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Ms. Annette Miller
Director, Research & Info Services
The NewsHour with Jim Lehrer
MacNeil-Lehrer Productions
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Dear Ms. Miller,

Thank you for e-mailing me the requested "Jim Lehrer's Rules for Journalism" so that I may post them on my website, Judicial Discipline Reform.org, which is still under construction.

I also appreciate your kind invitation to contact you if you can be of further assistance. Indeed, you can and in the process I believe that I too would be assisting you and Mr. Lehrer in your business of informing by giving you notice before anybody else of what can be a newsworthy event, namely, the public call for investigative journalists to pursue the objective of the website: The site will be dedicated to presenting the evidence, gathered during the more than five year prosecution of 11 federal court cases, that warrants the query whether due to lack of an effective mechanism of judicial conduct control and self-discipline a federal judgeship has become a safe haven for wrongdoing and, if so, how high and to what extent judicial wrongdoing has reached. Through the web, I will call for the formation of a virtual firm of lawyers and investigators to help prepare pro bono a class action centered on a test case arising from the evidence gathered so far and involving the top two judges of the U.S. Court of Appeals for the Second Circuit, that is, Chief Judge John M. Walker, Jr., and Judge Dennis Jacobs.

The evidence already in hand consists of hundreds of documents, including official letters and statistics, pleadings, motions, statements of accounts, court orders and decisions, and the like. The events described in them are also concisely put in the herewith 10-page Statement of Facts. Its assertions are supported by numerous hyperlinked references to those documents. The hyperlink targets are PDF files too many and large to be e-mailed, but I will post them on my website upon its opening to the public.

However, if after reading the Statement you come away with the impression that it is a serious and at least facially credible account of events, and you believe that publicly charging the top two judges of the most important federal judicial circuit with wrongdoing, and offering as exhibits thereof thousands of pages of publicly filed or published documents meticulously analyzed are events that deserve further investigation by Mr. Lehrer and his colleagues, please ask me for a copy of the evidence on a CD. I will send it to you with a printed copy of the Table of Exhibits, which contains a descriptive, not merely identifying, entry for each document, all of which are thematically and chronologically organized and have their significance and implications highlighted by comments as well as additional tables. The summarizing table of the 11 cases that accompanies the Statement is but the first of the 200 pages of the Table of Exhibits.

I trust that you and Mr. Lehrer will want to determine for yourselves the sufficiency of the evidence for the query whether a federal judgeship has become a safe haven for wrongdoing; and look forward to your affording me the opportunity to send you a copy of it on a CD

Sincerely,

Dr. Richard Cordero

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Statement of Facts

providing evidentiary foundation for the query whether
a federal judgeship has become a safe haven for wrongdoing and
calling for the formation of a virtual firm of lawyers and investigators
to prepare pro bono a class action based on a test case charging that
Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of
the U.S. Court of Appeals for the Second Circuit have engaged in
a series of acts of disregard for the law, the rules, and the facts, and
of systematic dismissal of judicial misconduct complaints
forming a pattern of intentional and coordinated wrongdoing
that protects peers and other schemers involved in a bankruptcy fraud scheme

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I. Evidence supporting the query & test case gathered in 11 cases over 5 years

1. The herein discussed query whether a federal judgeship is a safe haven for wrongdoing and the concrete charges of such wrongdoing arise from evidence collected during the past five years from 11 related cases. (ToEC:1)[1] Such evidence indicates that the wrongdoing is motivated by a most insidious corruptor: money, the enormous amount of money at stake in fraudulent bankruptcies. (findings leading to the Bankruptcy Abuse Prevention and Consumer Prevention Act (BAPCPA) of 2005, Pub. L. 109-8, 119 Stat. 23 and Pst:1395)

[1] The letters preceding the page number # identify the cases & their tables of exhibits. (ToEC:1fn. & 5§IV)

2. In just one of those cases the judges have refused even to ask for the whereabouts of over $670,000 (ToEC:110) earned or received by the 'bankrupt' *banker*, as shown by his own documents…and according to PACER.uscourts.gov (Public Access to Court Electronic Records) the trustee in his case had at the time 3,909 *open* cases! The judges' refusal to take or skip a necessary step to decide a case is only one use of the means enabling money to have its evil effect, to wit, the most powerful corruptor, power itself, here unsupervised, discipline-free, in practice absolute judicial power exercised by federal judges who have in fact become a class of people above the law.

3. The evidence in those 11 cases shows that judges have systematically exercised judicial power through bias and disregard for the rule of law that is intended to prescribe limits to its use. Risk-free abuse of judicial power in a setting awash with money has led certain judges, their staff, and bankruptcy trustees to support a bankruptcy fraud scheme. While their exercise of it is immune from discipline, it is not harmless. It has had injurious consequences for Dr. Richard Cordero, Esq., depriving him of his legal rights in cases to which he is a party pro se and causing him enormous waste of effort, time, and money as well as inflicting upon him tremendous emotional distress.

4. Repeatedly, Dr. Cordero has submitted to Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the Court of Appeals for the Second Circuit (CA2), who have supervisory duties over the integrity of 2nd Circuit courts, substantial evidence of the pattern of support by U.S. judges therein of the bankruptcy fraud scheme and its effect on him. Consistently they have disregarded that evidence, thereby condoning the other judges' continued support for the scheme and the schemers and allowing their bias and denial of due process to further injure Dr. Cordero.

5. In so doing, Judges Walker and Jacobs have shown their own bias toward their peers and staffs, including their own staff (ToEC:19§C), to the detriment of Dr. Cordero and have also denied him due process of law in their dealings with him. In addition, by so protecting those officers they have breached their oath of office to apply the law, let alone do so equally "without respect to persons" (28 U.S.C. §453), which gives rise to a duty that inures to the benefit of every third party, such as Dr. Cordero, who comes before them with the reasonable expectation of having their cases decided impartially in accordance with law. Moreover, they have failed to discharge their duty as chief judge and as members of the Judicial Council of the Second Circuit to safeguard the integrity of the courts and their officers in the Circuit, a duty that also runs to the benefit of every person that resorts to the courts for the proper administration of justice.

6. There is ample and *official* evidence of coordinated and systematic disregard by judges of misconduct by their peers. (ToEC:39>973 & Comment) To establish such disregard and its consequences a test case can appropriately center on C.J. Walker and Judge Jacobs because the evidence against them is as abundant as their disregard of judicial misconduct has been blatant.

II. The pattern of wrongful acts in support of a bankruptcy fraud scheme began with Judge Ninfo's summary dismissal of Dr. Cordero's cross-claims against Trustee Gordon in *Pfuntner v. Trustee Gordon et al.*

7. Dr. Cordero is currently a resident of New York City. However, in the early 1990's he resided in Rochester, NY. Before leaving that city in 1993, he entrusted personal and professional property to a moving and storage company. For almost 10 years he paid storage and insurance fees for the safekeeping of such property.

8. At the beginning of 2002, Dr. Cordero contacted by phone Mr. David Palmer, the owner of

Premier Van Lines, Inc., the moving and storage company in Rochester, NY, that was storing his property. He wanted to resolve a billing issue and find out the current name of the insurance carrier. Mr. Palmer assured him that his property was safe at the Jefferson Henrietta Warehouse. Its manager, Mr. David Dworkin, did likewise and even billed Dr. Cordero for the monthly fees. (A:353-1&2) After Mr. Palmer became unreachable, Mr. Dworkin kept assuring Dr. Cordero that his property was safe and that he would find out the name of its insurer. Only much later did Mr. Dworkin reveal to him that Premier had gone bankrupt and was already in liquidation!

9. As it turned out, more than a year earlier, on March 5, 2001, Mr. Palmer had filed a voluntary petition for Premier's bankruptcy under 11 U.S.C. Chapter 11 (*In re Premier Van Lines, Inc.*, no. 01-20692, WBNY, docket at A:565; nywb.uscourts.gov/; hereinafter *Premier*). His case had landed before Bankruptcy Judge John C. Ninfo, II, WBNY. Soon thereafter Mr. Palmer failed to comply with the obligations of his bankruptcy and even stopped appearing in its proceedings. Hence, on December 28, 2001, Trustee Kenneth Gordon, Esq., the Standing Trustee for liquidations under Chapter 7, was appointed to liquidate Premier. (A:572/63)

10. Trustee Gordon's performance was so negligent and reckless that he failed to find out that Mr. James Pfuntner owned a warehouse in Avon, Rochester, where Premier had stored its clients' property, such as those of Dr. Cordero. To begin with, just as Mr. Palmer failed to inform Dr. Cordero of his filing for bankruptcy protection for Premier, the Trustee did not inform Dr. Cordero of his liquidation of it; consequently, Dr. Cordero was deprived of his right to file a claim as creditor of Premier. By failing thus to inform Dr. Cordero, the Trustee also deprived him of the opportunity to decide what to do with his property. Moreover, Trustee Gordon could have found out the possibility of such property being in Mr. Pfuntner's warehouse by just examining *Premier*'s docket (A:567/13, 17, 19, 21, 23; 571/52), not to mention through diligent examination under 11 U.S.C. §704(4) of Premier's financial affairs and its business records, to which he had access (A:109 ftnts-5-8; A:45, 46, 352).

11. As a result, Trustee Gordon failed to discover the income-producing storage accounts that belonged to the estate or to act timely (A-575:94; cf. A:46-48; A:575/87, 89). So he closed the case as "No distribution" (A:577/107 & entries for 10/24/2003), although he had not only classified it as an "Asset case" (A:572/70, 573/71; 575/94, 95), but had also applied for authorization to Judge Ninfo and received it to hire an auctioneer, Mr. Roy Teitsworth (A:576/97)…and then what happened? Where is the accountant's report for which $4,699 was paid? (A:575/90) Nobody would answer, for these were job-threatening questions (28 CFR §58.6(7)) that no outsider was supposed to ask. (A:835§B7) Interestingly enough, a query on PACER of Kenneth Gordon as trustee returned that between April 12, 2000, and November 3, 2003, he was the trustee in 3,092 cases! How many of them did he handle as he did Premier?

12. Likewise, Mr. David Gene DeLano, Assistant Vice President for M&T Bank handled negligently and recklessly the liquidation of the storage containers that Mr. Palmer had bought with a loan from M&T in which the latter had kept a security interest. He assured Dr. Cordero that he had seen the storage containers holding his property at the Jefferson Henrietta Warehouse; that those containers had been sold to Champion Moving & Storage; and that he should contact and from them on deal with Champion concerning his property in those containers. (Tr.149/25-150/6, 101/17-19, 109/3-5, 111/9-24, 141/8-13) Dr. Cordero did so only to find out that Champion had never received such containers. Thus, he had to search for his property. Eventually he found out that the containers had never been at the Jefferson Henrietta Warehouse! Instead, they had been abandoned by Mr. Palmer at Mr. Pfuntner's warehouse in Avon. (A:46; Pst:1285¶70)

13. Dr. Cordero was referred to Trustee Gordon to find out how to retrieve his property. But the Trustee would not give him any information and even enjoined him not to contact his office anymore (A:353-25, 26), thus violating his duty under 11 U.S.C.§704(7) to a party in interest.

14. Dr. Cordero found out that *Premier* was before Judge Ninfo and applied to him for a review of Trustee Gordon's performance and fitness to serve as Premier's trustee. (A:353-28, 29) The Judge, however, took no action other than to pass that application on to the Trustee's supervisor, namely, Assistant U.S. Trustee Kathleen Dunivin Schmitt. (A:29) Her office is in the same small federal building as that of Judge Ninfo's Bankruptcy Court, Trustee Gordon's box, the District Court, the U.S. Attorney's Office, and the FBI Bureau; this allows for daily contacts and the development of a web of personal relationships among their officers. By contrast, Dr. Cordero lives hundreds of miles away in NYC and is, thus, a 'diverse citizen'. Not surprisingly, Trustee Schmitt conducted a 'quick contact' with her supervisee, Trustee Gordon, that was as superficial as it was severely flawed. (A:53, 104) Nor did Judge Ninfo take action upon Dr. Cordero bringing to his attention (A:32, 38) that Trustee Gordon had filed with him false statements and statements defamatory of Dr. Cordero to persuade the Judge not to take any action on Dr. Cordero's Application to review his performance (A:19, 41§II).

15. Meantime, Mr. Pfuntner had commenced an adversary proceeding on September 27, 2002, against the Trustee, Dr. Cordero, M&T Bank, and a hockey club to recover administrative and storage fees (A:22) from them (*Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY; docket at A:1551). Dr. Cordero cross-claimed against Trustee Gordon and M&T Bank (A:70, 83, 88) and also brought in as third-party defendants Messrs. Palmer, Dworkin, and DeLano and Jefferson Henrietta Warehouse. (Add:534/after entry 13; 891/fn.1)

16. Trustee Gordon countered with a motion under Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss only Dr. Cordero's cross-claims against him. (A:135, 143) It was argued on December 18, 2002. By then almost three months had gone by since the commencement of *Pfuntner*, but the required Rule 16 and 26 meeting of the parties and disclosure had not taken place despite Dr. Cordero having disclosed numerous documents as exhibits to his papers. (A:11-18, 33-36, 45-49, 63-65, 91-94)- much less had there been any discovery. Yet, disregarding the record's lack of factual development, Judge Ninfo summarily dismissed the cross-claims notwithstanding the genuine issues of material fact that Dr. Cordero had raised concerning the Trustee's negligence and recklessness in liquidating Premier (A:148). Similarly, the Judge disregarded the consideration that after discovery and at trial Mr. Pfuntner's claims against the Trustee could lend support to Dr. Cordero's claims against the Trustee.

17. Judge Ninfo even excused the Trustee's defamatory and false statements as merely "part of the Trustee just trying to resolve these issues", (A:275/10-12) thus condoning his use of falsehood; astonishingly acknowledging in open court his own acceptance of unethical behavior; and showing gross indifference to its injurious effect on Dr. Cordero.

18. That dismissal constituted the first of a long series of similar acts of disregard for the law, the rules, and the facts in which Judge Ninfo as well as other judicial and clerical officers at both the Bankruptcy and the District Court have participated, all consistently to the benefit of those in the web of personal relationships and to Dr. Cordero's detriment. Such acts were initially aimed at preventing Dr. Cordero's appeal, for if the dismissal were reversed and the cross-claims reinstated, discovery could establish how Judge Ninfo had failed to realize or knowingly tolerated Trustee Gordon's negligent and reckless liquidation of Premier. This fact would be followed by a common sense question: What motive did he have to do so?

19. Answering that question would bring up a very incisive one: Had these two officers engaged in similar conduct in any of the other cases on which they had worked together? They had had the opportunity to do so, for a subsequent PACER query showed that between April 12, 2000, and June 26, 2004, Trustee Gordon had been the trustee in 3,383 cases, out of which 3,382 had come before Judge Ninfo! (A:1406) Astonishing!, for how could a single trustee take care of examining the debtors' financial affairs and ascertaining the good faith of their petitions and dealing with the creditors and collecting the assets and liquidating them and holding auctions, and reviewing accountants' reports and making distribution and filing reports and attending hearings, and and and of each of such an overwhelming number of cases? (D:458§V) This would beg the question why had Trustee Schmitt and her supervisor, U.S. Trustee for Region 2 Deirdre Martini allowed one person to take on so many cases in such a short period of time? And how many millions of dollars worth of assets has Trustee Gordon been in charge of liquidating? How many other questions would it take to pierce the web to reveal the motives of their personal relationships?

A. C.J. Walker and J. Jacobs have been made aware of the evidence of judges' bias and disregard for the rule of law but have refused to investigate them, thus failing to safeguard judicial integrity and protect Dr. Cordero from their abuse

20. Dr. Cordero made Chief Judge Walker aware of these and similar concerns. Indeed, the Chief Judge was a member of the panel that was drawn –randomly?- to decide his appeal from *Pfuntner* in *Premier Van et al*., no. 03-5023, CA2. (docket at A:1285) As such, the Chief was supposed to read Dr. Cordero's brief of July 9, 2003 (C:1304), which also included appellate arguments concerning the arbitrary, unlawful, and suspicious way in which Judge Ninfo (A:302, 306) and District Judge David G. Larimer, WDNY, (A:315, 339, 343, 350) denied Dr. Cordero's application for default judgment against Premier Owner David Palmer (A:290-95), who had nevertheless been defaulted by Bankruptcy Clerk of Court Paul Warren (A:303; 334).

21. Moreover, Chief Judge Walker was the officer with whom Dr. Cordero lodged his misconduct complaint against Judge Ninfo of August 8, 2003, (C:1, 63) under the Judicial Conduct and Disability Act. That statute imposes on the circuit chief judge the duty to "expeditiously review" such complaints. (28 U.S.C. §352(a)) Anyway, the Chief should have investigated a complaint like that which cast doubt on the integrity of a judge and the fairness of justice that he administered.

22. What is more, the Chief Judge was a member of the panel that decided Dr. Cordero's petition of September 12, 2003, for a writ of mandamus, no. 03-3088, CA2, (A:617) requesting that Judge Ninfo be disqualified for bias and disregard for the rule of law and that *Pfuntner* be transferred outside his web of personal relationships to an impartial court, such as the U.S. District Court in Albany, NDNY. More still, he learned of additional charges through Dr. Cordero's motion of November 3, 2003, to update the evidence of Judge Ninfo's bias. (A:801) Even more, the Chief had the opportunity to hear about Judge Ninfo's misconduct during Dr. Cordero's oral argument of *Premier Van et al.* on December 11, 2003; and even read the argument's written version that Dr. Cordero handed out to him and the other panel members on the day of argument. (C:296)

23. Nevertheless, Chief Judge Walker did nothing, that is, except deny those requests. (A:876, 664) Yet, he had the duty to review or "promptly appoint a special committee to investigate" the complaint (§353(a)). Instead, he let *six months* go by without taking any action on it. So on February 2, 2004, Dr. Cordero wrote a letter to him to inquire about the status of the complaint. (C:105) What is more, he pointed out to the Chief that the duty of promptness was imposed on him not only under the Act, but also under the Circuit's own rules, that is, Rule 3(a) of the Rules of the

Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers under 28 U.S.C. §351 et seq. (C:75) This time the Chief did something: He had Dr. Cordero's letter returned to the sender and that's it! (C:109)

24. More than a month and a half later Chief Judge Walker had still taken no action on the complaint. By contrast, Judge Ninfo went on to engage in even more flagrantly wrongful conduct in another case to which Dr. Cordero was made a party, namely, the voluntary petition for bankruptcy under 11 U.S.C. Chapter 13 of David DeLano, the M&T Bank Assistant Vice President of all people! (*In re DeLano*, no. 04-20280, WBNY; C:1431-68; docket at D:496) Consequently, Dr. Cordero filed a judicial misconduct complaint against Chief Judge Walker on March 19, 2004. (C:271) As required by law and Circuit rule, he addressed it to the next judge eligible to become the chief judge, to wit, Circuit Judge Dennis Jacobs.

III. CJ Walker and J. Jacobs are protecting their peers by refusing to *Follow the money!* to find over $670,000 unaccounted for in just one out of one trustee's more than 3,900 cases, i.e., *In re DeLano*, which could lead to the exposure of a bankruptcy fraud scheme and the schemers

25. Dr. Cordero brought to Judge Jacobs' attention not only Chief Judge Walker's failure to take action on the complaint against Judge Ninfo, but also how his inaction had condoned Judge Ninfo's misconduct and allowed him to engage even more flagrantly in bias and disregard for the law, the rules, and the facts in the handling of *DeLano*. A judge mindful of his duty, not only under §351, but also as a member of the Judicial Council, to safeguard the integrity of judicial process and the proper administration of justice would have conducted an investigation, for the *DeLano* petition and its handling by Judge Ninfo and other court officers and trustees are so egregious as to reveal the force that joins them and links the cases: a bankruptcy fraud scheme.

26. Indeed, Mr. David and Mrs. Mary Ann Delano are not average debtors. Mr. David DeLano has worked in financing for 7 years and as an officer at two banks for 32 years: 39 years professionally managing money!…and counting, for he is still working for M&T Bank as a manager in credit administration (Tr:15/17-16/15). As such, he qualifies as an expert in how to assess creditworthiness and remain solvent to be able to repay bank loans. Thus, Mr. Delano is a member of a class of people who should know how not to go bankrupt.

27. As for Mrs. DeLano, she was a specialist in business Xerox machines. As such, she is a person trained to think methodically so as to ask pointed questions of customers and guide them through a series of systematic steps to solve their technical problems with Xerox machines.

28. Hence, the DeLanos are professionals with expertise in borrowing, dealing with bankruptcies, and learning and applying technical instructions. They should have been held to a high standard of responsibility…but instead they were allowed to conceal assets because they know too much.

29. This means that because of his 39-year long career in finance and banking, Mr. DeLano has learned how borrowers use or abuse the bankruptcy system, and more importantly, how trustees and court officers handle their petitions so that rightfully or wrongfully they are successful in obtaining bankruptcy relief from their debts. Actually, Mr. DeLano works precisely in the area of bankruptcies at M&T Bank, collecting money from delinquent commercial borrowers and even liquidating company assets (Tr:17.14-19). In fact, he was the M&T officer that liquidated the storage containers in which M&T kept an interest to secure its loan to Mr. Palmer. So he knows how the latter was treated by Judge Ninfo in *Premier*, which gave rise to *Pfuntner*.

30. In preparation for their golden retirement, the DeLanos filed their joint voluntary bankruptcy petition and, of course, it came before Judge Ninfo. Based on what and whom Mr. DeLano knew, they could expect their petition to glide smoothly toward being granted (D:266¶¶37-39) The fact that among their 21 creditors in Schedule F they themselves named Dr. Cordero (C:1448) must have carried no significance at all other than that thereby they would be able to discharge his claim against Mr. DeLano arising in *Pfuntner*. After all, Dr. Cordero was their only non-institutional creditor, lives hundreds of miles away in NYC, and was unsecured to boot.

31. But a most unforeseen event occurred: Dr. Cordero went through the trouble of examining their petition, and more surprisingly yet, he even realized how incongruous the declarations were that the DeLanos had made in its Schedules (C:1437-1454) and Statement of Financial Affairs (C:1455-1461). Most unexpectedly, not only did he put in writing his realization, but he also traveled all the way to Rochester to attend the meeting of their creditors on March 8, 2004 (D:23), the only one to do so! (D:68, 69) While there he filed with Judge Ninfo's clerks his objection to the confirmation (C:291) of their debt repayment plan (C:1467) and even invoked 11 U.S.C. §1302(b) and §704(4) and (7) to request Chapter 13 Trustee George Reiber to investigate their financial affairs and produce documents to show the in- and outflow of their money.

32. Money the DeLanos do have, as Trustee Reiber, Judge Ninfo, Assistant Trustee Schmitt, and Region 2 Trustee Martini knew or could have readily known had they only cast a glance at their implausible petition. (C:1411) Hence, the alarms went off, for these officers were aware that Mr. DeLano could not be allowed to go down on a charge of bankruptcy fraud since he knows about their intentional and coordinated disregard for the law, the rules, and the facts in handling bankruptcy petitions, that is, of their support for the bankruptcy fraud scheme. Therefore, if Mr. DeLano's petition were checked and as a result, he were charged with bankruptcy fraud and he and his wife ended up facing up to 20 years imprisonment and ruinous fines under 18 U.S.C. Ch. 9, and §§1519 and 3571, he would consider it in his interest to enter into a plea bargain to incriminate top schemers in exchange for leniency. Consequently, the schemers closed ranks to protect Mr. DeLano from being investigated or having to produce incriminating documents.

33. Yet, even a person untrained in bankruptcy could realize the incongruity and implausibility of the DeLanos' declarations in their bankruptcy petition. For instance:

    a. The DeLanos earned $291,470 in just the 2001-2003 fiscal years preceding their petition of January 27, 2004 (C:1419; 1499);

    b. but they declared having only $535 in hand and accounts (C:1439); yet, they and their attorney, Christopher Werner, Esq., knew that they could afford to pay $16,654 in legal fees (C:1060) for over a year's maneuvering to avoid producing the documents requested by Dr. Cordero, which would incriminate them for concealment of assets; their tough stance was rewarded by Judge Ninfo, who without any written request allowed even higher legal fees, $18,005! (C:1057) But then Att. Werner is not just any attorney: according to PACER, as of February 28, 2005, he had appeared before Judge Ninfo in 525 cases out of 575! (ToEC:91¶3) Trustee Reiber rewarded Att. Werner too by requesting another $9,948 for him on December 7, 2005, and lowering the recovery rate from 22¢ to less than 13¢ on the $ (Pst:1175). Outrageous arrogance of power endowed with immunity!

    c. The DeLanos amassed a whopping debt of $98,092 (C:1449), although the average credit card debt of Americans is $6,000; and spread it over 18 credit cards so that no issuer would have a stake high enough to make litigation cost-effective (C:1401).

d. Despite all that borrowing, they declared household goods worth only $2,910 (C:1439) …that's all they pretend to have accumulated throughout their combined worklives, including Mr. DeLano's 39 years as a bank officer, although they earned over a *100* times that amount, $291,470, in only the three fiscal years of 2001-03 (C:1499)…Unbelievable!;

e. They also strung together mortgages since 1975, through which they received $382,187 (Add:1058) to buy their home; yet in 2005, 30 years later, they lived in the same home but owed $77,084 and had equity of merely $21,415 (C:1438). *Mindboggling!* (Add:1058¶54)

34. Although the DeLanos have received over $670,000, as shown by even the few documents that they reluctantly produced at Dr. Cordero's instigation (ToEC:110), the officers that have a statutory duty to investigate evidence of bankruptcy fraud or report it for investigation not only disregarded such duty (ToEC:111), but also refused to require them to produce (Add:1022) documents as obviously pertinent to any bankruptcy petition as the statements of their bank and debit card accounts…for such documents would show the flow of the DeLanos' receipts and payments and thereby reveal the fraud that they had committed and that the officers had covered up. Judge Jacobs too disregarded the Statement that Dr. Cordero sent him analyzing these incongruous declarations (C:1297) and had it returned to the sender (C:1317).

35. What has motivated these officers to spare the DeLanos from having to produce incriminating documents? (D:458§V) All have been informed of the incident on March 8, 2004, that to a reasonable person, and all the more so if charged with the duty to prevent bankruptcy fraud, would have shown that the DeLanos had committed fraud and were receiving protection from exposure: Trustee Reiber unlawfully allowed his attorney, James W. Weidman, Esq., to conduct the meeting of creditors (28 CFR §58.6(10);§341) where the latter unjustifiably asked Dr. Cordero whether and, if so, how much he knew about the DeLanos' having committed fraud, and when he would not reveal what he knew, Att. Weidman, with the Trustee's approval, rather than let him examine them under oath, as §343 requires, while officially being tape recorded, put an end to the meeting after Dr. Cordero had asked only two questions! (D:79§§I-III; Add:889§II)

36. Judge Jacobs too was informed of this incident (C:272). Yet he did not conduct any investigation or ask for any documents, such as the tape of that meeting of creditors or, after the effort to impede the holding of the adjourned meeting failed, the transcript of such meeting, which contains incriminating statements by Attorney Werner of his having destroyed documents of the DeLanos. (C:1299¶¶21-33) Nor did he respect his duty of promptness in handling a misconduct complaint. The one of March 19, 2004, against his colleague, Chief Judge Walker, was in its seventh month when on September 24 Judge Jacobs "dismissed [it] as moot [because] the Complainant's judicial misconduct [against Judge Ninfo] was dismissed by order entered June 9, 2004". (C:392) Yet it took Judge Jacobs another 2½ months to dismiss it!? And still he got wrong the date of that earlier dismissal that he himself had written, and that was entered, on June 8 (C:144, 148), a mistake revealing the lack of care with which he wrote an otherwise perfunctory decision (cf. C:711).

37. As Chief Judge Walker had done, Judge Jacobs condoned with his inaction Judge Ninfo's past misconduct, thus encouraging him to engage in even more brazen bias and disregard for the rule of law: Dr. Cordero submitted a statement on June 9, 2004, to Judge Ninfo showing on the basis of the few and even incomplete documents that the DeLanos had produced (D:165-189) that they had committed fraud, particularly concealment of assets, and requesting that they be referred to the FBI and that Trustee Reiber be removed (D:193). Judge Ninfo's reaction was to team up with the DeLanos in a process abusive maneuver that used a motion to disallow Dr. Cordero's claim (D:218; cf. D:249); an order directing Dr. Cordero to take discovery of that claim in *Pfuntner*

(D:272; cf. D:440) only for *every single document* that he requested (D:287, 310, 317) to be denied by both the DeLanos (D:313, 325) and the Judge (D:327); and a sham evidentiary hearing on March 1, 2005 (Pst:1255) that ended as predetermined in disallowing Dr. Cordero's claim and stripping him of standing to participate any further in *DeLano* (D:20§IV, ToEC:109).

38. Dr. Cordero made Chief Judge Walker and Judge Jacobs aware of these developments by appealing to the Judicial Council and writing to Judge Jacobs (C:995, 1000, 1025). This time they acted promptly: They reappointed Judge Ninfo to a new 14-year term as bankruptcy judge! (ToEC:§H)

39. Meanwhile, Dr. Cordero appealed Judge Ninfo's disallowance of his claim to the District Court, WDNY, Judge Larimer presiding. This Judge showed again, as he had in *Pfuntner* (ToEC>C:1107-8 >Comment), that he supports the bankruptcy fraud scheme. He refused to order the DeLanos to produce *even a single document* that could shed light on the 39-year veteran banker's incongruous and implausible declarations. (ToEC:111; Add:951, 1022) Inexcusably, Judge Larimer attempted to prevent Dr. Cordero from obtaining the transcript of the sham evidentiary hearing (C:1001, 1083), for what happened there incriminates Judge Ninfo as Mr. DeLano's biased Chief Advocate. Such advocacy derives from the fact that Mr. DeLano's attorney in *Pfuntner* is Michael Beyma, Esq., of Underberg & Kessler (A:1552, Pst:1289§f), the law firm of which Judge Ninfo was a partner when he was appointed to the bench (Add:636); so the Judge felt Mr. DeLano to be his client. Thereby he forfeited his position as an impartial arbiter who should have no interest in the controversy before him. Moreover, the transcript shows that Mr. DeLano's testimony corroborates Dr. Cordero's claim against him. (Pst:1281§d; ToEC:55>1271>Comment>2nd ¶)

IV. Call for the formation of a virtual firm of lawyers and investigators to prepare pro bono a class action centered on a test case against these judges to expose the bankruptcy fraud scheme and reveal how high and to what extent intentional and coordinated wrongdoing has reached

40. Congress adopted the Bankruptcy Abuse Prevention Act to "restor[e] personal responsibility and integrity in the bankruptcy system [and] respond to…the absence of effective oversight to eliminate abuse in the system." HR Report 109-31 For its part, the Administrative Office of the U.S. Courts has produced the 1997-2005 Reports of Complaints Filed and Action Taken under the Judicial Conduct Act (C:973), which together with its previous annual Reports shows that the judges' mishandling for over a decade of §351 judicial misconduct complaints could not have occurred but for their coordination to systematically disregard the Act and dismiss complaints thereunder. (ToEC>C:973>Comment) The relation between those official findings is what the 11 cases discussed here show, to wit, the abuse has developed into a bankruptcy fraud scheme and judges have mishandled §351complaints to, among other things, protect it and the schemers.

41. Now there is a need to expose the bankruptcy fraud scheme and the systematic dismissal of misconduct complaints so as to lay bare the motive or benefit driving federal judges to tolerate or engage in such intentional and coordinated wrongdoing. A **first step** to that end is this presentation of the evidence gathered over the past five years in 11 cases and contained in greater detail in their commented records of exhibits and the exhibits themselves. The **second step** is the formation, called for herein, of a virtual firm of lawyers and investigators digitally meeting at Judicial Discipline Reform.org to pro bono research a host of difficult legal issues and organize the investigation *Follow the money!* from publicly available bankruptcy petitions to wherever it ended up in preparation for the **third step**: a class action centered on the test case

against Chief Judge Walker and Judge Jacobs, brought on behalf of those similarly injured by the scheme and the systematic dismissal of their judicial misconduct complaints, and charging denial of due process and violation of, among others, the Racketeer Influenced and Corrupt Organization Act (18 U.S.C.§1961) by those subject to "Equal Justice Under Law" and only protected by qualified immunity "during good Behaviour" (Const. Art. III sec.1; 28 U.S.C §44(b)), including federal judges and their governing bodies (ToEC:107) and staffs (ToEC:19§C, 28§E & 46§I), private and U.S. bankruptcy trustees (ToEC:111), other officers (cf. ToEC:§K; C:1552, 1568) in the web of personal relationships (C:1546, 1565, 1566), bankruptcy lawyers and their law firms (cf. D:258), and fraudulent bankruptcy petitioners (¶33 above).

42. A most challenging third step, for the class action will not only take on powerful circuit judges, but also confront the most powerful ones in the Federal Judiciary. Indeed, for decades since before the need for the Judicial Conduct Act of 1980, the Supreme Court has known of the lack of an effective judicial impeachment mechanism (ToEC:59>1373-1384) and of the break down of the Act's self-discipline mechanism (ToEC:24>573, Comment). To know it, Late Chief Justice Rehnquist, who was also the presiding member of the Judicial Conference (28 U.S.C §331¶1), the body of last resort under the Act (id. §354(b)), need not read the Administrative Office's Annual Reports on the Act (id. §604(h)(2)) or wait until May 2004 to charge Justice Stephen Breyer with chairing the committee to study it. By the same token, the Breyer Committee can hardly justify having failed to release any results even after exceeding the ample maximum of the 18 months to two years that it set itself to do so. (C:574-577)

43. All the Justices are also circuit justices of the circuit councils to which they have been allotted (id. §42, 45(b)) so they may attend (C:980y-83; cf. 980z-10) their twice yearly meetings where misconduct complaints are discussed (C:980y-84, z-76) and can learn the nature and number of orders related thereto, which must be reported annually to the Administrative Office (id. §332(c-d, g); C:980y-87, z-79). Hence, they know that such complaints are systematically dismissed. Actually, the Justices must be presumed to have realized from the cases that they deal with daily at the Supreme Court that 'power corrupts and in the absence of any control over its exercise, power becomes absolute and corrupts absolutely'. Did they think that while wielding such power the 2,133 federal judges would remain immune to the type of "Culture of Corruption" that has engulfed the 535 members of Congress?, even in bankruptcy court, where so much money is at stake? (D:458§V, Add:621§1) Since the Justices cannot have ignored ongoing misconduct of judges abusing their uncontrolled power, why have they tolerated it?

44. Once in a lifetime the opportunity presents itself for a person to take extraordinary action for the common good. When it is long-term, fraught with grave risks, but capable of improving society with reforms that give practical meaning to the notions of integrity in government and fairness in its treatment of its people, the action becomes a noble mission. Here it is a momentous one, for it must reach all the way to the top of the Third Branch of Government to identify the motives of those in charge of the system of administration of justice for having allowed institutionalized wrongdoing by judges. For he or she who rises to the challenge, there is public honor, gratitude, and remembrance. This is one such opportunity. Are you up to the mission to engage in highly skillful and professionally responsible legal research and analysis or investigative journalism of financial and social networks in order to answer the critical question arising from the evidence thus far collected: **Is a federal judgeship a safe heaven for wrongdoing and, if so, how high and to what extent has intentional and coordinated wrongdoing reached?**

Dr. Richard Cordero