

**A Misconduct Complaint Against a Judge
and A Case, *DeLano*,
that Illustrate
Institutionalized Coordinated Wrongdoing
in the Federal Judiciary**

(and letters to U.S. Supreme Court Chief Justice John G. Roberts, Jr.,
and the members of the Judicial Conference of the U.S. of 9jun8 [1]
and 15aug8 [2]
and to Chief Judge Dennis Jacobs, CA2, of 15aug8 [3])

Below is the text of an open letter to U.S. Chief Justice John G. Roberts, Jr., regarding a concrete case, *DeLano* ([4]>2324§IV Statement of Facts) that illustrates how judges' lack of accountability for their exercise of their power over people's property, liberty, and even lives leads to absolute power, which corrupts absolutely. [6] The case deals with federal bankruptcy, district, and circuit judges that are supporting or tolerating a [bankruptcy fraud scheme](#) and its cover-up since they do not have to account to anybody.

To show the corruptive effect of unaccountable judicial power, a judicial misconduct complaint against the bankruptcy judge has been filed, as required by law (28 U.S.C. §351), with the chief circuit judge of the federal circuit court that reappointed that judge to a second term of 14 years (cf. 28 U.S.C. §152). That constitutes an insurmountable conflict of interests, for if the chief circuit judge were to investigate the bankruptcy judge, the chief and his circuit judge peers could end up being incriminated in having supported or tolerated the bankruptcy fraud scheme. That conflict derives from, and in turn reinforces, the [dynamics of corruption](#) in a close-knit group of people.

Their own interest in either avoiding detection or preserving their camaraderie with their peers provides the driving motive for the judges not to investigate their peers. This explains their systematic dismissal without any investigation of 99.88% of all misconduct complaints against them filed in 1997-2006. (See below links to official complaint statistics and the graphs illustrating them.) Such self-exemption from any discipline and the assurance of future impunity lead to further abuse of unaccountable judicial power.

This case reveals how the Federal Judiciary has institutionalized the abuse of its judicial power by supporting and tolerating coordinated wrongdoing among judges, court staff, lawyers, bankruptcy trustees, and other insiders of the bankruptcy system.

What goes on in the bankruptcy system is bound to occur in other areas of the federal judiciary. Indeed, once a judge does wrong in one area and is protected by other

judges, he -or she- realizes that he can do wrong in any other area any time because if he were denounced by them, he could bring them down by exposing their complicit support or toleration in the first instance of wrong doing. By the same token, from then on he must cover up for them too.

The dynamics of corruption govern their conduct given their mutual interdependence for survival and the risk-free pursuit of unlawful or unethical benefits. The toleration or even support of corruption becomes part of the judicial modus operandi.

This case shows that such support and toleration reaches all the way to [the Supreme Court Justices](#), who once were district or circuit judges, and who now, as circuit justices allotted to one or more of the 13 federal judicial circuits, have tolerated their peer's corruption and its cover up. Thereby they have contributed to the Federal Judiciary becoming a safe haven for coordinated wrongdoing.

To find out what is at stake in pursuing the facts of this case through a Watergate-like *Follow the money!* investigation, which would start with public financial reports filed by judges, trustees, debtors, and other officers and proceed through their network of personal and financial relationships in order to discover their concealed assets, see the proposal at http://Judicial-Discipline-Reform.org/DeLano_case/to_investigators.pdf.

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- [1] http://Judicial-Discipline-Reform.org/JNinfo/DrCordero_v_JNinfo_6jun8.pdf
 - [2] http://Judicial-Discipline-Reform.org/JNinfo/10status_inquiry_15aug8/1toCJ_Roberts_15aug8.pdf [with a Service List containing contact information useful to conduct phone interviews and send letters]
 - [3] http://Judicial-Discipline-Reform.org/JNinfo/10status_inquiry_15aug8/5toCJ_Jacobs_15aug8.pdf
 - [4] http://Judicial-Discipline-Reform.org/SCt_chambers/8application_4aug8/5DrRCordero-SCtJustices_4aug8.pdf >pg2324§IV
 - [5] cf. Letter of AO Director James Duff of 28aug8 to Dr. Cordero http://Judicial-Discipline-Reform.org/JNinfo/18Responses/11AODir_JDuff_28aug8.pdf
 - [6] Judges' unaccountability for judicial and non-judicial acts encompasses the totality of their conduct. http://Judicial-Discipline-Reform.org/JNinfo/to_reporters_JudConf_10sep8.pdf

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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.