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

February 9, 2008

Chief Justice John G. Roberts, Jr.
Presiding Officer
Judicial Conference of the U.S.
c/o Supreme Court of the United States
Washington, D.C. 20543

Dear Mr. Chief Justice Roberts,

I am writing to you as member of the Judicial Conference, which next March 11 will consider the adoption of the Revised Rules for processing judicial misconduct and disability complaints. These Rules, just as the current ones that they are supposed to replace, are irremediably flawed as part of the inherently biased system of judges judging judges

Indeed, the official statistics on the disposition of such complaints show that during the 10-year period 1997-2006, there were filed 7,462 judicial complaints, but the judges had only 7 investigated by special committees and disciplined only 9 of their peers! This means that the judges systematically dismissed 99.88% of all complaints. The Late Chief Justice Rehnquist and the Breyer Committee knew about these statistics, yet pretended that the Act had been satisfactorily implemented. Likewise, the Committee on Judicial Conduct and Disability pretends that if only the rules are reworded, judges will handle complaints against themselves as anything other than a dismissible nuisance. Yet its Rules only authorize the continuation of such systematic dismissal by:

Rule 2(b) allowing the non-application of any rule by the judges handling complaints, thus rendering them optional rather than mandatory and ensuring their inconsistent and capricious application;
Rule 3 and its Commentary depriving the official Commentaries of any authoritative status and even the Code of Conduct for U.S. Judges and mandatory rules of any guidance value;
Rule 13 Commentary pretending that special committees may be barred from disclosing information about judges' criminal conduct to prosecutors and grand juries, thus providing for cover ups.

My comments at http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf show that these are but some of the most blatant provisions to ensure the Rules' ineffectiveness. They also show the Rules to be procedurally flawed, for the facts establish the intentional circumvention of the requirement of "giving appropriate public notice and opportunity for comment".

Therefore, I respectfully request that you and through you the Conference **1)** take cognizance of my comments, hereby submitted to both; **2)** not approve the Rules; **3)** in the interest of justice and the public's trust in the integrity of judicial process, call on Congress to replace the current system of judicial self-discipline inherently flawed through self-interest with an independent citizens' board for judicial accountability and discipline, neither appointed by, nor answerable to, any judges; otherwise, **4)** submit the Revised Rules to public scrutiny through appropriate notice and make public all comments thereupon submitted as well as all those already submitted by judges and others in what was supposed to be a process of public comment rather than a veiled opportunity for judges to indicate to its drafting peers and the Conference how to turn the practice of systematically dismissing judicial complaints into the official policy for defeating the Act through self-exemption from all discipline.

Looking forward to hearing from you, I remain,

yours sincerely, *Dr. Richard Cordero, Esq.*

(as of February 18, 2008)

Comments¹ on the Revised Rules

Governing Judicial Conduct and Disability Proceedings

drafted by the Committee on Judicial Conduct and Disability

**pursuant to 28 U.S.C. §358(c) and the request of Chief Justice John G. Roberts, Jr.
and submitted for adoption to the Judicial Conference of the United States**

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I. By announcing its Draft and Revised Rules on only one scarcely known website, holding only one hearing in an out of the way court, and not posting the comments submitted, the drafting Committee of judges circumvented its statutory duty to give “*appropriate* public notice and an opportunity for comment” in order to minimize public scrutiny and avoid criticism that the Rules will not stop the judges from systematically dismissing in self-interest complaints about misconduct and disability against their peers (emphasis added) 3

II. Far from being “mandatory”, the Revised Rules are nothing but a menu of options any one of which “a chief judge, a special committee, a judicial council, the Judicial Conference Committee on Judicial Conduct and Disability, or the Judicial Conference of the United States” is authorized not to apply, which allows their application of the Rules in any way they choose in order to justify however they want to handle each complaint unconstrained by any guiding standards whether in the official Commentaries accompanying the Rules, the Code of Conduct for U.S. Judges, or even “mandatory rules governing the receipt of gifts by judges, outside earned income and financial disclosure obligations” 7

 A. The drafting Committee caved in to the pressure of its fellow judges for freedom from any mandatory disciplinary rules11

 B. By making the Rules in effect optional rather than mandatory and its official Commentaries on them non-authoritative, the Committee has ensured that their application by the life-tenured, close-knit judges of the 15 judicial circuits and national courts will be inconsistent and subject to the dynamics of “You can dismiss the complaint, *so do it!*, because if you bring me down, *I take you with me!*”15

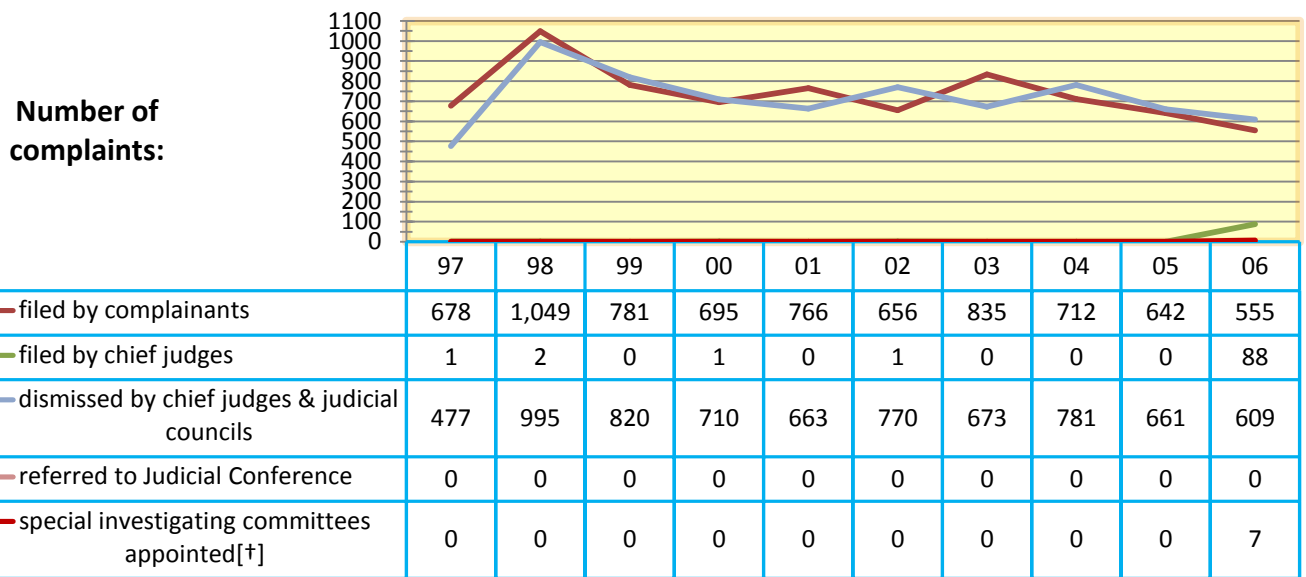
III. The Revised Rules reinforce the judges’ means to continue their systematic

¹ These Comments are downloadable via http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf, in a file that also contains most of the shorter documents referred to here. Links to the larger ones are provided infra to make possible their separate downloading.

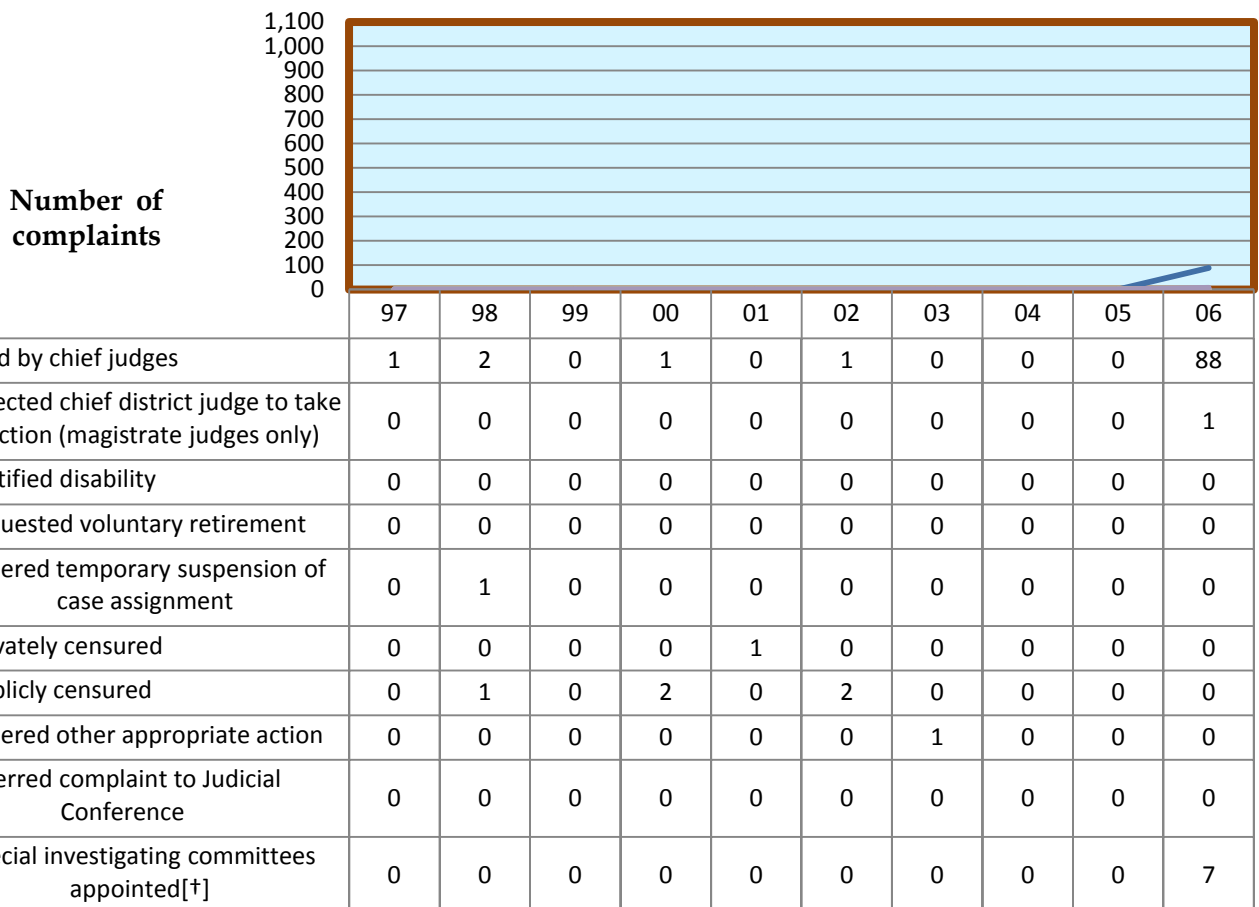
Note: If a link is not active when clicked or the Internet browser returns a ‘file not found’ message, copy and paste it in the browser’s address bar, delete any period, comma, or semicolon after....pdf,html, or any other file type as well as any space anywhere in what must be a continuous string of characters, numbers, and symbols, and press enter.

dismissal of misconduct and disability complaints against their peers that allowed the judges so to implement the current rules that, according to the official statistics of the Administrative Office of the U.S. Courts, out of the 7,462 complaints filed in the 1997-2006 period they had only 7 investigated by special committees and disciplined only 9 of their peers, thereby dismissing out of hand 99.88% of all complaints!	18
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Number of Complaints Filed by Complainants and Systematically Dismissed by Chief Judges and Judicial Councils Between '97 and '06

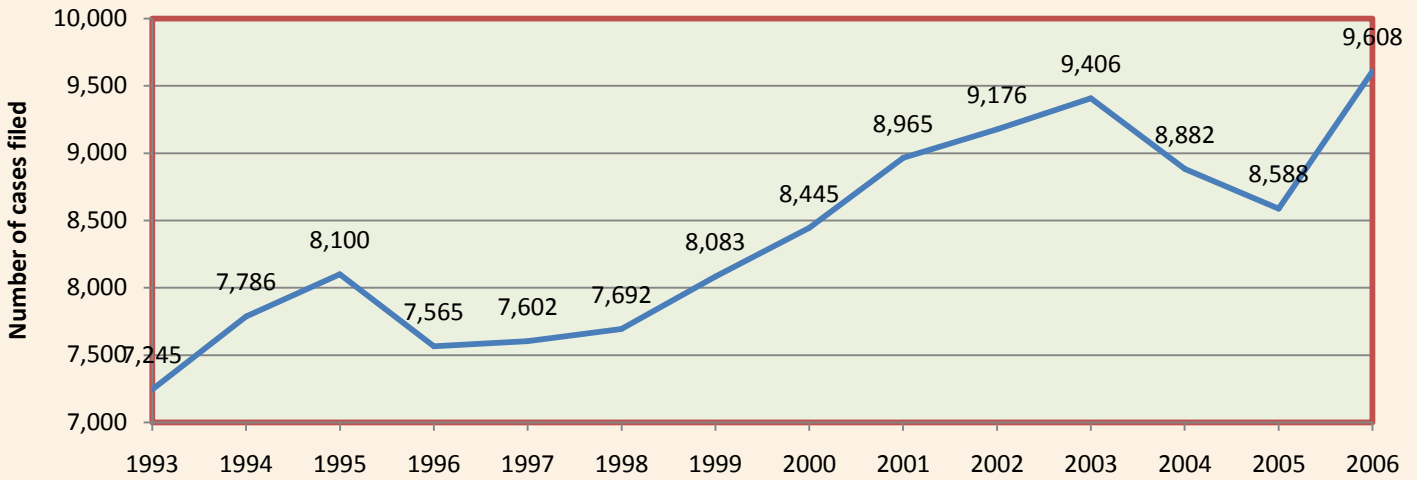


Judicial Councils' Action Against Complained-about Judges From 1997-2006

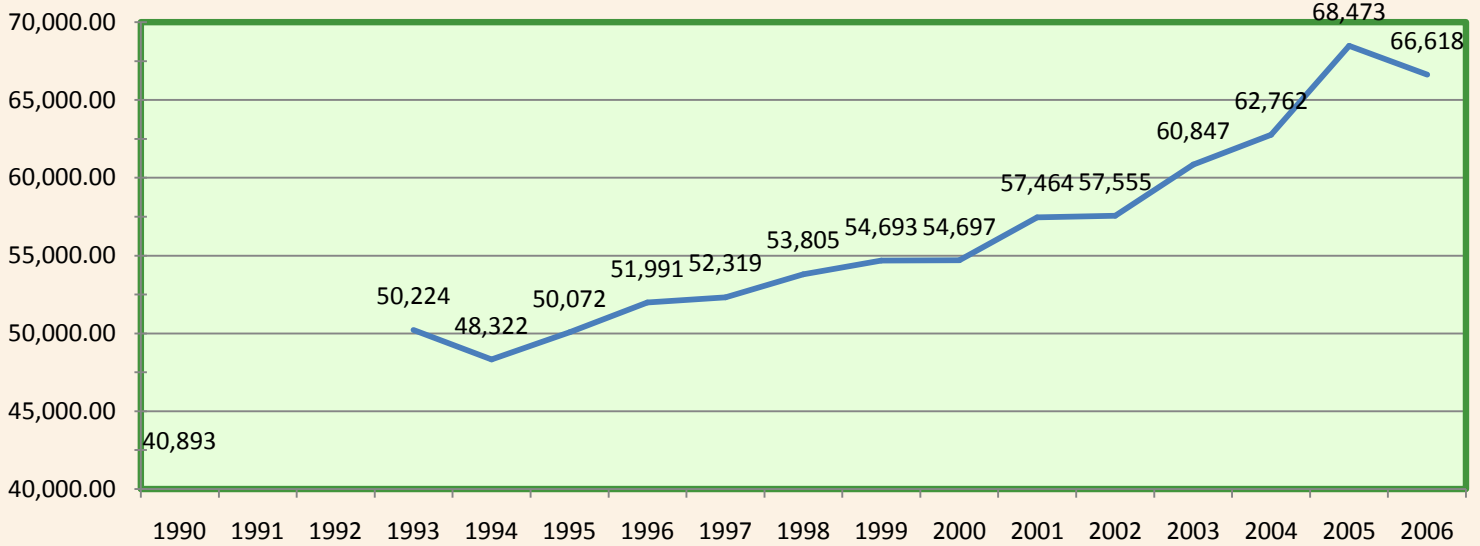


Source: Tables of the Adm. Off. of the U.S. Courts; collected in http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf

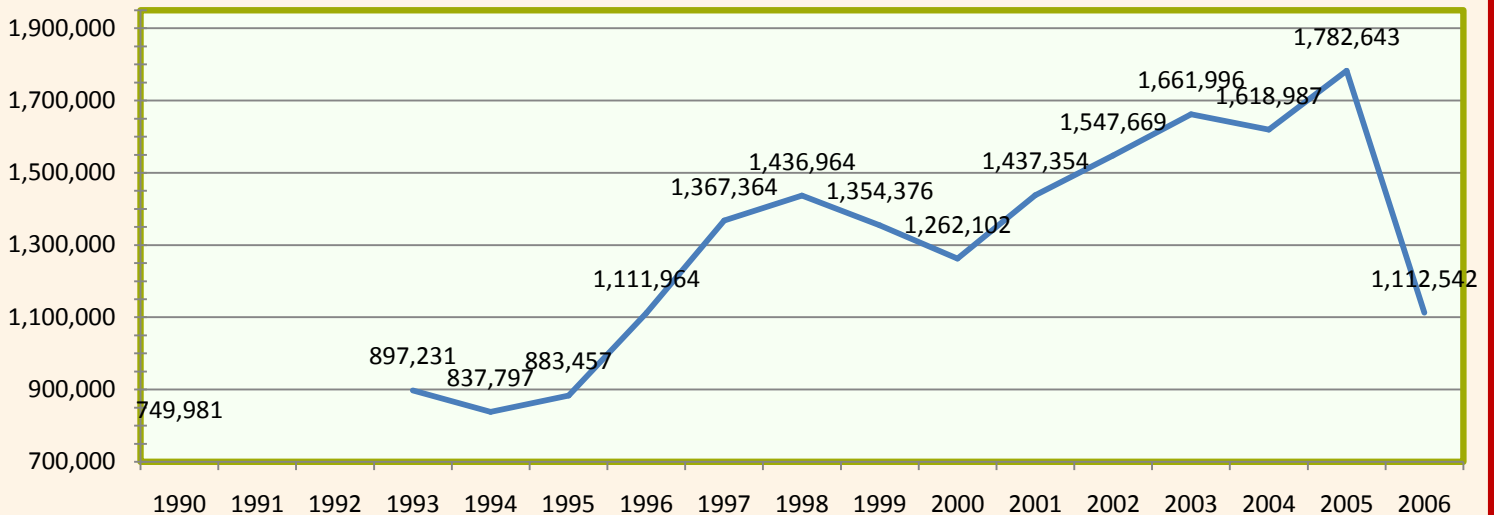
Cases Filed in the Supreme Court Between 93-06 showing a 33% increase



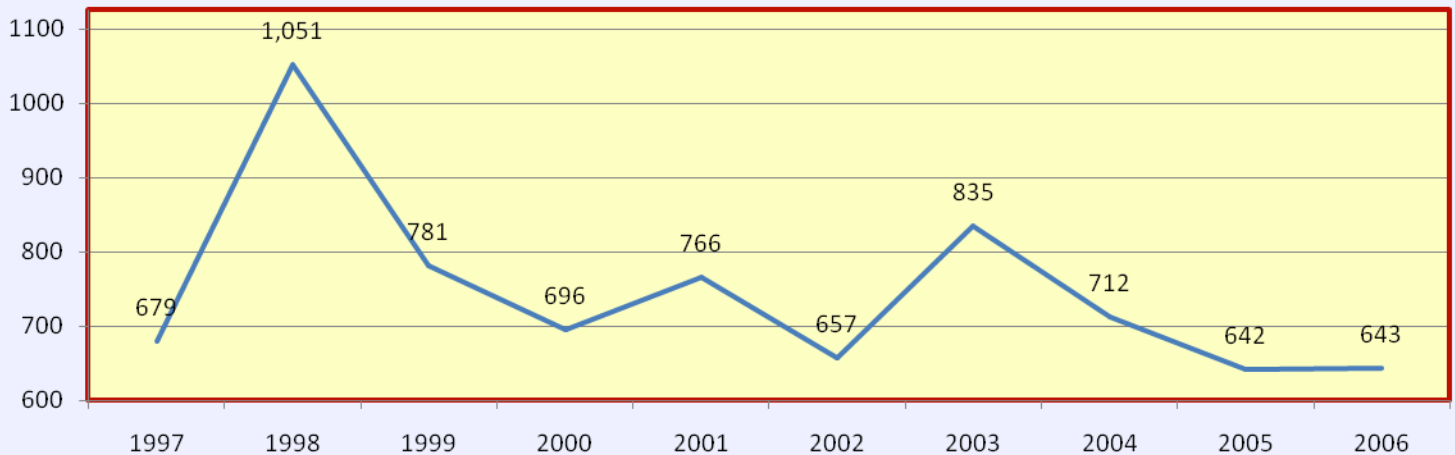
Cases Filed in the Court of Appeals Between 90-06 Showing a 63% Increase



Cases Filed in Bankruptcy Courts Between 90-06 Showing a 138% Increase at Peak



Complaints Filed Between 97-06 Showing a *Decrease of 5%*



[Footnotes in the originals]

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

* REVISED. [regarding complaints pending]

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDGES. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Source: For Tables 1, 2, and 6, Judicial Business of U.S. Courts, 1997-2006 Annual Reports of the Director, Administrative Office of the United States Courts.

For Tables 3, 4, 5, 2005-2006 Judicial Facts and Figures, Administrative Office of the U.S. Courts.

The original Tables are collected and reproduced in http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf, wherein they are accompanied by links to the originals.

Tables 1, 2, and 6, supra, report on complaints filed and processed in the Federal Circuit, the District of Columbia, the 1st-11th circuits, the U.S. Claims Court, and the Court of International Trade. (Cf. 28 U.S.C. §§351(d)(1) and 363)

†The category “Special Investigating Committees Appointed” first appears in the 2006 Table.

These figures do not even include cases filed with Article I courts, which are part of the Executive, not the Judicial, Branch, such as the U.S. Tax Court, established in 1969 (after it was created as the Board of Tax Appeals in 1924 and its name was first changed to Tax Court of the U.S. in 1942). Another such court is the U.S. Claims Court, established as an Article I court in 1982, and renamed U.S. Court of Federal Claims in 1992. Likewise, the U.S. Court of Veterans' Appeals was established as an Article I court in 1989 and then renamed the Court of Appeals for Veterans Claims in 1998.

They too support the conclusion to be drawn from these statistics: The significant increase in cases filed with these courts every year attests to the litigiousness of the American society. They belie the judges' report that in the '97-'06 decade Americans have filed a steady number of complaints against them hovering around the average (after eliminating the outlier) of only 712 complaints. The explanation lies in the first footnote in the originals, above: Judges have arbitrarily excluded an undetermined number of complaints. The fact that they have manipulated these statistics is also revealed by the first table above: After 9 years during which the judges filed less than one complaint a year, they jumped to 88 in 2006...and that same year it just so happened that complainants filed the lowest number of complaints ever, 555! *Implausible!* Yet, the judges did not discipline a single peer, just one magistrate.