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See Note on Emailing on ws:ii
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October 6, 2010

Mr. Julian Assange and Sunshine Press Editors
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Victoria 3052, Australia

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tel. +1 (646)355 2040; +44 (795)817 5856

Dear Mr. Assange and Sunshine Press Editors,

I would like to commend you for leaking classified Afghan War documents. The responsible way in which you did so by having three highly reputed media organizations vet them attests to your adherence to the "principled leaking" statement in your "WikiLeaks: About" page. Unlike so many others, you may have the courage to handle the matter herein described.

WikiLeaks' sudden high visibility and credibility and its location outside the U.S. government jurisdiction put it in the unique position to expose wrongdoing by the branch of the U.S. government, i.e., the Federal Judiciary, that not only the media does not risk to investigate, but also the other two branches dare not force to be open and transparent. "Unaccountable and abusive power" breeds with no greater insidiousness and pervasiveness than in the "institutional secrecy" of the only branch whose top members, the unelected justices and judges, allow themselves to hold all its administrative and adjudicative meetings behind closed doors and to hold no press conference.

Judges have assured their unaccountability by dismissing 99.82% of the 9,466 misconduct complaints filed against judges from 1oct96-30sep08. Thereby they preserve the historic risklessness of their wrongdoing: In the 221 years since the creation of the Federal Judiciary in 1789 only 7 of its judges have been impeached and removed. In practice beyond prosecution, they abuse the most effective means, i.e., power over people's property, liberty, and even lives, to pursue the most corruptive motive: the $325+ billion that they have the opportunity to rule on in over 1.75 million cases annually. Would "We the People" have any democracy and honesty left in Congress and the Executive if its members were life-tenured and unelected, escaped all public scrutiny, and self-granted immunity to exercise power over money however they liked?

Below are discussed (I) the conditions enabling judges to engage risklessly in wrongdoing; (II) three cases that went twice from a U.S. bankruptcy court to the Supreme Court showing wrongdoing as the Judiciary's modus operandi; (III) state courts' support for it; (IV) the same media that publishes the Afghan War documents and brought down President Nixon self-censors evidence of concealment of assets by Then-Justice Nominee Judge Sotomayor; (V) a *Follow the wire!* investigation to determine interference in self-interest by the Judiciary with third party communications; (VI) why WikiLeaks and Sunshine Press should become a proactive "intelligence agency" by assembling a "quality journalists" team to *Follow the money!* of wrongdoing judges.

Your intelligence team's "overt facts" can induce new Justice Kagan, never a judge, to join the exposure from the inside before becoming self-interested in protecting judicial wrongdoing. Likewise, the revelation that President Obama vetted Then-Judge Sotomayor and found out that she had concealed assets and covered up wrongdoing, yet nominated her can outrage "the consciences of the people", induce candidates to join your exposure, and sway the November 2 election to "alter the course of history [and] lead us to a better future" where "power-abusive" judges are held accountable by "empowered citizens" that ensure that judges administer Equal Justice Under Law. Thus, I respectfully request (VII) that you, mindful of this favorable but constraining timing, form and ask your „intelligence team" to *Follow the money!*, have your technicians *Follow the wire!*, post documents (VIII), and arrange for us to meet to discuss how we can work together

Sincerely, Dr. Richard Cordero, Esq.

NOTE ON COMMUNICATING BY EMAIL

Please acknowledge receipt by phone at 1(718)827-9521 or email. See note at ws:87¶j on acknowledgment of receipt.

In light of the facts stated at ws:46§V concerning suspected interference with communications, always send any email separately to both:

i. The account used to send this file to WikiLeaks and Sunshine Press. Please make a note of it.

and SEPARATELY to any or all of these accounts:

ii. My regular email accounts:

CorderoRic@yahoo.com, Dr.Richard.Cordero.Esq@gmail.com,
Cordero.Ric@hotmail.com, Dr.Richard.Cordero.Esq@cantab.net

You may copy and paste all of these four regular email accounts in the To: line of your email composition window to increase the chances that your email is received.

Kindly make sure NOT to include and NOT to mention the email account at ¶i. anywhere in any email that you send to any of the email accounts under ¶ii. and vice versa.

NOTE ON DOWNLOADING AND UPLOADING THIS FILE

For the time being, the link that appears in the footer of the Request below for downloading this file from http://Judicial-Discipline-Reform.org, i.e,

http://Judicial-Discipline-Reform.org/WL/1two/RC-WS_6oct10.pdf

is purposefully inactive. At an opportune time, it will be activated. [Activated on 17dec10]

Likewise, when appropriate in light of the proposed *Follow the money!* and *Follow the wire!* investigations(ws:83§VII.A), WikiLeaks and Sunshine Press can post this file to their websites for public viewing or downloading. Meantime, WikiLeaks and Sunshine Press can transmit this file as an attachment if in their opinion neither such transmittal nor its recipients will prejudice those investigations.

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October 6, 2010

Request to WikiLeaks and Sunshine Press To Leak, Investigate, and Broadcast Evidence of U.S. Federal Judges' Riskless Coordinated Wrongdoing,

engaged in through their denial of due process of law;
secret, fiat-like reasonless, and de facto unreviewable decision-making; and
self-exemption from accountability by abusing the judicial self-discipline system;
all constituting abuse of power for their individual and judicial class benefit
and to the detriment of the people's property, liberty, lives, and
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Racketeer Influenced And Corrupt Organizations Act (RICO)
18 U.S.C. §1961(5)(ws:33fn127) "pattern of racketeering activity" requires at least two acts of racketeering activity…within ten years

A. This document

1. http://Judicial-Discipline-Reform.org/WL/1two/RC-WS_6oct10.pdf, but see ws:ii on uploading this file

B. Evidence against judges

2. ws:18fn85>http://Judicial-Discipline-Reform.org/docs/DrRCordero_v_JJNinfo_WBNY_11aug3.pdf
3. ws:19fn88 >http://Judicial-Discipline-Reform.org/docs/DrCordero_v_CA2_CJ_Walker.pdf of 19mar4
4. ws:29fn121 >http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf

C. Evidence against clerks

5. ws:19fn89 >http://Judicial-Discipline-Reform.org/docs/DrRCordero_CA2_wrongdoing_pattern_18apr4.pdf
6. ws:fn260 >http://Judicial-Discipline-Reform.org/docs/DrCordero-CA2_clerks_wrongdoing_15may4.pdf
7. ws:78fn261 >http://Judicial-Discipline-Reform.org/docs/complaint_to_Admin_Office_28jul4.pdf

D. Evidence against the trustees

8. ws:10fn51 >http://Judicial-Discipline-Reform.org/Follow_money/Tr_Reiber_Report.pdf
9. ws:15fn69 >http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_CA2.pdf

E. Evidence against attorneys

10. ws:11fn57 >http://Judicial-Discipline-Reform.org/NYS_att_complaints/16App_Div/DrRCordero-AppDiv4dpt.pdf
11. ws:35fn132 >http://Judicial-Discipline-Reform.org/NYS_att_complaints/15DDC/1DrRCordero-Disciplinary_Com.pdf

F. Evidence against a court reporter

12. ws:76fn250 >http://Judicial-Discipline-Reform.org/docs/DrCordero_to_JConf_CtReporter_28jul5.pdf

G. Evidence of bias and abuse of power by a judge in a courtroom

13. ws:10fn47b >http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf

H. Evidence of the courts' and the circuit judicial councils' self-interested abuse of the rulemaking power

14. ws:17fn76 >http://Judicial-Discipline-Reform.org/docs/DrRCordero-JudCoun_local_rule5.1h.pdf

I. The collected official statistics on misconduct and disability complaints against federal judges

15. ws:2fn9 >http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf

J. The Judicial Conference as coordinator of judicial self-exemption from discipline

16. ws:21fn98 >http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf
17. ws:31fn125 >http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo-JudConf.pdf

K. The Circuit Justice's and Supreme Court's condonation of denial of due process and the cover-up

18. ws:7fn38b >http://Judicial-Discipline-Reform.org/docs/DrCordero_v_Premier_CA2.pdf (*Premier-Pfuntner*) of 9jul3
19. ws:25fn108a >http://Judicial-Discipline-Reform.org/docs/DrCordero-JGinsburg_injunction_30jun8.pdf (*DeLano*)
20. ws:25fn108b >http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf (*DeLano*)
21. ws:25fn108c >http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf
22. ws:25fn108d >http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_rehear_23apr9.pdf

L. Motives behind corruption and the means to engage in it within and without the courts

23. ws:14fn62 >http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf
24. ws:14fn63 >http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

25. ws:7fn36 >http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf
26. ws:61fn205 >http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf

M. Exposing the Judiciary as the safe haven for coordinated wrongdoing judges

1) An academic and research proposal

1. ws:47fn160 >http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero-Legal_ethics_prof.pdf

2) An investigative journalism proposal

2. ws:68fn220 >http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf
   a) ws:21fn102 >http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf
   b) ws:84fn275c >http://Judicial-Discipline-Reform.org/Follow_money/how_to_follow_money.pdf

3) A proposal to a courageous and principled promoter of the public good

3. ws:88fn281 > http://Judicial-Discipline-Reform.org/Follow_money/Champion_of_Justice.pdf

IX. Resume of Dr. Richard Cordero, Esq. CV:91

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December 17, 2010

Mr. Julian Assange
c/o: Mr. Vaughan Smith
Frontline Club Founder vaughan.smith@frontlineclub.com
At Mr. Smith's estate in Suffolk, U.K.

Dear Mr. Assange,

I hope that you are holding up strong and remain committed to the principle that "What conscience cannot contain, and institutional secrecy unjustly conceals, WikiLeaks can broadcast to the world."[1] Subscribing to that principle, I sent you[2] and WikiLeaks' sponsor, Sunshine Press, evidence of coordinated judicial wrongdoing in the U.S. Federal Judiciary giving rise to judges[3] running a bankruptcy fraud scheme and covering it up[4]. I described how WikiLeaks can form a team of journalists[5] to conduct a Watergate-like *Follow the money!*[6] and a *Follow the wire!*[7] investigation that can lead to the U.S. Supreme Court[8]. Since you fear "onward extradition to the U.S." from Sweden, you can now also undertake such investigation as a preemptive attack on both U.S. Attorney General Eric Holder, whose Department of Justice also participated in the cover-up of the scheme[9], and the Federal Judiciary, who will decide your fate if you are forced to appear before it[10]. By showing their corruption and collusion[11], you can provide the world evidence that they would disregard your rights to due process of law[12] and thus, are unfit to try you.

Preemption can also be undertaken in front of a global audience concerning the Swedish authorities' allegations against you. Consider making this announcement at a press conference:

> The Swedish authorities allege that they want to extradite me to question me regarding allegations of sexual misconduct brought against me in Sweden. They deny that their extradition of me is a deceptive maneuver to hand me over, either in Sweden or at a forced stop-over, to the U.S. authorities so that they can try me criminally for WikiLeaks' leaking classified U.S. government documents. If the Swedish authorities are sincere, they need neither to extradite me to Sweden nor wait for months or years for the uncertain outcome of an extradition process nor spend the enormous amount of money that this process costs them and me. They can question me while I am in the U.K.
>
> Hence, on January 2, 2011, at 1:00pm, I will be at X [either Mr. Smith's estate, his Club or a bigger room] before a TV screen that will be linked by satellite to S [a similar place in Sweden] where there will be another TV screen and chairs marked for the Swedish authorities to sit and question me. I vow to answer their questions under oath taken by them and/or a U.K. magistrate. [It will be 7:00 CST/8:00 EST a.m. in the U.S. and Americans will be watching the morning news because it will be Sunday and…]
>
> Moreover, on the same occasion, a similar TV screen will be linked by satellite to A [a big hotel] in Alexandria, in the U.S. state of Virginia. Chairs will be there marked for the grand jury impaneled by the U.S. authorities to assess evidence against me for alleged espionage and conspiracy. I will answer their questions too. What is more, there will also be a chair for U.S. Attorney General Eric Holder for him to sit and question me.
>
> Let me eliminate any excuse for them not to appear: I am not scheduling a debate; I am putting myself at their disposal to answer their questions. WikiLeaks and I stand for transparency in the relations between government and the public. I am showing that I hold true to my beliefs. If these authorities do not stand for deceptive secrecy and cover-ups, let them show up and question me then. I'll be there. [While awaiting their unlikely appearance, clips on WikiLeaks and interviews can be broadcast to a global audience.]

Looking forward to hearing from you[13], Dr. Richard Cordero, Esq.

Cc: Mark Stephens; Geoffrey Robertson; Sunshine Press; John Pilger; et al.

ja:xi

ENDNOTES

[1] WikiLeaks: About; http://wikileaks.org/wiki/WikiLeaks:About

[2] File emailed to Mr. Assange; http://Judicial-Discipline-Reform.org/WL/1two/RC-WS_6oct10.pdf; hereinafter referred to as ws:page number section number or paragraph number = ws:#§# or ws:#¶#.

[3] ws:1§I

[4] In calendar 2009 alone, U.S. federal judges ruled on $325.6 bl. at stake in consumer (predominantly non-business) bankruptcies. In non-consumer bankruptcies, they dealt with additional $10s of billions. In the FY05-09 period, 6,142,076 bankruptcies of either type were filed in the federal bankruptcy courts involving over $1 trillion. Yet, only 0.23% of them were reviewed in the federal district courts and only 0.07% in the federal circuit courts although bankruptcy cases concerned 79% of the 7,808,450 new cases filed in the federal courts during that 5-year period. Years go by without the Supreme Court taking up for review a bankruptcy case. As a result of this de facto unreviewability of bankruptcy cases, federal judges (ws:7¶9 on their avowed money motive) can without fear of exposure decide such cases however they want in coordination with bankruptcy and legal systems insiders while taking advantage of the ignorance and helplessness of the overwhelming majority of pro se bankrupts (ws:5¶¶6-7) and allow those decisions to stand regardless of how wrongly, in self-interest, and corruptly those cases are decided; http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_as_percent_new_cases.pdf

[5] ws:66§VI

[6] ws:67§A

[7] ws:46§V; cf. http://Judicial-Discipline-Reform.org/DANY/11DrRCordero-NYC*DA*Cybercrimes_12nov10.pdf; this complaint was rejected without requesting any information and evidence identified on a proposed subpoena to facilitate and pinpoint the investigation; DA:221.

[8] I discovered the evidence of the bankruptcy fraud scheme while prosecuting cases from U.S. bankruptcy court to the Supreme Court on petitions for certiorari; ws:15§II

a) *In re DeLano*, 04-20280, WBNY; 08-8382, SCt, http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf

b) *James Pfuntner v Trustee Kenneth Gordon et al.*, 02-2230, WBNY; 04-8371, SCt, http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf

I argued the *DeLano* case before Then-Judge Sonia Sotomayor, presiding, of the U.S. [federal] Court of Appeals for the Second Circuit(CA2; 06-4780-bk), Now-Justice Sotomayor of the U.S. Supreme Court; http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf > CA:2180.

To prove participation in the bankruptcy fraud scheme by a quintessential bankruptcy system insider, a 39-year veteran banker who at the time of filing personal bankruptcy just before his retirement was and remained a bankruptcy officer at a major bank with $65 bl. in assets, I requested discovery of documents as reasonably related to every bankruptcy case as the bankrupt's bank account statements. But the U.S. federal bankruptcy judge as well as the district judge denied me *every single document* that I requested.

So did circuit Judge Sotomayor and her CA2 3-judge panel despite my 12 requests; ent.8.a) >US:2484. By so engaging in persistent and notorious denial of a party' discovery rights and contempt for her own due process duty to find the facts to which to apply the law, she too covered up the scheme. Thereby Judge Sotomayor showed reckless disregard for the truth by evading the means to ascertain the facts.

For Judge Sotomayor's personal motive in covering up such concealment of assets, see

her own concealment of assets, as hinted at by major newspapers around the time of her justiceship nomination and confirmation hearings; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/6articles_JSotomayor_financials.pdf; and ws:40 §§B-C.

[9] ws:74¶i

[10] On the participation of New York State officials in the cover-up of the bankruptcy fraud scheme, see ws:34§III; and

http://Judicial-Discipline-Reform.org/DANY/9DrRCordero-NYCDACVance_11nov10.pdf. A complaint against NY attorneys involved in the scheme was filed with the New York County District Attorney Cyrus R. Vance, Jr. His office dismissed it without any investigation on the ludicrous excuse that on "the available evidence, we do not believe that we can establish a criminal charge beyond a reasonable doubt"; id. >DA:288.

However, it is not a citizen's duty to file a complaint so factually developed as to spare the DA the need to use his subpoena power to investigate it and to require of him only to evaluate the odds of winning.

To what extent the dismissal intends to protect:

1. Lt. Governor Elect Robert Duffy, the mayor of Rochester, where the scheme was first discovered; and
2. DA Vance, who
   a) is a colleague of Former NY County Assistant District Attorney Sonia Sotomayor (1979-1984), now Justice Sotomayor; and
   b) was a member of the Judicial Screening Panel, which makes recommendations for NY State judicial appointments as part of
3. NY State Courts' 1st Dept. Appellate Division, which appointed the members of its [Attorney] Disciplinary Committee that also dismissed the complaint without even requesting the complained-against attorneys to reply to the complaint(id. Ci:128)?

To protect their highly placed colleagues and lawyers, who are key contributors to DA and judicial elections, all of them likewise showed reckless disregard for the truth by evading the means to ascertain the facts.

[11] ws:41¶¶94-101; http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf

[12] http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf;

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

[13] For further evidence of strategic thinking that can help both of us advance toward our shared objective of exposing coordinated wrongdoing in and among the branches of government and between them and insiders, see ws:83§VII; and

a) http://Judicial-Discipline-Reform.org/docs/strategy_expose_judicial_wrongdoing.pdf;

b) http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_aca&biz_venture.pdf;

c) http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf

>Dn:1: Proposal for **The Disinfecting Sunshine on the Federal Judiciary Project,** a multidisciplinary research and business venture to expose the inner workings of the most secretive branch of government and its riskless disregard for ethics and the law; and

>Dn:3: for **The *DeLano* Case Course:** Using journalism not just to first draft history, but rather to trigger it at a public presentation of the findings of the Watergate-like *Follow the money!* investigation of coordinated judicial wrongdoing

d) On writing **a series of articles like Émile Zola's *I Accuse!*** to denounce coordinated judicial wrongdoing that has become the Federal Judiciary's institutionalized modus operandi; http://Judicial-Discipline-Reform.org/NYCBar_FBC/I_Denounce_13dec6.pdf

Dr. Richard Cordero, Esq.

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M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent St., Brooklyn, NY 11208, USA
Dr.Richard.Cordero.Esq@gmail.com*
tel. + 1 (718) 827-9521

December 20, 2010

Mr. Vaughan Smith
Frontline Club
13 Norfolk Place vaughan.smith@frontlineclub.com
London W2 1QJ

Re: Time-sensitive proposal for preempting J. Assange's accusers in front of a global audience & before any trial in the U.S.

Dear Mr. Smith,

I am an American lawyer and researcher-writer in New York City with a doctorate of law from Cambridge University, U.K., (1989; CamCard 127991).

In October, I emailed to Mr. Julian Assange a file with evidence of coordinated wrongdoing in the U.S. Federal Judiciary. I requested the publication of certain documents and argued why WikiLeaks, in harmony with its self-description on its website, should also form a team of journalists and IT technicians to investigate such evidence and expose its findings. That file is incorporated in the one containing this letter as well as its endnotes, i.e., [#]. The links to it are http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf and that one below.

I am now writing to Mr. Assange to put forth reasons why, in light of his fear of being extradited and of ending up in the U.S., he can in his own interest undertake the formation of such team and the proposed investigation. Moreover, I am offering a suggestion for Mr. Assange to preempt both the Swedish and the U.S. authorities by showing them up before an expecting global audience.

Since WikiLeaks is not accepting submissions and my emails to …@sunshinepress.org are returned undelivered, I am writing to Mr. Assange in your care. Therefore, I respectfully request that you see to it that the enclosed letter and CD for him reach him.

Given your position as supporter and advisor to Mr. Assange and the role that you would play in deciding whether to implement and eventually in implementing either the investigative proposal or the preemptive suggestion or both, I invite you to read the attached copy of the letter to him and analyze it in the context of the evidence in the file, to which endnotes make reference.

Consequently, I also respectfully request that thereafter you discuss with your Frontline colleagues, whether discreetly or at a ticket event, the proposal in the file for forming a team of journalists to investigate the most secretive and unresponsive, and thus abusive branch of the American government: the Federal Judiciary, before which Mr. Assange may stand trial.

I stand ready to answer your and Mr. Assange's questions and provide any further explanations or suggestions requested.

To increase the chances that your reply is received, kindly copy the following block of email addresses into the "To: " box of your browser and then email it:

CorderoRic@yahoo.com, Dr.Richard.Cordero.Esq@gmail.com,
Cordero.Ric@hotmail.com, Dr.Richard.Cordero.Esq@cantab.net

I will at least acknowledge receipt of your reply within 48 hours. If you do not receive my acknowledgment, please try contacting me again by email or otherwise. For the need for this measure, see http://Judicial-Discipline-Reform.org/WL/2two/RC-VS_20dec10.pdf >ws:46§V

Thanking you in advance, I look forward to hearing from you.

Sincerely, Dr. Richard Cordero, Esq.

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

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December 23, 2010

Mr. Mark Stephens
Finers Stephens Innocent LLP
179 Great Portland Street
London W1W 5LS, UK

mark.stephens@fsilaw.com
tamara.martin@fsilaw.com

Dear Mr. Stephens,

I am an American lawyer and researcher-writer in New York City with a doctorate of law from Cambridge University, U.K., (1989; CamCard 127991).

In October, I emailed to Mr. Julian Assange and each of the available …@SunshinePress.org addresses a file with evidence of coordinated wrongdoing in the U.S. Federal Judiciary. I requested the publication of certain documents and argued why WikiLeaks, in harmony with its self-description on its website, should also form a team of lawyers and journalists to investigate such evidence and expose its findings. That file is incorporated in the one containing the letter below and its endnotes. The file with supporting documents is found in the enclosed CD; its link is http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf.

Since the best defense is an offense, I am writing now to Mr. Assange to put forth reasons why, in light of his fear of being extradited and of ending up in the U.S., he can in his own interest undertake the formation of such team and the proposed investigation.

In the same vein, I am offering a suggestion for Mr. Assange to preempt both the Swedish and the U.S. authorities by showing them up before an expecting global audience.

All my current emails to WikiLeaks return undelivered. I have also emailed you and Ms. Tamara Smith the text of this letter and that to Mr. Assange several times from several accounts. If either of you sent me an acknowledgment of receipt, I have not received it. If so, you may find a factual explanation of why your emails failed to reach me at the link above >ws:46§V.

Therefore, I am writing to Mr. Assange in your care and respectfully request that you see to it that the enclosure for him reaches him.

Given your position as counsel to Mr. Assange and the role that you would play in deciding whether to implement and eventually in implementing either the investigative proposal or the preemptive suggestion or both, I invite you to read the letter below and analyze it in the context of the evidence in the file.

Hence, I also respectfully request that thereafter you discuss with your lawyer colleagues and journalist acquaintances covering the U.S. the proposal detailed in the file for forming a team of lawyers and journalists to investigate the most secretive and unresponsive, and thus abusive branch of the American government: the Federal Judiciary. It will redound to the benefit of Mr. Assange as well as that of all those interested in judicial accountability and American government transparency. Just as he has envisaged for his leaks, that investigation can spark similar justice-fostering investigations in other countries; cf. >ws:63§E, ws:67¶141, and ws:83§VII.

I stand ready to answer your and Mr. Assange's questions and provide any further explanations requested. If you email me, I will acknowledge receipt within 48 hours. If you do not receive such acknowledgment, kindly contact me otherwise; cf. ws:ii.

Thanking you in advance, I look forward to hearing from you.

Sincerely, Dr. Richard Cordero, Esq.

Dr. Richard Cordero, Esq.

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December 23, 2010

Ms. Jennifer Robinson
Finers Stephens Innocent LLP
179 Great Portland Street
London W1W 5LS, UK

jennifer.robinson@fsilaw.com
andrejka.kapusta@fsilaw.com

Dear Ms. Robinson,

I am an American lawyer and researcher-writer in New York City with a doctorate of law from Cambridge University, U.K., (1989; CamCard 127991).

In October, I emailed to Mr. Julian Assange and each of the available …@SunshinePress.org addresses a file with evidence of coordinated wrongdoing in the U.S. Federal Judiciary. I requested the publication of certain documents and argued why WikiLeaks, in harmony with its self-description on its website, should also form a team of lawyers and journalists to investigate such evidence and expose its findings. That file is incorporated in the one containing the letter below and its endnotes. The file with supporting documents is found in the enclosed CD; its link is http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf.

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Hence, I also respectfully request that thereafter you discuss with your lawyer colleagues and journalist acquaintances covering the U.S. the proposal detailed in the file for forming a team of lawyers and journalists to investigate the most secretive and unresponsive, and thus abusive branch of the American government: the Federal Judiciary. It will redound to the benefit of Mr. Assange as well as that of all those interested in judicial accountability and American government transparency. Just as he has envisaged for his leaks, that investigation can spark similar justice-fostering investigations in other countries; cf. >ws:63§E, ws:67¶141, and ws:83§VII.

I stand ready to answer your and Mr. Assange's questions and provide any further explanations requested. If you email me, I will acknowledge receipt within 48 hours. If you do not receive such acknowledgment, kindly contact me otherwise; cf. ws:ii.

Thanking you in advance, I look forward to hearing from you.

Sincerely, Dr. Richard Cordero, Esq.

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
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December 23, 2010

Mr. Geoffrey Robertson Q.C.
Doughty Street Chambers
53-54 Doughty Street
London WC1N 2LS, UK

g.robertson@doughtystreet.co.uk
m.albert@doughtystreet.co.uk

Dear Mr. Robertson,

I am an American lawyer and researcher-writer in New York City with a doctorate of law from Cambridge University, U.K., (1989; CamCard 127991).

In October, I emailed to Mr. Julian Assange and each of the available …@SunshinePress.org addresses a file with evidence of coordinated wrongdoing in the U.S. Federal Judiciary. I requested the publication of certain documents and argued why WikiLeaks, in harmony with its self-description on its website, should also form a team of lawyers and journalists to investigate such evidence and expose its findings. That file is incorporated in the one containing the letter below and its endnotes. The file with supporting documents is found in the enclosed CD; its link is http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf.

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All my current emails to WikiLeaks return undelivered. I have also emailed you and Mr. Matthew Albert the text of this letter and that to Mr. Assange several times from several accounts. If either of you sent me an acknowledgment of receipt, I have not received it. If so, you may find a factual explanation of why your emails failed to reach me at the link above >ws:46§V.

Therefore, I am writing to Mr. Assange in your care and respectfully request that you see to it that the enclosure for him reaches him.

Given your position as counsel to Mr. Assange and the role that you would play in deciding whether to implement and eventually in implementing either the investigative proposal or the preemptive suggestion or both, I invite you to read the letter below and analyze it in the context of the evidence in the file.

Thereafter, I encourage you to 'trace your future career to become the modern John Cooke of your Tyrannicide Brief so that as a reasonable barrister and visionary judicial reformer you show the courage and intellect to devise a way to end the impunity of the American sovereigns': the life tenured, discipline self-exempting, de facto unimpeachable Above the Law U.S. federal judges and justices; http://www.geoffreyrobertson.com/. Cf. http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_aca&biz_venture.pdf. Just as Mr. Assange has envisioned for his leaks, judicial reform through the proposed investigation can spark similar investigations of the judiciaries of other countries and foster Equal Justice Under Law; cf. >ws:63§E, ws:67¶141, and ws:83§VII.

I stand ready to answer your and Mr. Assange's questions and provide any further explanations requested. If you email me, I will acknowledge receipt within 48 hours. If you do not receive such acknowledgment, kindly contact me otherwise; cf. ws:ii. Thanking you in advance, I look forward to hearing from you.

Sincerely, Dr. Richard Cordero, Esq.

Dr. Richard Cordero, Esq.

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February 7, 2011

Att.: Mr. Vaughan Smith and Ms. Sarah Harrison sarahvharrison@gmail.com
Mr. Julian Assange vaughan.smith@frontlineclub.com
At Mr. Vaughan Smith's estate
Suffolk, U.K.

Dear Mr. Smith and Ms. Harrison,

Two weeks ago you were kind enough to acknowledge receipt of my two proposals to Mr. Assange. I would appreciate your letting me know the status of his consideration of them. They are briefly restated as follows:

I. Preempting the Swedish and the U.S. Authorities in a Worldwide Available Video-Conference Event

This proposal provides for Mr. Assange to announce that on a certain date he will appear at a U.K. venue linked by satellite or the Internet to a venue in Sweden and the U.S. where those authorities can interrogate him under oath on the charges of interpersonal misconduct and terrorism, respectively, during a video conference available as a feed to every TV and radio broadcaster in the world. This event will give him the opportunity while waiting for the unlikely appearance of those authorities to transmit documentary clips about himself and WikiLeaks' activity to an expecting global audience.

The fact that Mr. Assange spent two days of interviews with Reporter Steve Kroft of the highly regarded American documentary series 60 Minutes on the national network CBS, which has just been broadcast during prime time, shows that he recognizes the value of, and is interested in, getting his story across to the American public. How much more interested he would be in the much higher value of transmitting his side of the story to a global audience.

What is more, during his worldwide available video conference he could rightfully highlight the role that WikiLeaks played in the people's overthrow of the Tunisian dictator and the spread throughout the Arab world –including Egypt, Yemen, and Jordan- of the same people's newly found courage to rise up against tyrannical regimes.

This global video conference event, well-orchestrated and choreographed by you, Mr. Smith, and your Frontline journalists and documentarists, could serve to further spread worldwide that same popular revolt against governments that hold on to power through physical oppression as well as repression of the mind. The latter type of government, which in the U.S. includes not only the Executive Branch, but also the Judiciary, keeps the facts from the people through secrecy and distortion of the truth.

The global video conference can be a people's empowering event that can vindicate Mr. Assange's and WikiLeaks' mission. During it, Mr. Assange can substantiate his statement to 60 Minutes Reporter Kroft to the effect that since the McCarthy era the U.S. government had not tried to suppress the news and persecute journalists as it is doing now with respect to him and WikiLeaks' work.

II. The *Follow the money and the wire!* Investigations of the U.S. Federal Judiciary

This second proposal provides for the formation of a team of journalists to pursue in a narrowly targeted, cost-effective *Follow the money!* investigation the concrete evidence of coordinated wrongdoing as the institutionalized modus operandi of the U.S. Federal Judiciary.

The revelations of this proactive investigative journalism –as opposed to passive receipt of leaked documents- could show to the U.S. public as well as the rest of the world that:

1) U.S. federal judges by their own conduct, including their abusive exercise of judicial power over money in controversy[1], are ethically unfit to sit in judgment of Mr. Assange; and that

2) after such revelations, federal judges would have a compelling motive to retaliate against him, thus depriving him of an unbiased tribunal and due process of law, which would disqualify them to sit in judgment of him, for instead of ensuring that "justice was seen to be done"[2], they would give "the appearance of impropriety"[3].

The evidence of federal judges' coordinated wrongdoing was provided:

1) in the digital file that I emailed to all WikiLeaks' …@sunshinepress.org addresses last October, which file is available through
http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf
and http://Judicial-Discipline-Reform.org/WL/2two/RC-VS_20dec10.pdf; and

2) mailed in print and on a CD to you, Mr. Smith, last December.

The *Follow the money!* investigation is coupled with the proposed *Follow the wire!* investigation of the Federal Judiciary's unlawful interception in self-interest of email, mail, and phone communications of its critics, such as me.

Their revelations can trigger a Watergate-like series of investigations by other media outlets and have a Watergate-like effect of causing even justices of the U.S. Supreme Court to resign or be impeached; id. >ws:43ft152. It can contribute to making significant progress toward the realization of an ideal dear to all those who, like Mr. Assange, are interested in government transparency and accountability, namely, Equal Justice Under Law.

Consequently, I respectfully urge you, Mr. Smith and Ms. Harrison, to seek a favorable decision by Mr. Assange on my proposals and to let me know.

Sincerely, Dr. Richard Cordero, Esq.

---

[1] Federal bankruptcy judges decide who keeps or receives $100s of bl. annually, yet only 0.23% of their decisions are reviewed by the district courts and only 0.07% by the circuit courts, which appointed them and have a policy of exempting all their colleagues from all misconduct complaints. Thereby federal judges can without fear of exposure decide such cases and allow those decisions to stand regardless of how wrongly, in self-interest, and corruptly those cases are decided. Their unaccountable power over more than $325.6 billion in CY 2009 alone leads to corruptive greed, disregard for due process, and coordinated wrongdoing. A proposal for a multidisciplinary academic, investigative, and business venture; http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_as_percent_new_cases.pdf

[2] *Ex parte McCarthy*, [1924] 1K. B. 256, 259 (1923)

[3] Code of Conduct for United States Judges, Canon 2 and commentary 2A; http://Judicial-Discipline-Reform.org/docs/Code_Conduct_Judges_09.pdf

vs:xix

Sat, 12feb11, email

From: Sarah Harrison, sarahvharrison@gmail.com
to: Dr. Richard Cordero. Esq., corderoric@yahoo.com

Cc: "Vaughan Smith" <vaughan.smith@frontlineclub.com>, "khrafnsson" <khrafnsson@gmail.com>, "Dr. Richard Cordero. Esq." <dr.richard.cordero.esq@cantab.net>

Re: Inquiry about the status of my two proposals to Mr. J.A., which you acknowledged received

Dear Richard,

Many thanks for your email. I am afraid that due to the court proceedings taking place here that Mr Assange has not had time to go through your proposal. I can reply the following though –

1. He asked if he could be interviewed by the Swedish authorities (both in Sweden before he had to leave for work, and in the UK since he left, including by video link) but they refused in any form.
The US have not asked for this and have given us no reason to suspect they would.

2. Unfortunately we do not have the resources due to the constant attacks and our large amount of work on the current release to consider entering into investigations. We also operate by being a place to receive leaks - we can not go and look for them as this would have many legal repercussions for us.

Many thanks for your thoughts though.

Best,

Sarah

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent St., Brooklyn, NY 11208
Dr.Richard.Cordero.Esq@gmail.com
Judicial-Discipline-Reform.org
tel. (718) 827-9521

February 20, 2011

Att.: Ms. Sarah Harrison and Mr. Vaughan Smith
Mr. Julian Assange
At Mr. Vaughan Smith's estate — sarahvharrison@gmail.com
Suffolk, U.K. — vaughan.smith@frontlineclub.com

Dear Ms. Harrison and Mr. Smith,

Thank you for replying to my inquiry about the status of my proposals to Mr. Assange:

I. Preempting Swedish & U.S. authorities in video-conference event accessible worldwide

I am fully aware that Mr. Assange expressed his readiness to be questioned in the U.K and that the Swedish authorities turned him down. Given the legal anomalies in those authorities' conduct noticed by commentators, I figured that they are not interested in questioning him from Sweden through a video conference link to a U.K. venue. Rather, it appears that they are intent on gaining physical control over him so as to be able to bargain with their acquiescence to a U.S. request for extradition. That is why in my first letter I referred to the "unlikely appearance" of the Swedish and the U.S. authorities at their respective video conference sites. Thus, the proposal aims to stage an event that by Mr. Assange naming a place and date draws worldwide attention to his unequivocal disposition to answer their questions, thereby calling their bluff: By not showing up, they will demonstrate that they are interested, not in hearing his side of the alleged misconduct story, but only in imprisoning him so as to silence him and decapitate WikiLeaks.

More importantly, I noted that while "awaiting the authorities' unlikely appearance", Mr. Assange can "broadcast to a global audience" documentary-like interviews and clips on the impact of secrecy and transparency on government and people's lives. He could highlight how *intrinsically American* it is to expose official wrongdoing and hold the authorities accountable, from the 1773 Boston Tea Party and the 1954 censure of McCarthy, the Pentagon Papers, Watergate, the banks' complicity in Bernie Madoff's Ponzi scheme, to the key role that transparency plays for the TEA Party and politicians such as Rep. H.R. Darell Issa, Dem. Sen. Kirsten Gillibrand, NY Gov. A. Cuomo, etc. The upheaval in the Arab world offers solid ground for expounding on people's inalienable right to truth and accountability and the use of the new media to assert it. Mr. Assange would portray himself as an advocate of enduring, universal values.

II. The *Follow the money and the wire!* investigations of the U.S. Federal Judiciary

This proposal arises from Mr. Assange extolling WikiLeaks on his website as "the first intelligence agency of the people". Nothing indicates that he "considers entering into investigations"' necessary for WL to become such. Rather, he only needs to be instrumental in proposing to journalists, such as those in Mr. Smith's Frontline Club, CBS Reporter Steve Kroft, *The New York Times*, etc., evidence selected for its potential to enable their conduct of a narrowly focused and cost-effective investigation that can expose coordinated wrongdoing at the highest level of government. His role is that of a leader; the leads are in my file[1]. Additionally, that investigation holds out the reasonable expectation of impugning the honesty and truthfulness of the very judges that will be asked both to determine an application for his extradition and conduct his trial and appeals. The investigation "would not have many legal repercussions for [you]", for it calls for conducting only professional, Watergate-like journalism. It would be held up as a model for journalists around the world to imitate: the journalists' freedom through truth, Tahrir Square equivalent.

I thank you in advance for reading and letting Mr. Assange read this brief letter. Meantime,

yours sincerely, Dr. Richard Cordero, Esq.

[1] http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf

sh:xxi

Dr. Richard Cordero, Esq.

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59 Crescent St., Brooklyn, NY, USA 11208
Dr.Richard.Cordero.Esq@gmail.com
tel. +1(718) 827-9521

March 2, 2011

Att.: Ms. Sarah Harrison and Mr. Vaughan Smith
Mr. Julian Assange sarahvharrison@gmail.com
At Mr. Vaughan Smith's estate, Suffolk, U.K. vaughan.smith@frontlineclub.com

Dear Ms. Harrison and Mr. Smith,

Thank you for your response to my proposal for Mr. Assange to preempt the U.S. Federal Judiciary from adjudicating any controversy relating either to his extradition to the U.S. or the charges that the Federal Executive may bring against him. The preemptive proposal provides for a team of journalists to conduct a targeted, cost-effective *Follow the money and the wire!* investigation based on the facts and leads described in my earlier submission to him (http://Judicial-Discipline-Reform.org/WL/2two/RC-JA_17dec10.pdf >ws:83§VII).

My proposal does not entail, as your email would suggest, "a large expansion by WikiLeaks of in depth investigative news pieces". The precedent for my proposal is the investigation of the Watergate Scandal, which caused the resignation of President Richard Nixon on August 8, 1974, and the incarceration of all his White House aides. Although it was launched by *Washington Post* Reporters Carl Bernstein and Bob Woodward, they did not make all the findings that led to that result. However, they showed that there was a far more nefarious aspect to the apparent 'garden variety burglary by five plumbers' at the Democratic National Committee headquarters in the Watergate building. By so doing, they put the story on the bandwagon and got all the other journalists to climb on it until nobody could ignore either their scoop or where they were headed: finding that the President had resorted to wrongdoing as his Administration's modus operandi.

Likewise, the proposal only envisages WikiLeaks as the investigation's promoter. To that end, Mr. Assange can take advantage of his presence in the U.K. to present, whether publicly or discreetly, to journalists, such as the members of Mr. Smith's Frontline Club, the facts and leads of the proposed *Follow the money and the wire!* investigation. In Mr. Assange's words on his website, the "quality journalists" of Wikileaks' "first intelligence agency" would only need to "broadcast to the world facts" enough to show all other traditional media and bloggers that there was a nugget of a scandal that they could not afford to miss, thus setting in motion the investigative bandwagon.

The investigation could bring about the resignation or even impeachment of U.S. Supreme Court Justice Sotomayor, who was nominated by President Obama, as well as of other justices and judges that have participated in, or condoned, coordinated wrongdoing so that it has become the Judiciary's institutionalized modus operandi. To force their resignation, the low standard of "appearance of impropriety" suffices (http://Judicial-Discipline-Reform.org/docs/Code_Conduct_Judges_09.pdf >Canon 2), as it did for that of Justice Abe Fortas on May 14, 1969(ws:43fn152). The association of WikiLeaks with such indictment of the Federal Judiciary would make it more probable for its judges to be biased against Mr. Assange. This would support his request for their recusal by application of the Supreme Court standard that what controls recusal is "the probability of bias" that denies the due process right to a fair trial in an impartial tribunal (http://Judicial-Discipline-Reform.org/docs/Caperton_v_Massey.pdf). Even if they do not recuse themselves, their judgment would be tainted with bias in the eyes of Americans and the rest of the world.

I respectfully submit that given the increased likelihood that Mr. Assange will be extradited first to Sweden and then to the U.S., this proposal should be considered carefully. It would allow him to implement the saying 'the best defense is an offense' while positively influencing the jury pool by showing how his activity can benefit the people by exposing U.S. government wrongdoing to their detriment.

Sincerely, Dr. Richard Cordero, Esq.

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I. Secrecy, self-exemption from accountability and discipline, and reasonless disposition of cases have enabled the judges of the Federal Judiciary to engage in riskless coordinated wrongdoing among themselves and with court insiders and turn it into the Judiciary's institutionalized modus operandi

1. There can be no greater "need for openness and transparency"[1] in government than in the Federal Judiciary of the United States[2], for its judges are the ones who take the paper power of laws and wield it as real power over people"s property, liberty, and even lives. They can disavow the whole Congress by declaring any of its acts unconstitutional and can even order a President "to turn over the White House tapes" or overturn his moratorium on off-shore drilling even in the face of the most devastating ecological catastrophe in our history, i.e., the oil pollution in the Gulf of Mexico caused by the collapse of BP"s Deepwater Horizon drilling platform last April 20.[3]

2. The judges" egregious abuse of their judicial power becomes apparent in their exercise of it to exempt themselves from any investigation and discipline that could follow the filing by any person of a misconduct complaint against a judge under the Judicial Conduct and Disability Act of 1980.[4] The latter entrusted judges with the administration of a self-discipline system. The official statistics of the Federal Judiciary show that they have betrayed that trust.

    a. Though thousands of federal judges, including magistrates, have served since the Federal Judiciary was created in 1789[5] –2,132 were in office on 30sep09[6]–, in the intervening 221

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[1] Quotations in this style are from WikiLeaks: About; http://wikileaks.org/wiki/WikiLeaks:About.

NOTE: If a link fails to open a webpage, copy and paste it in the address bar of your browser, delete any blank space within it, and click go. If a link returns a "Page Not Found" error message, go to the address bar of that page and eliminate every %20 set, which represents a blank space, and then click go.

[2] This request only deals with federal judges, except for the references to New York State judges on page 33, Section III = ws:33§III. However, the conditions of secrecy, self-exemption from discipline, and abuse of power apply to a large extent to state judges too. By contrast, their judicial performance and integrity are not impaired by the arrogance and unaccountability generated by life-long appointment and de facto unimpeachability that obtain in the Federal Judiciary because state judges are mostly elected by voters or appointed for a term of years. Those two ways of acceding to a state judgeship bring with them, of course, their own problems. Nevertheless, since the Federal Judiciary serves largely as the model for its state counterparts, any improvement in openness, transparency, accountability, and discipline, and the increase in integrity resulting thereby that were achieved in that Judiciary –hereinafter understood to be the Federal one- thanks to action taken by WikiLeaks could also have a salutary effect on the state judiciaries.

NOTE: To return easily to the place in the text where a ws:#§# reference appeared –if the reference is to a footnote, then ws:#fn#; if to a paragraph, then ws:#¶#–, display in the menu bar the View >Toolbars >Page Navigation bar and click its '⮌ go back' button until you get to the point of departure.

[3] Judge refuses to toss suit vs federal drilling ban, The Associated Press, 1sep10; http://www.washingtonpost.com/wp-dyn/content/article/2010/09/01/AR2010090103448.html?sub=AR; and http://Judicial-Discipline-Reform.org/docs/fed_jud_oil_drilling.pdf

[4] http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf

[5] Judicial Act of 1789, ch. 20, 1 Stat. 73-93; http://Judicial-Discipline-Reform.org/docs/Judiciary_Act_1789.pdf

years only 7 judges have been impeached and removed.[7] Almost the first 200 years of the Federal Judiciary had gone by, yet "Before 1983, no sitting judge had ever been prosecuted and convicted of a crime committed while in office."[8] In practice, life-tenured federal judges are unimpeachable.

b. Likewise, of the 9,466 misconduct complaints against federal judges filed in the 1oct96-30sep08 12-year period for which statistics have been posted(ws:38fn139) and tabulated, 99.82% were dismissed by their peers with no investigation and no private or public discipline[9].

c. The statistics for 1oct8-30sep9 FY09(id. >Cg:44-47), which have since become available, do not show any change whatsoever in the way judges use those complaints to handle their complained-against peers. Although 1,543 complaints were filed under the new rules for processing such complaints(ws:28fn120), 1,164 were dismissed by chief judges. Of the 479 petitions to judicial councils for review of such dismissals, 465 were denied, and not a single one was referred back to the chief judge for any action. This made a decision by a chief judge, who presides over his or her respective council, final in effect and an appeal to a council pointless. Such dismissals and denials were made without any investigation, for only 6 investigative committees were appointed and only 1 report was filed. What is more, not a single judge was censured, or reprimanded, or removed, or suspended from assignment of cases, or requested to retire, or certified disable, and no additional investigation was deemed warranted. Consequently, filing a complaint under the Act against a judge is an exercise in futility for the complainant and an opportunity for judges to show undisguised "guild favoritism"(ws:32¶76) toward their friends and colleagues. Thus guaranteed a cover-up regardless of the nature of the alleged misconduct or disability, judges feel free to abuse their enormous power over people's property, liberty, and even lives however they want and to dispense with due process whenever it suits them.

d. The Supreme Court Justices, knowledgeable[10] about the circuits to which each is allotted as circuit justice[11], condone such abusive discipline self-exemption[12], for they practiced it

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6 http://Judicial-Discipline-Reform.org/statistics&tables/num_jud_officers.pdf

7 Federal Judicial Center, History of Federal Judges, Impeachments of Federal Judges; http://www.fjc.gov/history/home.nsf/page/judges_impeachments.html

8 Report of The National Commission On Judicial Discipline and Removal, Robert W. Kastenmeier, Chairman; August 1993; p.7; 152 F.R.D. 265; and http://Judicial-Discipline-Reform.org/judicial_complaints/1993_Report_Removal.pdf. The first one was Harry E. Claiborne, a judge of the U.S. District Court of Nevada; id.

9 http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf >Cg:6

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

11 28 U.S.C. §42. Allotment of Supreme Court Justices to circuits; http://Judicial-Discipline-Reform.org/docs/28usc41-49_CAs.pdf

12 The New Rules For Processing Misconduct and Disability Complaints Against Any Federal Judge Adopted By The Judicial Conference of the U.S. On March 11, 2008, Will Continue To Allow The Judges To Self-Exempt From Any Accountability and Discipline Through The Systematic

before as circuit and district judges and provided for it as Justices(ws:47fn160 >Dn:1)

e. The Justices dispose of fewer than 1% of all filings with the Supreme Court.[13]

f. As for the circuit judges of the courts of appeals, they get rid of about 75% of the appeals by issuing fiat-like no-reasons summary order forms.[14] They mostly rubberstamp them with an expeditious "Affirmed"[15] given that a reversal would call for an explanation, if for no other reason than to avoid a repeat of the reversible error upon remand. Such explanation is time–consuming and defeats the purpose of expedient docket clearing. Judges that have crafted their own court rule to allow themselves to dispose of any case without having to give any indication that they considered its facts and applied the law to them have an incentive to skip even reading any of its filed papers.[16] After all, what purpose would be served by reading them? Such expedience allows judges to decide cases for any wrongful or venal motive since they do not have to explain their decision.

g. In FY09 -1oct08-30sep09-, even when circuit judges bothered to provide some reasoning, it was so "perfunctory"[17] that they would not even sign 63% of such orders.[18]

h. Aware of the perfunctoriness of their decisions, circuit judges left 83% of them unpublished, thus turning them into non-precedential, ad-hoc fiats of unequal justice.[id]

i. District judges, relying on the high likelihood that their decisions will stand, need not be meticulous in ensuring due process of law. The disregard for due process is revealed when on appeal from a bankruptcy court a district judge may affirm his colleague's decision without addressing a single question presented, discussing the facts, or referring to the record at all…just as the courts of appeals[19]and the Supreme Court do too.[20] Yet, the filing fees of hundreds of dollars are paid by litigants to receive judicial adjudicative

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Dismissal of Complaints Without Investigation; http://Judicial-Discipline-Reform.org/judicial_complaints/new_rules_no_change.pdf

[13] Chief Justice's Year-End Reports on the Federal Judiciary; http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx >2009 Year-End Report >p2; cf. Comparative Table of the Supreme Court Caseload in 2008-2009; http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_caseload.pdf

[14] Cf. Handbook of the Court of Appeals for the Second Circuit, p.17; http://Judicial-Discipline-Reform.org/statistics&tables/CA2Handbook_9sep8.pdf

[15] Comment on the Change of Local Rule 0.231 Allowing Disposition by Summary Orders Without Any Opinion or Appended Explanatory Statement; submitted in response to the invitation by the Court of Appeals for the Second Circuit for the public to comment on it; http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf

[16] Cf. http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf >CA:2201§B

[17] The Choice: Judge Sotomayor's Ethnicity v. Equal Justice Under Law; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf >fn7

[18] http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness2009.aspx >Table S-3 Types of Opinions or Orders Filed in Cases Terminated on the Merits; and http://Judicial-Discipline-Reform.org/statistics&tables/caseload/how_CAs_terminate_cases.pdf

[19] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf >CA:1746§A

[20] http://Judicial-Discipline-Reform.org/docs/DrCordero-DeLano_SCt_3oct8.pdf >US:2452¶33

services, whereby a contract arises; they are not paid to receive a contract-breaching 5¢ form stamped by a clerk.(ws:3fn17 >¶3)

3. The factors behind these statistics are the ones that have shaped the present state of the Judiciary as described in this authoritative and incriminating statement:

> [H.R. Committee on the Judiciary] Chairman Sensenbrenner stated, "Integrity and accountability are the hallmarks of a public servant"s trust with the public. It"s my hope an independent Inspector General for the Judicial Branch will help restore some of this trust with the public that has been damaged by the actions of some Federal judges who have carelessly ignored the ethical guidelines established. In addition, an IG will serve as a public watchdog to root out waste, fraud, and abuse and ensure the Third Branch"s taxpayer-funded resources are utilized in an appropriate manner, just as IGs do throughout the Executive Branch. p.1
>
> However, I was troubled to read recently in a Washington Post article that a number of federal judges have continued to violate applicable ethical rules and others have failed to make proper disclosures for travel to resorts on expense-paid trips. These are exactly the concerns that I have expressed before about the self-policing enforcement system governing federal judges. Such behavior undermines the public"s perception of our judicial system and the fairness and respect that are needed to instill confidence in our judiciary. p.2
>
> Given this poor record of performance in self-policing, I am proposing to create an independent Inspector General[21] who will be responsible for reporting to both the Chief Justice and to Congress on a number of relevant issues, including compliance with ethical and financial disclosure requirements, so that we can assess whether the judicial self-policing system actually works. p.2[22]

4. How is it possible that precisely officers who are supposed to be "honorable" and who manage the branch of government that is supposed to administer Justice have instead "violated applicable ethical rules" and allowed "waste, fraud, and abuse" to take root in it? There is a process that explains how such wrongdoing came to dominate the Judiciary"s officers. It began a long time ago.

> Cir. J. Kozinski [presently CA9 Chief Judge], dissenting: Passing judgment on our colleagues is a grave responsibility entrusted to us only recently. In the late 1970s, Congress became concerned that Article III judges were, effectively, beyond discipline because the impeachment process is so cumbersome that it's seldom used.…Disciplining our colleagues is a delicate and uncomfortable task, not merely because those accused of misconduct are often men and women we know and admire. It is also uncomfortable because we tend to empathize with the accused, whose

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[21] Senate Bill 2678, and House of Representative Bill 5219, United States Code, to provide for the detection and prevention of inappropriate conduct in the Federal judiciary; http://Judicial-Discipline-Reform.org/Follow_money/S2678_HR5219.pdf

[22] Sensenbrenner, Grassley Introduce Legislation Establishing an Inspector General for the Judicial Branch, News Advisory; 27apr6; http://judiciary.house.gov/; and http://Judicial-Discipline-Reform.org/docs/Sensenbrenner_Grassley_Jud_IG.pdf. Cf. ws:37fn140

> conduct might not be all that different from what we have done —or been tempted to do— in a moment of weakness or thoughtlessness. And, of course, there is the nettlesome prospect of having to confront judges we've condemned when we see them at a judicial conference, committee meeting, judicial education program or some such event. 28 U.S.C. §453. [ws:22fn100] (Internal citations omitted.) In re Judicial Misconduct Complaint, docket no. 03- 89037, Judicial Council, 9th Circuit, September 29, 2005, 425 F.3d 1179, 1183.[23]

5. Federal judges are still "beyond discipline" because they have abused the power entrusted to them to self-discipline under the Judicial Conduct and Disability Act(ws:1fn4) by exempting themselves from any discipline. As a result, their ethical conduct is structurally impaired due to their having removed the foundation of any ethical system: accountability. For this removal, they have a very insidious motive as well as the means and opportunity.

A. Bankruptcy judges' de facto unreviewable power to rule on $100s of billions annually provide the insidious means, motive, and opportunity to engage in riskless wrongdoing at the point where 6 of every 7 cases enter the Judiciary

6. Nowhere is the incentive to abuse judicial power more pervasive than in bankruptcy court. The following official statistics were collected by the Administrative Office of the U.S. Courts (Administrative Office or AO)[24] pursuant to the law revealingly named the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA).[25] In the year to March 2010 there were 1,531,997 bankruptcy filings[26], up 27.4% from the year before. By comparison, only 278,884 civil cases were filed in the U.S. District Courts.[27] This means that close to 85% of all new cases were bankruptcy cases.[28] However, only 793 cases made their way from the bank-

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[23] http://www.ca9.uscourts.gov/opinions/ >Advance Search: 09/29/2005 >In re Judicial Misconduct 03-89037; and http://Judicial-Discipline-Reform.org/docs/CA9JKozinski_dissent.pdf

[24] http://www.uscourts.gov/Statistics.aspx

[25] Bankruptcy Abuse Prevention and Consumer Protection Act, Pub. L. 109-8, 119 Stat. 23, April 20, 2005, HR Report 109-31; http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_reports&docid=f:hr031p1.109.pdf; and http://Judicial-Discipline-Reform.org/docs/BAPCPA_HR_109-31.pdf

[26] Table F. U.S. Bankruptcy Courts—Bankruptcy Cases Commenced, Terminated and Pending During the 12-Month Periods Ending March 31, 2009 and 2010; http://www.uscourts.gov/Statistics/BankruptcyStatistics.aspx; and http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/latest_bkr_filings.pdf >Lbf:19. The latter file includes the most recent statistics on bankruptcy filings, to wit, those in the year to 30jun10. See also ws:89fn282.

[27] Statistical Tables for the Federal Judiciary, Table C. Civil Cases Commenced, Terminated, and Pending in the District Courts, 2008 and 2009; http://www.uscourts.gov/Statistics/StatisticalTablesForTheFederalJudiciary/December2009.aspx; and http://Judicial-Discipline-Reform.org/statistics&tables/caseload/1judicial_caseload.pdf >jc:22

[28] 1,531,997 is 84.60% of (1,531,997 + 278,884) These figures are a reliable approximation since bankruptcy cases can be appealed to bankruptcy appellate panels established in some circuits under 28 U.S.C.158(b)(1); otherwise, they are appealed to the district courts and included in the

ruptcy courts to the courts of appeals, which is fewer than 1.4% of the 57,740 filings there.[29] Of those cases, 314 were classified as both bankruptcy and pro se –filed by self-representing individuals-, which is fewer than 0.6% of all appeals. Since 96% of all bankruptcy filings or 1,470,849, are non-business, and thus filed mostly by individuals, it can be assumed that the overwhelming majority of those filings were pro se, filed by bankrupt individuals who could not pay a lawyer. This is a reasonable assumption given that 98.6% of the filings in the courts of appeals were classified as other than bankruptcy and thus, were filed by parties not financially strapped due to bankruptcy, yet 48% of those filings were pro se. Consequently, the financial depletion of bankrupts could only cause a significantly higher percentage of them to file pro se.

7. Individuals filing for bankruptcy relief from their debts, and even more so if pro se too, are the most vulnerable prey of bankruptcy judges and their insiders, that is, trustees and professional persons, such as attorneys, accountants, appraisers, auctioneers, etc.[30] While businesses must file their bankruptcy relief petitions through attorneys, individual filers are practically all laypeople with the barest knowledge of the law, let alone the complexities of the Bankruptcy Code(ws:6fn30) and the Federal Rules of Bankruptcy[31] and of Civil Procedure[32]. They are under enormous stress caused by their worst financial predicament ever. They can also be the most willing accomplices, so long as they agree to let bankruptcy judges and their complicit insiders share in the benefits of coordinating their wrongdoing. Creditors too can rip off benefits if they join these wrongdoers'' "local practice".[33]

8. The incentive for judges to engage in coordinated wrongdoing is generated by the two most insidious drivers of corruption: de facto unreviewability, which translates into unaccountable, absolutely corruptive power[34], and money, the staggering $325.6 billion in liabilities self-re-

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latter's number of filings. Hence, the number of non-bankruptcy cases commenced in the district courts would be lower. For further statistical refinements, see the tables collected in the files downloadable through the last links of the two previous footnotes.

[29] Table S-4. U.S. Courts of Appeals—Sources of Pro Se Appeals During the 12-Month Periods Ending September 30, 2008 and 2009; http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness2009.aspx; and http://Judicial-Discipline-Reform.org/statistics&tables/pro_se/bkr_appeals&pro-se.pdf >pr:2. These 793 appeals did not originate in the cases filed only in 2009. Perhaps half were filed the previous year, a handful even in previous years. However, since in 2008 there were 773 appeals from the bankruptcy courts to the courts of appeals, any statistical refinement would not affect significantly the validity of the statements made above.

[30] 11 U.S.C. Bankruptcy Code, §327. Employment of professional persons; http://uscode.house.gov/pdf/2009/2009usc11.pdf; and http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_09.pdf.

[31] a) http://Judicial-Discipline-Reform.org/docs/FedRBkrP_1dec9.pdf and

b) http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/RulesAndForms.aspx

[32] http://Judicial-Discipline-Reform.org/docs/FedRCivP_1dec9.pdf and ws:10fn31b.

[33] http://Judicial-Discipline-Reform.org/DeLano_record/3DrRCordero_v_DeLano_D1-CA2090.pdf >D:99§C and 362§2

[34] Here are applicable the aphorisms of Lord Acton, Letter to Bishop Mandell Creighton, April 3, 1887: "Power corrupts, and absolute power corrupts absolutely"; and 1 Timothy 6:10: "Money is a root of all evil and those pursuing it have stabbed many with all sorts of pains": When unaccountable power, the key element of absolute power, strengthens the growth and is in turn fed

ported by individual debtors in cases with predominantly consumer debt just in FY09[35], to which must be added the $10s of billions in debt of predominantly business debtors. Bankruptcy judges exercise their de facto boundless discretion to decide whether debtors may keep for free the goods and services represented by such debt or have to pay their creditors for them. So in FY09, they discharged the net amount of $310,329,885,000.(id. >dv:3) Even a tiny percentage of this amount and of the non-discharged difference of $15,270,115,000 is a colossal amount of money, particularly because it is concentrated in the hands of only a few insiders of the bankruptcy and judicial systems. What makes all the difference is that because judges abuse their power to self-exempt from investigation and discipline and immunize insiders by finding in their favor if they are sued, they all can grab that money risklessly.[36]

9. That judges have a money motive is indisputable, for it is the successive chief justices of the Supreme Court themselves that have voiced for decades their dissatisfaction with their salary and pay erosion over time:

> I will reiterate what I have said many times over the years about the need to compensate judges fairly. In 1989, in testimony before Congress, I described the inadequacy of judicial salaries as "the single greatest problem facing the Judicial Branch today." Eleven years later, in my 2000 Year-End Report, I said that the need to increase judicial salaries had again become the most pressing issue facing the Judiciary. Chief Justice William Rehnquist, 2002 Year-end Report on the Federal Judiciary, p.2.[37]
>
> [Administrative Office of the U.S. Courts] Director Mecham's June 14 letter to you makes clear that judges who have been leaving the bench in the last several years believe they were treated unfairly…[due to] Congress's failure to provide regular COLAs [Cost of Living Adjustments]…That sense of inequity erodes the morale of our judges. Statement on Judicial Compensation by William H. Rehnquist, Chief Justice of the United States, Before the National Commission on the Public Service, July 15, 2002.[38]
>
> Congress's inaction this year vividly illustrates why judges' salaries have declined in real terms over the past twenty years…I must renew the Judiciary's modest petition: Simply provide cost-of-living increases that have been unfairly denied! Chief Justice John Roberts, Jr., 2008 Year-end Report

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by the root of all evil, money, the result is that both corrupt inevitably.

[35] http://www.uscourts.gov/News/TheThirdBranch/10-07-01/BAPCPA_Report_Looks_at_Filers_in_Non-business_Bankruptcies.aspx; tables collected at http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_dollar_value.pdf >dv:1

[36] How do federal judges violate due process and get away with it?: Because they can do it risklessly by self-exempting from accountability and discipline; http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf

[37] http://www.supremecourtus.gov/publicinfo/year-end/2002year-endreport.html; and http://Judicial-Discipline-Reform.org/docs/Chief_Justice_yearend_reports.pdf >CJr:79

[38] a) http://www.supremecourtus.gov/publicinfo/speeches/sp_07-15-02.html; and http://Judicial-Discipline-Reform.org/docs/CJ_Rehnquist_morale_erosion_15jul2.pdf

b) See also http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf >A:1666§1.

on the Federal Judiciary, p. 8-9.[39]

10. This is an admission that judges‟ dominating sentiment of unfairly being denied the salary increases that they think they are entitled to has surpassed in importance that of being administrators of justice and eroded their moral inhibitions. It supports the reasonable inference, such as that which a jury is justified in drawing from circumstantial evidence, that the judges‟ state of mind thus exposed is conducive to resorting to self-help by grabbing the money from whatever party that has it.

B. Abuse of unreviewable power made easier by the legal ignorance and impoverishness of pro se litigants is fostered by the self-interest of the circuit judges who appoint bankruptcy judges

11. A federal bankruptcy judge has about a 98% chance of not having his decision appealed. But if it is, it is mostly appealed to one of his or her colleagues in the same courthouse, a judge of the respective U.S. District Court, of which the U.S. Bankruptcy Court is an adjunct[40]. By their sheer proximity and easy access in person to each other day in and day out, bankruptcy and district judges have plenty opportunity to coordinate their acts. Moreover, the rare case that is appealed to the U.S. Court of Appeals for their circuit goes before none others than the very circuit judges that appointed the bankruptcy judge in question and all others in that circuit.[41]

12. Bankruptcy judges are neither nominated by the President nor confirmed by the U.S. Senate. That appointment, however, is not for life, as is that to a district, circuit, and Supreme Court judgeship. It is only for a 14-year term. But it is renewable, provided, of course, that the bankruptcy judge knows how to remain in good terms with the circuit judges that appointed her. The circuit judges, in turn, have no interest whatsoever in reversing their appointee‟s decisions, let alone exposing her as a participant in a fraudulent scheme because if they did, they would indict their own good judgment by admitting that they appointed an incompetent or dishonest person to a bankruptcy judgeship. If a bankruptcy party can find the $10,000s that it costs to appeal to the Supreme Court, it still has less than 1 chance in 100 of having its case taken up for review and disposed of(ws:3fn13). If it happens to be one of those odd years when the Court chooses to hear a bankruptcy case, the Justices, all of whom are former district or circuit judges –except for the newest one, Justice Elena Kagan-[42] sit in judgment of the appointee of either one

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[39] http://www.supremecourtus.gov/publicinfo/year-end/year-endreports.html >2008 Year-end Report; and http://Judicial-Discipline-Reform.org/docs/Chief_Justice_yearend_reports.pdf >CJr:162

[40] *Northern Pipeline v. Marathon Pipe Line*, 458 U.S. 50 (1982); http://Judicial-Discipline-Reform.org/docs/Northern_Pipeline_v_Marathon.pdf

[41] 28 U.S.C. §152(a)(1); http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf; similarly, the district judges appoint their own magistrate judges under §631(a); http://Judicial-Discipline-Reform.org/docs/28usc631-639_magistrates.pdf

[42] http://www.supremecourt.gov/about/biographies.aspx; and http://Judicial-Discipline-Reform.org/docs/SCt_Justices_bios.pdf

justice or one of his or her former circuit colleagues.[43]

13. The need for reciprocal survival assistance stems from active participation in, or passive condonation of, wrongdoing that is equal or similar to that which is in issue in, or that underlies, the case in question. It provides the incentive for the explicit or implicit understanding that „if you keep your hands off one of my own, I"ll keep mine off one of yours when the time comes". Secrecy shrouds the process of selection of cases by the Supreme Court and makes even senators complain about it.[44] Add to it the mutual deference component of power politics found in every organization, which in the Supreme Court plays an even more decisive role in the interpersonal relations among the justices because of a unique and critically influencing element: Justices are stuck with each other for life. Regardless of how they may form voting blocks, they cannot gang up on another to vote him or her out of the Court as if it were a directors" boardroom. So, it is more expedient for any of them to collect IOUs from the others than to turn life-long co-justices into mortal enemies until the voluntary retirement or death of either of them. For the justices, horse trading must appear more appealing than jousting. However, when it comes to a bankruptcy review petition to the Court, the justices may have a harmonious interest in not granting certiorari because a bankruptcy case can reveal what they have known about wrongdoing by their bankruptcy appointees and system insiders but have done nothing about it, unless it is to cover it up. Let"s see.

C. How judges who risklessly abuse their power to commit and cover up fraud in one case learn to use fraud in other cases and in coordination with other judges and insiders until they develop a bankruptcy fraud scheme

14. A bankruptcy judge wields de facto unreviewable power.(ws:5§A) It entitles him to determine whether a private trustee earns her per case compensation[45] and whether her expenses are "actual, necessary" and thus reimbursable[46]. What is more, it suffices for the judge to remove the trustee from one single case for the law to operate the trustee"s automatic removal from all her cases(11 U.S.C. §324. Removal of trustee or examiner; ws:9fn45). Although this provision

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[43] CA2 Chief Judge Dennis Jacobs criticized "a Circuit "tradition" of deference to panel adjudication. In effect, this has become a Circuit tradition of hearing virtually no cases in banc.…But to rely on tradition to deny rehearing in banc starts to look very much like abuse of discretion." http://Judicial-Discipline-Reform.org/docs/Ricci_v_DeStefano_CA2.pdf >R:9. This deferential attitude can only be assumed to be stronger toward the decisions of the circuit judges' own bankruptcy appointees.

[44] "Specter Speaks on the Senate Floor Regarding the Televising of Supreme Court Proceedings", U.S. Senator Arlen Specter, News Room, January 29, 2007; http://Judicial-Discipline-Reform.org/docs/Sen_Specter_on_SCt.pdf

[45] Compensation of trustee under Chapter 7, 11 U.S.C. §§326(a) and 330(a)(1)(A); under Chapter 13 if a panel trustee, §§326(b) and 1326(a)(2)-(3); and if a standing trustee, §1326(b)(2) and 28 U.S.C. §586(e); http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_09.pdf; and http://Judicial-Discipline-Reform.org/28usc586_trustees_duties.pdf

[46] Reimbursement of expenses, 11 U.S.C. §330(a)(1)(B), (2), and (7); §330(a)(1)(B) and §331; id.

requires that the judge‟s removal be “for cause”, what constitutes cause is not defined or illustrated. This allows the judge to dangle over the trustee the threatening power of capricious and arbitrary removal however disguised as “cause”. Hence, for the trustee to be assertive and object to the judge‟s statements, let alone rulings, as if the trustee actually had the right and the duty to present her case zealously and at arms‟ length in an adversarial system would cause the judge to remove her „for insufficient understanding of the intricacies of bankruptcy law revealed repeatedly during her performance before this court in this and numerous other cases‟…and the trustee is out there in the cold, crowded lobby of the clerk‟s office scrounging for an appointment as a criminal defender.

15. This power of removal creates a relation of total dependence of the trustee on the judge‟s good will. It explains why the trustee would not bite the hand that feeds her by challenging on appeal the judge‟s rulings or decisions, or even raising objections during a hearing.[47] Consequently, the trustee adopts the self-preserving attitude of second chair to the judge[48], treating the latter‟s pronouncement of the law with servile deference.

16. So long as the judge keeps confirming[49] the trustee‟s recommendations of debtors‟ plans for debt repayment[50] and approving the trustee‟s final reports[51] and final accounts and discharging the trustee(ws:10fn50 >W:141-144),' the latter will keep bringing them to the judge, for every case is yet one more pretext to earn a commission[52]. This gives rise to assembly line, indiscriminate acceptance of every bankruptcy petition regardless of its merits under law. It is condoned by the officers of the Executive Office of the U.S. Trustee(EOUST).

17. U.S. Trustees are duty-bound to ensure the conformance of bankruptcy cases to the law, prevent the latter‟s abuse, and prosecute fraud.[53] They are also responsible for impaneling and supervising the private trustees[54] that deal directly with the debtors as representatives of the estate for the be-

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[47] **a)** See in general the list of hearings at http://Judicial-Discipline-Reform.org/docs/J_Ninfo_re_Dr Cordero.pdf.

b) See in particular the key document, the transcript of the evidentiary hearing in the *DeLano* case(ws:18§I), where Bankruptcy Judge John C. Ninfo, II, WBNY, is “heard” speaking and showing his bias and contempt for the rule of law and due process; http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf.

[48] http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_WDNY_21dec5.pdf >Pst:1281§§c-d

[49] 11 U.S.C. §1325. Confirmation of plan [of debt repayment to creditors](ws:9fn45)

[50] http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V. The DeLanos' bankruptcy petition, 04-20280, WBNY, 27jan4 >D:59=W:79. Plan [of debt repayment to creditors]

[51] Id. >W:138-140. See also the analysis of the shockingly unprofessional and perfunctory "Report" on the DeLanos' repayment plan scribbled by Chapter 13 Trustee George Max Reiber and approved by Judge Ninfo; http://Judicial-Discipline-Reform.org/Follow_money/Tr_Reiber_Report.pdf

[52] 11 U.S.C. §330(c) (on payment to the trustee of no less than $5/month from any distribution under a plan of debt repayment, which creates a perverse incentive to rubberstamp any bankruptcy relief petition and as many as possible)

[53] 28 U.S.C. Chapter 39-United States Trustees. §586(a)(3) and (3)(F); http://Judicial-Discipline-Reform.org/docs/28usc586_trustees_duties.pdf.

[54] a) Id. §586(a)(1)

nefit of creditors[55]. Yet, EOUST's deficient performance is a contributing factor at the root of the abuse and fraud in the bankruptcy system, which Congress traced back to "absence of effective oversight"[56]. For proof, the successive U.S. Trustees for Region 2 and their Assistant U.S. trustee in Rochester, NY, allowed two of their private trustees[57], required by regulation to handle their cases personally under pain of removal[58], to lay their hands on an unmanageable 7,289 cases and bring them before the same judge[59]. By comparison, a judicial emergency is defined as "any vacancy in a district court where weighted filings are in excess of 600 per judgeship"[60].

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b) See also U.S. Trustee Manual, U.S. Department of Justice:

§2-2.1 Pursuant to 28 U.S.C. §586(a), the United States Trustee must supervise the actions of trustees in the performance of their responsibilities.

§2-3.1 The primary functions of the United States Trustee in chapter 7 cases are the establishment, maintenance, and supervision of panels of trustees, and the monitoring and supervision of the administration of cases under chapter 7 of the Bankruptcy Code.

http://www.justice.gov/ust/eo/ust_org/ustp_manual/index.htm >Chapter 7 Case Administration

§4-3.1 The primary responsibilities of the United States Trustee in chapters 12 and 13 cases are the appointment of one or more individuals to serve as standing trustees; the supervision of such individuals in the performance of their duties; and the supervision of the administration of cases under chapters 12 and 13.

http://www.justice.gov/ust/eo/ust_org/ustp_manual/index.htm >Ch. 12 & 13 Case Administration

c) For similar supervisory responsibilities under state law, see Rules of Professional Conduct, 22 NYCRR Part 1200 [NY Codification of Codes, Rules, and Regulations], Rule 5.1(b); http://www.courts.state.ny.us/rules/jointappellate/index.shtml; with enhanced bookmarks to facilitate navigation also at http://Judicial-Discipline-Reform.org/docs/NYS_Rules_Prof_Conduct.pdf.

[55] 11 U.S.C. §323 Role and capacity of trustee. (a) The trustee in a case under this title is the representative of the estate; http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_09.pdf.

Senate Report 95-989 underlay the adoption of the Bankruptcy Reform Act of 1978, Pub. L. No 95-598 (1978), and consequently, constitutes the foundation of the current Bankruptcy Code of Title 11. It analyzed 11 U.S.C. §704. Duties of trustee, thus: "The trustee's principal duty is to collect and reduce to money the property of the estate for which he serves…He must be accountable for all property received. And must investigate the financial affairs of the debtor….If advisable, the trustee must oppose the discharge of the debtor, which is for the benefit of general unsecured creditors whom the trustee represents. The trustee is required to furnish such information concerning the estate and its administration as is requested by a party in interest".

[56] http://Judicial-Discipline-Reform.org/docs/ineffective_oversight.pdf >1:§I: The Bankruptcy Abuse Prevention and Consumer Protection Act's finding of "absence of effective oversight to eliminate abuse in the system"; see the Act's citation at ws:4fn25.

[57] For the names and contact information about the trustees, attorneys, and judges referred to here, see **Complaint** to the Attorney Grievance Committee for the New York State Seventh Judicial District [of the Appellate Division, Fourth Department, of the NYS Supreme Court] against attorneys engaged in misconduct contrary to law and/or the NY State Unified Court System, Part 1200 - Rules of Professional Conduct, GC:1§I; http://Judicial-Discipline-Reform.org/NYS_att_complaints/16App_Div/DrRCordero-AppDiv4dpt.pdf.

[58] 28 CFR §58.6(10); http://Judicial-Discipline-Reform.org/docs/28_cfr_58.pdf

[59] a) http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf; Chapter 13 trustee

b) http://Judicial-Discipline-Reform.org/docs/TrGordon_3383_as_trustee.pdf; Chapter 7 trustee

[60] "Beginning in December 2001, the definition of a judicial emergency [is] any vacancy in a district court where weighted filings are in excess of 600 per judgeship, or any vacancy in existence more

18. Subserviency and the money motive naturally degenerate in connivance and lead to a bankruptcy petition mill. It all begins with the filing in court of a petition for bankruptcy relief through the initial stay of creditors‟ efforts to collect their debts. The debtors also claim exemption of assets from the reach of creditors and dispute what creditors claim is owed them and its value. For their part, the creditors may challenge the exemptions in order to keep as large as possible the estate, that is, the pool of assets from which their debts may be paid just as they try to find any concealed assets and ensure that when assets are liquidated they receive the highest price so that the proceeds may go farthest toward paying their claims.

19. The trustee is supposed to do that too on behalf of the creditors, for he is their representative. In fact, he has the duty and the power under the Bankruptcy Code(ws:24fn105) to investigate the debtors‟ financial affairs. But since the U.S. Trustee allows him to amass thousands of cases - unjustifiably and unnecessarily given that any number of trustees can be impaneled- and the judge keeps approving his actions, the trustee has neither the time nor the incentive to do little more than rubberstamp petitions. Who is there to challenge them? Certainly not the pro se debtor, who barely understands the bankruptcy forms that he must fill out, never mind the law(ws:6¶7). The debtors and creditors may have attorneys, that is, if they can afford their fees at the risk of throwing good money after bad. Still, if those attorneys want to make a living as bankruptcy attorneys, bringing hundreds of cases before the same bankruptcy judge[61], they had better not dare take him on. They will be the judges‟ dutiful second chairs…“Yes!, Your Honor”. In the absence of anybody to insist on compliance with the law, the one with the most power reigns supreme. That is the judge. He dictates whatever he wants the law to be. What results is rampant fraud.

20. Bankruptcy fraud causes injury in fact directly to the debtors and the creditors whose property rights are disregarded and the employees who lose their jobs. To those among them who perceive the manifestations of fraud, whether subtle or blatant, and undertake to unmask it, it costs money, time, and effort consumed in an uphill battle through protracted and complex proceedings with judges that, far from being impartial, have a vested interest in making them fail.

21. Fraud also injures indirectly the businesses that suffer the loss of, or a diminution in, their business with those affected directly. Just think of the thousands of employees, retirees, and investors that lost their jobs, pension, or life savings overnight when ENRON, Lehman Brothers, and Bernie Maddox went bankrupt. They spread their economic distress to all the

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than 18 months where weighted filings are between 430 and 600 per judgeship, or any court with more than one authorized judgeship and only one active judge.” Federal Judicial Caseload, Recent Developments, 2001, prepared by the Office of Human Resources and Statistics of the Administrative Office of the U.S. Courts (AO), p. 13, fn. 15; http://www.uscourts.gov/caseloadstatistics.html; also at http://Judicial-Discipline-Reform.org/docs/FedJud_Caseload_2001.pdf >p. 13, fn.15.

Cf. 2008 Annual Report of the AO Director, p. 38; http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/AdministrativeOffice/DirectorAnnualReport.aspx >Director's Annual Report, 2008; also at http://Judicial-Discipline-Reform.org/docs/AO_Dir_Report_08.pdf.

[61] a) http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf

b) http://Judicial-Discipline-Reform.org/docs/MacKnight_442_before_JNinfo.pdf. See also ws:11fn59.

restaurants, car leasing and credit card companies, and landlords whom they could no longer patronize or make their monthly payments to. Through this domino effect fraud losses are socialized. Consequently, bankruptcy fraud injures the public at large. They are forced to pay prices to which two increases are tagged on: a bankruptcy loss compensation charge to cover the present loss caused by a bankruptcy and a bankruptcy loss premium to insure against the higher likelihood that in future debts will become uncollectable due to the economic repercussions of other bankruptcies.

22. Worse yet, a series of fraudulent bankruptcies tolerated by the courts, not to mention concocted by them, contaminate with fraud every other activity of the judiciary. They provide judges and their complicit insiders with training in its operation; reveal to them their multifarious potential for securing undeserved benefits; and creepily eats away at their inhibitions to the practice of fraud. This process leads to the application of the principle that if something is good, more of it is better. Hence, they expand their fraudulent activity. From making fraudulent statements in an office or a courtroom, insiders and judges move on to handling fraudulently documents in the office of the clerk of court by manipulating whether they are docketed, made available to litigants or the public, and even transmitted to other courts.(cf. ws:76¶154) All this requires more elaborate ways of concealing fraud, of laundering its proceeds, of developing ways to ensure that everybody copes with the increased work and that nobody grabs more than their allotted share. These activities need coordination. There develops an internal hierarchical structure, with a chain of command, a suite of control mechanisms, and a benefits scale.

23. As the practice of fraud turns into a routine, fraudsters become adept at it and greedier too, of course. They also become complacent and sloppier at concealing it. When they and others get into a relaxed mood at a holiday party or a judicial junket or into the stressed condition of work overload or an emergency, the fraudsters crow over how smart they are at beating the system; flaunt their inexplicable wealth; and reflexively resort to a course of action in disregard of the law. With increasing speed, exceptions to the rules become the normal way of doing business. A new pattern of conduct develops because „that"s how we do things here". It openly becomes the "local practice".(ws:6fn33) Non-fraudsters put it together and it hits them: There are benefits to be made and injury to be avoided by going along with the wrongful "local practice". Some take the saying „if you cannot beat them, join them" even further and either demand to be cut in or offer their own unlawful contribution as payment for their admission into the "practice". So grows the number of people participating in coordinated wrongdoing by fraud or who come to know about it but keep it quiet to avoid retaliation.

24. With the extension of the series of fraudulent bankruptcies, fraud becomes what smart people do. No bankruptcy insiders do it more smartly than judges, for they do it risklessly too by abusing their power to insulate themselves from any accountability and self-immunization from discipline. Misconduct complaints against them are dead on arrival due to their systematic dismissal with no investigation.(ws:2¶b) Free from the constraint of lawfulness, they can divert energy and resources from the functions of administering bankruptcy relief and supervising the bankruptcy system to the illegitimate objective of practicing fraud and covering it up. In the

same vein, they abuse their power to immunize court staff and officers and other people close to them from the tortious or criminal consequences of their "absence of effective oversight".

25. Progressively, the judges and these insiders get rid of ethical and practical obstacles. Their fraudulent means of power, access (e.g., to documents and docketing facilities), and connections (e.g., to bankrupts and bankruptcy professionals) are combined to take maximum advantage of every adjudicative, administrative, supervisory, and disciplinary opportunity. Through this constantly growing fraudulent practice they build their motive, whether it be to gain a wrongful benefit or evade a rightful detriment, into bankable realities.

26. As the practice of fraud increases in frequency and expands into other areas of the bankruptcy and justice systems, it eviscerates slice by slice the integrity of judges, both their personal and institutional integrity. By the same token, fraud becomes the factor that coalesces the judges into a compact class. Its members, those who have practiced it as much as those who have tolerated it, become dependent on one another to survive. Everyone is aware that each one can dare the others "if you bring or let me down, *I take you with me!*" Unless a judge resigns or can face the emotional and practical consequences of being ostracized(ws:4¶4 >quotation), he must go along with the others, whether doing her share or looking the other way.

27. By this process of practical evolution and moral abrasion judges become individually unfaithful to their commitment to the rule of law and collectively more capable to coordinate ever more complex forms of wrongdoing by fraud. Step by step, their fraud becomes the institutional modus operandi.[62] Their product is an organically functioning fraud operation: a scheme. So emerges a judicially run bankruptcy fraud scheme.[63]

[62] The Dynamics of Institutionalized Corruption in the Courts; http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf

[63] How a Fraud Scheme Works, Its basis in the corruptive power of the lots of money available through the provisions of the Bankruptcy Code and unaccountable judicial power; http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

II. *Premier*, *Pfuntner*, and *DeLano* provide concrete evidence of how high in the Federal Judiciary abuse of power to run or condone a bankruptcy fraud scheme has reached and how pervasively judicial integrity has been compromised

28. *Premier*, *Pfuntner*, and *DeLano*[64] are three cases that commenced in a federal bankruptcy court[65] and went twice all the way to the U.S. Supreme Court on petition for certiorari and motion practice.[66] They were or are presided over by the same judge, namely, Bankruptcy Judge John C. Ninfo, II, WBNY.[67] He was initially appointed to the bench in 1992 by the Court of Appeals for the Second Circuit(CA2). When he was about to be reappointed in 2006, a member of the Court since 1998 was Then-Circuit Judge Sonia Sotomayor, who is now Supreme Court Justice Sotomayor. The CA2 judges requested from the public comments on the reappointment. They received a recapitulation[68] of the mounting evidence that they had received during the previous years as well as new evidence of a series of events of disregard of facts[69], breaches of substantive and procedural legal provisions[70], and administrative irregularities[71] by Judge Ninfo and his court staff so numerous and so consistently favoring the local bankruptcy and legal system insiders while injuring the only outsider as to exclude their being mere coincidences or the result of incompetence, which would have affected randomly and alike all parties. Instead, that series of events formed a pattern of intentional and coordinated activity from which a reasonable and impartial person could infer bias, abuse of power, and participation in a

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[64] *In re* ***Premier*** *Van Lines, Inc.*, 01-20692, WBNY, (*Premier*);
James ***Pfuntner*** *v. Chapter 7 Trustee Kenneth W. Gordon et al.*, 02-2230, WBNY, (*Pfuntner*); and
In re David Gene and Mary Ann ***DeLano***, 04-20280, WBNY, (*DeLano*)

[65] U.S. Bankruptcy Court for the Western District of New York; http://www.nywb.uscourts.gov/

[66] a) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf, 08-8382, SCt
b) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf, 04-8371, SCt

[67] http://www.nywb.uscourts.gov/judge_ninfo_202.html >About Judge Ninfo

[68] a) http://Judicial-Discipline-Reform.org/docs/1DrCordero_v_reappoint_JNinfo.pdf of 17mar5
b) http://Judicial-Discipline-Reform.org/docs/2DrCordero_v_reappoint_JNinfo.pdf of 4aug5
c) http://Judicial-Discipline-Reform.org/docs/3DrCordero_v_reappoint_JNinfo.pdf of 6sep5

[69] Opening brief of 9jul3 in CA2 in *In re Premier Van et al.*, 03-5023, CA2, on appeal from *Premier* and *Pfuntner*; http://Judicial-Discipline-Reform.org/docs/DrCordero_v_Premier_CA2.pdf >A:1337 §VIII

[70] **a)** Motion in CA2 of 3nov3 for leave to file an updating supplement of evidence of bias in Judge Ninfo's denial of Dr. Cordero's request for a trial by jury; http://Judicial-Discipline-Reform.org/Pfuntner_record/2Pfuntner_record_A1-2291.pdf >A:801

b) Motion in CA2 of 9sep4 to quash the order of Judge Ninfo of 30aug4 to sever a claim from *In re Premier Van et al.,* 03-5023, CA2, pending in this Court, for the purpose of trying it in isolation *In re DeLano,* 04-20280, in Bankruptcy Court, WBNY; id. >A:1130

[71] Petition for a writ of mandamus, 03-3088, CA2, directing the U.S. Bankruptcy and District Courts for the Western District of NY to transfer *Pfuntner*…to the U.S. District Court for the Northern District of NY; http://Judicial-Discipline-Reform.org/docs/DrCordero_mandamus_app.pdf >A:629§1, 640§K-L

bankruptcy fraud scheme by Judge Ninfo, other judges, their court staff, and other insiders.[72]

A. The judges' and insiders' coordinated handling of *Premier* and *Pfuntner* revealed these cases as part of a bankruptcy petition mill for generating fees and off-the-book asset sales under control of a bankruptcy fraud scheme run risklessly by judges abusing their power to self-exempt from accountability and extend their immunity to their co-schemers

29. *Premier* and *Pfuntner*(ws:14fn64) deal with a trustee who out of his 3,383 cases(ws:11fn59b) had brought 3,382 before Judge Ninfo, WBNY(ws:15fn67).[73] He was charged with liquidating for the benefit of creditors a bankrupt storage business, Premier Van Lines, whose accounts were reviewed by an accounting firm paid by the estate. He declared that the business had assets to liquidate. So with the approval of the Judge, the trustee hired an auctioneer to sell the assets. But then he filed a report stating that there were no assets. Yet Judge Ninfo and the U.S. Trustees not only did not demand that the trustee explain the whereabouts of the assets, but also refused the requests of a client of the storage business that they do so. Instead, they allowed the clerk of court to refuse production of the documents concerning the business"s account and the accounting firm"s report as well as the fees paid to the auctioneer and the trustee.[74]

30. Judge Ninfo even allowed the Premier storage business owner to disregard the summons to appear in court to answer the client"s suit for the return of his property, which was in the owner"s possession under a storage contract. When the client applied for default judgment(id. b) >A:290) under FRBkrP 7055 and FRCivP 55(ws:6fn31 & 32), the application was not filed by the clerk of court or Judge Ninfo. Only at the client"s insistence was it filed 41 days late, rather than upon receipt, as it should have been. The Judge, ignoring the summons"s explicit statement that „failure to respond would be deemed the defendant"s consent to entry of judgment by default for the relief demanded"[75], did not enter such judgment. He did not even require the owner to appear in court, although the owner had submitted himself to the court"s jurisdiction by voluntarily petitioning for bankruptcy relief. Instead, both Judge Ninfo and District Court Judge David Larimer(id. >A:311) placed on the client a burdensome requirement, contrary to the wording of the summons and devoid of any source of authority, whether in the Bankruptcy

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[72] For a more detailed account of the series of events leading to the realization that they form a pattern of non-coincidental, intentional, and coordinated wrongdoing, see the integrated statement of facts of these three cases at ws:11fn57.

[73] It is pertinent to note that the attorney for James Pfuntner was Insider David MacKnight, Esq., who had brought 442 cases before Judge Ninfo(ws:11fn61b).

[74] a) See a statement of facts of *Premier* at ws:11fn57 >GC:17§B and of *Pfuntner* at id. >GC:21§C

b) Those statements contain numerous references to the 2,291-page court record of these cases; http://Judicial-Discipline-Reform.org/Pfuntner_record/2Pfuntner_record_A1-2291.pdf.

c) The *Pfuntner* record is organized thematically and the documents under each theme are listed chronologically; http://Judicial-Discipline-Reform.org/Pfuntner_record/1Pfuntner_Table_Exhibits.pdf

[75] Id. b) >A:69b

Code or its Rules(id. >A:317§II), to wit, that he prove that his property had been damaged or lost.[76] The client complied with the requirement at his expense and proved that his property had been damaged or lost. So much so that Judge Ninfo accepted his uncontradicted proof introduced at a hearing and asked that the client resubmit his default judgment application. The client did resubmit it(ws:16fn74b >A:472), but the Judge still denied it! All this had been only a ploy to wear the client down financially and emotionally.

31. Had Judge Ninfo ordered the Premier bankrupt owner to comply with the law and appear in court, the owner would have had either to perjure himself or disclose the whereabouts of his business assets and the arrangements under which they got there. Truthful testimony would have blown up the cover up of the unlawful disposition of estate assets to the detriment of creditors and clients and for the benefit of judges, trustees, auctioneers, accountants, their lawyers, and the owner. Instead, to afford the Premier owner extra protection, the appeal brought against him by the client was removed from the docket of the District Court despite the absence in law or rule of any authority for such removal, which defeats the very purpose of the docket, namely, to provide public evidence of the fact of process brought by and against a party.[77]

32. *Premier* and *Pfuntner* were appealed to CA2.[78] The importance of their stakes was so clearly recognized that Bankruptcy and District Court officers to whom the appellant sent originals of his Redesignation of Items in the Record and Statement of Issues on Appeal, required under FRBkrP 8006 to perfect the appeal(ws:6fn31), neither docketed them in their courts nor forwarded them to the Court of Appeals. By so doing, they created the risk of the appeal being thrown out for non-compliance with the Rule. Likewise, CA2 clerks failed to docket the order appealed from, which was required to establish the timeliness of the appeal and the grounds of the order appealed from[79] (ws:16fn74 >ToEA:32§1).

33. Moreover, it just so happened that CA2 Chief Judge John M. Walker, Jr., was „randomly" assigned, as judges are supposed to be, to the panel that would decide the appeal and even to the panel that would decide the mandamus petition. (ws:15fn71) The latter asked CA2 to remove its Appointee, Bankruptcy Judge Ninfo, from the cases and transfer them from the courts in

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[76] The lack of scruples of the district judges, WDNY, about imposing in self-interest burdens on litigants that blatantly contradict the requirements of specifically applicable rules and law is discussed in the "Statement To the Judicial Council of the Second Circuit on how Rule 5.1(h) of the Local Rules of Civil Procedure of the U.S. District Court, WDNY, requires exceedingly detailed facts to plead a RICO claim so that it contravenes FRCivP 8 and 83 and should be abrogated, and how Rules 5.1(h) and 83.5 constitute a preemptive attack on any RICO claim that could expose the District and Bankruptcy Courts' support for a bankruptcy fraud scheme and the schemers"; http://Judicial-Discipline-Reform.org/docs/DrRCordero-JudCoun_local_rule5.1h.pdf. This statement, sent to the Judicial Council of the Second Circuit and to each of its members(id. >C:1286), was disposed of unceremoniously by a clerk(id. >Pst:1360).

[77] http://Judicial-Discipline-Reform.org/Pfuntner_record/search_Cordero_v_Palmer_16may6.pdf; and ws:15fn74b >A:467a, 469, 507, 855§1, 889§III, 1329§§5-7, 1642§B.

[78] The appeal was docketed sub nom. *In re Premier Van et al.*, 03-5023, CA2. See the main brief at http://Judicial-Discipline-Reform.org/docs/DrCordero_v_Premier_CA2.pdf.

[79] http://Judicial-Discipline-Reform.org/docs/nontransmission_doc_WDNY-CA2.pdf;

Rochester to the U.S. District Court in Albany, NY, where they could be tried to a jury in a court presumably neutral and equidistant from the parties.

34. The appeal was dismissed on a bogus technicality that sent the case back to the hands of the same biased and abusive lower court judges.[80] This showed contemptuous indifference to denial of due process and its fundamental element: the court must be fair and impartial. This requires an objective assessment by a reasonable person informed of all the facts, not a subjective, self-serving opinion by the judges in question.[81] The dismissal was appealed on petition for certiorari to the Supreme Court.[82] There Chief Justice Rehnquist and 2nd Circuit Justice Ginsburg as well as the other justices were informed that the case involved judicial corruption.[83] Despite their responsibility for ensuring judicial integrity in the Federal Judiciary, in general, and in the 2nd Circuit,[84] in particular, both showed complicit indifference to such information. They allowed the bankruptcy fraud scheme to fester. For proof, subsequently *DeLano* arose, where the manifestation of the scheme became even more egregious.(ws:22§0)

1. The Judicial Conference protected Bankruptcy Judge Ninfo from the first complaint by allowing the Administrative Office to abuse its role as clerk of Conference to prevent a review petition from being even transmitted to the Conference for its judges to dispose of it judicially

35. *Premier* and *Pfuntner* gave rise to a misconduct complaint against Judge Ninfo for bias toward the local insiders; prejudice on the issues; intentionally detrimental procedural delay; and disregard of law and facts.[85] It was filed with the CA2 clerk of court for transmittal to the chief

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[80] Petition for panel rehearing and hearing en banc in CA2 of its dismissal of *Premier* due to the finality of the District Court order appealed from and the violation of due process by remanding the case back to the same judges that have shown blatant disregard for legality and bias toward the local insiders and against the outsider-appellant; 10mar4; http://Judicial-Discipline-Reform.org/docs/DrCordero_v_Premier_CA2_rehear.pdf

[81] 28 U.S.C. §455(a) "Any justice, judge, or magistrate judge of the United States *shall* disqualify himself in any proceeding in which his impartiality *might* reasonably be questioned." (emphasis added). See the Supreme Court's analysis of this requirement at *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 108 S. Ct. 2194; 100 L. Ed. 2d 855 (1988).

[82] *In re Premier*, 03-5023, CA2, was appealed sub nom. *Cordero v. Gordon,* 04-8371, SCt; http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf

[83] Id. >A:1637§A: In the *Premier* bankruptcy case Judge Ninfo together with other court officers has prevented discovery and tried to wear Dr. Cordero down to keep him from disturbing the Judge's modus operandi developed in thousands of cases with Trustee Gordon

Cf. This act of denial of discovery in *Premier* and the denial *of every single document* in *DeLano* (ws:22¶52)are sufficient to form a pattern(ws:33fn127) of unlawful denial of the right to discovery and, thus, of deprivation of due process(ws:24§1).

[84] Id. >A:1658§C. The Court of Appeals has a supervisory responsibility for the integrity of the courts in its circuit, which required that it investigate substantial evidence of ongoing violation of due process, but it failed to do so

[85] First misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY; http://Judicial-

judge, CA2 CJ John M. Walker, Jr., pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §351.(ws:1fn4) In the sixth month since its filing, CJ Walker still had not taken any action on it. This was in blatant disregard of the requirement to act „promptly and expeditiously" in disposing of judicial complaints set forth in the Act(id.) and even the Rules[86] of his own Judicial Council, the Circuit"s highest administrative and disciplinary body composed of circuit judges and the chief district judges[87], of which he was the presiding member. Having thus shown disrespect for his legal duties, he could not reasonably be expected to show concern for CA2 Appointee Bankruptcy Judge Ninfo"s disrespect for his duties under law. So a complaint was filed against the Chief Judge.[88] The procedural chicanery engaged in by the clerks to prevent the filing of the complaint against him as well as the refusal to file either updates to the complaint against Judge Ninfo or a request for information about its status gave rise to a complaint against the clerks. Following the example set at the top by their Chief Judge, they abused in self-interest their gatekeeping function by refusing to file it.[89]

36. The Chief Judge"s toleration of wrongdoing by the clerks in his own Court furnished further evidence of his disregard for the law and the rules and cast an appearance of unfairness and partiality over his approach to the pending petition for panel rehearing and hearing en banc of the *Premier-Pfuntner* dismissal.(ws:18fn80) So a motion was raised to request his recusal from considering that petition. It took four motions[90] in all for his recusal to be noted as a footnote to the denial of another motion(id. >A:1197) and only a few days before the rehearing petition was denied(id. >A:1231). This timing and the whole series of acts in open defiance of legality, duty, and fairness rendered the practical effect of this recusal suspect and meaningless.

37. Acting Chief Judge Dennis Jacobs disposed of the complaint against Judge Ninfo of August 11,

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Discipline-Reform.org/docs/DrRCordero_v_JJNinfo_WBNY_11aug3.pdf >original version 1jn:1 and 7; >shortened reformatted version 1jn:69

[86] Rules of The Judicial Council of The Second Circuit Governing Complaints Against Judicial Officers Under 28 U.S.C. §351 et. seq.; http://Judicial-Discipline-Reform.org/docs/CA2_complaint_rules.pdf

[87] Cf. http://www.ca2.uscourts.gov/judcouncil.htm

[88] Statement of Facts Setting forth a complaint under 28 U.S.C. §351 against the Hon. John M. Walker, Jr., Chief Judge of the Court of Appeals for the Second Circuit addressed under Rule 18(e) of the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers to the Circuit Judge eligible to become the next chief judge of the circuit; http://Judicial-Discipline-Reform.org/docs/DrCordero_v_CA2_CJ_Walker.pdf

[89] Motion in CA2 for Leave to Update the Motion For the Hon. Chief Judge John M. Walker, Jr., to Recuse Himself from this Case With Recent Evidence of a Tolerated Pattern of Disregard for Law and Rules Further Calling into Question the Chief Judge's Objectivity and Impartiality to Judge Similar Conduct on Appeal; 18apr4 http://Judicial-Discipline-Reform.org/docs/DrRCordero_CA2_wrongdoing_pattern_18apr4.pdf Cf. ws:27¶65

[90] Four motions to recuse CA2 Chief Judge Walker from considering the petition for panel rehearing and hearing en banc of the dismissal of *Premier–Pfuntner* due to his disregard of the law and the rules in his handling of the complaint against Judge Ninfo and his toleration of a pattern of wrongdoing by CA2 clerks; 22mar-31may4; http://Judicial-Discipline-Reform.org/docs/DrCordero-4recuse_CJWalker_04.pdf

2003, only on June 8, 2004(ws:18fn85 >1jn:87) He dismissed it. He did so just as all chief judges of the Second Circuit(ws:2fn9 >Cg:7) and of all the other circuits(id. >Cg:6) have dismissed and continue to dismiss(id. >Cg:1, 41-44) complaints against their peers: out of hand without any investigation, systematically(id. >Cg:8-10).

38. Review of his dismissal was petitioned(ws:18fn85 >1jn:91) to the 2nd Circuit"s Judicial Council.[91] The latter denied it(ws:18fn85 >1jn:103) just as it has denied 100% of all such petitions in the 1oct96-30sep09 13-year period for which statistics have been posted.[92] Neither the nature nor the gravity of the complained-about conduct has caused the Council to review a single one of them. Its members have complicitly adhered to their motto, the requirements of the Judicial Conduct and Disability Act(ws:1fn4), ethical considerations, and all criminal law notwithstanding: „We protect our own, *no matter what!*"(ws:38fn138) That is the same motto that guides all other judicial councils in handling review petitions.[93] By their actions, all of them have institutionalized it as the motto of the Federal Judiciary.

39. Then-CA2 Judge Sotomayor adhered to that motto too. By that time, she had been on the district and circuit bench 12 years and must be presumed to have known about the successive CA2 chief judges" systematic dismissal of complaints and the Council"s 100% petition denial policy. Yet, she too failed to denounce it as a de facto unlawful abrogation by the judges for their benefit of an Act of Congress. Instead, she thereby condoned the harm thus inflicted on many others: the intended beneficiaries of the Act, that is, the complainants, who plea for relief from judicial misconduct; the public, who has an interest in fair and impartial courts respectful of due process; and the Judiciary itself, whose reputation rides on the integrity of its members. To Judge Sotomayor, however, judicial integrity mattered as little as to her colleagues. She too supported this policy of 100% judicial self-exemption from discipline and its foreseeable result: abusive Judges Above the Law.

40. The Judicial Council"s denials of the petitions for review of the dismissals of both the complaint against Judge Ninfo(ws:18fn85 >1jn:102-103) and that against CA2 Chief Judge Walker (ws:19fn88 >jw:105-106) were appealed to the Judicial Conference of the U.S.[94] This is the Federal Judiciary"s highest administrative and disciplinary body. It is composed of all the chief judges of the 13 circuits and the Court of International Trade as well as district judges and a bankruptcy and a magistrate judge; its presiding member is the Chief Justice of the Supreme

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[91] 28 U.S.C. §332; http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf; and ws:1fn4 >28 U.S.C. §§352(c) and 357(a).

[92] ws:2fn9 >Cg:7, 44-47. This policy could have started at any time since the passage of the Judicial Conduct and Disability Act in 1980(ws:1fn4), as explained at ws:38fn139.

[93] **a)** ws:2fn9 >Cg:6 and 44-47 and ws:2¶c.

b) Appeals court dismisses complaint against judge, Panel says that despite The Times' allegations of favoritism in judgments and fees, the jurist's ties didn't affect his impartiality, Ashley Powers, Los Angeles Times; http://Judicial-Discipline-Reform.org/docs/judges_favoritism_11dec7.pdf

[94] http://Judicial-Discipline-Reform.org/docs/DrCordero_2complaints_JConf.pdf >JC:4; ws:1fn4 >28 U.S.C. §§354(b), 355, 356(b), and 357(b).

Court.[95] The review petition was sent to the Administrative Office, which provides its secretariat. Thus, AO is supposed to work like a clerk of court, whose office takes in documents from filers, officially records the documents by entering key data about them in the docket, i.e., the list of all events in a case, and distributes them to the judges.[96] The Conference‟s own Rules unambiguously stated what it was required to do[97]:

> Rule 9…the Administrative Office shall promptly acknowledge receipt of the petition and advise the chairman of the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, a committee appointed by the Chief Justice of the United States as authorized by 28 U.S.C. §331.

41. However, AO did not follow the Conference Rules. Instead, it arrogated to itself the right to make a jurisdictional judgment in order to refuse to transmit to the Conference the review petition.(ws:20fn94 >JC:222) This was an act in blatant disregard of a Rule squarely on point and of AO‟s merely administrative role. It was also devoid of any hint of authority in any other law or rule.[98] AO‟s refusal to transmit the petition was objected to by letter to:
    a. Chief Justice Rehnquist, the appointer of the AO director[99](id. >JC:224, 324, 326, 462);
    b. each of the other members of the Conference(id. >JC:229);
    c. 2nd Circuit Justice Ginsburg(id.; ws:2fn11);
    d. the judge serving as chair of the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders(id. >JC:244, 248, 323, 363, 366, 367, 381);
    e. each of the Committee members(id. >JC:413-416);
    f. the AO Associate Director and General Counsel(id. >JC:252, 322); and
    g. the judge serving as the chair of the Conference executive committee(id. >JC:255, 259, 320).
42. The objection letter had a copy of the petition for review attached to it and requested action on it

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95 ws:20fn91 >28 U.S.C. §331. Cf. http://www.uscourts.gov/FederalCourts/JudicialConference/Membership.aspx

96 Cf. **a)** ws:4fn31 > FRBkrP 5003. Records Kept By the Clerk

b) ws:4fn32 >FRCivP 79. Records Kept by the Clerk;

c) Federal Rules of Appellate Procedure 45. Clerk's Duties (b) Records; http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/RulesAndForms.aspx; and http://Judicial-Discipline-Reform.org/docs/FedR_AppP_1dec9.pdf

d) Rules of the Supreme Court of the U.S. 1. Clerk; http://www.supremecourt.gov/ctrules/ctrules.aspx; and http://Judicial-Discipline-Reform.org/docs/SCt_Rules_16feb10.pdf

97 Rules of the Judicial Conference of the United States for the Processing of Petitions for Review of Judicial Council Orders Under the Judicial Conduct and Disability Act; http://Judicial-Discipline-Reform.org/docs/JudConf_Rules_JudComplaints.pdf; ws:1fn4 >28 U.S.C.§358(a)

98 http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf >JC:34§I: A clerk lacks authority to pass judgment on and dismiss a petition for review to the Judicial Conference

99 28 U.S.C. §601; http://Judicial-Discipline-Reform.org/docs/28usc601-613_Adm_Off.pdf

by the Conference. Nevertheless, the latter did not review the petition. Thereby the Conference knowingly allowed AO to act as a gatekeeper to spare it receipt of the petition. As a result, it evaded being seized of the petition and having to officially review the complaint‟s mishandling by one of its members, CA2 Chief Judge Walker; the dismissal of the two complaints by the next in line, i.e., Acting Judge Jacobs -who is the current CA2 Chief Judge-; and the petition denials by their Judicial Council. It follows that not only did the Conference ratify the conduct of AO in disregard of the law, but also AO, whose director is in addition the secretary of the Conference, had acted unlawfully upon the Conference‟s instructions. Its judges compromised their integrity by breaching their oath of office to uphold "the Constitution and laws of the United States without respect to persons, and do equal right to the poor [in connections] and to the rich [as a peer]. So help me God"[100]. To protect one of their own, the judges even took God‟s name in vain.

B. *DeLano* is the embodiment of secrecy and abuse of power in the Federal Judiciary, where to cover up a judicially run bankruptcy fraud scheme all judges and Justices denied *every single document* requested from a quintessential insider: a 39-year veteran bankruptcy officer who received a discharge in bankruptcy without having to account for at least $673,657

43. Mr. David DeLano was a 39-year veteran of the financing and banking industries and precisely a bankruptcy officer at a major bank, M&T Bank[101]. He together with Mrs. Mary DeLano, a Xerox technician, filed a voluntary bankruptcy petition[102] three years before retirement although they were nowhere near insolvency: their assets of $263,456 exceeded their liabilities of $185,462(id. >D:29). His bankruptcy petition also landed before Bankruptcy Judge Ninfo, who was also the judge presiding over both *Premier* and *Pfuntner*. The trustee dealing with his case had brought out of his 3,909 *open* cases 3,907 before that Judge.(ws:11fn59a) The DeLanos‟ bankruptcy lawyer had brought 525 cases before him.[103] Mr. DeLano handled the Premier bankruptcy(ws:16§A) for his employer, M&T, and was a party to *Pfuntner*. His attorney in *Pfuntner* also represented therein M&T and likewise appeared in the DeLanos‟ bankruptcy.

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[100] 28 U.S.C. §453; http://Judicial-Discipline-Reform.org/docs/28usc453_judges_oath.pdf

[101] "M&T Bank (Manufacturers and Traders Trust Company) is one of the nation's most highly regarded and well-managed banks. Our parent company, M&T Bank Corporation, ranks among the top 20 bank holding companies in the U.S., with assets of more than $70 billion, more than 750 branches, 1,800 ATMs and 13,500 employees across New York, Maryland, Pennsylvania, Washington D.C., Virginia, West Virginia and Delaware"; http://checking.mtb.com/about-mtb/. A bank is only as well-managed as its officers are competent. It follows that Mr. DeLano, a bankruptcy officer, was competent enough as such not to go bankrupt himself.

[102] *In re David Gene and Mary Ann DeLano*, 04-20280, WBNY, 27jan04; http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V, which contains all of this section's (D:#) references. See also a more detailed statement of facts of *DeLano* at ws:11fn57 >GC:41§D.

[103] a) http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf

b) http://Judicial-Discipline-Reform.org/docs/MacKnight_442_before_JNinfo.pdf. Cf. ws:11fn57

That attorney was a partner in the same law firm, i.e., Underberg & Kessler, in which Judge Ninfo was also a partner at the time of taking the bench.(ws:15fn67) M&T Bank let Mr. DeLano continue working as a bankruptcy officer despite the fact that his filing for bankruptcy undeniably indicted his competence in bankruptcy matters, that is, had his bankruptcy been for real. But it was not. It was part of a bankruptcy fraud scheme.

44. As such, Mr. DeLano‟s bankruptcy petition filing was only an invitation to a happy family celebration where his co-schemers would bid farewell to one of their own just before exiting his long banking career and entering a golden retirement. His co-schemers did not come to that celebration empty-handed, of course. They brought Mr. DeLano and his wife a gift that their creditors would be forced to pay for: The DeLanos were discharged of 87.4% of their debts.(ws:10fn50 >W:159) Accordingly, the DeLanos filed for bankruptcy under 11 U.S.C. Chapter 13, Adjustment of Debts of an Individual with Regular Income, thereby avoiding the liquidation of any of their assets that would have resulted from filing under Chapter 7. (ws:6fn30)

45. The fact that Mr. DeLano was a career bankruptcy officer rendered his bankruptcy inherently suspicious, for he should have known better. In addition to his and his wife‟s assets exceeding their liabilities(ws:22¶43), they also made declarations in the Schedules attached to their bankruptcy petition that could only fuel suspicion in the mind of any reasonable and impartial person. Indeed, they declared:

    a. that they had in cash and on account only $535(ws:22fn102 >D:31), although they also declared that their monthly excess income after deduction of living expenses was $1,940 (id. >D:45); and in the Statement of Financial Affairs(D:47) and their 1040 IRS forms (D:186-188) 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 $98,500, as to which their mortgage was still $77,084 and their equity only $21,416 (D:30)…after making mortgage payments for 30 years! and receiving during that period at least $382,187 through a string of eight mortgages.(D:341);

    c. that they owed $98,092 –spread thinly over 18 credit cards(D:38)[104] to ensure that the card issuers would find a write-off more cost-effective than litigation to challenge their petition - 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.

46. Since the DeLanos petitioned for debt discharge due to self-declared inability to pay, they had

[104] It is incomprehensible why the credit card issuers, who regularly checked the credit bureau reports on the DeLanos(D:173), allowed them to accumulate such staggering debt of $98,092, never invoked the acceleration clause to require immediate payment in full of the outstanding balance, and instead allowed them to continue using their cards even after they had filed for bankruptcy(ws:4fn33 >D:374¶¶57-59 and Table). Was there a quid pro quo between Insider DeLano and the issuers?

to account for all their assets by producing supporting documents, such as bank account statements. These documents were and are obviously apt to establish the good faith of their petition. Yet, the DeLanos together with their 28-year veteran attorney of bankruptcy law signed under penalty of perjury(D:28) and filed their petition without a single document to support their declarations in self-interest. Nevertheless, their petition was accepted by the trustee, who disregarded his duty to investigate the financial affairs of the debtor[105]. With 3,907 *open* cases(ws:11fn59a) before Judge Ninfo, the trustee could be confident that the Judge too would rubberstamp his confirmation on the DeLanos‟ petition.

47. Yet, the Judge himself needed to order production of supporting documents to discharge his own legal duty to ascertain whether the petition together with its plan for debt repayment "has been proposed in good faith and not by any means forbidden by law".(ws:6fn30 >11 U.S.C. §1325(a)(3)) His need was underscored by the fact that the only individual creditor(D:40) of the DeLanos was also a party in *Pfuntner*, had brought into it Mr. DeLano, and had already gathered evidence of the bankruptcy fraud scheme. He showed that those incongruous, implausible, and suspicious declarations in the DeLanos‟ petition pointed to the bankruptcy crime of concealment of assets from the creditors and the bankruptcy court.

48. Rather than demonstrate the good faith of their petition, the DeLanos moved to disallow the creditor‟s claim for payment. The creditor requested production of documents apt to reveal the whereabouts of their assets and thus, that the DeLanos were not bankrupt, had committed bankruptcy fraud, and had resorted to the disallowance motion as an artifice to deprive him of standing in the case so that he could not keep requesting the incriminating documents. But the DeLanos refused to produce *every single document* requested. That was indisputably unlawful.

49. To begin with, the creditor had the right to request the trustee, who represents the creditors, to obtain information from the DeLanos on his behalf(ws:6fn30 >11 U.S.C. §704(a)(7)); and personally to question the DeLanos under oath at the meeting of their creditors and compel them to produce documents thereat(id. §343; and ws:6fn31 >FRBkrP 2004(b-c)). What is more, since the DeLanos had moved to disallow his claim, he had an additional right to discovery(id. >FRBkrP 7026-7037 and ws:6fn32 >FRCivP 26-37), which includes compelling production of documents(id. >FRBkrP 7034 and FRCivP 34). So the creditor moved for a production order. In blatant disregard of these rules, Judge Ninfo too denied him *every single document* that he requested. His decision was appealed to the District Court, WDNY, upstairs in the same cozy federal building(ws:11fn57 >GC:11¶11) where his colleague, District Judge David Larimer, also denied the creditor *every single document*.(cf. ws:41fn145b)

50. On appeal to CA2, the circuit judges likewise denied the creditor *every single document* that he requested in 12 briefs and motions(ws:10fn50 >W:22). Among them was Then-Judge Sonia Sotomayor. She was the presiding judge on the three-judge *DeLano* panel.(id. >W:23) She too needed the documents to find the facts of the case to which she was supposed to apply the

[105] ws:4fn30 >11 U.S.C. §704. Duties of trustee (a)(4, 7); applicable under §1302(b)(1) to Ch. 13 cases.

law.[106] She also needed them to perform her shared supervisory duty over the integrity of both judicial process and the judges in the Second Circuit. Disregarding her duty, she gave preference to her interest in protecting CA2 Appointee Bankruptcy Judge Ninfo from facts incriminating him and others in the bankruptcy fraud scheme. So Presiding Judge Sotomayor and her panel colleagues slapped together two citations to cases that had nothing to do with either the facts or the law of *DeLano*(ws:3fn16 >CA:2201§B) and without addressing even a single issue in the "Statement of Issues Presented for Review" or even mentioning the explicit central theme running through them, to wit, fraud,[107] they dismissed the case in a summary order that none of them dare sign or bothered to.(ws:3fn16 >2180)

51. Similarly, the Justices of the Supreme Court denied the creditor *every single document* that he requested, not in one, but rather in four petitions[108], each of which was accompanied by a proposed order for production of documents.(cf. ws:25fn108d >US:2531) Thereby they validated the unlawful denial of his right to discovery by all the judges below and made a mockery of what it is intended to ensure: The facts should provide the basis for due process of law. Consequently, the exercise of the right to discovery is a necessary element of due process.

1. The right to discovery was denied to prevent discovered documents from leading to indictments and these to trade-ups in plea bargains

52. The right to discovery is fundamental to litigation based on facts and the exclusion of unfair surprise, that is, the unexpected springing of unknown adverse facts to the detriment of the opposing party. It is the pre-trial counterpart of testimony at trial sworn to be "the truth, the whole truth, and nothing but the truth". It is the litigation mechanism intended to bring to light evidence that will pressure witnesses to tell the truth, catch them telling lies, or show that they are mistaken in their version of the events. Discovered evidence acts as a check in the hands of the parties, their lawyers, and the court on whether lawyers have made truthful written statements in their briefs and oral statements at trial or hearings. Without discovery of evidence, going to court would be a game of self-serving tale spinning and speculative and biased opinion swapping to conceal, obfuscate, and deceive. So discovery aims to prevent fraud on the court and ensure that the facts of the case become the basis of the court's rulings and judgment.

53. To that end, the scope of discovery is so broad that it includes even "relevant information that is not admissible at trial if the discovery appears reasonably calculated to lead to the discovery of

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[106] Cf. Motion for production of documents necessary for the Court to determine this case and afford due process of law; 19dec6; ws:5fn33 >SApp:1606

[107] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf >CA2:1719§V

[108] a) http://Judicial-Discipline-Reform.org/docs/DrCordero-JGinsburg_injunction_30jun8.pdf
b) http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf
c) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf
d) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_rehear_23apr9.pdf

admissible evidence".(ws:6fn32 >FRCivP 26(b)(1)) When a court denies all discovery, it not only invites lies, it participates in fraud on the judicial process. When all the courts, from the bankruptcy, the district, the circuit court and all the way to the Supreme Court, deny discovery of *every single document* requested,[109] they engage in coordinated wrongdoing in support of a cover-up[110]. That is what happened in *DeLano*: They covered up a judicially run bankruptcy fraud scheme that they had known and were informed about.[111]

54. Revealing how incriminating the requested documents are, to oppose their production the DeLanos, with the trustee‟s recommendation and Judge Ninfo‟s approval, were allowed to pay their lawyers $27,953 in legal fees(ws:10fn50 >§XI)…though they had declared that they had only $535 in hand and on account.(id. D:31) The documents would have shown the whereabouts of at least $673,657 of the DeLanos‟ concealed assets(id. >W:2), thus proving their commission of bankruptcy fraud. This is so serious a crime that it carries a penalty of up to 20 years imprisonment and up to $500,000 in fines per person.[112] If indicted on that charge, Mr. DeLano could have deemed it in his interest to plea bargain by agreeing to testify to all he had learned about the bankruptcy fraud scheme during his long 39-year banking career in exchange for total or partial immunity or leniency for his wife and himself. As a career insider, his testimony would have been devastating, for he not only knew where the skeletons were, he also knew who had put them there.

55. This could have led to the indictment of Judge Ninfo. He too could have cut a deal for himself in exchange for „bigger fish‟: not just District Judge David Larimer(cf. ws:13¶23 and 41fn145b), but also Judge Ninfo‟s own appointers: the judges of the Court of Appeals for the Second Circuit. Prominently among them would be Judge Sotomayor, then the *DeLano*-panel presiding judge and now Justice Sotomayor. That would have inevitably prompted the question of what Second Circuit Justice Ginsburg knew about the bankruptcy fraud scheme.(ws:26fn111)

56. Moreover, since Mr. DeLano was a party to *Pfuntner* and the M&T Bank bankruptcy officer that handled the Premier bankruptcy, and Judge Ninfo heard the three cases as did Judge Larimer, if any of them had revealed the wrongdoing that permeated those cases, they could have impli-

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[109] http://Judicial-Discipline-Reform.org/Follow_money/docs_denied.pdf

[110] "Serious legal error is more likely to amount to misconduct than a minor mistake. The sort of evaluation that measures the seriousness of legal error is admittedly somewhat subjective, but the courts seem to agree that legal error is egregious when judges deny individuals their basic or fundamental procedural rights." Jeffrey M. Shaman, Steven Lubet & James J. Alfini, *Judicial Conduct and Ethics*, (3d ed. 2000), § 2.02, at 37.

"A single instance of serious, egregious legal error, particularly one involving the denial to individuals of their basic or fundamental rights, may amount to judicial misconduct." *In re Quirk*, 705 So. 2d 172, 178 (La. 1997)

[111] Table of Notices Between 2may3-17mar7 to the 2nd Circuit Court of Appeals and Judicial Council, the Circuit Judges, Circuit Justice Ginsburg, and others of Evidence of a Bankruptcy Fraud Scheme in the Bankruptcy Court, WBNY, and the District Court, WDNY; ws:3fn19 >CA:1721. See also http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justices&judges.pdf and ws:11fn68.

[112] 18 U.S.C. §§152-157, 1519, and 3571; http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_crimes.pdf

cated in the cover-up both CA2 Chief Judge Walker, the presiding member in the appeal (ws:16fn74b >A:876) and mandamus petition(id. >664) in *Pfuntner*, which was also appealed to the Supreme Court(ws:15fn66b); and Acting Chief Judge Jacobs, who dismissed with no investigation each of the two complaints against Judge Ninfo(ws:18fn85 >1jn:87; 29fn121 >N:32).

57. By then a most disturbing question would have opened wide like the bell of a megaphone: „What did the other District, Bankruptcy, and CA2 judges and Supreme Court justices know and when did they know"(ws:42¶¶97-98) about judges and other insiders skimming by means of a bankruptcy fraud scheme from the hundreds of billions of dollars at stake annually in just the Bankruptcy Courts?

58. That question would have become inevitable and recurrent along the way if the first step, i.e., ordering document production, had been taken to *Follow the money!* of the DeLanos. That is why none of the judges and justices could take the risk of allowing those documents to come to light. So they did what they are wont to do unaccountably: They abused their judicial power in self-interest. Specifically, they denied discovery in order to suppress evidence of the crime of bankruptcy fraud committed by or with the knowledge of judges and justices, and damn judicial integrity and due process of law. Alas!, their suppression did not stop there.

2. The Judicial Conference protected Judge Ninfo from the second complaint by again allowing its clerk, the Administrative Office, to refuse to transmit to it a petition for review made under the new complaint-processing Rules, thus revealing their adoption as a sham

59. The way the judges disposed of the complaint against Judge Ninfo that arose from *Premier* and *Pfuntner* was exactly the same way that they disposed of the subsequent complaint against him, which arose under *DeLano*. However, there was a significant difference this time around: The second complaint was filed under the new Rules for Conduct and Disability Proceedings, adopted on March 11, 2008, by the Judicial Conference. Its adoption was intended precisely to cure the deficiencies in the application by the judges themselves to their peers of the Judicial Conduct and Disability Act(ws:1fn4) and its procedural rules, which had been adopted by each circuit(cf. ws:19fn86). Unethical conduct by judges reported by the media and noticed in Congress(ws:4¶3) and the latter"s criticism[113] of dwindling application of the Act[114] had led to the proposal of establishing an Inspector General of the Judiciary[115]. In an effort to appear as if judges could police themselves under the Act, Chief Justice William Rehnquist appointed in May 2004, a committee of judges, headed by one of his own, Justice Stephen Breyer, and

[113] U.S. H.R. Sensenbrenner's Statement Regarding New Commission on Judicial Misconduct, 26may4; http://Judicial-Discipline-Reform.org/docs/Sensenbrenner_on_Act.pdf

[114] http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justice_SBreyer_Com_26nov4.pdf

[115] Republican Suggests a Judicial Inspector General, David Kirkpatrick, New York Times 10may5; http://www.nytimes.com/2005/05/10/politics/10watchdog.html; and http://Judicial-Discipline-Reform.org/docs/Sensenbrenner_on_Judicial_IG.pdf

including his own administrative assistant, Sally M. Rider, to study their peers" own application of the Act. If the judges were being criticized for not applying the Act to themselves, why could it reasonably be expected that judges would be critical of their peers when studying their application of it? From the outset, neither the committee nor its study was an effort in good faith.

60. The Breyer Committee acknowledged in its Report the circumstances that prompted its appointment:

> We are aware of news reports alleging various ethical improprieties, such as judges" failures to report reimbursement for attending privately sponsored seminars and judges" failures to recuse in cases where they own stock.… Complaints, though, are nevertheless filed under the Act alleging that judges failed to recuse themselves when their financial holdings created conflicts of interest. Breyer Report p.2[116]

61. The study report was completed only in September 2006 and submitted to Chief Justice Roberts, who called for the implementation of its recommendations. So new Rules were drafted[117] and revised[118] by judges and a final version[119] was adopted by the all-judge Judicial Conference[120]. Thereunder the second complaint against Judge Ninfo, dated June 6, 2008, was filed with the CA2 clerk, who transmitted it to the CA2 chief judge at the time, i.e., CJ Dennis Jacobs, the same one who had dismissed the first one(ws:18§1) in connection with *Premier* and *Pfuntner*(ws:16§A)

62. The second complaint arose from *DeLano*(ws:22§B) and charged Judge Ninfo with bias, prejudice, and abuse of judicial power in support of a bankruptcy fraud scheme and its cover-

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[116] http://www.uscourts.gov/RulesAndPolicies/ConductAndDisability/JudicialConductDisability.aspx >Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice; and http://Judicial-Discipline-Reform.org/judicial_complaints/Breyer_Report.pdf

[117] **a)** http://Judicial-Discipline-Reform.org/judicial_complaints/Draft_Rules_13jun7.pdf;

b) Dr. Cordero's application to be heard at the hearing on the draft rules, 19sep7, http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_on_rules.pdf

c) Transcript of the hearing on the draft rules; 27sep7; http://Judicial-Discipline-Reform.org/judicial_complaints/transcript_27sep7.pdf

c) Comments on the Draft Rules Governing Judicial Conduct and Disability Proceedings released by the Committee on Judicial Conduct and Disability of the Judicial Conference of the United States pursuant to 28 U.S.C. §358(c) and the request of Chief Justice John Roberts; 13oct7; http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_draft_rules.pdf

[118] **a)** Working draft of the Rules Governing Judicial Conduct and Disability Proceedings Undertaken Pursuant To 28 U.S.C. §§ 351-364, adopted by the Committee on Judicial Conduct and Disability; 13dec7; http://Judicial-Discipline-Reform.org/judicial_complaints/Revised_Rules_13dec7.pdf

b) Comments on the Revised Rules…; 11feb8; http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf. See also wl:2fn12.

[119] http://www.uscourts.gov/RulesAndPolicies/ConductAndDisability/JudicialConductDisability.aspx >Rules for Judicial Conduct and Disability Proceedings

[120] Press release on the Rules adoption by the Judicial Conference on March 11, 2008, together with the Rules with useful bookmarks; http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf

up.[121] Since the Judge had prejudged the issues and predetermined the outcome of the case, he dispensed with any document that could incriminate him and the other insiders in the bankruptcy fraud scheme, including Mr. DeLano, the 39-year veteran of the banking industry who at the time of filing his bankruptcy petition was and continued to be a bankruptcy officer(ws:22§0; ws:11fn57 >GC:41§D). Hence, Judge Ninfo denied the only outsider and individual –as opposed to institutional- creditor in the case *every single document* that he requested from Insider DeLano. Thereby he deprived the creditor of his right to discovery to find the facts so as to determine the applicable law and his rights and obligations thereunder. By so doing, Judge Ninfo refused to afford the creditor the fundamental constitutional warranty of legality: due process of law.

63. Despite such fundamental flaw and the gravity of the complained-about conduct, which involved the crime of bankruptcy fraud, Chief Judge Jacobs too denied the creditor-complainant *every single document* that he requested in a proposed order for document production. (ws:29fn121 >N:13) The Chief Judge did not want to have documents, such as the bank account statements of the DeLanos, prove that the latter had concealed at least $673,657. Such proof would have lent strong support to the complaint allegations, namely, that because of his involvement in the bankruptcy fraud scheme, Judge Ninfo had intentionally evaded his duty to ascertain that the DeLanos had „proposed their petition together with its debt repayment plan in bad faith and by means forbidden by law" (ws:6fn30 >11 U.S.C. §1325(a)(3)).

64. By the same token, that documentary proof would have buttressed the request for relief: among other things(ws:29fn121 >N:5), that a special committee of persons not from the Second Circuit be appointed(ws:1 fn4 >28 U.S.C. §353(a)(1)) to investigate all allegations; the impartiality of the investigation of Judge Ninfo be ensured by referring it to Congress; and Chief Judge Jacobs recuse himself from handling the complaint. His recusal was warranted by the fact that he could have prevented all the events complained about in the second complaint had he not dismissed without any investigation the first one(ws:18¶¶35-37). As a result, he had a vested interest in not giving the appearance that he had earlier made a mistake, let alone that he had participated in a cover-up. Far from granting any relief, the Chief Judge protected CA2 Appointee Judge Ninfo and himself by dismissing the complaint without any investigation.(ws:29fn121 >N:32)

65. A petition to review Chief Judge Jacobs's dismissal was sent to the Judicial Council, 2nd Cir.(id. >N:36; cf. N:11, 41). It was filed only after it overcame more procedural chicanery(id. >N:45; cf. ws:19fn89). The Council too denied *every single document* requested in the document production order proposed for it to issue.(ws:29fn121 >N:40¶16e) It denied the complaint through a reasonless form without any investigation.(id. >N:48) By so doing, it continued its policy of denying 100% of review petitions, which it had applied since October 1, 1996.(ws:2fn9 >Cg:7)

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[121] Judicial Misconduct Complaint of June 6, 2008, under 28 U.S.C. §351 against U.S. Bankruptcy Judge John C. Ninfo, II, WBNY, Rochester, NY, for bias, prejudice, and abuse of judicial power in support of a bankruptcy fraud scheme and its cover up; http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf >N:1. It was designated by CA2 as 02-08-90073-jm; id. >N:31.

66. Those 1996-2008 12 years prior to the Council denial were only the period for which the statistical reports on such complaints had been posted by the Administrative Office on its website; the Council could have started its 100% denial policy at any time after the adoption of the Judicial Conduct and Disability Act in 1980.(ws:38fn139) During all that time, the Council was presided over by the very chief judges that had systematically dismissed the complaints that had come to it on petition for review. Their participation was contrary to the sound principle that a person cannot be appellate judge in his own cause.(ws:2fn11 >28 U.S.C. §47) The Council also defied, not only statistical probability, but also common sense by pretending that during those 12 years none of the chief judges had made a single dismissal that gave the appearance that it might be wrong so as to warrant review.(cf. ws:38fn138) Even the Breyer Report acknowledged the principle that such a perfect score is not humanly possible:

> While a perfectly operating system [for processing complaints against judges] remains the goal, the Committee recognizes that no human system operates perfectly; some error is inevitable.…The federal judiciary, like all institutions, will sometimes suffer instances of misconduct. (ws:28fn116 >p.5, p.1)

3. Intent to encourage judicial wrongdoing and to injure the public can be imputed to both Judge Sotomayor, as member of the Judicial Council, and the Judicial Conference due to their knowledge of the consequences of denying the petition to review the second complaint and all other petitions

67. Judge Sotomayor was a member of the Council when the petition was filed with it to review the dismissal of the second complaint against Judge Ninfo.(id. >N:44) She did not denounce the 100% petition review denial policy, so she bears at the very least institutional responsibility for its application. Thereby she showed that regardless of whether the conduct of her complained-against peers involved bias, prejudice, conflict of interests, bribery or the like[122], she too was willing to unlawfully hold them above the equal application of the law by sparing them all investigation and consequently, any discipline. She exhibited partiality toward her colleagues and indifference for the complainants' due process rights and the harm that they had already sustained and were complaining about. She knowingly overlooked the corruption of judicial integrity, both hers and that of her complained-against colleagues, although she was required to uphold it under the Code of Conduct for U.S. Judges[123].

68. As a result, the tort principle that a person intends the reasonable consequences of her actions

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[122] See the categories of misconduct and disability under which the Administrative Office classifies all complaints against judges; ws:2fn9 >Cg:39

[123] Canon 1: A judge should uphold the integrity and independence of the judiciary [and] must comply with the law; http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct.aspx > Code of Conduct for United States Judges; with useful bookmarks and the newsrelease of the Judicial Conference that adopted it on March 17, 2009, http://Judicial-Discipline-Reform.org/docs/Code_Conduct_Judges_09.pdf

applies to her: The 100% denial policy would not fail to embolden[124] the complained-against judges and all other judges to further engage in the same, similar, and even more egregious forms of misconduct. Consequently, Judge Sotomayor intended to inflict upon all litigants the harm caused by such misconduct, with reckless disregard for the legal, material, and emotional impact and gravity of such harm. In the same vein, she intended to cause petitioners to waste their effort, money, and time, and to be injured emotionally through disappointment by letting them research, write, print, and file a review petition in the belief and hope that it could be granted although she and her colleagues had predetermined that 100% of their petitions would be denied unceremoniously on rubberstamped forms.(ws:18fn85 >1jn:102-103; 19fn88 >jw:105-106; 29fn121 >N:48)

69. A petition to review the Judicial Council‟s review denial was sent directly to the members (ws:29fn121 &[125] >N:92) of both the recently renamed Judicial Conduct and Disability Committee(id. >N:51; cf. N:41) and the Judicial Conference(id. >N:103; cf. 11, 28, 29, 30). None of them acknowledged receipt of it. Yet, the issue at stake in the petition addressed precisely the members‟ professional and institutional mission, namely, to ensure the integrity of judges as the indispensable condition for their „effective and expeditious administration of Justice(ws:1fn4 >28 U.S.C. §351(a)) without respect to persons and in accordance with the Constitution and the rule of law‟(22fn100 >§453).

70. Simultaneously and pursuant to the new Rules for processing complaints against judges (ws:28fn119), the review petition was sent to the Administrative Office. A cover letter addressed to its director, Mr. James C. Duff(ws:31fn125 >N:101), who had been appointed by Chief Justice Roberts, noted specifically what the Rules required AO to do:

> Rule 22(e) Action on Receipt of Petition for Review. The Administrative Office must acknowledge receipt of a petition for review submitted under this Rule, notify the chair of the Judicial Conference Committee on Judicial Conduct and Disability, and distribute the petition to the members of the Committee for their deliberation.

71. However, AO disregarded this unambiguously peremptory duty by not acknowledging receipt of the petition. It recalcitrantly disregarded this duty even though it was repeatedly brought in subsequent letters to the attention of:

    a. Mr. Duff as both AO Director and Secretary of the Judicial Conference (ws:31fn125 >N:110, 112, 117, 122, 134);
    b. AO Assistant Director Laura Minor(N:126, 128, 129, 130, 131, 132);
    c. Assistant General Counsel Bret Saxe(N:119, 124);
    d. Executive Correspondence Specialist Deborah Mayronne, who later on was instructed by the General Counsel‟s Office not to respond to any more calls or e-mails from the petitioner(N:121);

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[124] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_rehear_23apr9.pdf >US:2513§II

[125] http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo-JudConf.pdf >N:92

e. the Judicial Conduct and Disability Committee(N:113, 136);

f. the Judicial Conference(N:115, 139), including its presiding member, Chief Justice John G. Roberts, Jr., (102, 139);

g. the Conference‟s executive secretariat(N:128);

h. the Chair of the Executive Committee of the Conference, Chief Judge Anthony J. Scirica(N:108, 115, 141); and

i. 2nd Circuit Justice Ginsburg(N:109, 143).

72. Just as they did not acknowledge receipt of the petition sent directly to them, none replied to the complaint about AO‟s failure to discharge its specific Rule 22(e) duty to acknowledge receipt of the complaint and distribute it to the Committee members.

73. When AO finally acknowledged receipt of the petition on April 16, 2009, it was in an unsigned letter. Although under the Rules it has no other function than that of clerk of both the Conference and the Committee, it once more(cf. ws:21¶41) arrogated to itself the right to make a jurisdictional determination to refuse to distribute the petition to the Committee members.(ws:31fn125 >N:145)

74. An objection to this blatant contempt for the Rules was made to AO Director Duff(N:147) and to each of the Committee members(N:148) and of the Conference(N:150) as well as to its Executive Committee Chair, Judge Scirica(id.). None replied. Then on July 13, 2009, AO issued another unsigned letter(N:152) where the claim was made that it had been approved by the judges on the Committee. Therein it reaffirmed the position that it had expressed in its April 16 letter and concluded by stating:

> Please be advised that you should not communicate with judges regarding a complaint against a judge except as specifically authorized under the Act and the Rules.
>
> Any further communication from you on this matter will not receive a response.

75. The entity that had so blatantly and persistently trampled underfoot its duty under the Rules had the cheek to tell a complaining petitioner what he should or should not do under them! Moreover, speaking both with the approval of judges who should know better and without making any reference to any law or rule supporting it, AO pretended to limit a person‟s constitutional right under the First Amendment “to petition the Government for a redress of grievances”, never mind his freedom of speech.[126] By the Committee denying the petition and the Conference ignoring it, they too denied *every single document* that they were requested to order produced by issuing a proposed subpoena(ws:31fn125 >N:71) under 28 U.S.C. §356(b))(ws:1fn4). By so doing, they all showed reckless disregard for the truth by intentionally evading the means to ascertain the facts.

76. These acts and omissions of all the actors of the Judiciary‟s self-discipline system show that the

[126] http://Judicial-Discipline-Reform.org/docs/US_Constitution_&_notes.pdf

adoption of the new Rules for processing misconduct complaints(ws:28fn119) introduced no change whatsoever in the way judges exempt themselves from all accountability and discipline. (ws:2fn12) They left intact the problem of judges judging judges that the Breyer Report had recognized:

> [A] system that relies for investigation solely upon judges themselves risks a kind of undue "guild favoritism" through inappropriate sympathy with the judge's point of view or de-emphasis of the misconduct problem. Breyer Report. p.1(ws:28fn116)

77. This second instance of an AO clerk dismissing on jurisdictional grounds an appeal to the Judicial Conference(ws:21fn98) established a pattern[127] of abuse of power to defeat the law. The judges had drafted their own rules to ensure that they would maintain themselves beyond accountability and discipline. They had adopted them only to stave off the efforts of some members of Congress to create an Inspector General of the Judiciary.(ws:4¶3, 27¶59) The statistics on the disposition of complaints covering the reported period between the entry in force of the new rules on May 11, 2008, and the end of FY09 on September 30, 2009, prove that nothing has changed.(ws:2fn9 >Cg:41-44) On Congress and the people, the judges ran a sham!(ws:28fn118b >32§V)

[127] Cf. Under RICO (Racketeer Influenced And Corrupt Organizations Act (RICO) 18 U.S.C. §1961(5) a pattern of racketeering can be established by two acts of racketeering activity occurring within 10 years. http://Judicial-Discipline-Reform.org/docs/18usc1961_RICO.pdf

III. Indicia of state courts' involvement in the bankruptcy fraud scheme and its cover-up

A. The complaint against attorneys filed with the Attorney Grievance Committee appointed by the Appellate Division, 4th Department, of the NYS Supreme Court, was dismissed by the five members with a conflict of interests due to their involvement in the complaint subject matter, who then dismissed in self-interest a complaint against themselves

78. Dated February 19, 2010, a misconduct complaint against the attorneys in *Premier*, *Pfuntner*, and *DeLano*(ws:15fn64) was filed under the NY Rules of Professional Conduct(ws:10fn54c) with the Attorney Grievance Committee that sits in Rochester, NY.(ws:11fn57 >GC:22§§2-3 and cf. GC:36§7) Its members are allegedly appointed for their integrity by the NYS Supreme Court, Appellate Division for the Fourth Department.[128]

79. The complaint was sent individually to the Committee‟s five key members, that is, the chair, the chief counsel, the two principal counsel, and the investigator. They dismissed it out of hand without even asking the complained-against attorneys to respond.[129] Nor did they validate the complaint‟s allegations by requesting any documents, not even those clearly identified in a proposed Demand for Information and Evidence,[130] which could have revealed the whereabouts of the assets concealed in *DeLano* (ws:22§B) or caused to disappear in *Premier* and *Pfuntner* (ws:16§A).

80. The key Committee members‟ inexplicable complaint dismissal gave rise to an inquiry of their names in PACER, the U.S. courts‟ Public Access to Court Electronic Records service that lists, among other things, all bankruptcy cases and their parties.[131] Imagine the astonishment when PACER returned court records showing that these five members had worked with the misconducting trustees, attorneys, and judge and/or are related to specific bankruptcies. (ws:11fn57 > ri:134§A) What are the odds of the five top members of that Committee being purely by chance so connected to the complaint‟s misconducting persons or subject matter?

81. Such connection created a conflict of interests.(ws:11fn57 >ri:132§IV) The investigation by the

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[128] http://www.courts.state.ny.us/ad4/AG/AGdefault.htm >Attorney Grievance

[129] **"**If the review of your complaint indicates that unethical conduct may be involved, the usual procedure is for our office to send a copy of your complaint to the lawyer for his or her response. *You will receive a copy* of the lawyer's response to your complaint. If the lawyer's response does not resolve the matter, further investigation *will* be undertaken.**"** (emphasis added); http://www.courts.state.ny.us/AD4/ >Attorney Grievance >How to File a Complaint-What to Expect. Since no copy was received, it follows that no response was requested(cf. ws:11fn57 >ri:140¶60).

[130] ws:8fn54c >Rule 8.3 Reporting Professional Misconduct…(b) A lawyer who possesses knowledge or evidence concerning another lawyer or a judge shall not fail to respond to a lawful demand for information from a tribunal or other authority empowered to investigate or act upon such conduct.

See the Demand for Information and Evidence, as proposed for enforcement by referees appointed by the Appellate Division. (ws:8fn57 >ri:151)

[131] http://www.pacer.uscourts.gov/index.html

key members and/or other Committee members of the misconducting attorneys could have incriminated the key members as participants in the same misconduct with which those attorneys were charged. Under those circumstances, the key members had a duty to disclose or recuse themselves in order to avoid even the appearance of impropriety(id. >ri:139§B). Instead, they disregarded their duty and abused their power by dismissing the complaint at the earliest possible stage. Thereby they resolved their conflict of interests to their own benefit and that of the scheming attorneys, trustees, and judges.

82. Since the key members of the attorney grievance committee had themselves given cause for grievance, a complaint was filed specifically against them.(id. >ri:111 entry 1), 116¶9, 140¶61a) Their response was even more astonishing because far from recusing themselves, they compounded their own aggrieving conduct by dismissing the complaint against themselves.(id. >ri:169) By so doing, the key members engaged in flagrant self-dealing to the detriment of the complainant, to whom they owed a fiduciary duty.

B. The Departmental Disciplinary Committee Policy Committee appointed by the Appellate Division, 1st Department, of the NYS Supreme Court, dismissed a complaint against the successive U.S. Trustee-attorneys without even asking them to respond to it or requesting documents to validate it

83. A similar complaint was filed with the Departmental Disciplinary Committee[132] of the Appellate Division, First Department[133], of the NYS Supreme Court, which sits in Manhattan, NY. It too was sent to the key Committee members, that is, the chair and the eight chief and principal counsel, who constitute the Policy Committee. The complained-against U.S. Trustees for Region 2 are or were registered or operated as attorneys in that Department.(id. > GC:i and 1¶¶1-3) Nevertheless, these key members dismissed the complaint without so much as asking those attorneys to file a response, let alone requesting production of any document listed in the proposed Demand for Information and Evidence(id. >GC:69). The Chief Counsel merely rubberstamped a rejection form with its reasonless boilerplate "no further investigation or action was warranted"(id. >rr:88). An appeal was made to each of the members of the Committee(id. >Ci:128, 168), but the complaint was dismissed once more with the same boilerplate(id. >Ci:171).

84. These members of the attorney disciplinary committees of both the First and the Fourth Departments showed reckless disregard for the truth by intentionally evading the means to ascertain the facts(ws:11fn57 >ri:121§A), just as the federal judges in *Premier*, *Pfuntner*, and *DeLano* did. They too denied *every single document* requested.(ws:16¶29, 24¶¶48-51) With no

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[132] Complaint to the Departmental Disciplinary Committee of the NYS Supreme Court, Appellate Division, 1st Judicial Department against attorneys engaged in misconduct contrary to law and/or the NYS Unified Court System, Part 1200 -Rules of Professional Conduct; 1mar10; http://Judicial-Discipline-Reform.org/NYS_att_complaints/15DDC/1DrRCordero-Disciplinary_Com.pdf

[133] http://www.nycourts.gov/courts/ad1/Committees&Programs/DDC/index.shtml

facts to state, they conveniently communicated their dismissal through a no-reasons form. Although their mission is to protect the public from unethical attorneys and ensure that all attorneys maintain high standards of professional conduct, they too showed no concern for the complainant, the other parties that had been victimized by the bankruptcy fraud schemers, or the rest of the public, who is always made to bear the higher prices needed to compensate for fraud losses already sustained and pay a fraud insurance premium against those likely to occur in future. Nor did they care about the harm inflicted on the reputation of the legal profession and the committees themselves.[134] Yet, all these committee members were appointed by NY State appellate judges precisely because of their alleged integrity.

85. What is the statistical probability of those state judges by mere coincidence filling the key positions in those committees with persons that turned out to be so lacking in integrity or that tolerated in silence their colleagues‟ lack of integrity? Were those members knowingly appointed as gatekeepers either to protect their own participation in the scheme or to prevent turning into nemeses powerful, life-tenured federal judges? These questions raise in turn a fundamental issue that calls for an investigation conducted by investigators not appointed by those to be or likely to be investigated: How widespread the bankruptcy fraud scheme is and how high does it reach in the federal and state judiciaries?

[134] "The prohibition on conduct prejudicial to the administration of justice is generally invoked to punish conduct…that results in substantial harm to the justice system comparable to those [sic] caused by obstruction of justice…." NYSBA Comments on Rule 8.4: Misconduct [3]; http://www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/Professional_Standar.htm >Final NY Rules of Conduct with Comments

IV. Neither the judges nor the media can be counted on to expose the Judiciary's institutionalized coordination of wrongdoing

A. The judges cannot expose coordinated judicial wrongdoing for fear of self-incrimination

86. It is possible for "empower[ed] citizens to bring feared and corrupt governments and corporations to justice". However, it is not possible for them to effectively bring coordinated wrongdoing judges "to justice" if that means suing judges in court. Judges that have received a complaint against a judge will not appoint investigators who could end up finding that the appointing-judges themselves engaged, let alone are still engaged, in the same or similar misconduct being investigated, or for that matter, any other misconduct. They will not assume the risk that the investigated judges may turn around and incriminate them, whether truthfully to save their skin in a plea bargain or falsely in retaliation. They will also not indict their competence by claiming ignorance of what they should have known by using common sense to put two and two together or proceeding with due diligence in the performance of their duties[135]. Nor will they impugn their integrity by setting in motion a process that will expose their toleration in silence of any judicial misconduct despite their duty of impartiality, of supervision of the administration of justice,[136] and of reporting such misconduct.[137]

87. Consequently, chief circuit judges have blatantly disregarded their duty under the Judicial Conduct and Disability Act(ws:1fn4 >28 U.S.C. §351(b)) to identify complaints, that is, to initiate a complaint when they have knowledge of a judge"s misconduct or disability. This statutory duty is the basis for the derived regulatory duty under both the old(ws:19fn86) and the new(ws:28fn119) Rules. They have disregarded that duty too. So in 12 of the 13 years between 1oct96-30sep09(ws:2fn9), chief circuit judges initiated an average of 0.83 complaint, that is, less than 1 complaint per year against their colleagues. For comparison, there were 2,132 judges in office on 30sep09(ws:2fn6) who could potentially have been the subject of one or many

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[135] Rules of the [NYS] Chief Administrative Judge, Part 100. Judicial Conduct §100.3 A judge shall perform the duties of judicial office impartially and diligently. (D) Disciplinary Responsibilities. (1) A judge who receives information indicating a substantial likelihood that another judge has committed a substantial violation of this Part shall take appropriate action. 22 NYCRR Judiciary. Part 100; http://www.courts.state.ny.us/rules/chiefadmin/100.shtml; and http://Judicial-Discipline-Reform.org/docs/NYS_chief_admin_judge.pdf

Cf. Rule 8.3 Reporting Professional Misconduct, NY Rules of Professional Conduct(ws:9fn54c)

[136] http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justices&judges.pdf >jj:3-5: Table of notices to judges of evidence of a bankruptcy fraud scheme 2may3-17mar7, et seq.

[137] 18 U.S.C. §3057(a) Bankruptcy Investigations (imposing on federal judges the duty to report to a U.S. attorney a *belief*, not proof, not even evidence, that laws relating to bankruptcy and insolvent debtors have been violated or that an investigation should be had in connection therewith); http://Judicial-Discipline-Reform.org/docs/18usc3057.pdf. The judges knowingly disregarded this duty even when it was brought to their individual attention with an abundance of supporting evidence and each was asked to make such report; http://Judicial-Discipline-Reform.org/docs/make_18usc3057_report.pdf. Cf. ws:59¶r

complaints during the year.[138] That 0.83 annual average excludes the 1oct05-30sep06 fiscal year. That is the year when the circuit chief judges acted in coordination to deceive Congress into thinking that they were applying the Rules properly so that there was no need for the creation of the office of Inspector General of the Judiciary(ws:4fn22). That year they filed against their peers 88 complaints! (ws:2fn9 >Cg:35) Since this was only a gross charade, their complaints led to no public or private censure.(id. >Cg:36) For one thing, given that none of those 88 complaints was made public, there is no way of knowing whether any of them was actually filed against a real judge or 88 was simply the sum of the numbers made-up by the chief circuit judges and entered on their respective statistical tables.

88. That the judges manipulate misconduct complaint statistics is an indisputable fact, for that was one of the findings in the (Justice) Breyer Report:

> 6. There are mistakes in the data that circuits submit to the Administrative Office of the U.S. Courts for national statistical reports on the Act"s administration; perhaps most serious, for the period we examined, the circuit data underreported the number of special committees that chief judges appointed. p.6(ws:28fn116)

89. There is additional evidence that the judges of the Federal Judiciary "cook" their statistics. It is found in the counter-current annual number of judicial misconduct and disability complaints that they have reported filed under the Judicial Conduct and Disability Act of 1980(ws:1fn4). The judicial councils of the circuits and the other courts subject to the Act(id. >§§351(d)(1) and 363) have a duty to file those statistics(ws:20fn91 >28 U.S.C. §332(g)) with the Administrative Office. The latter uses them to produce its statistics on such complaints that the AO director must include in his annual report[139] to Congress(ws:21fn99 >28 U.S.C. §604(h)(2)). The trend

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[138] "About 3.2% of the U.S. adult population, or 1 in every 31 adults, were incarcerated or on probation or parole at yearend 2006." Probation and Parole in the United States, 2006; Bureau of Justice Statistics Bulletin, U.S. Department of Justice, Office of Justice Programs, December 2007, NCJ 220218; http://www.ojp.usdoj.gov/bjs/pub/pdf/ppus06.pdf; and http://Judicial-Discipline-Reform.org/statistics&tables/correctioneers/1_of_31_inmate_06.pdf. These statistics do not even include the number of adults in the population suffering from a mental or physical disability that incapacitates them from working, whereas that kind of disability can be the predicate of a complaint against judges.

If the "1 in every 31" statistic is applied arguendo to the 2,132 judges and magistrates in office at the end of FY09, then 69 of them should have been, not on the bench, but rather "incarcerated or on probation or parole". Even after subjecting this application to all reasonable statistical refinements, the result would certainly not support the pretense of the judges on the Judicial Council of the Second Circuit, including then Judge Sotomayor during her stint there, that in the FY96-09 13-year period not a single one of their 2nd Cir. complained-against judge or magistrate peers engaged in conduct suspect enough to warrant that the dismissal of the corresponding complaint be reviewed by the Council, let alone by an investigation committee appointed by it under 28 U.S.C. §354(a)(1)(C). This is particularly so in light of the indisputable fact that the number of persons investigated for administrative, civil, or criminal misconduct is always substantially higher than the number of those that end up being criminally charged, tried, convicted, and incarcerated or placed on probation. (Cf. ws:25¶65)

[139] The judicial misconduct and disability complaint statistics posted by the Administrative Office of the U.S. Courts on its website cover only the fiscal years since October 1, 1996. They are included

is established by the number of cases filed in all courts, which is significantly upwards (ws:2fn9 >Cg:9-10): from an increase of 33% in the Supreme Court; through a 63% increase in the courts of appeals; to a whopping 138% in the bankruptcy courts. By contrast, the judges reported that during the corresponding period the number of complaints filed against judges in our ever more litigious society and despite the increase in population decreased by 5% from 679 in 1997 to 643 in 2006. Yet, during that period the number a cases filed in all the courts, including the district courts, was over 1,500,000 annually.(Cf. id. >1-7)

90. So despite the obvious fact that the significantly higher number of cases would increase the number of potential complainants against judges at least proportionally –unless the increased caseload and attendant higher stress introduced a multiplier factor- the number of complaints went down. That is not only counter-intuitive; it reveals a shameless, self-serving manipulation of the statistics by the very same unethical judges who failed to initiate complaints against their misconducting colleagues. They are the same who "failed to make proper disclosures for travel to resorts on expense-paid trips"(ws:4¶3).

> Dozens of federal judges have failed to comply with financial disclosure requirements, hampering review of their activities for possible conflicts of interest or other improprieties. These findings came from a Star Tribune review of the two primary mechanisms that provide public checks on judicial behavior: the financial disclosure forms and ethics complaints that are filed against judges. One in six of the 222 judges' disclosure forms reviewed was incomplete or inaccurate in reporting outside income, trips, club memberships and teaching fees. Judges fail to fully comply with financial disclosure rules, Washington Bureau Correspondents Tom Hamburger and Sharon Schmickle, Star Tribune, ©1995 Star Tribune[140a]

91. The facts show that the chief circuit judges will not perform their duty entrusted to them to discipline their colleagues. The facts also show that the judges conceal their individual and

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in its statistical series Judicial Business of the U.S. Courts; http://www.uscourts.gov/Statistics/Judicial Business.aspx. This means that any trend concerning those complaints as reflected in the posted statistics could have started at any time since the adoption in 1980 of the Judicial Conduct and Disability Act(ws:1fn4), e.g., the 100% denial since October 1, 1996, by the Judicial Council of the Second Circuit of petitions for review complaints dismissed by the successive CA2 chief judges(ws:2fn9>Cg:7; all the posted complaint statistics have been collected in that file).

The earliest posted complaint statistics were contained on Table S-24, then Table S-23, followed by Table S-22, where they are currently reported. Their reference was to 28 U.S.C. §372(c), where the 1980 Act was initially codified; now it is found in §351 et seq. Only the 2000 AO director's annual report and subsequent ones are now available on the AO website; they too contain the respective year's complaint statistics. http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/AdministrativeOffice/DirectorAnnualReport.aspx

140 **a)** http://ww2.startribune.com/stonline/html/westpub/disclose.htm; and http://Judicial-Discipline-Reform.org/docs/judges_fail_financial_disclosure.pdf

b) Juice vs. Justice, A Times Investigation [of both state and federal judges]: In Las Vegas, They're Playing With a Stacked Judicial Deck; Some judges routinely rule in cases involving friends, former clients and business associates -- and in favor of lawyers who fill their campaign coffers. By Michael J. Goodman and William C. Rempel, Times Staff Writers, Los Angeles Times, 8jun6; http://Judicial-Discipline-Reform.org/docs/Juice_v_Justice_LATimes.pdf

coordinated wrongdoing through their systematic dismissal of complaints and even a 100% denial of petitions to review dismissed complaints(ws:2fn9 >Cg:6-7) Moreover, they show that the judges extend such concealment to the manipulation of the statistics that they file with Congress. By so doing, they intentionally seek to defeat the purpose of such filing: To enable Congress to assess the judges‟ performance and remedy any deficiency on behalf of the American public, the intended beneficiaries of what the Judicial Conduct and Disability Act(ws:1fn4) seeks to ensure, what every person is entitled to under the Constitution, and what our legal system is supposed to deliver, namely, justice administered by fair and impartial judges who guarantee due process of law.

92. Yet, this institutionalized betrayal of trust and planned deception of the people and its representatives by a whole branch of government, the Judiciary, are not being exposed by the institution whose function in society is precisely to do so: the media.

B. *The Washington Post* and *Politico* dropped their investigation of Justice nominee Judge Sotomayor on the verge of showing that she was another of President Obama's tax cheats

93. The established media has proved to be unwilling to investigate judges. A case in point is that of media entities as highly respected as *The Washington Post* and *Politico*. They began investigating CA2 Judge Sonia Sotomayor when she was a Justice-nominee. Their comparison of her publicly filed mandatory[141] annual financial disclosure reports[142] and her salaries, first as a district judge and then as a circuit judge, which were matters of public knowledge, revealed they were glaringly at odds. Given the suspiciously little money and assets that she had reported and her reportedly modest lifestyle, the journalists‟ explicit comments as well as innuendos pointed to her concealment of assets and evasion of taxes. *WP*[143] and *Politico*[144] were on their

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[141] Ethics in Government Act of 1978 (Titles I to V of Pub. L. 95–521; 5 U.S.C. Appendix (Appendix IV in Thomson West‟s U.S.C. Annotated); http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf

[142] http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/JSotomayor_03-07_reports.pdf

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

Since January 1, 2009, her annual salary was that of a circuit judge, that is, $184,500, which put her at the very top of government employees and in the top 5% of the population. http://www.uscourts.gov/ttb/2009-03/article03.cfm?WT.cg_n=TTB&WT.cg_s=Mar09_article03_tableOfContents

Sotomayor Rose High, with Few Assets, Joe Stephens, *The Washington Post*, May 7, 2009;

way to showing that Judge Sotomayor, a nominee of President Obama's, had failed to report fully and truthfully her assets[145].

94. This was a conceivable outcome of their investigation, for President Obama had nominated to top posts in his administration known tax cheats: Tim Geithner, who failed to pay Social

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http://voices.washingtonpost.com/44/2009/05/07/sotomayor_rose_high_with_few_a.html?sid=ST2009050702123. These articles are collected at ws:22fn102 >§XIII.G:W:231 et seq.

144 "A source told *The Washington Post* earlier this month that Sotomayor once said that filling out her financial reports was a breeze. "When you don't have money, it's easy. There isn't anything there to report", she was quoted as saying. Sotomayor is divorced and has no children. In 2007, Sotomayor supplemented her federal judicial salary with nearly $25,000 from teaching at the Columbia and New York University law schools. She has missed out on the escalation in salaries and profits at major law firms in the past two decades." For a justice, Sonia Sotomayor is low on dough, Josh Gerstein, Politico, May 28, 2009; http://www.politico.com/news/stories/0509/23045.html; and ws:22fn102 >§XIII.G:W:231 et seq.

The implicit question raised by Reporter Gerstein was 'so, where did the money go?', a particularly pertinent one in light of the report that she "lives modesty", see the *WP* article above.

145 **a)** Judge Sotomayor earned $3,773,824 since 1988 + received $381,775 in loans = $4,155,599 + her 1976-1987 earnings, yet disclosed assets worth only $543,903, thus leaving unaccounted for in her answers to the Senate Judiciary Committee $3,611,696 - taxes and the cost of her reportedly modest living; The similarity to the DeLano case that she withheld from the Committee; as of 14dec9; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf.

b) Cf. Judge David Larimer, WDNY(ws:23¶¶46-49), filed financial disclosure reports, http://Judicial-Discipline-Reform.org/docs/JDLarimer_fin_disclosure_rep.pdf, that cast doubt on their completeness and reliability as they raise the question: During the reported years, he had up to 5 accounts with $1,000 or less each, no transaction reported in a mutual fund or the other accounts, and a single loan of between $15K-$50K. Where did his salary go?, which in 2008 was $169,300, http://Judicial-Discipline-Reform.org/docs/Schedule7_Judicial_Salaries.pdf, placing him in the top 2% of income earners, http://Judicial-Discipline-Reform.org/docs/US_Census_Income_2010.pdf. This is the same question raised by Judge Sotomayor's reports(ws:40fn142) as well as by the DeLanos' bankruptcy petition with their incongruous, implausible, and suspicious declarations(ws:23¶45). So were the disclosures of these judges' reports year after year.

No wonder these judges denied *every single document* requested(ws:26fn109) to find out where Insider Mr. DeLano's and his wife's earnings and assets went: The documents could prove that Mr. DeLano had committed bankruptcy fraud, and if he went down on such crime, he could in plea bargain trade up and bring them down too.(ws:25§1) The Administrative Office, with which they are filed(ws:68¶144a, accepted those reports one after the other, thus establishing a pattern of "everything goes" rubberstamping of reports. How extensive would the domino effect be if one judge were indicted on the charge under 5 U.S.C. §104(ws:40fn141) of falsifying his or her reports or of accepting them as an accessory after the fact?

This explains why it is so difficult to obtain those reports from AO and its practice with an obvious dissuasive effect of informing the judges concerned by a request before releasing their reports. Cf. Financial Disclosure Forms for Federal Judges Can Be Hard to Track Down, Reports that could signal potential conflicts of interest in pending lawsuits are often censored Mark Sherman, The Associate Press, 20sep10; http://www.law.com/jsp/article.jsp?id=1202472248044.

c) To determine whether the practice of filing and accepting judges' incongruous, implausible, and suspicious financial disclosure reports is part of the Judiciary's institutionalized modus operandi, the reports can be obtained easily and for free from Judicial Watch at http://www.judicialwatch.org/judicial-financial-disclosure.

Security and Medicare taxes[146] but was nevertheless kept as a nominee and became the current Secretary of the Treasury; Tom Daschle, the former U.S. Senate Majority Leader, who would have been his Health and Human Services Secretary but for the more than $140,000 that he had to pay in back taxes and interest[147]; and Nancy Killefer, picked to serve as his Chief Performance Officer on the cabinet even though as early as 2005 it was known that the District of Columbia government had filed a $946 tax lien on her home for failure to pay state unemployment tax on household help[148].

95. Revealing that Judge Sotomayor was yet another of President Obama's tax law breakers would have scuttled her nomination and further eroded trust in his campaign promise of „an honest government unlike business as usual in Washington". Such revelation would have declared open season on the FBI, which had vetted her as well as the other tax cheats; on the Administrative Office, whose director is appointed by the Chief Justice and which had approved not only her financial disclosure reports, but also those of all other judges; on the high end law firm boutique of Pavia & Harcourt[149], which reportedly had paid her a pittance for her partnership interest upon her becoming a district judge(ws:41fn144); etc.

96. The Sotomayor story could have triggered an ever-expanding probe and constitutional crisis of unimaginable proportions. Public indignation at those who abusively held themselves above the law that they unequally imposed upon everybody else would have forced law enforcement agents of the Executive Branch, e.g., the FBI, the Internal Revenue Service, Department of Justice attorneys, etc., to investigate judges, their clerks, and associates only to end up applying for search & seizure and arrest warrants to judges whose peers were their targets and whose disinterestedness and impartiality in granting or not granting those applications would have been put under scrutiny before any trial was even in sight.

97. The strident clamor of "the consciences of the people within" this nation, daily exacerbated by new media revelations, would have constrained Congress to hold hearings on judicial corruption led by a modern day Sen. Howard Baker. He was the vice chairman of the Senate Watergate Committee who became nationally recognized because during the televised hearings he consistently asked each witness about Republican President Richard Nixon's knowledge of the break-in at the Democratic National Committee headquarters in the Watergate complex in Washington, D.C., on June 17, 1972, and its cover-up. His signature question "What did he know and when did he know it?" would now piercingly reverberate thus: "What did any judge know and when did he or she know about judges engaging in wrongdoing individually and in coordination with each other and court insiders?"[150]

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146 http://Judicial-Discipline-Reform.org/docs/Geithner_tax_evasion_jan9.pdf

147 http://Judicial-Discipline-Reform.org/docs/Tom_Daschle_tax_evasion_feb9.pdf

148 http://Judicial-Discipline-Reform.org/docs/Nancy_Killefer_3feb9.pdf

149 http://Judicial-Discipline-Reform.org/SCt_nominee/Pavia&Harcourt_7feb10.pdf

150 Far More Than A Burglary; Craig Staats/All Politics, CNN TIME, June 17, 1997; http://www.cnn.com/ALLPOLITICS/1997/gen/resources/watergate/identify.html; and

98. The Baker-like inquisitor could have bounced that question from Judge Sotomayor herself to her CA2 judicial and administrative colleagues; to chief district judges in the administrative and disciplinary Judicial Council of the Second Circuit[151]; to the officers in the Administrative Office of the U.S. Courts with whom they had filed both their financial disclosure reports and the circuit statistics on complaints against judges, which showed their systematic dismissal of such complaints and 100% denial of petitions to review such dismissals(ws:2fn9 >Cg:6-7); to AO's source of policies and operating instructions, that is, the Judicial Conference(id. >28 U.S.C. §331); to the appointer of AO's director, the Chief Justice; and to all the justices, who as circuit justices(ws:2fn11) and former judges knew but kept complicitly silent about the underreporting of assets in the financial disclosure reports and other forms of coordinated wrongdoing that had become the Federal Judiciary's institutionalized unlawful modus operandi.

99. The *WP* and *Politico* articles established the opportunity for principled investigative journalism to uncover corruption far more scandalous and disruptive of government than Watergate was. This is so because federal judges exercise power over the property, liberty, and lives of litigants and, through the force of legal precedent of their decisions, of everybody else similarly situated in their jurisdictions. They are life-tenured "during good Behaviour"(ws:32fn126 >Const. Art. III, Sec. 1) and can only be removed by Congress through the highly cumbersome process(ws:2fn8 >p.7) of impeachment(id. >Const. Art. II, Sec.4; ws:1¶2a) Moreover, the mere suspicion that particular judges, let alone justices, have engaged in, or tolerated among their colleagues, tax cheating and other forms of dishonesty, not to mention wrongdoing coordinated among two or more judges, would create at the very least such blinding appearance of impropriety as to call for their resignation.[152]

100. Investigating judges or hanging a cloud of suspicion over them would in itself disrupt the functioning of the courts. But an even graver upheaval would be caused by the filing of tens of thousands of motions for new trials and appeals before judges other than those who had given even the appearance of treating or allowing their peers to treat with contempt the rule of law that

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http://Judicial-Discipline-Reform.org/docs/CNN_Watergate.pdf

[151] ws:20fn91 >28 U.S.C. §332; and ws:1fn4 >§§352(c), 354(a), 356(a), and 357(a)

[152] Precedent for this statement can be found in the resignation on May 14, 1969, of Supreme Court Justice Abe Fortas. He had not committed any crime, as tax evasion is. Rather, it became publicly known that he "had accepted fifteen thousand dollars raised by [former co-partner] Paul Porter from the justice's friends and former clients for teaching a summer course at American University, an arrangement that many considered improper. Republicans and conservative southern Democrats launched a filibuster, and the nomination [to chief justice] was withdrawn at Fortas's request. A year later Fortas's financial dealings came under renewed scrutiny when *Life* magazine revealed that he had accepted an honorarium for serving on a charitable foundation headed by a former client [Louis Wolfson]. Fortas resigned from the Court in disgrace.…his old firm refused to take him back…Fortas's relationship with Wolfson seemed suspect, and the American Bar Association declared it contrary to the provision of the canon of judicial ethics that a judge's conduct must be free of the appearance of impropriety." The Oxford Companion to the Supreme Court of the United States, 2nd edition, Kemit L. Hall, Editor in Chief; Oxford University Press (2005), pp. 356-357.

grounds due process.[153] With the federal courts clogged, removal of cases to them from the state courts would be in effect impossible.[154] Lawyers who simply wanted to stall would seek to remove their cases to federal court or file there under some pretext of federal jurisdiction. In search for Justice and otherwise, the judiciaries would be thrown into chaos nationwide.

101. Investigative journalism pursuing ever more broadly and deeply the *Follow the money!* story of Justice Nominee Judge Sotomayor would have been a life-threatening nightmare for judges and politicians. It would have caused a body-cleansing trauma for our 3-branch government, part of "draining the swamp of Washington" of its "culture of corruption" promised by Current House Speaker Nancy Pelosi. By contrast, for the reporters and publishers investigating the story with professional responsibility and historical perspective, there would have been the irresistible allure of career-making rewards: a Pulitzer Prize, a bestseller book, a blockbuster movie, and a name in the annals of journalism rivaling that of Carl Bernstein and Bob Woodward, the *WP* reporters who…the Sotomayor story was killed at both *WP* and *Politico*. Judicial corruption was allowed to live on.

C. *The New York Times* did not follow the lead of even its major competitors or the evidence submitted to it that Judge Sotomayor had failed to account for her earnings, to submit a self-incriminating case of hers to the Senate Judiciary Committee, and to disclose her participation in denying 100% of petitions to review dismissed judicial misconduct complaints

102. Arthur O. Sulzberger, the former publisher of *The New York Times*, is praised on WikiLeaks" website for publishing portions of the Pentagon Papers. The latter traced the strategic development of the Vietnam War[155] and were leaked by Daniel Ellsberg, who became one of the earliest targets of President Nixon"s illegal break-ins. However, Arthur Sulzberger, Jr., the current publisher, did not dare follow the lead of *The Washington Post* and *Politico* regarding Justice nominee Judge Sotomayor"s suspected concealment of assets. It did not matter that by so doing, *NYT* risked missing out to *WP* on a major scoop, just as it did when it failed to follow the

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[153] Support for this statement is found in the legal consequences of the Rampart Scandal, which arose from the discovery in the late 1990s of corruption in the Los Angeles Police Department; http://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/; and http://Judicial-Discipline-Reform.org/docs/LAPD_Rampart_Scandal.pdf. "The city, faced with more than 140 civil suits stemming from the corruption scandal, estimates that total settlement costs will be about $125 million."

[154] An illustration for this is the massive number of foreclosures that have clogged both the state and federal courts; http://Judicial-Discipline-Reform.org/docs/foreclosure_clogged_courts.pdf. In July 2010, it was reported on a national TV network station that the rising foreclosure tide has so inundated courts that some foreclosed owners can live one and two years rent free in their homes before the whole process gets to the point where they are evicted.

[155] http://www.wikileaks.com/wiki/Arthur_Ochs_Sulzberger and http://Judicial-Discipline-Reform.org/docs/NYT_A_O_Sulzberger_PentagonPapers.pdf

lead of one of its own reporters[156] linking Nixon"s White House aides to Watergate.[157] Nor did he respond to the evidence delivered by hand(id. >AS:5) to *NYT*"s mail in-take room –on the 41st Street side of its headquarters at 620 8th Avenue in NYC 10018- that Judge Sotomayor had:

a. failed to account to the Senate Judiciary Committee for millions of dollars that she had earned in salaries(ws:41fn145);

b. failed to submit to that Committee, which had requested her to submit copies of all her cases[158], the *DeLano* case although she had presided over it(ws:3fn16 >CA:2180);

c. condoned as a CA2 judge the systematic dismissal by the successive CA2 chief judges of misconduct complaints against judges in the Second Circuit(ws:2fn9 >Cg:7);

d. supported as a member of the 2nd Circuit"s Judicial Council the latter"s policy during the reported 1oct96-30sep08 12-year period of denying 100% of the petitions for review of systematically dismissed complaints against judges in the Circuit.(id.; ws:38fn138; 29¶65)

103. Yet, *The New York Times* was not allowed to give birth to the Sotomayor story about her concealment of assets. Was it because one of its reporters had provided an inkling that something was defective in Judge Sotomayor"s account?[159]

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156 2 Ex-Timesmen Say They Had a Tip on Watergate First, Richard Pérez-Peña, NYT 24may9; http://www.nytimes.com/2009/05/25/business/media/25watergate.html?_r=1; and http://Judicial-Discipline-Reform.org/docs/NYT_reps_tip_Watergate_first.pdf

157 http://Judicial-Discipline-Reform.org/docs/DrRCordero-NYTPubASulzberger_jun-jul9.pdf >AS:1

158 U.S. Senate Committee on the Judiciary, Questionnaire for Judicial Nominees and replies of Justice Nominee Judge Sonia Sotomayor; http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf >JS:88§c

159 Behind Judge's Spending and Income, Jo Becker, NYT; 5jun9; http://www.nytimes.com/2009/06/06/us/politics/06assets.html?scp=71&sq=Judge+Sotomayor&st=nyt; and http://Judicial-Discipline-Reform.org/docs/JSotomayor_income_NYT.pdf. Cf. ws:35fn145

V. Probable cause to suspect that the efforts of an individual to bring the Federal Judiciary's coordinated wrongdoing to public attention and organize an action group against it were thwarted by the judges' abusive exercise of power to interfere with his email, phone, and mail: the need to *Follow the wire!*

A. The academic and business proposal: The *DeLano* Case Course and the Disinfecting Sunshine on the Federal Judiciary Project

104. In addition to the above-described efforts since early 2002 to expose individual and coordinated wrongdoing in the bankruptcy system and the Federal Judiciary, over the last three and a half years, the author, Dr. Richard Cordero, Esq., started to develop a two part academic and business proposal(ws:59fn203), namely:

    a. The *DeLano* Case, a hands-on, role-playing course for law, journalism, and accounting school students dealing with judicial and bankruptcy fraud investigation and providing for written and oral exposition in class and in public; and

    b. the Disinfecting Sunshine on the Federal Judiciary Project,

        1) (**kind of activity**) a multidisciplinary scholarly and business venture consisting of **a)** wide-angle technology-based desk research and **b)** a test-case-focused *Follow the money!* field investigation for

        2) (**participants**) students earning a higher education degree and/or a team of experts in their own right to

        3) (**end goal**) **a)** new legislation enabling **b)** the establishment of a government-branch independent citizens board for judicial accountability and discipline composed of party unaffiliated members charged with publicly holding judges" accountable, subject to discipline, and liable for damages so as to ensure that "justice is administered without respect to persons and according to the Constitution and the laws"(ws:22fn100); by taking concrete steps to

        4) (**means**) expose **a)** the Judiciary"s and judges" modus operandi in disregard of procedural and substantive due process requirements; **b)** their abuse of power and coordinated wrongdoing and their beneficiaries and victims; **c)** concealed assets and their laundering; and **d)** other unethical or illegal activity of judges and other bankruptcy and legal system insiders; whose

        5) (**publication**) exposition by the students and/or the team of experts at **a)** a multimedia public presentation at the university auditorium broadcast from the radio and TV station and website of the university"s journalism and mass communication program, traditional media entities, and citizens journalism websites and **b)** a subsequent tour of presentations and press conferences, at all of which **c)** a brochure and CD is distributed; **d)** a documentary; **e)** a series of *I Accuse!* articles(ws:87§B) and **f)** a free e-newsletter; apt to

6) (**strategy) a)** outrage the public and **b)** set off deepening and similar investigations by the media until the critical mass of the clamor provoked by the exposed wrongdoing **c)** compels law enforcement authorities and Congress to conduct their own investigation, resulting in **d)** confirmatory and revelatory findings that **d)** exacerbate the demand for, and constrain, **e)** the passage of effective judicial accountability and discipline legislation; thereby **f)** taking judicial accountability and discipline both from the hands of judges handling in self-interest judicial misconduct complaints by exempting their colleagues from any investigation and discipline(ws:2fn9) and out of their turf, the courts, where judges are held not suable at all[160] or only suable before peers partial to them, and **g)** putting it in the hands of a citizens board for judicial accountability and discipline; a by-popular-demand process triggered by the discovery of

7) (**types of information**) information covering the spectrum from **a)** the appearance of ethical improprieties revealing unfitness of character for judicial office; through **b)** unfairness and partiality pointing to dereliction of the fundamental judicial duty of affording due process of law; to **c)** criminal activity engaged in individually or coordinated with others, whether as a principal or a passively enabling accessory, within an institution amounting to a corrupt enterprise, that warrants impeachment and removal from office; and is gathered from

8) (**information sources**) **a)** judges‟ publicly filed financial, seminar attendance[161], honoraria, and gifts[162] disclosure reports; **b)** written opinions, articles, newsletters[163], and speeches; **c)** court calendars, dockets, case records, annual reports, and statistics; **d)** property registries and other public records; **e)** judges, their clerks, and bankruptcy and legal systems insiders; **f)** accounts of dealings with judges and insiders submitted by the public; etc.; by applying

9) (**techniques**) **a)** computer legal, economic, corporate, and news data and social networks research and analysis; **b)** database correlation; **c)** literary forensics; **d)** fraud & forensic accounting (FFA); **e)** statistics; **f)** investigative journalism‟s techniques for interviewing and developing sources; **g)** mass communications techniques for designing a public message and deploying a public relations

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[160] http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero-Legal_ethics_prof.pdf >>Dn:1¶¶1-2

[161] http://www.uscourts.gov/RulesAndPolicies/PrivateSeminarDisclosure/PrivatelySeminarsDisclosureOverview.aspx

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

[163] Cf. http://www.uscourts.gov/News/TheThirdBranch.aspx

campaign; **h)** multimedia and marketing techniques for the life presentation, packaged distribution, and sale of research products and services; to identify and produce

10) (**products**) **a)** oral and textual descriptions of the sociogram of the interpersonal relations of the judicial "guild"(ws:32¶76); **b)** patterns in judicial writings and events evincing bias toward and against parties and ideologies; **c)** lists, tables, and graphs of unlawful practices and trends or suspicious deviations from standards; **d)** reports on the quantitative and qualitative impact of judicial wrongdoing on the administration of justice and the public‟s legal and economic welfare; **e)** summaries in a standardized format of verified accounts of judicial abuse of power and coordinated wrongdoing submitted by the public; **f)** biographies and ratings of judges; multimedia products and serial publications (ws:46¶5)), including **h)** a website, **i)** scholarly and investigative journalism articles, **j)** documentaries and **k)** a journal of judicial power and unaccountability studies; **l)** seminars; **m)** conferences; **n)** research, consulting, and litigation services; that represent added-value expertise that generate market demand and develop

11) (**institutional effort**) visibility, reputation, and a support for the formation of **a)** an independent, party and church neutral research, investigative, and teaching entity for the study of the most secretive and unaccountable branch of government, the Federal Judiciary, that attains the highest standards of scholarship and professionalism; **b)** a fair and courageous watchdog of judges‟ ethics and respect for due process; **c)** a firm of litigators in court of test cases; and **d)** a center for the advocacy among the public and in Congress of the establishment of a citizens board of judicial accountability and discipline; that is

12) (**income sources**) financially supported through **a)** the sale of its products and services; **b)** bookings of its presentations; **c)** clients seeking expert advice, research, representation or publicity for cases exhibiting particularly outrageous wrongdoing and denial of due process; **d)** students following a course of study for academic degree; **e)** participants in seminars and conferences; **f)** donations from the public and sponsors that understand the importance for our democratic form of government of the administration of Equal Justice Under Law.

B. Notices between 2002-2006 to the judges and bodies of the Judiciary of efforts to expose their wrongdoing and its manifestation in a bankruptcy fraud scheme

105. For years, many federal justices and judges as well as courts and other bodies of the Judiciary have been informed of Dr. Cordero‟s efforts to expose the wrongdoing of federal judges and bankruptcy and legal system insiders, in general(ws:26fn111) and their coordination in running

a bankruptcy fraud scheme, in particular.

a. In 2002, he applied
   1) to Bankruptcy Judge Ninfo,
   2) the Assistant U.S. Trustee, and
   3) the U.S. Trustee for Region 2 to have the trustee in *Premier*(ws:16§A) removed.[164]

b. In 2003, he
   4) appealed in *Premier-Pfuntner*(ws:16§A) to the District Court, WDNY[165],
   5) the CA2(ws:15fn69),
   6) moved to recuse Judge Ninfo[166],
   7) filed the first misconduct complaint against him(ws:18§1), and
   8) petitioned by mandamus to CA2 for the removal of Judge Ninfo and the transfer of the cases to another U.S. district court(ws:15fn71).

c. In 2004, he
   9) filed a complaint against CA2 Chief Judge Walker[167],
   10) brought the matter of C.J. Walker‟s and CA2 clerks‟ wrongdoing to the attention of Chief Justice Rehnquist (ws:26fn111 >C:851),
   11) Circuit Justice Ginsburg(id. >C:112),
   12) the 2nd Circuit Judicial Council and each of its judges[168], all of whom are judges(ws:19fn87),
   13) requested also that they report the bankruptcy fraud scheme to the Attorney General(ws:37fn137),
   14) the Circuit Executive (ws:138fn140b),

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[164] **a)** Statement of Facts and Application to Bankruptcy Judge John C. Ninfo, II, WBNY, for a Determination of whether Chapter 7 Trustee Kenneth W. Gordon, as trustee in bankruptcy with fiduciary duties to all the parties, failed in his duty and is not fit to continue as trustee of Premier Van Lines, of September 27, 2002,; ws:14fn70 >A:7-18;

b) Letter of November 25, 2002, to Carolyn S. Schwartz, U.S. Trustee for Region 2, concerning Assistant U.S. Trustee Kathleen Dunivin Schmitt's perfunctory handling of his application for a review of Trustee Gordon‟s performance and fitness to serve as trustee of Premier; id. >101;

c) Hearing on December 18, 2002, of Trustee Gordon's motion of December 5, to dismiss Dr. Cordero's cross-claims against him in the *Pfuntner* case, granted by Judge Ninfo, whereupon Dr. Cordero gave notice of his intention to appeal to the District Court, WDNY; ws:9fn47 >¶1.

[165] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_WDNY.pdf

[166] http://Judicial-Discipline-Reform.org/docs/DrRCordero_mtn_v_JNinfo_8aug3.pdf

[167] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_CJWalker_CA2_19mar4.pdf

[168] http://Judicial-Discipline-Reform.org/docs/DrRCordero-CirJus_JudCoun_11feb4.pdf

15) the Administrative Office of the U.S. Courts(ws:78fn261),

16) the Judicial Conference and each of its members(ws:21fn98 >JC:2 and 31), all of whom are judges(ws:20¶40), and

17) raised four motions and caused Chief Judge Walker to recuse from *Premier* (ws:19fn90),

18) requested that the U.S. Attorneys in Manhattan, Buffalo, and Rochester Offices investigate the evidence of a bankruptcy fraud scheme involving federal judges(ws:7fn35b >A:1609§E & [169]), and

19) wrote to Justice Breyer Judicial Discipline and Disability Act Study Committee and its members(ws:27fn114)

d. In 2005, he

20) appealed to the Supreme Court in the *Premier-Pfuntner* case(ws:18fn82),

21) moved in *DeLano* in Bankruptcy Court to recuse Judge Ninfo[170] and

22) in District Court to remove Chapter 13 Trustee George Max Reiber(ws:10fn51) and refer the bankruptcy reporter to the Judicial Conference(ws:72fn233 >Add:911)

23) appealed in *DeLano* to the District Court(ws:10fn48),

24) appealed to the Judicial Conference and each of its members(; 21fn98 >JC:54) concerning the two pending complaints against Judge Ninfo and CA2 Chief Judge Walker, and

25) requested the intervention therein of Judge Carolyn King, Chair of the Executive Committee of the Judicial Conference; Judge Ralph Winter, Chair of the Committee to Review Circuit Council Conduct and Disability Orders; Chief Justice Rehnquist; and William Burchill, Associate Director and General Counsel of the Administrative Office of the U.S. Courts(ws:21fn98 >JC:39 et seq.), and

26) of the judges composing the Committee to Review Circuit Council Conduct Orders(id. >JC:74, cf. 51);

27) to the Judicial Conference to have the bankruptcy court reporter in *DeLano* replaced (ws:76fn250a).

28) appealed to CA2 not to reappoint Judge Ninfo(ws:15fn68).

e. In 2006,

29) he requested the 2nd Judicial Council to abrogate a WDNY District Court local that makes it effectively impossible to file claims under the Racketeer Influenced and

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169 http://Judicial-Discipline-Reform.org/docs/DrRCordero_FBI_USAtt_may-dec4.pdf

170 http://Judicial-Discipline-Reform.org/docs/DrCordero_recuse_JCNinfo_17feb5.pdf

Corruption Organizations law(ws:17fn76>C:1286) and

30) appealed to CA2 in *DeLano*(ws:15fn69).

C. The statistical impossibility that over 1,700 FFA, law, legal ethics, and journalism deans, professors, and other practitioners and more than 9,000 email recipients repeatedly contacted with information about judicial wrongdoing and a proposal for exposing it would reject it and not acknowledge receipt, except for a few negative responses

1. The complaint against the two top CA2 judges and the effort to have the NY City Bar Association and the Federal Bar Council investigate it and make their wrongdoing public knowledge

106. After June 19, 2006, the judges also must have learned of a qualitatively and quantitatively much greater effort that Dr. Cordero initiated to make known outside the courts his evidence of the Federal Judiciary‟s coordinated wrongdoing and its judicially run and tolerated bankruptcy fraud scheme. With that date, he submitted a complaint against Then-CA2 Chief Judge John Walker and the next chief, Judge Dennis Jacobs, now the chief judge, to the Joint Committee on Judicial Conduct as well as each of its members. This Committee was created under the auspices of the CA2 and is composed jointly by the Association of the Bar of the City of New York (NYCBar)[171] and the Federal Bar Council (FBC)[172]. Its mission is to handle complaints of members of the bar against federal judges of CA2 and those in the Circuit‟s Southern and Eastern Districts. The names of the Committee‟s then current members had been announced on November 17, 2005, by Chief Judge Walker[173], who as circuit chief judge was a member of the Judicial Conference. He and Judge Jacobs were explicitly named as complained-against judges in the complaint‟s opening sentence.(id. >C:i)

107. Dr. Cordero received no acknowledgment of receipt. His requests therefor by phone calls to NYCBar and FBC and a subsequent letter to each of the Committee members were unsuccessful.(id. >C:271-275) So on November 9, 2006, he sent a letter with supporting files to the presidents of NYCBar and FBC to submit the complaint to their associations and asked them to cause the associations to acknowledge receipt of it, place it on the agenda of their associations‟ respective next meeting with a view to the associations launching an investigation of the complaint, and bring it to the attention of the media.[174]. To the same end, he sent an individualized letter to 170 of the associations‟ officers, directors, and chairs and members of their committees[175] and an email on the subject to everybody else on his mailing list. He

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171 http://www.nycbar.org/index.htm

172 http://www.federalbarcouncil.org/

173 http://Judicial-Discipline-Reform.org/NYCBar_FBC/to_ComJudConduct_19jun6.pdf >C:iii

174 http://Judicial-Discipline-Reform.org/NYCBar_FBC/Complaint_to_NYCBar_FBC_9nov6.pdf

175 http://Judicial-Discipline-Reform.org/NYCBar_FBC/email_9nov6.pdf

followed that up with a more formal email in the form of a press release.[176] In the updated statement of facts bearing the date of September 25(id. >310) that was made available through it, he elaborated on this heading:

> IV. Call for a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action centered on a representative case against these judges to expose the systematic dismissal of complaints supporting a bankruptcy fraud scheme and reveal how high and to what extent wrongdoing has reached

108. Only then did the NYCBar and FBC presidents send Dr. Cordero a letter, dated November 17, 2006.(id. >320) The presidents acknowledged receipt of his complaint and dismissed it with the standard cop-out: a claim of lack of jurisdiction to process it. However, Dr. Cordero did not receive any other response from any of the other addressees, except a handful of emails requesting removal from the mailing list. His letter of November 27 to the presidents and the associations" officeholders[177], showed that even by the terms of Chief Judge Walker"s announcement of the Committee new members and the limited jurisdictional scope acknowledged by the association presidents, the Committee had jurisdiction to deal with the complaint. Then emailed a press release to his mailing list.[178] Moreover, he pointed out that he had submitted the evidence of coordinated wrongdoing to the associations and their members themselves. Therefore, they were now confronted with a choice between expedient protection of their relationship with powerful federal judges and principled conduct that holds all judges to high standards of judicial integrity as a requirement for lawyers" clients to have their day in a court that is fair and impartial. Still, Dr. Cordero received no response. On December 6, he sent an email to the newspapers on his emailing list[179] Hence, on December 13 he sent yet another letter to the presidents and officeholders requesting that each of them stand up to denounce the judges" coordinated wrongdoing and their cover-up of it.[180] No response was received either.

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[176] Request that the NYCBar, the Federal Bar Council, and their members investigate a complaint against the former and current CA2 chief judges submitted on June 19, 2006, to their joint Committee on Judicial Conduct, none of whom has even acknowledged its receipt; 11nov6; ws:52fn173 >C:301

[177] http://Judicial-Discipline-Reform.org/NYCBar_FBC/to_members_27nov6.pdf

[178] Request to Individuals and Entities Advocating Judicial Integrity to Call for an Investigation of CA2 Chief Judges' Toleration or Support of Second Circuit Judges' Coordinated Wrongdoing, including a Bankruptcy Fraud Scheme; 27nov6; ws:52fn173 >C:329; and http://Judicial-Discipline-Reform.org/NYCBar_FBC/to_members_27nov6.pdf

[179] Request to NYCBar and Federal Bar Council to investigate evidence of coordinated wrongdoing by CA2 federal chief judges; and investigation proposal; 6dec6; ws:52fn173 >C:331

[180] Id. >C:333 and http://Judicial-Discipline-Reform.org/NYCBar_FBC/I_Denounce_13dec6.pdf

2. Non-receipt of responses to the complaints to NYCBar and FBC, unexplainable despite deference to the judges either out of fear or to secure benefits from them since it opened an opportunity in their members' self-interest

109. A total of 199 individuals and officeholders were sent more than once letters, emails, or faxes commenting on, and providing access to, the complaint. Only two letters of an administrative character(ws:51fn173 >C:272, 274), the dismissal(id. >320), and fewer than five requests for removal from the emailing list were received. No response was received that was positive even if only in the sense of requesting more information or sharing a similar experience or expressing an interest in pursuing the subject. It is very difficult to imagine that not a single lawyer saw in the complaint and the letters an opportunity for at least „mounting an argument" on behalf of his clients and in defense of his own reputation: that he had lost one or more cases because the judges had been similarly biased, self-interested, or corrupt. Or is it that those lawyers knew full well what happens to lawyers that dare take on the chief judge and the next chief judge of a federal court of appeals, whether at their hands(ws:10fn50 >W:22B) or at those of their enforcers of wrongdoing, their clerks(ws:76§1)?

110. Deference out of fear is antithetical to the courage needed to defend due process of law. But deference to secure favored treatment is destructive of one"s integrity. This is what FBC posted on its website:

> The Federal Bar Council is an organization of lawyers…committed to encouraging respectful, cordial relations between the bench and bar…The Federal Bar Council is assisted in its mission by the Federal Bar Foundation…Over twenty former Trustees of the Federal Bar Council have gone on to service in the federal judiciary…From its inception, the Federal Bar Council, with the assistance of the Federal Bar Foundation, has sought to forge a special bond between judges and attorneys through a wide variety of events…Federal Bar Council, Mission Statement[181]
>
> The close fellowship between bench and bar creates a truly symbiotic relationship. We have become almost an official supporting group to our Second Circuit judiciary. We are frequently called up by our judges to contribute time, effort and advice on projects which the judges believe are needed in our circuit. Essentially, we are looked upon as the voice of the federal bar in the Second Circuit and have thus aided the judges in such disparate projects as the construction and planning of new courthouses, the addition of technology in the courtroom and educational training for judges" law clerks. These projects are not only substantively productive; they also provide a means to work closely with judges that often result in great respect, and even friendship, between judges and our active members. Dean Joan G. Wexler, President of the Federal Bar Council (circa August 2005)(ws:51fn174 >C:286)

111. This "symbiotic relationship" means, not just an opportunity for FBC and its members to slave

181 http://www.federalbarcouncil.org/mission.ihtml and ws:51fn174 >C:282

for federal judges, but rather a reciprocating flow of benefits. It explains why the FBC and the Joint Committee on Judicial Conduct would not dare risk their benefits by opening an investigation on the two most powerful Second Circuit judges on charges of their involvement in a bankruptcy fraud scheme and other forms of wrongdoing, no matter how compelling the evidence was or the fiduciary duty that they assumed upon either becoming members of the Committee or setting it up to proceed with due diligence to ascertain the truth or falsity of the allegations. However, the zealous protection and cultivation of that "symbiotic relationship" does not explain the non-receipt by Dr. Cordero of even polite acknowledgments of receipts from some 194 out 199 lawyers contacted…let alone from the others included in the 10,700 individuals and entities that he has contacted since then.

3. **Emails to an emailing list that grew to over 9,000 addresses**

112. Indeed, in September 2006, Dr. Cordero started to send emails about his judicial wrongdoing evidence to an ever growing number of newspeople, including journalists, media editors and publishers, bloggers, website owners and Yahoo- and Googlegroups critical of the courts and the legal system, lawyers, and political pundits. He searched for their email addresses on the Internet, harvested them from other emails" lists of recipients, or received them from contributors. The contents of the mass emails were short newspaper-like articles[182] and press releases[183] that presented his research on the official statistics relating to judicial misconduct and disability complaints(ws:2fn9) and stated the facts of coordinated judicial wrongdoing that he had confronted first hand in his practice. Gradually, he established regular contact with a group of like-minded pro se parties that had had similar experiences. Just before Judge Sotomayor was nominated for a justiceship on May 26, 2009, his list of newspeople email addresses had grown to over 9,000 and he was receiving several hundred emails daily, including junk email. But no responses were received from lawyers or journalists, let alone positive ones.

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[182] Emails to entities and individuals complaining about biased judges that abuse their power; re: Evidence of federal judges' coordinated wrongdoing and support of a bankruptcy fraud scheme; sep-oct6; http://Judicial-Discipline-Reform.org/docs/JDR_emails.pdf

[183] a) Evidence of a bankruptcy fraud scheme in the U.S. Bankruptcy and District Courts in Rochester and a proposed class action against federal judges; 10sep6; http://Judicial-Discipline-Reform.org/docs/Rochester_bkr_fraud_scheme.pdf

b) Press Release: Hearing on Draft Rules Governing Judicial Misconduct Complaints; 23sep7; http://Judicial-Discipline-Reform.org/docs/draft_rules_misconduct_complaints.pdf

c) Press Release: Evidence of [Former President Bush's Attorney General Nominee] Judge Michael Mukasey's incapacity to stand up to wrongdoing friends in the judiciary; 16oct7; http://Judicial-Discipline-Reform.org/docs/JMukasey_by_wrongdoing_friends.pdf; see documents supporting that press release at http://Judicial-Discipline-Reform.org/docs/JMukasey_by_wrongdoing_friends2.pdf

4. No response received to the proposal sent to all the other attendees to two Fraud and Forensic Accounting conferences

113. The following year, from May 10-12, 2007, Dr. Cordero attended the 1st Fraud and Forensic Accounting Education Conference. It was organized jointly by Georgia Southern University and West Virginia University, and was held in Savannah, Georgia.[184] By previous arrangement between the director of the conference and Dr. Cordero, the former had his assistants and also allowed the latter to place a copy of his *DeLano* Case *Follow the money!* investigation business venture proposal on the desk of each of the 198 FFA professors and professionals in attendance.[185] At breakfast and throughout the day during session breaks, Dr. Cordero approached individually as many attendees as he could to hand them another copy of his proposal and explain to them personally how to form an FFA investigative team.[186] After he returned to his office, he sent to each of the attendees a letter to cultivate interest in the *Follow the money!* business proposal.[id.] Moreover, he started to develop that proposal into a university course and then mailed a personalized letter[187] and also emailed it to each of the attendees to offer the materials[188] of the course and apply to teach it. He received no response. That was very odd.

114. The next year, from May 13-15, 2008, Dr. Cordero attended the 2nd Annual Conference on Fraud and Forensic Accounting Education in Charleston, SC, presented by The Center for Fraud and Forensic Studies in Accounting and Business at Georgia Southern University School of Accountancy.[189] On May 15, as scheduled in the Conference abstracts,[190] he presented the *DeLano* Case Course in a break-out session.[191] Upon return, he sent a personalized email to each of the 97 FFA professors and professionals whose names and emails were listed in the conference materials just as he also mailed a letter to all the conference organizers at Georgia

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184 http://Judicial-Discipline-Reform.org/docs/FFA_conf_announce_16apr7.pdf

185 Proposal To Join a *Follow the Money!* Investigation In the Context of a Business Venture to Further Pursue the Evidence Already Gathered of a Bankruptcy Fraud Scheme Supported by The Coordinated Wrongdoing of Federal Judges in Order to Expose It and Thus Promote Honesty in The Judiciary and The Integrity of Judicial Process; http://Judicial-Discipline-Reform.org/DeLano_course/FFA/DrRCordero-FFA_conferees_19may7.pdf, with supporting files at http://Judicial-Discipline-Reform.org/DeLano_course/FFA/Investigation_Proposal_to_FFA_professionals_apr7.pdf

186 Proposed Method For The Formation By Fraud & Forensic Accounting Professionals Of The Judicial Wrongdoing Investigative Team; 8may7; http://Judicial-Discipline-Reform.Org/Delano_course_FFA/Formation_FFA_Team_8may7.pdf

187 http://Judicial-Discipline-Reform.org/DeLano_course/FFA/DrRCordero-FFA_conferees_aug7.pdf

188 http://Judicial-Discipline-Reform.org/DeLano_course/FFA/FFA_course_for_instructors.pdf as of 9dec7

189 http://Judicial-Discipline-Reform.org/docs/FFA_conf_SC_13-15may8.pdf

190 Abstract of The *DeLano* Case a hands-on, role-playing FFA course based on a cluster of 12 federal cases showing a bankruptcy fraud scheme supported or tolerated by judicial officers; http://Judicial-Discipline-Reform.org/DeLano_course/FFA/DrRCordero-FFA_abstract_15may8.pdf

191 Handout and Appendix for the Presentation of The *DeLano* Case: a hands-on, role-playing FFA course based on a cluster of 12 federal cases showing a bankruptcy fraud scheme; http://Judicial-Discipline-Reform.org/DeLano_course/FFA/DrRCordero_FFAhandout_appdx_may8.pdf

Southern University. His purpose was to interest them in joining the *Follow the money!* investigation of the *DeLano* case; offering his course to their students, whether taught by him or one of their professors; and having him make a presentation of the case and the course to their faculty, students, and clients. However, he did not receive any response from them, not even a "Thanks, but no thanks" polite email. That was certainly strange because the subject matter of his presentation, the course, and the proposed investigation was directly relevant to the subject matters and activities of the FFA field and its practitioners. It is worth noting that although the director of the conference was scheduled to introduce Dr. Cordero to the audience, he did not show up and nobody else did so in his stead; hence, Dr. Cordero had to introduce himself.

5. Non-receipt of responses even from law and journalism school and legal ethics deans, directors, and professors, except a few negative responses

115. Just as he continued to email the newspeople, the next year, in the period between October 28, 2008, and January 2, 2009, Dr. Cordero mailed 847 letters[192] to law school deans and professors proposing The *DeLano* Case Course and the *Follow the money!* investigation. He kept refining and buttressing the proposal with the results of his research on judicial unaccountability and abuse of power as well as the new evidence of the judges" disposing of his second complaint against Judge Ninfo under the new complaint processing rules(ws:27§2) just as they had disposed of the first one under the old rules(ws:2fn12) and denying in violation of due process and his right to discovery *every single document* that he requested in *DeLano*(ws:22§B). Between October 2008 and May 2010, he sent the proposal and status-inquiring updates[193] to well over 1,000 deans and professors of 214 law schools and law centers and institutes around the U.S., including 194 schools approved by the American Bar Association[194]. No positive reply was received, only a few acknowledgments of receipt that declined the proposal. It felt as if anything remotely positive was being filtered out.

116. Undeterred, on September 4, 2009, Dr. Cordero mailed an appropriately adapted proposal to 152 deans of, and professors at, schools and departments of journalism and mass communications, including 109 members of The Accrediting Council on Education in Journalism and Mass Communications[195]. Between November 24 and December 11, he sent to all of them an updated version to inquire about the status of the proposal.[196] All he received was a few responses that turned the proposal down. That was most strange, for it is difficult to figure why journalism professors would not show even a flicker of interest in leads in public records,

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192 http://Judicial-Discipline-Reform.org/DeLano_course/DrCordero-law_dean_prof_oct8-jan9.pdf

193 http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrCordero-LawDeans&Prof.pdf

194 http://www.abanet.org/legaled/approvedlawschools/approved.html

195 http://www2.ku.edu/~acejmc/index.html

196 http://Judicial-Discipline-Reform.org/DeLano_course/19Journalism/1DrRCordero-Journalism_Sch_Dept.pdf >cf. Dn:3

such as court documents are, that could pan out into a one of a kind scoop(ws:1¶2a): a cover-up from the Supreme Court down of a bankruptcy fraud scheme used to resolve "the most pressing issue facing the Judiciary [how to] increase judicial salaries"(ws:7¶9), for it involves the riskless self-help to huge sums of money(ws:6¶8). Something was wrong.

117. In addition, Dr. Cordero contacted professors and centers specializing in legal ethics(ws:47fn160). Of all places, one would have thought that they would acknowledge receipt and show some interest in exploring the facts of how judges from the bankruptcy court all the way to the Supreme Court and through all the bodies of the Judiciary actually handle allegations of unethical behavior in order to avoid even the appearance of the impropriety of "guild favoritism"(ws:32¶76) as opposed to the judges‟ paying lip service to the theory of ethical conduct(ws:25fn108 >US:2511§§I-II and 2547). This just did not make any sense at all.

118. The relatively few responses that he received from either law or journalism schools were all negative. Some professors informed Dr. Cordero that they had forwarded his letter and materials to the chair of the faculty appointments committee, but subsequently no letter from any member of such committee would be received. This was hardly the way procedurally-minded lawyers proceed. What was going on here?!

6. Even to the proposal to join forces with Culture Project and Blueprint for Accountability no responses were received despite the obvious common cause

119. In June 2010, Dr. Cordero delivered a hardcopy of his two-part academic and business proposal by hand and by mail to Culture Project and Blueprint for Accountability in New York City. These are a parent organization and its main initiative, respectively, involved precisely in exposing government unaccountability. He submitted this proposal to the 22 members of Culture Project‟s board of directors and to the main officers of Blueprint; to half of them he additionally sent the same file by email.[197] It was reasonable to expect that people working on the same cause as he was would express interest in a proposal for joining forces, or at least show appreciation for advancing a common cause, or at the very least acknowledge receipt of a professionally prepared submission. Yet, none responded. After Dr. Cordero sent a status-inquiring email, the president sent a curt reply in the negative on the flimsy ground that "your approach in contacting my board members was quite off putting to me".[198]

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[197] http://Judicial-Discipline-Reform.org/Judicial_unaccountability/DrRCordero-DirFStevens.pdf >Dn:ii_a

[198] http://Judicial-Discipline-Reform.org/Judicial_unaccountability/DrRCordero-PresABuchman.pdf >Dn:xiv

7. Four email accounts held with different Internet Service Providers stopped receiving emails the day after mass mailing an article on the evidence of Then-Justice Nominee Judge Sotomayor's concealment of assets and cover-up of the bankruptcy fraud scheme

120. After Judge Sotomayor"s nomination on May 26, 2010, Dr. Cordero began mass emailing meticulously researched articles(ws:3fn17) on the subject of her concealed assets(ws:41fn145a) based on a comparison of her publicly known earnings[199] and her financial disclosure reports (ws:40fn142) and her involvement in the bankruptcy fraud scheme cover-up by denying *every single document* in his 12 requests in *DeLano*(ws:10fn50 >W:22), including the one filed when he argued before her as the presiding CA2 panel member[200]. He pointedly made reference to the articles that *The* Washington *Post* and *Politico* had published expressing suspicion about the truthfulness of her disclosed financial affairs.(ws:40§B) Some recipients praised him and others inveighed against him. It was reasonable to expect that particularly the professional journalists on his 9,000+ mailing list would ask him for more information because anybody who knows anything about journalism and who has the ambition of making a name as a journalist must wish for a scoop that will catapult his or her career to the paradigm of modern journalism: The fall of a President and his administration brought about (not singlehandedly, but most representatively) by *Washington Post* Carl Bernstein and Bob Woodward during the Watergate Scandal.(ws:69fn224) The Sotomayor story had the potential of developing into a scandal graver than Watergate. (ws:42¶¶96-98)

121. Instead, on two occasions the day after Dr. Cordero emailed articles exposing Judge Sotomayor"s wrongdoing his four email accounts held at four different Internet service providers[201] stopped receiving emails! He immediately contacted the ISPs to inquire about why his email accounts had been blocked. Gradually, he began to receive emails again. However, since then he does not receive nearly as many emails as he did before; mostly junk emails is what he gets now. Most importantly, he no longer receives emails from the pro se litigants who had experienced similar judicial abuse of power and denial of due process and with whom he used to be in regular contact. It is as though they or he had disappeared from the Internet. That cannot be explained away as a technical glitch that occurred simultaneously on four accounts each with a different domain.

8. Even the phone calls and letters from inmates requesting help stopped

122. Just as strange is the fact that Dr. Cordero used to receive letters, even phone calls, from

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[199] http://Judicial-Discipline-Reform.org/docs/Schedule7_Judicial_Salaries.pdf

[200] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_oralarg.pdf

[201] Dr.Richard.Cordero.Esq@gmail.com; Dr.Richard.Cordero.Esq@Judicial-Discipline-Reform.org; CorderoRic@yahoo.com; and Cordero.Ric@hotmail.com

inmates from different correctional facilities in different states who had read articles by him discussing judicial wrongdoing that, according to them, had been republished in „The American"s Bulletin"[202]. He replied to each of those letters and sent the inmates hardcopies of other articles that he had written. Inmates have all the time in the world to read and write. Moreover, they have a driving interest in exposing judicial wrongdoing in so far as proving that the judge in their cases engaged in wrongdoing can help them to overturn their convictions. Therefore, those inmates that Dr. Cordero wrote back to must have spread around word that he, a lawyer, had replied to their letters and they must also have lent to others the additional articles that he sent them. Consequently, it was reasonable to expect that the same inmates that had written to him would keep writing to him and other inmates would feel encouraged to begin writing to him. Far from it, all mail and phone calls from inmates stopped.

D. The judges' motive, means, and opportunity to interfere with the communications of people disseminating evidence of their wrongdoing and intent on bringing about legislation that holds them publicly accountable and disciplinable, thus threatening their above the law privilege

123. Neither the more than 1,700 academics nor the over 9,000 newspeople include other people and institutions that Dr. Cordero has contacted with other initiatives relating to the institutionalized coordination of judicial wrongdoing[203]. Consequently, the above statement of facts is not exhaustive; it is only illustrative. Nevertheless, the statement suffices to show that the non-receipt of positive responses relative to the number of people and times that they were contacted is a non-random anomaly.

124. This pool of 10,700+ people scattered all over the nation is representative of the spectrum of academic, professional, and personal interests. One can expect their reactions to be distributed graphically over a bell-shaped curve. Outliers at one end of the curve would have such a knee-jerk averse reaction to any or all elements of Dr. Cordero"s proposal that they would reply if only to berate him. Outliers at the opposite end would instead be ecstatic by it so that they

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[202] http://www.spiritualsovereignty.com/privacy-services/americans-bulletin.html

[203] Cf. **a)** Proposal To Newspapers For a Series of Articles and an Investigative Website Presenting the Evidence of a Bankruptcy Fraud Scheme and Exposing its Support: The Coordinated Wrongdoing of Federal Judges; jun7; http://Judicial-Discipline-Reform.org/Follow_money/proposal_to_newspapers.pdf

b) A Lead for Editors and Investigative Journalists to investigate coordinated judicial wrong-doing tolerated or supported by the judges in the federal courts and by the policy-making judges of the Judicial Conference of the U.S.; http://Judicial-Discipline-Reform.org/judicial_complaints/to_editors_investigators_17apr8.pdf

c) Proposal For a Book Publication and A Business Venture Centered on Fraud and Forensic Fraud and the Exposure of Coordinated Judicial Wrongdoing Through a Case Revealing a Bankruptcy Fraud Scheme; 1jun7; http://Judicial-Discipline-Reform.org/Follow_money/proposal_publishers_ jun7.pdf

would rush to congratulate him and inquire further about the proposal. The majority of the pool members would be bunched close to either side of the bell apex. The statistical normalcy would be for some among them who disliked the proposal to reject it or merely send a polite „Thanks but no thanks‟ acknowledgment of receipt. Others who liked it would express thanks and at least some lukewarm interest in learning more about it, if only out of intellectual curiosity, or even state their desire to join forces for a more effective pursuit of a common cause. (ws:61fn204) It is possible and even probable for the majority to take no action since that is easier than to take action. But for practically the totality of them to coincide on the same reaction, i.e., rejection and no response, except for a handful of negative responses, is not statistically possible.

125. For one thing, more than 90% of the 10,700 people were contacted by email. Given that it is so much easier to reply to an email than to a printed letter, there should have been a statistically significant higher number of responses from those people who received an email than from those who only received a printed letter. But the non-responsive rejection reaction was the same for both groups. In the same vein, those people who received both an email and a printed letter should have had a higher response rate than those who only received the email since the letter worked as an object that remained physically near them requesting, as it were, that the addressee respond to it and the email facilitated that response. However, responses were not received in greater number from tandem receivers than from email-only receivers.

126. A statistically more significant factor determining response rate is that the pool was large, consisting of over 10,700 people repeatedly contacted. Some were at Ivy League universities and national media networks and others at local educational entities that just recently had received accreditation and local outlets reporting on a blog. Such an intrinsically diverse pool was bound to contain a kaleidoscopic mix of interests, including diametrically opposite ones: Well-established people want to keep the status quo to preserve long-standing beneficial relations with the Judiciary while those seeking to carve a niche in academe or journalism may try to disprove conventional wisdom in order to get national attention, either to have their Andy Warhol 15 minutes of fame or to make the opening bid to become the leader in a new field: judicial power and unaccountability studies.(ws:47fn160 >11:3rd¶)

127. This is the sociological phenomenon of the Lone Ranger: A crowd is never monolithic in character, for there will always be someone who will break ranks and ride alone in order to right what he perceives to be a wrong, or to escape the wrong done to him, or because a competitive advantage affords him the opportunity to find El Dorado on his own despite or ahead of the crowd; Tonto-like sidekicks may follow him or stand ready to different degrees of eagerness to join him if they realize that doing so will redound to their benefit. Or stated in highly technical terms: Something ain‟t right if everybody rejects chocolate or is happy when given castor oil.

128. It follows that the 10,700+ academics and newspeople could not react on their own to a proposal with the same non-responsive rejection or indifference. Hence, an alternative explanation must be considered: That Dr. Cordero‟s email accounts, postal delivery, and phone

calls are being monitored and interfered with intentionally. The entity with the most pressing interest in so doing is the Judiciary. It is viscerally opposed to investigating and disciplining its own members, let alone having Congress do it in its stead. So much so that it engages in, and tolerates, adjudication so palpably and unlawfully biased toward judges as a 100% denial of petitions to review systematically dismissed complaints throughout the 1996-2009 13-year period covered by the posted statistical reports.(ws:2fn9 >Cg:6, 7, 44-47; ws:20¶38, 37¶87)

129. The Judiciary‟s motive to monitor and interfere with Dr. Cordero‟s communications would be to nip in the bud the spread of his research and proposal and the sought-after formation of an action group to advocate the investigation of its coordinated wrongdoing. Such investigative findings could have devastating repercussions on judges as well as justices, leading to embarrasssment, a tarnished reputation, a humiliating drop in invitations to extra-judicial activities or to be shunned at them(cf. ws:4¶4 quotation), and conceivably to criminal charges, imprisonment, and impeachment as well as to strict supervision by Congress.

130. The kind of group that Dr. Cordero has tried to form[204] would strive to have precisely such impact on the Judiciary: To expose judicial wrongdoing widely and authoritatively enough to outrage the public, who would in turn demand that the authorities investigate the Judiciary, whose findings would force Congress to abrogate the judicial self-discipline system(ws:1fn4) and entrust its function to a citizens board for judicial accountability and discipline.(ws:46¶104) That is anathema to a Judiciary that will not even open its regular Judicial Conference meetings to a pool of reporters, let alone the public.[205]

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[204] **a)** Programmatic Proposal to Unite Entities and Individuals to Use Their Resources Effectively in Our Common Mission to Ensure Integrity in Our Courts by Engaging in Specific Activities and Achieving Concrete Objectives; http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf; cf. 5§C. Organizing and posting evidence

b) How You Can Help to Take the First Concrete Step Toward the Implementation of the Programmatic Program Through the Formation of the Virtual Firm on the Internet of Investigative Journalists and Lawyers to Expose Judges Engaged in Coordinated Wrongdoing and Abuse of Power and Bring a Class Action against Them; http://Judicial-Discipline-Reform.org/docs/Firm_to_sue_judges.pdf

c) Table of Division of Labor for the Formation of the Virtual Firm of Lawyers, Investigative Journalists, and Publicists to Unite Entities and Individuals to Use Their Resources Effectively in Our Common Mission to Ensure Integrity in Our Courts Through Effective Judicial Accountability and Discipline Legislation; http://Judicial-Discipline-Reform.org/docs/firm_formation.docs.pdf

d) The need to create a firm of lawyers, investigative journalists, and publicists to effectively expose and curb judges' abuse of their power originating in their unaccountability and resulting in their institutionalized coordination of judicial wrongdoing; http://Judicial-Discipline-Reform.org/docs/firm_tasks_22sep8.pdf

[205] **a)** http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf >2: Judges' unaccountability for judicial and non-judicial acts is fostered at the behind-closed-doors meetings of the Judicial Conference of the United States

b) The efforts to open judicial council meetings failed during the debates on the Judicial Councils Reform and Judicial Conduct and Discipline Act so that only the second part of the bill was enacted (ws:1fn4); 126 Cong. Rec. S28086 et seq. (Sep. 30, 1980), especially Sen. DeConcini's offered amendments; http://Judicial-Discipline-Reform.org/docs/Jud_Councils_Reform_bill_30sep80.pdf

131. As for the motives of Former Chief Judge Walker, he was the CA2 chief judge from 2000–2006 and as such was a member of the Judicial Conference. He was named chair of the Judicial Conference Committee on Judicial Conduct and Disability in 2008. Dr. Cordero:

    a. caused his recusal from that Committee when considering his second complaint against Judge Ninfo(ws:31fn125 >N:152);

    b. caused his recusal from *Premier*(ws:19fn90 >A:1197);

    c. filed a §351 Judicial Conduct complaint against him(ws:19fn88);

    d. when appealing that complaint to the Judicial Conference, charged Chief Judge Walker, at the time a member of the Conference, with "creat[ing] an institutional climate of disrespect for the law"(ws:21fn98 >JC:21¶57);

    e. brought it to the attention of every other Conference member(id. >JC:31);

    f. filed a complaint against him with the NYCBar-FBC Joint Committee on Judicial Conduct (ws:51fn173 >C:i); and

    g. made that complaint public knowledge in his emails to the 9,000+ people on his emailing list(ws:52fn176, 52fn178, 52fn179, 52fn180).

132. As for Current CA2 Chief Judge Jacobs, Dr. Cordero

    a. charged him, in his second complaint against Judge Ninfo, with "self-interest…in not finding [his] own two-term Appointee Judge Ninfo involved in a bankruptcy fraud scheme"(ws:29fn121 >N:1fn1);

    b. brought it to the attention of his fellow Conference members(id. >28);

    c. requested his recusal from considering that complaint(id. >N:20a);

    d. filed likewise a complaint against him with the NYCBar-FBC Joint Committee on Judicial Conduct(ws:51fn173 >C:i); and

    e. made that complaint public knowledge in his emails to the 9,000+ people on his emailing list(ws:52fn176, 52fn178, 52fn179, 52fn180).

133. The judges have the means of interfering with third party communications. They can abuse their power either to issue, whether through complacent U.S. attorneys[206] or on their own, wiretap orders under 18 U.S.C. Ch. 119[207] and 50 U.S.C. Ch. 36[208], and search and seizure warrants.

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[206] http://www.ca2.uscourts.gov/judgesmain.htm >John M. Walker, Jr.: "Biographical information: …Judge Walker…From 1970 to 1975 he served as an Assistant United States Attorney in the Criminal Division, Southern District of New York…In 1981 Judge Walker became Assistant Secretary of the Treasury, responsible for policy in law enforcement, regulatory, and trade matters, and with oversight of the Customs Service, Secret Service, Federal Law Enforcement Training Center, Bureau of Alcohol, Tobacco and Firearms, and the Office of Foreign Assets Control. Judge Walker remained in this position until 1985, when he became a United States District Judge for the Southern District of New York. He has been…Director and on the faculty of NYU Law School's Institute of Judicial Administration and Appellate Judges Seminar since 1992." http://Judicial-Discipline-Reform.org/docs/JJ_Walker_CA2_13sep10.jpg

[207] 18 U.S.C. Chapter 119 – Wire and Electronic Communications Interception and Interception of Oral Communications; http://uscode.house.gov/pdf/2009/ >2009usc18.pdf; and http://Judicial-

They can even skip that formality and order their clerks, whom they can remove at will (ws:75§B) and other technical employees, for instance, those who maintain their own courts‟ or AO‟s websites,[209] to engage in illegal electronic interception of third party communications[210].

E. The positive effect that the *Follow the wire!* investigation conducted by WikiLeaks and Sunshine Press can have on their reputation and its impact on a power-abusive Judiciary

134. The lack of responses, let alone positive ones, to Dr. Cordero‟s letters and emails calling for investigating and exposing coordinated judicial wrongdoing may be explained in part by the fear of lawyers, other professionals, and newspeople of retaliation from powerful, life-tenured, and de facto unimpeachable judges. The latter need not offer acquittals to criminal defense lawyers if they have one of their clients out on bail "take care" of a vocal accuser of their wrongdoing. They can simply ensure that they, as a close-knit and privileged class of judges, doom the accuser, his clients, and associates to lose every motion and every case with them and that the judges‟ clerks, as their enforcers of wrongdoing, apply against them every conceivable means of chicanery(ws:76§1). But to the extent that fear of retaliation rather than the Judiciary‟s interference with Dr. Cordero‟s postal, emails, and phone communications accounts for that lack of responses, the intervention of WikiLeaks and Sunshine Press, committed to exposing precisely "**feared and corrupt governments and corporations"**, becomes all the more crucial and pertinent.

135. If such interference is at play here to any extent whatsoever, one can only begin to imagine the

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Discipline-Reform.org/docs/18_usc_wire_tapping.pdf. See also http://www.uscourts.gov/Statistics/WiretapReports.aspx

[208] 50 U.S.C. Chapter 36 - Foreign Intelligence Surveillance Act of 1978; http://uscode.house.gov/pdf/2008/ >2008usc50.pdf; and http://Judicial-Discipline-Reform.org/docs/50usc_ch36_FISA.pdf

"A 1978 federal stature that established new procedures and courts to authorize electronic surveillance of foreign intelligence operations in the U.S. The Act established the Foreign Intelligence Surveillance Court and the Foreign Intelligence Court of Review. It allows the Attorney General to *obtain warrants* that authorize electronic surveillance of suspected foreign-intelligence operatives *without public disclosure and without a showing of probable cause that criminal activity is involved*." (emphasis added) Black's Law Dictionary, 8th ed., Bryan A. Garner, Editor in Chief, Thomson West (2004)

[209] http://www.uscourts.gov/Home.aspx

[210] "In the United States, phone and broadband networks are already required to have interception capabilities, under a 1994 law called the Communications Assistance to Law Enforcement Act. [47 U.S.C. §§1001-1021; http://Judicial-Discipline-Reform.org/docs/47usc1001-1021.pdf] It aimed to ensure that government surveillance abilities would remain intact during the evolution from a copper-wire phone system to digital networks and cellphones. Often, investigators can intercept communications at a switch operated by the network company." U.S. Tries to Make It Easier to Wiretap the Internet, Charlie Savage, *The New York Times*; 27sep10; http://www.nytimes.com/2010/09/27/us/27wiretap.html?emc=na; and http://Judicial-Discipline-Reform.org/docs/Internet_wiretaps_NYT_27sep10.pdf

public outrage that would be provoked if the technical experts of WikiLeaks and Sunshine Press were to undertake a *Follow the wire!* investigation[211] that revealed that the Federal Judiciary has abused its power to engage in interception of, and interference with, third party communications, not to further a "national security" interest[212], but only to run a crass operation to cover-up its own wrongdoing and escape discipline, and even civil and criminal liability. For one thing, such interference cannot be the work of a rogue judge, but only of judges working in coordination among themselves and with their technical staff.

136. The revelation could spark fireworks of inquiries from technical experts everywhere in the U.S. and abroad to learn how WikiLeaks and Sunshine Press technicians pulled off that feat so as to emulate them at the state level and in other countries. It would let loose lawyers all over the U.S. to challenge in good or bad faith every interception order and every indictment and conviction based thereon. It would give them grounds to claim that an opposing party could not have learned some information detrimental to the claimant but for its unlawful interception and communication to such party. It would set off a clamor for a determination of the extent to which the electronic filing, docketing, and case management system[213] was also manipulated. It would give reason for every genuine and opportunistic party to petition the courts and demand from Congress a review of every allegation made by a court to the effect that it did not receive an uploaded document; a filing was untimely or incomplete; the court gave parties notice of entry of an order that nevertheless they never received; etc. Claims of tort liability would be asserted by factually and fictitiously injured parties to demand compensatory and punitive damages from individual judges and the Judiciary[214] as an institution.[215] The Judiciary would be

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[211] For the *Follow the wire!* investigation, Dr. Cordero can make available to WikiLeaks and Sunshine Press technicians all the contact information about the 1,700+ professionals that he wrote to and copies of what he sent to them and the corresponding dates; and the email addresses of the 9,000+ newspeople to whom he emailed articles as well as those of the few ones with whom he regularly exchanged emails critical of the Judiciary. The provisions of this material must take place in a secure way.

[212] The interception of Dr. Cordero's communications does not fall within the scope 18 U.S.C. §2516. Authorization for interception of wire, oral, or electronic communications;

[213] http://www.pacer.gov/cmecf/ Cf. http://www.ca2.uscourts.gov/clerk/index.htm

[214] "[In the complaint against U.S. District Judge Manuel Real] I believe that serious misconduct has been clearly established and discipline must be imposed consisting of nothing less than a public reprimand and an order that the district judge compensate the Trust for the damage it suffered as a result of the judge's unlawful injunction.

"I also believe that the aggrieved creditors are entitled to an apology from the judges of our circuit for the cost, grief and inconvenience they suffered in one of our courts because of the district judge's unprofessional behavior. The judge who committed the misconduct refuses to offer such an apology and it is therefore up to us. Because I cannot speak for the Judicial Council [of the Ninth Circuit], a majority of whose members see far too little wrong with what the district judge here did, I offer mine." Cir. J. Kozinski, dissenting, In re Judicial Misconduct Complaint, docket no. 03-89037, Judicial Council, 9th Circuit, September 29, 2005; at 13832 of http://www.CA9.uscourts.gov/opinions >Advance Search: 09/29/2005 >In re Judicial Misconduct 03-89037; and http://Judicial-Discipline-Reform.org/docs/CA9JKozinski_dissent.pdf; also at 425 F.3d 1179.

[215] No doubt lawyers would use as a boomerang against the Judiciary itself judges' decisions holding

shaken to its foundations.(ws:43¶99)

137. By contrast, WikiLeaks and Sunshine Press technicians would be praised for having revealed, not a leak of incriminating information to the outside world from a racketeering enterprise shrouded in secrecy, but rather the tear in the robe of Justice through which a corrupt organization of Your Honors, The Duty-bound Renderers of Honest Services[216], sneaked out their hands to break and enter without a valid 4th Amendment search and seizure warrant into the public‟s domain to rob the people of their First Amendment rights to freedom of speech, of the press, and of assembly to petition the Government for a redress of grievances and deprive them of equal protection of the law implicit in the 5th Amendment.(ws:32fn126) From this revelation, WikiLeaks and Sunshine Press technicians would emerge as a nation‟s Champions of Justice.

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the Catholic Church liable as an institution to victims of pedophilic priests for the institutionally conducted or condoned cover-ups of such priests. They would argue that the Judiciary knew and would have known had it properly exercised its supervisory and disciplinary functions over judges that they were abusing their power to unlawfully intercept communications and manipulate the electronic filing and case management system but it did nothing to hold them accountable and protect the public, to whom it owes a fiduciary duty.

[216] "U.S. Judge G. Thomas Porteous, Jr., (E.D. La.)…deprived the public of its right to his honest services in violation of 18 U.S.C. §§1341, 1343, and 1346, and [his acts] constituted an abuse of his judicial office in violation of Canons 5C(1) and 5C(4) of the Code of Conduct for United States Judges"[ws:24fn123]; In Re: Complaint of Judicial Misconduct against United States District Judge G. Thomas Porteous, Jr., under the Judicial Conduct and Disability Act of 1980, docket no. 07-05-351-0085, The Judicial Council of the 5th Circuit, 10sep8; http://fifthcat.lb5.uscourts.gov/; and http://Judicial-Discipline-Reform.org/docs/JPorteous_JCoun_Cir5_reprimand.pdf.

See also Judicial Conference of the U.S., Certification to the House of Representatives that Judge G. Thomas Porteous, Jr., should be impeached, 18jun8; http://Judicial-Discipline-Reform.org/docs/JConf_impeach_JPorteous_18jun8.pdf

VI. The need for WikiLeaks to adopt a proactive stance by assembling "quality journalists" into a team of "the first intelligence agency of the people" to expose the Judiciary as a safe haven for coordinated wrongdoing

138. Neither *The Washington Post*, nor Politico, nor *The New York Times* honored by their actions or inaction(ws:40§§B-C) WikiLeaks‟ statement that "paramount among the responsibilities of a free press is the duty to prevent any part of government from deceiving the people". As a result, they have allowed the Federal Judiciary to continue practicing deceit by judges pretending that they are faithful to their oath "to administer justice without respect to persons…under the Constitution and the laws"(ws:22fn100) while systematically exempting themselves from their application and risklessly engaging in coordinated wrongdoing that administers injustice to everybody else…except their complicit insiders. WikiLeaks must honorably discharge the duty that it has thus acknowledged. No doubt exposing federal judges as wrongdoers is risky. But that is WikiLeaks‟ courageous mission. It must pursue it all the more vigorously because unlike its peers, WikiLeaks is mostly beyond the jurisdiction of the U.S. government, which lessens such risk.

139. In addition, WikiLeaks must discharge effectively that duty of preventing government deception. Doing so requires taking action reasonably calculated to accomplish its mission. It cannot just sit back and wait to receive leaked documents from within the Judiciary. Judges need not have put in writing any agreement to systematically dismiss 99.82% of misconduct complaints against them(ws:2¶2b) and deny 100% of petitions for review of such dismissals(ws:2fn9 >Cg:6-7, 41-44). There need not be a document attesting to the practice of judges getting rid of appeals that they have not even read because clerks found them not to meet the judges‟ criteria of importance.(ws:3fn17 >¶3) No record may exist that they instructed clerks to free them from the bother of „small cases‟[217] by rubberstamping unsigned summary order forms that with no reasons or with the scribbling of a meaningless generality(ws:3fn16) affirm lower court or government agency decisions.(ws:3fn17 and id. >¶2) No internal report may be available on the length to which judges go to secure the moral benefits of peer acceptance and of avoidance of pariah status among those peers for standing up to them and denouncing their wrongdoing. There is likely no written statement of the material benefits that the judges gain by not disclosing all their assets or income(ws:37§B) or by participating in, or covering up, their skimming from the hundreds of billions of dollars on which they rule

[217] Remember the uproar of public indignation when BP Chairman Carl-Henric Svanberg told reporters that BP truly cares about all the "small people" affected by BP's catastrophic oil leak? http://www.youtube.com/watch?v=th3LtLx0IEM; and http://Judicial-Discipline-Reform.org/docs/BP_Chief-small_people.pdf. No one who spends the same court filing fee as the richest person or company in the world as well as $1,000s or $10,000s in attorneys' fees plus all the enormous amount of emotional energy and time involved in litigation has a 'small case' deserving to be kicked out of a judge's docket by a 'small' summary order form so that the judge may be free to work on a case that can land him or her on the news; write an opinion that can make it to a law school casebook or become a jurisprudential landmark; or prepare to give a lesson at a university where the students grade their professors at the end of the course.

annually and then laundering any money illicitly obtained(ws:6¶8).

140. But WikiLeaks can leverage its current boost in credibility and visibility to assemble a first-rate team of what it calls "quality journalists" and reporters on the Supreme Court and circuit court beats to become in effect "the first intelligence agency of the people". It would not give its intelligence team the directionless and boundless task "to go out and investigate the Federal Judiciary". In the official documents and analytical commentaries referred to in this request there is a wealth of leads and a well-thought out strategy to pursue the starkly defined story that they point to: **HAS THE FEDERAL JUDICIARY BECOME A SAFE HAVEN FOR JUDGES TO ENGAGE IN COORDINATED WRONGDOING?** Both the evidence and the fundamental issue of the integrity of our judicial system and our government by the rule of law warrant that WikiLeaks' "intelligence team" team should investigate that story.

A. Using judges' publicly filed financial reports, articles of highly respected media, and the record of fully developed cases as a road map for conducting a focused, cost-effective, two-pronged *Follow the money!* investigation of coordinated wrongdoing in the Federal Judiciary

141. All it takes to cause a devastating ripple effect throughout the Federal Judiciary and the rest of the U.S. Government is for a reputable media entity to „broadcast facts to the world that appeal to the conscience of the people".[ws:1fn1] It is not necessary for the "broadcast facts" to meet the exacting standard of proving to a jury beyond a reasonable doubt that the Judiciary must be found guilty of corruption. The "broadcast facts" only need establish probable cause for reasonable people to believe that judges have knowingly and systematically breached the requirement of appearing just and fair[218] and the canon[219] enjoining them to avoid even the appearance of impropriety(ws:31fn124 >US:2511§I) and that they have been able to do so with the knowledge and implicit assistance of the Executive Branch and Congress.

142. The basic facts are official and in themselves sufficiently appealing because people know what happens when there is no discipline: Everybody does whatever they want. These facts provide the enabling conditions of judicial wrongdoing: Judges self-exempt from discipline through the systematic dismissal of complaints against them(ws:2 fn9) and through the Executive Branch's and Congress's own wrongdoing in knowingly allowing judges despite their „bad Behaviour" (ws:32fn126 > Const. Art. III, Sec. 1) to enjoy in effect life-tenured unimpeachability. They all have removed the two constrains on the judges' conduct that provide the fundamental pillars of any ethical system: accountability and subjection to penalties for the adverse consequences of one's acts. As a result, judges are morally and in practice free to engage in riskless judicial

[218] "Justice should not only be done, but should manifestly and undoubtedly be seen to be done." Lord Hewart, *Rex v. Sussex*, 9 Nov. 1923. "To perform its high function in the best way "justice must satisfy the appearance of justice."; *In re Murchison , 349 U.S. 133, 136 (1955)*

[219] ws:26fn123 >Code of Conduct for U.S. Judges: CANON 2: A Judge Should Avoid Impropriety And The Appearance Of Impropriety In All Activities.

wrongdoing. Through the coordination of such wrongdoing, they have institutionalized it into the Judiciary's modus operandi. To expose it, the WikiLeaks "intelligence agency" team will gather the facts of coordinated judicial wrongdoing through a *Follow the money!* investigation that has two prongs:

a. The high prong investigates Justice Sotomayor, a representative member of the Judiciary's top, the Supreme Court, whose participation in, or condonation of, wrongdoing (ws:2fn10) percolates down as explicitly or implicitly coordinating assurance to lower court judges that they too wield absolute power –unaccountable power over people's property, liberty, and lives(ws:6¶8)- and can abuse it to their benefit.

b. The low prong investigates a case, *DeLano*(ws:22§B), from the bottom of the hierarchy of courts, a bankruptcy court, as representative of numberless other cases involving wrongdoing, and follows it all the way up as it reveals evidence of such explicit or implicit coordination and of abuse of such power in every court and administrative body along the way.[220]

143. This ascending path is followed by most judges. When they engage in wrongdoing as lower court judges, whether actively or passively through the silent toleration of other judges' and insiders' wrongdoing, and then move up the hierarchy, they must cover up for themselves as much as they do for their colleagues. The latter's knowledge of such wrongdoing renders those moving up, even those who reach the top, vulnerable, if not hostage, to those left behind. Hence, through this two-pronged pincer movement the investigation will show how judges do and must coordinate their wrongdoing and how it has become the Judiciary's institutionalized unlawful modus operandi.

1. The top prong of the *Follow the money!* investigation: search for evidence of Justice Sotomayor's concealment of her assets and of her colleagues' involvement in the bankruptcy fraud scheme and other forms of wrongdoing

144. The top prong will show that Supreme Court Justice Sotomayor has with the knowledge and assistance of her judicial and administrative colleagues as well as the Executive and Congress:

a. concealed her assets for years(ws:22fn102 >W:179, 191) with the coordinated approval of the Judicial Conference(ws:40fn141 >§§2-7). The latter, and all-judge body (ws:20¶40), has allowed in self-interest the pro forma acceptance of her financial disclosure reports(ws:22fn102 >W:191; 41fn145a) –and that of others(id. >b) by its Committee on Financial Disclosure[221] and its clerk, the Administrative Office of the U.S.

[220] http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

[221] http://www.uscourts.gov/News/TheThirdBranch/05-10-01/October_Begins_Terms_of_New_Chairs.aspx; and http://Judicial-Discipline-Reform.org/docs/Financial_Disclosure_Com_oct10.pdf

Courts, both of which are headed by appointees[222] of the Chief Justice, with a judge, one of their own, as the chair of that Committee. This will show that Justice Sotomayor and these three bodies are coordinated components of a Judiciary that has institutionalized wrongdoing as its modus operandi. As a natural extension of her inclination to engage in unlawful conduct, she

b. covered up in coordination with her colleagues a judicially run bankruptcy fraud scheme and other forms of individual and coordinated wrongdoing, pursuing such cover-up in her capacity as:

1) the presiding member of the CA2 *DeLano* panel(22fn102 >W:23) that denied *every single document* requested(id. >W:22), did not address a single issue presented for appellate review(ws:3fn19 >CA:1719§V), and dismissed the case by stringing together two citations to cases that objectively have nothing to do with the facts or the law of *DeLano*(ws:3fn16 >CA:2201§B));

2) a member of the Judicial Council that denied review of the dismissal of the second complaint against Judge Ninfo(ws:29fn121 >N:41, 44), and of all other complaints as part of her support of the Council's 100% review denial policy(ws:22fn102 >W:229; ws:20¶38);

3) a member of CA2 that denied the petition for hearing en bank of *Pfuntner* and *Premier* despite the evidence of coordinated judicial wrongdoing(ws:18fn80 >A:885¶1, 864¶43d);

4) a member of CA2 that considered the reappointment of Judge Ninfo in 2005 and failed to denounce his wrongdoing(ws:15fn68) and make the report required by law(ws:37fn137); and

5) Justice nominee who withheld *DeLano*, thus perjuring herself about having complied with the request to provide copies or all her cases(ws:45fn158) and misleading the U.S. Senate Judiciary Committee, the Senate, and the American people about her "fidelity to the law"[223] while supporting the bankruptcy fraud scheme and its cover-up(ws:30¶68).

145. The top prong investigation of Justice Sotomayor's concealed assets(ws:22fn102 >W:179, 191, 231§G) would start in New York City banks[224]and property register[225]. It is highly unlikely that

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[222] ws:20fn99; http://www.uscourts.gov/FederalCourts/JudicialConference/Committees.aspx; and http://Judicial-Discipline-Reform.org/docs/Jud_Conf_committees.pdf

[223] http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/1DrCordero-Senate.pdf of 3aug9

[224] Compare the query 'where Then-Judge Sotomayor's salary earnings went' with 'where the money came from?' The latter set *Washington Post* Reporters Carl Bernstein and Bob Woodward on their *Follow the money!* investigation during the Watergate Scandal. They asked themselves and their *WP* colleagues: 'Who is paying the high profile Washington, D.C., lawyers representing at their arraignment the five burglars caught during the break-in at the Democratic National Committee headquartered in the Watergate building complex if the burglars are merely petit crime plumbers involved in "a garden variety burglary"? Their search for an answer led them to discover that

if her money was invested in real estate, it was done in her name. As a former member of the Board of Directors of the State of New York Mortgage Agency(ws:45fn158 >JS:2) she would know better. She could have established relations with insiders[226] who could have invested her money in the name of people close to her or in strawmen's names. Hence, other people's names would have to be searched. Reportedly, after retiring, her mother moved to Florida and bought a home in which the Judge has an interest.[227] The money could also be invested in securities, for example, shares of the luxury companies that she represented while she was an associate and then a partner at Pavia & Harcourt between 1984 and 1992(ws:42fn149), such as Bulgari, Fendi, and Ferrari. Money could also have been left invested with Pavia, which could explain the pittance that she received for her partnership interest upon becoming a district judge in 1992 and leaving the that firm.(ws:22fn102 >W:237) The findings in this prong of the investigation will help explain why Judge Sotomayor had to cover up similar wrongdoing by CA2 Appointee Bankruptcy Judge Ninfo and his bankruptcy and legal systems insiders.(ws:15§II)

146. WikiLeaks "intelligence agency" team will be able to show that its disqualifying findings about Nominee Sotomayor made during this *Follow the money!* prong could also have been made by Nominating President Obama and Confirming U.S. Senate Judiciary Committee[228] and

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money had been deposited in the Miami bank account of one of the burglars.

Eventually they discovered the money's link to the Republican Committee for the Reelection of President Richard Nixon, which was headed by former Attorney General John Mitchell. This led to the finding of a slush fund for 'special operations', controlled by Mitchell and used with the knowledge and authorization of Nixon and his top White House aides to engage in political espionage and the intimidation of opponents to the Viet Nam War. *All the President's Men*, Carl Bernstein and Bob Woodward; Simon & Schuster (1974), pp. 16-18, 34-44; http://Judicial-Discipline-Reform.org/docs/WP_The_Watergate_Story.pdf; and the arraignment scene near the beginning of the movie *All the President's Men,* with Dustin Hoffman and Robert Redford.

225 "The Automated City Register Information System (ACRIS) allows you to search property records and view document images for Manhattan, Queens, Bronx, and Brooklyn from 1966 to the present"; http://home2.nyc.gov/html/dof/html/jump/acris.shtml.

226 "As a single practitioner, she told the Senate, she had helped "family and friends in their real estate, business and estate planning decisions."…if her clients "required more substantial legal representation, I referred the matter to my firm, Pavia & Harcourt, or to others with appropriate expertise."" Little Information Given About Solo Law Practice Run by Sotomayor in '80s, Serge F. Kovaleski, NYT; 6jul9; http://www.nytimes.com/2009/07/07/us/politics/07firm.html?scp=17&sq=Judge+Sotomayor&st=nyt; and http://Judicial-Discipline-Reform.org/docs/JSotomayor_real_estate_practice.pdf

227 "Mrs. [Celine] Sotomayor became Prospect Hospital's emergency room supervisor until the hospital closed in the mid-1980s. She then worked at a methadone clinic in the South Bronx until retiring in the early 1990s, not long after she met Mr. Lopez. They married and now live in a retirement community in Margate, Fla., where Mr. Lopez works in an auto parts store. Mrs. Sotomayor takes morning walks with a friend, Sylvia Gutierriez,…"; A Judge's Own Story Highlights Her Mother's, Scott Shane, NYT, 27may9; http://www.nytimes.com/2009/05/28/us/politics/28mother.html?scp=68&sq=Judge+Sotomayor&st=nyt; and http://Judicial-Discipline-Reform.org/docs/JSotomayor_Mother_Celine.pdf

228 a) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/7DrCordero-SenJudCom_docs.pdf of 3jul9

b) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/20DrCordero-SenJudCom.pdf of 14jul9

Senate(ws:69fn223), who had the means, opportunity, and duty to vet her with due diligence and disclose their findings or withdraw their support. However, they chose to give precedence to a selfish and irresponsible motive to hush them up: On the one hand, to reap the short term political gain from giving Latino voters the first Latina Justice[229] and giving women another female for the Supreme Court; and on the other hand, to avoid the risky long term consequences of antagonizing life-tenured federal judges by exposing her coordinated wrongdoing and potentially that of other wrongdoers. Judicial retaliation could result, for example, in judges declaring unconstitutional key pieces of the President‟s and Congress‟s legislative agenda, such as health care or financial reform.[230]

147. It is clear that neither the President nor the Senate is entitled to obtain such gain or avoid such retaliation by failing to apply the law to wrongdoing judges. By so doing, they barter with their power. They are also leaving the public at the mercy of wrongdoing judges. Obviously, they lack every justification for putting in harm's way a greater number of people by elevating a wrongdoing circuit judge to the office of justice of the Supreme Court, whose unappealable decisions have a wider, national scope of application. That constitutes abuse of power in self-interest to the detriment of third parties; dereliction of the duty to enforce the law equally, and breach of the fiduciary duty that they owe the public to protect its interests. Moreover, if such failure was their end of the bargain in an agreement with the Judiciary, they also committed bribery; and if they entered the agreement knowing that the judges had engaged in wrongdoing, then they additionally compounded their own offenses.

2. The bottom-up prong of the *Follow the money!* investigation: search from the Bankruptcy Court all the way to the Supreme Court for evidence of the running and cover-up of the bankruptcy fraud scheme

148. The bottom-up prong of WikiLeaks "intelligence agency" team‟s *Follow the money!* investigation can take off from *DeLano*(ws:22§B) with *Premier* and *Pfuntner*(ws:16§A) in its case history and able to establish a pattern of wrongdoing(ws:33fn127). The main documents with a wealth of leads are collected in two files:

    a. The *DeLano*_docs file(ws:22fn102) contains the key contact information and personal data on the weakest link, the DeLanos[231], and the target character, Justice Sotomayor(id.

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[229] Obama Hails Judge as 'Inspiring', Peter Baker and Jeff Zeleny, NYT; 26may9; http://www.nytimes.com/2009/05/27/us/politics/27court.html?_r=1; and http://Judicial-Discipline-Reform.org/docs/JSotomayor_nominated_26may9.pdf

[230] There is precedent for this. President F. D. Roosevelt was successful in getting his New Deal legislation through Congress only for the Supreme Court to declare its key pieces unconstitutional. To be sure, the Court did so out of its ideological posture contrary to the New Deal, not because of personal animosity against the President. However, the means of expressing one and the other motive is the same: just hold the law unconstitutional.

[231] ws:17fn102 >§II. *Follow the Money!* from the Available Data of the Weak Link, the DeLanos, to the Top of the Bankruptcy Fraud Scheme

>§XIII). Its hyperlinked Table of Contents facilitates identifying and navigating to its various documents.

b. The integrated statement of facts of *Premier, Pfuntner,* and *DeLano* is in the Complaint file(ws:11fn57), where the descriptive headings of the Table of Contents(id. >GC:iii and GC:3§II) provide an overview.

149. The dockets(ws:22fn102 >W:166¶c) of the cases(ws:15fn64) provide both a chronology of the main events and access to most documents through PACER(ws:34fn131), although most documents are already collected in the record of *Pfuntner*[232] and *DeLano*[233].

150. The series of milestones in the story begin with the filing of *Premier* on March 5, 2001, which led to *Pfuntner* on September 27, 2002, and to *DeLano* on January 27, 2004. From the latter, the events developed thus:

a. The inherently suspicious, implausible, and incongruous declarations[234] in the petition (ws:22fn102 >§V) of 39-year Veteran Bankruptcy Officer David Gene DeLano(id. >I.B and II) were enough to alert Bankruptcy Judge Ninfo(ws:15fn67), WBNY(ws:15fn65), and all subsequent judges that this was a case of bankruptcy fraud through concealment of assets, to be sure, at least $673,657[235]. The intelligence team would tap contacts at banks and search the Monroe County Registrar[236]. More importantly, it would search for the DeLanos, who after selling their home(ws:22fn102 >§§VIII and X) must have moved to their retirement golden pot at the end of their working lives rainbow.

b. The trustee in the DeLanos‟ case, Chapter 13 Standing Trustee George Max Reiber(id. >W:162sub¶¶3)-4)), must be investigated. He wrote a shockingly perfunctory and unprofessional report on the DeLanos(id. >§IX) for Judge Ninfo, who accepted it[237], and a motion defective from its very first line, for he addressed it to "UNITED STATES DISTRICT COURT OF APPEALS SECOND CIRCUIT"(ws:72fn233b >CA:2101, 2119, 2198; analyzed at id. >CA:2111 and 2135). So it must be found out whether the U.S. Trustees(ws:22fn102 >W:163sub¶¶8)-10)) allowed him to amass the unmanageable

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232 a) http://Judicial-Discipline-Reform.org/**Pfuntner_record**/1Pfuntner_Table_Exhibits.pdf
b) http://Judicial-Discipline-Reform.org/Pfuntner_record/2Pfuntner_record_A1-2291.pdf

233 a) http://Judicial-Discipline-Reform.org/**DeLano_record**/3DrRCordero_v_DeLano_D1-CA2090.pdf;
b) http://Judicial-Discipline-Reform.org/DeLano_record/4DrRCordero_v_DeLano_CA2091-US2547.pdf

234 ws:20fn102 >§I. The Salient Facts of The *DeLano* Case, revealing the involvement of bankruptcy and legal system insiders in a bankruptcy fraud scheme

235 ws:fn102 >§I.B. Summary of the DeLanos' income of $291,470 + mortgage receipts of $382,187 = $673,657 and credit card borrowing of $98,092.§§

236 http://www.monroecounty.gov/clerk-records.php; see also the National Association of Counties at http://www.naco.org.

237 http://Judicial-Discipline-Reform.org/Follow_money/mtn_doc_production_23aug5.pdf >Add:953§I: I. The "Trustee's Findings of Fact and Summary of 341 Hearing" reveal that the same Trustee Reiber who filed as his "Report" such shockingly unprofessional and perfunctory scraps of papers did not investigate the DeLanos for bankruptcy fraud, contrary to his statement and its acceptance by Judge Ninfo and id. >Add:937-939

number of 3,909 *open* cases(ws:11fn59a) because of his competency or his willingness to play a subservient role in the bankruptcy fraud scheme.

c. *DeLano* went on appeal to District Judge David Larimer, WDNY, now retired, most likely unimpeachable, and perhaps willing to talk on background(ws:11fn57 >GC:52§6; but see ws:41fn145b);

d. to a panel of the U.S. Court of Appeals, 2nd Cir.[238], one of the two most influential federal courts of appeals in the country, with Judge Sotomayor as its presiding member(ws:22fn102 >W:228);

e. i) to 2nd Circuit Justice Ginsburg(ws:25fn108 >a),

ii) to Chief Justice Roberts(id. >b),

iii) to the Supreme Court on petition for certiorari(id. >c >US:2434§§IX-X) and again

iv) to the Court on petition for rehearing(id. >d >US:2513§II).

f. All the justices had the ethical(ws:30fn123) and legal(ws:37fn137) duty to uphold judicial integrity and thus, to expose a judicially run bankruptcy fraud scheme. They could have taken a step toward performing that duty by simply signing the Proposed Document Production order(ws:25fn108d >US:2531) so as to enforce the right to discovery, uphold what rests on it, to wit, due process, and find out why the judges below had so blatantly deprived the creditor in *DeLano* of both by denying him *every single document* that he requested. Instead, they too denied him *every single document* that he requested. (ws:26fn109)

g. The evidence of wrongdoing in *DeLano* also went to each member of the U.S. Senate Judiciary Committee(ws:22fn102 >§XIII.D) and to the Senate(id. >§XIII.E), who at the confirmation hearing could have asked Judge Sotomayor why she withheld the *DeLano* case from them(ws:45fn158) and why there was such a gaping discrepancy between her known earnings and her disclosed assets(ws:22fn102 >§XIII.A-B). They could have requested any additional information[239] to determine her involvement in the cover-up of the bankruptcy fraud scheme. To that end, they could have issued the Proposed Subpoena[240]

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[238] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf >CA:1702§V

[239] 5 U.S.C. Appendix [4 in West Thomson] Ethics in Government Act of 1978, §101. Persons required to file (a)…Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

[240] A Senate committee has power to issue subpoenas under Senate Rule XXVI(1); http://rules.senate.gov/public/index.cfm?p=RuleXXVI; and http://Judicial-Discipline-Reform.org/docs/Senate_subpoenas.pdf

If a subpoena meets with refusal to comply, the committee can enforce it under 28 U.S.C.§1365. Senate actions, by applying to the U.S. District Court for the District of Columbia for an order requiring the recipient of the subpoena to comply forthwith. In turn, a refusal to comply with the order can give rise to the issuance by the court of an order to show cause why the person refusing to comply should not be held in contempt of court. Moreover, the court is expressly deprived of jurisdiction to affect by injunction the subpoena or "to review, modify, suspend, terminate, or set

for document production[241] and thereby cure the denials by Judge Sotomayor and her CA2 colleagues of *every single document* requested in 12 briefs and motions in *DeLano*(ws:22fn102 >W:22).

h. The *DeLano* evidence was also submitted to U.S. Senator Charles Schumer, member of the U.S. Senate Committee on the Judiciary.[242] He is the senior U.S. Senator for NY with seat in Rochester. There *DeLano* originated and was decided by U.S. Bankruptcy Judge Ninfo, WBNY, and U.S. District Judge David Larimer, WDNY, in Rochester. It is also in Rochester where the Appellate Division, Fourth Department, of the NYS Supreme Court sits[243](ws:34¶78). Senator Schumer was one of the politicians who first proposed Judge Sotomayor to the President to fill the vacancy left by the retirement of Justice Stephen Breyer.[244] He would be among the last ones who would want to open an investigation of her on the available evidence of concealment of assets.

i. *DeLano* was submitted as a corruption in government complaint to Then-Solicitor General Eric Holder and other officers of the Bush and Obama administrations.[245] It was dismissed either without the investigation required by due diligence(ws:70¶146) or with the disingenuous referral to what the Department of Justice must know is a useless effort, namely, a complaint under the Judicial Conduct and Disability Act(ws:1fn4) bound to be dismissed by the judges judging themselves(ws:2fn9).

j. A complaint against the misconducting attorneys in *DeLano* as well as *Premier* and *Pfuntner* was filed with the attorney grievance committee in Rochester(ws:11fn57) of the Appellate Division, Fourth Department(ws:11fn57) and that in NY City of the First Department(ws:35fn132), of the NYS Supreme Court. In both cases, the respective committee dismissed the complaint without even asking their complained-against colleagues to file a response to it. Worse yet, court documents showed that the key members of the Rochester committee had worked with the complained-against attorneys, trustees, and judge and/or were involved in bankruptcies. Hence, they had a conflict of interests and resolved it in their favor. So a complaint was filed against them. But instead of recusing themselves, they dismissed it in their own interest! This shows that the attorney grievance committees, despite the fiduciary duty that they owe to those aggrieved by their colleagues, cannot be counted on to expose their misconduct, let alone wrongdoing coordinated between them and judges.(ws:34§III)

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aside any such subpoena"; http://Judicial-Discipline-Reform.org/docs/28usc_2009.pdf.

241 Subpoena proposed for issuance by the U.S. Senate Committee on the Judiciary in the context of the confirmation hearings of Justice Nominee Judge Sonia Sotomayor; http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/6DrCordero-SenJudCom_subpoena.pdf

242 http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/DrRCordero-SenCSchumer.pdf

243 http://www.courts.state.ny.us/ad4/

244 Key Players in the Sotomayor Nomination, NYT. 19jun9; http://www.nytimes.com/interactive/2009/06/19/us/politics/0619-scotus.html; and http://Judicial-Discipline-Reform.org/docs/key_players_JSotomayor.pdf; and ws:47fn229

245 http://Judicial-Discipline-Reform.org/DoJ-FBI/DrRCordero-DoJ_FBI_08-09.pdf

k. Nor can the Office of the District Attorney of NY City be relied upon to take on judges. It never even acknowledged receipt of a complaint against the misconducting attorneys involved in *DeLano*, *Premier*, and *Pfuntner* and residing in NYC.[246] Its own conflict of interests helps explain the Office‟s conduct since one of its assistant district attorneys was Sonia Sotomayor between 1979 and 1984.(ws:45fn158 >JS:3) Hence, the Office would be most reluctant to undertake an investigation of former D.A. and current Justice Sotomayor for covering up a bankruptcy fraud scheme run by CA2 Appointee Bankruptcy Judge Ninfo when she, as CA2 Judge Sotomayor, presided over the panel that dismissed *DeLano*. (ws:22fn102 >W23) Resolving that conflict of interests in its favor, the NYC DA Office has disregarded even its own duty to produce documents under the NY Freedom of Information Law[247].

B. Interviewing court clerks for information, even off the record, on how judges require that they assist them in their individual and coordinated wrongdoing lest the judges use their power to remove them at will

151. The clerks of the U.S. courts, including their deputies, assistants, and other types of employees, are closest to the judges. They represent a particularly valuable source of inside information. Moreover, they may feel that they signed up to become Workers of Justice at the Courts of the United States only to be diminished to enforcers of injustice that do the bidding of unprincipled and hypocritical judges who implicitly or explicitly threaten them with exercising their power to remove them at will. To be sure, the fear of losing one‟s job is not a legal excuse for becoming accessory to a wrongdoing principal; therefore, it is no defense to the charge of depriving third parties of their rights and harming them. Even so, the fear of judges wielding arbitrarily, capriciously, and exploitatively their power to remove clerks can exert constant pressure on clerks to buckle down and comply with any order.

152. No doubt, the fear of being fired at the slightest incurrence of a judge‟s displeasure generates in every clerk a very strong incentive not to talk to any “intelligence agency” team about the goings-on in the court, let alone the judges‟ wrongdoing. Fear may cauterize a clerk‟s conscience so that the clerk no longer has any moral or ethical value to apply or the will to apply any surviving one to any order of a judge however unlawful or abusive it may be. If so, that fearful clerk may not be a likely source of any information to a team member. The latter may need to take a more sophisticated approach to interviewing such clerk.

153. One approach is to find out „what makes the clerk tic‟ and how whatever that is can be used to revive her values and willingness to apply them. Another approach is to goad the clerk into indulging a mesmerizing, but ultimately self-consuming Bonfire of Wickedness: to get her to boast about how smart or powerful she was when she „stuck it‟ to others, even abused them, on

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246 http://Judicial-Discipline-Reform.org/DANY/DrRCordero-ADAELoewy_4jun10.pdf

247 http://Judicial-Discipline-Reform.org/DANY/8DrCordero_FOIL_NYCDAoffice.pdf

orders of judges. Conversely, the constant fear of being fired can give rise to a potent current of resentment on the clerk"s part against the judges. A intelligence team member who is skillful and exudes trustworthiness can honestly convince the clerk that talking to him, even on a strict confidentiality basis, is the opportunity for her to do the right thing by all those that she and her colleagues have harmed and may continue to harm on the judges" orders and to do what is right in the name of Justice itself.

1. Evidence of what clerks do as the judges' enforcers of wrongdoing and what they are allowed to do by judges who cover up for them, which reveals a non-coincidental, intentional pattern of coordinated wrongdoing and disregard for the law, the rules, and litigants' rights

154. A person cannot serve two masters, that is, the judges and Lady Justice. Blindfolded as she is, Justice lacks the capacity to protect the jobs of conscientious employees who initially intended to do the right thing as Workers of Justice. Out of fear, the clerks end up, maybe reluctantly and even disgusted with themselves and resentful against the judges, reduced to being the judges" enforcers of wrongdoing. The orders that they may enforce… *"or else!"*, may be:

a. not to docket an application for default judgment against an insider;[248]

b. to lose a proposed discovery order sent by fax as agreed and acknowledged received[249];

c. not to enter on the docket a letter requesting a transcript[250], even though received simultaneously in the same package as the Designation of Items in the Record and the Statement of Issues on Appeal(ws:72fn233a >Add:690-691) that is entered[251];

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[248] **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_Premier_CA2.pdf >A:1331§6: The Bankruptcy Clerk and the Case Administrator disregarded their obligations in the handling of the default application

b) Petition to the Court of Appeals, 2nd Cir., for a Writ of Mandamus; http://Judicial-Discipline-Reform.org/docs/DrCordero_mandamus_app.pdf >A:640§K

[249] Notice of Motion in Bankruptcy Court, WBNY, And Supporting Brief For Docketing And Issue, Removal, Referral, Examination, And Other Relief, ws:56fn233a >D: 207, 217, 232§I

[250] **a)** Petition to the Judicial Conference of the U.S. for an Investigation under 28 U.S.C. §753(c) of a Court Reporter's Refusal to Certify the Reliability of her Transcript and for Designation under 28 U.S.C. §753(b) of Another Individual to Produce the Transcript; http://Judicial-Discipline-Reform.org/docs/DrCordero_to_JConf_CtReporter_28jul5.pdf >rep:29; and

b) http://Judicial-Discipline-Reform.org/docs/28usc671-963_ct_officers.pdf >28 U.S.C. §753

[251] ws:56 fn233a >CA:1736¶35: The Bankruptcy Court selectively docketed the Designation of Items in the Record and Statement of Issues on Appeal, but failed to docket the accompanying letter required under FRBkrP 8007(a)(ws:5fn31). No wonder, for the letter requested the Bankruptcy Court Reporter to produce the transcript of the evidentiary hearing of the motion of Insider Mr. DeLano and his wife to disallow the creditor's claim against them. That transcript incriminated Judge Ninfo in having conducted that hearing as the DeLanos' Advocate in Chief in order to reach the pre-determined decision to grant the motion and disallow the claim.

Thereby the intended result was achieved: The creditor was stripped of standing in the DeLanos'

d. to dismiss an application to the Judicial Conference, as rulemaker and supervisor, to apply its own standards to a transcript written in Pidgin English by a reporter refusing to certify its accuracy;[252]

e. to change the date of receipt[253];

f. to transmit an incomplete record to a district court[254];

g. not to make a transcript available to appellant;[255]

h. not to docket or post on the court's electronic docket a transcript filed by the official reporter(ws:72fn233a >Pst:1351¶¶45-46)

i. not to post on the court's electronic docket the record of the case charging judicial wrongdoing, thereby making it unavailable online, although it was provided by the appellant on a CD in a pdf file[256];

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case so that he could no longer keep requesting the documents that would prove the DeLanos' bankruptcy fraud through concealment of assets as part of Judge Ninfo's and the insiders' bankruptcy fraud scheme. The creditor had to struggle for seven months to obtain the transcript, but the effort was worth it because it is now an official document that reveals Judge Ninfo unabashedly displaying his bias, abuse of power, and contemptuous disregard for due process.(ws:9fn47a)

The transcript is analyzed at ws:9fn48 >Pst:1255§E.1. The wrongdoing regarding the transcript gave rise to a complaint filed with the Judicial Conference and sent to each of its members (ws:61fn250 >C:1082a). It was simply disregarded with indifference by all of them.

252 ws:61fn250 >rep:73. Cf. http://Judicial-Discipline-Reform.org/docs/DrRCordero-JudCoun_local_rule 5.1h.pdf >C:1313: Table 3. Contempt for the law and litigants' rights shown in the dismal quality of the work produced by Judges Larimer and Ninfo and accepted by them from lawyers and clerks

253 Motion in the U.S. Bankruptcy Court, WBNY, to request that Judge John C. Ninfo, II, recuse himself under 28 U.S.C. §455(a) due to his lack of impartiality, ¶¶25, 30-33, 41-43; http://Judicial-Discipline-Reform.org/docs/DrCordero_recuse_JCNinfo_17feb5.pdf

254 ws:51fn233 >Add:922§III. The Clerk of the Bankruptcy Court disregarded the rules by transmitting the record to the District Court when it could not possibly be complete; yet the Court repeatedly scheduled the appeal brief for a date before Dr. Cordero would receive and use the transcript in his appeal

255 a) ws:3fn20 >US:2451§E. District Judge Larimer in coordination with court clerks tried to keep Dr. Cordero from obtaining incriminating transcripts and denied him *every single document* that he requested

b) ws:51fn233a >Add:918§II. Reporter Dianetti already tried on a previous occasion to avoid submitting the transcript and submitted it only over two and half months later and only after Dr. Cordero repeatedly requested it

256 ws:66fn233a > Pst:1351¶¶47-50; and Pst:1214 >WDNY District Judge David Larimer's order of January 6, 2006, denying Dr. Cordero's request "that the Addendum in Support of Appellant's Brief be filed electronically…" because it "exceeds 1,300 pages. Scanning this lengthy document into the system would be very time consuming and unnecessary", but without mentioning that the Appellant's Brief, the Designation of Items, and the Addendum were provided by Dr. Cordero on a CD in PDF files so that there was no need to do any scanning and the file did not exceed 1,300 pages, which in any event is an arbitrary page limit devoid of any support in the rules

j. not to enter an appeal on the docket[257];

k. not to transmit part of a record to a circuit court(ws:16fn74b >ToEA:32§1);[258] despite the requirement to do so[259];

l. to misplace a complaint against the chief judge[260];

m. to impose meaningless arbitrary format requirements for filing a document even contrary to the rules(id. E-8§§C-E)[261]

n. not to act on a paper but instead let it linger in the room of a Supreme Court clerk[262];

o. to abuse the gatekeeping position as clerk to protect oneself or colleagues from a misconduct complaint;[263]

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[257] ws:66fn233a >Add:1081 >Dr. Cordero"s motion of November 15, 2005, for the District Court to comply with the FRBkrP for docketing the transcript, entering the appeal, and scheduling the appellate brief

[258] **a)** ws:14fn74b >A:507 "…the two orders of March 27, 2003, issued by the District Court, WDNY, are missing from the red folder of the Court of Appeals record…For the purpose of computing the timeliness of my appeal, it is important that there be no doubt that I am appealing from them…"

b) ws:51fn232a >A:641¶59…the clerks at the bankruptcy and the district court were each sent originals of the Redesignation of Items on the Record and Statement of Issues on Appeal but neither docketed this paper nor forwarded it to the Court of Appeals

c) http://Judicial-Discipline-Reform.org/docs/DrRCordero_mtn_v_JNinfo_8aug3.pdf >D:416§F. Bankruptcy and district court officers to whom Dr. Cordero sent originals of his Redesignation of Items in the Record and Statement of Issues on Appeal neither docketed nor forwarded this paper to the Court of Appeals, thereby creating the risk of the appeal being thrown out for non-compliance with an appeal requirement

d) Failure of the District Court, WDNY, to transmit to CA2 the Redesignation of Items in the Record and Statement of Issues on Appeal, thus putting at risk the appeal; 24may3; http://Judicial-Discipline-Reform.org/docs/nontransmission_doc_WDNY-CA2.pdf >A:1428 et seq.

[259] **a)** ws:18fn96c >Fed. Rules of Appellate Procedure 6(b)(2)(C): Forwarding the record (i) "When the record is complete, the district clerk…must number the documents constituting the record and send them promptly to the circuit clerk…"

b) ws:5fn31 >FedRBkrP 8006. Record and Issues on Appeal; and 8007(a): Duty of the clerk to transmit copy of record; docketing of appeal

[260] Motion in the U.S. Court of Appeals, 2nd Cir., for declaratory judgment that officers of this court intentionally violated law and rules as part of a pattern of wrongdoing to complainant's detriment and for this court to launch an investigation; 18apr4; http://Judicial-Discipline-Reform.org/docs/DrRCordero_CA2_wrongdoing_pattern_18apr4.pdf >E-4§B

[261] Complaint to the Administrative Office of the United States Courts about Court Administrative and Clerical Officers and their mishandling of judicial misconduct complaints and orders to the detriment of the public at large as well as of Dr. Richard Cordero; http://Judicial-Discipline-Reform.org/docs/complaint_to_Admin_Office_28jul4.pdf

[262] http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf >letter of August 5, 2008, to Mr. William K. Suter, Clerk of the Supreme Court of the United States

[263] **a)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-CA2_clerks_wrongdoing_15may4.pdf > cwr:59§III. The Clerks Abused The Power Of Their Positions And Act In Self-Interest In Their Handling The Motion And The Statement Of Facts

b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-2CirExecKGMilton_mar4.pdf

p. not to docket an appeal brief consisting of over 9,000 pages in 20 volumes(ws:6fn33 >CA:1798; cf. ws:16fn74b >A:1327§3);

q. to have clerks arrogate to themselves the authority to pass judgment on the jurisdictional competence of a judicial disciplinary body so as to dismiss a review petition (ws:20¶40 and ws:21fn98) and thus spare that body the need to deal with an embarrassing and risky complaint against one of their own(ws:62fn206 2nd¶; 16¶¶73-76);

r. i. to rubberstamp a form to dismiss without regard to substance an application to the Judicial Council and to each of its members to exercise its supervisory authority over:

1) a district court that has abused its rulemaking power to protect itself and the insiders from RICO claims(ws:17fn76 >Pst:1360); and

2) judges that have engaged in bankruptcy fraud, whereupon 18 U.S.C. §3057a imposes on every judge the duty to make a report to a U.S. attorney(ws:37fn137 >528i-n);

ii. so that the fact that the applicant does not have a case pending in CA2 is irrelevant and shows the expediency of using a form that invokes it as a cop-out ground for dismissal;

s. to accept a motion defective from its very first line(ws:72¶150b)[264] and rely on it to dismiss a case by disingenuously slapping on an unsigned summary order a couple of citations to cases inapplicable on the facts and the law[265]; etc.

155. As enforcers of the judges' orders, the clerks wield enormous de facto power. They can cause a party to miss a critical deadline by unduly delaying the mailing of an order or not mailing it at all. Thereby they can deprive a party of its day in court. They can also wear the party down financially and emotionally with procedural chicanery until it gives up asserting its rights. They become gatekeepers not only to the judges, their chambers, and the courts, but also to Justice itself. By the same token, as enforcers, they can be an invaluable source of information on how

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[264] ws:3fn16 >CA:2198§A: The Court disingenuously pretends that the Trustee's motion only has "minor deficiencies" although it **1)** failed to state any duty to object to a trustee's final report; **2)** failed even to notice that the bankruptcy judge had deprived Dr. Cordero of standing in DeLano, thus relieving him of any alleged duty to object; **3)** failed to show why the judge would serve notice of his approval of the report on a person without standing; **4)** failed to assert that the alleged service of "a summary of the account" was timely; **5)** failed to explain how service of such "summary" would impose any duty to object; and **6)** failed to cite any authority for pretending that by not objecting to the report the appeal had become moot and dismissible.

[265] ws:3fn16 >CA:2201§B) and http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf >US:2456§A: CA2's dismissal order fetched without discussing a doctrine and strung together two cases objectively inapplicable to *DeLano* both on the facts and the law, for it was a mere pretext to get rid of an appeal that could expose its support and toleration of a bankruptcy fraud scheme

These two instances in this and the previous footnote of acceptance and production of perfunctory work with biased disregard for all standards of form and substance establish a pattern of "anything goes" in favor of an insider; ws:33fn127. See also the acceptance(ws:76fn251) of the transcript written in Pidgin English(ws:10fn47b)

their hiring and firing masters, the judges, let some parties as insiders into their coordinated wrongdoing and keep outsiders from disrupting any form of such wrongdoing, such as the running of a bankruptcy fraud scheme.[266]

C. Bankruptcy professionals and U.S. attorneys as sources of information on how judges coordinate their wrongdoing to run their bankruptcy fraud scheme and why their wrongdoing and secretive meetings, such as those of the Judicial Conference, are tolerated

156. Related to *Premier*, *Pfuntner*, and *DeLano* is a list of professionals, such as attorneys, trustees, accountants, and auctioneers, all of whom are insiders.(ws:11fn57 >GC:4¶¶3-15; and ws:22fn102 >W:162¶3; cf. W:271) They are in a position to provide, even if only on condition of anonymity, valuable information about the functioning of coordinated judicial wrongdoing, in general, and the judicially run bankruptcy fraud scheme, in particular. The lure of becoming this generation‟s Deep Throat of Watergate renown[267](ws:11fn57 >GC:65¶143, 144¶d) can induce them to cooperate while remaining as insiders.

157. U.S. attorneys are another source of inside information about the operation of the courts and how they are knowingly allowed by the Executive Branch to operate close to the margin of the law as well as outside it. They are appointed for a term of four years.[268] Many use such appointment only as a stepping stone to a more lucrative job in the private sector. Their loyalties are not to DoJ, even if they are aware of their confidentiality agreements signed with it and of attorney-client privilege requirements. Their detachment and career independence from DoJ may allow what remains of their conscience after experiencing how the Department cuts corners and goes about its business like many of its defendants[269] to speak out, even if only on

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[266] Over the past eight years, I have dealt with some judiciary employees who might be willing to provide inside information on a strictly off the record basis. This is particularly the case of those who have retired and thus, need not fear too much for their pension. I can provide their names through a secure line of communication.

[267] a) FBI's No. 2 Was 'Deep Throat', Mark Felt Ends 30-Year Mystery of The Post's Watergate Source, David Von Drehle; *The Washington Post*; 1jun5; http://www.washingtonpost.com/wp-dyn/content/article/2005/05/31/AR2005053100655.html; and http://Judicial-Discipline-Reform.org/docs/FBI_No2_Deep_Throat.pdf

b) How Mark Felt Became 'Deep Throat', As a Friendship -- and the Watergate Story -- Developed, Source's Motives Remained a Mystery to Woodward, Bob Woodward, The Washington Post; 2jun5; http://www.washingtonpost.com/wp-dyn/content/article/2005/06/01/AR2005060102124.html; and http://Judicial-Discipline-Reform.org/docs/Mark_Felt_Deep_Throat.pdf

[268] 28 U.S.C. §541(b); http://Judicial-Discipline-Reform.org/docs/28usc_2009.pdf

[269] DoJ prosecuted and convicted the Late U.S. Senator for Alaska, Ted Stevens, on corruption charges only for Attorney General Eric Holder to admit subsequently that the prosecuting U.S. attorneys had evidence calling into question the credibility of DoJ's star witness. That was evidence that they were duty-bound to disclose to the defense but withheld from it in order to secure a conviction. AG Holder stated that, as a result of such misconduct, the indictment should be dismissed and the conviction vacated, as it finally was; http://www.huffingtonpost.com/2009/04/01/ted-stevens-

background. They may furnish insight into how and why DoJ makes and implements decisions not to investigate federal judges and not to reveal incriminating facts about judicial nominees. Their position may allow them to explain how DoJ rationalizes such willful and irresponsible failure to perform its law enforcement role vis-à-vis judges with ready-made phrases such as „nobody is perfect".

158. A particularly rich source of information may be the seven U.S. attorneys who were removed from office on December 7, 2006, and two others around the same time by President George Walker Bush.[270] It was suspected that removing them was an attempt on his part to further politicize the Department of Justice even though its officers are supposed to enforce the law without regard to partisan affiliation or interests, because "all are equal before the law". The President fired those U.S. attorneys with disregard for the fact that all Presidents are under the constant scrutiny of the White House press corps and journalists everywhere else so that any act that could appear as if he were trying to turn DoJ into an arm of his party would be severely criticized. Likewise, DoJ is subject to intense examination by the media.

159. These firings despite the presence of the media provide empirical basis for a reasonable assumption of what may occur when a whole branch of government operates in the absence of the media. The result is the most secretive, incommunicative, and opaque Branch: the Federal Judiciary. Its life-tenured and long-term appointed members never hold a press conference. All its deliberations on cases take place in secret. The Judicial Conference holds its meetings behind closed doors.(ws:61fn205) Thereafter it gets away with having its clerk, the Administrative Office, issue a press release on the trivia of the meeting. Trivia it must be, for if the contents of representative press releases[271](ws:28fn120) were all that was discussed at those meetings, there would be no need whatsoever for the Chief Justice and the other circuit chiefs and judges to hold them in secret. By so doing, they portray themselves to the public as a cabal of mafia dons taking stock of their last operation and voting on whether to order another hit on their legitimate competitors, Lady Justice and Due Process, and a take-out of their most threatening supporter: Chief Justice Brandeis" dictum "Sunshine is the best disinfectant"[272].

160. This image of complicit secrecy is reinforced by the fact that when AO invites comments on a proposed rule, the comments of the public are posted on its website(ws:28fn117c), but not those of judges.[273] This is what happened when AO invited comments on a whole new set of rules for

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conviction-to_n_181632.html; and http://Judicial-Discipline-Reform.org/docs/DoJ_v_Sen_Ted_Stevens.pdf.

270 http://Judicial-Discipline-Reform.org/docs/US_attorneys_fired_mar7.pdf

271 a) http://Judicial-Discipline-Reform.org/docs/JConf_press_release_16sep8.pdf
b) http://Judicial-Discipline-Reform.org/docs/JConf_press_release_17mar9.pdf

272 ws:42fn160 >Dn:1: Proposal for…The Disinfecting Sunshine on the Federal Judiciary Project: multidisciplinary research and an investigation to expose the inner workings of the most secretive branch of government and its riskless disregard for ethics and the law

273 Cf. Judges impose secrecy on ethics-rules Revision Secrecy on the rewriting of federal misconduct rules is only deepening suspicions among critics who say judges have failed to police themselves adequately, Marisa Taylor, Miami Herald; 26oct7; http://Judicial-Discipline-Reform.org/docs/judges

processing complaints against judges(ws:28fn117a). It is a manifestation of the arrogance of unaccountability. None of this can have escaped U.S. attorneys. They may know why both the Executive Branch and Congress allow the Judiciary to function as an entity exempt from the constraint of democratic government: A separate fiefdom whose lords are Judges Above the Law and "We the People" are but the serfdom that only at their pleasure are allowed to have property, liberty, and life.

_secrecy_rules.pdf

VII. Requested action: that WikiLeaks and Sunshine Press engage in leaks, investigations, and a public presentation of both their findings and the *I Accuse!* series of articles to emerge to this country and the rest of the world as principled, courageous, and ambitious Champions of Justice

161. WikiLeaks can be instrumental in backing up with courageous, appropriate, and farsighted action its statement that **"Principled leaking [just as quality investigative journalism]…can alter the course of history in the present; it can lead us to a better future."** WikiLeaks' confidently admits that **"It takes a little bit of naivety in order to jump in and do something that otherwise looks impossible"**. This intrepid and trailblazing attitude should make it all the more determined to embrace a well-thought out investigative and expository strategy(ws:46¶104b) built on meticulously presented and verifiable facts in order to proceed sure-footedly to what looks realistic: To search for and **"broadcast to the world facts"** that can so outrage **„the conscience of the people"** as to set in motion an ever deepening and more expansive media investigation of the Judiciary and its relation with Congress and the Executive Branch. This can in turn force the authorities to conduct official investigations. Their findings can generate the necessary public pressure and political willpower finally(ws:4fn21) to adopt legislation that, recognizing the gross abuse of the inherently self-serving system of judicial self-discipline(ws:1fn4), will replace it with an independent Citizens Board of Judicial Accountability and Discipline.[274]

162. Therefore, I respectfully request that WikiLeaks together with Sunshine Press give functional expression to its statement that **"WikiLeaks relies upon the power of overt fact to enable and empower citizens to bring feared and corrupt governments and corporations to [account for their in]justice."**(ws:37¶86)

A. Collection under advantageous circumstances of evidence of individual and coordinated judicial wrongdoing by the intelligence team's two-pronged *Follow the money!* and the technicians' *Follow the wire!* investigations, and through an appeal to the public to submit related accounts and documents

163. To the end of turning into **"overt fact"** the concealed institutionalized modus operandi of a Federal Judiciary that through its systematic discipline self-exemption has become a safe haven for judges' individual and coordinated wrongdoing while depriving citizens of their property, liberty, and even lives without due process of law(ws:67¶140), WikiLeaks and Sunshine Press should take the following steps:

    a. assemble WikiLeaks' **"first intelligence agency"** team of **"quality journalists"** and court reporters and task it with the two-pronged *Follow the money!* investigation[275] of:

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[274] Overview of the General Provisions of the Proposed Judicial Discipline and Auditing Commission Act; http://Judicial-Discipline-Reform.org/docs/Jud_Discipline_Audit_Comm_Act.pdf

[275] **a)** Valuable leads for the *Follow the money!* investigation: ws:21fn102 >W:1§§I-III and W:29§§V-VIII personal and financial data; W:148¶¶3-4 contact information.

1) the unaccounted-for earnings(ws:22fn102 >W:179A) and undisclosed secondary real estate assets of Justice Sonia Sotomayor(id. >W:237 et seq.), and her cover-up of coordinated wrongdoing by protecting her colleagues with a 100% exemption from any misconduct and disability investigation and discipline(id. >W:229);

2) the unaccounted-for money and assets that WBNY Bankruptcy Judge John C. Ninfo, II; WDNY District Judge David G. Larimer; and their bankruptcy and legal system insiders helped:

   a) to conceal in *DeLano* -at least $673,657(ws:72fn235)- which Then-Judge Sotomayor, presiding(ws:22fn102 >W:228), covered up by denying, as the lower judges had done(ws:26fn109), *every single document* requested(id. >de:39) by the outsider-creditor in 12 requests(id. >de:31), and withholding *DeLano* from the Senate and its Judiciary Committee(ws:22fn102 >W:172§§D-E), lest those documents expose their bankruptcy fraud scheme;

   b) to cause to disappear in *Premier* and *Pfuntner*(ws:11fn57 GC:17§B and 21§C, respectively), which the CA2 panel that heard the appeal, presided over by CA2 Chief Judge John M. Walker, Jr.(ws:18§1), maintained concealed by dismissing the appeal (ws:18fn80 >A:876) and denying the mandamus petition(ws:15fn71 >A:664) to remove Judge Ninfo from the cases and transfer them to another district;

b. task WikiLeaks‟ and Sunshine Press‟s technicians with the *Follow the wire!* investigation(ws:46§V) to determine whether the anomalies in the behavior of Dr. Cordero‟s email accounts, mail, and phone communications are traceable to the Judiciary‟s abuse of power by ordering its own and other technical personnel to illegally intercept his and other people‟s communications with the intent to:

   1) impede the broadcast of facts regarding its abusive discipline self-exemption and resulting riskless coordinated wrongdoing;

   2) hinder the formation of an entity for the advocacy of journalistic and official investigations of such wrongdoing; and thus

   3) forestall the adoption of effective judicial accountability and discipline legislation;

c. invite the public to exercise their constitutional right under the First Amendment to "freedom of speech, of the press, [and] peaceably to assemble, and to petition the Government for a redress of [our] grievances" by submitting to WikiLeaks for publication copies of their past and future misconduct and disability complaints against

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b) Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed; id. W:271

c) See also: How to Conduct A Watergate-like *Follow the Money!* Investigation To Expose Coordinated Wrongdoing in the Judiciary While Applying the Highest Standards of Investigative Journalism; 28sep8; http://Judicial-Discipline-Reform.org/Follow_money/how_to_follow_money.pdf

judges(ws:2¶b), which are not published by the courts and are kept secret even from Congress, and which will:

1) reveal a pattern of wrongdoing by individual judges as well as by the class of judges, and

2) demonstrate that the chief circuit judges, who systematically dismiss those complaints, and they and their colleagues, who on their respective judicial councils systematically deny petitions for review of those dismissals(ws:2fn9 >Cg:1-6), and in the Judicial Conference have developed and implement the policy of evading petitions to review those denials(ws:20¶¶40-42; 31¶¶70-76), have known and concealed, and but for their willful ignorance would have known had they performed their duty to investigate the complaints with due diligence[276], that:

   a) the judges have institutionalized their coordinated wrongdoing by turning it into the Judiciary's unlawful modus operandi, and

   b) given it structure, such as is found in the bankruptcy fraud scheme;[277]

d. invite, in general, the public at large and, in particular, the hundreds of Yahoo- and Google-groups, websites, and blogs by professionals and laypeople that discuss their court experience[278]:

   1) to submit to WikiLeaks for editing and publication in the latter's standardized format:

      a) accounts of their experience with judges who disregard the rule of law to free themselves from the strictures of due process and arbitrarily dispose of motions and cases through the expedient of reasonless, meaningless, and perfunctory summary orders; and

      b) copies of supporting court documents, and:

   2) have WikiLeaks' intelligence team or other staff use the submitted materials to:

      a) build, post, and update a table of judicial wrongdoing based on concrete cases(ws:61fn204a >5§C.1-2); and

      b) compose an Annual Report on Judicial Wrongdoing In America; (id. >7§f)

e. assure current and former bankruptcy and legal system insiders and members of the Judiciary as well as members of the Executive Branch and Congress that if they want to contribute to the exposure of individual and coordinated wrongdoing in the Judiciary by

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[276] ws:1fn4 >28 U.S.C. §§353. Special Committees, 354(a)(1)(A), (b); 356

[277] ws:61fn204a >5§C. Organizing and posting evidence

[278] Bloggers Can Create on the Internet A Buzz Over Judicial Wrongdoing, Cause the Traditional Media to Join Them, and Their Exposures Can Force the Authorities to Launch Official Investigations and Legislate on Judicial Reform; http://Judicial-Discipline-Reform.org/docs/from_bloggers_to_media.pdf

confidentially communicating inside information to WikiLeaks, Sunshine Press, or any of their "intelligence agency" team members and technicians, their existence and anonymity will be held confidential as those of Deep Throat of Watergate renown(ws:80¶156) were by Washington Post Reporters Woodward and Bernstein;

f. take into consideration that New Justice Elena Kagan was never a judge and comes to the Supreme Court without the baggage of having participated in, or condoned, the individual and coordinated wrongdoing that the other justices and lower court judges have; and cause WikiLeaks' "intelligence agency" team to start as soon as possible its investigation and exposure of such wrongdoing so that the outrage likely to be thereby triggered in the public may persuade Justice Kagan not to join the cover-up of such wrongdoing and instead denounce it from the inside and advocate measures to combat and prevent it;

g. similarly, take into consideration that the revelation that President Obama knew that Then-Judge Sotomayor had concealed assets and had been involved in other forms of individual and coordinated wrongdoing but nevertheless nominated and maintained her nomination for a justiceship could cause such public outrage(ws:44¶101 et seq.) as to sway the midterm election next November 2[279] and induce candidates to join WikiLeaks'

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[279] The precedent for this statement is found in what happened in Spain after the terrorist attack on the Atocha Train Station in Madrid on March 11, 2004. It took the lives of 191 persons and injured over 1,800 others. The timing could not have been worst for the conservative government of Outgoing Prime Minister José María Aznar, for it occurred only three days before general elections were to be held in Spain on March 14.

Prime Minister Aznar had supported the American led intervention in Iraq by contributing troops despite opposition to such policy by the majority of the Spanish public. Although the conservative successor candidate, Mariano Rajoy Brey, was ahead in the polls, the Aznar government feared that any association of its Iraq policy with the terrorist attack could cause the electorate to cast a vote of censure against it by either abstaining to vote for the conservatives or voting for the opposing Spanish Socialist Workers' Party led by José Luis Rodríguez Zapatero. So the government publicly blamed the massacre on the Basque separatist movement. It even tried to pressure the main media outlets to do the same.

Far from buckling down to this pressure, the media revealed that the government knew that the Basques separatist movement had nothing to do with the attack and that instead it had growing evidence pointing to its being the work of Islamic extremists. There was an immediate outcry of condemnation upon it being revealed that the conservative government had lied to the public with the intent to mislead it at the polls. In three short days, an outraged public swung its support from the conservatives to give a plurality of seats in the Congress of Deputies to the Socialists. Its leader, Mr. Zapatero, became Prime Minister.

One of the first decisions that Prime Minister Zapatero announced after taking office was the withdrawal of the Spanish contingent from Iraq; meantime, the troops were ordered back to barracks. His new Iraq War policy caused a rift in the traditionally friendly Hispano-American relations. Since then his minority government has managed to adopt legislation, including the liberalization of abortion, the legalization of gay marriage, and the increase in tobacco restrictions, that has marked a historic shift in Spanish politics. More than six years after the preceding prime minister tried to hide incriminating facts from the public in order to extract from it an undeserved, self-interested, partisan gain, Mr. Zapatero is still in power and can further change the course of history. So can WikiLeaks by taking timely action, just as the Spanish media did, before the November 2 elections and WikiLeaks "can lead us to a better future."

and Sunshine Press's advocacy of profound judicial accountability and discipline reform aimed at forcing openness and transparency in the Judiciary's internal functioning and its administration of Justice to the people;

h. post this document(but see ws: on file uploading) and documents at ws:vii§VIII, and any other documents cited here that WikiLeaks and Sunshine Press may deem useful to post;

i. invite Dr. Cordero to be instrumental in the formation of the "intelligence agency" team and the conduct of the *Follow the money!* and *Follow the wire!* investigations and to that end, arrange for a meeting with him; if requested, on that occasion, he can make a presentation of this request(cf. ws:47fn160 >Dn:11);

j. be aware that if WikiLeaks or Sunshine Press sends Dr. Cordero any email, he will at least acknowledge receipt of it within two days. If they do not receive even such acknowledgement, they should resend him the email or contact him by phone at (718)827-9521. In any event, they should make sure that any communication from, and conversation with, him is actually from and with him. From the meticulous and professional nature of this request and the unwavering commitment that it reveals to the objective of judicial discipline reform, WikiLeaks and Sunshine Press should be able to size up Dr. Cordero and form an idea of his character‟s main traits. Their conception of him should allow them to make at least a preliminary determination of whether they are dealing actually with him, rather than somebody else pretending to be he, given that Dr. Cordero does and will behave in a way consistent with his previous conduct, knowledge, objectives, and the character that underlies them.

B. Presentation of the collected evidence and of the first article of the *I Accuse!* series at a multimedia public presentation where to launch also a project of judicial unaccountability research, investigation, monitoring, and publication, and advocacy of judicial accountability and discipline reform

164. Once the "intelligence agency" team has turned concealed evidence of judicial wrongdoing into **"overt fact"**, WikiLeaks and Sunshine Press can **"broadcast it to the world"** in a series of expository articles widely published on their respective publishing means and in first rate media outlets. That series can become the modern version of *I Accuse!*, the article where novelist Émile Zola dared expose the conviction of Jewish French Lieutenant Dreyfus for spying for the Germans as based on false accusations resulting from an Anti-Semitic conspiracy among French army officers. [280] Zola‟s courageous counter-accusation is credited with not only bringing about the exoneration and rehabilitation of Dreyfus, but also setting off a historic critical examination of many French officers' above-the-law sense of superiority in contrast to the ideal of Liberty,

[280] *J'accuse…!*, *I accuse!*, Open letter to the President of the French Republic, Émile Zola, L'Aurore; 13jan1898; Chameleon Translations, ©2004 David Short; http://www.chameleon-translations.com/sample-Zola.shtml; and http://Judicial-Discipline-Reform.org/Follow_money/Emile_Zola_I_Accuse.pdf

Equality, and Fraternity as the standard bearers of the collective French soul.

165. The *I Accuse!* series(ws:85¶d2)) of WikiLeaks and Sunshine Press can likewise provoke a reformative debate in our country on the evidence of the Judiciary as the safe haven of wrongdoing Judges Above the Law undisturbed by a self-preserving Congress and Executive Branch pretending deference to the doctrine of separation of powers while the three branches complicitly injure a people entitled to government actually operating on the foundational principle of Equal Justice Under Law. To that end, WikiLeaks and Sunshine Press can hold the proposed professionally produced and widely advertised multimedia public presentation (ws:47fn160 >Dn:4§C) where to:

    a. **'broadcast the main findings'** of the *Follow the money!* and *Follow the wire!* investigations;
    b. launch the first article of the *I Accuse!* series of exposés of judicial unaccountability and self-exemption from discipline and their manifestation in concrete cases so as to identify what constitutes their cause and effect: riskless abuse of judicial power; and
    c. announce a project(ws:81fn272; id. >Dn:11¶2) of multidisciplinary research, investigation, monitoring, and publication concerning judicial unaccountability and wrongdoing that can enable „Sunshine Press and WikiLeaks to become the best disinfectant" center for advocating the need and forging means for cleaning the Judiciary of its institutionalized coordinated wrongdoing. (id. >Dn:11¶3; ws:46¶104b)

166. I entreat you to take advantage of this auspicious opportunity afforded by WikiLeaks" increased public recognition, a new Supreme Court justice, and the upcoming elections: Adopt a proactive stance and become for the millions of people that yearn or struggle for "Equal Justice Under Law" the one that applies its commitment and resources, not just to erect **"a buttress against unaccountable and abusive power"**, but also to emerge prominently and decisively as their Champions of Justice.[281]

I look forward to receiving your reply to this request and would appreciate it if you would as a first step acknowledge receipt of it, as provided for at ws:ii Note on emailing.

Date: October 6, 2010

Dr. Richard Cordero, Esq.

59 Crescent Street
Brooklyn, New York, U.S. 11208

Dr. Richard Cordero, Esq.

[282] Reference added in ws:5fn26 to this footnote.

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[281] In Search of The Champion of Justice Among Candidates for Political Office: How entities and individuals that advocate judicial reform can increase their efficiency through the support of a common strategy that capitalizes on the possibility that a candidate for political office may in his or her own interest wish to stand out from the other candidates by becoming known as the one who will fight judicial unaccountability and the corruption that it engenders and bring integrity to judicial process that ensures "Equal Justice Under Law"; http://Judicial-Discipline-Reform.org/Follow_money/Champion_of_Justice.pdf

[282] In the year to 30jun10, 1,572,597 cases were filed in the U.S. Bankruptcy Courts, a 20.4% increase

over the 1,306,315 filed in the year to 30jun9 that continued the up-ward trend since 2006; http://www.uscourts.gov/Statistics/BankruptcyStatistics.aspx >12-month period ending June >2009-2010 Calendar Year comparison; and http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/latest_bkr_filings.pdf.

These figures do not include:

1. 43,776 civil cases (=57,138 -13,362) filed in the 12 regional U.S. Courts of Appeals in the year to 31dec9 (Table B-1.—Appeals Commenced);
2. 1,337 filed in the Court of Appeals for the Federal Circuit (Table B-8.—Appeals Filed); nor
3. 278,884 civil cases filed in the U.S. District Courts in the same period.

Administrative Office of the United States Courts, *Statistical Tables for the Federal Judiciary*: December 31, 2009; Washington, D.C., 2010; http://www.uscourts.gov/Statistics/StatisticalTablesForTheFederalJudiciary/December2009.aspx; and http://Judicial-Discipline-Reform.org/statistics&tables/caseload/1judicial_caseload.pdf

In all these 1,896,594 (=1,572,597 + 323,997 [=43,776 + 1,337 + 278,884]) civil cases, money could have been at stake and unaccountable federal judges could abusively wield power in self-interest to decide who kept it or had to pay it out to somebody.

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Dr. Richard Cordero, Esq.

59 Crescent Street, Brooklyn, NY 11208-1515
tel. (718) 827-9521; Dr.Richard.Cordero.Esq@gmail.com

BAR MEMBERSHIP AND SPECIAL SKILLS: • admitted to the NY State Bar and specialized in field and library research and writing of legal briefs and business and high technology articles;

- can gather seemingly unconnected pieces of information, select those relevant to the objective pursued, and imaginatively integrate them into a coherent new structure, expressed clearly and concisely, that renders them meaningful and useful, like a mosaic that depicts a realistic and decorative scene of the ancient Romans, yet originates in insignificant stone fragments expertly sifted from dirt and artfully set together.

ADVANCED KNOWLEDGE OF: • computers and their use for word processing, graphics composition and presentation, e-mailing; Internet research, desktop publishing, and office efficiency improvement.

LANGUAGES: • speak fluently English, Spanish, and French; converse in German and Italian.

RELEVANT EXPERIENCE

ORGANIZER OF JUDICIAL-DISCIPLINE-REFORM.ORG New York City, NY

- A non-partisan and non-denominational website that advocates the study of the judiciary and the adoption of legislation to replace the inherently biased and ineffective judges-judging-judges system of judicial self-discipline with a system based on an independent board of citizens unrelated to the judges.

RESEARCHER AND WRITER, 1995-to date New York City, NY

- Developed the Euro Project, a 3-prong business proposal consisting of the Euro Conference, the Euro Consulting Services, and the Euro Newsletter, and aimed at enabling firms to capitalize on their expertise in the euro by providing services for the adaptation of business practices and information technology systems to the European Union's new common currency that replaced its national currencies.

WAYNE COUNTY EXECUTIVE OFFICE, 1994 Detroit, MI

- Developed economic and marketing features of the master plan for the intermodal transportation and industrial complex of Willow Run Tradeport in Detroit.
- Drafted and implemented proposals for increasing office productivity using IT and equipment.

LAWYERS COOPERATIVE PUBLISHING, 1991-1993 Rochester, NY

- Member of the editorial staff of LCP, the foremost publisher of analytical legal commentaries.
- Researched and wrote articles on securities regulations, antitrust, and banking under American law.

COMMISSION OF THE EUROPEAN COMMUNITIES, 1984-1985 Brussels, Belgium

- Devised proposals for harmonizing supervisory regulations on mortgage credit and on reporting large loan exposures by one and all members of a banking system to individual and related borrowers.
- My proposals were adopted by the EEC Banking Division and negotiated with the national experts in the supervision of financial institutions of the Member States.
- Drafted replies to financial questions put by the European Parliament to the Commission.

EDUCATION

THE UNIVERSITY OF CAMBRIDGE Cambridge, England

Ph.D. of the Faculty of Law, 1988

- My doctoral dissertation analyzed the existing European legal and political environment and proposed a new system for harmonizing the regulation and supervision of financial institutions.

THE UNIVERSITY OF MICHIGAN Ann Arbor, Michigan

Master of Business Administration (MBA) of the Business School, 1995

- Emphasis on corporate strategies to maximize a company's competitiveness through the optimal use of computer-based expert systems, information technology, and telecommunications networks.

LA SORBONNE Paris, France

French law degree of the Faculty of Law and Economics, 1982

- Was awarded a French Government scholarship
- Concentrated on the operation of a currency basket to achieve monetary stability and on the application of harmonized commercial regulations & antitrust competition rules on companies with dominant positions.

PUBLICATIONS

- Cf. Academic proposal for teaching The *DeLano* Course, the hands-on, role-playing, fraud investigative and expository course, and legal research and writing; http://Judicial-Discipline-Reform.org/DeLano_course/14Law/DrCordero-Dean.pdf
- Availability of an Implied Right of Action under the Tender Offer Provisions of §14d-f of the Securities Exchange Act of 1934 (15 USCS §78n(d)-(f)), added to the Exchange Act by the Williams Act of 1968, and Rules Promulgated thereunder by the SEC, 120 ALR Federal 145.
- Venue Provisions of the National Bank Act (12 USCS §94) As Affected By Other Federal Venue Provisions and Doctrines, 111 ALR Federal 235.
- Construction and Application of the Right to Financial Privacy Act of 1978 (12 USCS §§ 3401-3422), 112 ALR Federal 295.
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