

# Profile

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Dr. Richard Cordero holds a Ph.D. in law from the University of Cambridge in England, where his doctoral thesis dealt with the legal and technical aspects of creating a banking system spanning the European Union. He also holds a law degree from La Sorbonne in Paris, where he concentrated on monetary regulation and financial integration in the Union. Likewise, he earned an MBA from the University of Michigan, where he emphasized the study of the new technologies of telecommunications and the use of computers to maximize productivity. As a member of the editorial staff of Lawyers Cooperative Publishing, he researched and wrote analytical annotations on federal business regulatory law. He is a member of the bar of the State of New York.

Since 2002, Dr. Cordero has prosecuted a cluster of federal bankruptcy cases, which he has appealed from the U.S. Bankruptcy Court, WBNY, to the U.S. District Court, WDNY, to the U.S. Court of Appeals for the 2<sup>nd</sup> Circuit, CA2, and to the U.S. Supreme Court. *DeLano*, their representative case, revealed egregious denial of due process and lots of money at stake.<sup>1</sup>

Through those cases, he gathered and analyzed considerable evidence that underpins his current academic and law-related activities, i.e., to demonstrate to the participants in the legal system and the public at large that the integrity of our judicial system has been fundamentally undermined by the federal judges' disregard of their duty to process according to law misconduct and disability complaints that any person may file against any of them under the Judicial Conduct and Disability Act<sup>2</sup>, which established the statutory system of judicial self-discipline.

Those complaints are serious, for they are classified by the judges under categories such as conflict of interests, bribery, corruption, abuse of judicial power, bias, prejudice, incompetence, favoritism, undue decisional delay, or mental or physical disability preventing the discharge of all the duties of office. Yet, the judges' own statistics show that during the 1oct96-30sep08 12-year period, there were filed 9,466 complaints, but the judges "disciplined" only 7 of their peers and that by merely issuing a public or private censure. (In the last 220 years, only 7 federal judges have been removed.<sup>3</sup>) Despite the seriousness of the allegations, the judges systematically dismissed without investigation 99.82% of all complaints against their own.<sup>4</sup> Through explicit and implicit coordination, they self-immunized from any discipline and thus strengthened the most insidious incentive to continue disregarding due process and doing wrong<sup>5</sup>: risklessness<sup>6</sup>.

In such state of impunity, they are driven by the two most corruptive motives: the vast power that they wield over people's property, liberty, and even lives and the \$10s of bls. worth of claims that they decide annually. This has allowed them to coordinate their wrongdoing<sup>7</sup> to run or tolerate a bankruptcy fraud scheme<sup>8</sup>. Dr. Cordero seeks to expose<sup>9</sup> the scheme so that an outraged public may force Congress to enact judicial accountability and discipline legislation<sup>10</sup>.

<sup>1</sup> [http://Judicial-Discipline-Reform.org/DeLano\\_course/14Law/1DrCordero-Dean.pdf](http://Judicial-Discipline-Reform.org/DeLano_course/14Law/1DrCordero-Dean.pdf) >7, 20; <sup>2</sup> *Id.*>27; <sup>3</sup> *Id.*>1;

<sup>4</sup> *Id.*>22; <sup>5</sup> *Id.*>12; <sup>6</sup> [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf)

<sup>7</sup> [http://Judicial-Discipline-Reform.org/Follow\\_money/DeLano\\_docs.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf) >§XIII; <sup>8</sup> *Id.*>§III; <sup>9</sup> *Fn.*1>3; <sup>10</sup> *Id.*>11.

**Readings On Judicial Unaccountability  
and Its Harmful Effect on the Public**

[http://Judicial-Discipline-Reform.org/docs/judicial\\_unaccountability.pdf](http://Judicial-Discipline-Reform.org/docs/judicial_unaccountability.pdf)

1. The Dynamics of Institutionalized Corruption in the Courts: How judicial wrongdoing tolerated or supported in one instance gives rise to the mentality of judicial impunity that triggers generalized wrongdoing and weaves relationships among the judges of multilateral interdependency of survival where any subsequent unlawful act is allowed and must be covered up..... JU:1
2. How do federal judges violate due process and get away with it? ..... JU:2
3. Judges’ unaccountability for judicial and non-judicial acts is fostered at the behind-closed-doors meetings of the Judicial Conference of the United States..... JU:4
  - a) Table: Systematic dismissal by federal judges of misconduct and disability complaints against them under 28 U.S.C. §§351-364, based on the annual reports produced and posted by the Administrative Office of the U.S. Courts under 28 U.S.C. §604(h)(2); covering the 12-year period 1oct96-30sep08 ..... JU:7
4. How A Bankruptcy Fraud Scheme Works: Its basis in the corruptive power of the lots of money available through the provisions of the Bankruptcy Code and unaccountable judicial power ..... JU:13
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5. The Salient Facts of The DeLano Case: revealing the involvement of bankruptcy & legal system insiders in a bankruptcy fraud scheme..... JU:16
  - a) Summary order in DeLano, 06-4780-bk-CA2, that Judge Sotomayor withheld from the Senate Judiciary Committee and the public; 7feb8 ..... JU:17
6. The Choice: Judge Sotomayor’s Ethnicity v. Equal Justice Under Law ..... JU:18
  - a) Table: 2<sup>nd</sup> Cir. Council's and Judge Sotomayor's denials of 100% of petitions to review systematically dismissed complaints v. their peers; 1oct96-30sep08..... JU:22
7. Judge Sotomayor 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 and the cost of her reportedly modest living; The similarity to the DeLano case that she withheld from the Committee; 3aug9 ..... JU:23
8. In Search of The Champion of Justice Among Candidates for Political Office How entities and individuals that advocate judicial reform can increasing their efficiency through the support of a common strategy that capitalizes on the possibility that a candidate for political office may in his or her own interest wish to stand out from the other candidates by becoming known as the one who will fight judicial unaccountability and the corruption that it engenders and bring integrity to judicial process that ensures “Equal Justice Under Law” ..... JU:35
9. Synopsis of an Investigative Journalism Proposal: Where the leads in evidence already gathered in 12 federal cases would be pursued in a Water-gate-like Follow the money! investigation to answer the question: Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?..... JU:39

## **The Dynamics of Institutionalized Corruption in the Courts**

How judicial wrongdoing tolerated or supported in one instance gives rise to the mentality of judicial impunity that triggers generalized wrongdoing and weaves relationships among the judges of multilateral interdependency of survival where any subsequent unlawful act is allowed and must be covered up

A judge that engages in wrongdoing once and gets away with it because the other judges will not discipline him or her, will be more likely to do wrong again: The judge realizes that as a matter of practice wrongdoing is an easy or profitable way of handling judicial business and can be engaged in with impunity regardless of the harm caused to third parties. An example is set for fellow judges to follow. In time, everyone knows about the wrongdoing of the others, whether it be bias, abuse of power, or disregard for the law and the facts. Then they must cover for each other, for if one were allowed to be indicted, he or she could tell on another who could tell on another and with domino effect all would fall. This effect would take place even if the incriminated judge were low in the judicial hierarchy, for he or she could trade up in a plea bargain by incriminating those higher up, whether appellate judges or a chief judge, who knew about that one's wrongdoing, or though ignoring it, knew about the wrongdoing of other judges subject to the domino effect, but passively tolerated, or even actively supported them through a cover up or participation, despite their duty to safeguard the integrity of judicial process.<sup>1</sup>

In a hierarchy where integrity is of the essence for the court's single business, that is, administrating justice in accordance with due process, the incrimination of a chief judge would give rise to a most threatening question, to wit, what else did he or she tolerate or support that impaired or denied due process in any other case or all other cases of the indicted judge and, by the same token, of any other judge and all the other judges of the court. In one single step, the trade up, the whole court would come under scrutiny and with it the validity-determinative due process element of the decision in every one of its cases.

This illustrates the dynamics of multilateral interdependency of survival in a practically closed and stable group of people, such as the federal judiciary, where no member, however low in the hierarchy, is expendable: If one judge falls, all fall, unless that one was the odd man out who went outside the group on a folly of his own and never became privy to the wrongdoing of the other judges. Once those dynamics are allowed to determine the relationships among judges, the mentality of everything goes develops, for another, even a more egregious, act of wrongdoing must be tolerated or supported. Were it not, a complaint that was investigated and led to disciplinary action would set a precedent that other complaints could cite in their support, each one of which could support other complaints, thus triggering a chain reaction and uncovering a pattern of wrongdoing that could lead to the fall of a court or the judiciary.

The everything goes mentality boosts a degenerative trend that leads from individual wrongdoing to institutionalized corruption. In the judiciary, even outsiders to the class of judges, whether it be court staff, parties frequently before the court, e.g. lawyers and bankruptcy trustees, and litigants, are allowed in the corruption in exchange for a material or moral benefit payable or receivable in the case at hand or in IOUs for future cases. By then, the force guiding the judges and their courts is not the law of Congress under the Constitution, but rather their interest in surviving and thriving. The courts become a racketeer influenced and corrupt organization.

<sup>1</sup> [http://Judicial-Discipline-Reform.org/docs/SCt\\_knows\\_of\\_dismissals.pdf](http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf)

## **How do federal judges violate due process and get away with it? <sup>1</sup>**

The short answer is that they have nothing to fear from violating due process

Under Article III, Section 1 of the [Constitution](#) their salary can “not be diminished during their Continuance in Office”. Nor can they be removed from the bench except through impeachment in Congress. The risk of impeachment is devoid of deterrence capacity given that in the 220 years since the creation of the federal judiciary in 1789 the number of judges impeached and removed is seven! <http://www.fjc.gov/history/home.nsf> >Judges of the U.S. Courts>Impeachments of Federal Judges; also here [FJC\\_impeached\\_judges](#).

In addition, punishment by the Senate for conviction upon impeachment is limited to removal from the bench and the prohibition of holding federal office again. ([Const. Art. I, Sec. 3](#)) But even if impeached, a judge can resign and thus avoid in principle both conviction and such prohibition, as did Judge Mark W. Delahay on December 12, 1873. The ineffectualness of impeachment is most starkly shown by the case of former U.S. District Court Judge Alcee L. Hastings. He was impeached by the House and convicted by the Senate on eight articles of impeachment for bribery and perjury in 1989, yet in 1992 he was back in Congress as a representative elected to the House, where he still is.

A conviction carries no specific legal implication in the historically unlikely event of the removed judge being tried civilly or criminally in a court of law. History also supports the assurance of all but certain impunity through the exemption from discipline for judges complained against under the Judicial Conduct and Disability Act, which set up the current system of judicial self-discipline. Thereunder judges who receive from any person a complaint against a peer systematically dismiss it and deny any petition for review of such dismissal. [http://Judicial-Discipline-Reform.org/docs/28usc351\\_Conduct\\_complaints.pdf](http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf);

So according to the official statistics of the Administrative Office of the U.S. Courts, in the 11-year period between 1oct96 and 31sep07, the judges terminated 7,977 complaints against their peers while appointing merely 12 special committees followed by the administration of private or public discipline in only 11 cases. This means that 99.86% of the complaints were dismissed out of hand without any investigation and with no discipline administered. See the statistics at <http://www.uscourts.gov/judbususc/judbus.html>; collected at [http://Judicial-Discipline-Reform.org/judicial\\_complaints/complaint\\_tables.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf); see their representation in graphs at [http://Judicial-Discipline-Reform.org/Follow\\_money/Dynamics\\_of\\_corruption.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf).

What is more, during the same period, the Judicial Council of the Second Circuit denied 100% of petitions for reviews of dismissals by the chief circuit judge. By so doing, judges arrogated to themselves total immunity from discipline, even such administered in private, let alone any whisper of recommendation for impeachment. This constitutes de facto self-elevation to a status antithetical to democracy and unequalled to that held by any other officer of government or citizen of our country: Judges Above the Law. [http://Judicial-Discipline-Reform.org/judicial\\_complaints/in\\_15cir&natcourts\\_2ndCir.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/in_15cir&natcourts_2ndCir.pdf)

Therefore, a judge may further his wrongdoing through a blatant, intentional violation of a party's Constitutional guarantee of due process of law and realistically face nothing other than

<sup>1</sup> [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)

a reversal of a decision, which is not even in the nature of a slap on the hand. If the case is remanded, it may be returned to him so that he may give the appealing party another round of violations of due process that will wear him down emotionally and deplete his economic resources.

Such reversal is inconsequential. It is not other judges who evaluate the reversed judge's performance and recommend that he be promoted to a higher court, not to mention promote him to it. Only the President and the Senate can do so. Moreover, all deliberations by any appellate body and all meetings of circuit councils and the Judicial Conference of the U.S. are held behind closed doors. Opinions or comments expressed there will not reach the public and shame the judge into mending his ways or be used even by his peers to measure his subsequent conduct. Because of his life tenure, neither one nor 10 reversals can Constitutionally force him to retire.

As a result, a judge has the two strongest incentives, not just to disregard due process, but also to engage in wrongdoing: the above average profitability, whether in peer acceptance or material gain, of participating in, or tolerating, unlawful activity coupled with the assurance of risklessness. The latter is an apt enabler and a constant encourager of wrongdoing. To strengthen that assurance and maximize such profit, he can coordinate his wrongdoing with his peers. Coordination enhances the effectiveness of each individual's actions and binds everybody's fate as a group. Even those who only tolerate active wrongdoers cannot expose them without incriminating their own integrity. All must protect and keep tolerating each other, for a judge can tell his peers, "I know about your own wrongdoing. If you bring me down, *I take you with me!*"

You, the reader, do not have to resign yourself to the judges' disregard of due process. Rather, you can take action in an area that is not susceptible of their self-exemption from discipline and through a means that is not subject to their cover up, namely, their abuse of judicial power to benefit themselves, their relatives, or associates from the enormous amount of money that they dispose of, exposed on blogs as well as through traditional print and electronic media.

Unaccountable power and lots of money!, the two most insidious corruptors. In an area like bankruptcy, judges dispose of \$10's of billions annually. They can profit therefrom by coordinating their abuse of power to run or cover up a [bankruptcy fraud scheme](#). A case now pending before the Supreme Court on petition for certiorari, *DeLano*, (08-8382), provides evidence of such a scheme. [http://Judicial-Discipline-Reform.org/Follow\\_money/How\\_fraud\\_scheme\\_works.pdf](http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf)

You can use that case to conduct a pinpointed Watergate-like *Follow the money!* journalistic investigation reminiscent of that led once by Bob Woodward and Carl Bernstein. The exposure of coordinated or tolerated wrongdoing by judges all the way to the judiciary's top can cause such public outrage as to pressure law enforcement authorities and Congress into opening their own investigations; their findings can cause politicians to adopt legislation to render judges accountable for their actions and amenable to discipline. The reaction to the AIG bonuses and the government reform legislation adopted in the aftermath of Watergate shows the soundness of this strategy. [http://Judicial-Discipline-Reform.org/docs/SCt\\_knows\\_of\\_dismissals.pdf](http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf)  
[http://Judicial-Discipline-Reform.org/Follow\\_money/DrCordero-journalists.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf)

For the bloggers and investigative journalists that expose evidence of coordinated judicial wrongdoing there are rewards awaiting them: 15 minutes of fame; a Pulitzer Prize; a bestseller or movie hit like *All the President's Men*; the title of 'Our Generation's Woodward/Bernstein'; and the most lasting and meritorious one of the recognition of a grateful nation for contributing to bringing our legal system closer to the inspirational ideal of "Equal Justice Under Law".

## **Judges' unaccountability for judicial and non-judicial acts is fostered at the behind-closed-doors meetings of the Judicial Conference of the United States**

The Judicial Conference of the U.S. is the highest court administration policy-making body of the Federal Judiciary. (28 U.S.C.§331) It holds its secretive annual meeting in September and its semi-annual meeting in March: First Chief Justice John Roberts presides over its plenary session at the Supreme Court, (202)479-3011 and -3211. Then the 12 representative district judges and the 14 chief circuit and national court judges hold separate meetings at the Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, in Washington, D.C. Before the plenary session, the committees of the Conference meet in that Building at its secretariat, which is maintained by the Administrative Office of the U.S. Courts, (202) 502-2400; <http://www.uscourts.gov/>.

The Federal Judiciary was created in 1789 when the Constitution of "We, the People" became effective. (U.S. Art. III) The People provided for a Judicial Power, just as they established a Congress and a Presidency. These three branches form the government of a democratic society that is founded on the openness of access and transparency of its activity to the governed. The aspect of government entrusted to the Judiciary, namely, justice, demands that it be administered in public so that the people can ascertain whether it satisfies its essential requirements of equality, reasonableness, and predictability. Those requirements are not limited to a courtroom open to everybody. The public administration of justice demands that they also be satisfied during the formulation of policy and procedural rules by the judges, who subsequently apply them in their courtrooms.

However, the judges' input in their formulation before and at the behind-closed-door Conference is secret. About six months later, a sanitized report of the Conference is issued by the Administrative Office. (id. >Judicial Conference >Proceedings) This is as if Congress never held in public any plenary or committee sessions; as if the President never allowed journalists to attend oval office or cabinet meetings; and as if they only sent to a press conference a spokesperson with a scripted story of what occurred at those sessions or meetings. Such secrecy would foster what it actually has in the Judiciary and is so cherished to judges: unaccountability for both judicial and non-judicial acts, hence, the totality of their conduct.

## **Judges' unaccountability for judicial acts assignable as error on appeal**

Judicial acts consist of the rulings, orders, findings, and judgments that judges make to dispose of controversies brought by parties before them. Judges are not accountable for those acts. A party can only assign the acts as error on appeal. But even if the appellate judges reversed all the judicial acts of a judge, no harm would come to him –or her-: His pay cannot be reduced while in office and only Congress can impeach and remove him therefrom. Likewise, his promotion to a higher court or status does not depend on his peers' assessment of his performance; only the President and the Senate can so promote a judge.

Moreover, a judge's judicial acts are overwhelmingly more likely to stand than be reversed on appeal. To begin with, an appeal requires an enormous amount of effort and time and can cost from tens of thousands to millions of dollars. Then the appellate judges can dismiss the appeal or rubberstamp the act "Affirmed" in a summary order. The latter disposes of the appeal without any statement of reasons, without precedential value, and some circuits may not even allow it to be cited. According to the Handbook of the Court of Appeals for the 2<sup>nd</sup> Circuit (CA2), "Approximately 75% of all cases are decided by summary order [, which] have no precedential authority." <http://www.ca2.uscourts.gov/clerk.htm> >2nd Circuit Handbook, pg17

Reversing a judicial act on appeal requires that appellate judges, to begin with, read the briefs, then discuss what the peer below did, conclude that it constituted reversible error, and explain what the error was so that on remand it may not be repeated. That defeats the purpose of summary orders, which is skip-it-all expediency. Thus, the overwhelming majority of summary orders is used to get rid of appeals brought by individuals representing themselves, i.e., pro se. Indeed, in 2005 CA2 bragged that "We know of no other Federal Appeals Court that allows pro se litigants other than incarcerated prisoners to argue." <http://www.ca2.uscourts.gov/Reports/05/2005%20Annual%20Report%20-%20FINAL.htm> >Statistics>pg111. Pro se litigants, almost by definition the poor, get unaccountable, unreviewable, expedient 'justice' from judges who indulge in any judicial act.

## **Judges' unaccountability for non-judicial acts impugned in complaints**

Judges' non-judicial acts can be challenged by any person, including a party, filing a complaint under the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364) with the respective chief circuit judge. They include "conflict of interests, bribery, corruption, abuse of judicial power, bias, prejudice, incompetence, neglect, undue decisional delay, demeanor, mental or physical disability". In the 1997-2006 period, 7,462 complaints were filed, but the judges appointed only 7 investigative

committees and disciplined only 9 of their peers. They dismissed out of hand without any investigation 99.88% of all complaints! (See links to the official statistics in the a-h notes under their graphic illustration at <http://Judicial-Discipline-Reform.org> .)

This is in line with the fact that of all the thousands of federal judges that have served –just now 2,180 judicial officers are subject to the Act-, in the 219 years since the creation of the Federal Judiciary in 1789, the number of those impeached and removed from the bench is 7! (*id.*) On average, that is 1 every 31 years, which is longer than the average length of service of judges. They can indulge in any non-judicial act too, for judges hold themselves totally unaccountable.

### **A judicial misconduct complaint for reporters to test judges' unaccountability**

To prove it, a [complaint](#)<sup>1</sup> was filed last June 9 against a WBNY bankruptcy judge for his participation in a bankruptcy fraud scheme under the cover of district and circuit judges. It has been brought to the attention of Chief Justice Roberts and each of the other Conference members. They were requested to use the “informal means of disposing of complaints” –which they included in the Rules that they adopted for implementing the Act- to persuade CA2 Chief Judge Dennis Jacobs to apply the Act and the Rules to appoint a committee to investigate the complaint. The Conference Secretariat has stated that the members do not have authority to do so. (*id.*)

Thus, the judges shirk their collegial responsibility for the integrity of the Judiciary and judicial process by pretending that they cannot recommend informally to a peer to appoint a committee to investigate the filed evidence of a judicially supported bankruptcy fraud scheme so that they can dismantle it. Yet, they can and systematically do dispose of 99.88% of all complaints by means as informal as a chief judge suggesting to a complained-about judge over lobster and whisky at a sponsor-paid judicial junket to be less obvious when engaging in the acts cited in the all but dismissed complaint, even if dealing with bribery, conflict of interest, and abuse of power.

### **A call for investigative journalism**

The Judicial Conference offers the occasion for reporters, investigative journalists, and bloggers to contact the judges<sup>2</sup> before it at their courts or during it at their hotels in D.C. to interview them about their justification for placing themselves in practice through their unaccountability for their judicial and non-judicial acts where no person is entitled to be in a democratic society governed by the rule of law: Above the law.

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<sup>1</sup> [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference\\_28feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf)

<sup>2</sup> *Id.*, containing a Service List with the names, addresses, and phone numbers of the 27 current Conference members and related officers, useful to interview them by phone or arrange to meet them at the hotel where they will stay in Washington, DC, during the Conference.

## Judges' Systematic Dismissal Without Investigation of 99.82% of Complaints Against Them

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 & 10may08.  
<http://www.uscourts.gov/judbususc/judbus.html>; collected at [http://Judicial-Discipline-Reform.org/statistics&tables/judicial\\_misconduct.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf)<sup>1</sup>

<b>Complaints filed in the 13 Cir. and 2 Nat. Courts</b>	'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	n/11.6
<b>Complaints Pending on each Sep. 30 of 1996-2008*</b>	109	214	228	181	150	262	141	249	212	210	241	333	2530	218
<b>Complaints Filed</b>	679	1,051	781	696	766	657	835	712	642	643	841	491	8794	758
Complaint Type														
Written by Complainant	678	1,049	781	695	766	656	835	712	642	555	841	491	8701	750
On Order of Chief Judges	1	2	0	1	0	1	0	0	0	88	0	0	93	8
Officials Complained About**														
Judges														
Circuit	461	443	174	191	273	353	204	240	177	141	226	112	2995	258
District	497	758	598	522	563	548	719	539	456	505	792	344	6841	589
National Courts	0	1	1	1	3	5	1	0	0	3	4	0	19	1.6
Bankruptcy Judges	31	28	30	26	34	57	38	28	31	33	46	24	406	35
Magistrate Judges	138	215	229	135	143	152	257	149	135	159	197	105	2014	174
Nature of Allegations**														
Mental Disability	11	92	69	26	29	33	26	34	22	30	20	16	408	35
Physical Disability	4	7	6	12	1	6	7	6	9	3	1	4	66	5.7
Demeanor	11	19	34	13	31	17	21	34	20	35	22	5	262	23
Abuse of Judicial Power	179	511	254	272	200	327	239	251	206	234	261	242	3176	274
Prejudice/Bias	193	647	360	257	266	314	263	334	275	295	298	232	3734	322
Conflict of Interest	12	141	29	48	38	46	33	67	49	43	46	25	577	50
Bribery/Corruption	28	166	104	83	61	63	87	93	51	40	67	51	894	77
Undue Decisional Delay	44	50	80	75	60	75	81	70	65	53	81	45	779	67
Incompetence/Neglect	30	99	108	61	50	45	47	106	52	37	59	46	740	64
Other	161	193	288	188	186	129	131	224	260	200	301	225	2486	214
<b>Complaints Concluded</b>	482	1,002	826	715	668	780	682	784	667	619	752	552	8529	735
<b>Action By Chief Judges</b>														
Complaint Dismissed														
Not in Conformity With Statute	29	43	27	29	13	27	39	27	21	25	18	13	311	27
Directly Related to Decision or Procedural Ruling	215	532	300	264	235	249	230	295	319	283	318	236	3476	300
Frivolous	19	159	66	50	103	110	77	112	41	63	56	23	879	76
Appropriate Action Already Taken	2	2	1	6	4	3	3	3	5	5	3	3	40	3.4
Action No Longer Needed Due to Intervening Events	0	1	10	7	5	6	8	9	8	6	6	4	70	6
Complaint Withdrawn	5	5	2	3	3	8	8	3	6	9	3	5	60	5
Subtotal	270	742	406	359	363	403	365	449	400	391	404	288	4840	417
<b>Action by Judicial Councils</b>														
Directed Chief Dis. J. to Take Action (Magistrates only)	0	0	0	0	0	0	0	0	0	1	0	0	1	.09
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	1	0	0	0	0	0	0	0	0	0	0	1	.09
Privately Censured	0	0	0	0	1	0	0	0	0	0	0	0	1	.09
Publicly Censured	0	1	0	2	0	2	0	0	0	0	0	1	6	0.5
Ordered Other Appropriate Action	0	0	0	0	0	0	1	0	0	0	2	0	3	0.26
Dismissed the Complaint	212	258	416	354	303	375	316	335	267	227	344	263	3670	316
Withdrawn	n/a	n/a	4	0	1	0	0	0	0	0	2	0	7	0.6
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	212	260	420	356	305	377	317	335	267	228	348	264	3689	318
Special Investigating Committees Appointed	n/a	7	5	2	14	1.2								
<b>Complaints Pending on each September 30 of 1997-08</b>	306	263	183	162	248	139	294	177	187	234	330	272	2795	241

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

<sup>1</sup>With statistics from 11may-30sep08; cf. [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf)

(as of 19nov9)

**Federal Judges' Systematic Dismissal Without Investigation of 99.82% of Complaints<sup>1</sup> Filed Against Them  
 in the 13 Circuits and 2 National Courts<sup>2</sup> During the 1oct96-30sep08 12-Year Period**

based on Table S-22 [previously S-23 & S-24] Report of Complaints Filed and Action Taken Under  
 28 U.S.C. §§351-364<sup>3</sup> of the Administrative Office of the U.S. Courts<sup>4</sup>; and  
 comparing the categories and treatment applied to the complaints filed from **1oct96-30sep07** and  
**1oct07-10may08** with those from **11may-30sep08** (8,794+672=9,466) after the entry in effect of  
 the amended Rules for Judicial Conduct and Disability Proceedings<sup>5</sup> adopted by the Judicial Conference on March 11, 2008

	Complaints Pending* <sup>6</sup>	on 30sep07	30sep97-07	n/11 average	Complaints Pending [Cf. row 75 Left.]	on 30sep08
1.		333	333	230		465
2.	<b>Entries in 1oct07-10may08 Report</b>	1oct07- 10may08	1oct96- 10may08	n/11.6 average	<b>Entries in 11may-30sep08 Report</b>	11may- 30sep08
3.	<b>Complaints Filed</b>	491	8794	758	<b>Complaints Filed</b>	672
4.	<b>Complaint Type:</b> Written by Complainant	491	8701	750	<b>Complaint Type:</b> Written by Complainant	670
5.	On Order of Chief Judges	0	93	8	On Order of Chief Judges	2
6.					<b>Complainants<sup>7</sup>:</b> <i>Prison Inmates</i>	354
7.					<i>Litigants</i>	303
8.					<i>Attorneys</i>	7
9.					<i>Public Officials</i>	0
10.					<i>Other</i>	13
11.	<b>Officials Complained About**</b>				<b>Judges Complained About</b>	
12.	Judges				Circuit Judges	165
13.	Circuit	112	2995	258	District Judges	382
14.	District	344	6841	589	Court of International Trade Judges	0
15.	National Court	0	19	1.6	Courts of Federal Claims Judges	2
16.	Bankruptcy Judges	24	406	35	Bankruptcy Judges	16
17.	Magistrate Judges	105	2014	174	Magistrate Judges	107
18.	<b>Nature of Allegations**</b>				<b>Nature of Allegations<sup>a</sup>:<sup>8</sup></b>	
19.	Mental Disability	16	408	35	<i>Disability</i>	30
20.	Physical Disability	4	66	5.7		
21.	Demeanor	5	262	23	<i>Hostility Toward Litigant or Attorney</i>	69
22.	Abuse of Judicial Power	242	3176	274		

2.	<b>Entries in 1oct07-10may08 Report</b>	1oct07-10may08	1oct96-10may08	n/11.6 average	<b>Entries in 11may-30sep08 Report</b>	11may-30sep08
23.	Prejudice/Bias	232	3734	322	<i>Racial, Religious, or Ethnic Bias</i>	93
24.					<i>Personal Bias Against Litigant or Attorney</i>	116
25.	Conflict of Interest	25	577	50	Conflict of Interest ( <i>Including Refusal to Recuse</i> )	46
26.	Bribery/Corruption	51	894	77	<i>Acceptance of Bribe</i>	21
27.	Undue Decisional Delay	45	779	67	<i>Delayed Decision</i>	104
28.	Incompetence/Neglect	46	740	64	<i>Erroneous Decision</i>	338
29.					<i>Failure to Give Reasons for Decision</i>	18
30.	Other	225	2486	214	<i>Other Misconduct</i>	262
31.					<i>Improper Discussion with Party or Counsel</i>	29
32.					<i>Failure to Meet Financial Disclosure Requirements</i>	0
33.					<i>Improper Outside Income</i>	0
34.					<i>Partisan Political Activity or Statement</i>	3
35.					<i>Effort to Obtain Favor for Friend or Relative</i>	0
36.					<i>Solicitation of Funds for Organization</i>	1
37.					<i>Violation of Other Standards</i>	55
38.					<b>Actions Regarding the Complaints</b> [cf. row 52 Left]	
39.	<b>Complaints Concluded</b>	552	8529	735	<i>Concluded by Complainant of Subject Judge</i>	4
40.					<i>Complaint Withdrawn With Consent of Chief Judge</i>	4
41.					<i>Withdrawal of Petition for Review</i>	0
42.	<b>Action By Chief Judges</b>				<b>Actions by Chief Judge</b>	
43.					<i>Matters Returned from Judicial Council</i>	0
44.	Complaint Dismissed				<i>Complaint Dismissed in Whole or in Part</i>	199
45.	Not in Conformity With Statute	13	311	27	<i>Not Misconduct or Disability</i>	23
46.	Directly Related to Decision or Procedural Ruling	236	3476	300	<i>Merits Related</i>	167
47.	Frivolous	23	879	76	Frivolous	39
48.	<i>Lacked Factual Foundation</i> <sup>7</sup>	4			<i>Allegations Lack Sufficient Evidence</i>	56
49.					<i>Allegations Incapable of Being Established</i>	0
50.	Appropriate Action Already Taken	3	40	3.4	[Cf. rows 56-58 Right.]	
51.	Action No Longer Needed Due to of Intervening Events	4	70	6		
52.	Complaint Withdrawn	5	60	5		
53.	Subtotal	288	4840	417	<i>Filed in the Wrong Circuit</i>	6

2.	<b>Entries in 1oct07-10may08 Report</b>	1oct07-10may08	1oct96-10may08	n/11.6 average	<b>Entries in 11may-30sep08 Report</b>	11may-30sep08
54.					<i>Otherwise Not Appropriate</i>	4
55.					<i>Complaint Concluded in Whole or on Part</i>	3
56.					<i>Informal Resolution Before Complaint Filed</i>	2
57.					<i>Voluntary Corrective Action Taken</i>	0
58.					<i>Intervening Events</i>	1
59.					<i>Complaint Referred to Special Committee</i>	2
60.					<b>Actions by Special Committees</b>	
61.					<i>Matter Returned From Judicial Council</i>	0
62.					<i>New Matter Referred to Chief Judge</i>	0
63.	<b>Action by Judicial Councils</b>				<b>Judicial Council Proceedings</b>	
64.	Directed Chief District Judge to Take Action (Magistrate Judges only)	0	1	.09	<i>Matter Returned from Judicial Conference</i>	0
65.	Certified Disability	0	0	0	<i>Complaint Transferred to/from Another Circuit</i>	0
66.	Requested Voluntary Retirement	0	0	0	<i>Special Committee Reports Submitted to Judicial Council</i>	0
67.	Ordered Temporary Suspension of Case Assignment	0	1	.09	<i>Received Petition for Review</i>	22
68.	Privately Censured	0	1	.09	<i>Action on Petition for Review Petition Denied</i>	77
69.	Publicly Censured	1	6	.05	<i>Matter Returned to Chief Judge</i>	0
70.	Ordered Other Appropriate Action	0	3	0.26	<i>Matter Returned to Chief Judge for Appointment of Special Committee</i>	0
71.	Dismissed the Complaint	263	3670	316	<i>Other</i>	0
72.	Withdrawn	0	7	0.6	<i>Received Special Committee Report</i>	0 <sup>9</sup>
73.	Referred Complaint to Judicial Conference	0	0	0		
74.	Subtotal	264	3689	318		
75.	<b>Complaints Pending on September 30, 2008</b>	272 <sup>10</sup>			<b>Complaints Pending on September 30, 2008<sup>11</sup></b>	465 <sup>12</sup>
76.	Complaints Pending on September 30, 1997-2008		2988	249		
77.	<b>Special Investigating Committee Appointed</b>	2	14	1.2	<i>Complaint Referred to Special Committee<sup>13</sup></i>	2 <sup>14</sup>
78.					<b>Action on Special Committee Report</b>	0 <sup>15</sup>
79.					<i>Complaint Dismissed</i>	16
80.					<i>Not Misconduct or Disability</i>	0
81.					<i>Merits Related</i>	0
82.					<i>Allegations Lack Sufficient Evidence</i>	0
83.					<i>Otherwise not Appropriate</i>	0

2.	<b>Entries in 1oct07-10may08 Report</b>	1oct07-10may08	1oct96-10may08	n/11.6 average	<b>Entries in 11may-30sep08 Report</b>	11may-30sep08
84.					<i>Corrective Action Taken or Intervening Events</i>	0
85.					<i>Referred Complaint to Judicial Conference</i>	0
86.					<i>Remedial Action Taken</i>	0
87.					<i>Censure or Reprimand</i>	0
88.					<i>Suspension of Assignments</i>	0
89.					<b>Action Against Magistrate Judge</b>	0
90.					<i>Removal of Bankruptc Judge</i>	0
91.					<i>Requesting of Voluntary Retirement</i>	0
92.					<i>Certifying Disability of Circuit or District Judge</i>	0
93.					<i>Additional Investigation Warranted</i>	0
94.					<i>Returned to Special Committee</i>	0
95.					<i>Retained by Judicial Council</i>	0
96.					<b>Action by Chief Justice</b>	
97.					<i>Transferred to Judicial Council</i>	1
98.					<i>Received From Judicial Council</i>	1

[Notes of the Administrative Office: \* and \*\* in the 1oct07-10may08 report; <sup>a</sup> in the one for 11may-30sep08; ‡in both.

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

<sup>a</sup> Each complaint may involve multiple allegations. Nature of allegations is counted when a complaint is concluded.

‡ Note: Excludes complaints not accepted by the circuits because they duplicated previous filings or were otherwise invalid filings.<sup>17</sup>

<sup>1</sup> The figure of 99.82% of complaints dismissed without investigation has been calculated based on the official statistics referred to in endnote 4 infra: 16 special investigative committees appointed relative to 9,008 complaints concluded in 1oct96-30sep08: (14 + 2, row77) of ((8,529 complaints concluded in 1oct96-10may08, r39Left, + 272 assumed pending on 10may8, r75L (see endnote 9), + 672 filed in 11may-30sep08, r1R) - 465 pending on 30sep08, r75R). To the 9,008 complaints concluded must be added the unpublished number of all those concluded ab initio in defiance of the Act –endnote5- and thus arbitrarily, that according to the official note -endnote 17 and the corresponding text- were “not accepted by the circuits because they duplicated previous filings or were otherwise invalid filings”.

Therefore, however much refinement can be brought to bear on the calculation of the number of complaints dismissed without any investigation, for example, by eliminating the number of complaints withdrawn by complainants -5 in 1oct07-10may08, r52L, and 4 in 11may-sep08, r39R-, the figure of 99.82% of complaints so dismissed by the “circuits” -13 of them and most likely also the two national courts subject to the judicial misconduct act, see endnote 3- could only be higher.

<sup>2</sup> The 13 circuits comprise the 11 numbered circuits, the U.S. Circuit for the District of Columbia, and the Federal Circuit. The two national

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courts are the U.S. Court of Federal Claims and the U.S. Court of International Trade.

<sup>3</sup> Judicial Conduct and Disability Act of 1980; [http://Judicial-Discipline-Reform.org/docs/28usc351\\_Conduct\\_complaints.pdf](http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf).

<sup>4</sup> <http://www.uscourts.gov/judbususc/judbus.html>; collected at [http://Judicial-Discipline-Reform.org/statistics&tables/judicial\\_misconduct.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf)

<sup>5</sup> Rules for Processing Judicial Conduct and Disability Proceedings, [http://www.uscourts.gov/library/judicialmisconduct/jud\\_conduct\\_and\\_disability\\_308\\_app\\_B\\_rev.pdf](http://www.uscourts.gov/library/judicialmisconduct/jud_conduct_and_disability_308_app_B_rev.pdf); with useful bookmarks at [http://Judicial-Discipline-Reform.org/docs/Rules\\_complaints.pdf](http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf)

<sup>6</sup> Bold emphasis added to headings.

<sup>7</sup> Text in italics appears for the first time in the 1oct07-10may08 or 11may-30sep08 reports.

<sup>8</sup> Some entries under this heading have been moved for ease of comparison with entries on the left.

<sup>9</sup> Although under 28 U.S.C. §353(c), a special committee “shall expeditiously file a comprehensive written report...with the judicial council”, none did; r77,72R

<sup>10</sup> So in the original. Most likely it means that there were pending 272 complaints on May 10, 2008, and 465 the following September 30, which is how the 2008 Annual Report of the Director of the Administrative Office of the U.S. Courts refers to these figures; <http://www.uscourts.gov/judbus2008/JudicialBusinesspdfversion.pdf> >36.

<sup>11</sup> Entry from r1R repeated for ease of comparison with the one on the left.

<sup>12</sup> See endnote 10 supra.

<sup>13</sup> Entry moved or repeated for ease of comparison with the one on the left.

<sup>14</sup> See endnote 9 supra.

<sup>15</sup> So in original. Most likely there should be no value next to the heading and the zero should qualify the “Complaint Dismissed” entry.

<sup>16</sup> Id.

<sup>17</sup> Neither the clerk of circuit court, nor the chief judge, nor the “circuits” are authorized to refuse filing a complaint or hold a filing “invalid” a priori. Under 28 U.S.C. §351(a), “any person...may file with the clerk of the court...a written complaint containing a brief statement of the facts constituting such [mis]conduct”. Moreover, §351(c) provides that “[u]pon receipt of a complaint filed under subsection (a), the clerk **shall promptly** transmit the complaint to the chief judge of the circuit...The clerk **shall** simultaneously transmit a copy of the complaint to the judge whose conduct is the subject of the complaint.” Similarly, under §352(a), “The chief judge **shall expeditiously** review any complaint...In determining what action to take, the chief judge may conduct a limited inquiry...”. The “circuits” as such are given no role under the Act. Their judicial councils are entitled under §352(c) et seq. only to adjudicate petitions for review of a final order of the chief judge; they have no role in the filing of complaints. Moreover, Rule 8(c) –endnote 5 supra- only authorizes the clerk not to accept “a complaint about a person not holding a [covered judicial] office”. Neither the Act nor the Rules allow him to determine that a complaint is both a “duplicate” and as such unfileable because it contains no new element of fact or law. Is the clerk supposed to read every new complaint and compare it with all others filed that month, that year, or ever to ensure that it is not a duplicate? Does he defeat the promptness requirement and the purpose of Rule 6(e) by opening the “unmarked envelope” and, if he sees the name of a judge that is the subject of another complaint, assume that the complaint is the same in every respect and thus, a duplicate? (Emphasis added.)

[http://Judicial-Discipline-Reform.org/statistics&tables/judicial\\_misconduct\\_complaints.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf)

**HOW A BANKRUPTCY FRAUD SCHEME WORKS**  
**Its basis in the corruptive power of the lots of money available**  
**through the provisions of the Bankruptcy Code and**  
**unaccountable judicial power**

(excerpt from Dr. Cordero's petition to the Supreme Court of the United States  
for a writ of certiorari to the Court of Appeals for the Second Circuit  
in *Cordero v. Trustee Gordon et al.*, 04-8371, SCT  
[http://Judicial-Discipline-Reform.org/Follow\\_money/for\\_certiorari\\_SCT.pdf](http://Judicial-Discipline-Reform.org/Follow_money/for_certiorari_SCT.pdf)<sup>1</sup>)

1. Given that the Judicial Conduct and Disability Act (28 U.S.C. §351 et seq.) has been misapplied for decades, the Court has had no regular indication of the nature and extent of judicial misconduct and its impact on the integrity of the judiciary or the kind of justice that litigants receive and their current perception of "the appearance of justice". However, the Court is aware of a situation in the judiciary that is a potent cause for misconduct: money, "the root of all evils", the Bible at 1 Timothy 6:10. Thus, for years the Court has known that judges are discontent because of inadequate pay and Congress' failure to provide the promised regular COLAs (Cost of Living Adjustments). This problem has "serious effects", as Chief Justice Rehnquist put it:

Although we cannot say that the judges who are leaving the bench are leaving only because of inadequate pay, many of them have noted that financial considerations are a big factor.<sup>4</sup> The fact that judges are leaving because of inadequate pay is underscored by the fact that most of the judges who have left the bench in the last ten years have entered private practice.<sup>5</sup> It is no wonder that judges are leaving when law clerks who join big law firms in large cities can earn more in their first year than district judges earn in a year. Inadequate pay has other serious effects on the judiciary. [Administrative Office of the U.S. Courts] Director Mechem's June 14 letter to you makes clear that judges who have been leaving the bench in the last several years believe they were treated unfairly...[due to] Congress's failure to provide regular COLAs...That sense of inequity erodes the morale of our judges. *Statement on Judicial Compensation by William H. Rehnquist, Chief Justice of the United States, Before the National Commission on the Public Service, July 15, 2002*; at [http://www.supremecourtus.gov/publicinfo/speeches/sp\\_07-15-02.html](http://www.supremecourtus.gov/publicinfo/speeches/sp_07-15-02.html).

2. It cannot come as a surprise if such erosion of morale has stripped some judges of the moral standards that should prevent every person from resorting to illegal means of self-help to increase his income. Should one reasonably expect judges to have remained unaffected by the lure of money in the midst of a society that values material success above anything else and pursues it with unbound greed and conspicuous disregard for legal and ethical constraints?
3. In the bankruptcy context, the lure of money is extremely powerful because there is not just money, but rather lots of money. Indeed, an approved debt repayment plan followed by debt discharge can spare the debtor an enormous amount of money. For instance, the DeLano's plan [SCtA.379] contemplates the repayment of only 22¢ on the dollar, which means its approval would spare the DeLanos 78% of their total liabilities of \$185,462 [SCtA.381 Summary of Schedules] or over \$144,462...and that does not take into account all the money saved on their total credit card debt of \$98,092 [SCtA.381 Schedule F] that given their over 230 late payments would otherwise be charged annual compound interest at the delinquent rate of over 23%.

<sup>1</sup> See also [http://Judicial-Discipline-Reform.org/US\\_writ/1DrCordero-SCT\\_petition\\_3oct8.pdf](http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCT_petition_3oct8.pdf)>US:2442§IX.

4. Others too can make lots of money. A standing trustee is appointed under 28 U.S.C. §586(b) for cases under Chapter 13 and is a federal agent inasmuch as her performance is dictated and supervised by a U.S. trustee, who in turn is under the general supervision of the Attorney General, §586(c). However, the standing trustee earns part of her compensation from ‘a percentage fee of the payments made under the repayment plan of each debtor’, §586(e)(1)(B) and (2).
  5. After receiving a petition, the trustee is supposed to investigate the debtor’s financial affairs to determine the veracity of his statements, 11 U.S.C. §1302(b)(1) and §704(4) and (7). If satisfied that he deserves bankruptcy relief from his debt burden, the trustee approves the repayment plan of the debtor, who can count with the trustee’s support when the plan is submitted to the court for confirmation, §1325(b)(1). A confirmed plan generates a stream of payments from which the trustee takes her fee. But even before confirmation, money begins to roll in because the debtor must commence to make payments to the trustee within 30 days after filing his plan and the trustee must retain those payments, §1326(a).
  6. If the plan is not confirmed, which is likely if the trustee opposes its confirmation, the trustee must return the money paid, less certain deductions, to the debtor, §1326(a)(2). This provides the trustee with an incentive to approve the plan and get it confirmed by the court because no confirmation means no further stream of payments and, hence, no fees for her. To insure her take, she might as well rubberstamp every petition and do what it takes to secure the confirmation of its plan by any judge or any other officer or entity that can derail confirmation, §1325(b)(1)(A).
  7. The trustee would be compensated for her investigation of the petition -if at all, for there is no specific provision therefor- only to the extent of “the actual, necessary expenses incurred”, 28 U.S.C. §586(e)(2)(B)(ii); cf. 11 U.S.C. §330(a) and (c). Now, an investigation of the debtor that allows the trustee to require him to pay his creditors another \$1,000 will generate a percentage fee for the trustee of \$100 (in most cases, §586(e)(1)(B)(i)). Such a system creates a perverse incentive for the debtor to make the trustee skip any investigation in exchange for an unlawful fee of, let’s say, \$300, which nets her three times as much as if she had sweated over the petition and supporting documents. For his part, the debtor saves \$700. Even if the debtor has to pay \$600 to make available money to get also other officers to go along with his plan, he still comes \$400 ahead. To avoid a criminal investigation for bankruptcy fraud, a debtor may well pay more than \$1,000. After all, it is not necessarily as if he were broke and had no money.
  8. Add the corruptive power of money to the corruptive power of judicial power that escapes any effective control and discipline system, let alone any investigation, and the end product is a morally corrosive mix. It can dissolve the will to abide by the oath of office already weakened by a “sense of inequity [over unadjusted judicial compensation that] erodes the morale of our judges”, para. 1 above. In contact with such mix, due process ends up severely deteriorated.
- Addendum<sup>2</sup>: In FY08, 1,043,993 new bankruptcy cases were filed. This represented a 30% increase over the 801,269 in FY07. Yet the number of such type of case filed in the regional circuit courts of appeals decreased 9% from 845 to 773. This means that bankruptcy judges disposing of \$10s of bls. annually were all but sure that whatever they decided would stand since only 0.07% of all bankruptcy cases went to the appeals courts or only 1 in every 1,351 cases. Yet, 61,104 appeals were filed in those courts. Moreover, since bankruptcy judges are appointed by circuit judges, the former are further assured that the latter will not overturn their rulings on appeal, for that would call into question their capacity to appoint competent bankruptcy judges. Judges that dispose of \$10s of bls. however they want with no adverse consequences have the most powerful incentive to engage in wrongdoing: riskless enormous profit under cover of their colleagues.

<sup>2</sup> See [http://Judicial-Discipline-Reform.org/US\\_writ/2DrCordero-SCT\\_rehear\\_23apr9.pdf](http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCT_rehear_23apr9.pdf) >US:2521§III.

# Fraudulent Coordination Among The Main Players In The Bankruptcy System

Homeowner or Debtor ↔ Financial Institution : imposes foreclosure-aimed terms

1. hidden title, insurance, closing, etc., fees added to principal
2. from \$0 down-payment & 0% rate to predatory high rates
3. budget-busting escrow charges

Trustee : ← not appointed at random or Ch.# standing trustee → The Judge: Approves all compensation applications regardless of 11usc330 “actual and necessary services or expenses”

Professional persons: appointed under 11usc327

Attorney:  
Trustee’s own law firm

Auctioneer:  
holds no auction or an insider’s auction

Appraiser:  
No-appraisal undervaluation

Property management co.: secretly owned by  
Trustee & Auctioneer, e.g. in their minor’s names

Other trustees, judges,  
friends & relatives

Intra-sale:  
at loss for capital loss or at inflated price for money laundering

Flip property on open market: quick big gain  
appears small by inflated improvement expenses

Homeowner or Debtor:  
Squeezed dry in pincer movement

## The Salient Facts of The *DeLano* Case

revealing the involvement of bankruptcy & legal system insiders in a bankruptcy fraud scheme

with links to [references](#) at [Judicial-Discipline-Reform.org/Follow\\_money/DeLano\\_docs.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf)

*DeLano* is a federal bankruptcy fraud case. As part of a cluster of cases, it reveals fraud conducted through coordinated wrongdoing that is so egregious as to betray overconfidence born of a long standing practice<sup>1</sup>: Fraud has been organized in a bankruptcy fraud scheme.<sup>2</sup> This case was commenced by a bankruptcy petition filed with Schedules A-J and a Statement of Financial Affairs on January 27, 2004, by the DeLano couple. (04-20280, WBNY<sup>3</sup>) Mr. DeLano, however, was a most unlikely candidate for bankruptcy, for at the time of filing he was already a 39-year veteran of the banking and financing industry and was and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a methodical Xerox technician, declared:

1. that they had in cash and on account only \$535 (*D:31*), although they also declared that their monthly excess income was \$1,940 (*D:45*); and in the FA Statement (*D:47*) and their 1040 IRS forms (*D:186*) that they had earned \$291,470 in just the three years prior to their filing;
2. that their only real property was their home (*D:30*), bought in 1975 (*D:342*) and appraised in November 2003 at \$98,500<sup>4</sup>, as to which their mortgage was still \$77,084 and their equity only \$21,416 (*D:30*)...after making mortgage payments for 30 years! and receiving during that period at least \$382,187 through a string of eight mortgages<sup>5</sup>! (*D:341*) Mind-boggling!
3. that they owed \$98,092 –spread thinly over 18 credit cards (*D:38*)- while they valued their household goods at only \$2,810 (*D:31*), less than 1% of their earnings in the previous three years. Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their working lives of more than 30 years.
4. Theirs is one of the trustee's 3,907 *open* cases and their lawyer's 525 before the same judge.

These facts show that this was a scheming bankruptcy system insider offloading 78% of his and his wife's debts (*D:59*) in preparation for traveling light into a golden retirement. They felt confident that they could make such incongruous, implausible, and suspicious declarations in the petition and that neither the co-schemers would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by providing supporting documents. Moreover, they had spread their debts thinly enough among their 20 institutional creditors (*D:38*) to ensure that the latter would find a write-off more cost-effective than litigation to challenge their petition. So they assumed that the sole individual creditor, who in addition lives hundreds of miles from the court, would not be able to afford to challenge their good faith either. But he did after analyzing their petition, filed by them under penalty of perjury, and showing that the DeLano 'bankrupts' had committed bankruptcy fraud through concealment of assets.

The Creditor requested that the DeLanos produce documents<sup>6</sup> as reasonably required from any bankrupt as their bank account statements. Yet the trustee, whose role is to protect the creditors, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied *every single document* requested by the Creditor, he moved for production orders. Despite his discovery rights and their duty to determine whether bankrupts have concealed assets, the *bankruptcy*, the *district*, and the *circuit judges* likewise denied him *every single document*, including *then CA2 Judge Sotomayor*, the presiding judge, though she too needed them to find the facts to which to apply the law, thus denying him and themselves due process of law. To eliminate him, *they* disallowed his claim in a *sham evidentiary hearing*. Revealing how incriminating these documents are, to oppose their production the DeLanos, with the trustee's recommendation and the bankruptcy judge's approval, were allowed to pay their lawyers \$27,953 in legal fees<sup>7</sup>...although they had declared that they had only \$535. To date \$673,657<sup>8</sup> is still unaccounted for. Where did it go<sup>9</sup>? How many of the trustee's 3,907 cases have unaccounted for assets? For whose benefit?<sup>2</sup>

<sup>1</sup>[http://Judicial-Discipline-Reform.org/Follow\\_money/DeLano\\_docs.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf) >§XIII ²§III ³§V. ⁴§X ⁵§§I.B & VIII ⁶Cf. §XII ⁷§XI ⁸§I.B ⁹§II

# MANDATE

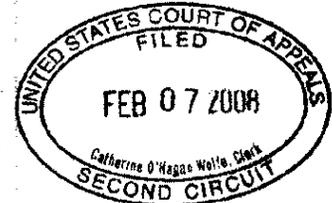
W.D.N.Y.  
03 cv-6190  
Larimer, J.

## 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 7<sup>th</sup> 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.*

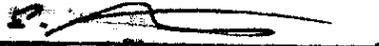
George M. Reiber, as Bankruptcy Trustee, moves to dismiss the appeal as moot. Although Appellant's argument that the Trustee's motion is deficient may be correct, any such deficiencies are minor and, in any event, the appeal is subject to dismissal under this Court's *sua sponte* authority. Upon due 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:

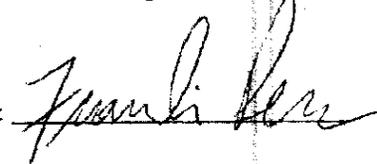
Catherine O'Hagan Wolfe, Clerk

**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

## **The Choice: Judge Sotomayor's Ethnicity v. Equal Justice Under Law<sup>1</sup>**

In a recent email concerning Judge Sonia Sotomayor of the U.S. Court of Appeals for the Second Circuit (CA2) and her nomination as Supreme Court Justice, the emailer asked, "Are we looking for symbolism or substance?, because I will only support her if it is the latter." Let's consider a summary<sup>1</sup> of some issues that are appropriate to answer that question and ask where the Judge stands on them. Their appropriateness rests on the fact that they concern the essence of the fair administration of "Equal Justice Under Law" and judicial integrity affecting all cases. Hence, there is no reason for a nominee not to address them by claiming that to do so would prejudice the outcome of future cases before her. As you read the summarized issues below, ask yourself whether any adverse effect that they may have on your professional success does not 'count' because the judge belongs to your ethnic group or is from your state.

1. **Pro-forma justice through summary orders and unpublishable opinions.**<sup>2</sup> Your client pays his CA the appeal filing fee of \$455 as one of the "fees to be charged for services provided by the courts of appeals".<sup>3</sup> The main service is to have it provide a dispositive answer to the "Issues presented for review". (FRAP 28(a)(5))<sup>4</sup> A contract for services arises therefrom. However, CA2 implements its policy of caseload clearing through expediency "to utilize judicial time effectively" (FRAP CA2 Local Rule 32.1)<sup>5</sup> The result is that "Approximately 75% of all cases are decided by summary order [, which] have no precedential authority."<sup>6</sup> As such, those orders do not bind any judge in the circuit. Necessarily so since in the overwhelming majority of cases their only operative word is "AFFIRMED" or "DISMISSED" because they do not address, let alone answer, the questions presented. A reversal would require CA2 to state the reversible error and its legal grounds, how to avoid it on remand, what issues to retry, what evidence to include or exclude, etc....time-consuming details that defeat the expediency objective.<sup>7</sup> Now tell your client that neither the order is a mockery of justice and a breach of contract nor you are a bad lawyer, because the judge shares your ethnicity.
2. **Non-publication of orders and opinions protects their cursorness.** In the 12 regional circuit courts the overwhelming majority of all "Opinion[s] or Order[s] Filed In Cases Terminated on the Merits After Oral Hearing or Submission on Briefs" is unpublished: 81.8%, but in CA2 it is 86.7%.<sup>8</sup> They are practically unavailable and unknowable and meant to become secret since they are neither to be sought nor worth seeking given their non-precedential character. Even when they are "reasoned" and signed, CA2 judges themselves deemed them of such poor quality that they leave 86.5% of them unpublished. This allows for arbitrary, unprincipled, and capricious decision-making. They are not vehicles 'to do justice that must be seen done in public'; they are expedients of justice ashamed. They result from denial of equal protection. The 11% of litigants that got their day in court with a reasoned, signed, and published opinion paid the same \$455 filing fee as the 89% who only got to read on the court's closed door a rubberstamped summary order form or the notice of unpublishable "reasons". Did the ethnic judge help you build your reputation by her giving you 8 in 9 chances of your being dispatched with a cursory fiat, which increases its unreviewability?
3. **T-1080 Motion Information Statement to avoid reading by circling DENIED or GRANTED.**<sup>9</sup> CA2 Local Rule 27 requires this form to accompany each motion as its top page. The movant must "Set forth below precise, complete statement of relief sought" ...because the judges cannot bother to flip to the last page to read it there. That assumes that a judge will read it. The form itself reads "FOR THE COURT: CATHERINE O'HAGAN WOLFE, Clerk of Court, By: \_\_\_\_\_" This means that disposition of the motion is not even by the Clerk of Court, but rather by a subordinate clerk, who need not be a staff lawyer. So why would the judges ever bother to read your

researched “memorandum...with legal arguments” required under Local Rule 27 –or your brief– when a clerk can circle “DENIED” or “GRANTED” and get rid of it? In fact, CA2 judges have adopted “§ 0.18. Entry of Orders by the Clerk” providing that “The clerk shall prepare, sign and enter the following without submission to the court or a judge unless otherwise directed”. By the same token, judges can craft, whether in an unpublished writing or through practice, ‘Directions for Issuance by the Expediency Clerk’ of any motion-disposing or summary order concerning appeals that, for example, fall below a CA2-fixed amount in controversy; involve a pro se; pit a small party against a big one able to appeal to the Supreme Court and embarrass CA2 due to its cursory opinion; or lead to...

4. **Incrimination in tolerating or running a bankruptcy fraud scheme.** In FY08, new bankruptcy cases totaled 1,043,993.<sup>10</sup> This represented a 30% increase over the 801,269 in FY07. Yet the number of such cases filed in the 12 regional CAs decreased 9% from 845 to 773.<sup>11</sup> So bankruptcy judges, who rule on \$10s of bls. annually, were sure that whatever they decided would stand since fewer than 0.08% of their decisions would be appealed to the CAs or only 1 in every 1,351. Yet, 61,104 appeals were filed there. Moreover, since bankruptcy judges are appointed by circuit judges<sup>12</sup>, the former are assured that the latter will hardly overturn their rulings on appeal, which would cast doubt on their capacity to appoint competent bankruptcy judges and their collegial complicity. Judges that decide however they like with no adverse consequences who gets such colossal amount of money have the most powerful incentive to engage in wrongdoing<sup>13</sup>: riskless enormous profit. Must you ethically disclose this to your client before taking his money?
5. **Systematic self-exemption from judicial discipline.** Circuit judges benefit from that risklessness, for they ensure it. In the system of self-discipline set up in the Judicial Conduct and Disability Act<sup>14</sup>, they dispose of complaints against federal judges filed by any person. The 1oct96-30sep8 posted reports show that they abused that power by dismissing with no investigation 99.82% of the 9,466 complaints filed.<sup>15</sup>(27) Of the thousands of judges that served during those 12 years – 2,153 in 2008 alone<sup>16</sup>- only 7 were censured.(22) They held themselves unaccountable, thus protecting their effective unimpeachability: In the 220 years since 1789 only 7 judges have been removed<sup>17</sup>. Yet, they exercised power over people’s property, liberty, and lives. Hence, they wielded absolute power, which corrupts absolutely.<sup>18</sup> Judge Sotomayor is a member of the 2<sup>nd</sup> Cir. Judicial Council, which during those 12 years denied 100% of petitions to review complaint dismissals.<sup>19</sup>(21) She would not protect you from a corrupt judge, no matter your ethnicity.
6. **Judge Sotomayor’s participation in a bankruptcy fraud scheme cover-up.** With that attitude, Judge Sotomayor and other colleagues of her decided *DeLano*(20), which was appealed to the Supreme Court<sup>20</sup>. They ruled in favor of their appointed bankruptcy judge’s non-disclosure of the whereabouts of at least \$673,657 of the most unlikely of ‘bankrupts’: a 39-year veteran banker who at the time of filing for bankruptcy was an M&T Bank bankruptcy officer!(6<sup>2</sup>) To protect such concealment of assets by a bankruptcy system insider preparing his debt-free golden retirement, they denied *every single document* in all creditor-requests intended to expose where the banker had stashed his salary and other receipts during his working life.(7) Such denials were blatant violations of discovery rights. But when the top judges do wrong<sup>21</sup>(31), those below them do whatever they want. Due process is nobody’s doing, not even Judge Sotomayor’s.

You can use the process of confirming a Justice nominee to expose through a Watergate-like *Follow the Money!* investigation(30<sup>13</sup>) the institutionalized wrongdoing of Judge Sotomayor<sup>22</sup> and her colleagues, thus contributing to Equal Justice Under Law regardless of ethnicity. This is your opportunity to become our generation’s Woodward/Bernstein or their editor, B. Bradlee.(6<sup>38</sup>) Use it to establish your professional reputation and render meritorious service to millions of litigants and the public who receive or are denied justice at the mercy of judges that administer it without having to worry about being held accountable and subject to discipline.<sup>23</sup> To that end, I offer to make a presentation to your colleagues of the evidence and the investigation.<sup>24</sup>(11)

<sup>1</sup> Petition to the U.S. Supreme Court for certiorari to the Court of Appeals for the Second Circuit, *Richard Cordero v. David DeLano et ux.*, docket 08-8382; [http://Judicial-Discipline-Reform.org/US\\_writ/DrCordero-SCT\\_petition\\_3oct8.pdf](http://Judicial-Discipline-Reform.org/US_writ/DrCordero-SCT_petition_3oct8.pdf) >US:2467§XIII.A-B.

<sup>2</sup> Comments on the proposed permanent adoption of interim Local Rule § 0.23 on Summary Order without any opinion or appended explanatory statement; [http://Judicial-Discipline-Reform.org/docs/CA2\\_summary\\_orders\\_19dec6.pdf](http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf).

<sup>3</sup> Judicial Conference Schedules of Fees Court of Appeals Miscellaneous Fee Schedule (Issued in accordance with 28 U.S.C. §1913. Effective 01/01/2007); Federal Civil Judicial Procedure and Rules, 2008 Ed., Thomson West, p. 1014.

<sup>4</sup> Federal Rules of Appellate Procedure and Local Rules of the Second Circuit; [http://Judicial-Discipline-Reform.org/docs/CA2\\_rules.pdf](http://Judicial-Discipline-Reform.org/docs/CA2_rules.pdf); <http://www.ca2.uscourts.gov/rules.htm>.

<sup>5</sup> Id.

<sup>6</sup> <http://www.ca2.uscourts.gov/clerk.htm> >2nd Circuit Handbook, pg.17; [http://Judicial-Discipline-Reform.org/docs/CA2\\_Handbook\\_9sep8.pdf](http://Judicial-Discipline-Reform.org/docs/CA2_Handbook_9sep8.pdf) >17.

<sup>7</sup> See how Judge Sotomayor and her panel colleagues decided *Ricci v. DeStefano*, aff'd per curiam, 530 F.3d 87 (2dCir., 9 June 2008), 264 Fed.Appx. 106, 2008 WL 410436, involving white and black firefighters and raising substantial racial discrimination issues under the equal protection clause of the Constitution. Their decision was harshly criticized by one of their own CA2 colleagues, Circuit Judge Jose Cabranes, who wrote in dissent:

“The questions raised in this appeal...are indisputably complex and far from well-settled....Presented with an opportunity to address en banc questions of such "exceptional importance," Fed. R. App. P. 35(a)(2), a majority of this Court voted to avoid doing so.... the panel withdrew its summary order and published a per curiam opinion that contained the same operative text as the summary order...This per curiam opinion adopted in loco the reasoning of the District Court, without further elaboration or substantive comment, and thereby converted a lengthy, unpublished district court opinion, grappling with significant constitutional and statutory claims of first impression, into the law of this Circuit. It did so, moreover, in an opinion that lacks a clear statement of either the claims raised by the plaintiffs or the issues on appeal. Indeed, the opinion contains no reference whatsoever to the constitutional claims at the core of this case...**This perfunctory disposition** rests uneasily with the weighty issues presented by this appeal.” (emphasis added)

Nevertheless, the majority of the court voted not to hear the case en banc, thereby upholding the summary/per curiam order. As a result, CA2 Chief Judge Dennis Jacobs criticized “a Circuit "tradition" of deference to panel adjudication. In effect, this has become a Circuit tradition of hearing virtually no cases in banc....But to rely on tradition to deny rehearing in banc starts to look very much like abuse of discretion.” [http://Judicial-Discipline-Reform.org/docs/Ricci\\_v\\_DeStefano.pdf](http://Judicial-Discipline-Reform.org/docs/Ricci_v_DeStefano.pdf). On petition for certiorari, the Supreme Court announced on June 29, 2009, that it had overturned the decision; <http://www.supremecourtus.gov/opinions/08slipopinion.html>.

<sup>8</sup> Unpublished opinions; Table S-3; U.S. Courts of Appeals—Types of Opinions or Orders Filed in Cases Terminated on the Merits After Oral Hearings or Submission on Briefs During the 12-Month Period Ending September 30, 2008; Judicial Business of the U.S. Courts, 2008 Annual Report of the Director of the Administrative Office of the U.S. Courts (AO), James C. Duff; <http://www.uscourts.gov/judbus2008/JudicialBusinesspdfversion.pdf> >p.44.

<sup>9</sup> <http://www.ca2.uscourts.gov/forms.htm> >T-1080 (Motion Information Statement).

<sup>10</sup> “November 25, 2009—Bankruptcy cases filed in federal courts for fiscal year 2009 totaled 1,402,816, up 34.5 percent over the 1,042,993 filings reported for the 12-month period ending September 30,

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2008, according to statistics released today by the Administrative Office of the U.S. Courts.”  
Bankruptcy Filings Up 34 Percent over Last Fiscal Year, News Release of the Administrative Office  
of the U.S. Courts; [http://www.uscourts.gov/Press\\_Releases/2009/BankruptcyFilingsSep2009.cfm](http://www.uscourts.gov/Press_Releases/2009/BankruptcyFilingsSep2009.cfm);  
also at [http://Judicial-Discipline-Reform.org/statistics&tables/bkr\\_stats/latest\\_bkr\\_filings.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/latest_bkr_filings.pdf).

- <sup>11</sup> [http://www.uscourts.gov/ttb/2009-01/article02.cfm?WT.cg\\_n=TTB\\_Jan09\\_article02\\_teaserTitle](http://www.uscourts.gov/ttb/2009-01/article02.cfm?WT.cg_n=TTB_Jan09_article02_teaserTitle); also at [http://Judicial-Discipline-Reform.org/statistics&tables/caseload\\_SCt\\_report\\_08.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/caseload_SCt_report_08.pdf).
- <sup>12</sup> 28 U.S.C. §152. Appointment of bankruptcy judges; [http://Judicial-Discipline-Reform.org/docs/28usc151-159\\_bkr\\_judges.pdf](http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf).
- <sup>13</sup> “Republican Suggests a Judicial Inspector General”, David Kirkpatrick, *NYTimes*, May 10, 2005; <http://www.nytimes.com/2005/05/10/politics/10watchdog.html>. “Specter Speaks on the Senate Floor Regarding the Televising of Supreme Court Proceedings”, Sen. Arlen Specter, News Room, January 29, 2007; [http://Judicial-Discipline-Reform.org/docs/Sen\\_Specter\\_on\\_SCt.pdf](http://Judicial-Discipline-Reform.org/docs/Sen_Specter_on_SCt.pdf)
- <sup>14</sup> 28 U.S.C. §§351-364. Judicial Conduct and Disability Act of 1980; [http://Judicial-Discipline-Reform.org/docs/28usc351\\_Conduct\\_complaints.pdf](http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf).
- <sup>15</sup> Table S-22 [previously S-23 & S-24] Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. §§351-364, produced by the Administrative Office of the U.S. Courts pursuant to 28 U.S.C. §604(h)(2); <http://www.uscourts.gov/judbususc/judbus.html>; see also 28 U.S.C. §332(g); collected at [http://Judicial-Discipline-Reform.org/statistics&tables/judicial\\_complaints.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/judicial_complaints.pdf).
- <sup>16</sup> [http://Judicial-Discipline-Reform.org/statistics&tables/num\\_jud\\_officers/jud\\_officers\\_08.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/num_jud_officers/jud_officers_08.pdf).
- <sup>17</sup> <http://www.fjc.gov/history/home.nsf> >Judges of the U.S. Courts>Impeachments. Judicial Act of 1789, ch. 20, 1 Stat. 73-93; [http://Judicial-Discipline-Reform.org/docs/Judiciary\\_Act\\_1789.pdf](http://Judicial-Discipline-Reform.org/docs/Judiciary_Act_1789.pdf)
- <sup>18</sup> Here are applicable the aphorisms of Lord Acton, Letter to Bishop Mandell Creighton, April 3, 1887: “Power corrupts, and absolute power corrupts absolutely”, and 1 Timothy 6:10: ‘Money is a root of all evil and those pursuing it have stabbed many with all sorts of pains’: When unaccountable power, the key element of absolute power, strengthens the growth and is in turn fed by the root of all evil, money, the result is that both corrupt absolutely. [http://Judicial-Discipline-Reform.org/Follow\\_money/Dynamics\\_of\\_corruption.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf)
- <sup>19</sup> Ent. 13 supra. See also [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf) >N:51¶¶1-4; N:39 and 47.
- <sup>20</sup> Ent. 1 supra, *Petition for certiorari*, 08-8382, SCt, at US:2456§X. See also [http://Judicial-Discipline-Reform.org/US\\_writ/2DrCordero-SCt\\_rehear\\_23apr9.pdf](http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCt_rehear_23apr9.pdf). The decision in *In re DeLano*, 06-4780, CA2, by the CA2 panel of which Judge Sotomayor was a member is an exhibit in both of those briefs at CA:2180. See also the appeal brief in CA2; [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_v\\_DeLano\\_06\\_4780\\_CA2.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf) >CA:1746§IX; and the petition for panel rehearing and hearing en banc at [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_v\\_DeLano\\_CA2\\_rehear.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf).
- <sup>21</sup> [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)
- <sup>22</sup> “Sotomayor Rose High, with Few Assets”, Joe Stephens, *The Washington Post*, May 7, 2009; [http://voices.washingtonpost.com/44/2009/05/07/sotomayor\\_rose\\_high\\_with\\_few\\_a.html?sid=ST2009050702123](http://voices.washingtonpost.com/44/2009/05/07/sotomayor_rose_high_with_few_a.html?sid=ST2009050702123); “N.Y. Federal Judge Likely on Shortlist”, Keith B. Richburg, *id.*, May 7, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/06/AR2009050603762.html>; and “For a justice, Sonia Sotomayor is low on dough”, Josh Gerstein, *Politico*, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>; collected at [http://Judicial-Discipline-Reform.org/SCt\\_nominee/JSotomayor\\_integrity/13onJSotomayor.pdf](http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/13onJSotomayor.pdf).
- <sup>23</sup> [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)
- <sup>24</sup> [http://Judicial-Discipline-Reform.org/DeLano\\_course/14Law/1DrCordero-Dean.pdf](http://Judicial-Discipline-Reform.org/DeLano_course/14Law/1DrCordero-Dean.pdf) >11

**2<sup>nd</sup> 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<sup>1</sup>**

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 & 10may08  
<http://www.uscourts.gov/judbususc/judbus.html>; collected at [http://Judicial-Discipline-Reform.org/statistics&tables/judicial\\_misconduct.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf)

<b>Data of Judicial Council 2<sup>nd</sup> Cir. for AO; 28 U.S.C. §332(g)</b>	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.
<b>Complaints Pending on each September 30 of 1996-2008*</b>	5	10	23	65	33	60	29	34	57	31	28	13	388	32
<b>Complaints Filed</b>	40	73	99	59	102	62	69	23	36	14	22	4	603	50
<b>Complaint Type</b>														
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
<b>Officials Complained About**</b>														
<b>Judges</b>														
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
<b>Nature of Allegations**</b>														
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
<b>Complaints Concluded</b>	33	56	57	80	75	93	42	51	91	45	50	17	690	57
<b>Action By Chief Judges</b>														
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
<b>Action by Judicial Councils</b>														
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	1	1	0	2	.17								
<b>Complaints Pending on each 30sep of 1997-2008</b>	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.

<sup>1</sup>Cf. [http://Judicial-Discipline-Reform.org/SCT\\_nominee/Senate/26evidence/1DrCordero-Senate.pdf](http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/26evidence/1DrCordero-Senate.pdf)

### Judge Sotomayor

**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 and the cost of her reportedly modest living  
The similarity to the *DeLano* Case that she withheld from the Committee**

The Senate Judiciary Committee required Justice Nominee Judge Sonia Sotomayor to “Provide a complete, current financial net worth statement which itemizes in detail all assets [and] all liabilities”.<sup>1</sup> Judge Sotomayor was also under an independent duty under the Ethics in Government Act to file “full and complete” annual financial disclosure reports.<sup>2</sup> Her discharge of such obligations or failure to do so reflects her respect or lack thereof for the law applicable to her and thus, the law that she applies to others and the quality of justice that she dispenses to them. Hence, examining her handling of such obligations is warranted by the need to ascertain her personal and judicial integrity.

The following table and its endnotes show that Judge Sotomayor failed to disclose the whereabouts of her earnings, as summarized in the title above. Money does not simply disappear.<sup>3</sup> It is either spent, donated, or saved.<sup>4</sup> To some extent, how a person spends money can be determined from her appearance and public conduct. How she saves it, e.g., by investing it, requires mostly disclosure or subpoenas.<sup>5</sup> Failure to disclose financial information when under a duty to do so is a violation of the law. Nondisclosure by a bankruptcy petitioner constitutes concealment of assets and perjury. It is a crime punishable by up to 20 years imprisonment and a fine of up to \$500,000.

In the *DeLano* case, 06-4780-bk, Judge Sotomayor, presiding(13), and her colleagues on a panel of the Court of Appeals, 2<sup>nd</sup> Circuit (CA2), issued a summary order<sup>6</sup> to protect, not the rule of law, but rather their appointee to a bankruptcy judgeship<sup>7</sup>, Bkrp. Judge John C. Ninfo, II, WBNY. He had covered up the concealment of at least \$673,657 by 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, precisely as a bankruptcy officer!<sup>8</sup> Both 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.<sup>9</sup> To protect such concealment of assets by a bankruptcy system insider and her bankruptcy appointee, Judge Sotomayor violated discovery rights<sup>10</sup> by denying *every single document* in all creditor-requests,<sup>11</sup> which would have exposed a judicially run bankruptcy fraud scheme.<sup>12</sup>

Worse yet, by so doing, Judge Sotomayor failed to protect the most important Constitutional guarantee that a judge, let alone a Supreme Court justice, is required to safeguard: due process of law.<sup>13</sup> Her gross partiality toward her own and blatant denial of due process to the creditor so indict her integrity that she withheld *DeLano* despite the Committee’s request for her to submit all her cases. Her conduct in, and handling of, that case has been brought to the Committee’s attention.<sup>14</sup>

The table aims to have Judge Sotomayor and *DeLano* investigated by the Committee, which is authorized to do so<sup>15</sup>, and journalists<sup>16</sup>. Their *Follow the Money!* investigation should determine whether she has been complying with her financial disclosure obligations and, if not, whether she reckoned that she too was protected by her peers, who are also above the law.<sup>17</sup> The investigation should also expose her and other judges<sup>18</sup> involvement in a bankruptcy fraud scheme that aggravates the misery of millions and the extent to which withholding *DeLano* was part of the cover-up. The ensuing public outrage should force Congress to adopt effective judicial accountability and discipline legislation that brings our legal system closer to the noble ideal of “Equal Justice Under Law”.

## INCOME<sup>19</sup>

	Year	Federal, Outside, and Rental Income					Salary
1.	1976	The Equitable Life Assurance Society of the U.S. jun-aug1976					
		\$					
2.	1977	Office of the General Counsel, Yale U. jun-sep 77					
		\$					
3.	1977		The Graduate-Professional Center sep77-may78				
			\$				
4.	1978		\$	Paul, Weiss, Rifkind, Wharton & Garrison jun-aug78	Yale Law School Mimeo Room sep78-may79		
				\$	\$		
5.	1979	Assist. D.A. in NY County (Manhattan) D.A.'s Office sep79-mar84			\$		
		\$					
6.	1980	\$	Puerto Rican Legal Defense & Education Fund (now LatinoJustice PRLDEF) 1980-oct92				
			\$				
7.	1981	\$	\$				
8.	1982	\$	\$				
9.	1983	\$	\$	Sotomayor & Associates 1983-86			
				\$			
10.	1984	\$	\$	\$	Pavia & Harcourt: associate apr84-dec87		
					\$		
11.	1985		\$	\$	\$	Maternity Center Association 85-86	
						\$	
12.	1986		\$	\$	\$	\$	

13.	1987		\$		\$	State of New York Mortgage Agency 1987-oct92	
						\$	
14.	1988		\$	NY City Campaign Finance Board 88-oct92	partner 1jan88-30sep92 <sup>20</sup>	\$	
				\$	\$141,951 <sup>21</sup>		141,951
15.	1989		\$	\$	\$145,920	\$	145,920
16.	1990		\$	\$	\$150,000	\$	150,000
17.	1991		\$	\$	\$154,080	\$	154,080
18.	1992	U.S. District Judge, SDNY 2oct92-12oct98	\$	\$	\$118,703 \$25,000 <sup>22</sup>	\$	215,469
		\$32,198 <sup>23</sup>					
19.	1993	133,600 <sup>24</sup>				Rental income from Brooklyn co- op apartment <sup>25</sup>	133,600
						\$1,100/month =\$13,200	
20.	1994	133,600 <sup>26</sup>				\$13,200	146,800
21.	1995	133,600 <sup>27</sup>				\$13,200	146,800
22.	1996	133,600 <sup>28</sup>				\$13,200	146,800
23.	1997	133,600 <sup>29</sup>				\$13,200	146,800
24.	1998	1Jan-12oct98				\$13,200	119,938
		106,738 <sup>30</sup>					
25.	1998	U.S. Circuit Judge, 2 <sup>nd</sup> Circuit 13oct-to date			Adjunct professor, NYU School of Law 1997-2007 <sup>31</sup>		41,781
		31,781 <sup>32</sup>			\$10,000 <sup>33</sup>		
26.	1999	145,000 <sup>34</sup>	Lecturer-in-Law, Columbia University 1999-2009 <sup>35</sup>		\$10,000	\$13,200	168,200
			\$?				
27.	2000	149,900 <sup>36</sup>	\$10,000		\$12,000	\$13,200	185,100
28.	2001	153,900 <sup>37</sup>	\$10,000		\$10,000	\$13,200	187,100
29.	2002	159,100 <sup>38</sup>	\$10,000		\$13,500	\$13,200	195,800
30.	2003	164,000 <sup>39</sup>	\$10,000		\$14,600	\$13,200	201,800
31.	2004	167,600 <sup>40</sup>	\$10,000		\$13,205	\$13,200	204,005
32.	2005	171,800 <sup>41</sup>	\$10,000		\$14,315	\$13,200	209,315
33.	2006	175,100 <sup>42</sup>	\$10,000		\$14,780	\$13,200	213,080
34.	2007	175,100 <sup>43</sup>	\$10,000	Trustee, Princeton University 2007-to date	\$14,780	\$13,200	213,080
				\$			
35.	2008	179,500 <sup>44</sup>	\$25,830	\$		\$13,200	218,530

36.	Jan-May 09	76,875 <sup>45</sup>	\$	\$		\$13,200 x 5/12= \$5,500	87,875
37.						<b>Total earnings over time</b>	<b>\$3,773,824</b>

ASSETS			LIABILITIES	
38.	31,985	Cash on hand and in banks <sup>46</sup>	Real estate mortgages payable <sup>47</sup>	381,775
39.	360,000	purchase price of Greenwich Village condo bought in 1998 <sup>48</sup>	Accounts and bills due	5,752
			Credit card bills	15,823
40.	43,000	interest in condominium	Dentist bill (estimate)	15,000
41.	108,918	Autos and other personal property		
42.	<b>\$543,903</b>	<b>Total</b>	<b>Total</b>	<b>\$418,350</b>

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Note: Click a link or copy & paste it into your browser’s address box, cut any blank space between characters, and go there.

- 1 **a)** U.S. Senate Committee on the Judiciary, Associate Justice of the U.S. Supreme Court – Sonia Sotomayor – Questionnaire; <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >Committee Questionnaire, United States Senate Committee on the Judiciary, Questionnaire for Judicial Nominees, Public, pp. 167 -168; and
- b)** <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >June 15, 2009 - Questionnaire Supplement, pp. 2-3;
- c)** also at [http://Judicial-Discipline-Reform.org/SCT\\_nominee/JSotomayor\\_integrity/2SenJudCom\\_Questionnaire\\_JSotomayor.pdf](http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf) >JS:167-168 and 317-318; this file collects the above two and several others in the Questionnaire and adds to them bookmarks useful for navigating through them.
- 2 The Ethics in Government Act of 1978 (5 U.S.C. Appendix (Appendix IV in West)) is one of the pieces of legislation adopted by Congress in the wake of the Watergate Scandal. It is made applicable to federal judges at §§101(f)(11) and 109(10), mandating that they file an annual financial disclosure report. Section 102(a) requires that they make “a full and complete statement with respect to...income,...gifts,...interest in property,... liabilities, ...purchase, sale or exchange...in real property...or...securities,...all positions held [in an entity],...any...future employment,...total cash value of any interest...in a qualified blind trust,...information...respecting the spouse or dependent child”. So it calls for very specific and detailed financial information. Judges must file their reports with the Administrative Office of the U.S. Courts (AO), where they are publicly available. For AO’s address, see <http://www.uscourts.gov/comment.html>. The Act, with added useful bookmarks, is at [http://Judicial-Discipline-Reform.org/docs/5usc\\_Ethics\\_Gov\\_14apr9.pdf](http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf). See [http://Judicial-Discipline-Reform.org/SCT\\_nominee/JSotomayor\\_03-07\\_reports.pdf](http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_03-07_reports.pdf).

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<sup>3</sup> “Sotomayor, an avid Yankees fan, **lives modestly**, reporting virtually no assets despite her \$179,500 yearly salary. [Since January 1, 2009, her annual salary is \$184,500; ent. 45 infra.] On her financial disclosure report for 2007, she said her only financial holdings were a Citibank checking and savings account, worth \$50,000 to \$115,000 combined. During the previous four years, the money in the accounts at some points was listed as low as \$30,000. When asked recently how she managed to file such streamlined reports, Sotomayor, according to a source, replied, “When you don't have money, it's easy. There isn't anything there to report.” N.Y. Federal Judge Likely on Shortlist, Keith Richburg, *The Washington Post*, May 7, 2009; (emphasis added <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/06/AR2009050603762.html>); also at [http://Judicial-Discipline-Reform.org/SCT\\_nominee/JSotomayor\\_integrity/13onJSotomayor.pdf](http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/13onJSotomayor.pdf).

Judge Sotomayor's statement quoted above is contradicted by the evidence. Her own answers to the Questionnaire show that she is reimbursed for her numerous travel to, and lodging and meals at, judicial conferences and other events at which she speaks; endnote 1a) and c) supra >11. Membership, p.15.c.; 165(c-f); and 1c) JS:307, entry for 6/16/95. If she spent her earnings minus taxes and the cost of living modestly neither to participate in such events nor acquire assets other than those listed on the table, which exclude capital appreciation, how did she spend, or in what else did she invest, them?

<sup>4</sup> There are basically three ways of spending money: on goods, on services, or in charitable contributions.

1. It is unlikely that a public figure could have spent millions of dollars on services, such as eating at expensive restaurants or going on extravagantly luxurious vacations, without attracting attention.
2. It is likely that if a person gave away to charitable entities almost every penny that she earned, she or the entities would bring it to public attention, if only to persuade others to contribute to her cherished charitable causes.
3. If the money went to the purchase of goods, the latter are somewhere, that is, either in:
  - a) household goods, and she would have had to buy lots of, and have space for, them;
  - b) personal goods, such as designer clothes and sparkling jewels that everybody would have noticed; or
  - c) (i) investment goods, such as real property, which must be recorded in somebody's name in the county clerk's office, or  
(ii) certificates of deposit, stock and bonds, and similar financial instruments, all of which have to be reported in the annual judicial financial disclosure reports required under the Ethics in Government Act of 1978. Endnote 2.

<sup>5</sup> [http://Judicial-Discipline-Reform.org/SCT\\_nominee/Senate/6DrCordero-SenJudCom\\_subpoena.pdf](http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/6DrCordero-SenJudCom_subpoena.pdf)

<sup>6</sup> The summary order, scanty as such orders are just to get rid of the case, appears at CA:2180 in [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_v\\_DeLano\\_06\\_4780\\_CA2.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf); see there CA:1725§VII. Statement of Facts.

<sup>7</sup> Bankruptcy judges are appointed by their respective circuit courts; 28 U.S.C. §152;

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[http://Judicial-Discipline-Reform.org/docs/28usc151-159\\_bkr\\_judges.pdf](http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf).

- <sup>8</sup> The Salient Facts of the *DeLano* Case; [http://Judicial-Discipline-Reform.org/Follow\\_money/DrCordero-journalists.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf) >2.
- <sup>9</sup> [http://www.nywb.uscourts.gov/about\\_judge\\_ninfo\\_46.php](http://www.nywb.uscourts.gov/about_judge_ninfo_46.php). Would you trust the impartiality and objectivity of a judge who was a partner in the firm of your opposing counsel?; Judge for yourself; [http://Judicial-Discipline-Reform.org/docs/transcript\\_DeLano\\_1mar5.pdf](http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf) >Tr.28/13-29/4; 75/8-76/3; and 141/20-143/16; and [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_DeLano\\_WDNY\\_21dec5.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_WDNY_21dec5.pdf) >Pst:1255§E.
- <sup>10</sup> Federal Rules of Civil Procedure 26 and 34, <http://www.uscourts.gov/rules/index.html>, are applied in bankruptcies by reference in Federal Rules of Bankruptcy Procedure 7026 and 7034, <http://www.uscourts.gov/redirects/cornellLaw.html> ><http://www.law.cornell.edu/rules/frbp/>.
- <sup>11</sup> Table of Documents Requested by Dr. Cordero and Denied by CA2, at US:2484, in the appeal of *DeLano* to the Supreme Court on petition for certiorari to CA2, *Richard Cordero v. David DeLano et ux.*, docket 08-8382; [http://Judicial-Discipline-Reform.org/US\\_writ/DrCordero-SCt\\_petition\\_3oct8.pdf](http://Judicial-Discipline-Reform.org/US_writ/DrCordero-SCt_petition_3oct8.pdf). See there also US:2442§IX. Statement of Facts; and US:2456§X. Analysis of CA2’s Order of Dismissal.
- <sup>12</sup> [http://Judicial-Discipline-Reform.org/Follow\\_money/How\\_fraud\\_scheme\\_works.pdf](http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf)  
The petition for panel rehearing and hearing en banc shows how the order was a perfunctory job intended to cover up the bankruptcy fraud scheme by disregarding the facts of the case, referring to cases unrelated with the law or the facts of the case, and evading the issues on appeal, id. CA:1719§V, and even the term explicitly made its key issue: fraud; [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_v\\_DeLano\\_CA2\\_rehear.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf)
- <sup>13</sup> See the discussion of how Judge Sotomayor’s and her colleagues’ conduct gave “the appearance of impropriety” and constituted “improprieties” under the Code of Conduct for U.S. Judges; [http://Judicial-Discipline-Reform.org/US\\_writ/2DrCordero-SCt\\_rehear\\_23apr9.pdf](http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCt_rehear_23apr9.pdf).
- <sup>14</sup> [http://Judicial-Discipline-Reform.org/SCt\\_nominee/JSotomayor\\_integrity/11DrCordero-SenJudCom.pdf](http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/11DrCordero-SenJudCom.pdf)
- <sup>15</sup> Endnote 2 supra: Ethics in Government Act §101(a)...Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.
- <sup>16</sup> Synopsis of an Investigative Journalism Proposal: Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?; endnote 8 supra >1.
- <sup>17</sup> The Choice: Judge Sotomayor’s Ethnicity v. Equal Justice Under Law; [http://Judicial-Discipline-Reform.org/SCt\\_nominee/JSotomayor\\_v\\_Equal\\_Justice.pdf](http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf) > para. 4 and 5.
- <sup>18</sup> See the role of District Judge Larimer, WDNY, and Former CA2 Chief Judge Walker in the scheme in *Pfuntner v. Trustee Gordon et al.*, 02-2230, WBNY; [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf) >N:66§IV and [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_v\\_TrGordon\\_SCt.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf) >A:1642§B.

- 19 Endnote 1a) and c) supra >question 6. Employment Record.
- 20 “She reported making about \$150,000 in 1990, her last full year as a private lawyer in New York.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>; see “also at...” ent. 3 supra. In her answer to 6. Employment Record, she stated: “Pavia & Harcourt, *Partner* 1/1/88 – 9/30/92”; endnote 1a) and c) supra >2. It can reasonably be assumed that she earned at least as much for the subsequent full year and pro rata for part of her last year there. To estimate her earnings as a partner for those years as well as for the preceding ones, i.e., 1988-1989, the average Cost of Living Adjustment for judicial salaries for the available years, namely, 1992-2009, has been used. The justification for this is that COLA intends to reflect the pace of earning increases that judges would have received if they had remained in private practice. The Late Chief Justice Rehnquist had this to say on the subject: “[Judges] are only asking that the pay that was set some years ago be adjusted for increases in the cost-of-living since that time -- a benefit that many working people in the private sector, and almost all employees of the federal government, regularly expect and receive”. Supreme Court Year-End Report, 1996; <http://www.uscourts.gov/ttb/jan96ttb/1yearend.html>.

<b>Average of the Percentage Increases in Judicial Salaries Between 1992 and 2009</b>						
1992	129,500 dis. judge			2001	153,900	2.67
1993	133,600	3.17		2002	159,100	3.38
1994	133,600	0		2003	164,000	3.08
1995	133,600	0		2004	167,600	2.20
1996	133,600	0		2005	171,800	2.51
1997	133,600	0		2006	175,100	1.92
1998	136,700	2.32		2007	175,100	0
1999	145,000 cir. judge	0		2008	179,500	2.51
2000	149,900	3.38		2009	184,500	2.79
					<b>Average</b>	<b>2.72</b>

1990 earnings of \$150,000 – 2.72% = 1989 earnings of \$145,920

1989 earnings of \$145,920 - 2.72% = 1988 earnings of \$141,951

1990 earnings of \$150,000 + 2.72% = 1991 earnings of \$154,080

1991 earnings of \$154,080 + 2.72% = 1992 earnings of \$158,271/ ¾ of a year (1/1-9/1/92)= \$118,703

Whatever excess income may have been thus estimated for these years is vastly compensated by the fact that no income at all has been estimated for the years 1979-1987.

- 21 Values in *italics* are estimated.
- 22 “She said she was due about \$25,000 for her partnership interest in a small firm, Pavia & Harcourt. By contrast, when Chief Justice John Roberts left a major Washington law firm, Hogan & Hartson, in May 2003 to take a seat on the D.C. Circuit Court, he was paid more than \$1 million in salary and compensation for his partnership interest.” For

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a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>; see “also at ...” ent. 3 supra.

<sup>23</sup> **1992:** 5 U.S.C. §5332 The General Schedule, Schedule 7, Judicial Salaries; [http://bulk.resource.org/courts.gov/juris/j0110\\_03.shtml](http://bulk.resource.org/courts.gov/juris/j0110_03.shtml). Salary as U.S. district judge from 2oct-31dec92= \$129,500/366 days= \$353.83 x 91 days= \$32,198.

<sup>24</sup> **1993:** [http://bulk.resource.org/courts.gov/juris/j0113\\_03.shtml](http://bulk.resource.org/courts.gov/juris/j0113_03.shtml).

<sup>25</sup> “Kinzer and Cardi became Sotomayor's friends in the 1980s when Cardi was working as a legal aid lawyer and Sotomayor was a prosecutor in the Manhattan district attorney's office. Cardi persuaded Sotomayor to move to their neighborhood, Carroll Gardens in Brooklyn, when there was a vacant apartment next door. Sotomayor later bought her own condo down the block.... Sotomayor only reluctantly left the neighborhood when she became a judge in Manhattan, because rules stipulate that judges must live in the district to which they are assigned.” Friends Provide a Glimpse Into Sotomayor's 'Very Full Life', Keith B. Richburg, Robin Shulman and Nancy Trejos, *The Washington Post*, Sunday, May 31, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/30/AR2009053002061.html?nav=emailpage>; see “also at...” ent. 3 supra.

“Papers submitted in connection with her nomination to the 2nd Circuit Court of Appeals in 1997 say she was earning \$1,100 a month in rent on a co-op apartment that she owned in Brooklyn. As recently as 2004, she reported less than \$30,000 in her two bank accounts. A source told *The Washington Post* earlier this month that Sotomayor once said that filling out her financial reports was a breeze. “When you don't have money, it's easy. There isn't anything there to report”, she was quoted as saying. Sotomayor is divorced and has no children.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; <http://www.politico.com/news/stories/0509/23045.html>. The implication is obvious: What else did she spend her money on or where did she place it? The question is particularly pertinent since it is reported that she “lives modestly”; endnote 3 supra.

It is assumed that she still owns her rental property in Brooklyn and earns rent therefrom; otherwise, the proceeds of its sale are unaccounted for. To be conservative, the rent is stated at the same level for the past 11 years. By comparison, controlled rents increase in NY City on average 3.5% for a one-year lease and 7% for a two-year lease.

<sup>26</sup> **1994:** No Schedule 7 was found for the period beginning on or after January 1, 1994. However, since Schedule 7 for the preceding and the following years indicate that the salary for district judges was \$133,600, then it is absolutely certain that such was the salary also for 1994 given that Const., Art. III, Sec. 1, provides that “The Judges...shall...receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office”. [http://Judicial-Discipline-Reform.org/docs/US\\_Constitution.pdf](http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf).

<sup>27</sup> **1995:** <http://www.gpoaccess.gov/uscode/search.html> >United States Coder (1994) >Search: 5usc5332> <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5USC Sec. 5332. The General Schedule > Text: <http://frwebgate6.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=510554514834+0+1+0&WAISaction=retrieve>.

<sup>28</sup> **1996:** <http://www.gpoaccess.gov/uscode/search.html> >United States Coder (1994 suppl.

- 1) >Search: 5usc5332 > <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5USC Sec. 5332. The General Schedule > Text: <http://frwebgate5.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=511085272174+0+1+0&WAISaction=retrieve>.
- <sup>29</sup> **1997**: Photocopy of 5usc5332 in USC, v. 1994, suppl. 2. Cf. <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 2) >Search: 5usc5332> <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> > 5 USC Sec. 5332. The General Schedule > Text: <http://frwebgate5.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=610555377786+0+0+0&WAISaction=retrieve>.
- <sup>30</sup> **1998**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 3) Search: 5usc5332 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >Text, <http://frwebgate6.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=60606640734+0+1+0&WAISaction=retrieve>. Judge Sotomayor's salary as district judge from 1jan-12oct98 at \$136,700/365 days= \$374.52 x 285 days= \$106,738.
- <sup>31</sup> United States Senate Committee on the Judiciary, Questionnaire for Judiciary Nominees, Public, <http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm> >Committee Questionnaire >Question 19. Teaching, p. 164.
- <sup>32</sup> Endnote 30 supra. Judge Sotomayor's salary as U.S. circuit judge from 13oct-31dec98 = \$145,000/365 days= \$397.26 x 80 days= \$31,781.
- <sup>33</sup> Note that there are limitations on the amount of earned income that federal judges can add to their federal salaries under the Ethics in Government Act, endnote 2 supra, (Titles I to V of Pub. L. 95-521) Title V. Government-wide Limitation on Outside Earned Income and Employment, §501. (1) [A judicial] officer... may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5 U.S.C., as of January 1 of such calendar year; <http://uscode.house.gov/pdf/2007/>.  
To see 5 U.S.C. §5313 go to <http://www.gpoaccess.gov/> >2006 U.S. Code >Search: 5usc5313 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >5USC Sec. 5313. Positions at level II: PDF
- <sup>34</sup> **1999**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (1994 suppl. 4) Search: 5usc5332 ><http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> >Text, <http://frwebgate4.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=512498187600+0+1+0&WAISaction=retrieve>.
- <sup>35</sup> Endnote 31 supra >165.
- <sup>36</sup>**2000**: 5 U.S.C. §5332; <http://wyomcases.courts.state.wy.us/applications/oscn/DeliverDocument.asp?CiteID=185097>
- <sup>37</sup> **2001**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (2000) >Search: 5usc5332 > Text: <http://frwebgate4.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=509036228003+0+1+0&WAISaction=retrieve>.

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- 38 **2002**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/uscode/search.html> >United States Code (2000 suppl. 1) >Search: 5usc5332 > Text: <http://frwebgate1.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=507570115300+0+1+0&WAISaction=retrieve>.
- 39 **2003**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >107th Congress, 2d Session (2002) (2000 Edition and Supplement II) >Friday, April 09, 2004 4:28 PM 4494151 2002usc05.pdf
- 40 **2004**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> > 108th Congress, 1st Session (2003) (2000 Edition and Supplement III) >Thursday, July 07, 2005 3:56 PM 4576090 2003usc05.pdf.
- 41 **2005**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >108th Congress, 2d Session (2004) (2000 Edition and Supplement IV) > Thursday, April 06, 2006 3:21 PM 4753695 2004usc05.pdf.
- 42 **2006**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >109th Congress, 1st Session (2005) (2000 Edition and Supplement V) > Tuesday, April 17, 2007 12:55 PM 5269282 2005usc05.pdf.
- 43 **2007**: 5 U.S.C. §5332; <http://www.gpoaccess.gov/> >2006 U.S. Code >5usc5332, <http://www.gpoaccess.gov/uscode/index.html>, Search: 5usc5332 <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi>, 5USC Sec. 5332 The General Schedule >PDF.
- 44 **2008**: 5 U.S.C. §5332; <http://uscode.house.gov/download/downloadPDF.shtml> >110th Congress, 1st Session (2007) (2006 Edition and Supplement I) > Tuesday, April 14, 2009 5:02 PM 5343812 2007usc05.pdf.  
Also at <http://uscode.house.gov/> > Search, <http://uscode.house.gov/search/criteria.shtml> >Title: 5, Section: 5332, <http://uscode.house.gov/uscode-cgi/fastweb.exe?search> >5 USC Sec. 5332 > <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+468+0++%28%29%20%20AND%20%28%285%29%20ADJ%20USC%29%3ACITE%20AND%20%28USC%20w%2F10%20%285332%29%29%3ACITE%20%20%20%20%20%20%20%20%20%20>.
- 45 **2009**: The salary of circuit judges increased to  $\$184,500/12=\$15,375 \times 5=\$76,875$ . COLA for Federal Judges in 2009, The Third Branch, Newsletter of the Federal Courts, Mar 2009, vol. 41, num. 3; [http://www.uscourts.gov/ttb/2009-03/article03.cfm?WT.cg\\_n=TTB&WT.cg\\_s=Mar09\\_article03\\_tableOfContents](http://www.uscourts.gov/ttb/2009-03/article03.cfm?WT.cg_n=TTB&WT.cg_s=Mar09_article03_tableOfContents).
- 46 The Financial Statement Net Worth table of the Questionnaire, endnote 1a) and c) supra >186, requires that Judge Sotomayor “Provide a **complete, current** financial net worth statement which **itemizes in detail all assets** (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) **all liabilities** (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.” (emphasis added)
- 47 “The judge's reportable net worth has hardly changed at all since she was appointed to the bench in 1992, according to a source in a position to know. The modest increase in her

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net worth in 2007 may be attributable to a home equity loan she took out to do some renovations, the source said. Disclosed assets may not tell the whole financial picture, as federal rules do not require judges to disclose the value of their personal residences. **Sotomayor has listed no outstanding loans or other liabilities in recent years, except for four credit cards.** Sotomayor brought in some extra income in 2007 by working as an adjunct professor at New York Law School and lecturing at Columbia Law School. Those jobs paid her nearly \$25,000 that year. She also has traveled frequently to conferences. In 2007, she reported being reimbursed for expenses related to six trips, such as a stint teaching at the University of Puerto Rico and a trip to a judicial clerkship institute at Pepperdine University.” Sotomayor Rose High, with Few Assets, Joe Stephens, *The Washington Post*, May 7, 2009; (emphasis added); [http://voices.washingtonpost.com/44/2009/05/07/sotomayor\\_rose\\_high\\_with\\_few\\_a.html?sid=ST2009050702123](http://voices.washingtonpost.com/44/2009/05/07/sotomayor_rose_high_with_few_a.html?sid=ST2009050702123); see “also at...” ent. 3 supra.

But see endnote 46 supra. See also, endnote 48 infra, where it is reported that “city records indicate two outstanding mortgages totaling \$450,000.” This inconsistency needs to be resolved.

It should also be found out the rate of interest of those mortgages and their closing costs. It is not apparent at all why a person would need to take those mortgages and incur those costs although the whereabouts of her earnings of \$3,577,024 plus those for 1976-1987 cannot be accounted for. A person with expertise in financial matters, let alone in real estate, who understands the basic concept of interest rate spreads, would not keep earnings in a savings account, where she would earn a low rate, only to take a mortgage and pay a high rate. However, those mortgages can represent the leveraging of undisclosed investments earning a higher rate or with a high potential for capital appreciation that would more than offset the mortgage rate.

Judge Sotomayor has real estate expertise and connections. To question “16. Legal Career ...a.ii. whether you practiced alone, and if so, the addresses and dates”, her answer was:

Yes, with Sotomayor & Associates, 10 3rd Street, Brooklyn, New York 11231, from 1983 to 1986, but this work was as a consultant to family and friends in their real estate, business, and estate planning decisions. If their circumstances required more substantial legal representation, I referred the matter to my firm, Pavia & Harcourt, or to others with appropriate expertise.” Endnote 1 supra >1a) & c) 143-144.

...

“From April 1984 as an associate, and from January 1988 until October 1992 as a partner [in Pavia & Harcourt], I was a general civil litigator involved in all facets of commercial work including, but not limited to, real estate, employment, banking, contract, distribution and agency law.” Id, p.145

...

[At] Pavia & Harcourt[, m]y typical clients were significant European companies doing business in the United States. My practice at that firm focused on commercial litigation...My work also involved advising clients on a wide variety of legal issues, including, but not limited to...banking, real estate, patents, employment, partnership, joint venture and shareholder laws...and franchising and licensing matters. Moreover, I conducted over fifteen arbitration hearings...involving banking, partnership, tire and fashion industry disputes.

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She was a member of the board of directors of the State of New York Mortgage Agency from 1987 to October 1992.

“She was engaged in the 1990s to Peter White, who worked in construction and real estate, but they later broke up.” Friends Provide a Glimpse Into Sotomayor's 'Very Full Life', Keith B. Richburg, Robin Shulman and Nancy Trejos, *The Washington Post*, Sunday, May 31, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/30/AR2009053002061.html?nav=emailpage>; see “also at...” ent. 3 supra.

Judge Sotomayor said this in her speech at her induction to the Court of Appeals:

“Before Peter, Marguerite and Tom moved me out of and settled me into every home I have ever had since I moved into the city. You don't know how hard that is.” p.39. “At Pavia [ & Harcourt], I also met Alessandro and Fe Saracino of the Fendi family, who along with their parents have introduced me to the beauty of the international world. Every day for five years I spoke to Marta Fontanesi, Fendi's legal representative. We formed a bond that is so special that she has come from Italy to be here today. Her husband Daniel Valebrega and his parents, who could not be here, have not only given us friendship but they gave Peter and me the opportunity to buy our current home in the Village.” p.41 “Peter, it was you who convinced me to say yes when the President [Clinton] called about my nomination, and it was you who lifted my spirits each time I came close to giving up during this process. Four years ago, we committed to a life together. It is a commitment for life and it is the best thing that has ever happened to me. Thank you for all that you do for me, large and small, for all that we do together.” pp. 55-56;

[http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/Sonia\\_Sotomayor-Questionnaire.cfm](http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/Sonia_Sotomayor-Questionnaire.cfm) >November 6, 1998 - United States Court of Appeals for the Second Circuit, [Induction Speech](#).

- <sup>48</sup> “Her personal financial disclosure form filed last year puts her sum total of investments at the end 2007 from \$50,001 to \$115,000. She reported only two assets: a checking account and a savings account — both at Citibank. The form does not require disclosure of the value of a judge’s personal residence. **But New York City records show that Sotomayor owns a Greenwich Village condo that she bought in 1998 for \$360,000.** It's now worth about \$1.4 million, according to Zillow.com. And **city records indicate two outstanding mortgages totaling \$450,000.** Papers submitted in connection with her nomination to the 2nd Circuit Court of Appeals **in 1997 say she was earning \$1,100 a month in rent on a co-op apartment that she owned in Brooklyn.** As recently as 2004, she reported less than \$30,000 in her two bank accounts. A source told *The Washington Post* earlier this month that Sotomayor once said that filling out her financial reports was a breeze. “When you don’t have money, it’s easy. There isn't anything there to report”, she was quoted as saying. Sotomayor is divorced and has no children. In 2007, Sotomayor supplemented her federal judicial salary with nearly \$25,000 from teaching at the Columbia and New York University law schools. She has missed out on the escalation in salaries and profits at major law firms in the past two decades.” For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; (emphasis added); <http://www.politico.com/news/stories/0509/23045.html>; see “also at...” ent. 3 supra. Cf. [http://Judicial-Discipline-Reform.org/Follow\\_money/unaccount\\_jud\\_nonjud\\_acts.pdf](http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf)

(as of January 21, 2010)

**In Search of  
The Champion of Justice  
Among Candidates for Political Office**

How entities and individuals that advocate judicial reform can increasing their efficiency through the support of a common strategy that capitalizes on the possibility that a candidate for political office may in his or her own interest wish to stand out from the other candidates by becoming known as the one who will fight judicial unaccountability and the corruption that it engenders and bring integrity to judicial process that ensures “Equal Justice Under Law”<sup>1</sup>

**A. Why neither the Executive nor the Legislative Branch investigates the Judiciary**

1. The investigation of corruption in the federal courts is carried out by the U.S. Department of Justice through its district attorneys and the FBI.<sup>2</sup> It is a most infrequent occurrence, as shown by the statistic that in the 220 years since the federal judiciary was created by the U.S. Constitution of 1789 the number of federal judges impeached and removed from the bench is seven! This is an official statistic of the Federal Judicial Center, the research and training body of the federal judiciary whose presiding board member is the chief justice of the Supreme Court. The reason for the reluctance of the Executive Branch to investigate judges for wrongdoing is that it has to litigate cases before judges all the time and antagonizing them with a probe of their conduct would be a certain way of ensuring many judgments against its interests.  
(<http://www.fjc.gov/history/home.nsf> >Judges of the U.S. Courts>Impeachments of Federal Judges)
2. This reluctance to investigate judges is shared by Congress, but there it is personal, a matter of individual survival. Indeed, Congress could exercise its subpoena and contempt powers to investigate coordinated judicial wrongdoing. This consists in patterns of acts by federal judges pointing to the concerted activity among themselves and with non-judicial parties through active participation in wrongful conduct or passive participation by silent toleration that enables active wrongdoers to keep doing wrong, all to the detriment of third parties and the integrity of judicial process. However, according to its Speaker, H.R. Pelosi, Congress is “dominated by the culture of corruption”. Thus, its members would rather be remiss in their duty to supervise the judges’ fair and impartial application of Congressional enactments than become known as the nemeses of judges by investigating patterns of complaints about their conduct. Members of Congress must be aware that their own corruption can land them before judges, who could exploit that opportunity to retaliate against them for having investigated them or their peers.  
[http://Judicial-Discipline-Reform.org/Follow\\_money/Dynamics\\_of\\_corruption.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf)

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<sup>1</sup> This article complements my earlier proposal for exposing corruption in the courts through the conduct of a Watergate-like *Follow the money!* investigation of public documents and interviews, whose details are set forth in [http://Judicial-Discipline-Reform.org/Follow\\_money/disclosures\\_to\\_assets.pdf](http://Judicial-Discipline-Reform.org/Follow_money/disclosures_to_assets.pdf)

<sup>2</sup> [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) This analysis applies, mutatis mutandis, to state courts, including family courts. However, the investigation of state courts need not be conducted only by state law enforcement agencies. As shown by Operation Greylord in Chicago in the 1980’s, the FBI and the IRS Criminal Investigation Division can be brought in to investigate patterns of complaints against state judges.

## **B. A political candidate can in his or her own interest become the Champion of Justice**

3. This leaves only one other political player, one who has no power to launch any investigation of judicial wrongdoing, but who can by steering the public's attention to the subject force Congressional and Executive authorities to use their power to that end: candidates for political office. One of them may see it in his or her interest to make the subject of judicial wrongdoing his or her rallying call in order to become the Champion of Justice of complainants against wrongdoing judges, thereby becoming their undisputed candidate. If soccer moms, concerned about the preservation of their good suburban life, are said to have decided the first race of the candidate who went on to become President Clinton, can you imagine what women fighting for their children and against abusive and deadbeat husbands as well as what fathers fighting for shared custodial and visitation rights could do for a candidate that embraced their cause?
4. Whether in presidential election years or in mid-term Congressional elections and state races, we can make political candidates aware of the potential support that they can gain by becoming the Champion of Justice who fights wrongdoing judges. This requires gaining access to them so that we can make the case of how beneficial it would be for them to incorporate in their stump speech coordinated judicial wrongdoing: its nature and extent, its harm to the integrity of judicial process and the rule of law, and their plan to combat it.  
[http://Judicial-Discipline-Reform.org/DeLano\\_course/3Journalism\\_to\\_trigger\\_history.pdf](http://Judicial-Discipline-Reform.org/DeLano_course/3Journalism_to_trigger_history.pdf)
5. To that end, organizers and moderators of political debates can be persuaded to ask questions about coordinated judicial wrongdoing. This would be the first step toward holding a debate exclusively on that subject, just as the "Values" debate was held by members of Christian denominations. Holding such a debate would recognize litigants fighting for justice from wrongdoing judges as a distinct voting bloc to be courted. All candidates are sure to remember that in the 2000 Presidential Elections some electoral districts were won or lost by one single vote of an electorate that was and may very well remain evenly divided. Every vote does count.

## **C. Pro se parties and even litigants represented by large law firms need the Champion**

6. Parents involved in custody, alimony, and partition of marital property make for zealous advocates of judicial reform. So do the pro se and parties represented by solo practitioners, public defenders, and even large firms. They complain that judges have no respect for their procedural and even substantive rights in proceedings that they terminate with non-precedential, non-citable decisions. These are quick job scribblings with little or no reference to the law or with perfunctory legal reasoning that puts an end to most of those parties' cases and their quest for justice. [http://Judicial-Discipline-Reform.org/docs/Ricci\\_v\\_DeStefano\\_CA2.pdf](http://Judicial-Discipline-Reform.org/docs/Ricci_v_DeStefano_CA2.pdf)
7. If an appeal can be afforded, most are disposed of without oral argument, with motions handled through a form where a judge or even a clerk simply circles either "Granted" or "Denied", and with judgment entered on a summary order stating in effect nothing but "The judgment or ruling below is affirmed". Summary orders leave many parties profoundly upset by both the appearance that no judge had to read any pleadings to get rid of their cases and the fact that justice was not public, but rather capricious, lazy, and secretive. It is officially reported that in the U.S. Court of Appeals for the 2<sup>nd</sup> Circuit around 75% of all cases are disposed of by summary order. This represents tens of thousands of people that paid the appeal filing fee of \$455, spent months or years in costly legal battle, and endured the emotional stress of fighting in court, frequently as 'David without the sling', only to receive a mockery of justice: a rubberstamped

form. [http://Judicial-Discipline-Reform.org/SCt\\_nominee/JSotomayor\\_v\\_Equal\\_Justice.pdf](http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf)

8. Their anger and resentment must be tapped and turned into productive energy for judicial reform as voters and even volunteers for the Champion of Justice. However, they currently are not even aware of their political weight. Instead of constituting a voting bloc, they are dispersed among the hundreds of websites where they do one thing of little value for their situation: They complain, and complain, and complain about the judicial system as they swap e-mails that form part of no strategy and pursue no concrete and realistic objective. They e-mail as a hobby.

#### **D. A strategy to organize into a voting bloc those offended by Judges Above the Law**

9. This calls for organizing all those that have been harmed or are offended by the existence of Judges Above the Law. They must be invited to become a bloc and make themselves effective as e-advocates that as required can be mobilized to spam on given issues candidates for political office. The Internet's significance in political elections is so well established that recently candidates held the first presidential e-debate. However, the window of opportunity is rather narrow, for it is during the primaries, when there are still many candidates, that the chances are highest that one of them will try to stand out of the pack as the one who will fight coordinated judicial wrongdoing. Once the nominees are chosen, they will tone down their rhetoric to offend no constituency, even that of wrongdoing judges with deeper pockets than those of parties whom they wrong. Meeting this organizational challenge and its time constraint requires a strategy, such as the following, which I submit as a discussion paper:
10. We e-mail the members, in general, and the owners, in particular, of Yahoo and Google groups as well as websites that complain about abusive judges and rigged courts. The message must make them aware of their voting power as part of a united movement and the need to work on a concise platform that advocates the following at the federal level and its state counterparts:
  - a) Official investigation of patterns of coordinated judicial wrongdoing, which is very different from the review of the merits of an individual case. We must insist that as many parties to unequal justice as possible summarize their complaints in 350 or fewer words.  
[http://Judicial-Discipline-Reform.org/judicial\\_complaints/summarizing\\_complaints.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/summarizing_complaints.pdf)
  - b) The suspension of judges under investigation; impeachment and removal of judges found to be corrupt, and the review of their cases.
  - c) The termination of the system of judicial self-discipline under the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364), which has allowed federal judges to exempt themselves from any discipline by engaging in the concerted activity of systematically dismissing with no investigation or discipline 99.82% of the 9,466 complaints filed against them in the 1oct96-30sep08 12-year period. These figures derive from statistics of the Administrative Office of the U.S. Courts, which are collected with links to the originals in: [http://Judicial-Discipline-Reform.org/statistics&tables/judicial\\_misconduct\\_complaints.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf)
  - d) The creation of a Citizens Board of Judicial Accountability and Discipline:
    - 1) formed by individuals not appointed by, and unrelated and unresponsive to, any judges;
    - 2) authorized to receive and hold as publicly filed and available documents complaints claiming complainable conduct or condition on the part of one or more judges, such as;
      - (a) individual or coordinated, whether active or passive, wrongdoing, such as bribery, kickbacks, fraud, perjury, condonation of perjury, conflict of interests, disregard for

- the law and the facts, abuse of judicial power, ex-parte contacts, undue decisional delay, disposition of cases by conclusory or no-reason summary orders;
- (b) temperament incompatible with judicial duties and office, including, prejudice, bias, overbearing attitude, and demeaning treatment of others;
  - (c) mental or physical disability that prevents the performance of judicial duties;
- 3) enabled to investigate and determine such complaints in public proceedings through the use of subpoena and contempt power, just as charges against the President, i.e. President Clinton, aides to the President, i.e. Scooter Libby, and members of Congress, i.e. H.P. Duke Cunningham, are discussed and processed in public. Judges are not entitled to secret discipline by their peers and co-wrongdoers in proceedings that confirm their status as the only class of people in our society that as a matter of practice has placed itself above the law and beyond public scrutiny. To that end, the Board may:
    - 4) order the production of documents by parties and non-parties to the complaint;
      - (a) call and depose witnesses at public hearings and preside over the examination and cross-examination of witnesses by the complainant and the complained-about judge or their counsel;
      - (b) order the suspension of a judge once an investigation of a complaint has produced evidence showing probable cause for the belief that such judge, whether the one complained-about or one who has come within the scope of the investigation, engaged in or exhibited complainable conduct or condition;
      - (c) issue public reprimands;
      - (d) recommend to the chief judge of the court of the complained-about judge and the judicial council of his circuit that rulings and decisions of such judge be vacated;
      - (e) recommend to Congress the impeachment and removal of a federal judge found to be unfit for the administration of “Equal Justice Under Law”;
      - (f) order compensation of those harmed by a judge liable for misconduct or disability.

#### **E. A meeting needs an agenda based on a discussion paper circulated & commented upon**

A meeting of judicial reform advocates, to be effective, can be envisaged once there is a clear agenda that gives it a theme and direction, and allows participants to know what to expect and how to prepare for the discussion ahead. A brainstorming meeting will only be an opportunity for everybody who has a complaint against somebody in the judiciary, elsewhere in government, or on the moon to stand on a soapbox to have their 15 minutes of famous speech, however unfocused, unsupported by evidence, and extremist so that it will only bore and alienate more people than it will enlighten and unite them. People can be put off quite easily by others babbling half-baked ideas off the top of their heads. This can be avoided if in advance they think through their ideas, write them in a discussion paper, thus showing commitment and competence, and circulate it to give others the opportunity to comment on them. After their revisions have developed a document enjoying the majority’s approval, an auspicious meeting can be held to discuss sticking points and adopt concrete decisions for further action, thus producing evidence of real progress.

The end of that meeting can be marked by celebratory speeches and a press conference. The media must see a team of professionals with a well-conceived program; the public must feel them addressing its problems and attracted to support and even join them; and the judges must be caused to take them seriously as people capable of exposing even their coordinated wrongdoing.

(8mar9)

## Synopsis of an Investigative Journalism Proposal

Where the Leads in Evidence Already Gathered in [12 Federal Cases](#)<sup>1</sup>

Would be Pursued in a Watergate-like *Follow the money!* Investigation to Answer the Question:

### **Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?**

This is a poignant question, for it casts doubt on the integrity of the branch of government that should incarnate respect for the law and high ethical values. What makes it a realistic question worth investigating is the fact that since 1980 judges are charged with the duty to discipline themselves; what is more, complaints by anybody against their conduct must be filed with, and handled by, them. But according to the statistics of the [Administrative Office of the U.S. Courts](#)<sup>2</sup>, judges [systematically dismiss](#)<sup>3</sup> all complaints. As a result, in the last 26 years only three judges out of some 2,133 federal judges, have been impeached, the last one in 1989. Actually, in the whole 217 years since the U.S. Constitution of 1789, [only 7 judges](#)<sup>4</sup> have been impeached and convicted...on average one every 31 years!

If that were the time it would take for your CEO to be held accountable by his peers for his conduct toward you and the other people in your office, and in the meantime he could wield power over your life, liberty, and property with no more consequences than the suspension of a decision of his, do you think that he would be tempted to treat you however he wanted? If all complaints of yours ended up in the wastebasket together with those of your colleagues in the office, would you say that they would want to know of your efforts to force your CEO and his peers out of their safe haven in order to require them to treat you and your colleagues with respect or be liable to all of you? If so, you have a U.S. audience of 300 million colleagues waiting to know about your efforts to hold your judicial CEO and his peers accountable for their conduct.

Indeed, by law the chief justice of the Supreme Court and the associate justices review with the chief district and appellate judges [twice a year reports](#)<sup>5</sup> showing that complaints against judges are dismissed systematically, which points to coordination to disregard a duty placed upon them by law. They have known also that in an area such as bankruptcy, judges wield enormous power over tens of billions of dollars annually. Power and money, the two most insidious and absolute corruptors in the hands of the same judges that have exempted themselves from any discipline. There is evidence that bankruptcy judges have engaged in a [bankruptcy fraud scheme](#)<sup>6</sup> with the knowledge and support of district judges, and at least the toleration of circuit judges and the justices of the Supreme Court. That evidence and [leads](#)<sup>7</sup> are hereby being offered for a joint *Follow the money!* investigative journalism project.

The exposure of coordinated wrongdoing involving criminal conduct throughout the federal judiciary is bound to have a farther reaching impact than finding out that the Watergate Burglary was connected to President Richard Nixon. Unlike the president and his White House aides, federal judges hold office for life or renewable 14-year terms and can only be removed through the historically [useless impeachment mechanism](#).<sup>8</sup> Hence, the investment of investigative resources in this project would not be for a momentary scoop, but rather for the development of a lode of news of intense interest to the public, all members of the Congress dominated by ["the culture of corruption"](#)<sup>9</sup>, and a president who nominated two justices, including the chief. The question 'Were and are federal judges fit to decide cases?' and the investigative results would lock in a vicious circle causing an ever deepening institutional crisis...only to be aggravated by a [class action](#)<sup>10</sup> on behalf of those injured by corrupt and complaint-dismissing judges. In addition, the expertise gained from the investigation of federal judges can be reinvested in that of their state counterparts. Thus, I respectfully request an interview with you to discuss the [details](#) of this synoptic proposal.<sup>11</sup>

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- <sup>1</sup> [Http://Judicial-Discipline-Reform.org/docs/Table\\_of\\_cases.pdf](http://Judicial-Discipline-Reform.org/docs/Table_of_cases.pdf)
  - <sup>2</sup> Table S-22. Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364 During 12-Month Periods Between October 1, 1996 and September 30, 2005, in the 1997-2005 Annual Reports of the Director of the Administrative Office of the United States Courts; [http://Judicial-Discipline-Reform.org/docs/Administrative\\_Office\\_statistics.pdf](http://Judicial-Discipline-Reform.org/docs/Administrative_Office_statistics.pdf)
  - <sup>3</sup> The Official Statistics of the Administrative Office of the U.S. Courts Show the Systematic Dismissal of Judicial Conduct Complaints by Federal Judges, Including the Justices of the Supreme Court, by Dr. Richard Cordero, Esq.; **Error! Hyperlink reference not valid.**
  - <sup>4</sup> Judges of the United States, Impeachments of Federal Judges, Federal Judicial Center, <http://www.fjc.gov/history/home/nsf>
  - <sup>5</sup> The Supreme Court Justices and the Chief Judges Have Semi-annually Received Official Information About the Self-immunizing Systematic Dismissal of Judicial Conduct Complaints, But Have Tolerated It With Disregard for the Consequent Abuse of Power and Corruption, by Dr. Richard Cordero, Esq.; [http://Judicial-Discipline-Reform.org/docs/SCT\\_knows\\_of\\_dismissals.pdf](http://Judicial-Discipline-Reform.org/docs/SCT_knows_of_dismissals.pdf)
  - <sup>6</sup> Statement of Facts providing evidence showing that a federal judgeship has become a safe haven for wrongdoing due to lack of an effective mechanism of judicial conduct control and calling for the formation of a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action based on a representative case charging that Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit have engaged in a series of acts of disregard for the law, the rules, and the facts, and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that protects peers and other schemers involved in a bankruptcy fraud scheme, by Dr. Richard Cordero, Esq., [http://judicial-discipline-reform.org/docs/Statement\\_of\\_Facts\\_Table\\_of\\_Cases.pdf](http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf)
  - <sup>7</sup> Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed, [http://Judicial-Discipline-Reform.org/docs/contact\\_info\\_by\\_categories.pdf](http://Judicial-Discipline-Reform.org/docs/contact_info_by_categories.pdf)
  - <sup>8</sup> Under 28 U.S.C. §152(a)(1) bankruptcy judges are “appointed by the court of appeals of the United States for the circuit in which such district is located”, that is, the judicial district for which the judge is appointed “for a term of fourteen years”. Under §152(a)(3), if a majority of the judges of such court cannot agree upon such appointment, the chief judge of the court appoints the bankruptcy judge. The latter’s removal during his or her term is provided for under §152(e), which allows it to be executed “only by the judicial council of the circuit in which the judge’s official duty station is located”. Judicial councils are formed under §132(a)(1) “by the chief judge of the [respective] circuit...and an equal number of circuit judges and district judges of the circuit”. This mechanism of removal has proved to be as equally useless as that of impeachment of life-tenured federal judges, for not only do judges protect each other, but they are most reluctant to impugn their own judgment by admitting that the bankruptcy judge that they appointed was unfit to hold office and should be removed.
  - <sup>9</sup> House Minority Leader Nancy Pelosi has publicly stated that Congress is dominated by “a culture of corruption” and that if her party wins control of the U.S. House of Representatives and she becomes its Speaker, she will work to “drain the swamp of corruption” in Congress.
  - <sup>10</sup> Federal judges have no grant of immunity from the Constitution: In a system of “Equal Justice Under Law” they must be liable to prosecution as defendants in a class action like anybody else, by Dr. Richard Cordero, Esq.; [http://Judicial-Discipline-Reform.org/docs/no\\_judicial\\_immunity.pdf](http://Judicial-Discipline-Reform.org/docs/no_judicial_immunity.pdf)
  - <sup>11</sup> cf. Programmatic Proposal to Unite Entities and Individuals to Use Their Resources Effectively in Our Common Mission to Ensure Integrity in Our Courts by Engaging in Specific Activities and Achieving Concrete Objectives, by Dr. Richard Cordero, Esq.; <http://Judicial-Discipline-Reform.org/Programmatic1.htm>

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## Summary of the DeLanos' income of \$291,470 + mortgage receipts of \$382,187 = \$673,657 and credit card borrowing of \$98,092

**unaccounted for and inconsistent with their declaration in Schedule B  
 of their voluntary bankruptcy petition (D:23)<sup>1</sup> that at the time of its filing  
 on January 27, 2004, they had in hand and on account only \$535!**

Exhibit page #	<b>Mortgages<sup>2</sup> referred to in the incomplete documents produced by the DeLanos<sup>a</sup> to Chapter 13 Trustee George Reiber (cf.Add:966§B)</b>	Mortgages or loans	
		year	amount
D <sup>b</sup> :342	1) from Columbia Banking, S&L Association	16jul75	\$26,000
D:343	2) another from Columbia Banking, S&L Asso.	30nov77	7,467
D:346	3) still another from Columbia Banking, S&L Asso.	29mar88	59,000
D:176/9	4) owed to Manufacturers & Traders Trust=M&T Bank	March 88	59,000
D:176/10	5) took an overdraft from ONONDAGA Bank	March 88	59,000
D:348	6) another mortgage from Central Trust Company	13sep90	29,800
D:349	7) even another one from M&T Bank	13dec93	46,920
D:350-54	8) yet another from Lyndon Guaranty Bank of NY	23dec99	95,000
	9) any other not yet disclosed?	<b>Subtotal</b>	\$382,187
<b>The DeLanos' earnings in just the three years preceding their voluntary bankruptcy petition (04-20280, WBNY; D:23)</b>			
2001	1040 IRS form (D:186)	\$91,229	\$91,229
2002	1040 IRS form (D:187) Statement of Financial Affairs (D:47)	\$91,859	91,655
2003	1040 IRS form (D:188) Statement of Financial Affairs (D:47)	+97,648	+108,586
to this must be added the receipts contained in the \$98,092 owed on 18 credit cards, as declared in Schedule F (D:38) <sup>c</sup>		\$280,736 <sup>d</sup>	\$291,470 <sup>d</sup>
		<b>TOTAL</b>	<b>\$673,657</b>

<sup>a</sup> The DeLanos claimed in their petition, filed just three years before traveling light of debt to their golden retirement, that their home was their only real property, appraised at \$98,500 on 23nov3, as to which their mortgage was still \$77,084 and their equity only \$21,416 (D:30/Sch.A) ...after paying it for 30 years! and having received \$382,187 during that period through eight mortgages! *Mind-boggling!* They sold it for \$135K<sup>3</sup> on 23apr7, a 37% gain in merely 3½ years.

<sup>b</sup> D=Designated items in the record of [Cordero v. DeLano, 05-6190L, WDNY](#), of April 18, 2005.

<sup>c</sup> The DeLanos declared that their credit card debt on 18 cards totals \$98,092 (D:38/Sch.F), while they set the value of their household goods at only \$2,810! (D:31/Sch.B) *Implausible!* Couples in the Third World end up with household possessions of greater value after having accumulated them in their homes over their working lives of more than 30 years.

<sup>d</sup> Why do these numbers not match?

<sup>1</sup>[http://Judicial-Discipline-Reform.org/Follow\\_money/DeLano\\_docs.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf)>§V. <sup>2</sup>Id.>§§VI-VIII. <sup>3</sup>Id.>§X.

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(as of 3feb10)

## **Follow the Money! from the Available Data of the Weak Link, the DeLanos, to the Top of the Bankruptcy Fraud Scheme<sup>1</sup>**

The weak link is the DeLanos, for if they were shown to have concealed assets, they would face up to 20 years imprisonment and up to \$500,000 in fines each. (18 U.S.C. §§152-157, 1519, and 3571)<sup>3</sup> In that event, Mr. DeLano could use the wealth of inside knowledge of wrongdoing that he gained during the more than 42 years that he spent as a banker and bankruptcy officer as his chip in plea-bargaining for leniency. He could trade up to “bigger fish”, such as Bankruptcy John C. Ninfo, II, WBNY, the trustees, and other bankruptcy system insiders, anyone of whom could also incriminate the Judge. In turn, the latter could trade up to “fat cats” in the federal judiciary who have either participated in running, or sharing in the benefits of, the [bankruptcy fraud scheme](#) or have knowingly looked the other way for years.

The *Follow the money!* investigation can search the public registries, such as county clerk’s offices. (<http://www.naco.org>; for Rochester, NY, go to <http://www.monroecounty.gov/>; see also<sup>1</sup>) These leads and those at <sup>1</sup>>W:147§A can pinpoint and expedite a cost-effective investigation:

**David Gene DeLano**, SS # XXX-XX-3894; DoB: September 1, 1941  
Last employer: M&T Bank; <https://www.mtb.com/personal/Pages/Index.aspx>  
255 East Avenue, Rochester, NY 14604  
Previous employers: Central Trust and First National Bank (as V-P), Rochester, NY  
Voter Identification #: 13374201

**Mary Ann DeLano**, SS # XXX-XX-0517; DoB: September 21, 1944  
Last employer: Xerox, Rochester, NY; employed as a product specialist  
**Address:** Last known: 1262 Shoecraft Road, Webster, NY 14580; tel. (585) 671-8833  
Previous: 35 State Street, Rochester, NY 14814-8954  
For current see <sup>1</sup>>W:131-133

**Their children: Jennifer**, born circa 1969; Mercy High School, 1988

**Michael David**, born cir. ,71; Aquinas HS, ’89; last known job: Heidelberg/Nexpress (D:32/15)  
both with Associate Business degrees from Monroe Community College, NY

**Chapter 13 Trustee George Reiber**, South Winton Court, 3136 S. Winton Road, Rochester, NY 14623; tel. (585) 427-7225; fax (585)427-7804; [trustee13@roch13.com](mailto:trustee13@roch13.com)  
cf. [http://Judicial-Discipline-Reform.org/docs/Trustee\\_Reiber\\_3909\\_cases.pdf](http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf)

**Christopher K. Werner, Esq.**, the DeLanos’ attorney, <http://www.boylanbrown.com/index.php>  
cf. [http://Judicial-Discipline-Reform.org/docs/Werner\\_525\\_before\\_Ninfo.pdf](http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf)

**Initial judges:** Their investigation can begin by matching up **a)** the assets that they declared in their mandatory annual financial disclosure reports publicly filed with the Administrative Office of the U.S. Courts (<http://www.uscourts.gov/>) under the Ethics in Government Act (5 USC App. 4) and **b)** assets –homes, cars, boats- registered in their names or their relatives’ or strawmen’s<sup>3a</sup>; then on to finding from drivers, barmen, maids, etc. about their conduct at judicial junkets; etc.

1. U.S. Bkrp. Judge John C. Ninfo, II, WBNY; Rochester, NY; <http://www.nywb.uscourts.gov/>
2. U.S. Dis. Judge David Larimer, WDNY; Rochester, NY; <http://www.nywd.uscourts.gov/>
3. Former Chief Judge John M. Walker, Jr., and

- Current Chief Judge Dennis Jacobs; Judges Sotomayor<sup>2</sup>, Livingston, and Hall<sup>2a</sup>, CA2; NYC; <http://www.ca2.uscourts.gov/judgesmain.htm>
4. Judge Carman, Court of International Trade; NYC; <http://www.cit.uscourts.gov/informational/directory.htm>  
<http://www.cit.uscourts.gov/>

<sup>1</sup> From [http://Judicial-Discipline-Reform.org/Follow\\_money/DeLano\\_docs.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf) >W:3; see also W:1-2, 75-76, 147§A.

<sup>2</sup> [http://Judicial-Discipline-Reform.org/US\\_writ/1DrCordero-SCT\\_petition\\_3oct8.pdf](http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCT_petition_3oct8.pdf) >CA:2180, 2456§X; <sup>2a</sup> SApp:1623

<sup>3</sup> [http://Judicial-Discipline-Reform.org/docs/18usc\\_bkrp\\_related.pdf](http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_related.pdf); <sup>3a</sup>>§§1956-57: money laundering