies are minor and, in any event, the appeal is subject to dismissal under this Court's *sua sponte* authority. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED as equitably moot. See *In re Metromedia Fiber Network, Inc.*, 416 F.3d 136, 144 (2d Cir. 2005); *In re Chateaugay Corp.*, 988 F.2d 322, 326 (2d Cir. 1993).

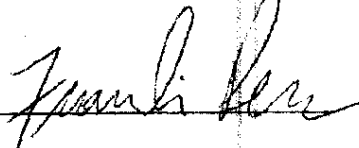
FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

by


DEPUTY CLERK

By:



The Honorable Gregory W. Carman, of the United States Court of International Trade,
sitting by designation.

SAO-LB

ISSUED AS MANDATE: 5/16/08

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

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-mth. Period Ended 30sep97-07 & 10may8. <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf

Data of Judicial Council 2nd Cir. for AO; 28 U.S.C. §332(g)	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-5/8	96-5/8	Avg.
Complaints Pending on each September 30 of 1996-2008*	5	10	23	65	33	60	29	34	57	31	28	13	388	32
Complaints Filed	40	73	99	59	102	62	69	23	36	14	22	4	603	50
Complaint Type														
Written by Complainant	40	73	99	59	102	62	69	23	36	0	22	4	589	49
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	14	0	0	14	1.8
Officials Complained About**														
Judges														
Circuit	3	14	23	9	31	10	8	4	7	0	6	1	116	9.7
District	27	56	63	41	52	41	49	15	23	10	12	3	392	33
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	2	1	2	2	2	1	1	1	0	0	0	0	12	1
Magistrate Judges	8	8	11	7	17	10	11	3	6	4	4	0	89	7.5
Nature of Allegations**														
Mental Disability	1	9	26	2	5	4	6	3	3	1	1	1	62	5.2
Physical Disability	0	1	2	1	0	0	1	2	0	0	0	1	8	.7
Demeanor	2	2	2	3	14	3	4	6	0	0	0	0	36	3
Abuse of Judicial Power	25	30	7	29	28	57	20	6	3	0	1	1	207	17
Prejudice/Bias	32	36	34	28	24	40	20	35	43	28	30	5	355	30
Conflict of Interest	0	0	5	11	10	18	3	4	5	1	1	0	58	4.8
Bribery/Corruption	0	0	10	21	2	15	4	5	2	2	1	1	63	5.2
Undue Decisional Delay	0	4	0	11	6	15	9	5	8	2	3	3	66	5.5
Incompetence/Neglect	4	1	3	1	5	2	3	3	4	0	3	2	31	2.6
Other	0	11	3	5	0	0	4	33	80	38	47	14	235	20
Complaints Concluded	33	56	57	80	75	93	42	51	91	45	50	17	690	57
Action By Chief Judges														
Complaint Dismissed														
Not in Conformity With Statute	3	4	0	0	4	1	1	6	5	8	1	2	35	2.9
Directly Related to Decision or Procedural Ruling	12	19	19	29	17	23	14	18	46	15	10	9	231	19
Frivolous	0	1	19	0	13	9	7	3	1	3	2	1	59	4.9
Appropriate Action Already Taken	0	0	0	0	0	0	0	1	0	1	0	0	2	0.2
Action No Longer Needed Due to of Intervening Events	0	0	3	1	0	2	0	0	0	1	0	0	7	0.6
Complaint Withdrawn	0	0	0	0	0	2	0	1	2	0	0	0	5	0.4
Subtotal	15	24	41	30	34	37	22	29	54	28	13	12	339	28
Action by Judicial Councils														
Directed Chief Dis. J. to Take Action (Magistrates only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	18	32	16	50	40	56	20	22	37	17	37	6	351	29
Withdrawn	n/a	n/a	0	0	1	0	0	0	0	0	0	0	1	.08
Referred Complaint to Judicial Conference	0	0	0	0	0	0	n/a	0	0	n/a	0	0	0	0
Subtotal	18	32	16	50	41	56	20	22	37	17	37	6	352	29
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	1	0	2	.17
Complaints Pending on each 30sep of 1997-2008	12	27	65	44	60	29	56	6	2	0	0	0	301	25

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