

June 6, 2008

Judicial Misconduct Complaint
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 up¹

I, Dr. Richard Cordero, Esq., state the following under penalty of perjury:

1. U.S. Bankruptcy Judge John C. Ninfo, II, WBNY, in Rochester, NY, has engaged in a series of acts in *In re DeLano*, 04-20280, WBNY, (hereinafter *DeLano*) so consistently in favor of local parties and insiders of the bankruptcy system and so blatantly in disregard of the rule of law and the facts and detrimental to NY City resident and outsider Dr. Richard Cordero, Esq., as to constitute a pattern of intentional and coordinated wrongdoing from which a reasonable person can infer his bias, prejudice, and abuse of power in furtherance of a bankruptcy fraud scheme. His conduct in that case is the source of this complaint, for it constitutes “conduct prejudicial to the effective and expeditious administration of the business of the courts”. 28 U.S.C. §351(a)
2. Mr. David Gene DeLano commenced that case by filing together with Wife Mary Ann a petition for bankruptcy relief from their debts in January 2004 (D:23-60)². He was at the time a 39-year veteran of the banking and financing industries and continued after the filing to work for a major bank, M&T Bank, precisely as an officer in its bankruptcy department. Mrs. DeLano was a Xerox technician, a person experienced in thinking methodically along a series of technical steps. They named Dr. Cordero as one of their unsecured creditors in Schedule F (D:40)
3. Not only did Mr. DeLano have superior knowledge to avoid bankruptcy, he was also an insider of the bankruptcy system. There lies the crux of the matter, for he knows too much about wrongdoing in that system to be denied approval of his own, voluntary bankruptcy petition when the perfect time came for he and his wife to shed their debts, that is, three years before their retirement to a golden pot. This timing allowed them to file under 11 U.S.C. Chapter 13, “Adjustment of Debts of an *Individual with Regular Income*” (emphasis added) and propose a three-year plan (D:59¶1), thereby avoiding liquidation under Chapter 7.
4. These general circumstances made the DeLanos’ bankruptcy petition suspicious. This should have been apparent to a judicial officer like Judge Ninfo, who has a legal duty under 11 U.S.C. §1325(a)(3) to ascertain whether the debtor’s “plan [of debt repayment] has been proposed in good faith and not by any means forbidden by law”. Additionally, there were particular considerations arising from the intrinsically incongruous and implausible declarations of the DeLanos in

¹This complaint is filed under objection to the inherent partiality of judges judging their peers and systematically dismissing such complaints and the self-interest of Chief Judge D. Jacobs and his CA2 peers in not finding their own two-term Appointee J. Ninfo involved in a bankruptcy fraud scheme. See ¶20 infra.

²All parenthetical references concern exhibits that can be found on the CD attached hereto or downloaded with this complaint through http://Judicial-Discipline-Reform.org/JNinfo/DrCordero_v_JNinfo_6jun8.pdf.

their petition that exacerbated its suspiciousness. All this would have led a reasonable person, not to mention a judge used to dealing with fraudulent claims, to scrutinize the petition closely and require production of what Mr. DeLano would as a matter of course expect to receive from, or require of, any applicant for a loan or payment rescheduling: supporting documents. None was provided by the DeLanos or required by Chapter 13 Trustee George Reiber, Esq., (D:74), as of the day when the Trustee was to recommend the approval of their plan to Judge Ninfo.

5. Indeed, the DeLanos declared in Schedules A-J, the Statement of Financial Affairs, and the Plan for Debt Repayment accompanying the petition (collectively referred to herein as the petition):
 - a) that their total assets were \$263,456 while their total liabilities were only \$185,462, yet they proposed to repay only 22¢ on the dollar; (D:29, 23)
 - b) that they had in cash and on account only \$535 (D:31), although they declared that their excess income after subtracting from their monthly income their monthly living expenses was \$1,940 (D:45), and that in just the three fiscal years preceding their bankruptcy filing they had earned \$291,470 (D:47; 2001-03 1040 IRS forms at D:186-188).
 - c) that they owed \$98,092 on 18 credit cards (D:38), while they valued their household goods at only \$2,810 (D:31), less than their \$3,880 excess income in only two months and less than even 1% of the \$291,470 that they had earned 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 worklives of more than 30 years;
 - d) that their only real property was their home, appraised two months before their filing 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 having received during that period at least \$382,187 through a string of eight known mortgages! (D:341-354) *Mind-boggling!* For each of those mortgages they had to pay closing costs. For example, just for the last known mortgage they had to pay \$3,444. (D:351, 354 lines 1400 and 1602) Judge Ninfo could not have either competently or honestly believed that Career Banker DeLano would waste on closing costs for eight mortgages more money than the equity he ended up with.
6. Bankruptcy Officer DeLano and his wife were assisted in their filing by Christopher K. Werner, Esq., a lawyer for 28 years and partner in his firm, Boylan Brown. (D:28) According to PACER, he had appeared in 525 cases before Judge Ninfo as of February 28, 2005.
7. As to Trustee Reiber, PACER listed his 3,909 *open* cases as of April 2, 2004, 3,907 of them before Judge Ninfo. Assistant U.S. Trustee Kathleen Dunivin Schmitt allowed Trustee Reiber, her supervisee, to accumulate in his hands such an unmanageable number of *open* cases. So unmanageable that she allowed him to have his attorney, James W. Weidman, Esq., conduct the DeLanos' meeting of creditors on March 8, 2004, 11 U.S.C. §341, in a room of her office while he took care of business in Judge Ninfo's courtroom —her friendly next door neighbor is the local office of the U.S. Department of Justice in the cozily small federal building in Rochester-. This constituted a breach of his legal duty under 28 CFR §58.6(10) to conduct each such meeting

personally, a breach so serious as to give cause for his removal as trustee.

8. At that meeting, Att. Weidman examined the DeLanos under oath while being officially recorded on an audio-tape. Then he asked whether there was any creditor in the audience. Dr. Cordero was the only creditor of the DeLanos present. He identified himself and stated his desire to examine them. Mr. Weidman asked him to fill out an appearance form and to state what he objected to. Dr. Cordero submitted the form (D:68) as well as copies to him and Mr. Werner of his Objection to Confirmation of their Plan of Debt Repayment (D:63). No sooner had he asked Mr. DeLano to state his occupation –he answered „a bank loan officer“- and then how long he had worked in that capacity -he said 15 years, but see Transcript=Tr:15/17-16/15- than Mr. Weidman 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 put an end to the meeting even though Dr. Cordero had asked only two questions! (D:79§§I-III; Add:889§II)
9. Later that afternoon at the confirmation hearing before Judge Ninfo in the presence of Trustee Reiber and Att. Weidman and without being contradicted, Dr. Cordero brought to the Judge’s attention how that Attorney had prevented him from examining the Debtors. Rather than uphold the law and Dr. Cordero’s right thereunder, Judge Ninfo faulted him for having missed “the local practice” and stated that he should have phoned to find out what that practice was and, if he had done so, he would have learned that the trustee would not allow a creditor to go on asking questions. (D:99§C) Thereby the Judge protected the co-scheming “locals” from the law of the land of Congress, which provides for a series of meeting where creditors can engage in a very wide-scope examination of the debtors. (§341; FRBkrP 2004(b); D:283¶¶a-b, 98§II; SApp:1659 4th para. et seq.; D:362§2; Add:891§III)
10. From that first appearance of the *DeLano* case before Judge Ninfo, his conduct showed disregard for the law and the facts as well as coordination with others to protect the DeLanos from being incriminated and in turn incriminating him and other co-schemers. (D:379§3) So did the latter. Thus, from then on, Dr. Cordero kept insisting that Trustees Reiber (D:75¶¶6-7) and Schmitt (D:94¶80a, d, f) and U.S. Trustee for Region 2 Deirdre A. Martini (D:96§g) comply with their duty under 11 U.S.C. §704(4) and (7) to investigate the DeLanos and obtain the documents necessary to support their suspicious petition. Yet Trustee Reiber, who is supposed to represent the creditors’ interests (D:79§1) and Trustee Schmitt (84§IV) tried to limit him to a one hour examination of the DeLanos and to make him miss it by not informing him of the date (D:74, 94§d.3-4, 103, 111, 112, 122, 124, 138, 147, 149). Trustee Martini refused to remove Trustee Reiber and to order the DeLanos to produce those documents. (D:137, 139, 141, 154, 158)
11. For six months, the DeLanos and Trustee Reiber treated Dr. Cordero as a creditor by pretending to entertain his request for documents while dragging out their production. (D:161, 162, 164, 189) They never produced any bank account statements. The documents that they eventually produced were incomplete, even missing pages! (D:194§II) Dr. Cordero analyzed them (D:165-188) in light of the petition. In a written statement submitted to Judge Ninfo (D:193), Dr. Cordero showed that the DeLanos had concealed assets, a violation of 18 U.S.C. §152(1), and

thereby committed bankruptcy fraud, which is punishable by up to 20 years in prison and a fine of up to \$500,000 under 18 U.S.C. §§152-157, 1519, and 3571.

12. Only then did the DeLanos move to disallow Dr. Cordero's claim. (D:218) Yet, that was the claim that *they* had included in their petition (D:40) and that Mr. DeLano had known as a third party claim for almost two years (D:142, 259) in the context of another case before Judge Ninfo, *Pfuntner v. Trustee Kenneth Gordon et al.*, 02-2230, WBNY (CA:1977/Table of Cases), in which Dr. Cordero was a defendant and brought Mr. DeLano in as a third-party defendant.
13. Judge Ninfo ordered an evidentiary hearing for the DeLanos' motion to disallow (D:279, 332). He cited no authority whatsoever to overcome the legal presumption of validity that Rule 3001(f) attaches to a proof of claim (D:256§VII), such as Dr. Cordero's (D:142). Nor did he cite any authority to require that Dr. Cordero prove his claim against Mr. DeLano in *Pfuntner*, (D:278), thereby severing it from its context of all the other claims, parties, issues, and facts in that case in order to determine it in isolation in *DeLano*, which worked out to Mr. DeLano's benefit and Dr. Cordero's detriment. (D:441) In preparation for the evidentiary hearing, Dr. Cordero requested documents (D:287), only for the DeLanos (D:313, 314) and the Judge (D:317, 325, 327; Transcript=Tr:188/7-189/21) to deny him *every single document*. (D:320§II)
14. However, at the evidentiary hearing on March 1, 2005, Mr. DeLano testified that he was the bankruptcy officer responsible for protecting from further loss M&T Bank's security interest in the storage containers bought with a loan by its bankrupt client, Premier Van Lines. He then admitted to having mishandled the disposal of such containers in an effort to avoid storage fees by the warehouse where Premier had left them; and to having misrepresented to Dr. Cordero the whereabouts of the containers holding his stored property, thus causing him compensable harm. (Pst:1281§d, 1285¶70; Tr:155/14-156/25, 160/24-161/5, 174/5-175/8, 176/5-10) Mr. DeLano's testimony corroborated Dr. Cordero's claims contained in his complaint in *Pfuntner* served on M&T and Mr. DeLano on November 21, 2002 (Add:534/after entry 13, 797§D) concerning their mishandling of his stored property. It established Dr. Cordero's claim against Mr. DeLano in *DeLano*. (Tr:177/18-178/9) Nevertheless, Judge Ninfo held that Mr. DeLano was "confused" and disallowed Dr. Cordero's claim against Mr. DeLano, despite having being contradicted by Mr. DeLano's attorney, Mr. Werner, who stated, "I believe Mr. DeLano has given a fair statement of his position and facts, your honor". (Tr:187/22-25; Pst:1282¶64)
15. The timing and handling of the DeLanos' motion to disallow Dr. Cordero's claim revealed such motion as an artifice resulting from coordination between Judge Ninfo and other schemers to force Dr. Cordero into a sham evidentiary hearing where his claim on Mr. DeLano would be disallowed to cover up the DeLanos' fraud. So Judge Ninfo deprived him of standing in *DeLano* and of the right to request documents proving that the DeLanos' had concealed assets and evaded their debts through false statements as well as incriminating all of them in its enabling mechanism: a bankruptcy fraud scheme. To avoid production of those documents, the DeLanos, with the Trustee's recommendation (Add:871-875, 937-938; Pst:1175) and Judge Ninfo's approval (Add:942), were allowed to pay their attorneys legal fees in the amount of \$27,953, although

they had claimed in the petition to have only \$535 in hand and on account. (D:31; CA:1924§V)

16. Judge Ninfo abused his position by failing to disclose that one of Mr. DeLano's attorney, Michael Beyma, Esq., was at the time a partner in the law firm Underberg & Kessler (D:531) of which the Judge was also a partner when he took the bench in 1992. Mr. Beyma represented Mr. DeLano in *Pfuntner*, where he was also the attorney for M&T Bank. The Bank could be held jointly and severally liable with Mr. DeLano. Hence, they decided to protect by all means a presumably very important client, which as of December 31, 2007, had over \$65 billion in assets.
17. To that end, Judge Ninfo engaged in flagrantly biased conduct: At the evidentiary hearing, he looked on in complicit silence while Atts. Werner and Beyma signaled answers to Mr. DeLano during his examination under oath. When Dr. Cordero protested in each of several occasions, the Judge ludicrously pretended that he had not seen them do so despite the fact that the attorneys were only a few feet in front of him and near Dr. Cordero's table in the courtroom. (Tr.28/13-29/4:Beyma, 75/8-76/3:Beyma, 141/20-143/16:Werner; Pst:1289§f) Similarly, he abandoned his role of impartial fact-finder to become Mr. DeLano's Chief Advocate while reducing Att. Werner to Deferential Second Chair. He can be "heard" do so in the transcript. (Pst:1255§E)
18. One can also read Judge Ninfo's power-abusive, self-interested refusal to allow Dr. Cordero to appear by phone at the hearing of his motion to revoke the Judge's confirmation of the DeLanos' plan. He thus protected Local Trustee Reiber from the challenge of NYC-resident Dr. Cordero to both the shockingly perfunctory and unprofessional "Trustee's Report" and the Judge's untenable claim that the Trustee had investigated the DeLanos and cleared them of fraud despite no mention thereof in his "Report" and his never having received or subpoenaed the documents that he reluctantly requested only at Dr. Cordero's insistence. (Add:1041, 1065, 1066, 1094, 1095, 1125)
19. Judge Ninfo, in a coordinated cover up with the trustees, refused to ask the DeLanos to account for their declared income of \$291,470 or their mortgage receipts of \$382,187. As a result, there still remain unaccounted for known concealed assets worth at least \$673,657. (SApp:1654) This is in just one case of the 3,907 *open* cases that Trustee Reiber had before Judge Ninfo. They do not include the 3,383 cases that Trustee Schmitt allowed Chapter 7 Kenneth Gordon, the trustee in *Pfuntner*, to amass and of which 3,382 were before Judge Ninfo.(D:235§c, 361§1, 594¶13)
20. Therefore, Dr. Cordero respectfully requests that with §352(a) „expeditiousness“ and §353(a) „promptness“ **a)** CA2 C.J. Jacobs recuse himself –see fn.1 supra-; **b)** a §353 special committee be appointed, composed of independent investigators from outside the 2nd Circuit who are not even admitted to appear in its courts; **c)** every formal or informal statement made by Judge Ninfo or others concerning this complaint be served on Dr. Cordero for him to reply to; **d)** Dr. Cordero be allowed to examine witnesses at every hearing; **e)** the committee recommend the removal and impeachment of Judge Ninfo; **f)** subpoena the documents listed in the proposed production order; and **g)** make a report under 18 U.S.C. §3057(a) to Kenneth W. Kaiser, Assistant Director of the FBI's Criminal Investigative Division in Washington, DC.

Respectfully submitted on June 6, 2008

Dr. Richard Cordero, Esq.

Service List

I, Dr. Richard Cordero, Esq., affirm that I served a copy of this judicial misconduct complaint against U.S. Bankruptcy Judge John C. Ninfo, II, on the following judicial officers:

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Justice Ruth Bader Ginsburg Circuit Justice for the Second Circuit Supreme Court of the United States 1 First Street, N.E Washington, D.C. 20543	Judge Dolores K. Sloviter Member of the Committee on Judicial Conduct and Disability c/o U. S. Court of Appeals, 3 rd Circuit 18614 U.S. Courthouse 601 Market Street Philadelphia, PA 19106 tel. (215)597-1588
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June 6, 2008

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TABLE OF EXHIBITS

**to the judicial misconduct complaint 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**

and

**Links to Access the Files Containing Exhibits
referred to in the complaint using the format (Letters:#)**

http://Judicial-Discipline-Reform.org/JNinfo/DrCordero_v_JNinfo_6jun8.pdf

by

Dr. Richard Cordero, Esq.

Suggested Subpoena of the Special Committee for the Production of Documents.....	1
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2. Transcript of the evidentiary hearing held on March 1, 2005, before Judge Ninfo on the Debtors' motion in <i>In re DeLano</i> , 04-20280, WBNY, to disallow Dr. Cordero's claim, prepared by Bankruptcy Court Reporter Mary Dianetti [references to its pages are to the page numbers on the upper right side]	Tri:i
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a) Certificate of mailing	D:25
4. David DeLano and Mary Ann DeLano's Voluntary Petition for Bankruptcy Relief of January 26, 2004, under Chapter 13 of the Bankruptcy Code, with Schedules	D:27
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5. Chapter 13 Plan [debtor’s plan for debt repayment].....	D:59
6. The DeLanos’ 1040 IRS forms for 2001-03.....	D:186
7. Att. Werner’s letter of February 16, 2005, to Trustee Reiber accompanying the following incomplete documents described as “relevant portion of Mr. and Mrs. DeLano’s Abstract of Title” in response to “your request at the adjourned 341 Hearing”; these documents begin thus:.....	D:341
a) “4. Church of the Holy Spirit of Penfield New York”	D:342
b) “Public Abstract Corporation”, concerning an interest in premises from October 5, 1965, recorded in Liber 3679, of Deeds, at page 489, of the Records in the office of the Clerk of the County of Monroe, New York	D:344
c) “#12,802 Abstract of Title to Part Lot 45 Township 13, Range 4, East Side Shoecraft Road, Town of Penfield”	D:345
d) “33516 Abstract to Lot #9 Roman Crescent Subdivision”	D:347
e) “Mortgage Closing Statement April 23, 1999, 1262 Shoecraft Road, Town of Penfield \$95,000”	D:351
f) “U.S. Department of Housing and Urban Development Optional for Transactions without Sellers”	D:353
8. Dr. Cordero’s motion of February 17, 2005, in Bankruptcy Court to request that Judge Ninfo recuse himself under 28 U.S.C. §455(a) due to lack of impartiality	D:355
http://Judicial-Discipline-Reform.org/JNinfo/DrCordero_recuse_JNinfo.pdf	
9. Dr. Cordero's motion of August 8, 2003, for Judge Ninfo to remove the Pfuntner case and recuse himself [id.]	D:387
10. Att. Werner’s letter of March 24, 2005, to Dr. Cordero with 14 “copies of the enclosures to our letter to Trustee Reiber of March 10, 2005, which were apparently omitted from your copy of the correspondence”	D:477
a) Printouts of screenshots of February 25, 2005, electronic records indexing of the Monroe County Clerk’s office	D:478

11. Dr. Cordero’s letter of March 29, 2005, to Trustee Reiber (copied to Trustees Schmitt and Martini) commenting on the uselessness of the printed screenshots from the website of the County Clerk’s Office that Att. Werner produced in response to the Trustee’s request for information about a mortgage of the DeLanos; asking whether his lack of protest means that the §341 examination of the DeLanos on February 1, 2005, was a charade that he conducted with no intention to obtain any financial information from the DeLanos; and requesting that he either take certain steps to obtain that information or recuse himself and let another trustee be appointed who can conduct an efficient investigation of the DeLanos D:492
12. Trustee Reiber’s undated “Findings of Fact and Summary of 341 Hearing”Add:937
 - a) Undated and unsigned sheet titled “I/We filed Chapter 13 for one or more of the following reasons”Add:939
http://Judicial-Discipline-Reform.org/DeLano_record/TrReiber_report.pdf
13. Judge Ninfo’s order of August 8, 2005, instructing M&T Bank to deduct \$293.08 biweekly from his employee, Debtor David DeLano, and pay it to Trustee ReiberAdd:940
14. Judge Ninfo’s order of August 9, 2005, confirming the DeLanos’ Chapter 13 debt repayment plan after considering their testimony and “the Trustee’s Report” of Trustee Reiber and allowing payment of legal fees in the amount of \$18,005 to Att. Werner by the DeLanos (who stated in Schedule B of their January 2004 bankruptcy petition that they had \$535 in cash and account)Add:941
15. Dr. Cordero’s brief of December 21, 2005, in the appeal to the U.S. District Court, WDNY, from Judge Ninfo’s decision in *DeLano*..... Pst:1231
 - a) Table of ContentsPst:1231
 - b) Table of Headings of the Argument.....Pst:1255
 - c) Proposed order for document productionPst:1307
http://Judicial-Discipline-Reform.org/DeLano_record/evi_hear_transcript_1mar5.pdf
16. The DeLanos’ income of \$291,470, mortgage receipts of \$382,187, and credit card borrowing of \$98,092..... SApp:1654
17. Dr. Cordero’s brief of March 17, 2007, in the appeal to the Court of Appeals for the Second Circuit in *DeLano*CA:1701
 - a) Table of Headings of the Statement of FactsCA:1702
 - b) Table of Headings of the Argument.....CA:1703
http://Judicial-Discipline-Reform.org/Follow_money/DrCordero_v_DeLano_06_4780_CA2.pdf
18. Dr. Cordero’s motion of July 18, 2007, motion in CA2 suggesting en banc consideration of the 3 denials of the motions for document production; and if denied, for the Court to disqualify itself due to conflict of interests and refer the *DeLano* case to the Attorney General under 18 U.S.C. §3057(a).....CA:1945
 - a) Cases in the Procedural History of *Pfuntner* and *DeLano*CA:1977

- b) Table of Notices given since May 5, 2003, to the 2nd Circuit Court of Appeals and Judicial Council, the Circuit Judges, and others of Evidence of a Bankruptcy Fraud Scheme in the Bankruptcy and District Courts, WDNY.....CA:1978
- c) Links to access the files containing the referencesCA:1980
http://Judicial-Discipline-Reform.org/DeLano_record/CA2_produce_recuse_18jul7.pdf
- 19. CA2's dismissal of February 7, 2008, of the appeal from *DeLano*CA:2180
 - a) CA2's dismissal of February 8, 2008, of Dr. Cordero's 29August7 motion for oral argument on his July 18 motion suggesting en banc consideration of CA2's denials of his three motions for document production, to be held before argument is heard on the case in chief.....CA:2181
 - b) CA2's dismissal of February 8, 2008, 18July7 motion suggesting en banc consideration of CA2's denials of his three motions for document production; and if denied, for CA2 to disqualify itself due to its conflict of interests and refer the case to the Attorney General under 18 U.S.C. §3057(a)CA:2182
- 20. Dr. Cordero's petition of March 14, 2008, in CA2 for panel rehearing and hearing en banc in *DeLano* to determine the question of exceptional importance: To what extent is the Court's integrity compromised by supporting or tolerating a bankruptcy fraud scheme?CA:2191
http://Judicial-Discipline-Reform.org/Follow_money/enbanc_14mar8.pdf
- 21. CA2' May 9 denial of the rehearing motion, issued as the mandate 16may8CA:2210

**Links to Access the Files Containing Exhibits
referred to in the complaint using the format (Letters:#)**

Type the corresponding Internet address in the address bar of your Internet browser and replace the last segment –the file name- with the corresponding LETTERNUMBER-RANGE.pdf containing the number of the reference that you want to look up, i.e. for reference (CA:1725§VII): you end up with this: http://Judicial-Discipline-Reform.org/DeLano_record/CA1700-2090.pdf

I. D:#, Add:#, Pst:#, SApp:#, CA:# comprising pages 1-2231+ of the *DeLano* cases

- http://Judicial-Discipline-Reform.org/DeLano_record/LETTERNUMBER-RANGE.pdf
- D1-102.pdf D103-202.pdf D203-300.pdf D301-424.pdf D425-508q.pdf
 Transcript.pdf
- Add509-710.pdf Add711-910.pdf Add911-1170.pdf Pst1171-1500.pdf
 SApp1501-1699.pdf CA1700-2090.pdf CA2091_end.pdf

II. A:# comprising pages 1-2229 of the *Pfuntner* cases

- http://Judicial-Discipline-Reform.org/Pfuntner_record/LETTERNUMBER-RANGE.pdf
- A1-260.pdf A261-352.pdf A353-733.pdf A734-1060.pdf A1061-1300.pdf
 A1301-1600.pdf A1601-1674.pdf A1675-1764.pdf A1765-2229.pdf

Special Committee
appointed under 28 U.S.C. §353
to investigate a judicial misconduct complaint
filed under 28 U.S.C. §351
with the Circuit Clerk
of
The Court of Appeals for the Second Circuit
on June 6, 2008

In the exercise of its full subpoena powers under 28 U.S.C. §356(a) and Rule 13(d) of the Rules for Judicial Conduct and Judicial Disability Proceedings adopted by the Judicial Conference of the United States under 28 U.S.C. §358 on March 11, 2008 (hereinafter the Rules), the Special Committee orders as follows:

A. Persons and entities concerned by this Order

1. The subject judge;
2. David DeLano and Mary Ann DeLano (hereinafter the DeLanos), formerly resident at 1262 Shoecraft Road, Webster, NY 14580, and debtors in *In re David and Mary Ann DeLano*, 04-20280, WBNY; *Cordero v. DeLano*, 05-cv-6190L, WDNY; and *Dr. Richard Cordero v. David and Mary Ann DeLano*, 06-4780-bk, CA2, (hereinafter *DeLano*);
3. Chapter 13 Trustee George Reiber, South Winton Court, 3136 S. Winton Road, Rochester, NY 14623, tel. (585)427-7225, and any and all members of his staff, including but not limited to, James Weidman, Esq., attorney for Trustee Reiber;
4. Devin L. Palmer, Esq. and Christopher K. Werner, Esq., attorneys for the DeLanos, Boylan, Brown, Code, Vigdor & Wilson, LLP, 2400 Chase Square, Rochester, NY 14604, tel. (585)232-5300; and any and all members of their law firm;
5. Mary Dianetti, Bankruptcy Court Reporter, 612 South Lincoln Road, East Rochester, NY 14445, tel. (585)586-6392;

6. Kathleen Dunivin Schmitt, Esq., Assistant U.S. Trustee for Rochester, Office of the U.S. Trustee, U.S. Courthouse, 100 State Street, Rochester, NY, 14614, tel. (585)263-5812, and any and all members of her staff, including but not limited to, Ms. Christine Kyler, Ms. Jill Wood, and Ms. Stephanie Becker;
7. Ms. Diana G. Adams, U.S. Trustee for Region 2, and Deirdre A. Martini, former U.S. Trustee for Region 2, Office of the United States Trustee, 33 Whitehall Street, 21st Floor, New York, New York 10004, tel. (212)510-0500, and any and all members of their staff;
8. Manufacturers & Traders Trust Bank (M&T Bank), 255 East Avenue, Rochester, NY, tel. (800)724-8472;
9. Paul R. Warren, Esq., Clerk of Court, United States Bankruptcy Court, 1220 U.S. Courthouse, 100 State Street, Rochester, NY 14614, tel. (585)613-4200, and any and all members of his staff;
10. U.S. District Judge David G. Larimer and Rodney C. Early, Clerk of Court, United States District Court, 2120 U.S. Courthouse, 100 State Street, Rochester, N.Y. 14614, tel. (585)613-4000, fax (585) 613-4035, and any and all members of their staff; and
11. Any and all persons or entities that are in possession or know the whereabouts of, or control, the documents or items requested hereinafter.

B. Procedural provisions applicable to all persons and entities concerned by this Order, who shall:

12. Understand a reference to a named person or entity to include any and all members of such person's or entity's staff or firm;
13. Comply with the instructions stated below and complete such compliance within seven days of the issue of this Order unless a different deadline for compliance is stated below;
14. Be held responsible for any non-compliance and subject to the continuing duty to comply with this Order within the day each day after the applicable deadline is missed, under pain of being

named the subject of a contempt proceeding under 28 U.S.C. §332(d);

15. Produce of each document within the scope of this Order those parts stating as to each transaction covered by such document:
 - a. the source or recipient of funds or who made any charge or claim for funds;
 - b. the time and amount of each such transaction;
 - c. the description of the goods or service concerned by the transaction;
 - d. the document closing date;
 - e. the payment due date;
 - f. the applicable rates, including but not limited to normal and delinquent rates;
 - g. the opening date and the good or delinquent standing of the account, agreement, or contract concerned by the document;
 - h. the beneficiary of any payment;
 - i. the surety, codebtor, or collateral; and
 - j. any other matter relevant to this Order or to the formulation of the terms and conditions of such document;
16. Certify individually as such person, or if an entity, by its representative, in an affidavit or an unsworn declaration subscribed as provided for under 28 U.S.C. §1746 (hereinafter collectively referred to as a certificate), with respect to each document produced that such document has not been the subject of any addition, omission, modification, or correction of any type whatsoever and that it is the whole of the document without regard to the degree of relevance or lack thereof of any part of such document other than any part requiring its production; or certify why such certification cannot be made with respect to any part or the whole of such document and attach such document;
17. Produce any document within the scope of this Order by producing a true and correct copy of

such document;

18. Produce a document and/or a certificate concerning it whenever a reasonable person acting in good faith would:
 - a. believe that at least one part of such document comes within the scope of this Order;
 - b. be in doubt as to whether any or no part of a document comes within that scope; or
 - c. think that another person with an adversarial interest would want such production or certificate made or find it of interest in the context of ascertaining whether any person or entity concerned by this Order has committed bankruptcy fraud or there is a bankruptcy fraud scheme involving any such, and/or any other, person or entity; and
19. File with this Special Committee and serve on the Judicial Conference Committee on Judicial Conduct and Disability, Administrative Office of the U.S. Courts, One Columbus Circle NE, Washington, DC 20544, tel. (202)502-1100, fax (202)502-1033; Dr. Richard Cordero, Creditor in *DeLano*, 59 Crescent Street, Brooklyn, NY 11028, tel. (718)827-9521; and the trustee succeeding Trustee George Reiber when appointed (hereinafter the successor trustee) any document produced or certificate made pursuant to this Order.

C. Substantive provisions

20. Any person or entity concerned by this Order who with respect to any of the following documents **i)** holds such document (hereinafter holder) shall produce a true and correct copy thereof and a certificate; **ii)** controls or knows the whereabouts or likely whereabouts of any such document (hereinafter identifier) shall certify what document the identifier controls or knows the certain or likely whereabouts of, and state such whereabouts and the name and address of the known or likely holder of, such document:
 - a. The audio tape of the meeting of creditors of the DeLanos held on March 8, 2004, at the

Office of the U.S. Trustee in Rochester, room 6080, and conducted by Att. Weidman, shall be produced by Trustee Schmitt or her successor, who shall within 10 days of this Order arrange for, and produce, its transcription on paper and as a PDF file on a floppy disc or CD; and produce also the video tape shown at the beginning of such meeting and in which Trustee Reiber was seen providing the introduction to it;

- b. The transcript of the meeting of creditors of the DeLanos held on February 1, 2005, at Trustee Reiber's office, which transcript has already been prepared and is in possession of Trustee Reiber, who shall produce it on paper and as a PDF file on a floppy disc or CD;
- c. The original stenographic packs and folds on which Reporter Dianetti recorded the evidentiary hearing of the DeLanos' motion to disallow Dr. Cordero's claim, held on March 1, 2005, in the Bankruptcy Court, shall be kept in the custody of the Bankruptcy Clerk of Court and made available to this Committee or the Judicial Conference upon the request of either of them;
- d. The stenographic tapes and any corresponding transcripts of the other proceedings since 2001 where the court reporter was Reporter Dianetti and the presiding judicial officer was the subject judge;
- e. The documents that Trustee Reiber obtained in connection with *DeLano*, regardless of the source, up to the date of compliance with this Order, whether such documents relate generally to the DeLanos' bankruptcy petition or particularly to the investigation of whether they have committed fraud, regardless of whether such documents point to their joint or several commission of fraud or do not point to such commission but were obtained in the context of such investigation;
- f. The statement reported in *DeLano*, WBNY docket 04-20280, entry 134, to have been read by Trustee Reiber into the record at the confirmation hearing on July 25, 2005, of the

DeLanos' plan of debt repayment, of which there shall be produced a copy of the written version, if any, of such statement as well as a transcription of such statement exactly as read;

- g. The financial documents in either or both of the DeLanos' names, or otherwise concerning a financial matter under the total or partial control of either or both of them, regardless of whether either or both exercise such control directly or indirectly through a third person or entity, and whether for their benefit or somebody else's, since January 1, 1975, to date,

1) Such as:

- (a) the ordinary, whether the interval of issue is a month or a longer or shorter interval, and extraordinary statements of account of each and all checking, savings, investment, retirement, pension, credit card, and debit card accounts at or issued by M&T Bank and/or any other entity in the world;
- (b) the unbroken series of documents relating to the DeLanos' purchase, sale, or rental of any property or share thereof or right to its use, wherever in the world such property may have been, is, or may be located, including but not limited to:
 - (i) real estate, including but not limited to the home and surrounding lot at 1262 Shoecraft Road, Webster (and Penfield, if different), NY 14580; and
 - (ii) personal property, including any vehicle, mobile home, or water vessel;
- (c) mortgage documents;
- (d) loan documents;
- (e) title documents and other documents reviewing title, such as abstracts of title;
- (f) prize documents, such as lottery and gambling documents;
- (g) service documents, wherever in the world such service was, is being, or may

be received or given; and

(h) documents concerning the college expenses of each of the DeLanos' children, Jennifer and Michael, including but not limited to tuition, books, transportation, room and board, and any loan extended or grant made by a government or a private entity or a parent or relative for the purpose of such education, regardless of whose name appears on the documents as the loan borrower or grant recipient;

2) the production of such documents shall be made pursuant to the following timeframes:

(a) within two weeks of the date of this Order, such documents dated since January 1, 2000, to date;

(b) within 30 days from the date of this Order, such documents dated since January 1, 1975, to December 31, 1999.

21. The holder of the original of any document within the scope of this Order shall certify that he or she holds such original and acknowledges the duty under this Order to hold it in a secure place, ensure its chain of custody, and produce it upon order of this Special Committee, the Judicial Council of the Second Circuit, the Judicial Conference, or the latter's Committee on Judicial Conduct and Disability.

22. Certified copies of the orders in *DeLano*, including the following of:

a. July 26, 2004, for production of some documents by the DeLanos;

b. August 30, 2004, severing Dr. Cordero's claim against Mr. DeLano from *Pfuntner v. Gordon et al.*, and requiring Dr. Cordero to take discovery from Mr. DeLano to prove his claim against him while suspending all other proceedings until the DeLanos' motion to disallow Dr. Cordero's claim is finally determined;

- c. November 10, 2004, denying Dr. Cordero all his requests for discovery from Mr. DeLano;
 - d. December 21, 2004, scheduling *DeLano* for an evidentiary hearing on March 1, 2005;
 - e. April 4, 2005, holding Dr. Cordero not to have a claim against Mr. DeLano and to lack standing to participate in any future proceedings in *DeLano*;
 - f. August 8, 2005, ordering M&T Bank to pay the Trustee;
 - g. August 9, 2005, confirming the DeLanos' debt repayment plan after hearing Trustee Reiber's statement and obtaining his "Trustee's Report", that is, his undated "Findings of Fact and Summary of 341 Hearing" and his undated and unsigned sheet titled "I/We filed Chapter 13 for one or more of the following reasons";
 - h. November 10, 2005, letter denying Dr. Cordero his request to appear by phone to argue his motion of November 5, 2005, to revoke the order of confirmation of the DeLanos' debt repayment plan;
 - i. November 22, 2005, denying Dr. Cordero's motion to revoke the confirmation of the plan;
 - j. February 7, 2007, discharging the DeLanos after completion of their plan;
 - k. June 29, 2007, providing, among other things, for the allowance of the final account and the discharge of Trustee Reiber, the enjoinder of creditors, the closing of the DeLanos' estate, and the release of their employer from the order to pay the Trustee;
23. Bankruptcy Clerk Warren's notice of January 24, 2007, releasing Mr. DeLanos' employer, M&T Bank, from making further payments to Trustee Reiber.
24. The Committee requests under Rule 13(c) of the Rules that the Director of the Administrative Office of the United States Courts hire special staff, such as a reputable and certified accounting and title firm, that is:
- a. from a state other than those in the Second Circuit;
 - b. unfamiliar with any aspect of *DeLano* and *Pfuntner*;

- c. independent and unrelated and unknown to any party or officer in WDNY and WBNY;
- d. capable of faithfully representing pursuant to law the interests of the DeLanos' unsecured creditors;
- e. qualified to investigate the financial affairs of the subject judge and the other parties concerned by this Order on the basis of the documents described herein and similar documents, such as those already produced and included in the record of *DeLano* and *Pfuntner*, to determine whether such judge committed, or aided and abetted the commission of, whether alone or with others, tolerated, or failed to report under, among others, 18 U.S.C. §3057(a), bankruptcy fraud, particularly concealment of assets, wrongful valuation of assets or disposition thereof, wrongful handling of exemptions, solicitation or taking of a bribe or an unlawful gratuity or benefit, and statements of falsehood, in furtherance of bankruptcy fraud or of a bankruptcy fraud scheme at any time and in any form, including but not limited to a bankruptcy petition, a meeting of creditors, an evidentiary hearing, a confirmation hearing, etc; and
- f. charged with producing a report, accompanied with supporting documents, of the inflow, outflow, and current whereabouts of the assets of the subject judge and of the known earnings and mortgage receipts of at least \$673,657 that such judge allowed the DeLanos' not to account for, -whether such assets be earnings, real or personal property, rights, or otherwise, or be held jointly or severally by any of them directly or indirectly under their control anywhere in the world- since January 1, 1975, to date.

25. Notwithstanding the above and without detriment to any party's duty to carry it out, *DeLano* and *Pfuntner* are reported under 18 U.S.C. §3057(a) to the U.S. Attorney General, with the recommendation that they be investigated by U.S. attorneys and FBI agents, such as those from the U.S. Department of Justice and FBI offices in Washington, D.C., or Chicago, who are

unfamiliar with either of those cases and unacquainted with any of the parties to either of them, or court officers, whether judicial or administrative, or trustees, directly or indirectly involved in, concerned with, or affected by either of those cases, or that may be investigated, and that no staff from the offices of the Department of Justice or the FBI in either Rochester or Buffalo participate in any way in such investigation.

FOR THE SPECIAL COMMITTEE:

Date

- plan;
- 10) Notice of January 24, 2007, releasing Mr. DeLano's employer, M&T Bank, from making further payments to Trustee Reiber.
 - 11) February 7, 2007, discharging the DeLanos after completion of their plan;
 - 12) June 29, 2007, providing, among other things, for the allowance of the final account and the discharge of Trustee Reiber, the enjoinder of creditors, the closing of the DeLanos' estate, and the release of their employer from the order to pay the Trustee;
- b. in *Pfuntner*:
- 1) December 30, 2002, to dismiss Dr. Cordero's cross-claims for defamation as well as negligent and reckless performance as trustee against Trustee Gordon;
 - 2) February 4, 2003, to transmit the record in a non-core proceeding to the District Court, WDNY, combined with findings of fact, conclusions of law, and the Recommendation not to grant Dr. Cordero's request for entry of default judgment;
 - 3) Attachment of February 4, 2003, to the Recommendation of the Bankruptcy Court that the default judgment not be entered by the District Court;
 - 4) February 18, 2003, denying Dr. Cordero's motion to extend time to file notice of appeal;
 - 5) July 15, 2003, ordering that a "discrete hearing" be held in Rochester on October 23, 2003, followed by further monthly hearings;
 - 6) October 16, 2003, Disposing of Causes of Action;
 - 7) October 16, 2003, denying Recusal and Removal Motions and Objection of Richard Cordero to Proceeding with Any Hearings and a Trial;
 - 8) October 23, 2003, Finding a Waiver by Dr. Cordero of a Trial by Jury;
 - 9) October 23, 2003, setting forth a Schedule in Connection with the Remaining Claims

of the Plaintiff, James Pfunter, and the Cross-Claims, Counterclaims and Third-Party Claims of the Third-Party Plaintiff, Richard Cordero;

10) October 28, 2003, denying Dr. Cordero's Motion for a More Definitive Statement of the Court's Order and Decision.

30. The Bankruptcy Clerk shall produce copies of the following documents referred to in the docket of *Premier* or connected to that case:

a. Documents entered in the docket:

1) the monthly reports of operation for March through June 2001, entered as entries no. 34, 35, 36, and 47;

2) the reports for the following months until the completion of the liquidation of Premier;

3) the court order closing that case, which is the last but one docket entry, but bears no number;

4) the court order authorizing the payment of a fee to Trustee Gordon and indicating the amount thereof, which is the last docket entry, but bears no number.

b. Documents that are only mentioned in other documents in that case but not entered themselves anywhere:

1) the court order authorizing payment of fees to Trustee Gordon's attorney, William Brueckner, Esq., and stating the amount thereof; cf. docket entry no. 72;

2) the court order authorizing payment of fees to Auctioneer Roy Teitsworth and stating the amount thereof; cf. docket entry no. 97;

3) the financial statements concerning Premier prepared by Bonadio & Co., for which Bonadio was paid fees; cf. docket entries no. 90, 83, 82, 79, 78, 49, 30, 29, 27, 26, 22, and 16;

- 4) the statement of M&T Bank of the proceeds of its auction of estate assets on which it held a lien as security for its loan to Premier; the application of the proceeds to set off that loan; and the proceeds' remaining balance and disposition; cf. docket entry no. 89;
- 5) the information provided to comply with the order described in entry no. 71 and with the minutes described in entry no. 70;
- 6) the Final report and account referred to in entry no. 67 and ordered filed in entry no. 62.

31. The Committee requests under Rule 13(c) that the Director of the Administrative Office of the U.S. Courts hire special staff, such as a reputable and certified accounting and title firm, that is:

- a. from a state other than those in the Second Circuit;
- b. unfamiliar with any aspect of *DeLano* and *Pfuntner*;
- c. independent and unrelated and unknown to any party or officer in WDNY and WBNY;
- d. capable of faithfully representing pursuant to law the interests of the DeLanos' unsecured creditors and Mr. Palmer/Premier's unsecured creditors and customers;
- e. qualified to investigate the financial affairs of the subject judge and the other parties concerned by this Order on the basis of the documents described herein and similar documents, such as those already produced and included in the record of *DeLano* and *Pfuntner*, to determine whether such judge committed, or aided and abetted the commission of, whether alone or with others, tolerated, or failed to report under, among others, 18 U.S.C. §3057(a), bankruptcy fraud, particularly concealment of assets, wrongful valuation of assets or disposition thereof, wrongful handling of exemptions, other false or misleading financial statements, and solicitation or taking of a bribe or an unlawful gratuity or benefit, at any time and in any form in connection with a bankruptcy petition, a meeting of creditors, an

evidentiary hearing, a confirmation hearing, or similar document or proceeding; and

f. charged with producing a report, accompanied with supporting documents, of the inflow, outflow, and current whereabouts of the assets of the subject judge and of the known earnings and mortgage receipts of at least \$673,657 that such judge allowed the DeLanos“ not to account for (cf. *DeLano* record in CA2, page SApp:1654), -whether such assets of the judge be earnings, real or personal property, rights, or otherwise, or be held jointly or severally by him and/or others directly or indirectly under their control anywhere in the world since three years before his appointment to the bench in 1992 to date.

32. Notwithstanding the above and without detriment to any party’s duty to carry it out, *DeLano* and *Pfuntner* are reported under 18 U.S.C. §3057(a) to the U.S. Attorney General, with the recommendation that they be investigated by U.S. attorneys and FBI agents, such as those from the U.S. Department of Justice and FBI offices in Washington, D.C., or Chicago, who are unfamiliar with either of those cases and unacquainted with any of the parties to either of them, or court officers, whether judicial or administrative, or trustees, directly or indirectly involved in, concerned with, or affected by either of those cases, or that may be investigated, and that no former or current staff of the offices of the Department of Justice or the FBI in either Rochester or Buffalo, NY, participate in any way whatsoever in conducting such investigation, except that such staff be required to provide all information requested of them and to volunteer all information in their possession or whose certain or likely whereabouts they know and that they consider, or similar staff unrelated to either case or the parties to them would consider, potentially or actually relevant to the investigation.

FOR THE SPECIAL COMMITTEE:

Date

EXHIBITS

TO THE

Judicial Misconduct Complaint

under 28 U.S.C. §351

against

U.S. Bankruptcy Judge John C. Ninfo, II

at

The U.S. Bankruptcy Court
for the Western District of New York
Rochester, NY

**for bias, prejudice, and abuse of judicial power
in support of a bankruptcy fraud scheme
and its cover up**

filed with
the Circuit Clerk
of
the Court of Appeals for the Second Circuit

on

June 6, 2008

by

Dr. Richard Cordero, Esq.

59 Crescent Street
Brooklyn, NY 11208
tel. (718)827-9521

Dr. Richard Cordero, Esq.

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

June 9, 2008

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

Dear Mr. Chief Justice Roberts,

I am addressing you as Presiding Officer of the Judicial Conference, as I did last February 9 and March 27 to comment on the Rules for Judicial Conduct and Judicial Disability Proceedings. Thereunder will be processed my complaint against U.S. Bankruptcy Judge John C. Ninfo, II, WBNY, for bias, prejudice, and abuse of power in support of a bankruptcy fraud scheme and its cover up. I am sending you a copy of it below. It will provide the opportunity to determine whether those Rules and the Breyer Report that preceded them were only parts of the strategy of the Judiciary to mislead Congress into believing that it was making an honest effort to exercise responsibly its Congressionally granted power of judicial self-discipline.

The complaint concerns the abuse by Judge Ninfo of unaccountable power on behalf of the other most insidious corruptor: money! Lots of it, for **1)** he has allowed the whereabouts of at least \$673,657 of a debtor to remain unknown -\$291,470 earned in just the three years preceding his bankruptcy petition and \$382,187 received in a string of eight mortgages- **2)** a debtor who was a 39-year veteran of the financing and banking industries and claimed in the petition to have only \$535 in hand and on account and after filing it remained employed in precisely the bankruptcy department of a major bank with \$65 billion in assets, which together with **3)** the debtor was represented by a partner of the law firm of which Judge Ninfo was a partner at the time of taking the bench; and **4)** another lawyer for the debtor had taken before Judge Ninfo, according to PACER, 525 cases, which pale by comparison with **5)** the 3,907 *open* cases before the Judge that the trustee had out of **6)** the unmanageable 3,909 cases that the assistant U.S. trustee and the Trustee for Region 2 let him amass, both of whom **7)** allowed the trustee, with no time to request and review supporting documents from debtors, simply to rubberstamp his petition to collect his 10% fee from every payment to the creditors by recommending its approval to **8)** Judge Ninfo, who to cover up for them denied me *every single document* that I requested both to survive **9)** the debtor's artifice of a motion to disallow my claim at a sham evidentiary hearing, and prove what **10)** this is: insiders of the bankruptcy system running a bankruptcy fraud scheme.

This complaint is based on incontrovertible facts found in the debtor's petition and the evidentiary hearing transcript.¹ It is before Chief Judge D. Jacobs of the Court of Appeals for the 2nd Circuit, which has an insurmountable conflict of interests, for Judge Ninfo is its reappointed appointee. The complaint is now before you and the Conference so that when it is dismissed with no special committee investigating it, as were systematically 99.88% of the 7,462 filed in 1997-2006, you all can be shown to know what you have been doing: tolerating a judge engaged in coordinated wrongdoing with others. Thus, I respectfully request that you use the Rules' 'informal means for disposing of complaints' to cause **a)** the appointment of a special committee, **b)** its issuance of the proposed document production order¹, and **c)** the publication of its report. Meanwhile, I look forward to hearing from you.

Sincerely, *Dr. Richard Cordero, Esq.*

Dr. Richard Cordero, Esq.

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M.B.A., University of Michigan Business School
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August 15, 2008

Chief Judge Dennis Jacobs
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New York, NY 10007

tel. (212)857-8500

Re: Judicial conduct complaint of 6/6/8, no. 02-08-90073, against J. John C. Ninfo, II, WBNY

Dear Chief Jacobs,

Over two months ago, I filed with the CA2 Clerk the above captioned complaint to be processed by you under the new Rules for Judicial Conduct and Disability Proceedings (R #). To date I have not been notified of your taking any action concerning this complaint.

However, R 8(b) provides that “The clerk **must promptly** send copies of a complaint...to the chief judge...and to each subject judge” and R 11(a) adds that “the chief judge **must review it**”. In addition, R 11(f) requires that “If some or all of the complaint is not dismissed or concluded, the chief judge **must promptly appoint a special committee** to investigate the complaint or any relevant portion of it and to make recommendations to the judicial council”. (emphasis added) The tenor of the Rules is that action will be taken expeditiously.

Indeed, this follows from the provisions of the law itself, which at 28 U.S.C. §351(a) states as grounds for complaining against a judge his or her having “engaged in conduct prejudicial to the effective and **expeditious** administration of the business of the courts”. Subsection (b) even provides that the chief judge “in the interest of the effective and **expeditious** administration of [that] business...may...identify a complaint...and dispense with filing of a written complaint”. Thereafter §352 expressly provides for “(a) **expeditious review**; limited inquiry. – The chief judge **shall expeditiously review** any complaint”. What is more, §353(a) requires that “If the chief judge does not enter an order under section 352(b), the chief judge **shall promptly-** (1) **appoint...a special committee** to investigate...(2) certify the complaint and any other documents pertaining thereto to each member of such committee; and (3) **provide written notice to the complainant**...of the action taken under this subsection” (emphasis added).

The need for prompt action on my complaint is exacerbated by the pending proceedings before Judge Ninfo in *Pfuntner v. Trustee Gordon et al.*, 02-2230, to which I am a party and from which he has refused to recuse himself. It would be a denial of due process to force me to litigate before him since in that case and in the related *DeLano*, 04-20280, he has engaged in a series of acts so consistently in disregard of the law and the facts and biased toward the local parties and bankruptcy system insiders, and against me, the sole non-local outsider, as to form a pattern of coordinated wrongdoing in support of a bankruptcy fraud scheme. He must continue his abusive conduct to cover up his past abuse. Thus, J. Ninfo does not show even “the appearance of impartiality” needed for an objective observer to reasonably expect just and fair proceedings from him.

Hence, I respectfully request that you **1)** promptly appoint a special committee and let me know; **2)** certify to its members the proposed production order herewith; and **3)** given the scope of the fraud scheme, cause it to be placed for discussion on the September agenda of the Judicial Conference.

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

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

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

August 15, 2008

Chief Justice John G. Roberts, Jr.
Presiding Officer of the Judicial Conference
c/o Supreme Court of the United States
1 First Street, N.E., Washington, D.C. 20543

Re: Judicial conduct complaint of 6/6/8, no. 02-08-90073, against J. John C. Ninfo, II, WBNY

Dear Mr. Chief Justice Roberts,

Over two months ago, I gave you, as presiding officer of the Judicial Conference, notice that I had filed the above captioned complaint to be processed by Chief Judge Dennis Jacobs, CA2, under the new Rules for Judicial Conduct and Disability Proceedings (R #). To date CJ Jacobs has not notified me of having taken any action concerning this complaint.

However, R 8(b) provides that “The clerk **must promptly** send copies of a complaint...to the chief judge...and to each subject judge” and R 11(a) adds that “the chief judge **must review it**”. In addition, R 11(f) requires that “If some or all of the complaint is not dismissed or concluded, the chief judge **must promptly appoint a special committee** to investigate the complaint or any relevant portion of it and to make recommendations to the judicial council”. (emphasis added) The tenor of the Rules is that action must be taken expeditiously.

Indeed, this follows from the provisions of the law itself, which at 28 U.S.C. §351(a) states as grounds for complaining against a judge his or her having “engaged in conduct prejudicial to the effective and **expeditious** administration of the business of the courts”. Subsection (b) even provides that the chief judge “in the interest of the effective and **expeditious** administration of [that] business...may...identify a complaint...and dispense with filing of a written complaint”. Thereafter §352 expressly provides for “(a) **expeditious review**; limited inquiry. –The chief judge **shall expeditiously review** any complaint”. What is more, §353(a) requires that “If the chief judge does not enter an order under section 352(b), the chief judge **shall promptly-** (1) **appoint...a special committee** to investigate...(2) **certify** the complaint and any other documents...to each member and (3) **provide written notice to the complainant** of the action taken” (emphasis added).

The need for prompt action on my complaint is exacerbated by the pending proceedings before Judge Ninfo in *Pfuntner v. Trustee Gordon et al.*, 02-2230, to which I am a party and from which he has refused to recuse himself. It would be a denial of due process to force me to litigate before him since in that case and in the related *DeLano*, 04-20280, he has engaged in a series of acts so consistently in disregard of the law and the facts and biased toward the local parties and bankruptcy system insiders, and against me, the sole non-local outsider, as to form a pattern of coordinated wrongdoing in support of a bankruptcy fraud scheme. He must continue his abusive conduct to cover up his past abuse. Thus, J. Ninfo does not show even “the appearance of impartiality” needed for an objective observer to reasonably expect just and fair proceedings from him.

Hence, I respectfully request that you use the Rules’ ‘informal means for disposing of complaints’ to cause **a)** the appointment of a special committee, **b)** the certification of the proposed production order (§20.f infra), and **c)** the placement of the subject of the fraud scheme on the September agenda of the Judicial Conference. Meantime, I look forward to hearing from you.

Sincerely,

Dr. Richard Cordero, Esq.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 FOLEY SQUARE
NEW YORK, NEW YORK 10007
212-857-8500

DENNIS JACOBS
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

October 8, 2008

Dr. Richard Cordero
59 Cresent St
Brooklyn, NY 11208

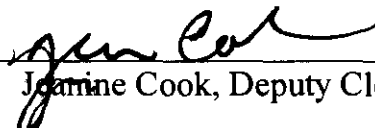
Re: Judicial Conduct Complaint, 02-08-90073-jm

Dear Dr. Cordero:

Attached is a copy of the Chief Judge's order dismissing your complaint. If you wish to file a petition for review, pursuant to Rule 5 of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers Less than 28 USC § 351, you must write a petition for review letter of **no more than five single-spaced pages**, addressed to the Clerk of Court. You should begin your letter, "I hereby petition the judicial council for review of the Chief Judge's order. . . ." Do not include any attachments. The petition for review is a review of the documents already filed in this matter.

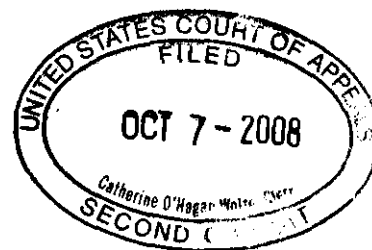
The petition for review must be received in the Clerk's Office **no later than NOVEMBER 12, 2008**. **According to Rule 18** the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers Less than 28 U.S.C. § 351, **documents received after that date will be returned unfiled**, without any action taken.

Very truly yours,
Catherine O'Hagan Wolfe, Clerk of Court

By: 
Jeanine Cook, Deputy Clerk

Enclosure

JUDICIAL COUNCIL OF THE
SECOND CIRCUIT



-----X

In re
CHARGE OF JUDICIAL MISCONDUCT

Docket No. 02-08-90073-jm

-----X

DENNIS JACOBS, Chief Judge:

On June 9, 2008, the Complainant filed a complaint with the Clerk's Office of the United States Court of Appeals for the Second Circuit pursuant to the Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 351 (2006) (the "Act"), and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Second Circuit Governing Complaints Against Judicial Officers under the Act (the "Rules"), charging a bankruptcy judge of this Circuit (the "Judge") with misconduct.

Background and Allegations

The Complainant accuses the Judge of bias, prejudice and abuse of judicial power in support of an alleged bankruptcy fraud scheme and cover-up. The Complainant alleges that, in 2004, the debtors commenced Chapter 13 bankruptcy proceedings, naming the Complainant as an unsecured creditor. The Complainant alleges that throughout the proceedings, the Judge consistently ruled "in

favor of local parties and insiders of the bankruptcy system," demonstrating a "pattern of intentional and coordinated wrongdoing." The Complainant offers as examples, *inter alia*, that the debtors' declarations were inherently suspicious and that they provided no supporting documents; that the Trustee had almost 4,000 open cases pending before the Judge and committed breaches of his legal duties during the proceedings; that the Judge upheld the Trustee's refusal to allow the Complainant to examine the debtors and denied the Complainant's requests for documents; that the Judge conducted a "sham evidentiary hearing" in which he acted as an advocate for the debtors; and, finally, that the Judge disallowed the Complainant's claim against the debtors.

In 2005, the bankruptcy court found that the Complainant had no valid claim against the debtors and had no standing to participate further in the bankruptcy proceedings. The district court affirmed. In 2007, the bankruptcy court discharged the debtors from all debts encompassed by the debtors' plan and barred creditors from attempting to collect any debt that had been discharged in the case. The bankruptcy court subsequently accepted the Trustee's final report and accounting, discharged the Trustee, enjoined all claimants from commencing or continuing any action against the debtors, and closed the estate. Accordingly, in 2008, the Court of Appeals dismissed the

Complainant's appeal as equitably moot.

Disposition

The complaint is dismissed.


The bulk of the allegations in the complaint are merely attacks on the correctness of the Judge's rulings in the bankruptcy proceedings. They are therefore dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); Rule 3(h)(3)(A), 11(c)(1)(B). Purely merits-related allegations are excluded from the Act to "preserve[] the independence of judges in the exercise of judicial power by ensuring that the complaint procedure is not used to collaterally attack the substance of a judge's ruling." Rule 3 cmt. Such challenges can be pursued, to the extent the law allows, only through normal appellate procedures.

The complaint's allegations of bias, cover-up, and conspiracy are wholly unsupported, and are therefore dismissed as "lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D). A decision for or against a party does not evidence bias. Nor do several such decisions. The Complainant has pointed to nothing other than the decisions themselves to support his claims of bias.

The complaint recites that it is "filed under objection to the inherent partiality of judges judging their peers," and

requests that I recuse myself. The Complainant is of course free to express his discontent with the judicial misconduct process enacted by Congress. But the Act ascribes to me a duty to decide this complaint, see 28 U.S.C. § 352, and there is no basis for me to recuse.

The Clerk is directed to transmit copies of this order to the Complainant and to the Judge.



Dennis Jacobs
Chief Judge

Signed: October 7, 2008
New York, New York

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 Street, Brooklyn, NY 11208-1515
tel. (718) 827-9521

Dr.Richard.Cordero.Esq@Judicial-Discipline-Reform.org

November 10, 2008

The Clerk of Court
U.S. Court of Appeals for the Second Circuit
500 Pearl Street, New York, NY 10007

Dear Clerk,

I hereby petition the Judicial Council¹ for review of CA2 Chief Judge Dennis Jacobs' order (O:page #) of October 7, 2008, which dismissed my misconduct complaint of June 6, 2008, under the Judicial Conduct and Disability Act, 28 U.S.C. §351 (the Act), against Bankruptcy Judge John C. Ninfo, II, WBNY. I submit the following statements under penalty of perjury.

1. CJ Jacobs dismissed the complaint using these ready-made, fit-them-all conclusory statements (O:3), whereby he disregarded the requirement to "provid[e] the complainant with a full, particularized, but concise explanation, giving reasons for the conclusions reached", (R.11C:18L5-6 = Rule 11 of the Rules for Judicial Conduct and Disability Proceedings and Comment on it on page 18, Lines 5-6):

The bulk of the allegations in the complaint are **merely attacks on the correctness** of the Judge's rulings in the bankruptcy proceedings. They are therefore dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. §352(b)(1)(A)(ii) ; Rule 3(h)(3)(A), 11(c)(1)(B). **Purely merits-related allegations** are excluded from the Act to 'preserve[] the independence of judges in the exercise of judicial power by ensuring that the complaint procedure is not used to collaterally attack the substance of a judge's ruling." Rule 3 cmt. Such challenges can be pursued, to the extent the law allows, only through normal appellate procedures. [emphasis added]

The complaint's allegations of bias, cover-up, and conspiracy are **wholly unsupported**, and are therefore dismissed as "lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. §352(b)(1)(A)(iii); Rule 11(c)(1)(D). A decision for or against a party does not evidence bias. Nor do several such decisions. The Complainant has **pointed to nothing other than the decisions** themselves to support his claims of bias. [emphasis added]

2. Dr. Cordero's five-page complaint was supported by references to more than 600 pages of exhibits, listed on a Table of Contents and contained in a separate paper volume as well as on a CD. The complaint, the ToC, and the CD were served on the Chief Judge, each member of the Judicial Conference, its secretary at the Administrative Office of the U.S. Courts (AO), its Committee on Judicial Conduct and Disability, and Circuit Justice Ruth Ginsburg. Those documents, the dismissal order, and this petition can be downloaded in the 21MB file at: http://Judicial-Discipline-Reform.org/JNinfo/DrCordero_JNinfo_ex_6jun8.pdf The references here are to the pages in that file.
3. Indeed, the complaint pointed for support of its claims to **a)** the bankruptcy petition with its implausible, incongruous, and unsupported declarations in its Financial Affairs Statement, Schedules A-J, and debt repayment plan filed in Judge Ninfo's Court by Debtors David and Mary Ann DeLano on January 27, 2004 (04-20280, WBNY; **D:23**; ¶7 *infra*); **b)** their 1040 IRS forms

¹ This petition is filed under objection to the inherent partiality of judges judging their peers, friends, and appointees; their systematic dismissal of such complaints (Table, *infra*); and CA2 judges' self-interest in not finding their own two-term Appointee Judge Ninfo involved in a bankruptcy fraud scheme (¶¶14-15 *infra*).

for 2001-03 (D:186); **c**) official documents evidencing their string of eight mortgages and the cover letter of their attorney, Christopher Werner, Esq. (D:341); **d**) the printouts of screenshots of “County Clerk’s Office Electronic Records Indexing” that though lacking DeLano-specific information Mr. Werner passed off as explanation of those mortgages and Chapter 13 Trustee George Reiber unquestioningly accepted (D:477, 492); **e**) the Trustee’s “Findings of Fact and Summary of 341 Hearing” (never mind that there is no such thing as a „341 Hearing” under 11 U.S.C. §341 or anywhere else in the Bankruptcy Code) and his undated and unsigned sheet titled “I/We filed Chapter 13 [sic] for one or more of the following reasons” (Add:937), which despite their shockingly perfunctory and unprofessional content, scribbles, and interlineations were accepted also unquestioningly as the “Trustee’s Report” by **f**) Judge Ninfo in his order confirming the DeLanos’ plan (Add:941); **g**) CA2’s incompetent 3-liner order that dismissed Dr. Cordero’s appeal by citing two cases that are objectively inapplicable to the DeLanos’ bankruptcy since they do not deal with a case under Chapter 13 of individuals with a regular income adjusting their debts, or bankrupts’ refusal to provide documents supporting their petition, or even fraud, much less its being cured by “equitable mootness”, but rather concern complex Chapter 11 company reorganizations involving special debt-release arrangements with non-parties and their unraveling by recoupment from innocent parties (CA:2180; 2198§II); and **h**) the substandard transcript in Pidgin English by Court Reporter Mary Dianetti of the evidentiary hearing of the DeLanos’ artifice of a motion to disallow Dr. Cordero’s claim against them (CA:1732§2), at which Judge Ninfo manifested his bias for Mr. DeLano and his lawyer, Michael Beyma, Esq., a partner of the law firm in which the Judge was a partner at the time of his appointment by CA2 to the bench, and at which the Judge behaved as the law firm’s attorney for Mr. DeLano and allowed Atts. Beyma and Werner to wave answers to Mr. DeLano while the latter was on the stand giving testimony that confirmed Dr. Cordero’s version of the events in question (Tr:i-189; Pst:1255§E).

4. What Dr. Cordero pointedly did not include in the exhibits or make the complaint basis was J. Ninfo’s decisions and their effect on him...and CJ Jacobs walked right into the trap! So he pretended that “The Complainant has pointed to nothing other than the decisions themselves to support his claims of bias.”
5. CJ Jacobs thus showed that he dashed out another stock order of dismissal of a complaint against a peer (Table & ¶15 *infra*) and a CA2 appointee by recklessly disregarding the complaint’s content and irresponsibly ignoring even the nature of its exhibits, whose existence he failed to acknowledge. Since a person is deemed to intend the reasonable consequences of his acts, CJ Jacobs wrote his order with intent to mislead the Judicial Council, the Committee on Judicial Conduct, and the Conference as to the content and supporting documents of Dr. Cordero’s complaint.
6. CJ Jacobs’ intent to misrepresent is confirmed by the fact that he did not even hint at who the DeLanos are. What unlikely bankrupts! Indeed, Debtor David DeLano was a 39-year veteran of the banking and financing industries who at the time of filing his and his wife’s bankruptcy petition was and continued to be employed by a major bank, M&T Bank, precisely as a bankruptcy officer. Mrs. DeLano was a Xerox technician, trained to think in a methodical, step-by-step fashion. During Mr. DeLano’s long career as an insider of the bankruptcy system, he has learned about how other insiders have coordinated their wrongdoing to give rise to a bankruptcy fraud scheme. The latter includes Judge Ninfo, for he can confirm whatever debtor’s plan he wants, however unlawful it may be, and deny whatever incriminating document he does not want, however pertinent it may be to verify the petition, and do so by any arbitrary means (D:355, 387) while relying on District Judge David Larimer (CA:1735§B, 1762§C), and his two times appointers, the 2nd Circuit judges, to dismiss any challenge to his decisions (CA:2192§I).

7. So CJ Jacobs misleadingly omitted that the exhibits supporting the complaint show that when it came time for the DeLanos to prepare their golden retirement with the schemers' assistance, they filed a bankruptcy petition, "wholly unsupported" by any documents, where they claimed:
- a)** that they had in cash and on account only \$535 (D:31), although they had declared that their monthly excess income was \$1,940 (D:45); and in the FA Statement (D:47) and their 1040 IRS forms (D:186) that they had earned \$291,470 in just the three years prior to their filing;
 - b)** that their only real property was their home (D:30), bought in 1975 (D:342) and appraised in November 2003 at \$98,500, 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) *Mind-boggling!*
 - c)** that they owed \$98,092 –spread thinly over 18 credit cards (D:38)- while they valued their household goods at only \$2,810 (D:31), less than 1% of their earnings in the previous three years! Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their worklives of more than 30 years.
8. The DeLanos' was only one of Trustee Reiber's 3,907 open cases and Att. Werner's 525 (PACER) before Judge Ninfo. The latter approved upon the Trustee's recommendation the payment to the Attorney of \$27,953 in legal fees for opposing Dr. Cordero's request for supporting documents. (CA:1956¶20) Neither Judge Ninfo nor Judge Larimer nor CA2 Motions Judge Peter Hall nor Panel Judges Sonia Sotomayor, Debra Ann Livingston, and Gregory Carman, who dismissed his appeal (CA:2180), nor the other circuit judges who denied his petition for hearing en banc (CA:2191), wanted to know how bankrupts that had declared only \$535 in cash and on account had come up with that amount of money while making payments under the plan (D:940) or how Att. Werner, who had signed off on that declaration (D:28), kept running up the bill unless he knew that the DeLanos had the money to pay him. They sought comfort in willful ignorance. So they denied Dr. Cordero and themselves every single document that he requested and they needed to ensure judicial integrity and due process, including Banker DeLano's and his wife's bank account statements, although so obviously pertinent to determine the good or bad faith of any bankruptcy.
9. To date \$673,657 worth of the DeLanos' known assets is still unaccounted for. (SApp:1654) CJ Jacobs protects the cover up of his peers by allowing the DeLanos' "wholly unsupported" bankruptcy petition to stand undisturbed rather than allow Dr. Cordero's complaint, supported by over 600 hundred pages of documents, to be investigated by a special committee. Yet, its appointment is required because the facts belie the Chief Judge's dismissal pretext that "the allegations in the complaint are merely attacks on the correctness of the Judge's rulings [and] purely merits-related".
10. Far from it, "[w]hat the allegation attacks is the propriety of arriving at rulings with an illicit or improper motive [and] thus goes beyond a mere attack on the correctness of the ruling itself"; Breyer Report, p54, 145-146. This statement was adopted by the Conference in the Rules, which implement the Report's recommendations and which the Committee on Judicial Conduct that drafted the Rules provided in its comments as a standard for determining when an allegation is "not merits-related". (R.3C:6L21-32)
11. The Conference also provided thus: Rule 3 (h) Misconduct. Cognizable misconduct: (1) is conduct prejudicial to the effective and expeditious administration of the business of the courts. Misconduct includes, but is not limited to:
- (A) using the judge's office to obtain special treatment for friends or relatives;
 - (B) accepting bribes, gifts, or other personal favors related to the judicial office;
 - (C) having improper discussions with parties or counsel for one side in a case;
 - (D) treating litigants or attorneys in a demonstrably egregious and hostile manner.

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-Month Period Ended Sep. 30, 1997-07.
<http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf

Data collected by Jud. Council 2 nd Cir. for AO; 28 U.S.C. §332(g)	'96-97	'97-98	'98-99	'99-00	'00-01	'01-02	'02-03	'03-04	'04-05	'05-06	'06-07	'96-07	Avg.
Complaints Pending on each September 30 of 1996-2006*	5	10	23	65	33	60	29	34	57	31	28	375	34.1
Complaints Filed	40	73	99	59	102	62	69	23	36	14	22	599	54.5
Complaint Type													
Written by Complainant	40	73	99	59	102	62	69	23	36	0	22	585	53.2
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	14	0	14	1.3
Officials Complained About**													
Judges													
Circuit	3	14	23	9	31	10	8	4	7	0	6	115	10.5
District	27	56	63	41	52	41	49	15	23	10	12	389	35.4
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Bankruptcy Judges	2	1	2	2	2	1	1	1	0	0	0	12	1.1
Magistrate Judges	8	8	11	7	17	10	11	3	6	4	4	89	8.1
Nature of Allegations**													
Mental Disability	1	9	26	2	5	4	6	3	3	1	1	61	5.5
Physical Disability	0	1	2	1	0	0	1	2	0	0	0	7	0.6
Demeanor	2	2	2	3	14	3	4	6	0	0	0	36	3.3
Abuse of Judicial Power	25	30	7	29	28	57	20	6	3	0	1	206	18.7
Prejudice/Bias	32	36	34	28	24	40	20	35	43	28	30	350	31.8
Conflict of Interest	0	0	5	11	10	18	3	4	5	1	1	58	5.3
Bribery/Corruption	0	0	10	21	2	15	4	5	2	2	1	62	5.6
Undue Decisional Delay	0	4	0	11	6	15	9	5	8	2	3	63	5.7
Incompetence/Neglect	4	1	3	1	5	2	3	3	4	0	3	29	2.6
Other	0	11	3	5	0	0	4	33	80	38	47	221	20.1
Complaints Concluded	33	56	57	80	75	93	42	51	91	45	50	673	61.2
Action By Chief Judges													
Complaint Dismissed													
Not in Conformity With Statute	3	4	0	0	4	1	1	6	5	8	1	33	3.0
Directly Related to Decision or Procedural Ruling	12	19	19	29	17	23	14	18	46	15	10	222	20.2
Frivolous	0	1	19	0	13	9	7	3	1	3	2	58	5.3
Appropriate Action Already Taken	0	0	0	0	0	0	0	1	0	1	0	2	0.2
Action No Longer Necessary Because of Intervening Events	0	0	3	1	0	2	0	0	0	1	0	7	0.6
Complaint Withdrawn	0	0	0	0	0	2	0	1	2	0	0	5	0.5
Subtotal	15	24	41	30	34	37	22	29	54	28	13	327	29.7
Action by Judicial Councils													
Directed Chief District Judge to Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Dismissed the Complaint	18	32	16	50	40	56	20	22	37	17	37	345	31.4
Withdrawn	n/a	n/a	0	0	1	0	0	0	0	0	0	1	0.1
Referred Complaint to Judicial Conference	0	0	0	0	0	0	n/a	0	0	n/a	0	0	0.0
Subtotal	18	32	16	50	41	56	20	22	37	17	37	346	31.5
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	1	2	0.2
Complaints Pending on each September 30 of 1997-2007	12	27	65	44	60	29	56	6	2	0	0	301	27.4

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

12. A reasonable and impartial observer informed of the facts (Pst:1257§D; CA1725§VII) would realize that the complaint's basis is that Judge Ninfo abused his power to enable bankruptcy fraud schemers to keep in just one case \$673,657 concealed from creditors and available to be shared with him before or after any of their appearances in their thousands of cases in his court; and that when a creditor threatened to blow his cover, he set him up for an outcome-predetermined evidentiary hearing where he took over, treated him with blatant bias, and eliminated him. (Pst:1255§E)
13. A chief judge would recognize that such complaint provided him with "information constituting reasonable grounds for inquiry into whether a covered judge has engaged in misconduct", R.5, for the merits-unrelated, illicit motive of corruption. He would respect the injunction that "[i]n conducting the inquiry, the chief judge must not determine any reasonably disputed issue", R.11(b), and instead must apply "the standard [] used to decide motions for summary judgment" by narrowly limiting his inquiry to the threshold determination whether there exist "genuine issues of material fact", R.11C:p15L16-23, because the complaint "is based on allegations [supported by] sufficient evidence to raise an inference that misconduct has occurred [and is] capable of being established through investigation", R.11(c)(1)(D-E). So he would hold it "appropriate for consideration", *id.*: G, given that to allow even the appearance of a cover up of evidence of corruption, let alone of corruption itself, would have "a prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people", R.3(h)(2). Consequently, he would not dismiss the complaint, but rather abide by his duty that "the chief judge must promptly appoint a special committee to investigate [it]", R. 11(f).
14. However, that committee could order the production of documents that would reveal the concealment of the \$673,657 and implicate Judge Ninfo in the scheme. An incrimination could prompt him to trade up in plea bargaining by in turn incriminating his bigger fish appointers as aiders for having at least known of, and tolerated, his scheming (CA:1721 Table) despite their duty to ensure the integrity of the courts' business. Hence, the judges have a disqualifying conflict of interests. (CA:1945)
15. The Council too has a conflict with its duty: The annual reports on its orders relating to misconduct complaints that under 28 U.S.C. §332(g) it must file with AO and the latter must under §604(h)(2) submit to Congress show that between 1996 and 2007, of the 345 petitions for review that it disposed of it dismissed with no action taken a 100%! It referred to the Conference zero complaints. It merely rubberstamped its chief judges' dismissals. In the 604 pending and new complaints only 2 special committees were appointed and 0 peer was disciplined. Thus, the Council and the chiefs have acted in concert to protect their own and deprive the people of their statutory right to complain about them. The Council's pattern of conduct for over a decade in hundreds of cases shows that its "impartiality might reasonably be questioned" (28 U.S.C. §455(a)), for its petition review is a sham!
16. **Therefore, Dr. Cordero respectfully requests** that the Council: **a)** "disqualify [it]self" concerning this complaint (*id.*; R.25(a)) and ask Chief Justice Roberts, Jr., to transfer it to another council (R.26); otherwise, **b)** cause a certificate of necessity to issue under 28 U.S.C. §294(d) for him to appoint judges from the roster of retired judges from other circuits to a special committee to investigate this complaint, just as CA5 and the Chief Justice did when appointing U.S. Dis. Judge R. Vinson of Florida to investigate U.S. Dis. J. S. Kent of Texas; otherwise, **c)** not include in the review panel CJ Jacobs and Judge Sotomayor (R.18(a); 28 U.S.C. §47); **d)** recognize that "information...that gives probable cause...to believe that [Judge Ninfo] has engaged in [a bankruptcy fraud scheme]", R.3(c)(2), constitutes "exceptional circumstances [and] take other appropriate action", R.19(b)(4), i.e. appoint a special committee of non-judges not admitted to appear in, and unrelated to, any 2nd Circuit court; **e)** issue the [document production order](#) accompanying the complaint and transmit a copy of those produced to Dr. Cordero.

November 10, 2008

Dr. Richard Cordero, Esq.

Service List

I, Dr. Richard Cordero, Esq., affirm that I served a copy of the petition to the Judicial Council of the 2nd Circuit for review of the dismissal by CA2 Chief Judge Dennis Jacobs of my judicial misconduct complaint against U.S. Bankruptcy Judge John C. Ninfo, II, WBNY, on the following judicial officers of the Judicial Conference of the U.S., its Committee on Judicial Conduct and Disability, its Secretary at the Administrative Office of the U.S. Courts, and the Judicial Council of the Second Circuit:

Chief Justice John G. Roberts, Jr.
Presiding Officer
Judicial Conference of the U.S.
c/o Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543
Public Information Office: (202)479-3211
Clerk's Office: (202)479-3011

Justice Ruth Bader Ginsburg
Circuit Justice for the Second Circuit
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543

Mr. Jeffrey P. Minear
Administrative Assistant to the Chief Justice
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543

Mr. James C. Duff
Judicial Conference Secretary & AO Director
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544
tel. (202)502-2600

Judge Pasco M. Bowman, II
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and Disability
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St. Louis, MO 63102
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and Disability
c/o U. S. District Court, WD of Washington
700 Stewart Street
Seattle, WA 98101
tel. (206)370-8400

Judge Dolores K. Sloviter
Member of the Committee on Judicial Conduct
and Disability
c/o U. S. Court of Appeals, 3rd Circuit
18614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106
tel. (215)597-1588

Judge Joseph A. DiClerico, Jr.
Member of the Committee on Judicial Conduct
and Disability
c/o U.S. District Court, DNH
55 Pleasant Street, Room 110
Concord, NH 03301
tel. (603)225-1423

Chief Judge Sandra L. Lynch
Member of the Judicial Conference of the U.S.
c/o U.S. Court of Appeals, 1st Cir.
1 Courthouse Way
Boston, MA 02210
tel. (617)748-4431

Judge Ernest C. Torres
Member of the Judicial Conference of the U.S.
c/o U.S. District Court, DRI
Federal Courthouse
One Exchange Terrace
Providence, RI 02903
tel. (401)752-7203

Chief Judge Dennis Jacobs
Member of the Judicial Conference of the U.S.
and the Judicial Council of the Second Cir.
c/o U.S. Court of Appeals, 2nd Circuit
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007
tel. (212)857-8500

Chief Judge William K. Sessions, III
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and the Judicial Council of the Second Cir.
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Burlington, VT 05402-0928
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Chief Judge Garrett E. Brown
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402 East State Street, Room 2020
Trenton, NJ 08608
tel. (609)989-2009

Chief Judge Karen J. Williams
Member of the Judicial Conference of the U.S.
c/o U.S. Court of Appeals, 4th Cir.
1100 E. Main Street, Annex, Suite 501
Richmond, VA 23219-3517
tel. (804)916-2700

Chief Judge James P. Jones
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Post Office Box 669
Abingdon, VA 24212-0669;
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Member of the Judicial Conference of the U.S.
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515 Rusk Street, Room 12505
Houston, TX 77002-2655
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Judge Sim Lake, III
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515 Rusk Avenue, Room 9535
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Chief Judge Danny J. Boggs
Member of the Judicial Conference of the U.S.
c/o U.S. Court of Appeals, 6th Cir.
U.S. Courthouse, 100 E. Fifth Street
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Chief Judge Frank H. Easterbrook
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Chief Judge Alex Kozinski
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Circuit Judge José A. Cabranes
Circuit Judge Guido Calabresi
Circuit Judge Rosemary S. Pooler
Circuit Judge Sonia Sotomayor
Circuit Judge Robert D. Sack
Circuit Judge Robert A. Katzmann
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Daniel Patrick Moynihan U.S. Courthouse
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Chief Judge Kimba M. Wood
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Chief Judge Richard J. Arcara
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November 10, 2008

59 Crescent Street
Brooklyn, NY 11208

Dr. Richard Cordero, Esq.

Dr. Richard Cordero, Esq.
tel. (718) 827-9521

Dr. Richard Cordero, Esq.

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M.B.A., University of Michigan Business School
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Dr.Richard.Cordero.Esq@Judicial-Discipline-Reform.org

November 13, 2008

The Clerk of Court and the Judicial Council
U.S. Court of Appeals for the Second Circuit
500 Pearl Street, New York, NY 10007

Judicial misconduct complaint no. 02-08-90073-jm

Dear Clerk and Council,

I timely petitioned the Judicial Council for review (N:36 supra) of Chief Judge D. Jacobs' order of October 7, 2008, which dismissed my misconduct complaint of last June 6 against Bankruptcy Judge John C. Ninfo, II, WBNY. Thereafter the Clerk made additional demands on me.

The extra, one-sided copies of the petition that the Clerk demanded are herewith. Yet, your letter of October 8 notifying me of the dismissal of the complaint by Chief Judge Jacobs does not state how many copies must be filed or that they must be printed on only one side of the page. It only states that "you must write a petition for review letter of **no more than five single-spaced pages**". (emphasis in the original) Rule 18 of the Rules for Judicial Conduct and Disability Proceedings is silent on the number of copies and printing sides. Its section (a) only provides that "...the judicial council may refer a petition for review filed under this Rule to a panel of no fewer than five members of the council".

For some guidance, I looked at Rule 6, although it concerns the filing of a complaint with the chief judge, not a petition to the Judicial Council for review of its dismissal by the chief judge. In pertinent part, it provides that "(e) Number of Copies...The complainant shall provide the number of copies of the complaint required by local rule". In turn, 2nd Circuit Local Rule 6(e) provides "If the subject judge is a bankruptcy judge, the complainant must file six copies of the complaint." Accordingly, that is the number of copies of the petition that I submitted, including the one for Chief Judge Jacobs.

By contrast, your October 8 letter states "Do not include any attachments. The petition for review is a review of the documents already filed in this matter". In the same vein, Rule 18(c) states that "A circuit clerk who receives a petition for review...must (2) promptly distribute to each member of the judicial council, or its relevant panel...or make available in the manner provided by local rule, the following materials: (A) copies of the complaint; (B) all materials obtained by the chief judge in connection with the inquiry; (C) the chief judge's order disposing of the complaint; (D) any memorandum in support of the chief judge's order; (E) the petition for review". There is no local rule under 18(c). Accordingly, I did not provide with my petition any copies of my exhibits in addition to the one that I was entitled to provide with my complaint under Local Rule 6(e): "The complainant may file one copy of any supporting transcripts, exhibits, or other documents". Nevertheless, since the Clerk demanded that I provide six copies of my exhibits, I agreed to do so on six CDs.

As shown on the Table of the Reports of complaint handling in the 2nd Circuit in the 11 years between 1996 and 2007 (N:39 supra), 346 petitions were filed during that period. It follows that both the Clerk and the Council have had more than ample time and occasion to realize that if they fail to state in the notification letter or provide by local rule how many copies of the petition to submit, on how many sides of the page to print, and whether to provide exhibits in spite of the statement not to provide attachments, petitioners will decide on their own and differently among themselves what to do in those respects. Given that of the 345 petitions that the Council disposed of, it dismissed 100% of them, the additional demands are unjustified and constitute an exercise in futility intended to burden petitioners so that they may desist from filing their petitions.

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

59 Crescent Street, Brooklyn, NY 11208-1515
Dr.Richard.Cordero.Esq@Judicial-Discipline-Reform.org
tel. (718) 827-9521

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

November 14, 2008

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

Dear Mr. Chief Justice,

I am addressing you as the presiding officer of the Judicial Conference, as I did last June 9 and August 15, to put you on notice of the latest development in the judicial misconduct complaint concerning judicial involvement in a bankruptcy fraud scheme and the cover up of its evidence: Without any investigation, your colleague, CA2 Chief Judge Dennis Jacobs, dismissed the complaint against his and his circuit peers' twice appointee, i.e., Bankruptcy Judge John C. Ninfo, II, WBNY.

This dismissal illustrates the abuse of the self-discipline mechanism entrusted to you and your peers under the Judicial Conduct and Disability Act. Abuse is worked through the systematic dismissal of misconduct complaints, whereby judges judging their peers, and all the more so their appointees (cf. Rule 21(c) 1st sentence of the Rules for Judicial Conduct Proceedings) ensure unaccountability for their judicial power and ensuing coordinated wrongdoing. It is confirmed by the statistics of the Administrative Office of the U.S. Courts, which show that the 7,977 complaints concluded in the 1oct96-30sep07 11-year period gave rise to the appointment of merely 12 special committees and only 11 disciplinary actions: 99.86% of the complaints were dismissed with no private or public discipline administered. The judges take care of their own to the detriment of outsiders.

As described in the complaint accompanying my June 9 letter to you, Judge Ninfo allowed Mr. DeLano, a banker for 39 years who at the time of filing his and his wife's bankruptcy petition was and continued to be a bankruptcy officer at M&T Bank, to prepare their golden retirement without accounting for \$673,657...in just one of the 3,907 cases that the Trustee had before the Judge.¹ To protect Mr. DeLano from an indictment for concealment of assets that would have induced him to plea bargain by 'singing' what he had learned about the scheme as a bankruptcy system insider, Judge Ninfo denied me *every single document* that I requested, including the DeLanos' bank account statements, to defend against their motion to disallow my claim. Thereby he protected himself from implication in the scheme. The District Court and CA2 joined in denying not only me, but also themselves *every single document*, which they needed to protect the integrity of judicial process and deserve "public confidence in [their] ability to redress misconduct". (Rule 23(a)) So they all disregarded the inherently suspicious fact that the Trustee recommended and Judge Ninfo authorized the payment of \$27,953 in legal fees, incurred to fight my discovery requests, by the DeLanos, who had declared in their sworn bankruptcy petition that they only had \$535 in hand and on account.

This shows that CJ Jacobs' dismissal through a "merits-related" stock order is part of the cover up of a bankruptcy fraud scheme driven by the two most insidious corruptors: money and unaccountable power. The accompanying petition for review discusses this and its certain dismissal by the 2nd Cir. Judicial Council, which of the 345 petitions that it disposed of in that '96-'07 period dismissed 100%. Therefore, I respectfully request that you refuse to become accessory after the cover up and 'seek informally' (cf. Rule 5(a)) that the Council refer the complaint to the Conference under 28 U.S.C. §354(b)(1). Meanwhile, I look forward to hearing from you.

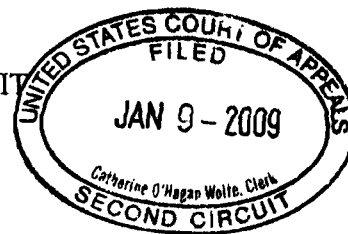
Sincerely,
Dr. Richard Cordero, Esq.

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-Month Period Ended Sep. 30 1997-2007. <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf

Complaints filed in the 13 Circuits and 2 National Courts	'96-97	'97-98	'98-99	'99-00	'00-01	'01-02	'02-03	'03-04	'04-05	'05-06	'06-07	'96-07	Avr.
Complaints Pending on each September 30 of 1996-2007*	109	214	228	181	150	262	141	249	212	210	241	2197	199.7
Complaints Filed	679	1,051	781	696	766	657	835	712	642	643	841	8303	754.8
Complaint Type												0	0.0
Written by Complainant	678	1,049	781	695	766	656	835	712	642	555	841	8210	746.4
On Order of Chief Judges	1	2	0	1	0	1	0	0	0	88	0	93	8.5
Officials Complained About**													
Judges													
Circuit	461	443	174	191	273	353	204	240	177	141	226	2883	262.1
District	497	758	598	522	563	548	719	539	456	505	792	6497	590.6
National Courts	0	1	1	1	3	5	1	0	0	3	4	19	1.7
Bankruptcy Judges	31	28	30	26	34	57	38	28	31	33	46	382	34.7
Magistrate Judges	138	215	229	135	143	152	257	149	135	159	197	1909	173.5
Nature of Allegations**													
Mental Disability	11	92	69	26	29	33	26	34	22	30	20	392	35.6
Physical Disability	4	7	6	12	1	6	7	6	9	3	1	62	5.6
Demeanor	11	19	34	13	31	17	21	34	20	35	22	257	23.4
Abuse of Judicial Power	179	511	254	272	200	327	239	251	206	234	261	2934	266.7
Prejudice/Bias	193	647	360	257	266	314	263	334	275	295	298	3502	318.4
Conflict of Interest	12	141	29	48	38	46	33	67	49	43	46	552	50.2
Bribery/Corruption	28	166	104	83	61	63	87	93	51	40	67	843	76.6
Undue Decisional Delay	44	50	80	75	60	75	81	70	65	53	81	734	66.7
Incompetence/Neglect	30	99	108	61	50	45	47	106	52	37	59	694	63.1
Other	161	193	288	188	186	129	131	224	260	200	301	2261	205.5
Complaints Concluded	482	1,002	826	715	668	780	682	784	667	619	752	7977	725.2
Action By Chief Judges													
Complaint Dismissed													
Not in Conformity With Statute	29	43	27	29	13	27	39	27	21	25	18	298	27.1
Directly Related to Decision or Procedural Ruling	215	532	300	264	235	249	230	295	319	283	318	3240	294.5
Frivolous	19	159	66	50	103	110	77	112	41	63	56	856	77.8
Appropriate Action Already Taken	2	2	1	6	4	3	3	3	5	5	3	37	3.4
Action No Longer Necessary Because of Intervening Events	0	1	10	7	5	6	8	9	8	6	6	66	6.0
Complaint Withdrawn	5	5	2	3	3	8	8	3	6	9	3	55	5.0
Subtotal	270	742	406	359	363	403	365	449	400	391	404	4552	413.8
Action by Judicial Councils													
Directed Chief Dis. Judge to Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	1	0	1	0.1
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Ordered Temporary Suspension of Case Assignments	0	1	0	0	0	0	0	0	0	0	0	1	0.1
Privately Censured	0	0	0	0	1	0	0	0	0	0	0	1	0.1
Publicly Censured	0	1	0	2	0	2	0	0	0	0	0	5	0.5
Ordered Other Appropriate Action	0	0	0	0	0	0	1	0	0	0	2	3	0.3
Dismissed the Complaint	212	258	416	354	303	375	316	335	267	227	344	3407	309.7
Withdrawn	n/a	n/a	4	0	1	0	0	0	0	0	2	7	0.6
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Subtotal	212	260	420	356	305	377	317	335	267	228	348	3425	311.4
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7	5	12	1.1
Complaints Pending on each September 30 of 1997-07	306	263	183	162	248	139	294	177	187	234	330	2523	229.4

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

JUDICIAL COUNCIL OF THE SECOND CIRCUIT



In Re:

CHARGE OF JUDICIAL MISCONDUCT

Docket number: 08-90073-jm

Before the Judicial Council of the Second Circuit:

A complaint having been filed on June 8, 2008, alleging misconduct on the part of a Bankruptcy Judge of this Circuit, and the complaint having been dismissed on October 7, 2008 by the Chief Judge of the Circuit, and a petition for review having been filed timely on November 12, 2008.

Upon consideration thereof by the Council it is

ORDERED that the petition for review is DENIED for the reasons stated in the order dated October 7, 2008.

The clerk is directed to transmit copies of this order to the complainant and to the Bankruptcy Judge whose conduct is the subject of the underlying complaint.

A handwritten signature in black ink, appearing to read "Karen Greve Milton".

Karen Greve Milton
Circuit Executive
By Direction of the
Judicial Council

Dated: January 9, 2009
New York, New York

February 25, 2009

PETITION FOR REVIEW
TO THE COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY
of the Judicial Conference of the United States

of the denial of January 9, 2009
by the Judicial Council of the Second Circuit

of the petition for review of November 12, 2008

of the dismissal of October 7, 2008

by CA2 Chief Judge Dennis Jacobs

of the judicial misconduct complaint of June 9, 2008

against Bankruptcy Judge John C. Ninfo, II, WBNY

docket number 02-08-90073-jm¹

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

Dr. Richard Cordero, Esq., Complainant and Petitioner, affirms under penalty of perjury as follows:

1. On January 9, 2009, the Judicial Council of the Second Circuit (the Council) denied (N:48) Dr. Cordero's above-captioned petition (N:36) to review under §352(c) of the Judicial Conduct and Disability Act (the Act), 28 U.S.C. §351-364 (28 U.S.C. §# = §#) the dismissal (N:32) by CA2 Chief Judge Dennis Jacobs (the Chief Judge) of his judicial misconduct complaint (N:1) against Bankruptcy Judge John C. Ninfo, II, WBNY, for bias, prejudice, and abuse of judicial power in support of a bankruptcy fraud scheme and its cover up in connection with *In re David and Mary Ann DeLano*, docket no. 04-20280, WBNY (*DeLano*). To do so, the Council used its dismissal form and stated no reasons whatsoever, for it had none: According to its own statistics (N:39), reported pursuant to §332(g) to the Administrative Office of the U.S. Courts, which published them² pursuant to §604(h)(2), in the last 11 years, from October 1, 1996 to September 30, 2007, the Council publicly and privately censured 0 judges, "Ordered Other Appropriate Action" in 0 complaints, denied 100% of petitions for review for a total of 345, and referred 0 complaints to the Judicial Conference of the U.S. (the Conference) or its Committee on Judicial Conduct and Disability (the Committee).
2. This is a petition under Rule 21 of the Rules for Judicial Conduct and Disability Proceedings (Rule #) and §357(a) to the Committee³ for review of the Council denial and the appointment

¹ These documents are listed on the Table of Exhibits (after N:84), and appear after it. Their page numbers bear the format N:#, beginning with the complaint. The pages in the Exhibits pertaining to the record in *DeLano* bear the format Letter:consecutive #, i.e. D:1→US:2503.

² [Http://www.uscourts.gov/judbususe/judbus.html](http://www.uscourts.gov/judbususe/judbus.html); collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf.

³ Rule 21(c) provides that "Any member of the Committee from the same circuit as the subject judge is disqualified from considering or voting on a petition for review." This provision so disqualifies

of a special committee based on the fact that both Judge Ninfo’s misconduct as described in the complaint (N:1¶1) and the Council’s systematic denial of 100% of review petitions (N:39) constitute “conduct prejudicial to the effective and expeditious administration of the business of the courts” under §351(a) that aggrieved Complainant Dr. Cordero.

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http://Judicial-Discipline-Reform.org/JNinfo/25Committee/3subpoena_DrCordero_24feb9.pdf

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I. The Council developed and applied an unlawful and self-interested 100% petition denial policy

3. Life-tenured, irremovable by each other and de facto unimpeachable by others, with equal power among themselves, federal judges take orders from nobody,⁴ but are sensitive to the lifelong advantages of mutual deference. The series of CA2 chief judges and the Council that they have chaired of 13 staggered members act by consensus⁵ in keeping with “the collegial character of the committee process”. (cf. Commentary on Rule 12) The Council was in total control during the 11 consecutive reported years of processing petitions for review of complaint dismissal orders. It indulged the convenience of rubberstamping a denial form and avoided the inconvenience of writing reasons under §360(a). Thereby the Council members secured the long term benefit of receiving IOUs from each of their complained-against peers and colleagues whom they spared investigation, restrictions on service, and discipline under §§354 and 359(a). They also avoided retaliation by a disciplined judge or his friends and ensured their own exemption from discipline if any of them in turn became the subject of a complaint.
4. These facts are circumstantial evidence giving rise to the reasonable inference that, but for concerted action among people with the motive, means, and opportunity to adopt and apply a policy of systematic denial of 100% of petitions, their 11-year unbroken pattern of 345 denials would not have occurred. The doctrine of *res ipsa loquitur* is applicable *mutatis mutandis* to this scenario, where the negligence of the defendant is replaced by institutionalized coordinated wrongdoing by judges: They agreed to deny petitioners review under the Act, thus intending the inevitable consequence of defeating its purpose of ensuring judicial accountability and discipline.

⁴ “Bankruptcy Chief Judge Albert S. Dabrowski in the District of Connecticut said, “...I quickly realized that I had significant new responsibilities [as chief judge] but little or no new authority.” On Being Chief Judge, Third Branch, vol. 41, number 2, February 2009, http://www.uscourts.gov/ttb/2009-02/article03.cfm?WT.cg_n=TTB_Feb09_article03_WhatsNew_homepage

⁵ “Chief Judge Sandra Lynch...of the U.S. Court of Appeals for the First Circuit...said, “I’ve discovered that federal courts are a unique model of an organization. This is where consensus drives a chief judge’s management style. I work very hard at communicating to build agreement.”” Id. “Judge Hogan has led the Executive Committee with insight and grace. With his unassuming and inclusive style, he ensured that the views of each member of the Committee were heard and that decisions were based on consensus.” Conference Resolution Honors Chief Judge Hogan; The Third Branch, vol. 40, number 3, March 2008; <http://www.uscourts.gov/ttb/2008-03/article02a.cfm>

II. The facts in the complaint state misconduct cognizable under the Rules

5. Rule 3(h) provides in pertinent part as follows:

Rule 3. Definitions. (h) Misconduct. Cognizable misconduct:

- (1) is conduct prejudicial to the effective and expeditious administration of the business of the courts. Misconduct includes, but is not limited to:
 - (A) using the judge's office to obtain special treatment for friends or relatives;
 - (B) accepting bribes, gifts, or other personal favors related to the judicial office;
 - (C) having improper discussions with parties or counsel for one side in a case;
 - (D) treating litigants or attorneys in a demonstrably egregious and hostile manner;

6. The June 9 complaint against Judge Ninfo sets forth allegations of bias, prejudice, and abuse of power in support of a bankruptcy fraud scheme. (N:1¶1) It is accompanied by supporting documents, including the transcript of the evidentiary hearing (Transcript:page#/Line#=Tr:##) held at the Judge's initiative. To illustrate the cognizability of the complaint, some of those allegations, without diminishing that of the others, can be classified under the above definition of cognizable misconduct as follows:

A. Rule 3(h)(1)(A) using the judge's office to obtain special treatment for friends or relatives

7. Judge Ninfo '(A) used his office to give special treatment to co-scheming bankruptcy system insiders'. One of them was Mr. David DeLano, a 39-year veteran of the banking and financing industries who at the time of filing with Wife Mary Ann their petition, dkt. 04-20280, (*DeLano*; D:23) under Chapter 13 of the Bankruptcy Code, 11 U.S.C. §1301 et seq., was and continued to be a bankruptcy officer at a major bank, M&T Bank. The Judge did not require them any supporting documents necessary to discharge his judicial duty under §1325(a)(3) to ascertain whether it had "been proposed in good faith and not by any means forbidden by law".
8. Judge Ninfo called at his initiative, on cue, for an evidentiary hearing (D:278¶¶3-4) on the DeLanos' belated (N:3¶¶10-17) motion to disallow (D:218) Dr. Cordero's claim (D:142) without providing, or requiring their attorney to provide, any legal authority for questioning the presumption of validity that FRBkrP 3001(f) had attached to Dr. Cordero's proof of claim. (D:256§VII) Though the motion was also barred by laches (D:249§§V-VI), the Judge upheld the DeLanos' denial (D:313, 314) of *every single document* (D:317, 325, 327; Tr:188/7-189/21) that Dr. Cordero requested (D:287) to prove his claim and show that the disallowance motion was an artifice to strip him of standing so that he could not continue -as he had for the previous six months since the DeLanos had filed their petition- requesting documents that would prove that they had made perjurious declarations so as to conceal assets. (D:253§V) The DeLanos had committed bankruptcy fraud. Dr. Cordero had become a threat; he had to be eliminated.⁶

⁶ "The prohibition against ex parte communications [¶¶13-16 infra], rules of procedure, principles of law, all of these are not trinkets that judges may discard whenever they become a nuisance. Rather, they are the mainstays of our judicial system, our guarantee to every litigant that we will

9. Judge Ninfo's denial of *every single document* requested by Dr. Cordero constituted a violation of the latter's right to discovery under FRCP 26 and 34 made applicable by FRBkrP 7026 and 7034, respectively. It was also a blatant denial of due process because the Judge biasedly allowed the DeLanos to make allegations in their motion to disallow the claim of Dr. Cordero while depriving the latter of *every single document* that he requested to counter them⁷ regardless of whether at trial any documents would or could be introduced in evidence or, even if inadmissible themselves, could lead to the discovery of admissible evidence. Although this discovery principle of FRCP 26(b)(1) is a liberal one, Judge Ninfo disregarded the even more liberal discovery principle applicable precisely to an evidentiary hearing, which was the proceeding that he had called for upon his own motion. (D:332) Moreover, he disregarded the fact that the *DeLano* proceedings would take place before him, a judge, not a jury, so that the risk of prejudice outweighing the evidence's probative value would be substantially diminished.
10. These actions of Judge Ninfo are so patently abusive of his judicial power (N:5¶18) as to raise the question whether they were "the result of an improper motive". (Rule 3(h)(3)(A)) The complaint answers it based on the facts: After 39 years as a banker and bankruptcy officer, Mr. DeLano knew the details of how Judge Ninfo and the other bankruptcy system insiders had run and were running the bankruptcy fraud scheme. (Add:621§1) Among the insiders were these:
 - a. Chapter 13 Trustee George Reiber, who had been allowed by Assistant U.S. Trustee Kathleen Dunivin Schmitt to amass 3,907 *open* cases before Judge Ninfo out of his 3,909, according to PACER.⁸ (cf. N:5¶19) There is a profit motive behind allowing him to accumulate such an unmanageable number of cases: The more cases a Chapter 13 trustee rubberstamps and recommends for the judge to approve, the more money he earns given that part of a standing trustee's compensation derives from 'a percentage fee of the payments made under the repayment plan of each debtor' (§586(e)(1)(B) and (2)). There is a lot of money at stake here. Just in *DeLano* they managed to leave \$673,657 unaccounted for. (N:70) That type of 'management' requires people that know each other well and can keep secrets.
 - b. So, Christopher Werner, Esq., the DeLanos' bankruptcy attorney, had had up to then 525 cases before Judge Ninfo. He is a partner in the law firm in which one of the founding partners was Michael Beyma, Esq. (N:71§A for details and contact information)
 - c. Attorney Beyma subsequently moved to another law firm in which he was a partner as was

administer justice, as our oath requires, "without respect to persons." 28 U.S.C. § 453." Circuit Judge Alex Kozinski, dissenting, *In re Judicial Misconduct Complaint*, docket no. 03-89037, Judicial Council, 9th Circuit, September 29, 2005, 425 F.3d 1179, 1197.

⁷ "Serious legal error is more likely to amount to misconduct...when judges deny individuals their basic or fundamental procedural rights." "Judges abuse the power of the judicial office when they abbreviate or change critical aspects of the adversary process in ways that run counter to the scheme established by relevant constitutional and statutory law." Jeffrey M. Shaman, Steven Lubet & James J. Alfini, *Judicial Conduct and Ethics*, §2.07, at 50 (3d ed. 2000); quoted by Cir. J. Kozinski, fn. 6 supra, at 1185 and 1183, respectively.

⁸ [Http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf](http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf)

Judge Ninfo when he took the bench. Before the Judge landed *Pfuntner v. Chapter 7 Trustee Kenneth Gordon et al.*, 02-2230, WBNY, (*Pfuntner*) in which Mr. Beyma represented both Mr. DeLano and his employer, M&T Bank.

- d. Trustee Gordon too was allowed by Trustee Schmitt to accumulate an unmanageable number of cases: 3,383 out of which 3,382 were before Judge Ninfo.⁹
11. Mr. DeLano could rest assured that his co-schemers would protect him when he was brought into *Pfuntner* as a third-party defendant by Dr. Cordero. The latter's outstanding claim was the reason why the DeLanos named him among their unsecured creditors (D:40) in their petition. However, they filed that petition under oath and with Mr. Werner's verification. (D:28) Hence, they had to be protected from having to produce documents, such as their bank account statements, upon Dr. Cordero's request, which had been triggered by their petition's implausible, incongruous, and suspicious declarations. (N:1¶¶2-5)
12. Those documents would prove their perjury and bankruptcy fraud through concealment of assets. There would follow indictments that would leave the DeLanos facing up to 20 years in prison and devastating fines of up to \$500,000 each under 18 U.S.C. §§152-157, 1519, and 3571. In that event, Mr. DeLano would be tempted to bid for leniency in plea bargain by trading up to 'bigger fish', such as Judge Ninfo and the other insiders, anyone of whom could likewise incriminate the Judge. Hence, the Judge's denial of *every single document* requested by Dr. Cordero and his stripping him of standing in *DeLano* were motivated by the need to protect himself and the other bankruptcy fraud co-schemers from a 'singing' Mr. DeLano. Judge Ninfo bought his silence with the creditors' claims to the DeLanos' estate: He let the DeLanos walk into a golden retirement without accounting for at least \$673,657 worth of assets. (N:70)

B. Rule 3(h)(1)(C) having improper discussions with parties or counsel for one side in a case

13. The transcript also shows that Judge Ninfo 'had improper discussion with the opposing parties'. At the evidentiary hearing on March 1, 2005, and precisely while asking to confirm or deny his "Search" findings (cf. Pst:1269§§a-b), Judge Ninfo criticized Dr. Cordero because:
- ...your petition to several - to the United States Supreme Court, although it may be somewhat carefully crafted I think, many times already almost purposely misleading with respect to your status as a pro se litigant. (Tr:4/13-17; cf. Tr.5/7-19)¹⁰
14. The Judge was referring to Dr. Cordero's petition of January 20, 2005, to the Supreme Court for a writ of certiorari to CA2 (*Richard Cordero v. Kenneth W. Gordon, Trustee, et al.*, dkt. 04-8371, SCt.; Add:557-629). Because of the references therein to *DeLano* (Add:600§D), Dr.

⁹ [Http://Judicial-Discipline-Reform.org/docs/TrGordon_3383_as_trustee.pdf](http://Judicial-Discipline-Reform.org/docs/TrGordon_3383_as_trustee.pdf)

¹⁰ The transcript was written in Pidgin English by another insider, Bankruptcy Reporter Mary Dianetti. This explains why the judges keep her in office and accept her work despite its dismal quality, see US:2352¶n and its references. For more on shockingly unprofessional and perfunctory work but acceptable because by an insider, see Add:935§I.

Cordero served it also on Mr. DeLano's bankruptcy attorney, Mr. Werner, and Trustee Reiber, but certainly not on Judge Ninfo, who in addition had no reason, of course, to know about it.

15. These facts allow the inference that in preparation for the evidentiary hearing on March 1, 2005, Judge Ninfo had an ex parte communication in violation of FRBkrP 9003 with one of those served during which he received and reviewed a copy of Dr. Cordero's petition for certiorari. Finding it in his backhand complimentary expression "somewhat carefully crafted", the Judge was intrigued by who Dr. Cordero was and thus, conducted the "Search" to find out. This explains why, even though the Judge made clear at the evidentiary hearing that he would disallow Dr. Cordero's claim, he did not write his decision until April 4, after the Supreme Court had denied the petition on March 28...just in case the Court granted it, which would have induced him to rethink his decision and whether to issue it at all, for then his CA2 appellate appointers would be of no help. (Pst:1273§40)
16. This is not the first indication of ex parte communication between Judge Ninfo and a party adverse to Dr. Cordero. It remains to be determined to what extent Judge Ninfo betrayed other ex parte communications when in his order of August 30, 2004 (D:272), he wrote: "...the Court...notes that the Office of the United States Trustee, which Cordero has been in frequent contact with..." (D:274). See also the accounts of the ex parte communication between Att. David MacKnight, Mr. James Pfuntner's attorney in *Pfuntner*, to which *DeLano* traces its origins, and Judge Ninfo (D:404§2; 433§D).

**C. Rule 3(h)(1)(D) treating litigants or attorneys in
a demonstrably egregious and hostile manner**

17. At the evidentiary hearing on March 1, 2005, Judge Ninfo 'treated litigants and Dr. Cordero, Esq.,' as if he were the Advocate in Chief of Mr. DeLano (CA:1254¶¶15-17), who was the only one who took the witness stand, and as if he were the prosecutor harassing in cross-examination Dr. Cordero, who instead was the one examining Mr. DeLano (Pst:1281§§c-d). During such examination, Mr. DeLano admitted the facts asserted by Dr. Cordero and establishing his claim. Moreover, his bankruptcy attorney, Mr. Werner, admitted at the end of the hearing that, "I believe Mr. DeLano has given a fair statement of his position and facts, your Honor". (Tr:187/22-25; Pst:1282¶¶64) Nevertheless, Judge Ninfo overbearingly (Pst:1266§1) declared Mr. DeLano's testimony "confused" (Pst:1281§d), dismissed it summarily, disallowed Dr. Cordero's claim, and stripped him of standing in *DeLano*. Thereby he reached the predetermined conclusion of an evidentiary hearing that was from its inception a sham! (D:378§2; cf. Add:904§V; SApp:1640§A)
18. Yet, Judge Ninfo had reason to trust the admission of Bankruptcy Attorney Werner. Up to then, Mr. Werner had appeared before him in 525 cases and, by his own account, 'had been in this business for 28 years'. (D:217) Moreover, Mr. Werner was accompanied by Mr. Beyma, who is a partner in the law firm in which the Judge was also a partner when he was appointed bankruptcy judge and who was the attorney in *Pfuntner* for both Mr. DeLano and his employer, M&T, a major bank with \$65 billion in assets at the end of 2007. This conflict of interests

should have been another ground for Judge Ninfo to grant Dr. Cordero's motion to recuse. (D:356) Instead, it explains why, as shown by the transcript, the Judge performed as if he were defending a major client of his law firm in the presence of supervising partners. (cf. ¶10 supra) For that reason, he went to extremes to cover for them as they suborned perjury: While Mr. DeLano was on the stand being questioned under oath by Dr. Cordero, both lawyers repeatedly signaled answers with their arms to him! Dr. Cordero protested every time, but Judge Ninfo preposterously claimed that he had not seen them, though they were, of course, in front of his eyes. The Judge did not even ask them whether they had done so; for their part, neither protested so serious an accusation, as innocent people would have instinctively done. (Pst:1289§f)

D. Rule 3(h)(1)(B) accepting bribes, gifts, or other personal favors related to the judicial office

19. Judge Ninfo allowed Trustee Reiber to use his courtroom to conduct his business while the Trustee's Attorney, James Weidman, Esq., (N:3¶¶8-9) was conducting the meeting of creditors on March 8, 2004, including that of the DeLanos, in a room of the Office of Assistant U.S. Trustee Schmitt (D:79). This was a clear violation of 28 CFR §58.6 "Procedures for suspension and removal of panel trustees and standing trustees". It lists among the grounds therefor "(a)(10) Failure to attend in person or appropriately conduct the 11 U.S.C. 341(a) meeting of creditors". Yet, Judge Ninfo took no action against Trustee Reiber. The fate of all bankruptcy fraud schemers is interlocked: If one is brought down, he can take the others with him.
20. This provides insight into Trustee Reiber's performance despite his duty to represent the interests of the general unsecured creditors. (11 U.S.C. §§1302(b)(1) and 704 and Revision Notes on the latter in Senate Report 95-989) He failed to 'investigate the financial affairs of the DeLano Debtors and furnish such information as was request by Party in interest Dr. Cordero'. (§704(4)& (7)) He did not require them to explain how they could declare that they had earned \$271,470 in just the three years preceding their filing, refuse to account for it, yet incongruously declare that, despite being employed, all they had in hand and on account was \$535! (D:31; N:70) Thereby Trustee Reiber allowed the DeLanos to conceal assets from the creditors. To do so he needed Judge Ninfo to participate with his rulings in the scheme operation. (Add:953§§I-II)
21. Both the Trustee and the Judge must be aware, as must be Chief Judge Jacobs and the Council, that whatever ruling a bankruptcy judge issues, its chance of being reviewed on appeal, let alone overturned, are infinitesimal: 0.07% in FY08, when 1,042,993 bankruptcy cases were filed, but only 773 were reviewed by the circuit courts.¹¹ This means that in practice whatever a bankruptcy judge says stands and by the same token, whatever wrongdoing he may engage in will hardly ever be exposed by circuit judges, who in addition appointed them. The bankruptcy judge can not only protect the trustee, but also injure him, for under 11 U.S.C. §324 it suffices for the court to remove a trustee from just one case for the trustee to be removed from all cases under Title 11. The Trustee loses his livelihood. To keep it, he may have to share its benefits.

¹¹ [Http://Judicial-Discipline-Reform.org/statistics&tables/bkpt_filings_1oct7-30sep8.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/bkpt_filings_1oct7-30sep8.pdf)

22. All this power allows a bankruptcy judge to carve a legal fiefdom out of the land of the law of Congress and replace that law with the law of close personal relationships. (D:431§C) Vassals must pay tribute to the lord of the fiefdom. (D:434§E) The Chief and the Council afford them the opportunity to do so with their rulings of complaint dismissals and petition denials. With the protection thus given to the lord, they further enfeoff him, who must pay his debt of fealty,
23. The totality of suspicious or unlawful circumstances surrounding the disposition of so much money by these bankruptcy system insiders warranted the request that Judge Ninfo be investigated to determine whether a motive for his misconduct was his “(B) accepting bribes, gifts, or other personal favors related to the judicial office”. The Chief and the Council ignored it. Why?

III. Jurisdictional basis for the Committee to review this petition

24. The dearth of bankruptcy appeals explains the finding by Congress that led to the adoption by it on April 20, 2005, of the Bankruptcy Abuse Prevention and Consumer Protection Act, Pub. L. 109-8, 119 Stat. 23, “Representing the most comprehensive set of reforms in more than 25 years”. In the accompanying HR Report 109-31, it stated that:

“The purpose of the bill is to improve bankruptcy law and practice by restoring personal responsibility and integrity in the bankruptcy system...[to] respond to...the **absence of effective oversight to eliminate abuse in the system** [and] deter serial and abusive bankruptcy filings.”. (emphasis added)

25. The abuse in the bankruptcy system throughout its history can only be aggravated by the exceedingly few opportunities for the circuit courts to review on appeal bankruptcy judges’ decisions to ensure that they are ‘effectively and expeditiously administering the business of the courts’ rather than egregiously and greedily doing their own business in court. The cognizable character of the facts and allegations of Judge Ninfo’s misconduct and ‘their capacity to be established through investigation’ (cf. §352(b)(1)(A)(iii)) afforded CA2 Chief Judge Jacobs and the Council a choice opportunity to discharge their duty to oversee his conduct and that of the bankruptcy system insiders around him by appointing a special committee to investigate the complaint. Instead, the Chief dismissed it without even a limited inquiry (cf. N:442¶¶3-18) and the Council applied its 100% petition denial policy. (N:39) Their actions constituted institutionalized coordinated wrongdoing; their alleged grounds to take them are reviewable.

A. The petition rests upon a ground reviewable by the Committee because it challenges the Council’s merit relatedness ground for denying the petition

26. As a matter of law, the Committee is authorized by the Rules to review this petition thus:

Rule 21(b) Reviewable Matters.

(1) Upon petition. A complainant or subject judge may petition the Committee for review of a judicial-council order entered in accordance with:

(A) Rule 20(b)(1)(A), (B), (D), or (E); or

27. In turn, the Rule referred to provides in pertinent part thus:

Rule 20(b) Judicial-Council Action.

(1) Discretionary actions. ...the judicial council may:

(A) dismiss the complaint because:

...

(ii) the complaint is directly related to the merits of a decision or procedural ruling;

28. The Council denied Dr. Cordero's petition, dated November 10 and filed on the 12th [N:36], pursuant to Rule 20(b)(1)(A)(ii) given that its January 9 denial form [N:48], stated that it had:

ORDERED that the petition for review is DENIED for the reasons stated in the order dated October 7, 2008.

29. In his October 7 order (N:32), Chief Judge Jacobs stated the following reason for dismissal:

Disposition The complaint is dismissed. The bulk of the allegations in the complaint are merely attacks on the correctness of the Judge's rulings in the bankruptcy proceedings. They are therefore dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. 5 352 (b) (1) (A) (ii); Rule 3 (h) by quoting the stock reason of merit relatedness: (3) (A), II(c)(I)(B). [N:34]

30. For its part, Dr. Cordero demonstrated objectively in his petition (N:36) to the Council the stock nature of the Chief's allegation of merit relatedness, so abused by CA2 chief judges in their systematic dismissal of complaints against their peers and colleagues. After listing the main documents that he had attached to the complaint in its support, he stated:

4. What Dr. Cordero pointedly did not include in the exhibits or make the complaint basis was J. Ninfo's decisions and their effect on him...and CJ Jacobs walked right into the trap! So he pretended that "The Complainant has pointed to nothing other than the decisions themselves to support his claims of bias."

5. CJ Jacobs thus showed that he dashed out another stock order of dismissal of a complaint against a peer (Table & ¶15 infra) and a CA2 appointee by recklessly disregarding the complaint's content and irresponsibly ignoring even the nature of its exhibits, whose existence he failed to acknowledge. Since a person is deemed to intend the reasonable consequences of his acts, CJ Jacobs wrote his order with intent to mislead the Judicial Council, the Committee on Judicial Conduct, and the Conference as to the content and supporting documents of Dr. Cordero's complaint. (N:37)

31. Indeed, CJ Jacobs disregarded Rule 3(h)(3)(A) providing that a complaint is cognizable where it alleges that a decision or ruling is the result of an improper motive, such as a bribe, ex parte contact, bias or improper conduct in rendering a decision or ruling. "Such an allegation attacks the propriety of arriving at rulings with an illicit or improper motive...The correctness of the judge's rulings is not at stake. [cf. ¶10 supra] An allegation that a judge treated litigants or attorneys in a demonstrably egregious and hostile manner while on the bench is also not merits-related." (Commentary on Rule 3)

32. The Council too, which merely rubberstamped its denial form, disregarded the not merits-

related character of the complaint although it was highlighted in the petition to it. (N:38¶¶8-10) Yet, from its adoption of the Chief Judge's clear statement of reasons for dismissing the complaint, Rule 21(b)(2) allows the Committee to draw significant consequences, as shown below.

B. The Committee is authorized by the Rules to review upon its initiative any judicial council order

33. The Committee can also move on its own to review a council order concerning a petition:

Rule 21(b) Reviewable Matters.

...

(2) Upon Committee's initiative. At its initiative and in its sole discretion, the Committee may review any judicial-council order entered under Rule 19(b)(1) or (4), but only to determine whether a special committee should be appointed. Before undertaking the review, the Committee must invite that judicial council to explain why it believes the appointment of a special committee is unnecessary, unless the reasons are clearly stated in the judicial council's order denying the petition for review. If the Committee believes that it would benefit from a submission by the subject judge, it may issue an appropriate request. If the Committee determines that a special committee should be appointed, the Committee must issue a written decision giving its reasons.

34. Rule 19(b)(1) provides that "a judicial council may: 1) affirm the chief judge's disposition by denying the petition". This provision is applicable to the instant petition because the Council affirmed (N:48) Chief Judge Jacobs' dismissal (N:32) of Dr. Cordero's complaint (N:1) against Judge Ninfo. Actually, the Council's order denying the petition for review clearly incorporates by reference the Chief Judge's dismissal reason. As a result, the Committee need not invite the Council to explain why it believed that the appointment of a special committee was unnecessary. This is particularly so because the Council could not truthfully explain such belief anyway.

35. Indeed, it was Council judges who under §152(a)(1) not only appointed Judge Ninfo as bankruptcy judge, but also reappointed him to a second term despite the evidence submitted repeatedly to each Council member and CA2 judge (cf. N:319), certainly by Dr. Cordero (CA:1978) and possibly by other people too, that the Judge was participating in a bankruptcy fraud scheme and covering up Co-schemer DeLano's concealment of assets. Hence, a special committee would subpoena documents (N:76§C) as obviously necessary to investigate the complaint and establish the good faith of any bankruptcy petition as the bankrupt's bank account statements, which would allow tracking concealed assets. Thereby, it would not only find that to protect himself Judge Ninfo covered up Co-schemer DeLano's fraud, but also indict the good judgment of the judges that appointed and reappointed him. Worse yet, it would call into question the Chief Judge and the Council's motives for not investigating the Judge although the evidence supporting both the complaint and the review petition gave them probable cause to believe (Rule 3(c)(2)) that Judge Ninfo had corrupted the integrity that they had a duty to ensure of the administration of the business of the courts in the circuit. (Add:600§D)

36. Under these circumstances, would it be reasonable to expect the Chief Judge or the Council that he chairs to state truthfully the reasons for failing to appoint a special committee?: ‘because we could end up incriminated in the cover up of Judge Ninfo’s bankruptcy fraud scheme’. (N:66§IV) So they could do nothing but a whitewash. If the Committee is determined to avoid “a substantial and widespread lowering of public confidence in the courts among reasonable people” (cf. Rule 3(h)(2)), it must “arrange for [a] staff [of professional investigators] to conduct the investigation”. (cf. Rule 13(c)) Those investigators and all members of the Committee and of its special committee must be so objectively independent from all potential investigatees as to be true to “[t]heir duty [which] is at all times to be impartial seekers of the truth”. (Commentary on Rule 14)

C. The Committee is charged by its jurisdictional statement to review upon petition any final council action and to monitor the implementation of the Act

37. As a matter of competence, the Committee can review the Council’s denial because doing so falls within the scope of its jurisdictional statement, which includes among its principal functions:

To oversee the implementation of the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, consider petitions for review of final actions by circuit judicial councils on complaints of misconduct or disability of federal judges,....(http://www.uscourts.gov/judconf_jurisdictions.htm#Disability)

38. To carry out those principal functions, the Committee is tasked to:

Monitor periodically the administration of Title 28, United States Code, §§ 351-364;

Study and periodically evaluate the experience of the circuits accumulated under 28 U.S.C. §§ 351-364, and related matters, coordinate the collection and analysis of relevant data incident to such studies, report to the Judicial Conference on circuit developments and experiences regarding judicial conduct and disability complaints, and develop for Conference consideration appropriate policy proposals, including recommendations for desirable legislative changes. (id.)

39. As a matter of its current activities to perform those functions, the Committee can grant this petition to review the Council’s denial order since it last reported to the Conference that it is:

(a) developing a process to monitor activity under the Judicial Conduct and Disability Act and the Rules for Judicial-Conduct and Judicial-Disability Proceedings;

(b) assessing the Rules, after initial experience, for whether they may need to be adjusted; (Judicial Conference Proceedings, September 16, 2008, page 23; (<http://www.uscourts.gov/judconfindex.html>))

40. That monitoring through the review of the Council’s denial (N:48) in light of this petition and its underlying complaint will allow the Committee to realize that despite the new Rules, the Council applied its same old 100% petition denial policy (N:39). It did so even though the Chief Judge had dismissed the complaint by resorting to the same old systematic invocation of

the stock ‘merits related’ reason without applying it to the facts of the complaint and despite ignoring its evidentiary documents. (¶¶29-30, supra) The monitoring of this petition-complaint is particularly warranted because it epitomizes ‘the activity of the Council and the Chief pursuant to the Act and the Rules’: To dismiss and deny although two complaints against Judge Ninfo (N:1 & 201; §IV infra) spanning 7 years show that he has engaged in a series of acts so consistently in disregard of the law and the facts and biased toward the local bankruptcy system insiders and against the sole non-local outsider, as to form a pattern of coordinated wrongdoing in support of a bankruptcy fraud scheme. (cf. RICO, 18 U.S.C. §1961(5))

41. Studying the experience of the circuit with the new Rules by the Committee investigating Judge Ninfo will demonstrate how power and money the two most insidious corruptors, render those Rules as predictably¹² useless as the old ones were and from which they were adapted. The study will establish that neither the Act nor the Rules can provide for an effective system of judicial self-discipline. As Wall Street financiers and every police force have shown, a closely-knit body of people cannot discipline their own peers, colleagues, friends, or relatives. (cf. §455(b)(5)) The investigation and its findings can afford a solid basis for the Committee to carry out its jurisdictional statement function to “develop for Conference consideration appropriate policy proposals, including recommendations for desirable legislative changes”.
42. The Committee and each of its members individually can take the opportunity offered by this petition to make a courageous public statement on the state of a judiciary run by judges who wield enormous power over people’s property, liberty, and even lives, but who are accountable to nobody: Judges Above the Law.¹³ It can base such statement either on the publicly filed documents from the *DeLano* and *Pfuntner* record on paper and the DVD attached hereto or the findings of its own investigation or that of its special committee assisted by independent professional staffers. That statement would be all the more timely because the investigation of this petition, which deals with judges running and covering up a bankruptcy fraud scheme, can voice a strong warning about what judges are likely to do now that they are about to receive additional power to modify the terms of mortgages involving scores of billions of dollars. Thus strengthening the virulence of the two most insidious corruptors, power and *lots of money!*, calls for an effective mechanism to demand judicial accountability and dispense discipline.
43. That statement can become the *I Accuse!* of the Committee or one or more of its members to denounce prejudice, abuse of power, and corruption as did Emile Zola when he exposed in his newspaper article the discrimination and cover up underlying the false conviction by the French Army of Jewish Officer Dreyfus. For those principled men and women that have the moral fortitude to assume risk for the sake of doing what is right there is the prospect of meaningful

¹² [Http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf](http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf)

¹³ Cf. Cir. J. Kozinski, 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. See 126 Cong. Rec. S28091 (daily ed. Sept. 30, 1980) (statement of Sen. DeConcini)”. See fn. 6 supra, 425 F.3d 1179, 1183. [Official statistics at N:39 show them still beyond discipline.

rewards: becoming our generation's Thurgood Marshal and making a name as Champion of Justice with the chance of filling the nearing vacancy of Justice Ginsburg, 75, a recent cancer patient, or JJ Stevens, 88, or Scalia and Kennedy, 72; stepping into the footprint of Carl Bernstein and Bob Woodward of Watergate fame for conducting a professionally savvy *Follow the Money!* investigation that led to the exposure of a corrupt Nixon and his White House aides as well as to the best seller and movie hit *All the President's Men*; and the most lasting and noble reward of being recognized by a grateful nation as those who made a significant contribution to the continuous and demanding effort to bring about "Equal Justice Under Law".

D. Dr. Cordero was aggrieved by the nature and content of the denial of his review petition by the Council, which thereby provided the Committee with another jurisdictional basis for reviewing it

44. As a matter of policy, neither the Chief Judge nor the Council can be allowed to benefit from their intentional defeat of the Act's judicial accountability and discipline purpose by insulating themselves from appellate review so as to secure the means to keep defeating the Act. Hence, they cannot be heard to claim that precisely because the Chief evaded the appointment of special committees under §353(a) by systematically dismissing complaints under §352(b)(1) so that the Council did not receive any investigative written reports under §354(a), both the Committee and the Conference are prevented from reviewing their actions under §357. The latter provides thus:

28 U.S.C. §357. Review of orders and actions

(a) Review of action of judicial council.—A complainant or judge aggrieved by an action of the judicial council under section 354 may petition the Judicial Conference of the United States for review thereof.

(b) Action of Judicial Conference.—The Judicial Conference, or the standing committee established under section 331, may grant a petition filed by a complainant or judge under subsection (a).

45. The Council aggrieved Dr. Cordero and all similarly situated petitioners because it:
- a) arrogated to itself the power to abrogate in effect an act of Congress through the application of its 100% petition denial policy (§§3-4 supra), thereby depriving Dr. Cordero and all those similarly situated of the benefit that Congress intended to afford them, in particular, and the public, in general, by creating the right for them to petition for the review of the dismissal of their complaints against misconducting and disable judges and have the Council decide on the basis of their petitions' merits whether to investigate the underlying complaints and discipline the complained-against judges;
 - b) violated, both by adopting its 100% petition denial policy in secret and maintaining it concealed, the requirement under §358(a) and (c) that it may "prescribe such rules for...the processing of petitions for review" "only after giving appropriate public notice and opportunity for comment", thereby depriving Dr. Cordero, all similarly situated petitioners, and the public of the right to know of such policy and the knowledge thereof that would

have made it possible: **(i)** for them to denounce and challenge that policy through the exercise of their First Amendment right “to petition the Government for a redress of grievances”; **(ii)** for law enforcement agencies and Congress to investigate the policy, its application, and consequences; and **(iii)** for Congress to prohibit the policy or take other appropriate action to ensure judicial accountability and discipline, such as by creating the office of an independent inspector general of the judiciary or a citizen commission to process judicial misconduct and disability complaints;

- c) deceived Dr. Cordero and similarly situated petitioners by running pro forma the petition process under the Act, whereby it knowingly raised false hopes in them based on the reasonable expectation that it would fairly review the merits of their complaints in faithful application of the Act and provide relief by disciplining the complained-against judges although it had predetermined not to undertake any such review at all, not to provide any discipline whatsoever, and not to do anything other than drag out the petition process until the notification of denial of each of 100% of petitions;
- d) thereby has intentionally caused Dr. Cordero and similarly situated petitioners to waste their effort, time, and money in engaging in law research, writing, printing, and filing petitions, which waste was the foreseeable outcome of its decision to deprive their petitions of any chance of attaining their intended purpose;
- e) **(i)** deprived Dr. Cordero and all similarly situated petitioners of any satisfaction or compensation for the past harm inflicted upon them by Judge Ninfo and other misconducting judges; **(ii)** denied them relief from the harm currently being inflicted upon them by the continued misconduct of those judges; and **(iii)** exposed them to the risk of, and anxiety about, suffering from future misconduct and even retaliation by those judges as well as their peers and colleagues because the dismissal of complaints will cause the misconducting judges to **(a)** feel exonerated of the charges; **(b)** maintain the same conduct as if they had received tacit approval therefor; and **(c)** feel encouraged to commit misconduct upon the Council’s assurance reliably inferred from its 100% petition denials that their misconduct is riskless since no disciplinary consequences will result therefrom;
- f) deprived Dr. Cordero and all other similarly situated petitioners of the honest service which they had the right to receive from a body composed of, in general, public servants and, in particular, judicial officers who took an oath to “administer justice without respect to persons, and do equal right to [their peers and colleagues] and to the [complainants against them]”. (§453) Consequently, whenever they had to process a complaint and their “impartially might reasonably be questioned” by others, let alone if they themselves felt that it was compromised, they had a duty to disqualify themselves. (§455(a)) They failed to do so and instead stayed on to abuse their position to exempt from discipline 100% of their peers and colleagues while denying 100% of petitioners the justice to which they were entitled.

46. The Council aggrieved Dr. Cordero and similarly situated petitioners as it became the enabler of misconducting judges. So its actions warrant review by the Committee as well as ‘monitor-

ing and study, for they represent the circuits' experience with an Act and Rules' (§38 supra) that they apply to tolerate and encourage misconduct rather than discipline judges who engage in it.

IV. Grounds for disqualification of Committee Chair Judge John M. Walker, Jr., CA2

47. Rule 21(c) provides that “Any member of the Committee from the same circuit as the subject judge is disqualified from considering or voting on a petition for review.” This provision disqualifies the Committee Chair, CA2 Judge John M. Walker, Jr., from any consideration of, or voting on, this petition, whose subject judge is CA2 Appointed Bankruptcy Judge Ninfo.
48. Moreover, a previous complaint against Judge Ninfo was submitted by Dr. Cordero to then CA2 Chief Judge Walker on August 11, 2003. Only then did CA2 make known to Dr. Cordero that there was a 5-page limit, though it was nowhere stated. After he reformatted and resubmitted it (N:201), it was filed on September 2, 2003, under docket no. 03-8547 (N:206). It dealt with similar misconduct of bias, abuse of power, and disregard for the law and the facts, but a different underlying case, *Pfuntner* (§10.c. supra), to which Bankruptcy Officer DeLano, M&T Bank, and Dr. Cordero were parties. It had been appealed on July 9, 2003, to CA2 sub nom. *In re Premier Van Lines*, dkt. no. 03-5023, CA2. (*Premier*; N:601)
49. In connection with proceedings still going on before Judge Ninfo, Dr. Cordero filed a mandamus petition in CA2 (N:501), which was docketed on September 16, 2003, as 03-3088, CA2 (N:535). It was denied by a panel including Chief Judge Walker and CA2 Judges Cardamone and Feinberg on October 18, 2003. (N:552) Subsequently, on December 4, 2003, a CA2 notice was posted stating that CA2 JJ. Oakes and Katzmann and, it just so happened by random assignment, CJ Walker too were on the panel for December 11 (N:762), hence on the panel that would hear oral argument on, and decide, *Premier*. It actually heard that appeal and then went on to dismiss it by summary order on January 28, 2004. (N:801)
50. Simultaneously, CJ Walker also disregarded the applicable provisions of both the Act and the predecessor of the Rules, i.e., the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers Under 28 USC §351. Dr. Cordero submitted a complaint against him. (N:271) It was refused filing and returned (N:315) because the Complaint Form was attached to the Statement of Facts; the latter was accompanied by a table of contents; the volume of supporting materials was not titled “Exhibits” but rather “Evidentiary Documents” (N:324); and not all exhibits were referred to in the Statement...who had time to waste checking that!?! (N:316) Dr. Cordero was forced to reformat, reprint, and resubmit both the complaint and the volume of supporting documents. Still, documents supporting the complaint and attached to each copy of it were removed and returned because they were duplicates of documents in the one single “Exhibits” volume. (N:325) Their removal made it less likely for complaint recipients to have access to, and read, them. Thereafter the complaint against CJ Walker was docketed on March 30, 2004, under no. 04-8510. (N:326)
51. Dr. Cordero filed a motion dated March 22, 2004, for CJ Walker to recuse himself from

considering the pending petition for panel rehearing and hearing en banc in *Premier* because “he himself has engaged in such prejudicial conduct and has in effect condoned such disregard of legality [as Judge Ninfo] so that he cannot reasonably be expected to have due regard for law and rules when considering the pending petition for panel rehearing and hearing en banc or when otherwise dealing with this case”. (N:829) It went unanswered. Dr. Cordero had to move again on April 18 to request the Chief Judge’s recusal and provided recent evidence of a tolerated pattern of disregard for the law and rules by his clerks further calling into question his objectivity and impartiality to judge similar conduct in the rehearing of *Premier*. (N:851) The recusal was merely “Denied” with no reason whatsoever on May 10, 2004. (N:874) So Dr. Cordero moved on May 31 for CJ Walker “either to state his arguments for denying the motions that he disqualify himself from considering the pending *Premier* rehearing petition and from having anything else to do with that case or disqualify himself and failing that for CA2 to disqualify him therefrom”. (N:881)

52. Thereafter CJ Walker’s colleague and current CA2 Chief Judge Jacobs dismissed the complaint against his and his colleagues’ Appointee Judge Ninfo on June 8, 2004. (N:213) For their part, CJ Walker and his colleagues denied on August 2 the motion to state his reason for denying recusal with a similar “Denied” while once more stating no reason at all. (N:901) Judge Jacobs denied the complaint against Colleague CJ Walker on September 24. (N:391)
53. After all had been securely denied, i.e., the mandamus, the complaints against Judge Ninfo and CJ Walker, the *Premier* appeal, and the three motions for CJ Walker’s recusal, and the decision that “Upon consideration by the panel that decided the [*Premier*] appeal, it [was] Ordered that said petition for rehearing [was] DENIED” had been all but notified on October 26, 2004 (N:942), the denial on October 13 of another motion in CA2 contained the throwaway footnote “*Hon. John M. Walker, Jr., Chief Judge, has recused himself from further consideration of this case. In accordance with Local Rule 0.14(b), the instant motion has been decided by the two remaining panel members.” (N:941)
54. Was this a manifestation of ‘effective and expeditious administration of justice’ or rather the exercise of raw power by CJ Walker to get and stay on the case until ‘business in the court’ had been taken care of to safeguard his interests and his appointee’s? CJ Walker recused himself from *Premier* when for all practical purposes doing so was already meaningless.
55. Significantly enough, that recusal footnote was contained in an order (N:941) dealing with Judge Ninfo’s handling of *DeLano*. In its context, the Judge had issued at his initiative an order on August 30, 2004 (D:278¶¶2-4). Through it he had set up an evidentiary hearing in which to carve out of *Premier*, then pending before CJ Walker and the other CA2 judges, the facts and issues relating to Bankruptcy System Insider DeLano. His purpose was to try them in isolation from the other parties and claims in *Premier*’s parent case, *Pfuntner*, for easier, piecemeal disposition favorable to the DeLanos’ elimination of Dr. Cordero as one of their creditors and the one requesting production of documents that would incriminate them in bankruptcy fraud.
56. Similar to *Premier* is *Delano*, the underlying case of this complaint against Judge Ninfo and

his running a bankruptcy fraud scheme. Judge Walker's disqualification from considering or voting on this review petition, in addition to being required by Rule 21(c), is also required on the same grounds on which he was forced to recuse himself from *Premier*.

V. Relief requested

57. Therefore, Dr. Cordero respectfully requests that the Committee take jurisdiction of this petition and:

- a. appoint a special committee, issue a written decision giving reasons for its appointment (Rule 21(b)(2)), and conduct any necessary and appropriate additional investigation (Rule 21(d));
- b. otherwise and given that,
 - i) the complaint calls into question,
 - (A) the 2nd Cir. Council's 100% petition denial policy to defeat the objectives of the Act;
 - (B) the Council's impartiality because Judge Ninfo is CA2's appointee and reappointee and was approved by the Council to stay on until his reappointment (28 U.S.C. §152(a)(1)); and
 - (C) the Council and CA2's governance due to their knowing participation in, or toleration of, Judge Ninfo's bankruptcy fraud scheme and its cover up even after being repeatedly informed thereof, so that disposition by the Council will weaken public confidence in the process, thereby rendering disposition by a less involved council more appropriate (cf. Commentary on Rule 26); and
 - ii) the law provides that a judge must not hear or determine an appeal from a decision that he or she entered (28 U.S.C. §47),

ask Chief Justice Roberts to transfer the investigation to another council (Rule 26);

- c. given the inherent conflict of interests in judges conducting an investigation that may lead to the investigation of themselves, provide for the investigation to be conducted by experienced investigators on its or the special committee's staff (cf. Rule 13(c)),
 - i) who are unrelated to either Judge Ninfo or any other judge that may be investigated due to their having handled the underlying complaint, *DeLano*, or *Pfuntner*, and
 - ii) who are not admitted to practice before any federal court in the Second Circuitso that without fear of retaliation, whether against them, their employers or clients, by any investigated judge or their peers and colleagues, they may be able to discharge their "duty...at all times to be **impartial** seekers of the truth...[capable of pursuing the investigation wherever it needs to go in order to perform] their role to present evidence representing the **entire** picture" (emphasis added; Commentary on Rule 14) in a "comprehensive written report [where they] shall present both the findings of the investigation and [make all] recommendations for necessary and appropriate action" (cf. §353(c) and Rule 17);

- d. consider the accompanying “Suggested Subpoena of the Committee and its Special Committee” (cf. Rule 15(a)(2)) as a resource with valuable contact information and a list, drawn on Dr. Cordero’s intimate knowledge of the facts of *DeLano*, of key documents that should be ordered produced and examined so that the Subpoena can facilitate an expeditious start of the investigation and, consequently, turn its contents into its own subpoena and issue it (§356);
- e. call Dr. Cordero to a hearing before the Committee or its special committee to offer testimonial evidence (cf. Rule 14(b)) and oral argument (cf. Rules 14(c) and 21(e));
- f. permit Dr. Cordero to attend proceedings of its own or its special committee and to participate in the examination and cross-examination of witnesses (cf. Commentary on Rule 16);
- g. provide for the ‘release to Dr. Cordero of a copy of:
 - i) the report of the special committee’ together with any separate and dissenting statements, the record of hearings, and the documents examined (cf. §360(a)(1) and Rules 16(a) and 17); and
 - ii) written decisions of the Chief Judge, the Council, the Committee, and dissenting opinions or separate statements of Council or Committee members and the information and exhibits that they contain (Rule 23(c));
- h. disclose the existence of the investigation of this petition and the underlying complaint in order to maintain public confidence in the federal judiciary's ability to redress misconduct or disability (Rule 23(a));
- i. report *DeLano* and *Pfuntner* under 18 U.S.C. §3057(a) to the U.S. Attorney General, with the recommendation that they be investigated:
 - i) by U.S. attorneys and FBI agents, such as those from the U.S. Department of Justice and FBI offices in Washington, D.C., or Chicago, who are unfamiliar with either of those cases and unacquainted with any of the parties to either of them, or court officers, whether judicial or administrative, or trustees, directly or indirectly involved in, concerned with, or affected by either of those cases, or that may be investigated; and
 - ii) by no former or current staff of the offices of the Department of Justice or the FBI in Rochester or Buffalo, NY, none of whom should participate in any way whatsoever in conducting such investigation, except that such staff must be required to provide all information requested of them and to volunteer all information, whether in their possession or whose certain or likely whereabouts they know, that a reasonable person acting in good faith would consider actually or potentially relevant to the investigation.

Date: February 25, 2009
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<http://Judicial-Discipline-Reform.org>

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

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

Exhibit page #	Mortgages² referred to in the incomplete documents produced by the DeLanos^a to Chapter 13 Trustee George Reiber (cf.Add:966§B)	Mortgages or loans	
		year	amount
D ^b :342	1) from Columbia Banking, S&L Association	16jul75	\$26,000
D:343	2) another from Columbia Banking, S&L Asso.	30nov77	7,467
D:346	3) still another from Columbia Banking, S&L Asso.	29mar88	59,000
D:176/9	4) owed to Manufacturers & Traders Trust=M&T Bank	March 88	59,000
D:176/10	5) took an overdraft from ONONDAGA Bank	March 88	59,000
D:348	6) another mortgage from Central Trust Company	13sep90	29,800
D:349	7) even another one from M&T Bank	13dec93	46,920
D:350-54	8) yet another from Lyndon Guaranty Bank of NY	23dec99	95,000
	9) any other not yet disclosed?	Subtotal	\$382,187
The DeLanos' earnings in just the three years preceding their voluntary bankruptcy petition (04-20280, WBNY; D:23)			
2001	1040 IRS form (D:186)	\$91,229	\$91,229
2002	1040 IRS form (D:187) Statement of Financial Affairs (D:47)	\$91,859	91,655
2003	1040 IRS form (D:188) Statement of Financial Affairs (D:47)	+97,648	+108,586
to this must be added the receipts contained in the \$98,092 owed on 18 credit cards, as declared in Schedule F (D:38) ^c		\$280,736 ^d	\$291,470 ^d
		TOTAL	\$673,657

^a The DeLanos claimed in their petition, filed just three years before traveling light of debt to their golden retirement, that their home was their only real property, appraised at \$98,500 on 23nov3, as to which their mortgage was still \$77,084 and their equity only \$21,416 (D:30/Sch.A) ...after paying it for 30 years! and having received \$382,187 during that period through eight mortgages! *Mind-boggling!* They sold it for \$135K³ on 23apr7, a 37% gain in merely 3½ years.

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

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

^d Why do these numbers not match?

Judicial Conduct & Disability Committee

Of the Judicial Conference of the United States

and its Special Committee

Subpoena

to investigate a judicial misconduct complaint filed under 28 U.S.C. §351

Having considered the evidence presented to the Committee in support of a complaint, a subpoena is issued hereby for production of the following documents:

A. Persons and entities concerned by this subpoena

1. David DeLano and Mary Ann DeLano (hereinafter the DeLanos), formerly resident at 1262 Shoecraft Road, Webster, NY 14580, and debtors in *In re David and Mary Ann DeLano*, 04-20280, WBNY; *Cordero v. DeLano*, 05-cv-6190L, WDNY; *Dr. Richard Cordero v. David and Mary Ann DeLano*, 06-4780-bk, CA2, and *Dr. Richard Cordero v. David and Mary Ann DeLano*, 08-8382, SCt (hereinafter *DeLano*);
2. Devin L. Palmer, Esq., dpalmer@BoylanBrown.com, and Christopher K. Werner, Esq., cwerner@BoylanBrown.com, attorneys for the DeLanos, Boylan, Brown, Code, Vigdor & Wilson, LLP, 2400 Chase Square, Rochester, NY 14604, tel. (585)232-5300, fax (585)232-3528; and any and all members of their law firm; <http://www.boylandbrown.com/index.php>
3. Michael J. Beyma, Esq., attorney for Mr. DeLano and M&T Bank, 300 Bausch & Lomb Place, Rochester, NY 14604, tel (585)258-2800, fax (585)258-2821; and any and all members of their law firm, including, but not limited to, Paralegal Brenda G. Reed,

- breed@underbergkessler.com; Paralegal Sandy Mattle, and Administrative Assistance Rene Reale, tel. (585)258-2843, RReale@underbergkessler.com; <http://www.underberg-kessler.com>;
4. James Pfuntner, at the address of his attorney, David MacKnight, Esq., dmacknight@lacykatzen.com, or successor, at Lacy, Katzen, Ryen & Mittlemann, LLP, 130 East Main St., Rochester, NY 14604; tel. (585)454-5650, fax (585)269-3077, plaintiff in *Pfuntner v. Trustee Gordon et al.*, 02-2230, WBNY (hereinafter *Pfuntner*); <http://www.lacykatzen.com/>;
 5. Kathleen Dunivin Schmitt, Esq., Assistant U.S. Trustee for Rochester, Office of the U.S. Trustee, U.S. Courthouse, 100 State Street, Rochester, NY, 14614, tel. (585)263-5812, fax (585)263-5862, and any and all members of her staff, including, but not limited to, Ms. Christine Kyler, Ms. Jill Wood, and Ms. Stephanie Becker; <http://www.usdoj.gov/ust/r02/rochester.htm>;
 6. Ms. Diana G. Adams, U.S. Trustee for Region 2, and Deirdre A. Martini, former U.S. Trustee for Region 2, Office of the United States Trustee, 33 Whitehall Street, 21st Floor, New York, NY 10004, tel. (212)510-0500, fax (212) 668-2255; and any and all members of their staff; <http://www.usdoj.gov/ust/r02/>;
 7. Chapter 13 Trustee George Reiber, South Winton Court, 3136 S. Winton Road, Rochester, NY 14623, tel. (585)427-7225, fax (585)427-7804, and any and all members of his staff, including, but not limited to, James Weidman, Esq., attorney for Trustee Reiber; trustee13@roch13.com;
 8. Trustee Kenneth W. Gordon, Gordon & Schall, LLP, 1099 Monroe Ave., Ste. 2, Rochester, NY 14620-1730; tel. (585)244-1070, and any and all members of his staff;
 9. M&T Bank, 255 East Avenue, Rochester, NY, tel. (800)724-8472, 585-546-0501, fax: 585-546-0550, (585)546-7584; <http://www.mandtbank.com/>;
 10. David Palmer, 1829 Middle Road, Rush, NY 14543, and his company, Premier Van Lines, debtor in *In re Premier Van Lines*, 01-20692, WBNY (hereinafter Mr. Palmer/Premier and

Premier);

11. David M. Dworkin & Jefferson Henrietta Associates, at the address of their attorney, Karl S. Essler, Esq., Fix Spindelman Brovitz & Goldman, P.C., 295 Woodcliff Drive, Suite 200, Fairport, NY 14450, tel. (585) 641-8000; fax (585)641-8080; kessler@fixspin.com;
12. Mary Dianetti, Bankruptcy Court Reporter, 612 South Lincoln Road, East Rochester, NY 14445, tel. (585)586-6392;
13. Ms. Melissa L. Frieday, Contracting Officer for court reporters, US. Bankruptcy Court, WDNY, Olympic Towers, 300 Pearl Street, Suite 250, Buffalo, NY 14242, tel. (716) 362-3200, fax (716)551-5103;
14. Bankruptcy Judge John C. Ninfo, II, WBNY, and Paul R. Warren, Esq., Clerk of Court, U.S. Bankruptcy Court, 1220 U.S. Courthouse, 100 State Street, Rochester, NY 14614, tel. (585)613-4200, and any and all members of their staff, including, but not limited to, Andrea Siderakis, Assistant to Judge Ninfo, courtroom tel. (585)613-4281, fax (585)613-4299; Deputy Clerk in Charge Todd M. Stickle, tel. (585)613-4223, fax (585)613-4242; Case Administrators Karen S. Tacy and Paula Finucane; <http://www.nywb.uscourts.gov/>;
15. U.S. District Judge David G. Larimer and Rodney C. Early, Clerk of Court, U.S. District Court, 2120 U.S. Courthouse, 100 State Street, Rochester, N.Y. 14614, tel. (585)613-4000, fax (585) 613-4035, and any and all members of their staff; <http://www.nywd.uscourts.gov/mambo/> ; and
16. Any and all persons or entities that are in possession or know the whereabouts of, or control, the documents or items requested hereinafter.

B. Procedural provisions

17. The following procedural provisions are applicable to all persons and entities concerned by this subpoena, who shall:

18. Understand a reference to a named person or entity to include any and all members of such person's or entity's staff or firm;
19. Comply with the instructions stated below and complete such compliance within seven days of the issue of this subpoena unless a different deadline for compliance is stated below;
20. Be held responsible for any non-compliance and subject to the continuing duty to comply with this subpoena within the day each day after the applicable deadline is missed, under pain of being named the subject of a contempt proceeding under 28 U.S.C. §332(d);
21. Understand 'document' broadly to mean 'an object that holds information or data in any form', whether the form be print, digital, electronic, or otherwise; and the object be any of the following or similar objects:
 - a) paper, including any type of graphic or photographic paper, film, and equivalent;
 - b) a removable storage device, such as a floppy, CD, DVD, external hard disk; flash, stick, or card memory; electronic memory strip, such as found on plastic cards; and audio or video tape;
 - c) fixed storage device, such as an internal hard disk of a computer, server, or mainframe;
 - d) an audio or video cassette, such as used in a tape recorder or camcorder;
 - e) a wireless handheld digital device, such as an iPod, Blackberry, or smartphone;
22. Understand any reference below to a specific type of document to include any other type of document in which the information referred to or derived therefrom, such as through addition, deletion, modification, correction, transformation from one form to another, or rearrangement for inclusion in a database, is available;
23. Produce of each document within the scope of this subpoena those parts stating as to each transaction covered by such document:
 - a. the time and amount of each such transaction;

- b. the rates, including but not limited to normal and delinquent rates, applied to the transaction;
 - c. the opening and closing dates of the transactions reported in the document, such as a statement of account;
 - d. the description of the goods or service concerned by the transaction;
 - e. the source or recipient of funds or who made any charge or claim for funds;
 - f. the opening date of, the payment due date of the amount owing on, and the good or delinquent standing of, the account, agreement, or contract concerned by the document;
 - g. the beneficiary of any payment;
 - h. the surety, codebtor, or collateral; and
 - i. any other matter relevant to this subpoena or to the formulation of the terms and conditions of such document;
24. Certify individually as such person, or if an entity, by its representative, in an affidavit or an unsworn declaration subscribed as provided for under 28 U.S.C. §1746 (hereinafter collectively referred to as a certificate), with respect to each document produced that it has not been the subject of any addition, deletion, correction, or modification of any type whatsoever and that it is the whole of the document without regard to the degree of relevance or lack thereof of any part of such document other than any part requiring its production; or certify why such certification cannot be made with respect to any part or the whole of such document and attach the whole document to the certificate;
25. Produce any document within the scope of this subpoena by producing a true and correct copy of it and hold the original available for inspection as provided for under ¶28 below;
26. In application of the principle “If in doubt, disclose”, produce a document and/or a certificate concerning it whenever a reasonable person acting in good faith would:

- a. believe that at least one part of such document comes within the scope of this subpoena;
- b. be in doubt as to whether any or no part of a document comes within that scope; or
- c. think that another person with an adversarial interest would want such production or certificate made or find it of interest in the context of ascertaining whether any individual or entity concerned by this subpoena has committed an offense, including, but not limited to, bribery, bankruptcy fraud, or supported or tolerated a bankruptcy fraud scheme involving any such, and/or any other, individual or entity.

27. The production of documents within the scope of this subpoena shall be made pursuant to the following timeframes:

- a. within two weeks of the date of this subpoena, such documents dated January 1, 2000, or since, to date;
- b. within 30 days of the date of this subpoena, such documents dated since January 1, 1975, to December 31, 1999, including the first and last dates of such period.

28. The holder of the original of any document within the scope of this subpoena shall certify that he or she holds such original and acknowledges the duty under this subpoena to hold it in a secure place, ensure its chain of custody, and produce it upon order of the Committee .

C. Substantive provisions

29. Any person or entity concerned by this subpoena who with respect to any of the following documents **i)** holds such document (hereinafter holder) shall produce a true and correct copy thereof and a certificate; **ii)** controls or knows the whereabouts or likely whereabouts of any such document (hereinafter identifier) shall certify what document the identifier controls or knows the certain or likely whereabouts of, and state such whereabouts and the name and address of the known or likely holder of, such document:

- a. The Judge Ninfo's annual financial disclosure reports since 1992, required to be filed under the Ethics in Government Act of 1978, 5 U.S.C. Appendix;
- b. The minutes, transcript, stenographic packs and folds, audio tape, and any other recording of the status conference and pretrial hearing in *Pfuntner* requested by Trustee Schmitt on December 10, 2002, and held before Judge Ninfo on January 10, 2003;
- c. The transcript and stenographic packs and folds of the hearing in *Pfuntner* held before Judge Ninfo on:
 - 1) December 18, 2002
 - 2) February 12, 2003
 - 3) March 26, 2003
 - 4) April 23, 2003
 - 5) May 21, 2003
 - 6) June 25, 2003
 - 7) July 2, 2003
 - 8) October 16, 2003
- d. Trustee Schmitt and Trustee Reiber or their respective successors shall within 10 days of this subpoena arrange for, and produce:
 - 1) The audio tape of the meeting of creditors of the DeLanos held on March 8, 2004, at the Office of the U.S. Trustee in Rochester, room 6080, and conducted by Att. Weidman;
 - 2) its transcription on paper and as a PDF file on a floppy disc or CD; and
 - 3) the video tape shown at the beginning of such meeting and in which Trustee Reiber was seen providing the introduction to it.
- e. The transcript of the meeting of creditors of the DeLanos held on February 1, 2005, at Trustee Reiber's office, which transcript has already been prepared and is in possession of Trustee Reiber, who shall produce it on paper and as a PDF file on a floppy disc or CD;
- f. The original stenographic packs and folds on which Reporter Dianetti recorded the evidentiary hearing of the DeLanos' motion to disallow Dr. Cordero's claim, held on March 1, 2005, in the Bankruptcy Court, shall be kept in the custody of the Bankruptcy

Clerk of Court and made available upon request to the Committee ;

- g. The transcript and stenographic packs and folds of the hearing in *DeLano* held before Judge Ninfo on:

- | | | |
|--------------------|----------------------|----------------------|
| 1) March 8, 2008 | 4) August 25, 2004 | 7) November 16, 2005 |
| 2) July 19, 2004 | 5) December 15, 2004 | |
| 3) August 23, 2004 | 6) July 25, 2005 | |

- h. The documents obtained by Trustee Reiber in connection with *DeLano* and by Trustee Gordon in connection with *Pfuntner*, regardless of the source, up to the date of compliance with this subpoena, whether such documents relate generally to the DeLanos' or Mr. Palmer/Premier's bankruptcy petition or particularly to the investigation of whether either or both of them have committed fraud, regardless of whether such documents point to their joint or several commission of fraud or do not point to such commission but were obtained in the context of such investigation;
- i. The statement reported in *DeLano*, WBNY docket 04-20280, entry 134, to have been read by Trustee Reiber into the record at the confirmation hearing on July 25, 2005, of the DeLanos' plan of debt repayment, of which there shall be produced a copy of the written version, if any, of such statement as well as a transcription of such statement exactly as read and the stenographic packs and folds used by the reporter to record it;
- j. The financial documents in either or both of the names of the DeLanos, or those of Mr. Palmer/Premier, or otherwise concerning a financial matter under the total or partial control of either or both of them, respectively, regardless of whether either or both exercised or still exercise such control directly or indirectly through a third person or entity, and whether for their benefit or somebody else's, in the case of the DeLanos since January 1, 1975, to date, and in the case of Mr. Palmer since he began to work for, or do business as, or acquired

partially or totally, or otherwise controlled, Premier Van Lines to date ,

1) Such as:

- (a) the ordinary, whether the interval of issue is a month or a longer or shorter interval, and extraordinary statements of account of each and all checking, savings, investment, retirement, pension, credit card, and debit card accounts at or issued by M&T Bank and/or any other entity, whether banking, financial, investment, commercial, or otherwise, in the world;
- (b) the unbroken series of documents relating to the purchase, sale, or rental of any property or share thereof or right to its use, wherever in the world such property may have been, is, or may be located, by the DeLanos and Mr. Palmer/Premier, respectively, including but not limited to:
 - (i) real estate, including but not limited to the home and surrounding lot at 1262 Shoecraft Road, Webster (and Penfield, if different), NY 14580;
 - (ii) Premier Van Lines, any similar moving or storage company, or other business, whether incorporated or not incorporated;
 - (iii) moving and storage equipment, including, but not limited, to vehicles, forklifts, crates, padding and packaging material; and
 - (iv) personal property, including any vehicle, mobile home, or water vessel;
- (c) mortgage documents;
- (d) loan documents;
- (e) title documents and other documents reviewing title, such as abstracts of title;
- (f) prize documents, such as lottery and gambling documents;
- (g) service documents, wherever in the world such service was, is being, or may be received or given; and
- (h) documents concerning the college expenses of each of the DeLanos' children,

Jennifer and Michael, including but not limited to tuition, books, transportation, room and board, and any loan extended or grant made by a government or a private entity or a parent or relative for the purpose of such education, regardless of whose name appears on the documents as the loan borrower or grant recipient;

2) the production of such documents shall be made pursuant to the following timeframes:

(a) within two weeks of the date of this subpoena, such documents dated since January 1, 2000, to date;

(b) within 30 days from the date of this subpoena, such documents dated since January 1, 1975, to December 31, 1999.

30. The Clerk of the Bankruptcy Court shall certify copies of all the orders in *DeLano* and *Pfuntner*, including the following of:

a. in *DeLano*:

1) July 26, 2004, for production of some documents by the DeLanos;

2) August 30, 2004, severing Dr. Cordero's claim against Mr. DeLano from *Pfuntner*, and requiring Dr. Cordero to take discovery from Mr. DeLano to prove his claim against him while suspending all other proceedings until the DeLanos' motion to disallow Dr. Cordero's claim was finally determined;

3) November 10, 2004, denying Dr. Cordero all his requests for discovery from Mr. DeLano;

4) December 21, 2004, scheduling *DeLano* for an evidentiary hearing on March 1, 2005;

5) April 4, 2005, holding that Dr. Cordero has no claim against Mr. DeLano and depriving him of standing to participate in any future proceedings in *DeLano*;

6) August 8, 2005, ordering M&T Bank to pay the Trustee;

- 7) August 9, 2005, confirming the DeLanos' debt repayment plan after hearing Trustee Reiber's statement and obtaining his "Trustee's Report", that is, his undated "Findings of Fact and Summary of 341 Hearing" and his undated and unsigned sheet titled "I/We filed Chapter 13 for one or more of the following reasons";
 - 8) November 10, 2005, letter denying Dr. Cordero his request to appear by phone to argue his motion of November 5, 2005, to revoke the order of confirmation of the DeLanos' debt repayment plan;
 - 9) November 22, 2005, denying Dr. Cordero's motion to revoke the confirmation of the plan;
 - 10) Notice of January 24, 2007, releasing Mr. DeLano's employer, M&T Bank, from making further payments to Trustee Reiber.
 - 11) February 7, 2007, discharging the DeLanos after completion of their plan;
 - 12) June 29, 2007, providing, among other things, for the allowance of the final account and the discharge of Trustee Reiber, the enjoinder of creditors, the closing of the DeLanos' estate, and the release of their employer from the order to pay the Trustee;
- b. in *Pfuntner*:
- 1) December 30, 2002, to dismiss Dr. Cordero's cross-claims for defamation as well as negligent and reckless performance as trustee against Trustee Gordon;
 - 2) February 4, 2003, to transmit the record in a non-core proceeding to the District Court, WDNY, combined with findings of fact, conclusions of law, and the Recommendation not to grant Dr. Cordero's request for entry of default judgment;
 - 3) Attachment of February 4, 2003, to the Recommendation of the Bankruptcy Court that the default judgment not be entered by the District Court;
 - 4) February 18, 2003, denying Dr. Cordero's motion to extend time to file notice of

appeal;

- 5) July 15, 2003, ordering that a “discrete hearing” be held in Rochester on October 23, 2003, followed by further monthly hearings;
- 6) October 16, 2003, Disposing of Causes of Action;
- 7) October 16, 2003, denying Recusal and Removal Motions and Objection of Richard Cordero to Proceeding with Any Hearings and a Trial;
- 8) October 23, 2003, Finding a Waiver by Dr. Cordero of a Trial by Jury;
- 9) October 23, 2003, setting forth a Schedule in Connection with the Remaining Claims of the Plaintiff, James Pfuntner, and the Cross-Claims, Counterclaims and Third-Party Claims of the Third-Party Plaintiff, Richard Cordero;
- 10) October 28, 2003, denying Dr. Cordero’s Motion for a More Definitive Statement of the Court’s Order and Decision.

31. The Bankruptcy Clerk shall produce copies of the following documents referred to in the docket of *Premier* or connected to that case:

a. Documents entered in the docket:

- 1) the monthly reports of operation for March through June 2001, entered as entries no. 34, 35, 36, and 47;
- 2) the reports for the following months until the completion of the liquidation of Premier;
- 3) the court order closing that case, which is the last but one docket entry, but bears no number;
- 4) the court order authorizing the payment of a fee to Trustee Gordon and indicating the amount thereof, which is the last docket entry, but bears no number.

b. Documents that are only mentioned in other documents in that case but not entered

themselves anywhere:

- 1) the court order authorizing payment of fees to Trustee Gordon's attorney, William Brueckner, Esq., and stating the amount thereof; cf. docket entry no. 72;
- 2) the court order authorizing payment of fees to Auctioneer Roy Teitsworth and stating the amount thereof; cf. docket entry no. 97;
- 3) the financial statements concerning Premier prepared by Bonadio & Co., for which Bonadio was paid fees; cf. docket entries no. 90, 83, 82, 79, 78, 49, 30, 29, 27, 26, 22, and 16;
- 4) the statement of M&T Bank of the proceeds of its auction of estate assets on which it held a lien as security for its loan to Premier; the application of the proceeds to set off that loan; and the proceeds' remaining balance and disposition; cf. docket entry no. 89;
- 5) the information provided to comply with the order described in entry no. 71 and with the minutes described in entry no. 70;
- 6) the Final report and account referred to in entry no. 67 and ordered filed in entry no. 62.

for the Committee on Conduct and Disability:

Date

Subpoena at:

http://Judicial-Discipline-Reform.org/JNinfo/25Committee/3subpoena_DrCordero_24feb9.pdf

in support of petition at:

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

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OF THE PETITION FOR REVIEW with EXHIBITS

TO THE COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY
OF THE JUDICIAL CONFERENCE OF THE U.S.

concerning the judicial misconduct complaint
against Bankruptcy Judge John C. Ninfo, II, WBNY
dkt. 02-08-90073-jm

by

Dr. Richard Cordero, Esq.

February 25, 2009

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

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a)	CA2's dismissal of February 8, 2008, of Dr. Cordero's 29August7 motion for oral argument on his July 18 motion suggesting en banc consideration of CA2's denials of his three motions for document production, to be held before argument is heard on the case in chief.....	CA:2181
b)	CA2's dismissal of February 8, 2008, 18July7 motion suggesting en banc consideration of CA2's denials of his three motions for document production; and if denied, for CA2 to disqualify itself due to its conflict of interests and refer the case to the Attorney General under 18 U.S.C. §3057(a).....	CA:2182
29.	Dr. Cordero's petition of March 14, 2008, in CA2 for panel rehearing and hearing en banc in <i>DeLano</i> to determine the question of exceptional importance: To what extent is the Court's integrity compromised by supporting or tolerating a bankruptcy fraud scheme?	CA:2191
	http://Judicial-Discipline-Reform.org/Follow_money/enbanc_14mar8.pdf	
30.	CA2' denial of May 9, 2008, of the rehearing motion, issued on May 16, 2008, as the mandate	CA:2210
31.	Dr. Cordero's petition of October 3, 2008, to the Supreme Court for a writ of certiorari to the Court of Appeals for the Second Circuit, dkt. 08-8382 SCt	US:2429
32.	Supreme Court notice of docketing the petition for a writ as 08-8382.....	US:2501

IV. Links to Access the Files Containing Exhibits referred to in the complaint using the format (Letters:#)

Type the corresponding Internet address in the address bar of your Internet browser and replace the last segment –the file name- with the corresponding LETTERNUMBER-RANGE.pdf containing the number of the reference that you want to look up, i.e. for reference (CA:1725§VII): you end up with this: http://Judicial-Discipline-Reform.org/DeLano_record/CA1700-2090.pdf

a) D:#, Add:#, Pst:#, SApp:#, CA:# comprising pages 1-2231+ of the DeLano cases

http://Judicial-Discipline-Reform.org/DeLano_record/LETTERNUMBER-RANGE.pdf

- [D1-102.pdf](#) [D103-202.pdf](#) [D203-300.pdf](#) [D301-424.pdf](#) [D425-508q.pdf](#)
[Transcript.pdf](#)
[Add509-710.pdf](#) [Add711-910.pdf](#) [Add911-1170.pdf](#) [Pst1171-1500.pdf](#)
[SApp1501-1699.pdf](#) [CA1700-2090.pdf](#) [CA2091_end.pdf](#)

b) A:# comprising pages 1-2229 of the Pfuntner cases

http://Judicial-Discipline-Reform.org/Pfuntner_record/LETTERNUMBER-RANGE.pdf

- [A1-260.pdf](#) [A261-352.pdf](#) [A353-733.pdf](#) [A734-1060.pdf](#) [A1061-1300.pdf](#)
[A1301-1600.pdf](#) [A1601-1674.pdf](#) [A1675-1764.pdf](#) [A1765-2229.pdf](#)

V. Table

Requests for documents by Dr. Cordero and denials by CA2				
	Requests		Denials	
	page #	date	page #	date
1.	CA:1606	December 19, 06	SApp:1623	January 24, 07
2.	CA:1618	January 18, 07	SApp:1634	February 1, 07
3.	CA:1637	February15, 07	SApp:1678	March 5, 07
4.	CA:1777	March 17, 07	CA:2180	February 7, 08
5.	CA:1932	June 14, 07	CA:2180	February 7, 08
6.	CA:1975¶59a	July 18, 07	CA:2182	February 7, 08
7.	CA:2081¶c.1	August 29, 07	CA:2181	February 7, 08
8.	CA:2126¶e	November 8, 07	CA:2180	February 7, 08
9.	CA:2140¶e	November 27, 07	CA:2180	February 7, 08
10.	CA:2165¶33e	December 26, 07	CA:2180	February 7, 08
11.	CA:2179	January 3, 08	CA:2180	February 7, 08
12.	CA:2205¶25c	March 14, 08	CA:2209	May 9, 08

List of Members
Of The Supreme Court, the Judicial Conference of the U.S.
And Its Judicial Conduct and Disability Committee,
The Second Circuit, And The Administrative Office Of The U.S. Courts
To Whom Were Sent
the Petition of February 25 (N:51) and 28 (N:103), 2009, And Related Letters
for Review Under the Rules for Judicial Conduct and Disability Proceedings
Of Judicial Misconduct Complaint 02-08-90073-jm of June 6, 2008
Against U.S. Bankruptcy Judge John C. Ninfo, II, WBNY ¹

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

Justice Ruth Bader Ginsburg
Circuit Justice for the Second Circuit
c/o: Supreme Court of the United States
Washington, D.C. 20543

Att.: Mr. Jeffrey P. Minear
Administrative Assistant to the Chief Justice
Chief Justice John G. Roberts, Jr.
Supreme Court of the United States
Washington, D.C. 20543

Mr. James C. Duff
AO Director & Secretary of the Judicial
Conference of the U.S.
Administrative Office of the U.S. Courts
Washington, D.C. 20544

Member of the Judicial Conference of the U.S

Chief Judge Sandra L. Lynch
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 1st Circuit
Boston, MA 02210

Judge Ernest C. Torres
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, DRI
Providence, RI 02903

Chief Judge Anthony J. Scirica
Member of the Judicial Conference of the U.S.
and Chair of its Executive Committee
c/o: U.S. Court of Appeals, 3rd Circuit
Philadelphia, PA 19106

Chief Judge Harvey Bartle, III
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, EDPA
Philadelphia, PA 19106-1710

Chief Judge Karen J. Williams
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 4th Circuit
Richmond, Virginia 23219-3517

Chief Judge James P. Jones
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, WDVA
Abingdon, VA 24210-2851

Chief Judge Edith Hollan Jones
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 5th Circuit
Houston, TX 77002-2655

Judge Sim Lake, III
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, SDTX
Houston, TX 77002-2655

Chief Judge Danny J. Boggs
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 6th Circuit
Cincinnati, Ohio 45202-3988

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf

Judge Thomas M. Rose
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, SDOH
Dayton, OH 45402

Chief Judge Frank H. Easterbrook
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 7th Circuit
Chicago, IL 60604

Judge Wayne R. Andersen
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, NDIL
Chicago, IL 60604

Chief Judge James B. Loken
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 8th Circuit
St. Paul, MN 55101

Judge Lawrence L. Piersol
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, SDSO
Sioux Falls, SD 57104-6851

Chief Judge Alex Kozinski
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 9th Circuit
San Francisco, CA 94119-3939

Judge Sidney R. Thomas
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 9th Circuit
San Francisco, CA 94119-3939

Judge Charles R. Breyer
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, NDCA
San Francisco, CA 94102

Chief Judge Robert H. Henry
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 10th Circuit
Denver, CO 80257

Judge Alan B. Johnson
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, DWY
Cheyenne, WY 82001-3658

Chief Judge J. L. Edmondson
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 11th Circuit
Atlanta, GA 30303

Chief Judge Myron H. Thompson
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court, MDAL
Montgomery, AL 36101-0235

Chief Judge David Bryan Sentelle
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, DCC
Washington, D.C. 20001-2866

Chief Judge Royce C. Lamberth
Member of the Judicial Conference of the U.S.
c/o: U.S. District Court for the District of Columbia
Washington, D.C. 20001

Chief Judge Paul R. Michel
Member of the Judicial Conference of the U.S.
c/o: U.S. Court Appeals for the Federal Circuit
Washington, D.C. 20439

Chief Judge Jane A. Restani
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of International Trade
New York, NY 10278-0001

Magistrate Judge Robert B. Collings
Observer at the Judicial Conference of the U.S.
c/o: U.S. District Court, DMA
Boston, MA 02210

Bankruptcy Judge David S. Kennedy
Observer at the Judicial Conference of the U.S.
c/o: U.S. District Bankruptcy Court, WDTN
Memphis, TN 38103

Members of the Judicial Conduct and Disability Committee

Judge Carolyn R. Dimmick
Member of the Committee on Judicial Conduct and Disability
c/o: U. S. District Court, Western District of Washington
Seattle, WA 98101

Judge Dolores K. Sloviter
Member of the Committee on Judicial Conduct and Disability
c/o: U. S. Court of Appeals for the Third Circuit
Philadelphia, PA 19106

Judge Joseph A. DiClerico, Jr.
Member of the Committee on Judicial Conduct and Disability
c/o: U.S. District Court, District of New Hampshire
Concord, NH 03301

Senior Judge David M. Ebel
Member of the Committee on Judicial Conduct and Disability
c/o: U.S. Circuit Court for the 10th Circuit, Floor 02-2505
Denver, CO 80202-2505

Senior Judge Eugene E. Siler, Jr.
Member of the Committee on Judicial Conduct and Disability
c/o: U.S. Circuit Court for the 6th Circuit
Cincinnati, OH 45202

Senior Judge Thomas E. Hogan
Member of the Committee on Judicial Conduct and Disability
c/o: U.S. District Court, District of Columbia
Washington, DC 20001

Senior Circuit Judge Ralph K. Winter
Former Chair of the Committee on Judicial Conduct and Disability
c/o: U.S. Court of Appeals, 2nd Circuit
New York, NY 10007

¹ For phone numbers and other contact information, such as to reach the judges' clerks or chambers, see http://www.uscourts.gov/Court_Locator.aspx.

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 Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

February 26, 2009

Mr. James C. Duff
Secretary of the Judicial Conference and AO Director
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

James_Duff@ao.uscourts.gov
tel. (202)502-2600

Dear Mr. Duff,

Kindly find herewith a copy for you, as Secretary of the Judicial Conference, one for the chair of its Executive Committee, and seven for the Committee on Judicial Conduct and Disability, of my petition (page N:51) to the latter. I am petitioning for review of the denial by the Judicial Council, 2nd Cir., of my petition for review of the dismissal of my judicial misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY, docket no. 02-08-90073-jm.

I am submitting this petition pursuant to Rule 21(b) of the Rules for Judicial Conduct and Disability Proceedings. In turn, I respectfully request that you see to it that your Office abide by Rule 22(e), which provides thus:

- (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.

I also respectfully request that you cause the Executive Committee to include in the agenda of the upcoming meeting of the Conference on March 17 a discussion of this petition and its underlying case. They reveal matters that concern not only “the effective and expeditious administration of the business of the courts”. They also concern the integrity of the federal judiciary and its judges, namely, a bankruptcy fraud scheme run with the participation and toleration of judges as well as the intentional circumvention of the Rules and their enabling Act by the 2nd Cir. Council. The latter has applied a denial of 100% of all petitions for review for the last 11 years for which the complaint reporting statistics have been published by your Office. (see N:47)

If greed and irresponsibility by a sizable sector of our society brought about the worst financial crisis since the Great Depression, would it be reasonable to think that judges, in general, and those in bankruptcy, in particular, all of whom wield de facto unaccountable power (N:58¶21) to dispose of scores of billions of dollars annually, would remain immune to the force expressed in the aphorism “power corrupts and absolute power corrupts absolutely”?

I would be most indebted if you would promptly either grant these requests and let me know so or if you do not grant either or both, state the reason therefor. You may send your reply to me as an attachment to an email.

I thank you for your consideration of this matter and look forward to hearing from.

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

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

(Sample of letter sent to members of the Judicial Conference)

February 28, 2009

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

Dear Mr. Chief Justice,

I am addressing you as presiding member of the Judicial Conference, a body that under 28 U.S.C. §357(a) and (b) may be petitioned for review of an action of a judicial council concerning a misconduct complaint and may grant the petition or allow its Committee on Judicial Conduct and Disability to grant it thereunder or under Rule 21 of the Rules for Conduct and Disability Proceedings. Hence, I am bringing to your attention my petition for review of the review denial by the 2nd Circuit Council concerning the dismissal by the CA2 Chief Judge of my misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY, docket no. 02-08-90073-jm.

Indeed, Judge Ninfo has engaged in a series of acts of bias, prejudice, and abuse of power so consistently in favor of other bankruptcy system insiders and against a contesting outsider as to form a pattern of coordinated wrongdoing in support of a bankruptcy fraud scheme. Illustrating it is the case underlying the complaint, *DeLano*, now before the Supreme Court, dkt. no. 08-8382, described in my letters to each Conference member of last June 9, August 15, and November 14. The Judge allowed Mr. DeLano, a banker for 39 years who at the time of filing his and his wife's bankruptcy petition was and continued to be a bankruptcy officer at a major bank, to prepare their debt-free golden retirement without accounting for \$673,657...in just one of the 3,907 *open* cases that the Trustee had before him. To protect them from bankruptcy fraud charges, he did not require that they produce any supporting documents, which would have proved concealment of assets; instead, he denied me *every single document* for an evidentiary hearing that ended with the predetermined stripping me of my claim and standing as creditor. Despite both such blatant denial of due process and conspicuous probable cause for suspecting Judge Ninfo's corruption, the 2nd Circuit Council applied its 100% review denial policy, as it has for the last 11 consecutive years for which its statistics thereon are available on the Administrative Office's website.¹

By this means and with the motive of protecting Judge Ninfo, their bankruptcy appointee, and themselves from incrimination in running and tolerating a bankruptcy fraud scheme, the Council and the CA2 chief judges have brought about once more the reasonably foreseeable consequence of, and thus, attained their intended objective in, disregarding the purpose of the Rules and their enabling Judicial Conduct and Disability Act as well as their duty thereunder: They have turned themselves and their complained-against peers into Judges Above the Law.

If the adoption last year of the "new" Rules was not a mere public relations exercise to insulate a disciplineless judiciary from Congressional supervision and thereby preserve collegial complicity, then this egregious case of institutionalized coordinated wrongdoing warrants review by the Conference. Therefore, I respectfully request that you **a)** take cognizance of the petition, which is summarized below and downloadable² and **b)** cause the Conference to **(i)** include it for discussion in the agenda of its meeting on March 17; **(ii)** take jurisdiction of it; and **(iii)** appoint a special committee to investigate it. I thank you in advance and look forward to hearing from you.

Sincerely,

Dr. Richard Cordero, Esq.

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf>N:39; ² Id.>N:51

February 28, 2009

PETITION FOR REVIEW
TO THE JUDICIAL CONFERENCE OF THE UNITED STATES
and its Committee on Judicial Conduct and Disability

of the denial of January 9, 2009
by the Judicial Council of the Second Circuit

of the petition for review of November 12, 2008

of the dismissal of October 7, 2008
by CA2 Chief Judge Dennis Jacobs

of the judicial misconduct complaint of June 9, 2008
against Bankruptcy Judge John C. Ninfo, II, WBNY

docket number 02-08-90073-jm¹

http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf

Dr. Richard Cordero, Esq., Complainant and Petitioner, affirms under penalty of perjury as follows:

1. On January 9, 2009, the Judicial Council of the Second Circuit (the Council) denied (N:48) Dr. Cordero's above-captioned petition (N:36) to review under §352(c) of the Judicial Conduct and Disability Act (the Act), 28 U.S.C. §351-364 (28 U.S.C. §# = §#) the dismissal (N:32) by CA2 Chief Judge Dennis Jacobs (the Chief Judge) of his judicial misconduct complaint (N:1) against Bankruptcy Judge John C. Ninfo, II, WBNY, for bias, prejudice, and abuse of judicial power in support of a bankruptcy fraud scheme and its cover up in connection with *In re David and Mary Ann DeLano*, docket no. 04-20280, WBNY (*DeLano*). To do so, the Council used its dismissal form and stated no reasons whatsoever, for it had none: According to its own statistics (N:39), reported pursuant to §332(g) to the Administrative Office of the U.S. Courts, which published them² pursuant to §604(h)(2), in the last 11 years, from October 1, 1996 to September 30, 2007, the Council publicly and privately censured 0 judges, "Ordered Other Appropriate Action" in 0 complaints, denied 100% of petitions for review for a total of 345, and referred 0 complaints to the Judicial Conference of the U.S. (the Conference) or its Committee on Judicial Conduct and Disability (the Committee).
2. This is a petition under §357 and Rule 21 of the Rules for Judicial Conduct and Disability Proceedings (Rule #) to the Conference and its Committee³ for review of the Council denial

¹ These documents are listed on the Table of Exhibits (after N:84) and appear after it. Their page numbers bear the format N:#, beginning with the complaint N:1. The page numbers in the Exhibits pertaining to the record in *DeLano* bear the format Letter:consecutive #, i.e. D:1 → US:2503.

² <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf.

³ Rule 21(c) provides that "Any member of the Committee from the same circuit as the subject judge

and the appointment of a special committee given that both Judge Ninfo’s misconduct as described in the complaint (N:1) and the Council’s systematic denial of 100% of review petitions (N:39) constitute “conduct prejudicial to the effective and expeditious administration of the business of the courts” under §351(a) and the denial aggrieved Complainant Dr. Cordero.

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D. Dr. Cordero was aggrieved by the nature and content of the denial of his review petition by the Council, which thereby provided the Committee with another jurisdictional basis for reviewing it.....	N:64
IV. Grounds for disqualification of Committee Chair Judge John M. Walker, Jr., CA2	N:66
V. Relief requested	N:68
VI. Attachments	
1. The DeLanos’ income of \$291,470, mortgage receipts of \$382,187, and credit card borrowing of \$98,092, all unaccounted for	N:70

is disqualified from considering or voting on a petition for review.” This provision so disqualifies Committee Chair CA2 Judge John M. Walker, Jr., since the subject judge is CA2 Bankruptcy Judge John C. Ninfo, II. Additional grounds for his disqualification are discussed in §IV infra.

2. Suggested subpoena for issuance by the Conference and its Committee and special committee, with useful contact information and list of key documents for tracking concealed assets N:71
also loose at back of bound file
http://Judicial-Discipline-Reform.org/JNinfo/25Committee/3subpoena_DrCordero_27feb9.pdf
3. Table of Exhibitsafter N:84
4. DVD containing this petition, all of the above, and the record of DeLano

...

42. The Conference and each of its members individually can take the opportunity offered by this petition to make a courageous public statement on the state of a judiciary run by judges who wield enormous power over people’s property, liberty, and even lives, but who are accountable to nobody: Judges Above the Law.⁴ It can base such statement either on the publicly filed documents from the *DeLano* and *Pfuntner* record on paper and the DVD attached hereto or the findings of its own investigation or that of its special committee assisted by independent professional staffers. That statement would be all the more timely because the investigation of this petition, which deals with judges running and covering up a bankruptcy fraud scheme, can voice a strong warning about what judges are likely to do now that they are about to receive additional power to modify the terms of mortgages involving scores of billions of dollars. Thus strengthening the virulence of the two most insidious corruptors, power and *lots of money!*, calls for an effective mechanism to demand judicial accountability and dispense discipline.
43. That statement can become the *I Accuse!* of the Conference or one or more of its members to denounce prejudice, abuse of power, and corruption as did Emile Zola when he exposed in his newspaper article the discrimination and cover up underlying the false conviction by the French Army of Jewish Officer Dreyfus. For those principled men and women that have the moral fortitude to assume risk for the sake of doing what is right there is the prospect of meaningful rewards: becoming our generation’s Thurgood Marshal and making a name as Champion of Justice with the chance of filling the nearing vacancy of Justice Ginsburg, 75, a recent cancer patient, or JJ Stevens, 88, or Scalia and Kennedy, 72; stepping into the footprint of Carl Bernstein and Bob Woodward of Watergate fame for conducting a professionally savvy *Follow*

⁴ Cf. Cir. J. Kozinski, 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.” “The prohibition against ex parte communications [¶¶13-16 supra], rules of procedure, principles of law, all of these are not trinkets that judges may discard whenever they become a nuisance. Rather, they are the mainstays of our judicial system, our guarantee to every litigant that we will administer justice, as our oath requires, “without respect to persons.” 28 U.S.C. § 453.” (Internal citations omitted.) *In re Judicial Misconduct Complaint*, docket no. 03-89037, Judicial Council, 9th Circuit, September 29, 2005, 425 F.3d 1179, 1183 and 1197, respectively. [Official statistics at N:39 show them still beyond discipline.

the Money! investigation that led to the exposure of a corrupt Nixon and his White House aides as well as to the best seller and movie hit *All the President's Men*; and the most lasting and noble reward of being recognized by a grateful nation as those who made a significant contribution to the continuous and demanding effort to bring about "Equal Justice Under Law".

V. Relief requested

57. Therefore, Dr. Cordero respectfully requests that the Judicial Conference and its Committee on Judicial Conduct and Disability take jurisdiction of this petition and:

a. appoint a special committee, issue a written decision giving reasons for its appointment (Rule 21(b)(2)), and conduct any necessary and appropriate additional investigation (Rule 21(d));

b. otherwise and given that,

i) the complaint calls into question,

(A) the 2nd Cir. Council's 100% petition denial policy to defeat the objectives of the Act;

(B) the Council's impartiality because Judge Ninfo is CA2's appointee and reappointee and was approved by the Council to stay on until his reappointment (28 U.S.C. §152(a)(1)); and

(C) the Council and CA2's governance due to their knowing participation in, or toleration of, Judge Ninfo's bankruptcy fraud scheme and its cover up even after being repeatedly informed thereof, so that disposition by the Council will weaken public confidence in the process, thereby rendering disposition by a less involved council more appropriate (cf. Commentary on Rule 26); and

ii) the law provides that a judge must not hear or determine an appeal from a decision that he or she entered (28 U.S.C. §47),

ask Chief Justice Roberts to transfer the investigation to another council (Rule 26);

c. given the inherent conflict of interests in judges conducting an investigation that may lead to the investigation of themselves, provide for the investigation to be conducted by experienced investigators on its or the special committee's staff (cf. Rule 13(c)),

i) who are unrelated to either Judge Ninfo or any other judge that may be investigated due to their having handled the underlying complaint, *DeLano*, or *Pfuntner*, and

ii) who are not admitted to practice before any federal court in the Second Circuit so that without fear of retaliation, whether against them, their employers or clients, by any investigated judge or their peers and colleagues, they may be able to discharge their "duty...at all times to be **impartial** seekers of the truth...[capable of pursuing the investigation wherever it needs to go in order to perform] their role to present evidence representing the **entire** picture" (emphasis added; Commentary on Rule 14) in a "comprehensive written report [where they] shall present both the findings of the investigation and [make all] recommendations for necessary and appropriate action" (cf. §353(c) and Rule 17);

- d. consider the accompanying “Suggested Subpoena of the Conference and its Committee and Special Committee”⁵ (cf. Rule 15(a)(2)) as a resource with valuable contact information and a list, drawn on Dr. Cordero’s intimate knowledge of the facts of *DeLano*, of key documents that should be ordered produced and examined so that the Subpoena can facilitate an expeditious start of the investigation and, consequently, turn its contents into its own subpoena and issue it (§356);
- e. call Dr. Cordero to a hearing before the Conference, its Committee and special committee to offer testimonial evidence (cf. Rule 14(b)) and oral argument (cf. Rules 14(c) and 21(e));
- f. permit Dr. Cordero to attend proceedings of the Conference, its Committee and special committee and to participate in the examination and cross-examination of witnesses (cf. Commentary on Rule 16);
- g. provide for the ‘release to Dr. Cordero of a copy of:
 - i) the report of the special committee’ together with any separate and dissenting statements, the record of hearings, and the documents examined (cf. §360(a)(1) and Rules 16(a) and 17); and
 - ii) ‘written decisions of the Chief Judge, the Council, the Conference, the Committee, and dissenting opinions or separate statements of their members and the information and exhibits that they contain’ (Rule 23(c));
- h. disclose the existence of the investigation of this petition and the underlying complaint ‘in order to maintain public confidence in the federal judiciary’s ability to redress misconduct or disability’ (Rule 23(a));
- i. report *DeLano* and *Pfuntner* under 18 U.S.C. §3057(a) to the U.S. Attorney General, with the recommendation that they be investigated:
 - i) by U.S. attorneys and FBI agents, such as those from the U.S. Department of Justice and FBI offices in Washington, D.C., or Chicago, who are unfamiliar with either of those cases and unacquainted with any of the parties to either of them, or court officers, whether judicial or administrative, or trustees, directly or indirectly involved in, concerned with, or affected by either of those cases, or that may be investigated; and
 - ii) by no former or current staff of the offices of the Department of Justice or the FBI in Rochester or Buffalo, NY, none of whom should participate in any way whatsoever in conducting such investigation, except that such staff must be required to provide all information requested of them and to volunteer all information, whether in their possession or whose certain or likely whereabouts they know, that a reasonable person acting in good faith would consider actually or potentially relevant to the investigation.

Date: February 28, 2009
 59 Crescent Street,
 Brooklyn, NY 11208

Dr. Richard Cordero, Esq.
 Dr. Richard Cordero, Esq.
 tel. (718)827-9521; Dr.Richard.Cordero.Esq@gmail.com

⁵ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf

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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March 3, 2009

Chief Judge Anthony J. Scirica
Chair, Executive Committee of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 3rd Circuit
601 Market Street, Philadelphia, PA 19106

Dear Chief Judge Scirica,

I am addressing you as chair of the Executive Committee of the Judicial Conference, a body that under 28 U.S.C. §357 may be petitioned for review of an action of a judicial council concerning a misconduct complaint and may grant the petition or allow its Committee on Judicial Conduct to grant it thereunder or under Rule 21 of the Rules for Conduct and Disability Proceedings. Hence, I am bringing to your attention my petition for review of the review denial by the 2nd Circuit Council concerning the dismissal by the CA2 Chief Judge of my misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY, docket no. 02-08-90073-jm.

Indeed, Judge Ninfo has engaged in a series of acts of bias, prejudice, and abuse of power so consistently in favor of other bankruptcy system insiders and against a contesting outsider as to form a pattern of coordinated wrongdoing in support of a bankruptcy fraud scheme. Illustrating it is the case underlying the complaint, *DeLano*, now before the Supreme Court, dkt. no. 08-8382, and described in my letters to each Conference member of last June 9, August 15, and November 14. The Judge allowed Mr. DeLano, a banker for 39 years who at the time of filing his and his wife's bankruptcy petition was and continued to be a bankruptcy officer at a major bank, to prepare their debt-free golden retirement without accounting for \$673,657...in just one of the 3,907 *open* cases that the Trustee had before him. To protect them from bankruptcy fraud charges, he did not require that they produce any supporting documents, which would have proved concealment of assets; instead, he denied me *every single document* for an evidentiary hearing that ended with the predetermined stripping me of my claim and standing as creditor. Despite both such blatant denial of due process and clear probable cause for suspecting Judge Ninfo of corruption, the 2nd Circuit Council applied its 100% review denial policy, as it has for the last 11 consecutive years for which its statistics thereon are available on the Administrative Office's website.¹

By this means they carried out their motive of protecting Judge Ninfo, their bankruptcy appointee, and themselves from incrimination in running and tolerating a bankruptcy fraud scheme. The Council and its chief judges have thus brought about once more the foreseeable consequence of, and thus, attained their intended objective in, disregarding the purpose of the Rules and their enabling Judicial Conduct and Disability Act as well as their duty thereunder: They have turned themselves and their complained-against peers into Judges Above the Law.

If the adoption last year of the "new" Rules was not a mere public relations exercise to insulate a disciplineless judiciary from Congressional supervision and thereby preserve collegial complicity, then this egregious case of institutionalized coordinated wrongdoing warrants review by the Conference. Therefore, I respectfully request that you **a)** take cognizance of the petition herewith, which is also downloadable² and **b)** cause the Conference to **(i)** include it for discussion in the agenda of its meeting on March 17; **(ii)** take jurisdiction of it; and **(iii)** appoint a special committee to investigate it. I thank you in advance and look forward to hearing from you.

Sincerely,

Dr. Richard Cordero, Esq.

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf>N:39; ² Id.>N:51

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March 3, 2009

Justice Ruth Bader Ginsburg
Circuit Justice for the Second Circuit
c/o: Supreme Court of the U.S.
Washington, D.C. 20543

Dear Justice Ginsburg,

I would like to inform you, as Circuit Justice for the 2nd Circuit, of my petition under §357 (a) of the Judicial Conduct and Disability Act and Rule 21 of the Rules for Conduct and Disability Proceedings to the Judicial Conference for review of the review denial by the 2nd Circuit Council concerning the dismissal by the CA2 Chief Judge of my conduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY, docket no. 02-08-90073-jm.

Indeed, Judge Ninfo has engaged in a series of acts of bias, prejudice, and abuse of power so consistently in favor of other bankruptcy system insiders and against a contesting outsider as to form a pattern of coordinated wrongdoing in support of a bankruptcy fraud scheme. Illustrating it is the case underlying the complaint, *DeLano*, now before the Supreme Court, dkt. no. 08-8382, and described in my letters to you of last June 9, August 15, and November 14. The Judge allowed a banker for 39 years, Mr. DeLano, who at the time of filing his and his wife's bankruptcy petition was and continued to be a bankruptcy officer at a major bank, to prepare their debt-free golden retirement without accounting for \$673,657...in just one of the 3,907 *open* cases that the Trustee had before him. To protect them from bankruptcy fraud charges, he did not require that they produce any supporting documents, which would have proved concealment of assets; instead, he denied me *every single document* for an evidentiary hearing that ended with the predetermined stripping me of my claim and standing as creditor. Despite both such blatant denial of due process and clear probable cause for suspecting Judge Ninfo of corruption, the 2nd Circuit Council applied its 100% review denial policy, as it has for the last 11 consecutive years for which its statistics thereon are available on the Administrative Office of the U.S. Courts' website.¹

By this means they carried out their motive of protecting Judge Ninfo, their bankruptcy appointee, and themselves from incrimination in running and tolerating a bankruptcy fraud scheme. The Council and its chief judges have thus brought about once more the foreseeable consequence of, and thus, attained their intended objective in, disregarding the purpose of the Act and its "new" Rules as well as their duty thereunder: They have turned themselves and their complained-against peers into Judges Above the Law.

If the adoption of those Rules last year was not a mere public relations exercise to insulate a disciplineless judiciary from Congressional supervision and thereby preserve collegial complicity, then this egregious case of institutionalized coordinated wrongdoing warrants review by the Conference. To that end, I respectfully request that you, through the formal and informal means available to you to discharge your responsibility for 'the effective and expeditious administration of justice in the 2nd Circuit', **a)** take cognizance of the petition, which is summarized below and downloadable too² and **b)** cause the Conference to **(i)** include it for discussion in the agenda of its meeting on March 17; **(ii)** take jurisdiction of it; and **(iii)** appoint a special committee to investigate it. I thank you in advance and look forward to hearing from you.

Sincerely, *Dr. Richard Cordero, Esq.*

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf>N:39; ² Id.>N:51

Dr. Richard Cordero, Esq.

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March 3, 2009

Mr. James C. Duff
Secretary of the Judicial Conference and AO Director
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

James_Duff@ao.uscourts.gov
tel. (202)502-2600

"
Dear Mr. Duff,

I trust that by now you will have received the nine copies of my petition for review to the Judicial Conduct and Disability Committee of February 25, 2009, which was delivered to the Administrative Office by UPS yesterday.

I would be indebted if you would include the enclosed Erratum in those copies, which reads thus:

The references in paragraphs 1 and 2 to (N:47) should read (N:39).

For ease of use, a corrected version of the PDF containing the petition is attached hereto also.

I thank you in advance and look forward to receiving your response to my letter of 26 instant that accompanied those copies.

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

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

February 25, 2009

ERRATUM

in

PETITION FOR REVIEW

TO THE COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY of the Judicial Conference of the United States

of the denial of January 9, 2009
by the Judicial Council of the Second Circuit
of the petition for review of November 12, 2008

of the dismissal of October 7, 2008
by CA2 Chief Judge Dennis Jacobs

of the judicial misconduct complaint of June 9, 2008
against Bankruptcy Judge John C. Ninfo, II, WBNY
docket number 02-08-90073-jm

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

The references in paragraphs 1 and 2 to (N:47) should read (N:39).

Dr. Richard Cordero, Esq.

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March 17, 2009

Mr. James C. Duff
Secretary of the Judicial Conference and AO Director
Att.: Ms. Deborah Mayronne
Executive Correspondence Specialist
Office of the Director
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

Deborah_Mayronne@ao.uscourts.gov
tel. 202- 502-3012

Dear Ms. Mayronne,

Thank you for your email and for keeping me informed.

When I sent in the petition last February 27, the box addressed to Mr. Duff contained, on paper and CDs, one copy for him, seven for the Committee on Judicial Conduct and Disability, and one for the chair of the Executive Committee of the Judicial Conference. In the cover letter to Mr. Duff, I stated that the copy for the chair was to cause him to include in the agenda of the Conference a discussion of the petition and its underlying case.

As you know, more than two weeks after Mr. Duff, as Director of the Administrative Office, received my petition on Monday, March 2, the AO has still not complied with its duty under Rule 22(e) of the Rules for Judicial Conduct and Disability Proceedings to acknowledge receipt of my petition. That Rule is not susceptible of interpretations, for as the Commentary on it states, "Rule 22 is self-explanatory". It provides thus:

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.

Likewise, I have not received any letter from Mr. Duff, as Secretary of the Judicial Conference, on whether the copy of the petition for Executive Committee Chair Chief Judge Anthony J. Scirica was forwarded to him, let alone the latter's decision on my request.

Therefore, I respectfully request that you cause Mr. Duff and Judge Scirica to reply to my requests and AO to provide me with the acknowledgment of receipt to which I am entitled.

For every useful purpose, I am sending below a copy of my letter to Mr. Duff and in the attachment a copy of my petition to the Conference and to the Committee on Judicial Conduct, respectively.

I thank you in advance for your efforts on my behalf and 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

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

(Sample of letter to members of the Committee)

March 21, 2009

Judge Carolyn R. Dimmick
Member of the Committee on Judicial Conduct and Disability
c/o: U. S. District Court, Western District of Washington
Seattle, WA 98101

Dear Judge Dimmick,

Three weeks ago, on February 27, I sent the Committee on Judicial Conduct, of which you are member, the required seven copies of my petition for review, dated February 25, concerning the treatment by the Second Circuit Judicial Council and Chief Circuit Judge Dennis Jacobs of my misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY. They were delivered by UPS on Monday, March 2, to Mr. James Duff, AO Director and Secretary of the Judicial Conference, of which your Committee is a subordinate entity. He was duty-bound to react as provided for under the Rules for Judicial Conduct and Disability Proceedings as follows:

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.

Although the “Commentary on Rule 22” states that “Rule 22 is self-explanatory”, that acknowledgment has not been sent to me yet. Nevertheless, my February 26 cover letter to Mr. Duff specifically requested it. So did my email of Tuesday, March 3, to him at James_Duff@ao.uscourts.gov and to Mrs. Sharon Zdobysz at the Executive Secretariat of the Judicial Conference. It contained an erratum to be inserted in each copy –namely, “The references in paragraphs 1 and 2 to (N:47) should read (N:39)”- and an attached copy of the petition. In her prompt response, Mrs. Zdobysz stated that “I have forwarded your message to the appropriate staff in Mr. Duff's office who should have received the package”.

On Monday, March 11, I emailed both Mr. Duff and Mrs. Zdobysz to ask for acknowledgment of receipt of my petition. Mrs. Zdobysz promptly replied that “I have forwarded your request to the correspondence unit in Mr. Duff's office, who received your package. You should hear from them directly or someone from our General Counsel's office, who provide staff support for the Judicial Conduct and Disability Committee”. She cc'ed her reply to Mr. Bret Saxe and Ms. Victoria Limerick.

On Tuesday, March 10, I recorded two voice mails for Mr. Bret Saxe, Assistant General Counsel, requesting acknowledgment. Then I spoke with Ms. Deborah Mayronne, Mr. Duff's Executive Correspondence Specialist. After she researched my request, she called me back to let me know that it was being looked into and that she would call me back the following day, Wednesday 11, otherwise on Thursday 12.

Since that did not happen, I called back on Monday 16 and left a message for her with her colleague, Joanne, who then transferred me to Mr. Saxe's voice mail, where I recoded another similar message. Ms. Mayronne replied by email later that day stating, among other things, that “I will keep you informed of any developments in this matter as they occur”.

I responded by emailing a letter for Mr. Duff to her attention -to which I also attached my petitions for review to the Committee as well as the Conference- requesting that he acknowledge receipt and comply with the other provisions of Rule 22(e).

After another email from me on Wednesday 18 asking Ms. Mayronne whether she had received my email and the attachments, she emailed back that same day that she had and that “Mr. Saxe will contact you as soon as possible”. Neither Mr. Saxe nor Mr. Duff has contacted me.

The above statement of facts shows that for three weeks the AO Director and several top aides in his office have been made aware of, and AO knowingly has failed to comply with, the institutional duty under the “self-explanatory” Rule 22(e) stating that the “Action **on Receipt** of Petition for Review [is that] The Administrative Office **must acknowledge** receipt of a petition for review submitted under this Rule”. (emphasis added)

The facts support the reasonable inference that Mr. Duff and his aides considered that the Committee would not find unjustifiable for them not to comply with such self-explanatory duty and instead would approve and even expect that upon receipt of a review petition they would disregard their duty, contact it for ad hoc instructions and, if at all, distribute the copies to its members. Mr. Duff and his aides revealed that they considered Committee instructions to be a substitute for the law and that doing what the Committee judges told them to do in such a case would excuse their disobedience of what the law ordered them to do in all such cases. The fact that the Committee was supposed to meet at AO on Monday, March 16, for the semi-annual session of the Conference and yet it did not instruct Mr. Duff and his aides to comply with their duty by sending the acknowledgment forthwith shows that it approved of their disregard of that duty.

This reasonably inferred attitude on the part of the Committee judges tallies precisely with part of my complaint against Judge Ninfo. Indeed, as stated at N:2¶¶7-9, when on March 8, 2004, I brought to his attention the flagrant violation by Trustee George Reiber and his Attorney, James Weidman, Esq., of the requirements under 11 U.S.C. §341 for the conduct of the meeting of creditors of the DeLano Debtors, Judge Ninfo found nothing to say less contemptuous of the law than that “Dr. Cordero applied the law too strictly and ignored the local practice...he should call to find out what the “local practice” is rather than just read the law and rely on it strictly”. (D:99¶¶12,15 on the CD at the back of the petition)

In the same vein, the petition sets forth how the Judicial Circuit of the 2nd Circuit has denied during the last reported 11 years from 1oct96 to 31sep07 100% of all petitions for review in spite of its duty under 28 U.S.C. §352(c). (N:51¶¶1-2) Likewise, it shows how the successive chief circuit judges have systematically dismissed complaints out of hand without any investigation by failing to appoint special committees. (N: ¶¶3-4 and N:66§IV)

The facts establish a pattern of conduct that reveals an attitude: Judges hold themselves above the law. So the Committee did not avoid “the appearance of impropriety” by approving the violation of the ‘self-explanatory duty to acknowledge the petition on its receipt’. Its impropriety gives a reasonable person informed of the facts probable cause to believe that the Committee will process the petition with the same disregard for the law and with regard only to its ‘own practice’.

Therefore, I respectfully request that the Committee **1)** cause AO to acknowledge receipt of my petition under Rule 22(e); **2)** assure me that its Chair, 2nd Cir. Judge John Walker, Jr., did not and will not consider or vote on the petition as required under Rule 21(c); and **3)** state for the sake of reestablishing an appearance of propriety that it will process the petition with impartiality and with regard only to the law even if thereby its peers, including Chair Walker and his 2nd Cir. peers, run the risk of being found to have committed misconduct, whether by running or covering up a bankruptcy fraud scheme or disregarding the complaint rules.

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

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

(Sample of the letter sent to members of the Judicial Conference)

March 27, 2009

Chief Judge Sandra L. Lynch
Member of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 1st Circuit
Boston, MA 02210

Dear Chief Judge Lynch,

Four weeks ago, I sent the Judicial Conference¹ and you, as member of it, as well as its Committee on Judicial Conduct and Disability, a petition for review concerning the treatment by the Second Circuit Judicial Council and CA2 Chief Judge Dennis Jacobs of my misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY. They were delivered by UPS on Monday, March 2, to Mr. James Duff, AO Director and Secretary of the Conference. As such, he was dutybound to ensure that AO complied with the Rules for Judicial Conduct and Disability Proceedings adopted by the Conference on March 11, 2008, in particular this:

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. (emphasis added)

Although the “Commentary on Rule 22” states that “Rule 22 is self-explanatory”, no acknowledgment has reached me yet. Nevertheless, my cover letter to Mr. Duff specifically requested it. So did my email of Tuesday, March 3, with the petition attached to it, to James_Duff@ao.uscourts.gov and to Mrs. Sharon Zdobysz at the Executive Secretariat of the Conference. Mrs. Zdobysz replied that “I have forwarded your message to the appropriate staff in Mr. Duff's office who should have received the package”, which had a sufficient number of copies of the petition.

On Monday, March 11, I emailed both Mr. Duff and Mrs. Zdobysz to ask again for acknowledgment of receipt of the petition. She promptly replied that “I have forwarded your request to the correspondence unit in Mr. Duff's office, who received your package. You should hear from them directly or someone from our General Counsel's office, who provide staff support for the Judicial Conduct and Disability Committee”. She cc'ed her reply to Mr. Bret Saxe and Ms. Victoria Limerick.

On Tuesday, March 10, I recorded two voice mails for Mr. Bret Saxe, Assistant General Counsel, requesting acknowledgment. Then I spoke with Ms. Deborah Mayronne, Mr. Duff's Executive Correspondence Specialist. After she researched my request, she called me back to let me know that it was being looked into and that she would call me back the following day, Wednesday 11, otherwise on Thursday 12.

Since that did not happen, I called back on Monday 16 and left a message for her with her colleague, Joanne, who then transferred me to Mr. Saxe's voice mail, where I recorded another similar message. Ms. Mayronne replied by email later that day stating, among other things, that “I will keep you informed of any developments in this matter as they occur”.

I responded by emailing a letter for Mr. Duff to her attention requesting that he acknowledge receipt and comply with the other provisions of Rule 22(e); I also attached to the letter my petitions for review to the Conference and to the Committee.

After another email from me on Wednesday 18 asking Ms. Mayronne whether she had

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf

received my email and the attachments, she emailed back that same day that she had and that “Mr. Saxe will contact you as soon as possible”. Neither Mr. Saxe nor Mr. Duff has contacted me.

The above statement of facts shows that for almost four weeks the AO Director and several of his top aides have been made aware of, and AO has knowingly failed to comply with, the duty under the “self-explanatory” Rule 22(e) that it *must* acknowledge the petition *on receipt*.

The facts support the reasonable inference that Mr. Duff and his aides considered that neither the Conference nor the Committee would find it unjustifiable for them not to comply with their duty and instead would expect that upon receipt of a review petition they would disregard their duty, contact those bodies for ad hoc instructions and, if at all, distribute the copies to them. By their actions and omissions, they revealed that they deemed those instructions to be a substitute for the law and that doing what the judges told them to do in such a case would excuse their disobedience of what the Rules ordered them to do in all such cases. The fact that those bodies were supposed to meet at the Supreme Court and AO on March 16-18 for the semi-annual session and yet neither instructed Mr. Duff and his aides to comply with their duty by sending the acknowledgment forthwith shows that they approved of their disregard of that duty.

This reasonably inferred attitude on the part of the Conference and Committee judges tallies precisely with part of my complaint against Subject Judge Ninfo. Indeed, as stated at N:2¶¶7-9, when on March 8, 2004, I brought to his attention the flagrant violation by Trustee George Reiber and his Attorney, James Weidman, Esq., of the requirements under 11 U.S.C. §341 for the conduct of the meeting of creditors of the DeLano Debtors, Judge Ninfo found nothing to say less contemptuous of the law than that “Dr. Cordero applied the law too strictly and ignored the local practice...he should call to find out what the “local practice” is rather than just read the law and rely on it strictly”. (D:99¶¶12 and 15 on the CD at the back of the petition)

Moreover, the petition sets forth how the 2nd Circuit Council denied in the last reported 11 years from 1oct96 to 30sep07 100% of all petitions for review regardless of their nature and gravity and in spite of its duty under 28 U.S.C. §352(c). (N:51¶¶1-2) Likewise, the petition shows how successive CA2 chief judges have systematically dismissed complaints out of hand without any investigation after failing to appoint special committees. (N: ¶¶3-4 and N:66§IV)

The facts establish a pattern of conduct that reveals an attitude: Judges hold themselves above the law and even their own Rules, which they may adopt only to conceal their intent to flout them and flaunt a pretense to self-discipline. Nor do they abide by their own canon to avoid “the appearance of impropriety”, for they are partial toward their peers by protecting them, and abuse their office by protecting themselves, from all complaints, even denying 100% of petitions to review dismissals of complaints, whereby they unlawfully self-immunize from all misconduct. Thus, a reasonable person informed of their pattern of improper conduct has probable cause to believe that if they disregarded their duty to send an innocuous acknowledgement of receipt, they will disregard all legalities and show regard only for their ‘local practice’ when processing a complaint with incriminating evidence of their running or tolerating a bankruptcy fraud scheme.

Therefore, I respectfully request that you cause the issue to me of **1)** acknowledgement of receipt of my petition to the Conference and to the Committee; and **2)** an assurance that **a)** the 2nd Cir. members will not consider or vote on the petition in keeping with Rule 21(c); and **b)** the petition will be processed with impartiality and with regard only to the law and the Rules even if thereby Judge Ninfo and peers of his run the risk of being found to have committed misconduct.

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

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

March 27, 2009

Mr. James C. Duff
AO Director & Secretary of the Judicial Conference of the U.S.
Administrative Office of the U.S. Courts
Washington, D.C. 20544

Dear Mr. Duff,

Four weeks ago, I sent the Judicial Conference¹ and you, as its Secretary and AO Director, as well as its Committee on Judicial Conduct and Disability, a petition for review concerning the treatment by the Second Circuit Judicial Council and CA2 Chief Judge Dennis Jacobs of my misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY. They were delivered to AO by UPS on Monday, March 2. Given your official capacity, you were dutybound to ensure that AO complied with the Rules for Judicial Conduct and Disability Proceedings adopted by the Conference on March 11, 2008, in particular this:

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. (emphasis added)

Although the “Commentary on Rule 22” states that “Rule 22 is self-explanatory”, no acknowledgment has reached me yet. Nevertheless, my cover letter to you specifically requested it. So did my email of Tuesday, March 3, with the petition attached to it, to James_Duff@ao.uscourts.gov and to Mrs. Sharon Zdobysz at the Executive Secretariat of the Conference. Mrs. Zdobysz replied that “I have forwarded your message to the appropriate staff in Mr. Duff’s office who should have received the package”, which had a sufficient number of copies of the petition.

On Monday, March 11, I emailed both you and Mrs. Zdobysz to ask again for acknowledgment of receipt of the petition. She promptly replied that “I have forwarded your request to the correspondence unit in Mr. Duff’s office, who received your package. You should hear from them directly or someone from our General Counsel’s office, who provide staff support for the Judicial Conduct and Disability Committee”. She cc’ed her reply to Mr. Bret Saxe and Ms. Victoria Limerick.

On Tuesday, March 10, I recorded two voice mails for Mr. Bret Saxe, Assistant General Counsel, requesting acknowledgment. Then I spoke with Ms. Deborah Mayronne, your Executive Correspondence Specialist. After she researched my request, she called me back to let me know that it was being looked into and that she would call me back the following day, Wednesday 11, otherwise on Thursday 12.

Since that did not happen, I called back on Monday 16 and left a message for her with her colleague, Joanne, who then transferred me to Mr. Saxe’s voice mail, where I recorded another similar message. Ms. Mayronne replied by email later that day stating, among other things, that “I will keep you informed of any developments in this matter as they occur”.

I responded by emailing a letter for you to her attention requesting that you acknowledge receipt and comply with the other provisions of Rule 22(e); I also attached to the letter my petitions for review to the Conference and to the Committee.

After another email from me on Wednesday 18 asking Ms. Mayronne whether she had

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf

received my email and the attachments, she emailed back that same day that she had and that “Mr. Saxe will contact you as soon as possible”. Neither you nor Mr. Saxe have contacted me.

The above statement of facts shows that for almost four weeks you and several of your top aides have been made aware of, and AO has knowingly failed to comply with, the duty under the “self-explanatory” Rule 22(e) that it *must* acknowledge the petition *on receipt*.

The facts support the reasonable inference that you and your aides considered that neither the Conference nor the Committee would find it unjustifiable for you not to comply with your duty and instead would expect that upon receipt of a review petition you would disregard your duty, contact those bodies for ad hoc instructions and, if at all, distribute the copies to them. By your and your aides’ actions and omissions, you revealed that you deemed those instructions to be a substitute for the law and that doing what the judges told you to do in such a case would excuse your disobedience of what the Rules ordered you to do in all such cases. The fact that those bodies were supposed to meet at the Supreme Court and AO on March 16-18 for the semi-annual session and yet neither instructed you and your aides to comply with your duty by sending the acknowledgment forthwith shows that they approved of your disregard of that duty.

This reasonably inferred attitude on the part of the Conference and Committee judges tallies precisely with part of my complaint against Subject Judge Ninfo. Indeed, as stated at N:2¶¶7-9, when on March 8, 2004, I brought to his attention the flagrant violation by Trustee George Reiber and his Attorney, James Weidman, Esq., of the requirements under 11 U.S.C. §341 for the conduct of the meeting of creditors of the DeLano Debtors, Judge Ninfo found nothing to say less contemptuous of the law than that “Dr. Cordero applied the law too strictly and ignored the local practice...he should call to find out what the “local practice” is rather than just read the law and rely on it strictly”. (D:99¶¶12 and 15 on the CD at the back of the petition)

Moreover, the petition sets forth how the 2nd Circuit Council denied in the last reported 11 years from 1oct96 to 30sep07 100% of all petitions for review regardless of their nature and gravity and in spite of its duty under 28 U.S.C. §352(c). (N:51¶¶1-2) Likewise, the petition shows how successive CA2 chief judges have systematically dismissed complaints out of hand without any investigation after failing to appoint special committees. (N: ¶¶3-4 and N:66§IV)

The facts establish a pattern of conduct that reveals an attitude: Judges hold themselves above the law and even their own Rules, which they may adopt only to conceal their intent to flout them and flaunt a pretense to self-discipline. Nor do they abide by their own canon to avoid “the appearance of impropriety”, for they are partial toward their peers by protecting them, and abuse their office by protecting themselves, from all complaints, even denying 100% of petitions to review dismissals of complaints, whereby they unlawfully self-immunize from all misconduct. Thus, a reasonable person informed of their pattern of improper conduct has probable cause to believe that if they disregarded their duty to send an innocuous acknowledgement of receipt, they will disregard all legalities and show regard only for their ‘local practice’ when processing a complaint with incriminating evidence of their running or tolerating a bankruptcy fraud scheme.

Therefore, I respectfully request that you cause the issue to me of 1) acknowledgement of receipt of my petition to the Conference and to the Committee; and 2) an assurance that a) the 2nd Cir. members will not consider or vote on the petition in keeping with Rule 21(c); and b) the petition will be processed with impartiality and with regard only to the law and the Rules even if thereby Judge Ninfo and peers of his run the risk of being found to have committed misconduct.

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

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

March 27, 2009

Att.: Mr. Bret Saxe, Assistant General Counsel
Mr. James C. Duff
AO Director & Secretary of the Judicial Conference of the U.S.
Administrative Office of the U.S. Courts
Washington, D.C. 20544

Dear Mr. Duff,

Four weeks ago, I sent the Judicial Conference¹ and you, as its Secretary and AO Director, as well as its Committee on Judicial Conduct and Disability, a petition for review concerning the treatment by the Second Circuit Judicial Council and CA2 Chief Judge Dennis Jacobs of my misconduct complaint against Bankruptcy Judge John C. Ninno, II, WBNY. They were delivered to AO by UPS on Monday, March 2. Given your official capacity, you were dutybound to ensure that AO complied with the Rules for Judicial Conduct and Disability Proceedings adopted by the Conference on March 11, 2008, in particular this:

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. (emphasis added)

Although the “Commentary on Rule 22” states that “Rule 22 is self-explanatory”, no acknowledgment has reached me yet. Nevertheless, my cover letter to you specifically requested it. So did my email of Tuesday, March 3, with the petition attached to it, to James_Duff@ao.uscourts.gov and to Mrs. Sharon Zdobysz at the Executive Secretariat of the Conference. Mrs. Zdobysz replied that “I have forwarded your message to the appropriate staff in Mr. Duff's office who should have received the package”, which had a sufficient number of copies of the petition.

On Monday, March 11, I emailed both you and Mrs. Zdobysz to ask again for acknowledgment of receipt of the petition. She promptly replied that “I have forwarded your request to the correspondence unit in Mr. Duff's office, who received your package. You should hear from them directly or someone from our General Counsel's office, who provide staff support for the Judicial Conduct and Disability Committee”. She cc'ed her reply to Mr. Bret Saxe and Ms. Victoria Limerick.

On Tuesday, March 10, I recorded two voice mails for Mr. Bret Saxe, Assistant General Counsel, requesting acknowledgment. Then I spoke with Ms. Deborah Mayronne, your Executive Correspondence Specialist. After she researched my request, she called me back to let me know that it was being looked into and that she would call me back the following day, Wednesday 11, otherwise on Thursday 12.

Since that did not happen, I called back on Monday 16 and left a message for her with her colleague, Joanne, who then transferred me to Mr. Saxe's voice mail, where I recorded another similar message. Ms. Mayronne replied by email later that day stating, among other things, that “I will keep you informed of any developments in this matter as they occur”.

I responded by emailing a letter for you to her attention requesting that you acknowledge receipt and comply with the other provisions of Rule 22(e); I also attached to the letter my petitions for review to the Conference and to the Committee.

After another email from me on Wednesday 18 asking Ms. Mayronne whether she had

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf

received my email and the attachments, she emailed back that same day that she had and that “Mr. Saxe will contact you as soon as possible”. Neither you nor Mr. Saxe have contacted me.

The above statement of facts shows that for almost four weeks you and several of your top aides have been made aware of, and AO has knowingly failed to comply with, the duty under the “self-explanatory” Rule 22(e) that it *must* acknowledge the petition *on receipt*.

The facts support the reasonable inference that you and your aides considered that neither the Conference nor the Committee would find it unjustifiable for you not to comply with your duty and instead would expect that upon receipt of a review petition you would disregard your duty, contact those bodies for ad hoc instructions and, if at all, distribute the copies to them. By your and your aides’ actions and omissions, you revealed that you deemed those instructions to be a substitute for the law and that doing what the judges told you to do in such a case would excuse your disobedience of what the Rules ordered you to do in all such cases. The fact that those bodies were supposed to meet at the Supreme Court and AO on March 16-18 for the semi-annual session and yet neither instructed you and your aides to comply with your duty by sending the acknowledgment forthwith shows that they approved of your disregard of that duty.

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Moreover, the petition sets forth how the 2nd Circuit Council denied in the last reported 11 years from 1oct96 to 30sep07 100% of all petitions for review regardless of their nature and gravity and in spite of its duty under 28 U.S.C. §352(c). (N:51¶¶1-2) Likewise, the petition shows how successive CA2 chief judges have systematically dismissed complaints out of hand without any investigation after failing to appoint special committees. (N: ¶¶3-4 and N:66§IV)

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Therefore, I respectfully request that you cause the issue to me of **1)** acknowledgement of receipt of my petition to the Conference and to the Committee; and **2)** an assurance that **a)** the 2nd Cir. members will not consider or vote on the petition in keeping with Rule 21(c); and **b)** the petition will be processed with impartiality and with regard only to the law and the Rules even if thereby Judge Ninfo and peers of his run the risk of being found to have committed misconduct.

Sincerely, *Dr. Richard Cordero, Esq.*



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So Sorry

Monday, April 6, 2009 1:16 PM

From: "Deborah_Mayronne@ao.uscourts.gov" <Deborah_Mayronne@ao.uscourts.gov>
 To: "Richard Cordero" <corderoric@yahoo.com>

Dr. Cordero,

Please forgive me for the delayed response regarding your phone call this morning. I have been directed by the Office of General Counsel (OGC) not to respond to your calls or e-mails and to let them handle it. I'm confident that the OGC is aware of your problem and will be sending you a letter soon.

Deborah Mayronne
 Executive Correspondence Specialist
 Office of the Director, [202- 502-3012](tel:202-502-3012)

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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 Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

April 15, 2009

Mr. James Duff
AO Director and Secretary of the Judicial Conference
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

James_Duff@ao.uscourts.gov
tel. (202)502-2600

Dear Mr. Duff,

At the end of last February, I mailed to you, as Director of the Administrative Office and Secretary of the Judicial Conference, and addressed to the Committee on Judicial Conduct and Disability and to the Judicial Conference a timely petition for review of a decision of the Judicial Council of the 2nd Circuit concerning my judicial misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY, docket no. 02-08-90073-jm.

I sent the seven copies for the Committee required under Rule 22(d) of the Rules for Judicial Conduct and Disability Proceedings. This petition is downloadable through http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf. That same Rule also provides as follows:

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. (emphasis added)

Although the UPS receipt indicates that my box containing the copies was delivered to AO on Monday, March 2, to date, a month and a half later, I have still not received the required acknowledgment.

This failure to provide such acknowledgment flies in the face of the fundamental basis set forth in the Judicial Conduct and Disability Act, 28 U.S.C. §351(a), for complaining about judicial misconduct, namely, “conduct prejudicial to the effective and **expeditious** administration of the business of the courts”. (emphasis added) This is all the more so because the official commentary on Rule 22 is this: “Rule 22 is self-explanatory”. In the minds of the Rule drafters and the members of the Judicial Conference that adopted it, there was no ambiguity as to what AO was supposed to do upon receipt of such petition for review.

Under that Rule, the duty to acknowledge runs to the Administrative Office itself as an institution. Since “All responsibility for the Administrative Office of the U.S. Courts is vested in the Director” (2008 Annual Report of the Director, page 50), you as Director and all your deputies have the duty to acknowledge such receipt.

Moreover, together with those copies for the Committee, I also sent a copy for the Judicial Conference Executive Committee for the purpose of petitioning also the Judicial Conference to review the matter at its March 17 meeting. My cover letter, dated February 26, to you set forth this purpose; I included a copy of the petition for you too.

What is more, subsequently I mailed a copy to the Chair of the Executive Committee, Chief Judge Anthony J. Scirica. In addition to my express petition to the Judicial Conference through him, the petition's title page and the caption on the first page stated that it was addressed to the Conference. This petition is available through http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf.

Likewise, I have not received any acknowledgment of receipt from Chief Judge Scirica or any other member of the Judicial Conference.

Nor have I received any response to my numerous letters, emails, and voicemails to you and Assistant General Counsel Bret Saxe or from Ms. Victoria Limerick and other "appropriate staff" to whom, I was informed, my request for both acknowledgment of receipt and a statement of the petition's status had been forwarded by either Executive Correspondence Specialist Deborah Mayronne or Mrs. Sharon Zdobysz at the Judicial Conference Executive Secretariat.

It is difficult to imagine that the silence of all these public servants and judicial officers and their disregard of a "self-explanatory" duty are pure coincidence. Rather, expressed in the terms of the Code of Conduct for U.S. Judges adopted by the Judicial Conference as recently as last March 17, it has the distinct "appearance of impropriety", that is, concerted action to evade the duty imposed by law to process the petition, for if its receipt is not acknowledged, then there is nothing to process.

Therefore, I respectfully request that you expeditiously:

- 1)** acknowledge, or cause the acknowledgment of, receipt of my petitions to the Judicial Conference and to the Conduct and Disability Committee; and
- 2)** inform me whether
 - (a)** notification of my petition was given to the chair of the Conduct Committee; and
 - (b)** distribution of the petition was made for deliberation by the members of the Conference and the Committee not disqualified under Rule 21(c).

I thank you in advance and look forward to hearing from you soon.

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

59 Crescent Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

April 15, 2009

Mr. Bret Saxe
Assistant General Counsel
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

Bret_Saxe@ao.uscourts.gov
tel. (202)502-1100

Dear Mr. Saxe,

At the end of last February, I mailed to Mr. James Duff, as Director of the Administrative Office and Secretary of the Judicial Conference, and addressed to the Committee on Judicial Conduct and Disability and to the Judicial Conference a timely petition for review of a decision of the Judicial Council of the 2nd Circuit concerning my judicial misconduct complaint against Bankruptcy Judge John C. Ninfo, II, WBNY, docket no. 02-08-90073-jm.

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59 Crescent Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

April 15, 2009

Ms. Laura Minor
Assistant Director
Judicial Conference Executive Secretariat
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

Laura_Minor@ao.uscourts.gov
tel. (202)502-2600

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I thank you in advance and look forward to hearing from you soon.

Sincerely,

Dr. Richard Cordero, Esq.

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[WARNING: MESSAGE ENCRYPTED]Re: Inquiry about status of petition to Conduct Committee & Judicial Conference

Wednesday, April 15, 2009 3:28 PM

From: "Sharon_Zdobysz@ao.uscourts.gov" <Sharon_Zdobysz@ao.uscourts.gov>
 To: "Richard Cordero" <corderoric@yahoo.com>
 Cc: Laura_Minor@ao.uscourts.gov
 att185v5c.jpg (1KB), att118xem.jpg (1KB), DrCordero-AODirDuff_15apr9.pdf (301KB)

Dr. Cordero,

I have forwarded your email today to Victoria Limerick and Bret Saxe for their follow-up action.




Sharon Zdobysz
 Judicial Conference
 Executive Secretariat
 (202) 502-2400
sharon_zdobysz@ao.uscourts.gov

Richard Cordero <corderoric@yahoo.com>
 04/15/2009 01:19 PM

To Sharon_Zdobysz@ao.uscourts.gov
 cc
 Subject Inquiry about status of petition to Conduct Committee & Judicial Conference

Dear Mrs. Zdobysz,
 I hope that you are doing well.

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[WARNING: MESSAGE ENCRYPTED]Re: Request for acknowledgment of receipt and statement of status of petition for review

Wednesday, April 15, 2009 3:24 PM

From: "Laura_Minor@ao.uscourts.gov" <Laura_Minor@ao.uscourts.gov>
To: "Richard Cordero" <corderoric@yahoo.com>
Cc: "Sharon Zdobysz" <Sharon_Zdobysz@ao.uscourts.gov>
DrCordero-AOaDirMinor_15apr9.pdf (304KB)

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Mr. Cordero,

Sharon Zdobysz and I have spoken about your request. We have agreed that she will forward it to Brett Saxe, staff to the Judicial Conduct and Disability Committee, and Victoria Limerick of our Executive Correspondence unit.

Laura

Richard Cordero <corderoric@yahoo.com>
04/15/2009 12:37 PM

To: Laura_Minor@ao.uscourts.gov
cc
Subject: Request for acknowledgment of receipt and statement of status of petition for review

Dear Ms. Minor,

Kindly find attached hereto a pdf with a letter to you. Its text is also reproduced inline below.

I look forward to receiving your response.

Sincerely,

Dr. Richard Cordero, Esq.
Tel. (718)827-9521
59 Crescent Street
Brooklyn, NY 11208

April 15, 2009

Ms. Laura Minor
Assistant Director
Judicial Conference Executive Secretariat
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544 tel. (202)502-2600

Dear Ms. Minor,

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Although the UPS receipt indicates that my box containing the copies was delivered to AO on Monday, March 2, to date, a month and a half later, I have still not received the required acknowledgment.

This failure to provide such acknowledgment flies in the face of the fundamental basis set forth in the Judicial Conduct and Disability Act, 28 U.S.C. §351(a), for complaining about judicial misconduct, namely, "conduct prejudicial to the effective and expeditious administration of the business of the courts". (emphasis added)

This is all the more so because the official commentary on Rule 22 is this: "Rule 22 is self-explanatory". In the minds of the Rule drafters and the members of the Judicial Conference that adopted it, there was no ambiguity as to what AO was supposed to do upon receipt of such petition for review.

Wed, 15apr9, to Assitant Dir, Jud Conference Secretariat, Laura_Minor@ao.uscourts.gov
cc. sharon_zdobysz@ao.uscourts.gov; James_Duff@ao.uscourts.gov
James_Duff@ao.uscourts.gov

Re: Request for acknowledgment of receipt and statement of status of petition for
of petition for review

Dear Ms. Minor,

Thank you for your prompt response.

However, I trust that you, as Assistant Director of the Judicial Conference
Conference Secretariat, can deal substantively with my petition to the
the Conference and to its Executive Committee.

As far as just forwarding my letter to Mr. Saxe and Ms. Limerick with no
with no comment whatsoever from you on any of the issues raised in it or
in it or statement of any instruction from you to them:

1) In what way doing once more what Mrs. Zdobysz and I did before repeatedly
before repeatedly with no result can rationally be expected on my part to
part to produce a different result this time?

2) Why is requesting that AO discharge its legal duty to provide an
acknowledgment of receipt of a petition for review concerning a judicial
judicial misconduct complaint such a hot potatoe that it must be swiftly hurled
swiftly hurled once more to underlings whose failure to act prompted my
prompted my escalation of the request to you?

I am not asking for a favor. I am asking for what is owed me by public servants
public servants bound by law to perform certain acts, which by taking their oath
taking their oath of office they agreed to perform.

I look forward to your response.

Sincerely,

Dr. Richard Cordero, Esq.



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Re: Request for acknowledgment of receipt and statement of status of petition for review

Thursday, April 16, 2009 8:45 AM

From: "Laura_Minor@ao.uscourts.gov" <Laura_Minor@ao.uscourts.gov>
To: "Richard Cordero" <corderoric@yahoo.com>
Cc: sharon_zdobysz@ao.uscourts.gov

- Folders [Add - Edit]
- Inbox (19)
- Drafts (7)
- Sent
- Spam (1) [Empty]
- Trash [Empty]
- My Folders [Show]

- Search Shortcuts
- My Photos
- My Attachments



Dr. Cordero,

As the Executive Secretariat for the Judicial Conference, our responsibility is to ensure that the appropriate committee of the Judicial Conference receives your information for action. That is what we had done. It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request.

Laura Minor

Richard Cordero <corderoric@yahoo.com>
04/15/2009 05:02 PM

To Laura_Minor@ao.uscourts.gov
cc sharon_zdobysz@ao.uscourts.gov, James_Duff@ao.uscourts.gov
Subject Request for acknowledgment of receipt and statement of status of petition for review

Dear Ms. Minor,

Thank you for your prompt response.

However, I trust that you, as Assistant Director of the Judicial Conference Secretariat, can deal substantively with my petition to the Conference and to its Executive Committee.

As far as just forwarding my letter to Mr. Saxe and Ms. Limerick with no comment whatsoever from you on any of the issues raised in it or statement of any instruction from you to them:

- 1) In what way doing once more what Mrs. Zdobysz and I did before repeatedly with no result can rationally be expected on my part to produce a different result this time?
- 2) Why is requesting that AO discharge its legal duty to provide an acknowledgment of receipt of a petition for review concerning a judicial misconduct complaint such a hot potatoe that it must be swiftly hurled once more to underlings whose failure to act prompted my escalation of the request to you?

I am not asking for a favor. I am asking for what is owed me by public servants bound by law to perform certain acts, which by taking their oath of office they agreed to perform.

I look forward to your response.

Sincerely,

Dr. Richard Cordero, Esq.

--- On Wed, 4/15/09, Laura_Minor@ao.uscourts.gov <Laura_Minor@ao.uscourts.gov> wrote:

> From: Laura_Minor@ao.uscourts.gov <Laura_Minor@ao.uscourts.gov>
> Subject: [WARNING: MESSAGE ENCRYPTED]Re: Request for acknowledgment of receipt and statement of status of petition for review
> To: "Richard Cordero" <corderoric@yahoo.com>
> Cc: "Sharon Zdobysz" <Sharon_Zdobysz@ao.uscourts.gov>
> Date: Wednesday, April 15, 2009, 3:24 PM
> Mr. Cordero,
>
> Sharon Zdobysz and I have spoken about your request. We
> have agreed that
> she will forward it to Brett Saxe, staff to the Judicial
> Conduct and
> Disability Committee, and Victoria Limerick of our
> Executive
> Correspondence unit.
>
> Laura
>
>
> Richard Cordero <corderoric@yahoo.com>
> 04/15/2009 12:37 PM
>
> To

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 Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

April 17, 2009

Ms. Laura Minor
Assistant Director, Judicial Conference Executive Secretariat
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

Laura_Minor@ao.uscourts.gov

tel. (202)502-2600

Dear Ms. Minor,

Thank you for the email that you sent me yesterday.

Given your position as an Assistant Director at AO and the head of the Judicial Conference Secretariat, you are deemed a well-informed source of information with apparent authority to make statements on those entities' behalf. Hence, your statement that "It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request" must be deemed reliable.

Please note that Rule 22(e) of [the Rules](#) for Judicial Conduct and Disability Proceedings makes it "self-explanatory" that it is the "[T]he Administrative Office", not the Committee, that "**must** acknowledge receipt of a petition for review submitted under this Rule" and only thereafter does AO "notify the chair of the...Committee...and distribute the petition to [its] members". (emphasis added)

It follows from your statement that AO, the Conference, and the Committee have agreed to disregard also Rule 21(c), which unambiguously provides that "Any member of the Committee from the same circuit as the subject judge is disqualified from considering or voting on a petition for review." As you all know, the chair of the Committee is 2nd Circuit Judge John M. Walker, Jr., who is from the same circuit as Complaint-Subject Bankruptcy Judge John C. Ninfo, II, WBNY.

If those who do not care to respect the Rules had bothered to glance at the petition [to the Committee](#)¹ or [to the Conference](#) that they had to process pursuant to them, they would have found in footnote 3 on the very first page the quotation of Rule 21(c) and its disqualification provision.

That footnote also points out that "Additional grounds for his disqualification are discussed in §IV infra". The latter sets forth how Judge Walker, as CA2 chief judge at the time, mishandled the first complaint against Judge Ninfo, who as bankruptcy judge is Judge Walker and his CA2 colleagues' appointee. (28 U.S.C. §152) Section IV states that Judge Walker so mishandled that complaint that I filed a complaint against him. Both were dismissed without any investigation.

But it so happens that just last March 17, the Conference, of which Judge Walker is a member, strengthened the notion of "appearance of impropriety" by amending Canon 2 of [the Code](#) of Conduct for U.S. Judges. It is apparent how improper it is for Judge Walker to disregard his disqualification and give you and others to understand that nevertheless he is going to handle the petition. By the same token, it has a distinct "appearance of impropriety" for AO to relinquish its duty to acknowledge receipt of the petition out of deference to Former Chief Judge Walker.

"Reasonable minds with knowledge of all relevant circumstances" set forth in the petition and the many related letters, emails, and voicemails since its delivery to AO on March 2, "would conclude" (Commentary on Canon 2A) that Judge Walker has not only disregarded his disqualification. He has also decided to abuse his position as chair of the Committee by withholding the acknowledgment of receipt. Those circumstances also lead to conclude what his motives are therefor. To

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf

begin with, to protect Appointee Ninfo. Likewise, to protect his own colleagues in the Judicial Council of the Second Circuit, for it is they who took the decision appealed from in the petition. Worse yet, the Council took that decision by applying for the 11 years from 1oct96-30sep07 reported by AO² an unlawful policy of denying 100% of the petitions for review of complaint dismissals by Former Chief Judge Walker himself and the other CA2 chief judges, who were also the Council's presiding officers. Among them is Judge Ralph Winter, not only CA2 Chief Judge from 1997-2000, but also predecessor as Conduct Committee chair until October 1, 2008.

Could Judge Walker cast a more glaring "appearance of impropriety" due to his motive to retaliate and conflict of interests? He has an interest in blocking the petition's acknowledgment of receipt and ensuring that the petition is dismissed because under no circumstance a special committee should be appointed to investigate how he and his colleagues have systematically mishandled two Ninfo complaints and denied 100% of petitions to review complaint dismissals.

His interest in dismissing the petition becomes ever more apparent in light of the need to prevent at all cost any investigation from finding the whereabouts of \$673,657 in assets concealed through bankruptcy fraud that Judge Ninfo and Judge Walker's CA2 colleagues aided in keeping concealed. They did so by denying *every single document* requested in a case where none other than a 39-year veteran banker, Mr DeLano, filed his and his wife's bankruptcy petition while being and remaining precisely a bankruptcy officer at a major bank. He risklessly engaged in fraud because as a bankruptcy system insider he knew too much about official bankruptcy wrongdoing to be exposed. So he was protected from having to produce in support of his petition even his bank account statements, which would have revealed his concealed assets and perjurious petition.

Judge Ninfo and the CA2 judges' denial of *every single document* constituted a flagrant violation of discovery rights and due process that shows how high the stakes were. Their decisions now form part of the record of the *DeLano* case, pending on petition for certiorari before the Supreme Court (08-0382). This \$673,657 is the amount concealed in just that one case out of the [3,907 open cases](#) that the same trustee had before Judge Ninfo. Finding it could have devastating consequences: the exposure of a judicially run or tolerated bankruptcy fraud scheme.

Given those facts, do you and the other AO officers, having "knowledge of all relevant circumstances", want to give the appearance of protecting the scheme and the schemers?

Therefore, I respectfully request that you escalate this matter to Mr. James Duff so that he, as AO Director and Conference Secretary, may:

- 1) acknowledge receipt of the petitions to the Conference and the Committee; and
- 2) inform me whether
 - (a) AO and the Conference will continue to countenance Judge Walker's disregard of his disqualification from considering the petition; and
 - (b) the copies of the petition delivered to AO were distributed for deliberation by the members of the Conference and the Committee not disqualified under Rule 21(c).

I thank you in advance and look forward to hearing from you soon.

Sincerely, *Dr. Richard Cordero, Esq.*

² Table S-22 [previously S-23 & S-24] Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364, <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf

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 Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

April 17, 2009

Mr. James Duff
AO Director and Secretary of the Judicial Conference
Administrative Office of the U.S. Courts
One Columbus Circle, NE, Washington, D.C. 20544

James_Duff@ao.uscourts.gov
tel. (202)502-2600

Dear Mr. Duff,

On April 15, I emailed you yet another letter requesting that AO abide by its duty under Rule 22(e) of [the Rules](#) for Judicial Conduct and Disability Proceedings to acknowledge receipt of my petitions for review [to the Committee](#)¹ on Judicial Conduct and Disability and [to the Judicial Conference](#).

I also emailed Ms. Laura Minor a letter to that effect. Given her position as an Assistant Director at AO and the head of the Conference Secretariat, she is deemed a well-informed source of information with apparent authority to make statements on those entities' behalf. Hence, her emailed response that "It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request" must be deemed reliable.

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But it so happens that just last March 17, the Conference, of which Judge Walker is a member, strengthened the notion of "appearance of impropriety" by amending Canon 2 of [the Code](#) of Conduct for U.S. Judges. It is apparent how improper it is for Judge Walker to disregard his disqualification and give top AO officers to understand that nevertheless he is going to handle the petition. By the same token, it has a distinct "appearance of impropriety" for AO to relinquish its duty to acknowledge receipt of the petition out of deference to Former Chief Judge Walker.

"Reasonable minds with knowledge of all relevant circumstances" set forth in the petition and the many related letters, emails, and voicemails since its delivery to AO on March 2, "would conclude" (Commentary on Canon 2A) that Judge Walker has not only disregarded his disqualification. He

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf

has also decided to abuse his position as chair of the Committee by withholding the acknowledgment of receipt. Those circumstances also lead to conclude what his motives are therefor. To begin with, to protect Appointee Ninfo. Likewise, to protect his own colleagues in the Judicial Council of the Second Circuit, for it is they who took the decision appealed from in the petition. Worse yet, the Council took that decision by applying for the 11 years from 1oct96-30sep07 reported by AO² an unlawful policy of denying 100% of the petitions for review of complaint dismissals by Former Chief Judge Walker himself and the other CA2 chief judges, who were also the Council's presiding officers. Among them is Judge Ralph Winter, not only CA2 Chief Judge from 1997-2000, but also predecessor as Conduct Committee chair until October 1, 2008.

Could Judge Walker cast a more glaring "appearance of impropriety" due to his motive to retaliate and conflict of interests? He has an interest in blocking the petition's acknowledgment of receipt and ensuring that the petition is dismissed because under no circumstance a special committee should be appointed to investigate how he and his colleagues have systematically mishandled two Ninfo complaints and denied 100% of petitions to review complaint dismissals.

His interest in dismissing the petition becomes ever more apparent in light of the need to prevent at all cost any investigation from finding the whereabouts of \$673,657 in assets concealed through bankruptcy fraud that Judge Ninfo and Judge Walker's CA2 colleagues aided in keeping concealed. They did so by denying *every single document* requested in a case where none other than a 39-year veteran banker, Mr DeLano, filed his and his wife's bankruptcy petition while being and remaining precisely a bankruptcy officer at a major bank. He risklessly engaged in fraud because as a bankruptcy system insider he knew too much about official bankruptcy wrongdoing to be exposed. So he was protected from having to produce in support of his petition even his bank account statements, which would have revealed his concealed assets and perjurious petition.

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Given those facts, do you and your officers, having "knowledge of all relevant circumstances", want to give the appearance of protecting the scheme and the schemers?

Therefore, I respectfully request that you, as AO Director and Conference Secretary:

- 1) acknowledge receipt of the petitions to the Conference and the Conduct Committee; and
- 2) inform me whether
 - (a) AO and the Conference will continue to countenance Judge Walker's disregard of his disqualification from considering the petition; and
 - (b) the copies of the petition delivered to AO were distributed for deliberation by the members of the Conference and the Committee not disqualified under Rule 21(c).

I thank you in advance and look forward to hearing from you soon.

Sincerely, *Dr. Richard Cordero, Esq.*

² Table S-22 [previously S-23 & S-24] Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364, <http://www.uscourts.gov/judbusus/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
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59 Crescent Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

(Sample of letter to members of the Committee)

April 17, 2009

Judge Joseph A. DiClerico, Jr.
Member of the Committee on Judicial Conduct and Disability
c/o: U.S. District Court, District of New Hampshire
Concord, NH 03301

Dear Judge DiClerico,

As stated in my letter to you of March 21, my [petition](#)¹ for review to your Committee was delivered to AO on March 2. Since then AO has failed to discharge its duty under Rule 22(e) of [the Rules](#) for Judicial Conduct and Disability Proceedings by not acknowledging its receipt.

I emailed a letter to that effect to Ms. Laura Minor, Assistant Director at AO and head of the Judicial Conference Secretariat. Given her position, she is deemed a well-informed source of information with apparent authority to make statements on those entities' behalf. Hence, her emailed response that "It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request" must be deemed reliable.

Please note that Rule 22(e) makes it "self-explanatory" that it is the "[T]he Administrative Office", not the Committee, that "**must** acknowledge receipt of a petition for review submitted under this Rule" and only thereafter does AO "notify the chair of the...Committee...and distribute the petition to [its] members". (emphasis added)

It follows from Ms. Minor's statement that AO, the Conference, and the Committee have agreed to disregard also Rule 21(c), which unambiguously provides that "Any member of the Committee from the same circuit as the subject judge is disqualified from considering or voting on a petition for review." As you all know, the Chair of the Committee is 2nd Circuit Judge John M. Walker, Jr., who is from the same circuit as Complaint-Subject Bankruptcy Judge John C. Ninfo, II, WBNY.

If those who do not care to respect the Rules had bothered to glance at the petition to the Committee or [to the Conference](#) that they had to process pursuant to them, they would have found in footnote 3 on the very first page the quotation of Rule 21(c) and its disqualification provision.

That footnote also points out that "Additional grounds for his disqualification are discussed in §IV infra". The latter sets forth how Judge Walker, as CA2 chief judge at the time, mishandled the first complaint against Judge Ninfo, who as bankruptcy judge is Judge Walker and his CA2 colleagues' appointee. (28 U.S.C. §152) Section IV states that Judge Walker so mishandled that complaint that I filed a complaint against him. Both were dismissed without any investigation.

But it so happens that just last March 17, the Conference, of which Judge Walker is a member, strengthened the notion of "appearance of impropriety" by amending Canon 2 of [the Code](#) of Conduct for U.S. Judges. It is apparent how improper it is for Judge Walker to disregard his disqualification and give top AO officers to understand that nevertheless he is going to handle the petition. By the same token, it has a distinct "appearance of impropriety" for AO to relinquish its duty to acknowledge receipt of the petition out of deference to Former Chief Judge Walker.

"Reasonable minds with knowledge of all relevant circumstances" laid out in the petition and the many related letters and emails² since its delivery to AO on March 2, "would conclude" (Commentary on Canon 2A) that Judge Walker has not only disregarded his disqualification. He has also decided to abuse his position as chair of the Committee by withholding the acknowl-

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf; ² Id. >Letters & emails 1

edgment of receipt. Those circumstances also lead to conclude what his motives are therefor. To begin with, to protect Appointee Ninfo. Likewise, to protect his own colleagues in the Judicial Council of the Second Circuit, for it is they who took the decision appealed from in the petition. Worse yet, the Council took that decision by applying for the 11 years from 1oct96-30sep07 reported by AO³ an unlawful policy of denying 100% of the petitions for review of complaint dismissals by Former Chief Judge Walker himself and the other CA2 chief judges, who were also the Council's presiding officers. Among them is Judge Ralph Winter, not only CA2 Chief Judge from 1997-2000, but also predecessor as Conduct Committee chair until October 1, 2008.

Could Judge Walker cast a more glaring "appearance of impropriety" due to his motive to retaliate and conflict of interests? He has an interest in blocking the petition's acknowledgment of receipt and ensuring that the petition is dismissed because under no circumstance a special committee should be appointed to investigate how he and his colleagues have systematically mishandled two Ninfo complaints and denied 100% of petitions to review complaint dismissals.

His interest in dismissing the petition becomes ever more apparent in light of the need to prevent at all cost any investigation from finding the whereabouts of \$673,657 in assets concealed through bankruptcy fraud that Judge Ninfo and Judge Walker's CA2 colleagues aided in keeping concealed. They did so by denying *every single document* requested in a case where none other than a 39-year veteran banker, Mr DeLano, filed his and his wife's bankruptcy petition while being and remaining precisely a bankruptcy officer at a major bank. He risklessly engaged in fraud because as a bankruptcy system insider he knew too much about official bankruptcy wrongdoing to be exposed. So he was protected from having to produce in support of his petition even his bank account statements, which would have revealed his concealed assets and perjurious petition.

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Given those facts, do you and your Committee colleagues, having "knowledge of all relevant circumstances", want to give the appearance of protecting the scheme and the schemers?

Therefore, I respectfully request that you, as Committee member:

1. state whether, as required under Rule 22(e), the petition was distributed to you and, if so, the status of your deliberation;
2. if not, request AO to distribute it; download it through the link provided in footnote 1 above; or request that I print it and send it to you and the other Committee members;
3. assure me that you **a)** will not countenance Chair Walker's disregard of his disqualification by his considering or voting on the petition; and **b)** will process the petition without favoritism and with regard only to its merits under the law, the Rules, and the Code.

I thank you in advance and look forward to hearing from you soon.

Sincerely, 

³ Table S-22 [previously S-23 & S-24] Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364, <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf

Blank

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 Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

(Sample of letter to members of the Judicial Conference)

April 18, 2009

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

Dear Mr. Chief Justice,

As stated in my letters to you of March 3 and 27, I filed with you my [petition](#)¹ for review to the Judicial Conference concerning a misconduct complaint. I also filed it with the Committee on Judicial Conduct and Disability by sending it to AO, to which it was delivered on March 2. Neither you nor AO have acknowledged its receipt, although under Rule 22(e) of [the Rules](#) for Judicial Conduct and Disability Proceedings AO has a “self-explanatory” duty to do so.

I emailed a letter to that effect to Assistant Director at AO and head of the Judicial Conference Secretariat Laura Minor. Given her position, she is deemed a well-informed source of information with apparent authority to make statements on those entities’ behalf. Hence, her emailed response that “It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request” must be deemed reliable.

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Could Judge Walker cast a more glaring "appearance of impropriety" due to his motive to retaliate and conflict of interests? He has an interest in blocking the petition's acknowledgment of receipt and ensuring that the petition is dismissed because under no circumstance should a special committee be appointed to investigate how he and his colleagues have systematically mishandled two Ninfo complaints and denied 100% of petitions to review complaint dismissals.

His interest in dismissing the petition becomes ever more apparent in light of the need to prevent at all cost any investigation from finding the whereabouts of \$673,657 in assets concealed through bankruptcy fraud that Judge Ninfo and Judge Walker's CA2 colleagues aided in keeping concealed. They did so by denying *every single document* requested in a case where none other than a 39-year veteran banker, Mr DeLano, filed his and his wife's bankruptcy petition while being and remaining precisely a bankruptcy officer at a major bank. He risklessly engaged in fraud because as a bankruptcy system insider he knew too much about official bankruptcy wrongdoing to be exposed. So he was protected from having to produce in support of his petition even his bank account statements, which would have revealed his concealed assets and perjurious petition.

Judge Ninfo and the CA2 judges' denial of *every single document* constituted a flagrant violation of discovery rights and due process that shows how high the stakes were. Their decisions now form part of the record of the *DeLano* case, pending on petition for certiorari before the Supreme Court (08-0382). This \$673,657 is the amount concealed in just that one case out of the 3,907 *open cases* that the same trustee had before Judge Ninfo. Finding it could have devastating consequences: the exposure of a judicially run or tolerated bankruptcy fraud scheme.

Given those facts, do you and your Conference colleagues, having "knowledge of all relevant circumstances", want to give the appearance of protecting the scheme and the schemers?

Therefore, I respectfully request that you, as Presiding Officer of the Judicial Conference:

1. acknowledge receipt of my petition to the Conference and state its status; and cause AO to discharge its duty under Rule 22(e) to acknowledge receipt of my petition to the Committee;
2. request that AO distribute to the Committee members the petition that it received;
3. assure me that you and the Conference will **a)** not countenance Chair Walker's disregard of his disqualification by his considering or voting on the petition; and **b)** process the petition without favoritism and with regard only to its merits under the law, the Rules, and the Code.

I thank you in advance and look forward to hearing from you soon.

Sincerely, *Dr. Richard Cordero, Esq.*

³ Official AO Reports of Complaints, collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf.

2 Dr R Cordero, Esq, 18apr9, to CJ J Roberts, Judicial Conference Presiding Officer, re status of review petition

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 Street, Brooklyn, NY 11208
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April 18, 2009

Chief Judge Anthony J. Scirica
Chair, Executive Committee of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 3rd Circuit
601 Market Street, Philadelphia, PA 19106

Dear Chief Judge Scirica,

As stated in my letters to you of March 3 and 27, I filed with you my [petition](#)¹ for review to the Judicial Conference concerning a misconduct complaint. I also filed it with the Committee on Judicial Conduct and Disability by sending it to AO, to which it was delivered on March 2. Neither you nor AO have acknowledged its receipt, although under Rule 22(e) of [the Rules](#) for Judicial Conduct and Disability Proceedings AO has a “self-explanatory” duty to do so.

I emailed a letter to that effect to Assistant Director at AO and head of the Judicial Conference Secretariat Laura Minor. Given her position, she is deemed a well-informed source of information with apparent authority to make statements on those entities’ behalf. Hence, her emailed response that “It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request” must be deemed reliable.

Please note that under Rule 22(e) it is the “[T]he Administrative Office”, not the Committee, that “**must** acknowledge receipt of a petition for review submitted under this Rule” and only thereafter does AO “notify the chair of the...Committee...and distribute the petition to [its] members”. (emphasis added)

It follows from Ms. Minor’s statement that AO, the Conference, and the Committee have agreed to disregard also Rule 21(c), which unambiguously provides that “Any member of the Committee from the same circuit as the subject judge is disqualified from considering or voting on a petition for review.” As you all know, the Chair of the Committee is 2nd Circuit Judge John M. Walker, Jr., who is from the same circuit as Complaint-Subject Bankruptcy Judge John C. Ninfo, II, WBNY. If those who do not care to respect the Rules had bothered to glance at the petition [to the Committee](#) or to the Conference that they had to process pursuant to them, they would have found in footnote 3 on the very first page the quotation of Rule 21(c) and its disqualification provision.

That footnote also points out that “Additional grounds for his disqualification are discussed in §IV infra”. The latter sets forth how Judge Walker, as CA2 chief judge at the time, mishandled the first complaint against Judge Ninfo, who as bankruptcy judge is Judge Walker and his CA2 colleagues’ appointee. (28 U.S.C. §152) Section IV states that Judge Walker so mishandled that complaint that I filed a complaint against him. Both were dismissed without any investigation.

But it so happens that last March 17, the Conference, of which you and Judge Walker are members, strengthened the notion of “appearance of impropriety” by amending Canon 2 of [the Code](#) of Conduct for U.S. Judges. It is apparent how improper it is for Judge Walker to disregard his disqualification and give top AO officers to understand that nevertheless he is going to handle the petition. By the same token, it has a distinct “appearance of impropriety” for AO to relinquish its duty to acknowledge receipt of the petition out of deference to Former Chief Judge Walker.

“Reasonable minds with knowledge of all relevant circumstances” laid out in the petition and the many related letters and emails² since its delivery to AO on March 2, “would conclude” (Commentary on Canon 2A) that Judge Walker has not only disregarded his disqualification. He

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf; ² Id. >Letters & emails 1

has also decided to abuse his position as chair of the Committee by withholding the acknowledgment of receipt. Those circumstances also lead to conclude what his motives are therefor. To begin with, to protect Appointee Ninfo. Likewise, to protect his own colleagues in the Judicial Council of the Second Circuit, for it is they who took the decision appealed from in the petition. Worse yet, the Council took that decision by applying for the 11 years from 1oct96-30sep07 reported by AO³ an unlawful policy of denying 100% of the petitions for review of complaint dismissals by Former Chief Judge Walker himself and the other CA2 chief judges, who were also the Council's presiding officers. Among them is Judge Ralph Winter, not only CA2 Chief Judge from 1997-2000, but also predecessor as Conduct Committee chair until October 1, 2008.

Could Judge Walker cast a more glaring "appearance of impropriety" due to his motive to retaliate and conflict of interests? He has an interest in blocking the petition's acknowledgment of receipt and ensuring that the petition is dismissed because under no circumstance should a special committee be appointed to investigate how he and his colleagues have systematically mishandled two Ninfo complaints and denied 100% of petitions to review complaint dismissals.

His interest in dismissing the petition becomes ever more apparent in light of the need to prevent at all cost any investigation from finding the whereabouts of \$673,657 in assets concealed through bankruptcy fraud that Judge Ninfo and Judge Walker's CA2 colleagues aided in keeping concealed. They did so by denying *every single document* requested in a case where none other than a 39-year veteran banker, Mr DeLano, filed his and his wife's bankruptcy petition while being and remaining precisely a bankruptcy officer at a major bank. He risklessly engaged in fraud because as a bankruptcy system insider he knew too much about official bankruptcy wrongdoing to be exposed. So he was protected from having to produce in support of his petition even his bank account statements, which would have revealed his concealed assets and perjurious petition.

Judge Ninfo and the CA2 judges' denial of *every single document* constituted a flagrant violation of discovery rights and due process that shows how high the stakes were. Their decisions now form part of the record of the *DeLano* case, pending on petition for certiorari before the Supreme Court (08-0382). This \$673,657 is the amount concealed in just that one case out of the 3,907 *open cases* that the same trustee had before Judge Ninfo. Finding it could have devastating consequences: the exposure of a judicially run or tolerated bankruptcy fraud scheme.

Given those facts, do you and your Conference colleagues, having "knowledge of all relevant circumstances", want to give the appearance of protecting the scheme and the schemers?

Thus, I respectfully request that you, as Chair of the Conference Executive Committee:

1. acknowledge receipt of my petition to the Conference and state its status; and cause AO to discharge its duty under Rule 22(e) to acknowledge receipt of my petition to the Committee;
2. request that AO distribute to the Committee members the petition that it received;
3. assure me that you and the Conference will **a)** not countenance Chair Walker's disregard of his disqualification by his considering or voting on the petition; and **b)** process the petition without favoritism and with regard only to its merits under the law, the Rules, and the Code.

I thank you in advance and look forward to hearing from you soon.

Sincerely, *Dr. Richard Cordero, Esq.*

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April 18, 2009

Justice Ruth Bader Ginsburg
Circuit Justice for the Second Circuit
c/o: Supreme Court of the U.S.
Washington, D.C. 20543

Dear Justice Ginsburg,

As stated in my letters to you of March 3 and 27, I filed a [petition](#)¹ for review to the Judicial Conference concerning a complaint against a 2nd Cir. judge. I also filed it with the Committee on Judicial Conduct and Disability by sending it to AO, to which it was delivered on March 2. Neither the Conference nor AO has acknowledged its receipt, although under Rule 22(e) of [the Rules](#) for Judicial Conduct and Disability Proceedings AO has a “self-explanatory” duty to do so.

I emailed a letter to that effect to Assistant Director at AO and head of the Judicial Conference Secretariat Laura Minor. Given her position, she is deemed a well-informed source of information with apparent authority to make statements on those entities’ behalf. Hence, her emailed response that “It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request” must be deemed reliable.

Please note that under Rule 22(e) it is the “[T]he Administrative Office”, not the Committee, that “**must** acknowledge receipt of a petition for review submitted under this Rule” and only thereafter does AO “notify the chair of the...Committee...and distribute the petition to [its] members”. (emphasis added)

It follows from Ms. Minor’s statement that AO, the Conference, and the Committee have agreed to disregard also Rule 21(c), which unambiguously provides that “Any member of the Committee from the same circuit as the subject judge is disqualified from considering or voting on a petition for review.” As you all know, the Chair of the Committee is 2nd Circuit Judge John M. Walker, Jr., who is from the same circuit as Complaint-Subject Bankruptcy Judge John C. Ninfo, II, WBNY. If those who do not care to respect the Rules had bothered to glance at the petition to the Conference or [to the Committee](#) that they had to process pursuant to them, they would have found in footnote 3 on the very first page the quotation of Rule 21(c) and its disqualification provision.

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But it so happens that last March 17, the Conference, of which Judge Walker is a member, strengthened the notion of “appearance of impropriety” by amending Canon 2 of [the Code](#) of Conduct for U.S. Judges. It is apparent how improper it is for Judge Walker to disregard his disqualification and give top AO officers to understand that nevertheless he is going to handle the petition. By the same token, it has a distinct “appearance of impropriety” for AO to relinquish its duty to acknowledge receipt of the petition out of deference to Former Chief Judge Walker.

“Reasonable minds with knowledge of all relevant circumstances” laid out in the petition and the many related letters and emails² since its delivery to AO on March 2, “would conclude” (Commentary on Canon 2A) that Judge Walker has not only disregarded his disqualification. He

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has also decided to abuse his position as chair of the Committee by withholding the acknowledgment of receipt. Those circumstances also lead to conclude what his motives are therefor. To begin with, to protect Appointee Ninfo. Likewise, to protect his own colleagues in the Judicial Council of the Second Circuit, for it is they who took the decision appealed from in the petition. Worse yet, the Council took that decision by applying for the 11 years from 1oct96-30sep07 reported by AO³ an unlawful policy of denying 100% of the petitions for review of complaint dismissals by Former Chief Judge Walker himself and the other CA2 chief judges, who were also the Council's presiding officers. Among them is Judge Ralph Winter, not only CA2 Chief Judge from 1997-2000, but also predecessor as Conduct Committee chair until October 1, 2008.

Could Judge Walker cast a more glaring "appearance of impropriety" due to his motive to retaliate and conflict of interests? He has an interest in blocking the petition's acknowledgment of receipt and ensuring that the petition is dismissed because under no circumstance should a special committee be appointed to investigate how he and his colleagues have systematically mishandled two Ninfo complaints and denied 100% of petitions to review complaint dismissals.

His interest in dismissing the petition becomes ever more apparent in light of the need to prevent at all cost any investigation from finding the whereabouts of \$673,657 in assets concealed through bankruptcy fraud that Judge Ninfo and Judge Walker's CA2 colleagues aided in keeping concealed. They did so by denying *every single document* requested in a case where none other than a 39-year veteran banker, Mr DeLano, filed his and his wife's bankruptcy petition while being and remaining precisely a bankruptcy officer at a major bank. He risklessly engaged in fraud because as a bankruptcy system insider he knew too much about official bankruptcy wrongdoing to be exposed. So he was protected from having to produce in support of his petition even his bank account statements, which would have revealed his concealed assets and perjurious petition.

Judge Ninfo and the CA2 judges' denial of *every single document* constituted a flagrant violation of discovery rights and due process that shows how high the stakes were. Their decisions now form part of the record of the *DeLano* case, pending on petition for certiorari before the Supreme Court (08-0382). This \$673,657 is the amount concealed in just that one case out of the 3,907 *open cases* that the same trustee had before Judge Ninfo. Finding it could have devastating consequences: the exposure of a judicially run or tolerated bankruptcy fraud scheme.

Given the "knowledge of all relevant circumstances" that you and your colleagues now have, do you want to give the appearance of protecting the scheme and the schemers?

Therefore, I respectfully request that you,

1. as the "[Justice] with supervisory authority over [2nd Circuit] judges take reasonable measures to ensure that they perform their duties timely and effectively", (Canon 3B(4)) so that Chair Walker will not disregard his disqualification by his considering or voting on the petition; and
2. in exercising such authority you will not be "swayed by partisan interests...or fear of [ostracism]" (Canon 3A(1)) but rather will ensure that under law and the Rules **a)** the petition's receipt is acknowledged by AO and the Conference; and **b)** its deliberation is based only on its merits.

I thank you in advance and look forward to hearing from you soon.

Sincerely, *Dr. Richard Cordero, Esq.*

³ Official AO Reports of Complaints, collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf.



JAMES C. DUFF
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WILLIAM R. BURCHILL, JR.
Associate Director
and General Counsel

JILL C. SAYENGA
Deputy Director

WASHINGTON, D.C. 20544

ROBERT K. LOESCHE
Deputy General Counsel

April 16, 2009

Dr. Richard Cordero, Esq.
59 Crescent Street
Brooklyn, NY 11208

Dear Dr. Cordero:

On behalf of the Judicial Conference Committee on Judicial Conduct and Disability, we acknowledge your February 25, 2009 "Petition for Review" and March 3, 2009 Erratum regarding your complaint under the *Rules for Judicial-Conduct and Judicial-Disability Proceedings* and the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64.

When your complaint was dismissed without the involvement of a special investigating committee, you had the option, under the *Rules*, of seeking circuit judicial council review. You sought that review. The resulting order by the judicial council had the effect of upholding the dismissal of your complaint, and no council member dissented on the ground that a special committee should be appointed. Under such circumstances, the Act and the *Rules* specify that a complainant has no right of further review. See Rule 19(e), *Rules for Judicial-Conduct and Judicial Disability Proceedings*; 28 U.S.C. §§ 352(c), 357(c). Accordingly, your arguments invoking Rule 21, Rule 3, 28 U.S.C. § 357, the jurisdictional statement of the Judicial Conference Committee on Judicial Conduct and Disability, and a report of that committee are, we believe, misplaced.

We express no view on your allegations.

OFFICE OF THE GENERAL COUNSEL
ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

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 Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
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April 29, 2009

Mr. James Duff
AO Director and Secretary of the Judicial Conference
Administrative Office of the U.S. Courts
One Columbus Circle, NE, Washington, D.C. 20544

emailed to James_Duff@ao.uscourts.gov
tel. (202)502-2600

Dear Mr. Duff,

I have received an [unsigned form](#), dated April 16, from your Office of the General Counsel. It belatedly acknowledges receipt of my petition of February 25 addressed to the Committee on Judicial Conduct and Disability¹. That form was issued only after your Office forced me to waste an enormous amount of effort, time, and money writing letters and emails to, talking with, and recording messages for, you and your officers requesting what I was entitled to and you, as Director of the Administrative Office, were required to provide, namely, acknowledgment of receipt. Indeed, under Rule 22(e) of the [Rules](#) for Judicial Conduct and Disability Proceedings, your Office had what the drafters themselves termed a “self-explanatory” duty:

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. (emphasis added)

Yet, the form is silent on whether you performed that distribution. Instead, it states that”

[T]he Act and the Rules specify that a complainant has no right of further review. See Rule 19(e)...28 U.S.C. §§ 352(c), 357(c). Accordingly, your arguments invoking Rule 21, Rule 3, 28 U.S.C. §357...the jurisdictional statement of the [] Committee [], and a report of that committee are, we believe, misplaced. We express no view on your allegations.

The Act and Rules that you now quote, after having tried for a month and a half to evade your duty thereunder, do not provide your Office with any authority to express what you ‘believe’ or your “view” regarding a petition to the Committee. They only direct you to discharge your duty “to distribute the petition to the members”. All the communications that you forced me to make to your Office stated clearly that I was seeking your compliance with such “self-explanatory” duty. Neither your ‘belief’ nor “view” is a substitute for it. If you knew all along that after forcing me to undertake all those communications you would, if need be, still evade your duty and issue your unsigned ‘belief’ and “view” form, then you have intentionally misled me to my detriment and shown gross disregard for “the effective and expeditious administration of the business of the courts” which the Act itself, under §351(b), makes the basis for complaining against a judge.

Your Office’s gross disregard for the Rules and the Act was expressed by none other than AO Assistant Director of the Judicial Conference Executive Secretariat, Ms. Laura Minor, when in her email to me of April 16 she stated, not her acknowledgment on behalf of AO of receipt of my petition that I had requested her to provide, but rather that “It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request”. That chair is precisely Former CA2 Chief Judge John M. Walker, Jr., who under Rule 21(c) is disqualified from considering or voting on the petition because he is from the same circuit as Complained-against Bankruptcy Judge John C. Ninfo, II, WBNY.

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf

By contrast, Ms. Minor unwittingly acknowledged that your Office has simply the role of a clerk when she stated in that email, "As the Executive Secretariat for the Judicial Conference, our responsibility is to ensure that the appropriate committee of the Judicial Conference receives your information for action". Yet, your Office arrogates to itself through an unsigned form the authority, nowhere granted in the Act or the Rules, to pass jurisdictional judgment on a petition to the Committee. In so doing, it flaunts the boldness of depriving its members of the petition to which they are entitled under Rule 22(e) and speaking for all of those non-disqualified on the Rule 21(c) "panel of five members drawn from a randomly selected list that rotates after each decision".

Neither you nor the unsigned form can pretend to know how the panel judges will interpret on first impression not just the jurisdictional scope, but any Rule of a new set of Rules that went into effect only on April 10, 2008. Actually, your own Office's newsrelease of March 11, 2008, http://www.uscourts.gov/Press_Releases/2008/judicial_conf.cfm, stated that those are:

National Rules...The Judicial Conference of the United States approved today the first-ever binding, nationwide set of **rules** for handling conduct and disability complaints against federal judges, bringing consistency and rigor to the process...The rules cover such topics as...complaint...review,...the conduct of investigations, and the rights and roles of participants in the process...The rules also enable the Conference's Committee on Judicial Conduct and Disability to review complaint dismissals by judicial councils to determine whether special investigating committees should be appointed.

You knew all along that the jurisdictional 'belief' and "view" expressed in the unsigned form were wrong! They belong to the old form used to contribute to the systematic complaint dismissal and petition denial. By your own newsrelease, the new Rules are meant "to determine whether special investigating committees should be appointed"...the very committee whose appointment Judge Walker wants to prevent at all cost. You also have constructive knowledge of the Commentary on Rule 2 and thus, that such determination must be made afresh because "Unlike the Illustrative Rules, these Rules provide mandatory and nationally uniform provisions governing the substantive and procedural aspects of misconduct and disability proceedings under the Act". Committee review is intended to ensure national uniformity by "bringing consistency and rigor to the process".

Your bold unsigned form deprives panel judges of the opportunity to write a dissent that later on becomes, not just the Committee majority view, but a Rule. There is precedent for this: Former Chair Judge Winter stated in his dissent from the Committee decision of April 28, 2006:

My colleagues conclude that because the Chief Circuit Judge never appointed a special committee, the Conference has no jurisdiction to entertain the petition for review. In my view, we have authority to review whether a misconduct complaint requires appointment of a special committee or whether it may be disposed of by what was intended as a summary procedure. <http://www.uscourts.gov/library/circuitcouncilopinions.pdf>, p.4

Therefore, I respectfully appeal to your sense of duty as a public servant and request that you:

1. "distribute the petition to the members of the Committee for their deliberation" and let me know thereof;
2. if you will persist in the dereliction of that duty, enable me to cure it by returning its copies, which are very time-consuming and expensive to produce, so that I may send them to those members, without your taking upon yourself, nor my consenting to, the withdrawal of my petition.

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

59 Crescent Street, Brooklyn, NY 11208
CorderoRic@yahoo.com
tel. (718) 827-9521

(Sample of letter to members of the Conduct Committee)

April 29, 2009

Judge Carolyn R. Dimmick
Member of the Committee on Judicial Conduct and Disability
c/o: U. S. District Court, Western District of Washington
Seattle, WA 98101

Dear Judge Dimmick,

I received the attached [unsigned form](#), dated April 16, from the AO Office of the General Counsel. It belatedly acknowledges receipt of my petition of February 25 to the Committee on Judicial Conduct and Disability¹. That form was issued only after AO caused me an enormous waste of effort, time, and money writing letters and emails to¹, talking with, and recording messages for, AO Director James Duff and his officers to request what I was entitled to and he, as AO Director, was required to provide: acknowledgment of receipt. Indeed, under Rule 22(e) of the [Rules](#) for Judicial Conduct and Disability Proceedings entrusted for appellate interpretation to your Committee, his Office had what the drafters termed a “self-explanatory” duty:

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. (emphasis added)

Yet, the form is silent on whether AO performed that distribution. Instead, it states that²

[T]he Act and the Rules specify that a complainant has no right of further review. See Rule 19(e)...28 U.S.C. §§ 352(c), 357(c). Accordingly, your arguments invoking Rule 21, Rule 3, 28 U.S.C. §357...the jurisdictional statement of the [] Committee [], and a report of that committee are, we believe, misplaced. We express no view on your allegations.

Neither the Act nor the Rules now referred to by AO, after it tried for a month and a half to evade its duty thereunder, provide it with any authority to express what it ‘believes’ or its “view” regarding a petition to the Committee. They only direct AO to discharge its duty “to distribute the petition to the members”. All the communications that AO caused me to make to it stated clearly that I was seeking its compliance with such “self-explanatory” duty. Neither AO’s ‘belief’ nor “view” is a substitute for its compliance. If Mr. Duff and other AO officers knew all along that after causing me to undertake all those communications they would, if need be, still evade their duty by issuing that unsigned ‘belief’ and “view” form, then they have intentionally misled me to my detriment and shown gross disregard for “the effective and expeditious administration of the business of the courts”, so crucial a standard that §351(b) makes it the basis for complaining against judges.

AO’s gross disregard for the Rules and the Act was expressed by none other than AO Assistant Director of the Judicial Conference Executive Secretariat, Ms. Laura Minor, when in her email to me of April 16 she stated, not her acknowledgment on behalf of AO of receipt of my petition that I had requested her to provide, but rather that “It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request”. That chair is precisely Former CA2 Chief Judge John M. Walker, Jr., who under Rule 21(c) is disqualified from considering or voting on the petition because he is from the same circuit as Complained-against Bankruptcy Judge John C. Ninfo, II, WBNY.

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By contrast, Ms. Minor unwittingly acknowledged that AO has simply the role of a clerk when she stated in that email, "As the Executive Secretariat for the Judicial Conference, our responsibility is to ensure that the appropriate committee of the Judicial Conference receives your information for action". Yet, AO arrogates to itself through an unsigned form the authority, nowhere granted in the Act or the Rules, to pass jurisdictional judgment on a petition to your Committee. In so doing, it flaunts the boldness of both depriving its members, like you, of the petition to which they are entitled under Rule 22(e) and speaking for all of those non-disqualified on the Rule 21(c) "panel of five members drawn from a randomly selected list that rotates after each decision".

Neither AO nor the unsigned form can pretend to know how the panel judges will interpret on first impression not just the jurisdictional scope, but any Rule of a new set of Rules that went into effect only on April 10, 2008. Actually, AO's newsrelease of March 11, 2008, http://www.uscourts.gov/Press_Releases/2008/judicial_conf.cfm, stated that those are:

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AO knew that the jurisdictional 'belief' expressed in the form is wrong! They belong to the old form used to contribute to the chief judges' and councils' systematic complaint dismissal and petition denial. (¹>N:47) By its own newsrelease, the new Rules are meant "to determine whether special investigating committees should be appointed"...the very committee whose appointment Judge Walker wants to prevent at all cost. (my April 17 letter to you) AO knows constructively the Commentary on Rule 2 and thus, that such determination must be made anew because "Unlike the Illustrative Rules, these Rules provide mandatory and nationally uniform provisions governing the substantive and procedural aspects of misconduct and disability proceedings under the Act". Committee review is intended to ensure national uniformity by "bringing consistency and rigor to the process".

AO's bold unsigned form deprives panel judges of the opportunity to write a dissent that later on becomes, not just the majority view, but a Rule. There is precedent for this: Former Chair Judge R. Winter stated in his dissent, joined by you, from the decision of April 28, 2006:

My colleagues conclude that because the Chief Circuit Judge never appointed a special committee, the Conference has no jurisdiction to entertain the petition for review. In my view, we have authority to review whether a misconduct complaint requires appointment of a special committee or whether it may be disposed of by what was intended as a summary procedure. <http://www.uscourts.gov/library/circuitcouncilopinions.pdf>, p.4

Thus, I respectfully appeal to your sense of duty as Committee member to request that you:

1. demand AO to "distribute the petition to the members of the Committee for their deliberation";
2. if you do not receive it from AO, **a)** download it¹ or **b)** request that I send it to you; if AO returns it to me, that will be only for me to send it to you, for I have not withdrawn it; and **c)** let me know your course of action.

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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(Sample of letter to members of the Judicial Conference)

April 30 , 2009

Chief Judge Anthony J. Scirica
Chair, Executive Committee of the Judicial Conference of the U.S.
c/o: U.S. Court of Appeals, 3rd Circuit
Philadelphia, PA 19106

Dear Chief Judge Scirica,

I received the attached unsigned letter, a responsibility-avoiding [form](#), from the General Counsel's Office of AO. It belatedly acknowledges receipt of my petition to the Committee on Judicial Conduct and Disability, but not of that of February 28 to the Conference¹. That form was issued only after AO caused me an enormous waste of effort, time, and money writing letters and emails¹ to, talking with, and recording messages for, AO Director James Duff and his officers to request what I was entitled to and he, as AO Director, was required to provide: acknowledgment of receipt. Indeed, under Rule 22(e) of the Conference-adopted [Rules](#) for Judicial Conduct and Disability Proceedings, his Office had what Conference drafters termed a "self-explanatory" duty:

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. (emphasis added)

Yet, the form is silent on whether AO performed that distribution. Instead, it states that²

[T]he Act and the Rules specify that a complainant has no right of further review. See Rule 19(e)...28 U.S.C. §§ 352(c), 357(c). Accordingly, your arguments invoking Rule 21, Rule 3, 28 U.S.C. §357...the jurisdictional statement of the [] Committee [], and a report of that committee are, we believe, misplaced. We express no view on your allegations.

Neither the Act nor the Rules now referred to by AO, after it tried for a month and a half to evade its duty thereunder, provide it with any authority to express what it 'believes' or its "view" regarding a petition to the Committee. They only direct AO to discharge its duty "to distribute the petition to the members". All the communications that AO caused me to make to it stated clearly that I was seeking its compliance with such "self-explanatory" duty. Neither AO's 'belief' nor "view" is a substitute for its compliance. If Mr. Duff and other AO officers knew all along that after forcing me to undertake all those communications they would, if need be, still evade their duty by issuing that unsigned 'belief' and "view" form, then they have intentionally misled me to my detriment and shown gross disregard for "the effective and expeditious administration of the business of the courts", a standard so critical that §351(b) makes it the basis for complaining against judges.

AO's gross disregard for the Rules and the Act was expressed by none other than AO Assistant Director of your Conference's Executive Secretariat, Ms. Laura Minor, when in her email to me of April 16 she stated, not her acknowledgment on behalf of AO of receipt of my petition that I had requested her to provide, but rather that "It is my understanding that the chair of the Judicial Conduct and Disability Committee will be corresponding with you shortly in response to your request". That chair is precisely Former CA2 Chief Judge John M. Walker, Jr., who under Rule 21(c) is disqualified from considering or voting on the petition because he is from the same circuit as Complained-against Bankruptcy Judge John C. Ninfo, II, WBNY.

¹ http://Judicial-Discipline-Reform.org/JNinfo/25Committee/7DrCordero-JConference_28feb9.pdf

By contrast, Ms. Minor unwittingly acknowledged that AO has simply the role of a clerk when she stated in that email, "As the Executive Secretariat for the Judicial Conference, our responsibility is to ensure that the appropriate committee of the Judicial Conference receives your information for action". Yet, AO arrogates to itself through an unsigned form the authority, nowhere granted in the Act or the Rules, to pass jurisdictional judgment on a petition to the Committee. In so doing, it flaunts the boldness of both depriving its members of the petition to which they are entitled under Rule 22(e) and speaking for all of those non-disqualified on the Rule 21(c) "panel of five members drawn from a randomly selected list that rotates after each decision".

Neither AO nor the unsigned form can pretend to know how the panel judges will interpret on first impression not just the jurisdictional scope, but any Rule of the new set of Rules that went into effect only on April 10, 2008. Actually, AO's newsrelease of March 11, 2008, http://www.uscourts.gov/Press_Releases/2008/judicial_conf.cfm, stated that those are:

National Rules...The Judicial Conference of the United States approved today the first-ever binding, nationwide set of **rules** for handling conduct and disability complaints against federal judges, bringing consistency and rigor to the process...The rules cover such topics as...complaint...review,...the conduct of investigations, and the rights and roles of participants in the process...The rules also enable the Conference's Committee on Judicial Conduct and Disability to review complaint dismissals by judicial councils to determine whether special investigating committees should be appointed.

AO knew that the jurisdictional 'belief' expressed in the form is wrong! It belongs to the old form used to contribute to the chief judges' and circuit councils' systematic complaint dismissal and petition denial. (¹>N:47) By its own newsrelease, the new Rules are meant "to determine whether special investigating committees should be appointed"...the very committee whose appointment Judge Walker wants to prevent at all cost. (my April 18 letter to you) AO knows constructively the Commentary on Rule 2 and thus, that such determination must be made anew because "Unlike the Illustrative Rules, these Rules provide mandatory and nationally uniform provisions governing the substantive and procedural aspects of misconduct and disability proceedings under the Act". Committee review is intended to ensure national uniformity by "bringing consistency and rigor to the process".

AO's bold form deprives panel judges of the opportunity to write a dissent that later on becomes, not just the majority view, but a Rule. There is precedent for this: Former Chair Judge R. Winter stated in his dissent, joined by Judge C. Dimmick, from the decision of April 28, 2006:

My colleagues conclude that because the Chief Circuit Judge never appointed a special committee, the Conference has no jurisdiction to entertain the petition for review. In my view, we have authority to review whether a misconduct complaint requires appointment of a special committee or whether it may be disposed of by what was intended as a summary procedure. <http://www.uscourts.gov/library/circuitcouncilopinions.pdf>, p.4

Thus, I respectfully appeal to your sense of duty as Conference member to request that you:

13. demand AO to "distribute the petition to the members of the Committee for their deliberation";
14. cause the acknowledgment and deliberation of the petition to the Conference¹, which I filed with AO and you as Chair of the Executive Committee of the Conference; and
15. let me know your course of action.

Sincerely,

Dr. Richard Cordero, Esq.



JAMES C. DUFF
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

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July 13, 2009

Dr. Richard Cordero, Esq.
59 Crescent Street
Brooklyn, NY 11208

Dear Dr. Cordero:

This acknowledges your letters to Chief Judge David Sentelle regarding your judicial conduct complaint. We wrote to you on April 16, 2009, concerning your other correspondence on this matter.

For reasons we explained on April 16 and now reaffirm, the submissions you describe as a “petition for review” do not qualify as such within the meaning of the Judicial Conduct and Disability Act and *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. As a result, they are not entitled to be processed in accordance with Rule 22, Rule 21(c), and the other rules you invoke, all of which are meant to govern petitions for review. We have acknowledged your submissions — and we write to you today — not under Rule 22(e), but as a courtesy to you. As a further courtesy and though not required by law, Judge John M. Walker, Jr., chair of the Judicial Conference Committee on Judicial Conduct and Disability, has recused himself from consideration of today’s response. This letter, issued on the Committee’s behalf, has been approved by the remaining members of the Committee.

Simply put, your submissions cannot qualify as a “petition for review” because your complaint did not result in any of the judicial council actions that Rule 21(b)(1) identifies as reviewable “upon petition.” Only the actions there specified are reviewable of right. Only as to those actions is a request for Committee consideration cognizable as a “petition for review” under Rule 22. As we have already noted, the circuit judicial council order in this matter upheld, without dissent, the dismissal of your complaint. Such an order is not one that Rule 21(b)(1) renders reviewable upon petition. In these circumstances, as the Act and the *Rules* make clear, you have no right of further review. See Rule 19(e), *Rules for Judicial-Conduct and Judicial Disability Proceedings*; 28 U.S.C. §§ 352(c), 357(c).

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.

OFFICE OF THE GENERAL COUNSEL
ADMINISTRATIVE OFFICE OF THE U.S. COURTS

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