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Judicial-Discipline-Reform.org Newsrelease

CA2 Chief Judge's disregard for judicial misconduct law and the upcoming Judicial Conference meeting

**Will the Conference judges deal with the Judicial Misconduct Complaint
and the Case, *DeLano*, that reveal
the Federal Judiciary's Institutionalized Coordination of Wrongdoing?**

Judges' lack of accountability for their exercise of their power over people's property, liberty, and even lives leads in practice to the exercise of absolute power, which corrupts absolutely. This is starkly illustrated by a case, *DeLano*, which deals with a 39-year veteran of the banking industry who at the time of going "bankrupt" was and remained working precisely in the bankruptcy department of a major bank. This bankruptcy system insider's fraudulent bankruptcy, involving concealment of assets and false statement of financial affairs, reveals that judges, trustees, and other insiders and court officers are running a bankruptcy fraud scheme.

Their scheme has been supported by the federal bankruptcy judge, WBNY, who decided *DeLano*, the district judge, WDNY, who covered it up on appeal, and the Court of Appeals for the Second Circuit, which protected the bankruptcy judge, whom it had reappointed to a second term of 14 years under 28 U.S.C. §152. The case is now before the U.S. Supreme Court. The statement of facts and legal analysis presented to it can be found in the file at: http://judicial-discipline-reform.org/SCt_chambers/8application_4aug8/1DrRCordero-SCtJustices_4aug8.pdf. A one page summary of the salient facts of the *DeLano* case with a table of its most revealing numeric values is found at: http://Judicial-Discipline-Reform.org/DeLano_record/1DeLano_facts_income_table.pdf.

To show the corruptive effect of unaccountable judicial power, a judicial misconduct complaint against the bankruptcy judge has also been filed under the Judicial Conduct and Disability Act (28 U.S.C. §351) and the Rules for Conduct and Disability Proceedings.

As required by these legal instruments, the complaint was filed with the chief circuit judge of the federal circuit court that reappointed that judge, namely, Chief Judge Dennis Jacobs, CA2. His failure to discharge the duties imposed on him by the Act and the Rules in handling this complaint, no. 02-08-90073, discussed in the open letter below, is a manifestation itself of judicial unaccountability that disregards the law in self-interest.

That letter together with the complaint and a proposed order for investigating *DeLano*, can be retrieved through: http://Judicial-Discipline-Reform.org/JNinfo/DrCordero_newsrelease29aug8.pdf.

It was also sent to all the members of the Judicial Conference of the U.S., which is the highest court administration policy-making body of the Federal Judiciary and presided over by

U.S. Supreme Court Chief Justice John Roberts, Jr. The Conference will hold its next semi-annual meeting on September 16-17 at the Supreme Court, (202)479-3211. It will be followed by separate meetings of district and circuit judges at the Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, in Washington, D.C., where its secretariat is maintained by the Administrative Office of the U.S. Courts, (202) 502-2400, <http://www.uscourts.gov/>. See a photo of the Building at: http://www.uscourts.gov/library/annualreports/2006/2006_annualreport.pdf, page 54.

The Service List accompanying the letter contains the names, addresses, and phone numbers of the Conference members, including CA2 Chief Judge Jacobs and all the other chief circuit judges. It will make it easier for readers, particularly journalists and judicial reform advocates, to inquire of them whether they will cause the complaint to be investigated or will tolerate the cover-up of the bankruptcy fraud scheme revealed by the *DeLano* case.

Indeed, the judges' official statistics for 1997-2006 show that they engaged in the systematic dismissal of judicial misconduct complaints without any investigation: In those 10 years, 7,462 complaints were filed, but the judges appointed only 7 special investigative committees and disciplined only 9 of their peers. They dismissed out of hand 99.88% of all complaints! Thereby they self-exonerated for doing what is forbidden and disregarding what is commanded.

Thus, in the 219 years since the creation of the Federal Judiciary in 1789, of all the thousands of federal judges only 7 have been impeached and removed from the bench. On average that is 1 every 31 years, a period much longer than the average years of service of judges. This has fostered the mentality among them that they can do and not do anything because they do not have to fear any adverse consequences from either abusing their judicial power, having a disability, or engaging in illegal activity.

Since they will cover for each other, they have assured themselves of impunity for their conduct. This explains why federal judges have felt free to institutionalize coordinated wrongdoing, for they have as a matter of fact placed themselves where no individual or class of people is entitled to be in our democratic society: Above the law.

Judges should be exposed as having arrogated to themselves that abusive position. In so doing, one should keep in mind an instructive similar case: Once Carl Bernstein and Bob Woodward of the Washington Post dispelled the notion that merely some garden variety burglars had broken into the national headquarters of the Democratic Party at the Watergate Complex, the door was opened for them to engage in a *Follow the Money!* investigation that ultimately uncovered deep seated corruption among President Nixon and his top White House aides and reelection committee staff. Those two journalists have since been recognized for their courage and skills in exposing wrongdoing at the highest levels of the Executive Branch and thereby contributing to honesty in government.

Likewise, bloggers and journalists can expose today how the top officers of the Judicial Branch, charged with administering justice through due process of law, have instead managed to impose perverted justice in the interest of their class. For doing so, they will be recognized first by an avid media audience and then by a grateful nation as having contributed to bringing our legal system closer to the lofty goal of "Equal Justice Under Law".

Links to the Act, the Rules, and the official statistics on impeachments and judicial misconduct complaints as well as graphs illustrating the latter are found at the homepage of <http://Judicial-Discipline-Reform.org>.

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(Sample of the letter sent to each member of the Judicial Conference)

August 15, 2008

Chief Justice John G. Roberts, Jr.
Presiding Officer of the Judicial Conference
c/o Supreme Court of the United States
1 First Street, N.E., Washington, D.C. 20543

Re: Judicial conduct complaint of 6/6/8, no. 02-08-90073, against J. John C. Ninfo, II, WBNY

Dear Mr. Chief Justice Roberts,

Over two months ago, I gave you, as presiding officer of the Judicial Conference, notice that I had filed the above captioned complaint to be processed by Chief Judge Dennis Jacobs, CA2, under the new Rules for Judicial Conduct and Disability Proceedings (R #). To date CJ Jacobs has not notified me of having taken any action concerning this complaint.

However, R 8(b) provides that “The clerk **must promptly** send copies of a complaint...to the chief judge...and to each subject judge” and R 11(a) adds that “the chief judge **must review it**”. In addition, R 11(f) requires that “If some or all of the complaint is not dismissed or concluded, the chief judge **must promptly appoint a special committee** to investigate the complaint or any relevant portion of it and to make recommendations to the judicial council”. (emphasis added) The tenor of the Rules is that action must be taken expeditiously.

Indeed, this follows from the provisions of the law itself, which at 28 U.S.C. §351(a) states as grounds for complaining against a judge his or her having “engaged in conduct prejudicial to the effective and **expeditious** administration of the business of the courts”. Subsection (b) even provides that the chief judge “in the interest of the effective and **expeditious** administration of [that] business...may...identify a complaint...and dispense with filing of a written complaint”. Thereafter §352 expressly provides for “(a) **expeditious review**; limited inquiry. –The chief judge **shall expeditiously review** any complaint”. What is more, §353(a) requires that “If the chief judge does not enter an order under section 352(b), the chief judge **shall promptly-** (1) **appoint...a special committee** to investigate...(2) **certify** the complaint and any other documents...to each member and (3) **provide written notice to the complainant** of the action taken” (emphasis added).

The need for prompt action on my complaint is exacerbated by the pending proceedings before Judge Ninfo in *Pfuntner v. Trustee Gordon et al.*, 02-2230, to which I am a party and from which he has refused to recuse himself. It would be a denial of due process to force me to litigate before him since in that case and in the related *DeLano*, 04-20280, he has engaged in a series of acts so consistently in disregard of the law and the facts and biased toward the local parties and bankruptcy system insiders, and against me, the sole non-local outsider, as to form a pattern of coordinated wrongdoing in support of a bankruptcy fraud scheme. He must continue his abusive conduct to cover up his past abuse. Thus, J. Ninfo does not show even “the appearance of impartiality” needed for an objective observer to reasonably expect just and fair proceedings from him.

Hence, I respectfully request that you use the Rules’ ‘informal means for disposing of complaints’ to cause **a)** the appointment of a special committee, **b)** the certification of the proposed production order (¶20.f infra), and **c)** the placement of the subject of the fraud scheme on the September agenda of the Judicial Conference. Meantime, I look forward to hearing from you.

Sincerely,

Dr. Richard Cordero, Esq.