

The Dynamics of Institutionalized Corruption in the Courts

How judicial wrongdoing tolerated or supported in one instance gives rise to the mentality of judicial impunity that triggers generalized wrongdoing and weaves relationships among the judges of multilateral interdependency of survival where any subsequent unlawful act is allowed and must be covered up

A judge that engages in wrongdoing once and gets away with it because the other judges will not discipline him or her, will be more likely to do wrong again: The judge realizes that as a matter of practice wrongdoing is an easy or profitable way of handling judicial business and can be engaged in with impunity regardless of the harm caused to third parties. An example is set for fellow judges to follow. In time, everyone knows about the wrongdoing of the others, whether it be bias, abuse of power, or disregard for the law and the facts. Then they must cover for each other, for if one were allowed to be indicted, he or she could tell on another who could tell on another and with domino effect all would fall. This effect would take place even if the incriminated judge were low in the judicial hierarchy, for he or she could trade up in a plea bargain by incriminating those higher up, whether appellate judges or a chief judge, who knew about that one's wrongdoing, or though ignoring it, knew about the wrongdoing of other judges subject to the domino effect, but passively tolerated, or even actively supported them through a cover up or participation, despite their duty to safeguard the integrity of judicial process.¹

In a hierarchy where integrity is of the essence for the court's single business, that is, administrating justice in accordance with due process, the incrimination of a chief judge would give rise to a most threatening question, to wit, what else did he or she tolerate or support that impaired or denied due process in any other case or all other cases of the indicted judge and, by the same token, of any other judge and all the other judges of the court. In one single step, the trade up, the whole court would come under scrutiny and with it the validity-determinative due process element of the decision in every one of its cases.

This illustrates the dynamics of multilateral interdependency of survival in a practically closed and stable group of people, such as the federal judiciary, where no member, however low in the hierarchy, is expendable: If one judge falls, all fall, unless that one was the odd man out who went outside the group on a folly of his own and never became privy to the wrongdoing of the other judges. Once those dynamics are allowed to determine the relationships among judges, the mentality of everything goes develops, for another, even a more egregious, act of wrongdoing must be tolerated or supported. Were it not, a complaint that was investigated and led to disciplinary action would set a precedent that other complaints could cite in their support, each one of which could support other complaints, thus triggering a chain reaction and uncovering a pattern of wrongdoing that could lead to the fall of a court or the judiciary.

The everything goes mentality boosts a degenerative trend that leads from individual wrongdoing to institutionalized corruption. In the judiciary, even outsiders to the class of judges, whether it be court staff, parties frequently before the court, e.g. lawyers and bankruptcy trustees, and litigants, are allowed in the corruption in exchange for a material or moral benefit payable or receivable in the case at hand or in IOUs for future cases. By then, the force guiding the judges and their courts is not the law of Congress under the Constitution, but rather their interest in surviving and thriving. The courts become a racketeer influenced and corrupt organization.

¹ http://Judicial-Discipline-Reform.org/docs/SCT_knows_of_dismissals.pdf

(as of 14dec07)

**The Supreme Court Justices and the Chief Judges
Have Semi-annually Received Official Information
About the Self-immunizing Systematic Dismissal
of Judicial Conduct Complaints, But Have Tolerated It
With Disregard for the Consequent Abuse of Power and Corruption**

For decades since before the Judicial Conduct and Disability Act of 1980 (the Act; [28 U.S.C. §351 et seq.](#))¹, the Supreme Court has known of the lack of an effective judicial impeachment mechanism ([ToEC:60>Comment, C:1384](#))². In the 218 years since the U.S. Constitution of 1789, only 7 federal judges³ have been impeached and removed from office. Since the Act's passage, they have known also of the breakdown of its self-discipline mechanism ([ToEC:24>Comment, C:573](#)). To know it, Late Chief Justice Rehnquist, who was also the presiding member of the Judicial Conference ([28 U.S.C §331¶1](#)), the body of last resort under the Act ([id. §354\(b\)](#)), need not read the Annual Reports on the Act produced by the Administrative Office of the U.S. Courts ([§604\(h\)\(2\)](#)) or the Conference's reports ([C:1771](#)). He knew that in the 24 years since the Act the Conference had issued under it **only 15 orders!** ([C:681-683](#)) Yet he waited until May 2004 to charge Justice Stephen Breyer with chairing a committee to study it. ([C:574-577](#)) The Breyer Committee held no hearings (cf. [ToEC:66§L](#)) and took over 27 months only to issue a **report** that clears his peers of the systematic dismissal of complaints apparent from those Reports (see *infra*).

All the justices are also circuit justices of the circuits to which they have been allotted ([28 U.S.C. §42, 45\(b\); C:149](#)) so they may attend ([C:980y-83; cf. 980z-10](#)) their councils' meetings where misconduct complaints are discussed ([C:980y-84, z-76](#)) and can learn the nature and number of orders related thereto, which must be reported to the Administrative Office ([28 U.S.C. §332\(c-d, g\); C:980y-87, z-79](#)). Hence, they know that such complaints are systematically dismissed. Actually, the justices must be presumed to have realized from the cases that they deal with daily at the Supreme Court that „power corrupts and in the absence of any control over its exercise, power becomes absolute and corrupts absolutely”⁴. So they could not have reasonably believed that while wielding power over life, liberty, and property, **the 2,184 federal judges and magistrates** would remain immune to the type of “Culture of Corruption”, in the words of House Speaker Nancy Pelosi, that has engulfed the 535 members of Congress. Did the justices or the circuit judges of the courts of appeals, who appoint bankruptcy judges to renewable 14-year terms ([28 U.S.C. §152\(a\)\(1\)](#)), believe for a moment that even in the absence of any supervision and discipline and without the deterrence of impeachment **bankruptcy judges** would resist the temptation to mishandle the \$billions that are at stake in bankruptcies and whose disposition they determine? ([D:458§V, Add:621§1](#)) Since the justices and circuit judges cannot have ignored ongoing misconduct of judges abusing their uncontrolled power, why have they tolerated it?

¹ All the references to legal authority are found at:

http://judicial-discipline-reform.org/Authorities%20Cited.htm#VII.A.3._Table_of_Authorities.

² All the references with the format ‘letter:#’ are found at:

http://judicial-discipline-reform.org/Bank%20of%20Links.htm#Table_of_Exhibits.

³ [http://www.fjc.gov/history/home/nsf >Judges of the US >Impeachments of Federal Judges](http://www.fjc.gov/history/home/nsf%20Judges_of_the_US%20Impeachments_of_Federal_Judges).

⁴ The Dynamics of Organized Corruption in the Courts, <http://Judicial-Discipline-Reform.org/docs/corruption.pdf>.

The abusive and corrupt exercise of judicial power would normally give rise to investigation leading to impeachment and removal from the bench and to prosecution, conviction, and punishment. Hence, the judges' systematic dismissal of complaints against them became a necessary preemptive measure to immunize themselves from such adverse consequences of their misconduct. It was foreseeable that in the ensuing permissive environment devoid of disciplinary checks, the abuse of power and corruption that had already given cause for such complaints would not only go on uncontrolled, but also inevitably generate ever more abuse and corruption in a vicious circle. Since reasonable persons are assumed to intend the normal consequences of their acts just as they are assumed to engage in rational behavior to maximize their benefits and minimize their detriments, the Supreme Court justices, the chief circuit judges, and other district judges that engaged in or tolerated such systematic dismissal of complaints must be assumed to have intended for such abuse of judicial power and corruption to continue so as to keep deriving a benefit from it and avoiding the detriment of discipline.

The official statistics of the Administrative Office (AO) contain the evidence that the federal judges have systematically dismissed the complaints against them. Indeed, out of the 7,462 judicial complaints filed from 1997 to 2006, they only disciplined 9 of their own!⁵ (See graphs infra.) For years in a row, such as between 2001-06, they did not refer or allow the appeal of a single complaint to the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders (§331 4th¶), which reported "no pending petitions for review of judicial council action on misconduct orders"⁶. Thus, it was only in 2006 when the Committee issued its 16th decision in the 27 years since the Act of 1980. It would be untenable to allege that in the 10 years in which those 7,462 complaints were filed only three petitioners were "aggrieved" enough by the action under §357(a) of any of the 13 circuit councils to be entitled to petition the Conference for review. So would be to pretend that only those three were sufficiently meritorious for any of the councils to refer any of them under §354(b)(1) or (2) to the Conference.

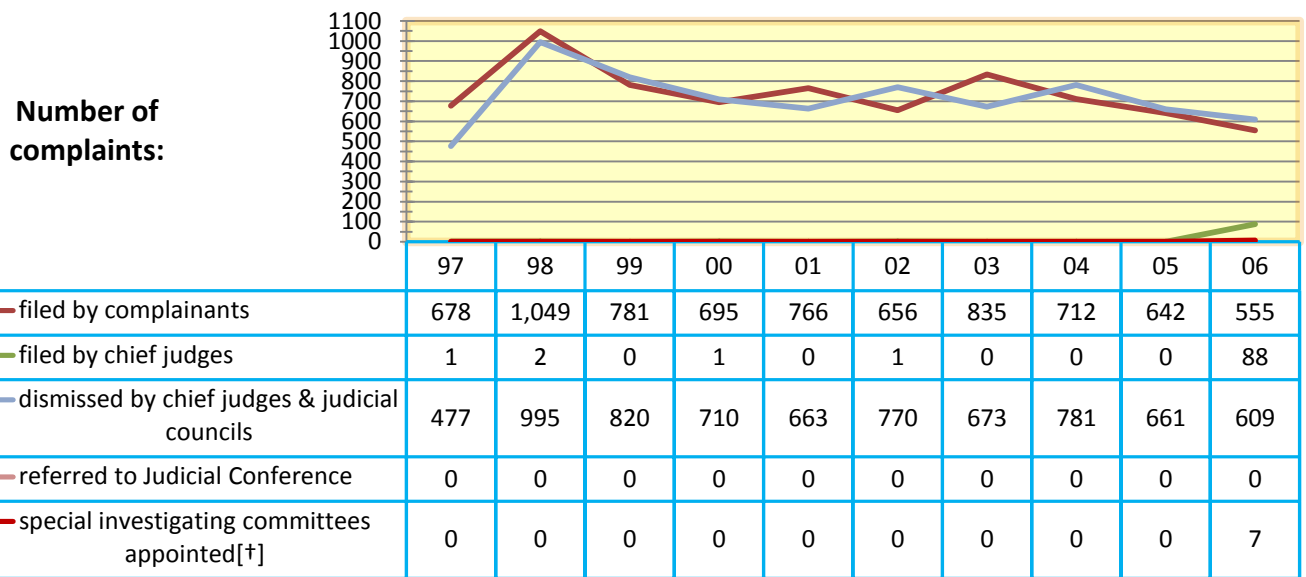
These statistics cannot be the product of the normal course of events in a society as litigious as ours, where the number of Supreme Court filings went from 7,602 in the 1996 Term to 9,608 in the 2005 Term⁷, while that of complaints reportedly went from 679 to 643! They are the result of the non-coincidental, intentional, and coordinated practice of the judges of the councils, with the conniving approval of those who are also members of the Conference, and its presiding member, the chief justice, both to prevent complaints, not to mention their own actions on them, from being reviewed and to put an end to them as early as possible. The Supreme Court is responsible for ensuring respect for the rule of law through its application not only by, but also to, judges. Hence, it too is to blame both for allowing judges to flagrantly disregard for their own benefit their duty under §351 et seq. to handle effectively complaints against them and for tolerating that thereby litigants and the public at large suffer the denial of due process by power-abusive and corrupt complained-about judges. (Cf. A:1662§D; ToEC:>C:973 and Comment thereunder)

⁵ The tables with the AO Reports of Complaints Filed and Action Taken under the Act are collected with links to the originals in http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf.

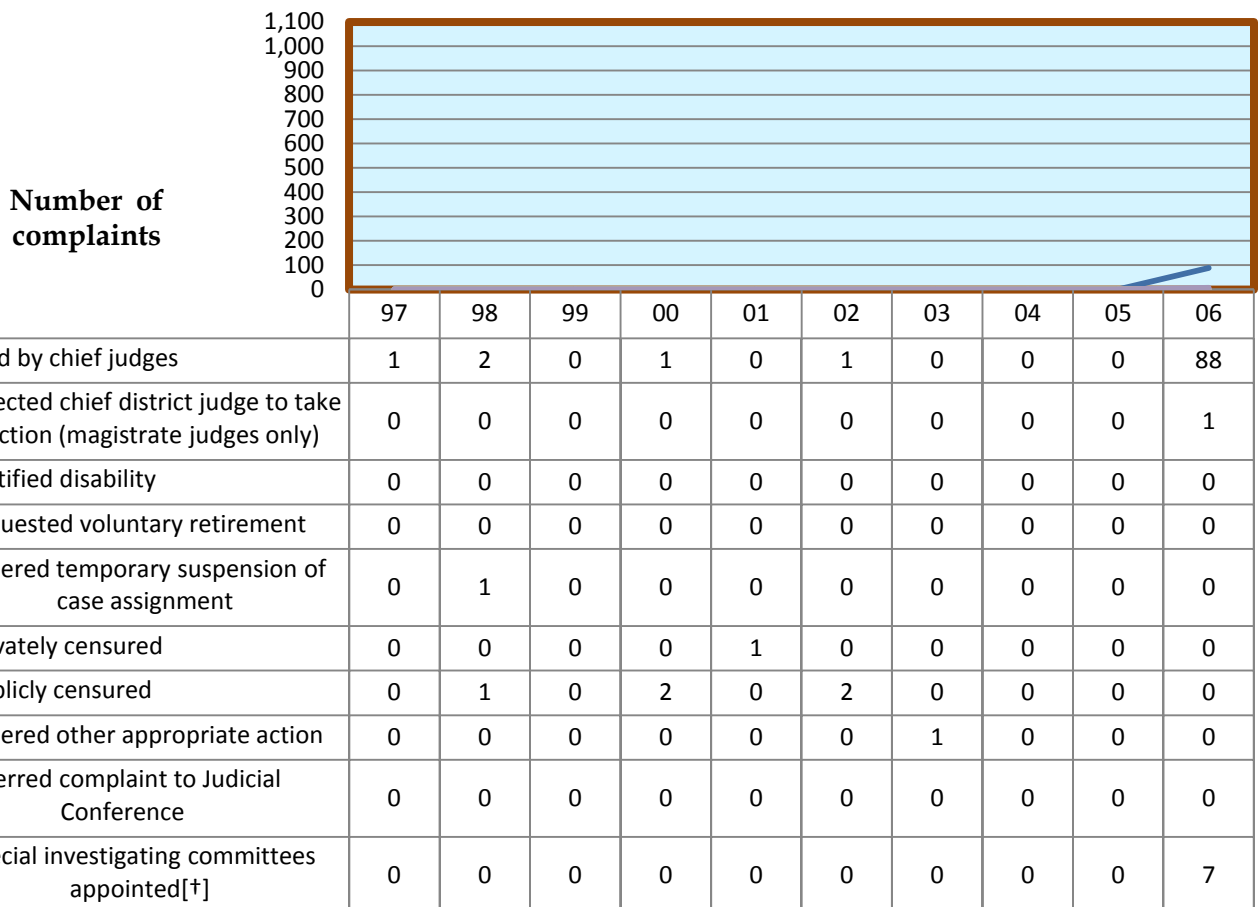
⁶ Reports of the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders; see sample at http://Judicial-Discipline-Reform.org/judicial_complaints/no_pending_petitions.pdf. These Reports are reflected in the section dedicated to the Committee in the Report of the Proceedings [in March and September of each year] of the Judicial Conference of the United States, collected at http://Judicial-Discipline-Reform.org/judicial_complaints/JConf_Reports.pdf.

⁷ Table A-1 Supreme Court cases, Judicial Facts and Figures 2005 and 2006, Administrative Office of the U.S. Courts, http://Judicial-Discipline-Reform.org/judicial_complaints/cases_filed_90-06.pdf, pages 23 and 32.

Number of Complaints Filed by Complainants and Systematically Dismissed by Chief Judges and Judicial Councils Between '97 and '06

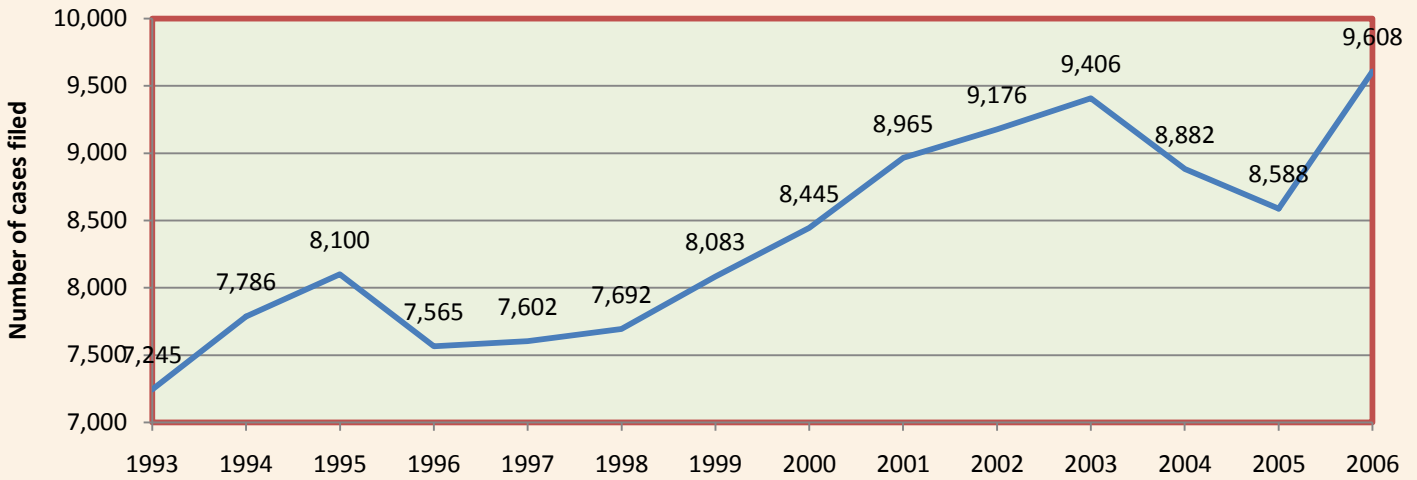


Judicial Councils' Action Against Complained-about Judges From 1997-2006

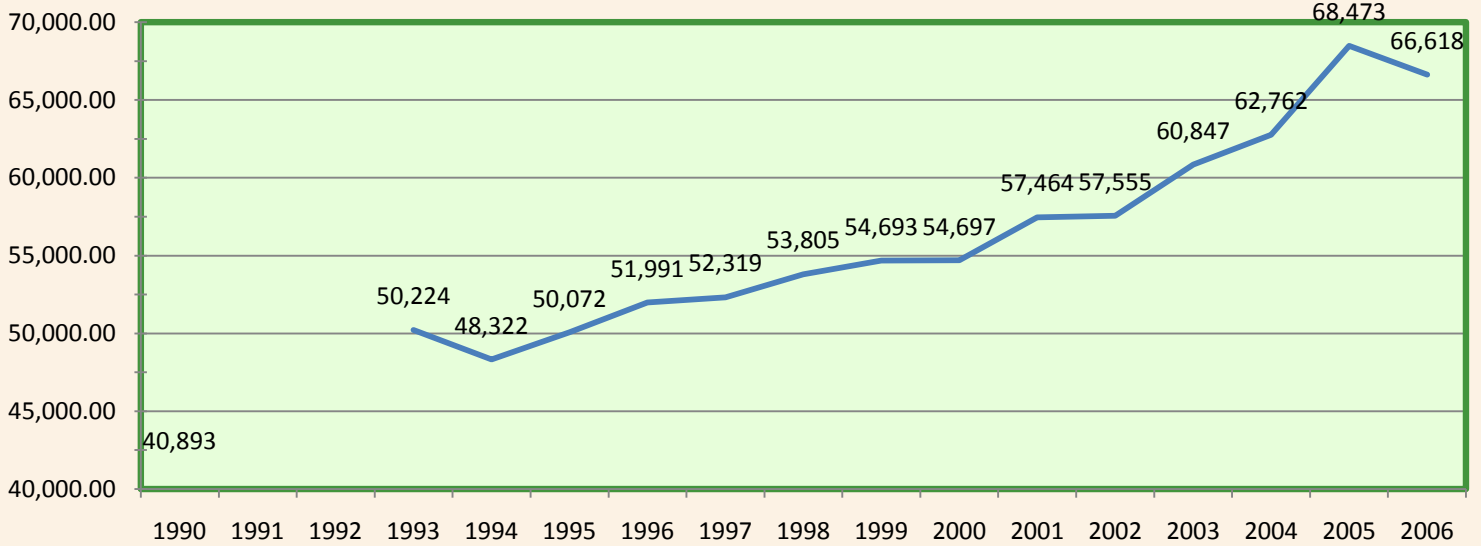


Source: Tables of the Adm. Off. of the U.S. Courts; collected in http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_draft_rules.pdf

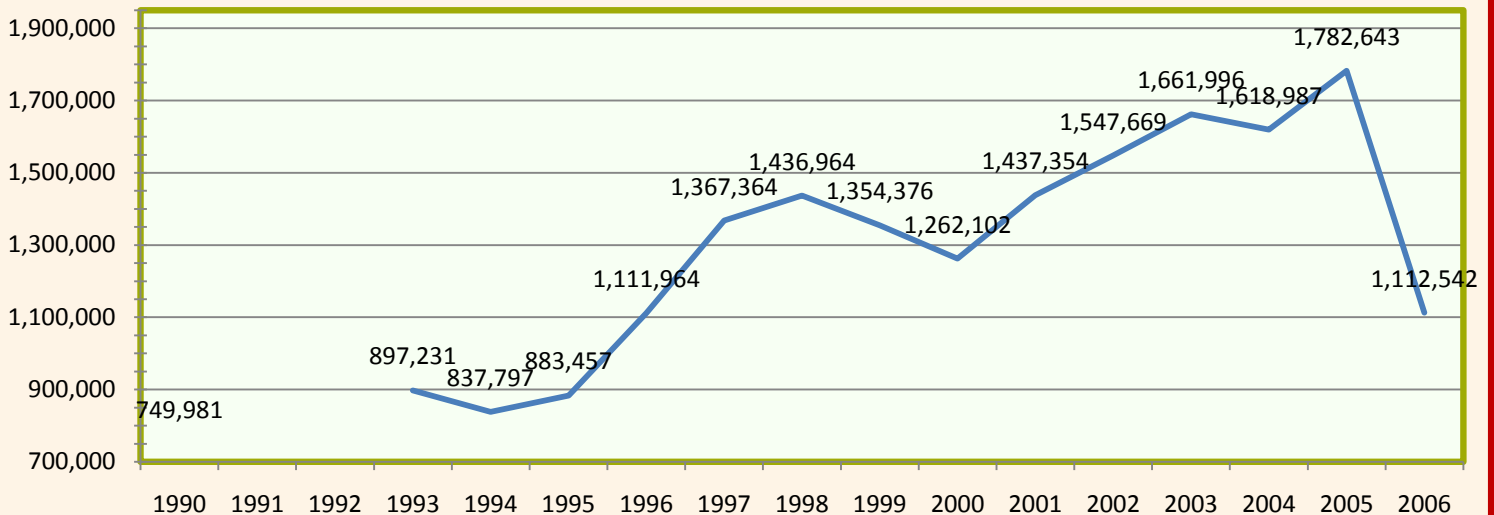
Cases Filed in the Supreme Court Between 93-06 showing a 33% increase



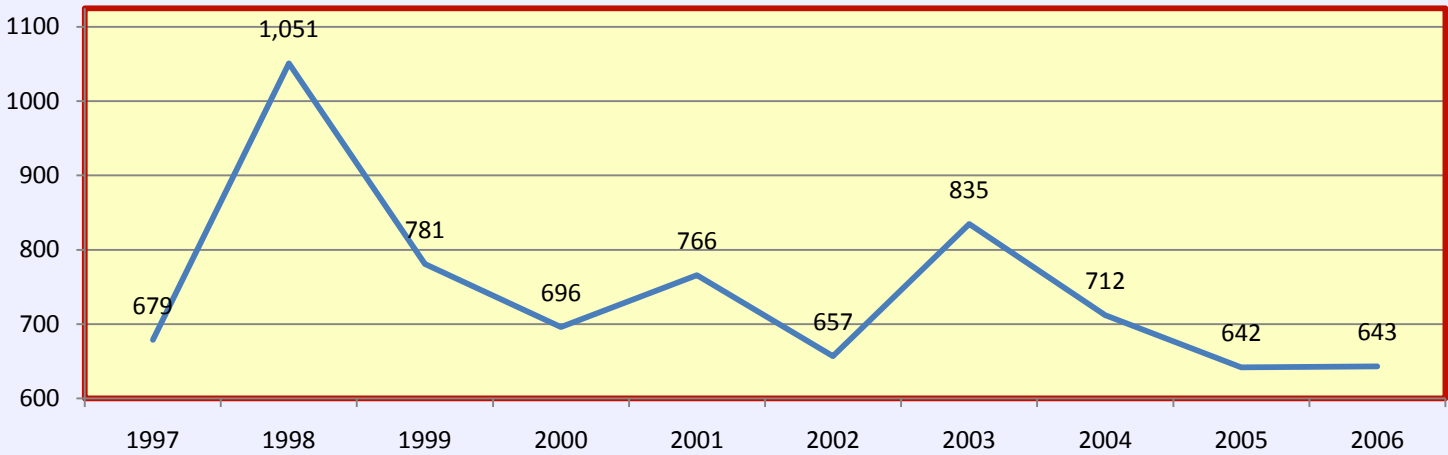
Cases Filed in the Court of Appeals Between 90-06 Showing a 63% Increase



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



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



[Footnotes in the originals]

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

* REVISED. [regarding complaints pending]

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

Source: for Tables 1, 2, and 3, Judicial Business of U.S. Courts, 1997-2006 Annual Reports of the Director, Administrative Office of the United States Courts.

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

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

Tables 1, 2, and 6, supra, report on complaints filed and processed in the Federal Circuit, the District of Columbia, the 1st-11th circuits, the U.S. Claims Court, and the Court of International Trade

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

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

They too support the conclusion to be drawn from these statistics: The significant increase in cases filed with these courts every year attests to the litigiousness of the American society. They belie the judges' report that for the last 10 years Americans have filed a steady number of complaints against them hovering around the average (after eliminating the outlier) of only 712 complaints. The explanation lies in the first footnote in the originals, above: Judges have arbitrarily excluded an undetermined number of complaints. The fact that they have manipulated these statistics is also revealed by the first table above: After 9 years during which the judges filed less than one complaint a year, they jumped to 88 in 2006...and that same year it just so happened that complainants filed the lowest number of complaints ever, 555! *Implausible!* Yet, the judges did not discipline a single peer, just one magistrate.

Judges' Systematic Dismissal Without Investigation of 99.82% of Complaints Against Them

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-mth. Period Ended 30sep97-07 & 10may08. <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf¹

Complaints filed in the 13 Cir. and 2 Nat. Courts	'96-97	'97-98	'98-99	'99-00	'00-01	'01-02	'02-03	'03-04	'04-05	'05-06	'06-07	'07-5/8	'96-5/8	n/11.6
Complaints Pending on each Sep. 30 of 1996-2008*	109	214	228	181	150	262	141	249	212	210	241	333	2530	218
Complaints Filed	679	1,051	781	696	766	657	835	712	642	643	841	491	8794	758
Complaint Type														
Written by Complainant	678	1,049	781	695	766	656	835	712	642	555	841	491	8701	750
On Order of Chief Judges	1	2	0	1	0	1	0	0	0	88	0	0	93	8
Officials Complained About**														
Judges														
Circuit	461	443	174	191	273	353	204	240	177	141	226	112	2995	258
District	497	758	598	522	563	548	719	539	456	505	792	344	6841	589
National Courts	0	1	1	1	3	5	1	0	0	3	4	0	19	1.6
Bankruptcy Judges	31	28	30	26	34	57	38	28	31	33	46	24	406	35
Magistrate Judges	138	215	229	135	143	152	257	149	135	159	197	105	2014	174
Nature of Allegations**														
Mental Disability	11	92	69	26	29	33	26	34	22	30	20	16	408	35
Physical Disability	4	7	6	12	1	6	7	6	9	3	1	4	66	5.7
Demeanor	11	19	34	13	31	17	21	34	20	35	22	5	262	23
Abuse of Judicial Power	179	511	254	272	200	327	239	251	206	234	261	242	3176	274
Prejudice/Bias	193	647	360	257	266	314	263	334	275	295	298	232	3734	322
Conflict of Interest	12	141	29	48	38	46	33	67	49	43	46	25	577	50
Bribery/Corruption	28	166	104	83	61	63	87	93	51	40	67	51	894	77
Undue Decisional Delay	44	50	80	75	60	75	81	70	65	53	81	45	779	67
Incompetence/Neglect	30	99	108	61	50	45	47	106	52	37	59	46	740	64
Other	161	193	288	188	186	129	131	224	260	200	301	225	2486	214
Complaints Concluded	482	1,002	826	715	668	780	682	784	667	619	752	552	8529	735
Action By Chief Judges														
Complaint Dismissed														
Not in Conformity With Statute	29	43	27	29	13	27	39	27	21	25	18	13	311	27
Directly Related to Decision or Procedural Ruling	215	532	300	264	235	249	230	295	319	283	318	236	3476	300
Frivolous	19	159	66	50	103	110	77	112	41	63	56	23	879	76
Appropriate Action Already Taken	2	2	1	6	4	3	3	3	5	5	3	3	40	3.4
Action No Longer Needed Due to Intervening Events	0	1	10	7	5	6	8	9	8	6	6	4	70	6
Complaint Withdrawn	5	5	2	3	3	8	8	3	6	9	3	5	60	5
Subtotal	270	742	406	359	363	403	365	449	400	391	404	288	4840	417
Action by Judicial Councils														
Directed Chief Dis. J. to Take Action (Magistrates only)	0	0	0	0	0	0	0	0	0	1	0	0	1	.09
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	0	1	.09
Privately Censured	0	0	0	0	1	0	0	0	0	0	0	0	1	.09
Publicly Censured	0	1	0	2	0	2	0	0	0	0	0	1	6	0.5
Ordered Other Appropriate Action	0	0	0	0	0	0	1	0	0	0	2	0	3	0.26
Dismissed the Complaint	212	258	416	354	303	375	316	335	267	227	344	263	3670	316
Withdrawn	n/a	n/a	4	0	1	0	0	0	0	0	2	0	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	264	3689	318
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7	5	2	14	1.2
Complaints Pending on each September 30 of 1997-08	306	263	183	162	248	139	294	177	187	234	330	272	2795	241

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

(as of 19nov9)

**Federal Judges' Systematic Dismissal Without Investigation of 99.82% of Complaints¹ Filed Against Them
 in the 13 Circuits and 2 National Courts² During the 1oct96-30sep08 12-Year Period**

based on [Table S-22](#) [previously S-23 & S-24] Report of Complaints Filed and Action Taken Under
[28 U.S.C. §§351-364](#)³ of the Administrative Office of the U.S. Courts⁴; and
 comparing the categories and treatment applied to the complaints filed from **1oct96-30sep07** and
1oct07-10may08 with those from **11may-30sep08** (8,794+672=9,466) after the entry in effect of
 the amended Rules for Judicial Conduct and Disability Proceedings⁵ adopted by the Judicial Conference on March 11, 2008

	Complaints Pending* ⁶	on 30sep07	30sep97-07	n/11 average	Complaints Pending [Cf. row 75 Left.]	on 30sep08
1.		333	2530	230		465
2.	Entries in 1oct07-10may08 Report	1oct07- 10may08	1oct96- 10may08	n/11.6 average	Entries in 11may-30sep08 Report	11may- 30sep08
3.	Complaints Filed	491	8794	758	Complaints Filed	672
4.	Complaint Type: Written by Complainant	491	8701	750	Complaint Type: Written by Complainant	670
5.	On Order of Chief Judges	0	93	8	On Order of Chief Judges	2
6.					Complainants⁷: <i>Prison Inmates</i>	354
7.					<i>Litigants</i>	303
8.					<i>Attorneys</i>	7
9.					<i>Public Officials</i>	0
10.					<i>Other</i>	13
11.	Officials Complained About**				Judges Complained About	
12.	Judges				Circuit Judges	165
13.	Circuit	112	2995	258	District Judges	382
14.	District	344	6841	589	Court of International Trade Judges	0
15.	National Court	0	19	1.6	Courts of Federal Claims Judges	2
16.	Bankruptcy Judges	24	406	35	Bankruptcy Judges	16
17.	Magistrate Judges	105	2014	174	Magistrate Judges	107
18.	Nature of Allegations**				Nature of Allegations^a:⁸	
19.	Mental Disability	16	408	35	<i>Disability</i>	30
20.	Physical Disability	4	66	5.7		
21.	Demeanor	5	262	23	<i>Hostility Toward Litigant or Attorney</i>	69
22.	Abuse of Judicial Power	242	3176	274		

2.	Entries in 1oct07-10may08 Report	1oct07-10may08	1oct96-10may08	n/11.6 average	Entries in 11may-30sep08 Report	11may-30sep08
23.	Prejudice/Bias	232	3734	322	<i>Racial, Religious, or Ethnic Bias</i>	93
24.					<i>Personal Bias Against Litigant or Attorney</i>	116
25.	Conflict of Interest	25	577	50	Conflict of Interest (<i>Including Refusal to Recuse</i>)	46
26.	Bribery/Corruption	51	894	77	<i>Acceptance of Bribe</i>	21
27.	Undue Decisional Delay	45	779	67	<i>Delayed Decision</i>	104
28.	Incompetence/Neglect	46	740	64	<i>Erroneous Decision</i>	338
29.					<i>Failure to Give Reasons for Decision</i>	18
30.	Other	225	2486	214	<i>Other Misconduct</i>	262
31.					<i>Improper Discussion with Party or Counsel</i>	29
32.					<i>Failure to Meet Financial Disclosure Requirements</i>	0
33.					<i>Improper Outside Income</i>	0
34.					<i>Partisan Political Activity or Statement</i>	3
35.					<i>Effort to Obtain Favor for Friend or Relative</i>	0
36.					<i>Solicitation of Funds for Organization</i>	1
37.					<i>Violation of Other Standards</i>	55
38.					Actions Regarding the Complaints [cf. row 52 Left]	
39.	Complaints Concluded	552	8529	735	<i>Concluded by Complainant of Subject Judge</i>	4
40.					<i>Complaint Withdrawn With Consent of Chief Judge</i>	4
41.					<i>Withdrawal of Petition for Review</i>	0
42.	Action By Chief Judges				Actions by Chief Judge	
43.					<i>Matters Returned from Judicial Council</i>	0
44.	Complaint Dismissed				<i>Complaint Dismissed in Whole or in Part</i>	199
45.	Not in Conformity With Statute	13	311	27	<i>Not Misconduct or Disability</i>	23
46.	Directly Related to Decision or Procedural Ruling	236	3476	300	<i>Merits Related</i>	167
47.	Frivolous	23	879	76	Frivolous	39
48.	<i>Lacked Factual Foundation⁷</i>	4			<i>Allegations Lack Sufficient Evidence</i>	56
49.					<i>Allegations Incapable of Being Established</i>	0
50.	Appropriate Action Already Taken	3	40	3.4	[Cf. rows 56-58 Right.]	
51.	Action No Longer Needed Due to of Intervening Events	4	70	6		
52.	Complaint Withdrawn	5	60	5		
53.	Subtotal	288	4840	417	<i>Filed in the Wrong Circuit</i>	6

2.	Entries in 1oct07-10may08 Report	1oct07-10may08	1oct96-10may08	n/11.6 average	Entries in 11may-30sep08 Report	11may-30sep08
54.					<i>Otherwise Not Appropriate</i>	4
55.					<i>Complaint Concluded in Whole or on Part</i>	3
56.					<i>Informal Resolution Before Complaint Filed</i>	2
57.					<i>Voluntary Corrective Action Taken</i>	0
58.					<i>Intervening Events</i>	1
59.					<i>Complaint Referred to Special Committee</i>	2
60.					Actions by Special Committees	
61.					<i>Matter Returned From Judicial Council</i>	0
62.					<i>New Matter Referred to Chief Judge</i>	0
63.	Action by Judicial Councils				Judicial Council Proceedings	
64.	Directed Chief District Judge to Take Action (Magistrate Judges only)	0	1	.09	<i>Matter Returned from Judicial Conference</i>	0
65.	Certified Disability	0	0	0	<i>Complaint Transferred to/from Another Circuit</i>	0
66.	Requested Voluntary Retirement	0	0	0	<i>Special Committee Reports Submitted to Judicial Council</i>	0
67.	Ordered Temporary Suspension of Case Assignment	0	1	.09	<i>Received Petition for Review</i>	22
68.	Privately Censured	0	1	.09	<i>Action on Petition for Review Petition Denied</i>	77
69.	Publicly Censured	1	6	.05	<i>Matter Returned to Chief Judge</i>	0
70.	Ordered Other Appropriate Action	0	3	0.26	<i>Matter Returned to Chief Judge for Appointment of Special Committee</i>	0
71.	Dismissed the Complaint	263	3670	316	<i>Other</i>	0
72.	Withdrawn	0	7	0.6	<i>Received Special Committee Report</i>	0 ⁹
73.	Referred Complaint to Judicial Conference	0	0	0		
74.	Subtotal	264	3689	318		
75.	Complaints Pending on September 30, 2008	272 ¹⁰			Complaints Pending on September 30, 2008¹¹	465 ¹²
76.	Complaints Pending on September 30, 1997-2008		2988	249		
77.	Special Investigating Committee Appointed	2	14	1.2	<i>Complaint Referred to Special Committee¹³</i>	2 ¹⁴
78.					Action on Special Committee Report	0 ¹⁵
79.					<i>Complaint Dismissed</i>	16
80.					<i>Not Misconduct or Disability</i>	0
81.					<i>Merits Related</i>	0
82.					<i>Allegations Lack Sufficient Evidence</i>	0
83.					<i>Otherwise not Appropriate</i>	0

2.	Entries in 1oct07-10may08 Report	1oct07-10may08	1oct96-10may08	n/11.6 average	Entries in 11may-30sep08 Report	11may-30sep08
84.					<i>Corrective Action Taken or Intervening Events</i>	0
85.					<i>Referred Complaint to Judicial Conference</i>	0
86.					<i>Remedial Action Taken</i>	0
87.					<i>Censure or Reprimand</i>	0
88.					<i>Suspension of Assignments</i>	0
89.					Action Against Magistrate Judge	0
90.					<i>Removal of Bankruptc Judge</i>	0
91.					<i>Requesting of Voluntary Retirement</i>	0
92.					<i>Certifying Disability of Circuit or District Judge</i>	0
93.					<i>Additional Investigation Warranted</i>	0
94.					<i>Returned to Special Committee</i>	0
95.					<i>Retained by Judicial Council</i>	0
96.					Action by Chief Justice	
97.					<i>Transferred to Judicial Council</i>	1
98.					<i>Received From Judicial Council</i>	1

[Notes of the Administrative Office: * and ** in the 1oct07-10may08 report; ^a in the one for 11may-30sep08; ‡in both.

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

^a Each complaint may involve multiple allegations. Nature of allegations is counted when a complaint is concluded.

‡ Note: Excludes complaints not accepted by the circuits because they duplicated previous filings or were otherwise invalid filings.¹⁷

¹ The figure of 99.82% of complaints dismissed without investigation has been calculated based on the official statistics referred to in endnote 4 infra: 16 special investigative committees appointed relative to 9,008 complaints concluded in 1oct96-30sep08: (14 + 2, row77) of ((8,529 complaints concluded in 1oct96-10may08, r39Left, + 272 assumed pending on 10may8, r75L (see endnote 9), + 672 filed in 11may-30sep08, r1R) - 465 pending on 30sep08, r75R). To the 9,008 complaints concluded must be added the unpublished number of all those concluded ab initio in defiance of the Act –endnote5- and thus arbitrarily, that according to the official note -endnote 17 and the corresponding text- were “not accepted by the circuits because they duplicated previous filings or were otherwise invalid filings”.

Therefore, however much refinement can be brought to bear on the calculation of the number of complaints dismissed without any investigation, for example, by eliminating the number of complaints withdrawn by complainants -5 in 1oct07-10may08, r52L, and 4 in 11may-sep08, r39R-, the figure of 99.82% of complaints so dismissed by the “circuits” -13 of them and most likely also the two national courts subject to the judicial misconduct act, see endnote 3- could only be higher.

² The 13 circuits comprise the 11 numbered circuits, the U.S. Circuit for the District of Columbia, and the Federal Circuit. The two national

courts are the U.S. Court of Federal Claims and the U.S. Court of International Trade.

³ Judicial Conduct and Disability Act of 1980; http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf.

⁴ <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf

⁵ Rules for Processing Judicial Conduct and Disability Proceedings, http://www.uscourts.gov/library/judicialmisconduct/jud_conduct_and_disability_308_app_B_rev.pdf; with useful bookmarks at http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf

⁶ Bold emphasis added to headings.

⁷ Text in italics appears for the first time in the 1oct07-10may08 or 11may-30sep08 reports.

⁸ Some entries under this heading have been moved for ease of comparison with entries on the left.

⁹ Although under 28 U.S.C. §353(c), a special committee “shall expeditiously file a comprehensive written report...with the judicial council”, none did; r77,72R

¹⁰ So in the original. Most likely it means that there were pending 272 complaints on May 10, 2008, and 465 the following September 30, which is how the 2008 Annual Report of the Director of the Administrative Office of the U.S. Courts refers to these figures; <http://www.uscourts.gov/judbus2008/JudicialBusinesspdfversion.pdf> >36.

¹¹ Entry from r1R repeated for ease of comparison with the one on the left.

¹² See endnote 10 supra.

¹³ Entry moved or repeated for ease of comparison with the one on the left.

¹⁴ See endnote 9 supra.

¹⁵ So in original. Most likely there should be no value next to the heading and the zero should qualify the “Complaint Dismissed” entry.

¹⁶ Id.

¹⁷ Neither the clerk of circuit court, nor the chief judge, nor the “circuits” are authorized to refuse filing a complaint or hold a filing “invalid” a priori. Under 28 U.S.C. §351(a), “any person...may file with the clerk of the court...a written complaint containing a brief statement of the facts constituting such [mis]conduct”. Moreover, §351(c) provides that “[u]pon receipt of a complaint filed under subsection (a), the clerk **shall promptly** transmit the complaint to the chief judge of the circuit...The clerk **shall** simultaneously transmit a copy of the complaint to the judge whose conduct is the subject of the complaint.” Similarly, under §352(a), “The chief judge **shall expeditiously** review any complaint...In determining what action to take, the chief judge may conduct a limited inquiry...”. The “circuits” as such are given no role under the Act. Their judicial councils are entitled under §352(c) et seq. only to adjudicate petitions for review of a final order of the chief judge; they have no role in the filing of complaints. Moreover, Rule 8(c) –endnote 5 supra- only authorizes the clerk not to accept “a complaint about a person not holding a [covered judicial] office”. Neither the Act nor the Rules allow him to determine that a complaint is both a “duplicate” and as such unfileable because it contains no new element of fact or law. Is the clerk supposed to read every new complaint and compare it with all others filed that month, that year, or ever to ensure that it is not a duplicate? Does he defeat the promptness requirement and the purpose of Rule 6(e) by opening the “unmarked envelope” and, if he sees the name of a judge that is the subject of another complaint, assume that the complaint is the same in every respect and thus, a duplicate? (Emphasis added.)

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

2nd Circuit Judicial Council's & J. Sotomayor's Denial of 100% of Petitions for Review of Systematically Dismissed Misconduct Complaints Against Their Peers & 0 Judge Disciplined in the Reported 12 Years¹

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-mth. Period Ended 30sep97-07 & 10may08
<http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf

Data of Judicial Council 2nd 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	07-5/8	96-5/8	avrg.
Complaints Pending on each September 30 of 1996-2008*	5	10	23	65	33	60	29	34	57	31	28	13	388	32
Complaints Filed	40	73	99	59	102	62	69	23	36	14	22	4	603	50
Complaint Type														
Written by Complainant	40	73	99	59	102	62	69	23	36	0	22	4	589	49
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	14	0	0	14	1.8
Officials Complained About**														
Judges														
Circuit	3	14	23	9	31	10	8	4	7	0	6	1	116	9.7
District	27	56	63	41	52	41	49	15	23	10	12	3	392	33
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	0	12	1
Magistrate Judges	8	8	11	7	17	10	11	3	6	4	4	0	89	7.5
Nature of Allegations**														
Mental Disability	1	9	26	2	5	4	6	3	3	1	1	1	62	5.2
Physical Disability	0	1	2	1	0	0	1	2	0	0	0	1	8	.7
Demeanor	2	2	2	3	14	3	4	6	0	0	0	0	36	3
Abuse of Judicial Power	25	30	7	29	28	57	20	6	3	0	1	1	207	17
Prejudice/Bias	32	36	34	28	24	40	20	35	43	28	30	5	355	30
Conflict of Interest	0	0	5	11	10	18	3	4	5	1	1	0	58	4.8
Bribery/Corruption	0	0	10	21	2	15	4	5	2	2	1	1	63	5.2
Undue Decisional Delay	0	4	0	11	6	15	9	5	8	2	3	3	66	5.5
Incompetence/Neglect	4	1	3	1	5	2	3	3	4	0	3	2	31	2.6
Other	0	11	3	5	0	0	4	33	80	38	47	14	235	20
Complaints Concluded	33	56	57	80	75	93	42	51	91	45	50	17	690	57
Action By Chief Judges														
Complaint Dismissed														
Not in Conformity With Statute	3	4	0	0	4	1	1	6	5	8	1	2	35	2.9
Directly Related to Decision or Procedural Ruling	12	19	19	29	17	23	14	18	46	15	10	9	231	19
Frivolous	0	1	19	0	13	9	7	3	1	3	2	1	59	4.9
Appropriate Action Already Taken	0	0	0	0	0	0	0	1	0	1	0	0	2	0.2
Action No Longer Needed Due to of Intervening Events	0	0	3	1	0	2	0	0	0	1	0	0	7	0.6
Complaint Withdrawn	0	0	0	0	0	2	0	1	2	0	0	0	5	0.4
Subtotal	15	24	41	30	34	37	22	29	54	28	13	12	339	28
Action by Judicial Councils														
Directed Chief Dis. J. to Take Action (Magistrates 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	6	351	29
Withdrawn	n/a	n/a	0	0	1	0	0	0	0	0	0	0	1	.08
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	6	352	29
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	1	0	2	.17
Complaints Pending on each 30sep of 1997-2008	12	27	65	44	60	29	56	6	2	0	0	0	301	25

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

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