

May 12, 2012

## **EXECUTIVE SUMMARY**

### **ACADEMIC AND BUSINESS VENTURE PROPOSAL**

**For the Study of Evidence of a Judge-Run Bankruptcy Fraud Scheme and Multidisciplinary Research on, and Investigation of, the Federal Judiciary** that apply ethics to determine an honest person's duty vis-à-vis judicial wrongdoing, generate monitoring reports, statistical data analyses, and scholarly articles, and **For offering educational, consulting, and representative services to clients** as part of advocating reform legislation on, and the establishment of a citizen board of, **Judicial Accountability and Discipline**

#### **The *DeLano* Case**

a hands-on, role-playing, fraud investigative and expository course that studies real cases revealing the legal and practical conditions giving rise to a bankruptcy fraud scheme and trains law, journalism, and business school students in understanding complex interpersonal systems by piercing explanatory façades with perceptive positing and searching for, and processing, evidence through the application of dynamic analysis of conflicting and harmonious interests

#### **The Disinfecting Sunshine on the Federal Judiciary Project**

an academic and business venture consisting of multidisciplinary research and investigation to expose the workings of the most secretive branch of government, its abuse of its self-policing system to self-exempt from discipline, and the thus induced participation by judges in riskless coordinated wrongdoing; and advocating official investigation of the Judiciary and legislation transferring the policing of judges' conduct to an independent citizen board for judicial accountability and discipline

#### **A. The *DeLano* Case Course**

1. The *DeLano* Case is a hands-on, role-playing course for law, journalism, and business school students. It deals with the study and investigation of wrongdoing coordinated among federal judges and between them and other insiders of the legal and bankruptcy systems, and their running of a bankruptcy fraud scheme as a product of such coordination. It consists of:
  - a. classwork that provides for
    - 1) advanced legal, statistical, and accounting analysis of official publications and case documents, and journalistic investigation that takes its leads from them; and
    - 2) written and oral exposition in class of persuasive arguments that integrate the identified relevant facts into a cogent theory that explains the workings, in general, of the changing interpersonal relations of dynamic sociograms, and, in particular, of coordinated wrongdoing as the Federal Judiciary's institutionalized modus operandi; and

- b. a public presentation of investigative and analytical results concerning the bankruptcy fraud scheme and the Federal Judiciary; their ethical implications for action by an honest person; and recommendations for effective judicial accountability and discipline reform.
2. A detailed description of the course's key features and methodology, and the syllabus setting forth its week-by-week classwork and presentation organization are found in the *DeLano* Course file<sup>2a</sup>.

## B. The Disinfecting Sunshine on the Judiciary Project

3. (**kind of activity**) a multidisciplinary academic and business venture **a)** guided by ethical, public service, and financial considerations and **b)** consisting of **(i)** wide-angle technology-based desk research and **(ii)** a test-case-focused *Follow the money!* field investigation for
4. (**participants**) students earning a higher education degree, in general, and those at law, business, and journalism schools, in particular, and/or a team of experts in their own right to
5. (**end goal**) bring about **a)** reform legislation enabling **b)** the establishment of a government independent citizen board for judicial accountability and discipline composed of party unaffiliated members entrusted with subpoena power and charged with publicly holding judges' accountable, subject to discipline, and liable for damages so as to ensure that "justice is administered without respect to persons and according to the Constitution and the laws"<sup>1</sup>; by taking concrete steps to
6. (**means**) expose **a)** the Judiciary's and judges' modus operandi in disregard of ethical standards and due process requirements; **b)** their abuse of power to dispose of cases and make procedural rules in self-interest; **c)** their wrongdoing in coordination among themselves and with other insiders of the legal and bankruptcy systems; **d)** the benefits they grant themselves and the insiders; **e)** the harm that they inflict upon outsiders and the public at large; **f)** judges' and insiders' concealed assets, money laundering, and other unethical and illegal activity; through
7. (**publication**) the students and/or the team of experts making **a)** a multimedia public presentation at the university auditorium simultaneously **b)** broadcast from **(i)** the radio and TV station and website of the university's journalism and mass communication program, **(ii)** traditional media entities, and **(iii)** citizen journalism websites and **c)** a subsequent tour of presentations and press conferences, **d)** at all of which a brochure and CD are distributed; **e)** a documentary; **f)** a series of Émile Zola's *I Accuse!*-like articles; and **g)** a free e-newsletter; which are apt to
8. (**strategy**) **a)** outrage the public and **b)** set off a rash of similar media investigations until the critical mass of the clamor provoked by the exposed wrongdoing **c)** compels law enforcement authorities and Congress to conduct official investigations, resulting in **d)** confirmatory and revelatory findings that **e)** embarrass, shame, and deprive of moral standing judges who are thus caused to resign, as Justice Abe Fortas had to on 14may69; and **f)** heighten the demand for, and force, **g)** the passage of effective judicial accountability and discipline legislation; thereby **h)** taking the current judicial self-policing system **(i)** from the hands of judges who in expectation of reciprocal treatment systematically dismiss without investigation misconduct complaints against their peers and **(ii)** out of their turf, the courts, where judges are held not suable at all<sup>2b</sup>

<sup>1</sup> 28 U.S.C. §453; [http://Judicial-Discipline-Reform.org/docs/28usc453\\_judges\\_oath.pdf](http://Judicial-Discipline-Reform.org/docs/28usc453_judges_oath.pdf)

<sup>2</sup> **a)** [http://Judicial-Discipline-Reform.org/DeLano\\_course/17Law/DrRCordero\\_course&project.pdf](http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf); **b)** id. >Dn:1¶¶1-2

or only before peers partial to them, and **i**) putting it in the hands of a citizen board of judicial accountability and discipline; a by-popular-demand process triggered by the discovery of

9. **(types of information)** information covering the spectrum from **a**) the appearance of ethical improprieties revealing unfitness of character for judicial office; through **b**) unfairness and partiality pointing to dereliction of the fundamental judicial duty of affording due process of law; to **c**) criminal activity engaged in individually or in coordination with others, whether as a principal or a passively enabling accessory, within an institution amounting to a corrupt enterprise, that warrants impeachment and removal from office; and is gathered from
10. **(information sources)** **a**) judges' publicly filed financial<sup>3a</sup>, seminar attendance<sup>3b</sup>, honoraria and gifts<sup>4</sup> disclosure reports; **b**) written opinions<sup>5a</sup>, articles<sup>5b</sup>, newsletters<sup>5c</sup>, speeches<sup>5d</sup>, and official news of the Judiciary<sup>5e</sup>; **c**) court calendars<sup>6</sup>, case dockets and records<sup>7</sup>, annual reports<sup>8</sup>, and statistics<sup>9</sup>; **d**) archived records<sup>10</sup>; **e**) property registries<sup>11</sup> and other public records<sup>12</sup>; **f**) biographies<sup>13</sup> of, and interviews with, judges<sup>14</sup>, their clerks<sup>15</sup>, and bankruptcy<sup>16a</sup> and legal

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<sup>3</sup> **a**) <http://www.judicialwatch.org/judicial-financial-disclosure>; **b**) [http://www.uscourts.gov/RulesAndPolicies/PrivateSeminarDisclosure/PrivateSeminars DisclosureOverview.aspx](http://www.uscourts.gov/RulesAndPolicies/PrivateSeminarDisclosure/PrivateSeminarsDisclosureOverview.aspx)

<sup>4</sup> Earned income from outside employment and honoraria and the acceptance of gifts must be reported in compliance with the provisions of 5 U.S.C. App. §501 et. seq., 5 U.S.C. §7353 and Judicial Conference regulations. <http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct/JudicialConferenceRegulationsGifts.aspx>; and [http://Judicial-Discipline-Reform.org/docs/gifts\\_jud\\_officers.pdf](http://Judicial-Discipline-Reform.org/docs/gifts_jud_officers.pdf)

<sup>5</sup> **a**) Public Access to Court Electronic Records; <http://www.pacer.gov/>; **b**) Federal Courts Law Review, <http://www.fclr.org/>; FindLaw for Legal Professionals, <http://library.findlaw.com/>; **c**) <http://www.uscourts.gov/News/TheThirdBranch.aspx>; **d**) <http://www.supremecourt.gov/publicinfo/speeches/speeches.aspx>; **e**) <http://www.uscourts.gov/News/InsideTheJudiciary.aspx>

<sup>6</sup> <http://www.nywb.uscourts.gov/calendars.html>

<sup>7</sup> <https://ecf.nywd.uscourts.gov/cgi-bin/login.pl>

<sup>8</sup> Annual Reports of the Administrative Office of the U.S. Courts, <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>; Chief Justice's Year-End Reports on the Federal Judiciary, <http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx>; Annual Reports of the Court of Appeals for the Second Circuit, <http://www.ca2.uscourts.gov/annualreports.htm>

<sup>9</sup> <http://www.uscourts.gov/Statistics.aspx>

<sup>10</sup> <http://www.archives.gov/research/court-records/>; <http://www.archives.gov/research/court-records/bankruptcy.html>;

<sup>11</sup> National Association of Counties, <http://www.naco.org/Pages/default.aspx>

<sup>12</sup> National Association of County Recorders; <http://www.nacrc.org/>

<sup>13</sup> Federal Judicial Center, Biographical Directory of Federal Judges, <http://www.fjc.gov/history/home.nsf/page/judges.html>; U.S. District Court for the District of Maryland, <http://www.mdd.uscourts.gov/publications/DisplayJudgesBio.asp>

<sup>14</sup> Federal Judges Associations, <http://www.federaljudgesassoc.org/>; Federal Magistrate Judges Association, <http://www.fedjudge.org/>

<sup>15</sup> Federal Court Clerks Association, <http://www.fcca.ws/>

<sup>16</sup> **a**) <http://www.justice.gov/ust/>; **b**) Federal Bar Council, <http://www.federalbarcouncil.org/>;

systems insiders<sup>16b</sup>; **g**) newsmia reports<sup>17a</sup> and law websites<sup>17b</sup> and blogs<sup>18</sup>; **h**) commercial databases, e.g., Dialog, Dun & Bradstreet, Hoover, LexisNexis, Proquest, Saegis and TRADE-MARKSCAN, Thomson Reuters CLEAR, WestLaw; **i**) credit reporting bureaus, e.g., Equifax, Experian, TransUnion; Privacy Guard; **j**) social networks, e.g., Facebook, Twitter, UTube; **k**) accounts of dealings with judges and insiders submitted by the public; by applying:

11. **(techniques)** **a**) legal, economic, corporate, and news and social networks research and analysis; **b**) computer forensics; **c**) database correlation; **d**) literary forensics<sup>19a</sup>; **e**) fraud & forensic accounting and auditing; **f**) statistics; **g**) investigative journalism's techniques for interviewing and developing sources; **h**) private investigators' personal and technical surveillance techniques; **i**) nonviolent civic action means<sup>19b</sup>; **j**) mass communications techniques for designing a public message and deploying a public relations campaign; **k**) multimedia and marketing techniques for the life presentation, packaged distribution, and sale of research products and services, such as
12. **(products)** **a**) oral and textual descriptions of the sociogram of the interpersonal relations of the judicial "guild"; **b**) patterns in judicial writings and events evincing bias toward and against parties and ideologies; **c**) lists, tables, and graphs of unlawful practices and trends or suspicious deviations from standards; **d**) reports on the quantitative and qualitative impact of judicial wrongdoing on the administration of justice and the public's legal and economic welfare; **e**) summaries in a standardized format of verified accounts of judicial abuse of power and coordinated wrongdoing submitted by the public; **f**) biographies and ratings of judges; **g**) multimedia products and serial publications, including **h**) a website, **i**) scholarly and investigative journalism articles, **j**) documentaries and **k**) a journal of judicial power and unaccountability studies; **l**) seminars; **m**) conferences; **n**) research, consulting, and litigation services; all of which contains added-value expertise that generates market demand and develops
13. **(institutional effort)** visibility, reputation for professionalism, and recognition for work in the public interest that support the formation<sup>20</sup> of **a**) an independent, party and church neutral, research, investigative, and teaching entity for the study of the most secretive and unaccountable branch of government, the Federal Judiciary, that attains the highest standards of scholarship; **b**) a fair and courageous watchdog of judges' ethics and respect for due process; **c**) a firm of court litigators of test cases; and **d**) a center for the advocacy among the public and in Congress of the establishment of a citizen board for judicial accountability and discipline; which are
14. **(income sources)** financially supported through **a**) the sale of its products and services; **b**) bookings of its presentations; **c**) clients seeking expert advice, research, representation or publicity for cases exhibiting egregious wrongdoing and denial of due process; **d**) students following a course of study for academic degree; **e**) participants in seminars and conferences; **f**) donations from the public and sponsors that understand the importance for our democratic form of government of the administration of Equal Justice Under Law.

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American Bar Association, <http://new.abanet.org/members/default.aspx>

<sup>17</sup> **a**) [http://Judicial-Discipline-Reform.org/SCT\\_nominee/JSotomayor\\_integrity/6articles\\_JSotomayor\\_financials.pdf](http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/6articles_JSotomayor_financials.pdf); **b**) <http://www.law.com/jsp/law/sitemap.jsp>

<sup>18</sup> Supreme Court of the United States Blog; <http://www.scotusblog.com/>

<sup>19</sup> **a**) <http://www.forensicpage.com/new33.htm>; **b**) [http://Judicial-Discipline-Reform.org/docs/Prof\\_Gene\\_Sharp\\_Politics\\_Nonviolent\\_Action.pdf](http://Judicial-Discipline-Reform.org/docs/Prof_Gene_Sharp_Politics_Nonviolent_Action.pdf)

<sup>20</sup> [http://Judicial-Discipline-Reform.org/docs/strategy\\_expose\\_judicial\\_wrongdoing.pdf](http://Judicial-Discipline-Reform.org/docs/strategy_expose_judicial_wrongdoing.pdf)