

**The *DeLano* Case Course Taught To Produce a Multimedia Brandeis Brief  
Using multidisciplinary knowledge, skills, and means so that  
lawyers, journalists, and accountants trigger history rather than just first-draft it<sup>1</sup>**

Before Louis Brandeis became a justice of the Supreme Court in 1916, he was an effective litigator advocating progressive causes. He won his cases, not only by arguing the law, but also by writing briefs where he presented socio-economic data and treated it with as much rigor as if it were legal evidence. His briefs were so persuasive that they gave rise to a new type: the Brandeis brief. They contributed to ushering in a more just society and thus, to make history.

**A. *DeLano* and the empowerment of the people through information and knowledge**

1. *DeLano*(7) is a case that was filed in a U.S. bankruptcy court<sup>1</sup> and appealed to the district and circuit courts and the Supreme Court<sup>2</sup>. It is the representative case of a cluster that followed the same path along the Federal Judiciary courts.<sup>3</sup> They show judges engaging in a series of acts, such as withholding of material information, concealment of assets, and partiality, so consistently in favor of other judges and insiders of the bankruptcy and legal systems to the detriment of outsiders and so blatantly in disregard of the facts and due process of law as to be non-coincidental and intentional. That series of acts constitutes pattern evidence<sup>4</sup> from which a reasonable person can infer a judicially supported bankruptcy fraud scheme<sup>5</sup>. The latter is only one manifestation of the two most insidious corruptors: unaccountable power and lots of money, i.e., the \$10s of bls. that federal judges rule on annually and their way above average salaries.<sup>6</sup>

2. The law, journalism, and business students(48) taking The *DeLano* Case and/or its research & writing course will study key documents in the 2,500+ page *DeLano* record<sup>7</sup>. They will learn the findings of, and conduct research on Judiciary publications, e.g., reports<sup>8</sup>, statistics<sup>9</sup>, and news<sup>10</sup>, that reveal what has allowed the Judiciary to institutionalize coordinated wrongdoing as its modus operandi: the unaccountability of life tenured, de facto unimpeachable judges(30<sup>11</sup>), who abuse their self-discipline system<sup>11</sup> by systematically dismissing complaints against them (21-27); assured of impunity<sup>12</sup>, they disregard due process(12) and do wrong(31) while exercising their vast judicial power<sup>13</sup>. The students will apply convergently their multidisciplinary skills and means to find evidence thereof, put it into multimedia across-platforms reports, and deliver them in class and at a public presentation. They will thus perform a fundamental function of lawyers sworn to uphold the Constitution and of journalists in a democratic society: to inform the citizenry so that it may maintain or regain control<sup>14</sup> of ‘the government of and for the people’.

**B. Student evaluation of *DeLano* & the stages of the *Follow the money!* investigation**

3. The students will learn the structure of the Judiciary, the principles of legal research, and the requirements for handling legal evidence. That way they can become knowledgeable legal reporters and forensic accountants, in particular, and competent lawyers, journalists, and financial analysts in general. They will develop a healthy ‘paranoid’ concern for reporting information with accuracy and for presenting evidence or citing precedent for every legal principle: ‘There are people out there trying to get me!, be it the opposing counsel, the professor, the fact-checker, the editor, or the audience, including competitors, and their own sense of professional responsibility.

4. The students will apply independent and critical judgment to distinguish between factual and fraudulent statements of parties and even judges so as to detect judicial wrongdoing. To assess its

<sup>1</sup> Excerpt from [http://Judicial-Discipline-Reform.org/DeLano\\_course/17Law/DrRCordero\\_course&project.pdf](http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf)

scope, they will execute any of the stages of the *Follow the money!* journalistic investigation/discovery, as allowed by their knowledge, experience, and funding, and required by due diligence:

**5. Computer research.** This includes research on PACER (Public Access to Court Electronic Records) and the websites of the Administrative Office of the U.S. Courts (AO) and the courts<sup>15</sup>; legislators<sup>16</sup>; and pundits on the judiciary and consumers of judicial services<sup>17</sup>. By so doing, the students can research further **1)** the case handling policies that the courts have developed on their own and their compliance with Constitutional and statutory requirements<sup>18</sup>; **2)(a)** the statistics on the nature, handling, and disposition of cases and **(b)** public opinion on the services of, and trust in, each of the government branches<sup>19</sup>; **3)** the judges' publicly filed annual financial disclosure reports and how they compare with the assets and liabilities of non-judicial earners of similar salaries<sup>20</sup>; **4)** repositories of public records to track online judges' and their surrogates' assets<sup>21</sup>; etc.

**6. Local field research.** Students can conduct field interviews with current and former staff and law clerks of the local federal court; litigants; lawyers; bankruptcy debtors, creditors, and service providers<sup>22</sup>, e.g. trustees, appraisers, accountants, auctioneers, and deposition reporters; etc.

**7. Advanced, Watergate-like *Follow the money!* investigation.** The Judiciary's coordinated wrong-doing can be investigated through *DeLano* as representative of close to 1.5 million bankruptcy cases filed annually(14<sup>10</sup>) and the one involving a former circuit judge who is now Justice Sotomayor(20). Students will travel wherever necessary to **1)** interview **(a)** those involved in *DeLano*<sup>23</sup>; **(b)** if possible, active, senior, and retired judges; **(c)** law clerks and staff, if need be with their identity hidden to protect their Deep Throat status; **(d)** legislators, who under the pretext of separation of powers have allowed the Judiciary to become an undemocratic power center<sup>24</sup>; **(e)** law enforcement officers<sup>25</sup>, who investigate more legislators than they do members of the larger Judiciary<sup>26</sup>; **2)** attend court proceedings; and **3)** track down assets from county clerks' offices to their current and former owners, sellers, neighbors<sup>27</sup>; etc. The investigation –which can be the final project for an academic degree- can enable students to show that even the justices tolerate or cover up<sup>28</sup> the same wrongdoing that they engaged in when they were judges, lest they end up incriminated<sup>29</sup>. Their *DeLano* storytelling(vi>55) can have Watergate-like consequences.<sup>30</sup>

### **C. The students' across-platforms short & long-term telling of the *DeLano* story**

**8. The public presentation.** The *DeLano* course includes a presentation by the students in their auditorium of its lessons and their research findings, opinions, and editorials.(8) They will broadcast it on campus/internship TV and radio, and interactive web. Their audience will be university members and other opinion-shapers and decision-makers, e.g., political party and law enforcement officers; legislators; judges and Judiciary staff; journalism, fraud & forensic accounting, and law professors, practitioners, and associations; litigants represented pro se and by small, medium, and large law firms; public interest advocates; bloggers; talk show hosts; book publishers; etc. Their presentation can crown the course or launch a campaign for a higher objective(§D); either way it can enhance the schools' reputation for academic excellence and civic leadership(11).

**9. Presentation invitations and advertising materials.** These call for copywriters, designers, and producers to cooperate to devise a story theme and compose a message that catch the attention of the target of the presentation advertisement, and do so on time and within budget. They will be mailed to invitees, posted on campus and the web, released at a press conference, broadcast, etc.

**10. The brochure.** The students will tell their *DeLano* story in a special-issue-magazine-like package integrating main text and sidebars; statistical time series tables(21); trend-depicting

graphs<sup>31</sup>; hierarchical relations charts; clip art representations of people in systems; and realism-providing photos. They will post its digital version on their website<sup>32</sup>, give away the print one at the presentation, and burn it on CDs for low cost promotional distribution and possible sale. Their brochure can be updated as the *Follow the money!* investigation of *DeLano* and similar cases(i) is pursued in subsequent courses. So it can become the first investigative law/journalism periodical dedicated to the in-depth exposure of the Judiciary, the most secretive of the three branches of government, the only one to hold all its meetings behind closed doors<sup>33</sup>, whose close-knit members appear at no press conference, account to nobody, yet wield power the longest directly on parties and through case law over “We the People”’s property, liberty, and even lives.

**11. TV, radio, and web documentary.** Shot during the *Follow the money!* investigation and aimed to attract advocates and donors to its judicial reform campaign, it can be shown at the presentation; meetings of, and schools for, mass communicators, accountants, and lawyers; on TV, radio, and the web; entered in intercollegiate competitions and film festivals; and played at high schools and universities as a recruiting tool for the participating schools, clinics, and internships by illustrating the sophisticated craft that their students learn and the weighty subjects that they treat.

#### **D. The students’ PR campaign and strategy for judicial accountability and discipline**

12. The students can pursue that legitimate journalistic and public policy objective as civic service to inform about, and end, the Judiciary’s institutionalized self-exemption from discipline, bankruptcy fraud scheming, and disregard for due process. This requires planning a PR campaign based on a cogent strategy<sup>34</sup>: They must persuade their audience to disseminate their findings to the public at large. The latter should become outraged at learning how those who took an oath to “administer justice without respect to persons”<sup>35</sup>, have instead turned the Judiciary into a safe haven for coordinated wrongdoing for their own and other insiders’ benefit. Their outrage should force the Department of Justice and Congress to investigate *DeLano*, in particular, and the Judiciary, in general. The findings of such investigation should force Congress to give up its historic refusal to take on the judges<sup>36</sup> and adopt laws effectively holding them accountable and subject to discipline.

13. A key element to understand that refusal is found in Speaker Nancy Pelosi’s candid statement that “Congress is dominated by the culture of corruption”. It follows that if its members tried to hold judges accountable for their abuse of judicial power only to be brought on corruption charges<sup>26</sup> before those same judges, the latter could take the opportunity to retaliate against their nemeses. Hence, the campaign should be not only informative to the public, but also transformative of Congress’ self-preserving hands-off-the-Judiciary attitude. This requires on the students’ part insightful reporting, editorials, and advocacy to cause the public to demand concrete reforms.<sup>37</sup> They must analyze the reactions and circumstances of members of Congress so as to cultivate the interest of those that can instead reap a benefit from seizing the occasion to become the Senator Sam Ervin of this generation. The equivalent of that chairman of the Watergate Committee<sup>38a</sup> can attain similar national recognition -perhaps in preparation for announcing a presidential bid<sup>39</sup>- by updating his famous question to sound thus: What did the justices and judges know about coordinated judicial wrongdoing and to what extent did they tolerate, or participate in, it?

14. The students can design their PR campaign so that their Brandeis-brief reporting on the corruptive effect of unaccountable power and lots of money on the Judiciary leads to dynamic analysis of the interests at stake(8) and their imaginative channeling toward solutions. Thereby they will not just witness historic events, but also influence them so as to trigger history. If they show the courage to expose<sup>38b</sup> and the capacity to propose, they can become the statesmanship version of Woodward/Bernstein and their deans and faculty the Graham/Bradlee of the 21<sup>st</sup> century.

- 1 *In re DeLano*, 04-20280, WBNY; [http://Judicial-Discipline-Reform.org/Follow\\_money/DeLano\\_docs.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf) >§V
- 2 [http://Judicial-Discipline-Reform.org/US\\_writ/1DrCordero-SCt\\_petition\\_3oct8.pdf](http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCt_petition_3oct8.pdf) >§IX Statement of Facts
- 3 *James Pfuntner v Trustee Kenneth Gordon et al.*, 02-2230, WBNY; [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_v\\_TrGordon\\_SCt.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf)
- 4 [http://Judicial-Discipline-Reform.org/docs/18usc1961\\_RICO.pdf](http://Judicial-Discipline-Reform.org/docs/18usc1961_RICO.pdf) >7¶(5) "pattern of racketeering activity"
- 5 [http://Judicial-Discipline-Reform.org/Follow\\_money/How\\_fraud\\_scheme\\_works.pdf](http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf)
- 6 [http://Judicial-Discipline-Reform.org/SCt\\_nominee/JSotomayor\\_integrity/12table\\_JSotomayor-financials.pdf](http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf)
- 7 [http://Judicial-Discipline-Reform.org/DeLano\\_record/DrCordero\\_DeLano-ToC.pdf](http://Judicial-Discipline-Reform.org/DeLano_record/DrCordero_DeLano-ToC.pdf)
- 8 <http://www.uscourts.gov/library/annualreports.htm>; and <http://www.ca2.uscourts.gov/annualreports.htm>
- 9 [http://Judicial-Discipline-Reform.org/docs/Statistics\\_of\\_systematic\\_dismissals.pdf](http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf)
- 10 <http://www.uscourts.gov/news.cfm> and <http://www.uscourts.gov/ttb/2009-01/index.cfm>
- 11 [http://Judicial-Discipline-Reform.org/docs/28usc351\\_Conduct\\_complaints.pdf](http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf)
- 12 [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf)
- 13 [http://Judicial-Discipline-Reform.org/Follow\\_money/why\\_j\\_violate\\_due\\_pro.pdf](http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf)
- 14 [http://Judicial-Discipline-Reform.org/dosc/ineffective\\_oversight.pdf](http://Judicial-Discipline-Reform.org/dosc/ineffective_oversight.pdf)
- 15 <http://www.pacer.uscourts.gov/index.html>; AO: <http://www.uscourts.gov/>; and <http://www.uscourts.gov/courtlinks/>
- 16 [http://www.senate.gov/general/contact\\_information/senators\\_cfm.cfm](http://www.senate.gov/general/contact_information/senators_cfm.cfm) ; <https://writerep.house.gov/writerep/welcome.shtml>
- 17 <http://victimsoflaw.net/>; <http://www.wellsofjustice.com/>; <http://www.scotusblog.com/wp/>; <http://thecaucus.blogs.nytimes.com/>
- 18 [http://Judicial-Discipline-Reform.org/docs/CA2\\_summary\\_orders\\_19dec6.pdf](http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf)
- 19 <http://www.uscourts.gov/library/statisticalreports.html> and <http://www.harrispollonline.com/>
- 20 [http://Judicial-Discipline-Reform.org/docs/5usc\\_Ethics\\_Gov\\_14apr9.pdf](http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf) and <http://www.census.gov/>
- 21 E.g., National Association of Counties: <http://www.naco.org> >clerks' offices; and endnote 1 supra >§X
- 22 [http://Judicial-Discipline-Reform.org/docs/11usc\\_Bkr-Code\\_06.pdf](http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_06.pdf) >§327
- 23 Endnote 1 supra >§XIII
- 24 Cf. [http://Judicial-Discipline-Reform.org/docs/Sen\\_Specter\\_on\\_SCt.pdf](http://Judicial-Discipline-Reform.org/docs/Sen_Specter_on_SCt.pdf)
- 25 [http://Judicial-Discipline-Reform.org/DoJ-FBI/4DrRCordero-DoJ\\_30mar9.pdf](http://Judicial-Discipline-Reform.org/DoJ-FBI/4DrRCordero-DoJ_30mar9.pdf)
- 26 In 2008, 2,153 federal judges and magistrates were in office, but there were only 535 members of Congress. Yet, the Dept. of Justice has recently investigated and/or prosecuted Rep. William Jefferson (D- La.); Sen. Ted Stevens (R-Alas.); Lobbyist Jack Abramoff and members that he influenced; Rep. Duke Cunningham (R-Cal.); Rep. Bob Ney (R-Ohio); Rep. Tom Delay (R-Tex.), Rep. John T. Doolittle (R-Cal.); Rep. Mark Foley (R-Fl.), Rep. Rick Renzi (R-Ariz.); etc.; but only U.S. Judge Samuel Kent (SDTx-5<sup>th</sup> Cir.). Cf. <http://www.crewsmostcorrupt.org/>; [http://Judicial-Discipline-Reform.org/docs/Judicial\\_Watch\\_Corrupt\\_Politicians\\_09.pdf](http://Judicial-Discipline-Reform.org/docs/Judicial_Watch_Corrupt_Politicians_09.pdf).
- 27 En.1 sup. >§II; [http://Judicial-Discipline-Reform.org/docs/18usc\\_bkrp\\_related.pdf](http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_related.pdf) >§§1956-1957: money laundering
- 28 [http://Judicial-Discipline-Reform.org/docs/SCt\\_knows\\_of\\_dismissals.pdf](http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf)
- 29 <sup>a</sup> [http://Judicial-Discipline-Reform.org/Follow\\_money/Dynamics\\_of\\_corruption.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf) & <sup>b</sup>...[money/Unaccountable\\_judges.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Unaccountable_judges.pdf)
- 30 [http://Judicial-Discipline-Reform.org/Follow\\_money/proposal\\_to\\_journalists.pdf](http://Judicial-Discipline-Reform.org/Follow_money/proposal_to_journalists.pdf)
- 31 [http://Judicial-Discipline-Reform.org/statistics&tables/judicial\\_misconduct.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf)
- 32 [http://Judicial-Discipline-Reform.org/docs/Programmatic\\_Proposal.pdf](http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf) >5§C
- 33 [http://Judicial-Discipline-Reform.org/Follow\\_money/unaccount\\_jud\\_nonjud\\_acts.pdf](http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf)
- 34 [http://Judicial-Discipline-Reform.org/Follow\\_money/JudReform\\_from\\_outside.pdf](http://Judicial-Discipline-Reform.org/Follow_money/JudReform_from_outside.pdf) and ...[money/Motive\\_Strategy.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Motive_Strategy.pdf)
- 35 [http://Judicial-Discipline-Reform.org/docs/28usc453\\_judges\\_oath.pdf](http://Judicial-Discipline-Reform.org/docs/28usc453_judges_oath.pdf)
- 36 [http://Judicial-Discipline-Reform.org/docs/bill\\_to\\_amend\\_judicial\\_discipline.pdf](http://Judicial-Discipline-Reform.org/docs/bill_to_amend_judicial_discipline.pdf), never reported out.
- 37 [http://Judicial-Discipline-Reform.org/docs/Jud\\_Discipline\\_Audit\\_Comm\\_Act.pdf](http://Judicial-Discipline-Reform.org/docs/Jud_Discipline_Audit_Comm_Act.pdf)
- 38 <sup>a</sup> [http://Judicial-Discipline-Reform.org/docs/WP\\_The\\_Watergate\\_Story.pdf](http://Judicial-Discipline-Reform.org/docs/WP_The_Watergate_Story.pdf) >p7 & <sup>b</sup>...[money/Emile\\_Zola\\_I\\_Accuse.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Emile_Zola_I_Accuse.pdf)
- 39 [http://Judicial-Discipline-Reform.org/Follow\\_money/Champion\\_for\\_Justice.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Champion_for_Justice.pdf)