

The *DeLano* Case

a hands-on, role-playing,
fraud investigative and expository
multidisciplinary course
for undergraduate or graduate students

WITH
A SYLLABUS

setting forth
the work for the Classroom and
the Organization of the Public Presentation
of lessons learned and findings made
for each of a semester's 15 weeks

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Judicial Discipline Reform

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The *DeLano* Case Course

a hands-on, role-playing, fraud investigative and expository course
for undergraduate and graduate students based on

The Disinfecting Sunshine on the Federal Judiciary Project

multidisciplinary research and investigation to expose the inner workings of the most
secretive branch of government and its riskless disregard for ethics and the law

1. The *DeLano* Case is based on cases that started in a U.S. bankruptcy court and were appealed to the District Court, the Court of Appeals for the Second Circuit (CA2), and on to the Supreme Court(dcc:11^{2,3}). Throughout this long journey along the full length of the hierarchy of federal courts, they revealed the harmful effect on the judicial process of the two most corruptive forces: lots of money and unaccountable power to dispose of it.
2. So, while there were 2,217 federal judges and magistrates in office on 30sep13, in the last 226 years since the creation of the Federal Judiciary in 1789, only 8 have been impeached and removed(jur:21§a). Likewise, of the 9,466 judicial misconduct complaints filed in the reported 1oct96-30sep08 12-year period, 99.82% were dismissed with no investigation and no private or public discipline(jur:24§§b-c). Judges have also granted themselves absolute immunity from liability for deprivation of civil rights(*Pierson v. Ray*, 386 U.S. 547 (1967), but see J. Douglas' dissent). The CAs get rid of about 75% of the appeals by a rubberstamped no-reasons summary order and of another 15% by opinions so perfunctory(jur:44fn68) and arbitrary that they mark them "not for publication" and "not precedential"(jur:43§1). They have been assured that "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority"(*Stump v. Sparkman*, 435 U.S. 349 (1978)). Life-tenured judges who can do anything without fear of adverse consequences or even having to explain themselves develop a sense of entitlement to do everything while losing a sense of legal and ethical limits to what they can or should do. Together with other court insiders¹⁶⁹, they exploit and protect their privilege.
3. Thus, federal judges are de facto unimpeachable and have made themselves unaccountable. Without accountability, the basis of any ethical system, they need not apply judicial ethics. Individually and as a class, they can fail in their duty to ensure due process and instead pursue self-interest by coordinating wrongdoingiii among themselves and with others. They have the means to secure riskless benefit. Judges that unaccountably disregard legality while ruling annually on \$10's of billions exercise absolute power, which corrupts absolutely(jur:27§2). So they have placed themselves where neither the President, nor a member of Congress, nor anyone among *We the People* is allowed to be: Judges Above the Law. Unrestrained by law or rules, their administration of justice is dominated by relativism where anything goes(jur:49§4). The mere capacity of judges so to behave, let alone their actual behavior, mocks every professor's scholarship on, and teaching of, the rule of law. Students should be made aware of this situation; otherwise, once they are out there in the real world and confront it for the first time, they will feel misled and become, not just ethics skeptics, but also amoral cynics who feel justified in doing wrong as judges do.
4. The *DeLano* Case course aims to teach students outcome-determinative facts about judicial conduct and the first steps toward holding judges accountable and liable to discipline(11§A). It illustrates the clash between the theory of how the legal system is supposed to work as bound by law and judicial ethics and evidence obtained during the prosecution of the cases of how in reality it is made to work by judges as free agents(jur:54§d) who cannot be fired, whose "Compensation... shall not be diminished during their Continuance in Office"(Const. Art. III, §1), and whose "good [or bad] Behaviour"(id.) cannot authorize their colleagues, from the chief justice down, either to promote or

demote them. The key documents in the record of the cases and official publications provide the core teaching materials(18§§D, E). They are used to develop the students' independent and critical thinking(17§B). So teams of students(10) are taught to apply ever-greater perceptiveness, inquisitiveness, and discernment as they compete with each other(8) to pierce apparently lawful acts and authoritative statements in order to find the facts behind them and realize their generating force(11⁵): a bankruptcy fraud scheme run by insiders of the bankruptcy and legal systems that in practice enjoy immunity(9). The students also learn in clinic-like fashion to cooperate to organize a public presentation(11) to expose how unaccountable judges run or cover up such a scheme while depriving litigants and the public of economic and welfare rights. Its audience will be in the university auditorium and that reached by its broadcast on student-run or commercial TV, radio, and interactive web, its brochure and documentary(13§C), and the PR campaign(14§D). This exercise will sharpen their research and writing skills(12§B) as well as their ability to draw up and advocate public policy and legislation to ensure that judges run the system according to due process requirements. The Syllabus sets forth in detail the work for the classroom and the organization of the public presentation for each of a semester's 15 weeks(23).

5. The presentation is intended to have the effect that Justice Brandeis believed open and transparent government could have when it informs the public of its activity: "Sunshine is the best disinfectant". That light will be brightest and most salutary thanks to the project(jur:119§E). While the course provides for role-playing, the project is broader in scope and requires specialized knowledge. Though hands-on too insofar as learning is achieved by doing, the project uses the wealth of documents(dcc:19¶14) in *DeLano*, not as the basis for teaching, but rather as an advanced station for further discovery. Whether conducted by students earning a higher academic degree(10) or practitioners, the project consists in multidisciplinary legal research, statistical analysis, IT R&D(jur:131§b), investigative journalism(xlvi§§H-I), fraud & forensic accounting^{213b}, etc.
- 6 Its methods are field research to interview people for inside information and find evidence of unethical or illegal activity and hidden assets(102§§a-c); legal analysis to determine their consonance with the rule of law or bias(108§d); and computer-based literary forensics and database correlation –dockets, judges' calendars, court reports, etc.- to find statistically significant patterns in judicial writings and events(129§b). The project aims to determine how far up, pervasive, and grave is the coordinated wrongdoingⁱⁱⁱ that runs the bankruptcy fraud scheme revealed in *DeLano*(49§4). To that end, it will promote(97§1) a Watergate-like, generalized media investigation(100§3) guided by a proven query thus rephrased: "What did the justices and judges know and when did they know it?"(jur:4¶¶10-14) By bringing about disinfecting exposure, the project will contribute to the progressive realization of the noble ideal of Equal Justice Under Law(jur:7§5).
7. The public presentation by students and experts is the short-term objective of the course and the project. It has significant fundraising potential because it will explain to lawyers, their clients, and the public why in 9 of 10 federal cases they end up with a meaningless 5¢ summary order form or decision(jur:43§1). To redeem themselves and continue their quest for justice, they will bid to have their most outrageous case studied as *DeLano* has been. For the students, it will be a job fair where to exhibit their skills live(8). It will enhance their college's reputation for providing imaginatively novel and challenging education and expert work that meets the highest standards. It will instill in students and experts a sense of professional honesty and community service as they take action in behalf of millions^{4,5} who are denied a fair and impartial forum. Hence, it will be the first step in the long-term objective of establishing a watchdog institute for the study of the Judiciary that casts disinfecting light on it and holds judges accountable(jur:130§5). This fundraising, job finding, and reputational potential and the prospect of securing justice for *We the People* through the rule of law warrant careful review of this course and project proposal(7).

Table of Contents

of the materials for

The *DeLano* Case Course

1. The <i>DeLano</i> Case Course	3
2. Presentation of the course to the faculty and the students.....	7
6. Objectives of the oral presentation	7
7. Concepts and proposal.....	7
8. A public presentation by students and faculty.....	7
3. Course Description for Students.....	8
4. The Salient Facts of the <i>DeLano</i> Case.....	9
5. Multidisciplinary academic and business venture	10
16. The law team.....	10
17. The journalism team	10
18. The business team	10
19. Research and writing course	10
6. The Public Presentation of the <i>DeLano</i> Case Course.....	11
A. <i>DeLano</i> and the empowerment of the people through information and knowledge.....	11
B. Student evaluation of <i>DeLano</i> & the stages of the <i>Follow the money!</i> investigation	12
25. Computer research.....	12
26. Local field research.....	12
27. Advanced, Watergate-like <i>Follow the money!</i> investigation.....	12
C. The students’ across-platforms short & long-term telling of the <i>DeLano</i> story.....	13
28. The public presentation	13
29. Presentation invitations and advertising materials.....	13
30. The brochure.....	13
31. TV, radio, and web documentary	14
D. The students’ PR campaign and strategy for judicial accountability and discipline	14
7. Teaching The <i>DeLano</i> Case Course.....	15

A. Table of Contents of the Instructions for the Instructor	15
B. Key Concepts Underlying the Course	17
C. Role-Playing Structure of The Class.....	18
D. Sources of Course Materials	18
E. Materials to analyze as two sets of conflicting interests: assets v. liabilities; and debtors v. creditors.....	19
F. Documents to be produced during the course	20
8. Syllabus: week by week course work	23
A. Classwork	
1 st week	23
2 nd & 3 rd weeks.....	24
4 th & 5 th weeks	25
6 th & 7 th weeks.....	26
8 th & 9 th weeks	27
10 th & 11 th weeks	28
12 th & 13 th weeks	29
14 th & 15 th weeks	30
L. Notes	38
B. Public Presentation of The <i>DeLano</i> Case	
1 st & 2 nd weeks	31
3 rd & 4 th weeks.....	32
5 th & 6 th weeks	33
7 th & 8 th weeks	34
9 th & 10 th weeks	35
11 th & 12 th weeks	36
13 th & 14 th weeks	37
15 th week	38
L. Notes	38

Note: All (jur:#) references are at

http://Judicial-Discipline-Reform.org/jur/DrRCordero_jud_unaccountability_reporting.pdf

and herein beginning at jur:i

Presentation by the Author to the Faculty and the Students of The *DeLano* Case Course and The Disinfecting Sunshine on the Federal Judiciary Project

6. **Objectives of the oral presentation.** It will aim to demonstrate that undergraduate or graduate students in a multidisciplinary class(10) can benefit academically and professionally from the course. It will show how *DeLano*, a federal case, deals with a subject that affects millions of people: unaccountable power, greed, and fraud. It will describe how bankruptcy, district, and circuit judges and Supreme Court justices systematically(jur:21§A) **1)** dismiss misconduct complaints against them to self-exempt from discipline; **2)** engage in money-driven wrongdoing in bankruptcy cases: 1.5 ml. filed in CY10 worth \$373+ bl. and unreviewable since fewer than .08% reached the circuit courts; and **3)** disregard due process by issuing no-reason summary orders. Judges abuse their decision-making power risklessly and in coordination, e.g., in a bankruptcy fraud scheme(9). Their wrongdoingⁱⁱⁱ cannot be stopped through litigation before other judges, who fearing incrimination for at least having tolerated it dismiss any proceedings(jur:xxix). Students trained in detecting and exposing the scheme and judges' wrongdoing will render a valuable public service to victims and the community as advocates of official investigation(xxxix) and reform(153§e).
7. **Concepts and proposal.** The *DeLano* Case will be described as a course to teach the observing, analytical, synthesizing, and applying skills of an inquisitive, critical, imaginative mind: It skeptically **reads** parties' and judges' documents to identify between lines conflicting and harmonious interests(17§B); **separates** their interests, means, and opportunities using facts, common sense, and group dynamics(18§C); **composes** a reconfigurable mosaic of interacting judges, bankruptcy and legal systems insiders, and outsiders; and **makes** boomerang use of authors' statements to impeach or hold them to their words and implications(19§E). Such methodical way of thinking will give students a competitive advantage when as practitioners they deal with similar documents and dynamic situations. So a proposal will be made for **1)** jointly taught legal research, investigative journalism, fraud & forensic accounting, statistics, and public policy advocacy courses and practicums; **2)** a multidisciplinary project to analyze judges' decisions, financial disclosure reports, and investments; correlate them with their vacations, seminars, connections; and publish findings; and **3)** a Watergate-like *Follow the money!* investigation of asset concealment in *DeLano*(9) and its cover-up by judges and others running or tolerating a bankruptcy fraud scheme.
8. **A public presentation by students and faculty.** The author will discuss how the faculty can present that proposal at an event that will enhance its reputation for innovative teaching that affords students a unique professional experience while fostering the civic commitment of all of them: a multimedia public presentation(11) of *DeLano* in their auditorium to members of the university, government, the business world, and journalists. **1)** It can be the final exam of the role-playing course(8): The students mount a PR convention for their public interest firm to present **a)** lessons of their study of *DeLano*, **b)** findings of their *Follow the money!* investigation of a bankruptcy fraud scheme(12§B), and **c)** their recommendations to expose and end it(14§D). **2)** That presentation can be a faculty-guided, school-wide event to **a)** explain the need for academia(126§4) in the interest of legal system integrity to pioneer judicial unaccountability reporting (jur:1-4); **b)** develop it through exposition of coordinated judicial wrongdoing(122§§1-3), research (129§b), and advocacy of legislation(155§§6,7) to discipline judges as public servants; and **c)** call for an institute(128§5) to act as **(i)** clearinghouse of complaints about judges' misconduct and due process denial; **(ii)** prototype of a citizen board of judicial accountability(jur:157§8); and **(iii)** for-profit(154§f) provider of consulting and representational services as Champion of Justice.

Course Description for Students

The *DeLano* Case Course

A hands-on, role-playing, fraud investigative and expository course for undergraduate and graduate students

9. *DeLano* is a case that went from bankruptcy, district, and circuit courts to the Supreme Court(9). It deals with an issue affecting over 1.5 million new bankruptcy cases a year: fraud. Part of a cluster of cases that originated in 2001, it has produced a wealth of documents(18§§D,E).
- 10 In this course(3), you analyze some of those documents to answer the questions asked by the managing partner, who assigned *DeLano* to you: Has fraud been committed?; if so, how does it operate and who is involved? Thus the course is structured as a role-playing exercise where you join a small consulting team that is pitted against other teams(18§C). All of you must get your work approved by the toughest of partners: your classmates. The latter will evaluate your team's presentations in oral and written fact-finding reports, legal and audit opinions, and editorials, all expressed in proper English; showing fairness, accuracy, and insight; with multimedia display of sources, data, and charts; complying with time and space limitations; and likely to attain your goal: to persuade your audience to rate your presentations' content and delivery highly.
11. To that end, the course will develop your ability to perform dynamic analysis of conflicting and harmonious interests and skeptical text analysis.(17§B) The former requires you to identify what debtors, creditors, trustees, judges, and lawyers want and do not want and how each party may or may not satisfy its interests in interaction with other parties' interests. So you need to be skeptical of their written or transcribed statements because the story that they tell may be a cover for the real interests that they are pursuing. You must read *DeLano* documents discriminatingly to determine where the parties' statements lie along the true-false continuum, for you will not be reading the textbook of an expert, reasonably assumed to be knowledgeable and reliable. Thereby you develop the capacity to pierce any party's surface credibility by asking poignant questions; exercise independent judgment to evaluate answers critically; and constantly revise your view of the case in light of new information as you engage in mosaic building: Use your common sense, general knowledge, and logic to sift from the parallel planes of told and hidden stories scattered and seemingly unimportant data pebbles as potentially relevant; assess their suspiciousness, plausibility, internal consistency, and external congruity; and imaginatively integrate(20§F) them into a coherent narrative that crafts a mosaic depicting a reason-appealing scene of meaning.
12. A demanding course(23), it also teaches you to work to professional standards in a large corporate environment. Using digital means of communication, you must coordinate and perform activities by tight deadlines with the accounting, law, business intelligence, and PR departments of your consulting firm as it produces an extraordinary event. Fun in itself and apt to enrich your life with valuable personal experiences and professional practice, it is the presentation(11) in your school auditorium of The *DeLano* Case: its lessons and your research findings and views. You will enlighten your audience about how bankruptcy fraud works, how to detect judicial wrongdoingⁱⁱⁱ, and what measures to adopt to combat both. A presentation in the public interest and yours too!, for you will address students and faculty in your university as well as representatives of law and auditing firms, news and advertisement agencies, and government that you and your classmates invited and would like to turn into your employers and clients...a job interview the size of a job fair where you will highlight your multidisciplinary knowledge and skills(10) as you 'enact your resume' and stand out as the best candidate thanks to having taken this course.

The Salient Facts of The *DeLano* Case

(as of 9dec12)

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

(D:# & footnotes are keyed to Judicial-Discipline-Reform.org/DCC/DeLano_docs.pdf; *blue text* points to bookmarks on the left)

13. *DeLano* is a federal bankruptcy case. Part of a case cluster, it reveals fraud that is so egregious as to betray overconfidence born of a long standing practice¹: Coordinated wrongdoing evolved into a bankruptcy fraud scheme.² It was commenced by the DeLano couple filing a bankruptcy petition with Schedules A-J and a Statement of Financial Affairs on January 27, 2004. (04-20280, WBNY³) Mr. DeLano, however, was a most unlikely bankruptcy candidate. At filing time, he was a 39-year veteran of the banking and financing industry and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a Xerox technician, were not even insolvent, for they declared \$263,456 in assets v. \$185,462 in liabilities (D:29); and also:
- a. 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;
 - b. that their only real property was their home (D:30), bought in 1975 (D:342) and appraised in November 2003 at \$98,500⁴, 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 mortgages⁵. (D:341) Mind-boggling!
 - c. 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.
 - d. Theirs is one of the trustee's 3,907 *open* cases and their lawyer's 525 before the same judge.
14. 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.
15. The Creditor requested that the DeLanos produce documents⁶ 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* and *district judges* denied him *every single document*. So did the *circuit judges*, even *then CA2 Judge Sotomayor*, the presiding judge, who also needed the documents to find the facts to which to apply the law. They denied him and themselves due process of law. To eliminate him, *they* disallowed his claim in a *sham evidentiary hearing*. Revealing how incriminating the 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 fees⁷...though they had declared that they had only \$535. To date \$673,657⁸ is still unaccounted for. Where did it go⁹? How many of the trustee's 3,907 cases have unaccounted for assets? For whose benefit?²

Multidisciplinary Academic and Business Venture

Complementary intellectual and professional skills that undergraduate and graduate students and professionals can contribute to enriching the hands-on learning experience of a course and to performing the work at the expert level of the project to attain their investigative, expository, and public interest objectives

16. **The law team** will **1)** find and analyze the evidence contained in the court record of *DeLano*(9) that shows federal judges concealing assets, withholding material information²¹³, and showing peer partiality by disregarding due process and systematically dismissing complaints against them (jur:24§§b,c); **2)** research(129§b) the Judiciary's statistics(jur:21§A), financial disclosure reports, and newsⁱⁱ, which reveal coordinated wrongdoingⁱⁱⁱ and self-immunization against its adverse consequences as its institutionalized modus operandi(jur:50§4); and **3)** draw therefrom pertinent implications for the integrity of our legal system and its basic tenet: Equal Justice Under Law.
17. **The journalism team** can **1)** conduct a *Follow the money!* journalistic investigation(12§B) of judges and other insiders of the legal and bankruptcy systems that engage in concealment of assets and cover it up as part of a bankruptcy fraud scheme; **2)** apply their mass communication skills to the multi-platform(13§C) advertising of the class's public presentation to be held in its auditorium to report the lessons drawn from its study of *DeLano* and the findings of its library and field research; **3)** layout and help write the brochure and CD to be distributed at the presentation; and **4)** design and implement(14§D) **a)** a public relations campaign to market class 'editorials' on how to render judges accountable and disciplinable based on **b)** the strategy of •the media(jur:100§3) investigating the Judiciary through a case –such as *DeLano*(9)- that reveals judges from U.S. bankruptcy court to the Supreme Court participating in, or tolerating, coordinated wrong-doing; •an outraged public demanding that Congress and the FBI investigate and their findings be followed up with •legislation eliminating the judges' abusive discipline self-exemption and de facto unimpeachability through which they have become Judges Above the Law.
18. **The business team** will apply their fraud & forensic accounting (FFA) skills to(jur:102§a) **1)** identify the means used **a)** by insiders to inflate creditors' proofs of claims and conceal debtors' assets in bankruptcy petitions' schedules and financial affairs statements(19¶14) and hide their bank and credit card statements; and **b)** by judges not to disclose in their annual financial reports(12²⁰) as many assets as held by earners of similar salaries; **2)** detect money and asset laundering by insiders(13²⁷); and **3)** track assets from **a)** their origin -e.g., salary, fee, and commission payments, loan receipts, and lottery wins- **b)** through property registries -such as county clerks' offices(12²¹)-, DMV records, credit bureau reports, SEC filings, auction records, etc., **c)** to wherever assets have been concealed under the insiders' names, their relatives', and strawmen's.
19. **A research and writing course** using *DeLano* materials(18§D,E) will benefit **1)** law students, who will learn how judges work in practice as opposed to in theory; **2)** journalism students, who need to explain complex issues in a way understandable to the public^{256e}, and **3)** business students, who must find FFA and generally accepted business standards, and their application. It can be taught to provide experiential learning -as a learning-by-doing course or an internship in a media outlet or an auditing firm- by having **4)** the joint class research, write, design, publish, and distribute an exposé(jur:98§2) of the corruptive effect of unaccountable judges ruling on \$100s of billions(jur:28§2). Both the *DeLano* and the R&W courses will **5)** teach all students the essential skills in today's business world needed for a multidisciplinary team of professionals and their clients to draft, comment on, and produce a collaborative multimedia piece of writing

The Public Presentation of the *DeLano* Case Course
an imaginative and ambitious multimedia Brandeis brief presentation
based on multidisciplinary knowledge, skills, and means and
intended for undergraduate and graduate students *to trigger history!*

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

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

21. *DeLano*(9) is a case that was filed in a U.S. bankruptcy court¹ and appealed to the district and circuit courts and the Supreme Court². It is the representative case of a cluster that followed the same path along the Federal Judiciary courts.³ They show judges engaging in a series of acts, such as withholding of material information, concealment of assets, and partiality, so consistently in favor of other judges and insiders of the bankruptcy and legal systems to the detriment of outsiders and so blatantly in disregard of the facts and due process of law as to be non-coincidental and intentional. That series of acts constitutes pattern evidence⁴ from which a reasonable person can infer a judicially supported bankruptcy fraud scheme⁵. The latter is only one manifestation of the two most insidious corruptors: unaccountable power and lots of money, i.e., the \$10s of billions that federal judges rule on annually and their way above average salaries.⁶
22. The law, journalism, and business students(10) taking The *DeLano* Case and/or its research & writing course will study key documents in the 2,500+ page *DeLano* record⁷. They will learn the findings of, and conduct research on Judiciary publications, e.g., reports⁸, statistics⁹, and news¹⁰, that reveal what has allowed the Judiciary to institutionalize coordinated wrongdoing(jur:50§4) as its modus operandi: the unaccountability of life tenured, de facto unimpeachable judges, who abuse their self-discipline system¹¹ by systematically dismissing complaints(jur:21§1)¹² against them; assured of impunity¹³, they disregard due process and do wrongⁱⁱⁱ while exercising their vast judicial power¹⁴. The students will apply convergently their multidisciplinary skills and means

¹ *In re DeLano*, 04-20280, WBNY; http://Judicial-Discipline-Reform.org/DCC/DeLano_docs.pdf >§V

² http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCt_petition_3oct8.pdf >§IX Statement of Facts

³ *James Pfuntner v Trustee Kenneth Gordon et al.*, 02-2230, WBNY; http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf

⁴ http://Judicial-Discipline-Reform.org/docs/18usc1961_RICO.pdf >7¶(5) "pattern of racketeering activity"

⁵ http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

⁶ http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf

⁷ http://Judicial-Discipline-Reform.org/DeLano_record/DrCordero_DeLano-ToC.pdf

⁸ <http://www.uscourts.gov/library/annualreports.htm>; and <http://www.ca2.uscourts.gov/annualreports.htm>

⁹ http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf

¹⁰ <http://www.uscourts.gov/news.cfm> and <http://www.uscourts.gov/ttb/2009-01/index.cfm>

¹¹ http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf

¹² http://Judicial-Discipline-Reform.org/jur/DrCordero_jud_unaccountability_reporting.pdf

¹³ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf

¹⁴ http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf

to find evidence thereof, put their findings into across-platform multimedia reports, and deliver them in class and at a public presentation. They will thus perform a fundamental function of lawyers sworn to uphold the Constitution and of journalists in a democratic society: to inform the citizenry so that it may maintain or regain control of ‘the government of, for, and by the people’.

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

23. The students will learn the structure of the Judiciary, the principles of legal research, and the requirements for handling legal evidence. That way they can become knowledgeable legal reporters and forensic accountants, in particular, and competent lawyers, journalists, and financial analysts in general. They will develop a healthy ‘paranoid’ concern for reporting information with accuracy and for presenting evidence or citing precedent for every legal principle: ‘There are people out there trying to get me!, be it the opposing counsel, the professor, the fact-checker, the editor, or the audience, including competitors, and their own sense of professional responsibility.
24. The students will apply independent and critical judgment to distinguish between factual and fraudulent statements of parties and even judges so as to detect judicial wrongdoing. To assess its scope, they will execute any of the stages of the *Follow the money!* journalistic investigation/discovery, as allowed by their knowledge, experience, and funding, and required by due diligence:
25. **Computer research.** This includes research on PACER (Public Access to Court Electronic Records) and the websites of the Administrative Office of the U.S. Courts (AO) and the courts¹⁵; legislators¹⁶; and pundits on the judiciary and consumers of judicial services¹⁷. The students can research further **1)** the case handling policies that the courts have developed on their own and their compliance with Constitutional and statutory requirements¹⁸; **2)(jur:129§b)** **(a)** the statistics on the nature, handling, and disposition of cases and **(b)** public opinion on the services of, and trust in, each of the government branches¹⁹; **3)** the judges’ publicly filed annual financial disclosure reports and how they compare with the assets and liabilities of non-judicial earners of similar salaries²⁰; **4)** repositories of public records to track online judges’ and their surrogates’ assets²¹; etc.
26. **Local field research.** Students can conduct field interviews with current and former staff and law clerks of the local federal court; litigants; lawyers; bankruptcy debtors, creditors, and service providers²², e.g. trustees, appraisers, accountants, auctioneers, and deposition reporters; etc.
27. **Advanced, Watergate-like *Follow the money!* investigation.** The Judiciary’s coordinated wrongdoing can be investigated(102§4) through *DeLano*(9) as representative of circa 1.5 million bankruptcy cases filed annually and the one involving a former circuit judge who is now Justice Sotomayor^{23a}. Students will travel as necessary to **1)** interview **(a)** those involved in *DeLano*^{23b}; **(b)** if possible, active, senior, and retired judges; **(c)** law clerks and staff, if need be with their identity hidden to protect their Deep Throat status(106§c); **(d)** legislators, who under the

¹⁵ <http://www.pacer.uscourts.gov/index.html>; AO: <http://www.uscourts.gov/>; and <http://www.uscourts.gov/courtlinks/>

¹⁶ http://www.senate.gov/general/contact_information/senators_cfm.cfm ; <https://writerep.house.gov/writerep/welcome.shtml>

¹⁷ <http://victimsoflaw.net/>; <http://www.wellssofjustice.com/>; <http://www.scotusblog.com/wp/>; <http://thecaucus.blogs.nytimes.com/>

¹⁸ http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf

¹⁹ <http://www.uscourts.gov/library/statisticalreports.html> and <http://www.harrispollonline.com/>

²⁰ http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_2011.pdf and <http://www.census.gov/>

²¹ E.g., National Association of Counties: <http://www.naco.org> >clerks’ offices; and footnote 1 supra >§X

²² http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_06.pdf >§327

²³ Footnote 1 supra ^a >W:23; ^b >§XIII

pretext(jur:81§1) of separation of powers have allowed the Judiciary to become an undemocratic power center²⁴; (e) law enforcement officers²⁵, who investigate more legislators than they do members of the larger Judiciary²⁶; 2) attend court proceedings; and 3) track down assets from county clerks' offices to their current and former owners, sellers, neighbors²⁷; etc. The students' investigation –which can be an academic degree's final project– and their storytelling –which can be the model for that of others(123§2)– can show that even justices tolerate or cover up²⁸ the same wrongdoing that they engaged in when they were judges, lest they end up incriminated²⁹.

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

28. **The public presentation.** The *DeLano* course includes a presentation by the students in their auditorium of its lessons and their research findings, opinions, and editorials.(8) They will broadcast it on campus/internship TV and radio, and interactive web. Their audience will be university members and other opinion-shapers and decision-makers, e.g., political party and law enforcement officers; legislators; judges and Judiciary staff; journalism, fraud & forensic accounting, and law professors, practitioners, and associations; litigants represented pro se and by small, medium, and large law firms; public interest advocates; bloggers; talk show hosts; book publishers; etc. Their presentation(jur:97§D) can crown the course or launch a campaign for a higher objective(128§5); either way it can enhance the schools' reputation for academic excellence and civic leadership.
29. **Presentation invitations and advertising materials.** These call for copywriters, designers, and producers to cooperate to devise a story theme and compose a message that catch the attention of the target of the presentation advertisement, and do so on time and within budget. They will be mailed to invitees, posted on campus and the web, released at a press conference, broadcast, etc.
30. **The brochure.** The students will tell their *DeLano* story in a magazine-like package integrating main text(jur:122§1) and sidebars; statistical time series tables(jur:9-20); trend-depicting graphs³⁰; hierarchical relations charts; clip art representations of people in systems; and realism-providing photos. They will give away the print version at the presentation, post it on their website³¹, and burn it on CDs for low cost promotional distribution and possible sale. Their brochure can be updated(123§2) as the *Follow the money!* investigation of *DeLano* and similar cases is pursued in subsequent courses. So it can become the first investigative law/journalism periodical(125§3) dedicated to the in-depth professional exposure of the Judiciary, the most secretive of the branches of government, the only one to hold all its meetings behind closed doors³², whose close-knit (88§§a-d) members appear at no press conference, account to nobody, yet wield power the

²⁴ Cf. http://Judicial-Discipline-Reform.org/docs/Sen_Specter_on_SCt.pdf

²⁵ http://Judicial-Discipline-Reform.org/DoJ-FBI/4DrRCordero-DoJ_30mar9.pdf

²⁶ In 2008, 2,153 federal judges and magistrates were in office, but there were only 535 members of Congress. Yet, the Dept. of Justice has recently investigated and/or prosecuted Rep. William Jefferson (D- La.); Sen. Ted Stevens (R-Alas.); Lobbyist Jack Abramoff and members that he influenced; Rep. Duke Cunningham (R-Cal.); Rep. Bob Ney (R-Ohio); Rep. Tom Delay (R-Tex.), Rep. John T. Doolittle (R-Cal.); Rep. Mark Foley (R-Fl.), Rep Rick Renzi (R-Ariz.); etc.; but only U.S. Judge Samuel Kent (SDTx-5th Cir.). Cf. <http://www.crewsmostcorrupt.org/>; http://Judicial-Discipline-Reform.org/docs/Judicial_Watch_Corrupt_Politicians_09.pdf.

²⁷ En.1 sup. >§II; http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_related.pdf >§§1956-1957: money laundering

²⁸ http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf

²⁹ ^a http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf & ^b...[money/Unaccountable_judges.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Unaccountable_judges.pdf)

³⁰ http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf

³¹ http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf >5§C

³² http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf

longest directly on parties and through case law over *We the People's* property, liberty, and lives.

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

D. The students' PR campaign and strategy for judicial accountability and discipline

32. The students can pursue that legitimate journalistic and public policy objective as community service to inform about the Judiciary's institutionalized self-exemption from discipline, bankruptcy fraud scheming, and disregard for due process. This requires planning a PR campaign based on a cogent strategy.([jur:xliv](#)) They must persuade their audience, especially the journalists in it ([xxxii](#)), to disseminate their findings to the national public and launch their own Watergate-like, generalized media investigation([jur:100§3](#); [xlvi](#)). The public should become outraged at learning how those who took an oath to "administer justice without respect to persons"³³, have instead turned the Judiciary into a safe haven for coordinated wrongdoingⁱⁱⁱ for their own and other insiders' benefit. Their outrage should force the Justice Department and Congress to investigate *DeLano*([85§3](#)), in particular, and the Judiciary, in general. The findings of such investigation should force Congress to give up its historic refusal to take on the judges³⁴ and undertake judicial reform([156§7](#)) that includes establishing citizen boards of judicial accountability([157§8](#)).
33. A key to understanding that refusal is found in Former Speaker N. Pelosi's candid statement that "Congress is dominated by the culture of corruption"^{16a}: If its members tried to hold judges accountable for their abuse of power only to appear on corruption charges²⁶ or election irregularities before those judges, the latter could take the opportunity to retaliate against their nemeses. So the campaign should be not only informative to the public, but also transformative of Congress' self-preserving hands-off-the-Judiciary attitude. This requires on the students' part insightful reporting, editorials, and advocacy that outrage^{35a} ([98§2](#)) the public and stir it up to demand([83§2](#)) reform. They must analyze the reactions and circumstances of members of Congress so as to cultivate the interest of those that can reap a benefit from seizing the occasion to become this generation's Sen. Howard Baker([jur:3¶¶4-8](#)), vice-chairman of the Senate Watergate Committee³⁶. His equivalent today can attain similar national recognition supportive of a presidential bid^{35b} ([jur:xxvii](#)) by updating his devastating trademark query thus: "What did the justices and judges know about coordinated judicial wrongdoing and to what extent did they tolerate, or participate in, it?"
34. The students can design their PR campaign so that their Brandeis-brief reporting on the corruption of the Judiciary due to unaccountable power, money, and secrecy([jur:xxxix](#)) leads to dynamic analysis of the interests at stake([dcc:17§B.1](#)) and to realistic proposals: citizen boards of judicial accountability, an IG for the judiciary, transparent operation([155§§6-8](#)). Thereby they will not just witness historic events, but also influence them so as to *trigger history!* If they show the courage([xlvi§§H-I](#)) to expose and the capacity to propose, they can become the statesmanship version of Woodward/Bernstein and their faculty the Graham/Bradlee of the 21st century([jur:3¶¶4-8](#)).

³³ http://Judicial-Discipline-Reform.org/docs/28usc453_judges_oath.pdf

³⁴ http://Judicial-Discipline-Reform.org/docs/bill_to_amend_judicial_discipline.pdf, never reported out.

^{35 a} http://Judicial-Discipline-Reform.org/Follow_money/Emile_Zola_I_Accuse.pdf, ^b...[money/Champion_of_Justice.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Champion_of_Justice.pdf)

³⁶ http://Judicial-Discipline-Reform.org/docs/WP_The_Watergate_Story.pdf >p7

Teaching The *DeLano* Case Course

A. Table of Contents of the Instructions for the Instructor

1. Class structure: teams competing with, and evaluating, each other and its rationale
2. Students' permanent, course role
3. Students' transient, class roles
4. Educational objectives and types of materials
 - a. A publicly filed federal bankruptcy petition
 - b. Briefs, motions, letters, dockets, court orders and decisions, and local rules in the *DeLano* record in bankruptcy, district, and circuit courts, and the Supreme Court
 - c. Public records filed in county clerks' offices and other depositories of information
 - d. Excerpts from legal documents such as:
 - 1) The Bankruptcy Code, 11 U.S.C.
 - 2) The Judicial Code, 28 U.S.C.
 - 3) The Federal Rules of Bankruptcy and of Civil Procedure, 28 U.S.C.
 - 4) The Criminal Code, 18 U.S.C.
 - 5) Code of Federal Regulations
 - 6) Ethics in Government Act, 5 U.S.C., Appendix [no. 4 in Thomson West]
 - e. Publications of the:
 - 1) Administrative Office of the U.S. Courts
 - 2) Federal Judicial Center
 - 3) Judicial Conference of the U.S.
 - f. Articles on Fraud and Forensic Accounting
 - g. Standards of ethical and investigative journalism
 - h. Articles written for the course on:
 - 1) the structure of the Federal Judiciary
 - 2) the operation of the bankruptcy system
 - 3) critical reading for understanding between the lines and outside the paper
 - 4) methodical thinking based on the scientific method
 - 5) good writing that is grammatically correct and achieves stylistic elegance through unambiguous, accurate, concise, and meaningful expression
5. Educational technique: Dynamic analysis of conflicting and harmonious interests
 - a. Students' performance of the analysis
 - b. Example of the analysis

6. Bilateral role-playing: students making presentations as auditing-consulting teams that provide legal, investigative journalism, and fraud & forensic accounting (FFA) reports and services to their classmates, who are their managing partners, editors, and clients
7. The bankruptcy petition as the first and key document to analyze
 - a. Method and objective of analyzing the bankruptcy petition
 - b. The petition's importance for the course's academic objectives
8. Reading to find the hidden reality behind the declared reality: two parallel planes of interests
 - a. Skeptical text analysis
 - b. 'Plutonic thinking' or the postulation of what should exist
 - c. From skepticism to a 3-D presentation of information: connecting the parallel planes
 - d. Divide and integrate to understand a complex, constantly reconfiguring system
 - e. Mosaic building: from bits of information to a theory explaining the planes of interests
9. The Bankruptcy Code: a system and its disruption by the scheme of coordinated wrongdoers
10. Progressive release of documents
11. Rewarding necessary, insightful, and timely questions of facts
12. The Statements of Facts as scripts for the instructor
13. Analytical documents as chapters in the manual for the instructor
 - a. Table of materials for the instructor and for the students
14. The importance of the writing exercises
 - a. Exercises to produce letters, reports, and multimedia data displays
 - b. Format and contents of written communications and multimedia data displays
15. Types of analyses
 - a. Springboard analysis of documents
 - b. Boomerang scrutiny
 - c. Broth reduction
 - d. Database creation
16. Criteria to evaluate written reports and oral presentations
 - a. the Payment Evaluation Form and its Checklist for clients' services value assessment
 - b. Applying the evaluating criteria to oral presentations and written communications
 - c. Evaluation by students of peer performance using the checklist and the payment form
17. Digital means for efficient transmission and proper presentation of written communications
18. Business attire at presentations
19. Final presentation to university members, government officers, business people, and the public
20. Use of the course materials and Table of Contents of Materials Reserved for the Instructor
21. Suggestion for a follow up course

B. Key Concepts Underlying the Course(cf. [jur:125a¶253c](#))

1. Dynamic analysis of harmonious and conflicting interests

What each of the parties wants and does not want is identified and integrated into a system of opposite or convergent and mutually reinforcing forces, which frequently reconfigure themselves in response to the exit of, or change in, existing, interests and the entry of new ones

2. Skeptical text analysis

Documents represent the parties' declared reality of interests that covers their hidden reality of interests, both of which are matched up in a 3-D mosaic

3. “Plutonic” thinking

Specific knowledge of the declared reality, general knowledge of what makes people tick and how the world turns, common sense, and logic to extrapolate from the declared reality and postulate what must exist in the hidden reality

4. Mosaic building with bits of information

Gathering and integrating bits of scattered information into Plutonic profiles of parties, events, and dynamic systems of interests to portray declared and hidden realities

5. Boomerang use of a person's words

Turning against him his inconsistencies, incongruities, and implausibilities to impeach his credibility or hold him to his declarations against self-interest

6. From salami slicing to reasoning by extremes

Increasing values and adding elements that render a system more complex and describe a progression that reveals patterns and trends or system evaluation by leaping to its logical conclusion

7. Coordinated wrongdoing as institutionalized modus operandi

Involvement in wrongful activity through active participation based on explicit agreements or reciprocal three-monkey passivity whereby everyone sees, hears, and says nothing concerning the others' wrongdoing on the expectation that they will return the same complicity

7. Confluence of causes

Causes that individually are insufficient to have a given effect may nevertheless have it when their respective effective forces cumulate serially or simultaneously; their collective sufficiency can only be realized by integrating the bits of information about each of them

8. To run the scene

A static scene of objects and people are described individually in terms of their appearance and true nature –declared and hidden interests known or reasonably assumed- and then the dynamics of their relations is narrated to create a drama that explains how the event in question could have happened. This calls for tridimensionalizing each bit of information by describing its surface appearance of declared interests, postulating its internal composition of hidden interests, establishing how the appearance was able to cover the composition of motives and in turn was determined by it, and then explaining the process through which over time that bit of information came into being in the context of other bits of information and gave rise to a mosaic.

C. Role Playing Structure of The Class

1. Permanent roles

- d. lawyers, investigative journalists, and accountants teamed in consulting firms
- e. the clients that hired them to find out: Were they defrauded as creditors?; before investing in the bankrupt company, are the court and parties to the bankruptcy involved in fraud?

2. Transient roles:

- a. debtor
- b. institutional or individual creditor or investor
- c. the private or U.S. trustee
- d. the bankruptcy or appellate judge
- e. the lawyer for a party
- f. an interested party, as referred to by the Bankruptcy Code
- g. an unrelated third party
- h. an investigative authority, e.g., the FBI, a Congressional committee, and their state counterparts
- i. a law enforcement authority, e.g. a DoJ U.S. attorney and a state district attorney
- j. a member of Congress or of a state legislature

D. Sources of Course Materials

1. A federal bankruptcy petition, publicly filed under oath, with its A-J Schedules and Statements
2. Briefs, motions, letters, court orders and decisions publicly filed in court
3. Public records in county clerks' offices and other government offices
4. The Bankruptcy Code, 11 U.S.C.
5. The Judicial Code, 28 U.S.C.
6. The Federal Rules of Bankruptcy Procedure, 28 U.S.C.
7. The Federal Rules of Civil Procedure, 28 U.S.C.
8. The Criminal Code, 18 U.S.C.
9. Code of Federal Regulations
10. Publications of the:
 - a. Administrative Office of the U.S. Courts
 - b. Federal Judicial Center
 - c. Judicial Conference of the U.S.
11. Articles on Fraud and Forensic Accounting

12. Standards of ethical and investigative journalism:
 - a. The New York Times Statement on Integrity
 - b. Washington Post Standards and Ethics, February 17, 1999
 - c. Jim Lehrer’s Rules of Journalism
 - d. American Society of Newspaper Editors Statement of Principles
13. Articles written for the course on:
 - a. the structure of the federal judiciary
 - b. the operation of the bankruptcy system
 - c. critical reading for understanding between the lines and outside the paper
 - d. methodical thinking based on the scientific method
 - e. good writing that is grammatical correct and achieves stylistic elegance through unambiguous, accurate, concise, and meaningful expression and aims at eloquence and poetic beauty
14. See the documents collected at:

http://Judicial-Discipline-Reform.org/DCC/DeLano_docs.pdf

**E. Materials to analyze as two sets of conflicting interests:
assets v. liabilities and debtors v. creditors**

**Parts of a federal bankruptcy petition under 11 U.S.C. Chapter 13
Adjustment of debts of an individual with regular income**

D:# in http://Judicial-Discipline-Reform.org/DCC/DeLano_docs.pdf

1.	The notice of the meeting of creditors	D:23
2.	Certificate of mailing	D:25
3.	Voluntary petition	D:27
	a. Signatures.....	D:28
4.	Summary of schedules	D:29
5.	Schedules A-J to evaluate the debtor’s financial affairs	
	A. Real property.....	D:30
	B. Personal property	D:31
	C. Property claimed as exempt.....	D:35
	D. Creditors holding secured claims.....	D:36
	E. Creditors holding unsecured priority claims.....	D:37

F. Creditors holding unsecured non-priority claims	D:38
G. Executory contracts and unexpired leases	D:42
H. Codebtors	D:43
I. Current income of individual debtors	D:44
J. Current expenditures of individual debtors.....	D:45
6. Declaration concerning debtor's schedules.....	D:46
7. Form 7: Statement of financial affairs	D:47
a. Declaration under penalty of perjury by individual debtor.....	D:53
8. Disclosure of compensation of attorney for the debtor(s)	D:54
9. Verification of creditor matrix	D:55
a. Creditor address matrix.....	D:56
10. Debtor's Chapter 13 plan for debt repayment.....	D:59

F. Documents to be produced during the course

1. Letters: in the nature of executive summaries
 - a. Letterhead with name, title, address, and qualifications or logo
 - b. Date
 - c. Complete name and address of the addressee and email to which sent or fax number to which faxed, and telephone number
 - d. Greeting with appropriate form of address
 - e. Subject or reference line
 - f. First paragraph:
 - 6) recalls what has occurred before
 - 7) summarizes the letter, phone call, or other communication to which the letter is responding
 - 8) iii) indicates the gist of the author's position or response
 - g. Middle paragraphs sets forth:
 - 9) reasonable arguments based on factual or documentary evidence
 - 10) summary of statements developed in accompanying document or exhibits
 - 11) references to:
 - a) accompanying document containing detailed statements
 - b) exhibits consisting of previously submitted documents or new supporting materials
 - h. Last paragraph with requests to the addressee that are:
 - 1) concrete by stating the action to take, to what extent, when or by when, where

- 2) ii) clearly identified
 - a) as entries in separate lines a of list
 - b) series of clauses separated by numbers in bold in the same paragraph
- i. Signature on first page
- j. Page X of Y, particularly when a multipage letter is faxed
- k. Footer, particularly after the first page of a multipage letter, stating in abbreviated form:
 - a) sender's name
 - b) date
 - c) addressee's name and location, e.g., of a court or company branch
 - d) subject matter

2. Reports

- a. Name of reporting entity
- b. Title that summarizes the nature of the report
- c. if title is figurative, subtitle providing a literal statement of the report's nature
- d. subtitle that clarifies or defines more precisely the report's nature
- e. Typographical highlights: in title and paragraphs
- f. Introduction that summarizes the fundamental proposition of the report
- g. Headings that summarize the section(s) that each covers
- h. Numbered paragraphs
- i. Table of contents
- j. Different left and right footers
- k. Indented bulleted points and numbered lists
- l. Explanatory footnotes and referential endnotes
- m. Conclusion
 - 1) recapitulates the essential points
 - 2) sets forth requests for action
 - 3) makes recommendations
- n. Table of exhibits:
 - 1) with title identifying the main document, date and author
 - 2) exhibits summarized in descriptive entries
 - 3) entries highlighting author, addressee, date and key terms of content
 - 4) as a single list of numbered entries
 - 5) as a hierarchical list
 - a) with headings identifying categories of exhibits

- b) indentation of attachments to main exhibits
- c) the main headings of key documents
 - (i) with table of category headings to overview along table of exhibits
 - (ii) page numbers hyperlinked to a file containing the exhibits
- 3. Graphs to show, rather than tell
 - a. title verbalizing the point illustrated by the graph
 - b. columnar table with colors to set out columns, rows, or cells
 - c. with axes and values either together with corresponding pictorial device inside the graph area or gathered outside the area in a legend table
 - d. with legend and footnotes
 - e. with links and link banks to sources and other supporting materials

Syllabus of the *DeLano Case Course*

Outline of the week by week

Classwork

and

Work of Organizing

the Public Presentation of The *DeLano Case*

based on a 15-week semester

and

illustrating the practical application of the description

Teaching The *DeLano Case Course*

1st Week of Classwork

1. Discussion of course objectives, structure, and rules
2. Introduction to dynamic analysis of conflicting interests, how such interests give rise to declared and hidden realities, and fraud as intentional distortion of reality to advance one's interests and safeguard them from conflicting ones
3. Overview of the bankruptcy system and the Bankruptcy Code
4. Discussion of the parts of a bankruptcy petition using the DeLanos' petition
5. Introduction to skeptical text analysis
 - a. Intrinsic consistency: compare among themselves the declarations in the DeLanos' petition for bankruptcy relief
 - b. Extrinsic congruity: compare their declarations with the rest of the world, including other writings and general knowledge of what makes people tick and how the world turns: Do the declarations make sense?
6. Form & substance: Elements of an analytical report & its evaluating criteria
7. Formation by teams of three to five students of their consulting firms to provide legal, investigative journalism, and accounting advice
8. Assignment to establish a baseline: The firms prepare a report on the petition using keen observation to detect bits of information, and general knowledge, common sense and logic to integrate them into mosaics of realities

2nd Week of Classwork

1. Discussion of the formal elements of a professional presentation
2. Presentation of firms' reports & composition of best of reports' elements report
3. List of questions that Investigative Journalists (IJ) would want to pursue
4. Extrinsic congruity
 - a. Who are the DeLanos? From facts to a socio/psychological profile
 - b. Proximate causes of people's and the DeLanos' bankruptcy
 - c. What corrective and preventive action could they have taken to avoid it?
 - d. Timeline of debt accumulation: What were debtors & creditors thinking?!
5. Elements & method of professional letter (re)writing...revising, letting it sit,...
6. Assignment: The firms request information, i.e. answers and documents, depositions, and interviews necessary to ascertain the petition's good faith

3rd Week of Classwork

1. The system of peer evaluation and the use of points
2. Firms' presentation of their information requests
3. Clients critique the firms' presentation
 - a. clarity of expression: proper use of language
 - b. precision that avoids ambiguity: X is requested, but Y is produced
 - c. conciseness: go to the point
 - d. usefulness of the information for the intended purpose
 - e. appearance and delivery that inspires confidence & retains attention
4. Composition of model request and integration of information into a system
5. Legal, practical, and ethical differences between depositions & interview
6. Identification and role of the players in the bankruptcy system
 - a. The role of the U.S. trustee and the appointed panel trustee
 - b. The judge's role: former power to appoint trustees v. current power to approve her recommendations and remove her for cause as trustee
7. Assignment: Identify and prepare to discuss the key bankruptcy concepts

4th Week of Classwork

1. Listening, observing, classifying, conceptualizing, static system building, interests as drivers of dynamic model, reconfigured after exit/entry of elements
2. Bankruptcy Code as a dynamic system of conflicting & harmonious interests
 - a. Key concepts as conflicting interests: assets v liabilities; debts v claims
 - b. Actors: debtors v creditors; lawyers, trustees, & court officers as insiders
 - c. Life-cycle events: petition filing, approval, discharge, revocation, appeal
4. The use and development of information presentation devices
 - a. to organize and present at a glance large amounts of information
 - b. to discover and present relations and patterns
 - c. types: hierarchical lists, tables, charts, graphics, clip-art, animations
 - d. incremental display: from the schematic to the whole picture
5. Assignment: Make a graphic of the bankruptcy system's concepts, actors, and life-cycle events and display it in a slide show or with a flip chart

5th Week of Classwork

1. Charting to organize the known and guide the discovery of the unknown
2. Presentation of the firms' graphics and composition of a model graphic
3. Model graphic that identifies breakdown of a dynamic system due to:
 - a. inchoate development v. overwhelming complexity
 - b. lack of training, incompetence, imperfect transmission of information, ambiguity, failure to foresee consequences, fraud
 - c. slackening controls: overconfidence in honesty & machine performance
4. Analysis of the process by which systems grow in complexity
 - a. addition of tasks and more extensive and deeper coverage
 - b. who controls the controllers?
 - c. fail-proof system v. complexity that bogs down its operation
5. Murphy's law: system failure, known accident, act of God, the unforeseen
6. Plutonic thinking: unknown variables, reasonable assumptions, value ranges
7. Practice: Sue wants to earn money selling lemonade to ride the rollercoaster
8. Assignment: Build a system with objectives, people, internal processes and external interactions using only general knowledge, common sense, and logic

6th Week of Classwork

1. Presentation of firms' systems and their evaluation in light of their objectives, cost/effectiveness, checks and balances, risks/rewards ratio, novelty
2. Categories and types of elements of dynamic systems
 - a. driving interests: need, desires, fame, principles, ego, obsession, tradition
 - b. measuring elements: of performance, capacity utilization, waste
 - c. control: to detect, prevent, remedy malfunctions, & learn from experience
3. Undermining in-, outside interests: benefit from system exploitation/defeat
4. The dynamics of corruption in a functional network
 - a. development of friendship, belongingness and interdependability
 - b. material gains, the benefits of camaraderie and moral IOUs
 - c. treason, exclusion, pariah status and material and moral loss
5. Assignment: As per the allotted role, prepare a statement of interests to be distributed before, and defended at, the meeting of creditors

7th Week of Classwork

1. Enactment of the meeting of creditors: one partly eaten pie of assets and too many liabilities to finish it off
 - a. dynamic play of conflicting and consonant interests
2. Scope and purpose of discovery upon the debtors
 - a. the instructor uses his materials as the ultimate source of facts
 - b. non-contradicting facts can be made up if not contained in the documents
 - c. to point out inaccuracies, incongruities, implausibilities, and lies by comparing information in documents and made up
3. Assignment: Draw up and send a request for information:
 - a. from parties other than the DeLanos
 - b. with statement of justification and intended benefit

8th Week of Classwork

1. Comparison of requests for documents and documents produced
2. Model request for documents
 - a. Plutonic thinking used to postulate the occurrence of events and the existence of documents and data and request their production
3. Mosaics of declared and hidden realities built with seemingly unimportant and unrelated bits of information scattered over many documents
4. Analysis of the Equifax credit reports on the DeLanos
5. Assignment: Prepare a comparative table of the DeLanos' financial data
 - a. collect data from various documents and present it in one
 - b. annotate it with factual and evaluative comments
 - c. draw the timeline of data and debt production to show patterns and trends

9th Week of Classwork

1. Presentation of the annotated comparative tables
2. Model table that draws on the best features of the other tables:
 - a. data most useful to establish the petition's good faith or fraud
 - b. annotations most insightful, accurate, and clearly expressed
 - c. graphical aspects most helpful to the understanding of data
3. Lists of the types of information derived from the analysis of data
4. Mortgages' purpose, actors, cost, life-cycle events, expectations
 - a. Plutonic thinking applied to the DeLanos' string of 8 mortgages and closing costs but only one real property declared
5. Assignment: Report on the DeLanos' mortgages, proceeds and their application, mortgage payments, real property valuation, and income

10th Week of Classwork

1. Presentation of the mortgage and income reports
2. Model report that draws on the best information to answer the queries:
 - a. Who needed to do what for the mortgage applications to be approved and the proceeds applied as they were?
 - b. What system of interests does the mortgages analysis reveal?
3. Methods for tracing concealed assets
 - a. title search and search for property in county clerk's offices
 - b. subpoena for financial institutions to produce account documents
 - c. trustee's accounts and annual judicial financial disclosure reports
4. Assignment: Report on the second batch of mortgage documents to determine the role of the trustees and the DeLanos' attorney

11th Week of Classwork

1. Presentation of the 2nd batch of reports on mortgages documents
2. Model report to ascertain:
 - a. How useful for the lawyers and the trustees were the produced documents compared with those available in the county clerk's office?
 - b. How should the bankruptcy judge have handled the produced mortgages documents when they were filed in court?
 - c. What inferences can be drawn from the production of those documents?
3. Assignment: Report on the second batch of documents denying document production for the evidentiary hearing
 - a. Analysis of conflicting interests, Plutonic thinking and integration of bits of information to build the mosaic: the documents were produced
 - b. Is there still a need for documents and, if so, why and which?

12th Week of Classwork

1. Discussion of the reports on the denial of documents
2. Model report to identify the trustee and the court's interest in not requiring document production, yet approving the petition
3. The fees of the DeLanos' attorney: amount and nature of services
 - a. Inferences from an attorney rendering such services and a bankrupt incurring such fees to avoid producing documents
4. Discovery of a theme during writing, its function, and rewriting to emphasize it
 - a. An idea common to key points that allows them to reinforce each other and gives it unity so as to deliver a focused message
 - b. Key words; summarizing headings and title; in- or deductive structure of the written piece
5. Assignment: Report on the appearance, content, purpose, and reliability of the "Trustee's Report"

13th Week of Classwork

1. Presentation of the reports on the "Trustee's Report" and its theme
2. Model report to discuss how form and content of a written piece reinforce each other and reflect on the author's professionalism and credibility
 - a. the "Trustee's Report" and its place in his work and the *DeLano* case
 - b. how the "Report" helps determine the petition's good faith or fraud
3. The bankruptcy judge's approval of the "Trustee's Report"
 - a. whether the "Report" allowed the judge to determine that the trustee had investigated the DeLanos and found no fraud
 - b. reverse Plutonic thinking: had there been a proper trustee-judge relationship, what should have been in the report and its approval?
4. Assignment: Prepare to present evidence and argue whether the DeLanos committed fraud, if so, what kind, and whether alone or with others

14th Week of Classwork

1. Final presentation of the consulting teams to their clients, if possible in the auditorium as rehearsal of the Public Presentation to be held there
 - a. Were the clients defrauded; if so, in what amount and what should they do?
2. Model report to identify:
 - a. consonant interests that induce and allow bankruptcy fraud and conflicting interests that work against exposing it
 - b. interests and structural changes that should be introduced in the bankruptcy system to dissuade fraud and detect and expose it
3. Selection by the clients of the best presenters:
 - a. to address the media at the press conference
 - b. to present The *DeLano* Case at the Public Presentation

15th Week of Classwork

1. Rehearsals of:
 - a. the press conference
 - b. the Public Presentation of The *DeLano* Case
2. A single large consulting company holds:
 - a. the press conference
 - b. the Public Presentation

1st Week of Organizing the Public Presentation of The *DeLano* Case

1. Discussion in class of PP objectives, contents, and organization
2. Selection of dates to reserve the auditorium for rehearsals and PP
3. The class is the board of directors of the single large consulting company organizing the PP of The *DeLano* Case; each student is an officer of it
4. Division of labor among teams of officers that group themselves to take on primary responsibility for running the following departments
 - a. Financing & Budget
 - b. Accounting, reception
 - c. Public Relations Artists
 - d. Invitation & PP brochure
 - e. PP stage script
 - f. Auditorium & catering
 - g. Audio/Visual
 - h. Information Technology
5. Depending on the company size, a&b, c&d, e&f, & g&h may be merged

2nd Week of Organizing the Public Presentation

1. A bidding contest is held for primary responsibility for a department, with a run-off if necessary
 - a. programmatic proposal: each team writes a description of its members' qualifications to, and how it would, run its two preferred departments
2. The winning programmatic proposals are announced and the departments choose and announce their directors
3. Each department discusses how to coordinate its programmatic proposal with the other winning proposals; and makes suggestions for
 - a. a website for making, archiving, and retrieving inter-departmental communications, for commenting on submissions and voting on them
 - b. PP's stationery: logo, letterhead, envelopes and typography
 - c. categories of guests to invite to the PP presentation and the reception

3rd Week of Organizing the Public Presentation

1. Financing sources are identified and contacted and bank accounts are opened
2. Based on suggestions, PP stationery is developed and distributed for use
3. Industry standards to measure sizes, quantities, timeframes, expectations and feasibility are researched to make proposals for, and lists of:
 - a. forms, e.g., purchase requests, payment authorization, payables
 - b. receiving and disbursing funds and making financial reports
 - c. guests to invite to PP and/or reception, contact information, attendance registration, food and place for reception, advertising campaign
 - d. kinds of contents and layouts for the invitation and PP brochure
 - e. desired and available A/V items, i.e. equipment, props and programs
4. The website and its secure communications are tested and set up

4th Week of Organizing the Public Presentation

1. The first estimate is drawn up of the in-hand and expected funds within which the departmental budgets will have to fit
2. A PR campaign is drawn up to invite the mass media and the specialized media, e.g. accounting, auditing, financial, law and educational publishers
3. Estimates are obtained with ranges of firm and contingent numbers of
 - a. print runs, paper size and quality & colors of the PP brochure templates
 - b. eaters at the reception, catering staff, food types and delivery options
4. A catalog is compiled of A/V items, instructions, tutorials and examples for
 - a. classwork presentations and recording and replaying them for practice
 - b. PP in the auditorium and recording it, cutting and splicing to make a video
5. The departments draw up their preliminary expense items and budgets

5th Week of Organizing the Public Presentation

1. The departments submit for comment and suggestions their draft proposals for
 - a. their budgets
 - b. accounting forms and procedure for requesting and making payment
 - c. the PR campaign, master list of guests and their registration system
 - d. the invitation and PP brochure templates (to add contents to later on)
 - e. the script of PP on stage
 - f. management of the auditorium, reception and catering
2. The A/V catalog so far compiled is distributed and proposals are made for
 - a. refining, and adding to, it throughout the course as necessary
 - b. terms and procedure for borrowing A/V items for practicing presentations

6th Week of Organizing the Public Presentation

1. An updated financial report is presented to inform about the funds in-hand or on account, pledged, or expected from known or new sources
2. The comments, suggestions and classwork learning are discussed by each department, which draws up three final proposals for:
 - a. a general budget and the departmental budgets
 - b. accounting forms and funds management
 - c. the PR campaign, master list of guests and registration system
 - d. the invitation and PP brochure templates
 - e. the PP stage scripts
 - f. management of the auditorium, reception and catering
 - g. updating the A/V catalog and borrowing items for class presentations

7th Week of Organizing the Public Presentation

1. An updated financial report is presented
2. Each department submits to the board of directors three final proposals for choosing among them the final departmental program
3. The departments discuss the proposals
4. The officers vote on the proposals and any necessary run-off is conducted
5. The winning proposals are announced

8th Week of Organizing the Public Presentation

1. The accounting forms are used to request payment authorization and to grant it or in a reasoned statement to deny it
2. Three press releases are drafted to extend an invitation to the media to a press conference on PP and to it and the public to attend PP
3. Plans are drawn up for, with description of A/V items to use at:
 - a. a press conference to inform and answer questions about PP and invite the media to announce and attend it
 - b. PP script rehearsals with volunteers and their recording to determine the right number of cameras and angles for making the PP video
4. Content for the PP brochure is selected from course documents, consulting firms' classwork, officers' proposals, press clips, and laid out on the template
5. The auditorium, reception, catering and A/V officers may volunteer to help in other activities in order to gain experience

9th Week of Organizing the Public Presentation

1. The drafts of the press release and the plans for rehearsing the press conference and PP and making the PP video are submitted
 - a. for comment and suggestions
 - b. to announce rehearsals and full-dress rehearsal schedules and venues
 - c. to call for volunteer presenters, journalists and audience to critique their performance
 - d. with a list to be added to of media representatives and organizations to whom to send the press release
2. Three PP brochures with contents, in digital form and ready to be sent to the printer are submitted for comment and suggestions
3. The A/V items are made available for practicing for the press conference and PP rehearsals and the PP video making

10th Week of Organizing the Public Presentation

1. The departments submit an updated list of expense items and budgets with contingency margins
2. An updating financial report is presented
3. The PP invitations and envelopes are printed and mailed to the guests
4. The comments and suggestions made are used to revise
 - a. the press release drafts
 - b. the press conference and PP rehearsal plans
 - c. the three proposed PP brochures
 - d. the plan for using A/V items at the rehearsals and recording them to make the PP video

11th Week of Organizing the Public Presentation

1. An updated general budget is presented
2. Submission to the board of directors of the revised proposals and discussion of them in each department
3. Voting by the officers is held to choose the final version of
 - a. the press release
 - b. the press conference and PP rehearsal plan
 - c. the PP brochure
 - d. the plan for using the A/V items
3. Follow-up emails and phone calls are used to obtain feedback from the PP guests and encourage them to register their intent to attend

12th Week of Organizing the Public Presentation

1. An updated financial report is presented
2. Follow-up emails and phone calls are used to obtain feedback from the PP guests and encourage them to register
3. The press conference and PP are rehearsed to improve as need be
 - a. the presenters' command of the subject and the accuracy, relevance and fairness of the information presented
 - b. the A/V items' understanding-assisting value and proper use
 - c. the number of recording items and the optimal recording angles for shooting the PP video
4. The brochure is sent to the printer
5. Drafts are drawn up for signs, i.e. flyers, posters and banners, to advertise PP in campus and direct to, and in, the auditorium and reception
6. Forms are drafted for the evaluation
 - a. by the PP guests of the presenters, PP, and The *DeLano* Case
 - b. by the departments of their own organizational and presenting performance

13th Week of Organizing the Public Presentation

1. The press release is sent out to inform the media and the public about PP and invite the media to attend the press conference on it
2. The second rehearsal of the press conference and PP is held
 - a. the A/V items, i.e., props, equipment, and programs, are tested to ensure their availability, effectiveness, and ease of use
3. The draft signs are submitted for comment and suggestions
4. A call is made for officers to help prepare the auditorium before PP and clean it up afterwards and to serve as ushers at PP
5. The printed brochure is collected and inspected for quality and completeness and any necessary corrective measure is taken
6. Contingency planning: the departments v. a gang of Murphy's Law psychos that raise obstacles to which workarounds must be devised
7. The draft PP evaluation forms are submitted for comment and suggestions to the departments, which meet to discuss them

14th Week of Organizing the Public Presentation

1. An updated financial report is presented
2. After the classwork final presentations and the choosing of PP presenters
 - a. a PP full-dress rehearsal is held for accuracy of information, on and back stage coordination and professional appearance and performance
3. The press conference is held
 - a. a follow-up critique is held to determine what the media found interesting or in need of clarification and modify the PP script as appropriate
4. Firm arrangements are made with the caterers for the reception in light of the number of guests that have registered or are expected
5. Guests not yet registered are contacted
 - a last time by phone and email
6. The signs are revised in light of the comments and suggestions, produced, and the advertising ones are posted or handed out while the directional ones are stored
7. The PP evaluation forms are revised in light of the comments and suggestions and then printed

15th Week of Organizing the Public Presentation

1. Possession of the auditorium is taken before and surrendered after PP
2. The signs directing to, and in, the auditorium and the reception are displayed and the PP brochure and evaluation form are distributed to the guests
3. The Public Presentation of The *DeLano* Case is held
4. The reception is held as an opportunity to
 - a. thank the sponsors and gain feedback on The *DeLano* Case and PP
 - b. network with the guests, inquire about jobs and ask for job interviews
 - c. collect the PP evaluation form from the guests
5. Preliminary accounts and a balance sheet are presented:
 - a. the final accounts are presented a week later to the board and university authorities, who issue the release or investigate
6. PP evaluation forms and Report
 - a. the forms filled out by the guests are copied and distributed to the departments
 - b. the departments discuss the PP guest evaluation forms, evaluate themselves, and fill out their forms
 - c. the board meets to discuss the evaluation forms and outline a report of negative and positive points about PP and The *DeLano* Case
 - d. three reporters are elected to write the official Evaluation Report on the Public Presentation of The *DeLano* Case
 - e. the reporters issue their Report and distribute it to the officers and university authorities

NOTES

1. Given the amount of work involved in the theoretical and practical learning experience of the classwork and the organization to professional standards of the Public Presentation of The *DeLano* Case, it may be considered to attach more credits to this course than those attached to an otherwise regular one semester course.
2. Throughout the course it may be necessary to ask officers who have proved to be most capable to take over the directorship, or become members of, other departments whose officers have proved to be less so.

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