

September 2, 2018

Template[‡] for Readers
to collect from the official Tables¹ of Complaints² Against Judges the statistics of
complaints filed in any federal circuit, and show how judges systematically
dismiss _____% of them to exempt themselves from any discipline, thus protecting
their unaccountability and becoming in effect Judges Above the Law

Line	Data of the Judicial Council ³ , ___ Cir., filed with AO ¹	'07 ⁴	'08A ⁵	'08B ⁶	'09A ⁷	'09B	'10 ⁸	'11 ⁹	'12 ¹⁰	'13 ¹¹	'14 ¹²	'15 ¹³	'16 ¹⁴	'17 ¹⁵	totals
1.	Complaints Pending on Sep. 30 of preceding year *							+‡							
2.	Complaints Concluded														
3.	Complaints Filed¹⁶				17										
4.	Complaint Type/Source														
5.	Written/Filed by Complainants														
6.	On Order of/Identified by Circuit Chief Judges														
7.	Complainants**														
8.	Prison inmates														
9.	Litigants														
10.	Attorneys														
11.	Public Officials														
12.	Other														
13.	Judges Complained About **														
14.	Circuit Judges														
15.	District Judges														
16.	Court of International Trade Judges														
17.	Court of Federal Claims Judges														
18.	Bankruptcy Judges														
19.	Magistrate Judges														
20.	Tax Court Judges														
21.	Nature of Allegations														
22.	Erroneous Decision														
23.	Delayed Decision														
24.	Failure to Give Reasons for Decision														
25.	Improper Discussions With Party or Counsel														
26.	Hostility Toward Litigant or Attorney														
27.	Racial, Religious, or Ethnic Bias														
28.	Personal Bias Against Litigant or Attorney														
29.	Conflict of Interest (Including Refusal to Recuse)														
30.	Failure to Meet Financial Disclosure Requirements														
31.	Improper Outside Income														
32.	Partisan Political Activity or Statement														
33.	Acceptance of a Bribe														
34.	Effort to Obtain Favor for Friend or Relative														
35.	Solicitation of Funds for Organization														
36.	Violation of Other Standards														
37.	Retaliation Against Complainant, Witness, or Others Involved in the Process														

38.	Data of the Judicial Council, ____ Cir., filed with AO	'07	'08 A	'08 B	'09 A	'09 B	'10	'11	'12	'13	'14	'15	'16	'17	totals
39.	Other Misconduct														
40.	Disability														
41.	ACTIONS REGARDING THE COMPLAINTS														
42.	Withdrawn														
43.	Complaint Withdrawn with Consent of Chief Circuit Judge														
44.	Withdrawal of Petition for Review														
45.	Actions by Chief Circuit Judge														
46.	Matters Returned from Judicial Council/or Judicial Conference Committee														
47.	Complaint Dismissed ♦ in Whole or in Part														
48.	Not in Conformity With Statute/Not Misconduct or Disability														
49.	Directly Related to Decision or Procedural Ruling/ Merits Related														
50.	Frivolous														
51.	Lacked Factual Foundation/Allegations Lack Sufficient Evidence														
52.	Allegations Incapable of Being Established														
53.	Filed in Wrong Circuit														
54.	Otherwise Not Appropriate														
55.	Complaints Concluded in Whole or in Part														
56.	Informal Resolution Before Complaint Filed														
57.	Voluntary Corrective Action Taken														
58.	Action No Longer Necessary Because of Intervening Event														
59.	Appropriate Action Already Taken														
60.	Complaint Withdrawn														
61.	Subtotal														
62.	Special Investigative Committee Appointed/ Complaint Referred to Special Committee														
63.	Actions by Special Committees														
64.	Matter Returned from Judicial Council														
65.	New Matter Referred to Chief Judge														
66.	Judicial Council Proceedings														
67.	Matter Returned from Judicial Conference														
68.	Complaint Transferred to/from Another Circuit														
69.	Received Petition for Review ¹⁸														-
70.	Withdrawn														
71.	Action on Petition for Review														
72.	Dismissed Complaint ¹⁹ /Petition Denied														
73.	Matter Returned to Chief Circuit Judge														
74.	Matter Returned to Chief Judge for Appointment of Special Committee														
75.	Ordered Other Appropriate Action /Other														
76.	Received Special Committee Report/Special Committee Reports Submitted to Judicial Council														

77.	Data of the Judicial Council, 10th Cir., filed with AO	'07	'08 A	'08 B	'09 A	'09 B	'10	'11	'12	'13	'14	'15	'16	'17	totals
78.	Remedial Action Taken/Action on Special Committee Report													0	
79.	Complaint Dismissed														
80.	Not Misconduct or Disability														
81.	Merits Related														
82.	Allegations Lack Sufficient Evidence														
83.	Otherwise Not Appropriate														
84.	Corrective Action Taken or Intervening Events														
85.	Referred Complaint to Judicial Conference														
86.	Remedial Action Taken														
87.	Privately Censured														
88.	Publicly Censured														
89.	Censure or Reprimand														
90.	Suspension of Assignments														
91.	Directed Chief District J. to Take Action (Magistrates only)/Action Against Magistrate Judge														
92.	Removal of Bankruptcy Judge														
93.	Request of Voluntary Retirement														
94.	Certification of Disability of Circuit or District Judge														
95.	Additional Investigation Warranted														
96.	Returned to Special Committee														
97.	Retained by Judicial Council														
98.	Actions by Chief Justice														
99.	Transferred to Judicial Council														
100.	Received from Judicial Council														
101.	Complaints Concluded/Terminated by Final Action														
102.	During 12-month Period Ending Sep. 30 of reported year														
103.	Complaints Pending on Sep. 30 [end of reported year]														
	Data of the Judicial Council, _____ Cir., filed with AO	'07	'08 A	'08 B	'09 A	'09 B	'10	'11	'12	'13	'14	'15	'16	'17	totals

[These notes are in the original.]

♦ Each complaint may involve multiple reasons for dismissal.

♦♦ Number of complainants may not equal total number of filings because each complaint may have multiple complainants.

‡ Revised

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

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

Each complaint may involve multiple allegations. Each complaint may have multiple reasons for dismissal.

ENDNOTES

‡ See how the above template was used, its endnotes, and the official statistical tables on complaints against judges filed from 1oct96 to date at:

http://Judicial-Discipline-Reform.org/OL2/DrRCordero_hearings_JGorsuch_complainants&parties.pdf

The template is supported by Dr. Cordero's study of judges and their judiciaries, titled:

Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting* †

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¹ This table is based on Table S-22 in the Annual Report, 28 U.S.C. §604(a)(3), submitted to Congress as a public document, §604(a)(3), by the Director of the Administrative Office of the U.S. Courts (AO), §§601-613, which includes the statistics on complaints filed against judges and action taken, §604(h)(2). On AO, see also http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf>jur:21fn10.

Each of the 12 regional federal judicial circuits and the national courts must file its statistics on complaints against its judges with AO for presentation on the statistical tables in its Annual Report. The tables for the fiscal years 1oct96-30sep97 and since have been collected in the file at http://Judicial-Discipline-Reform.org/statistics&tables/statistical_tables_complaints_v_judges.pdf. Hence, readers can conveniently download that file and prepare similar tables for each of the other circuits and any period of years. To that end, that file contains a table template that readers can fill out.

The above table for the 10th Circuit is representative of the other circuits' systematic dismissal of complaints against their respective judges and their judicial councils' systematic denial of petitions for review of those dismissals. That constitutes the foundation for the assertion that the judges have proceeded to abuse the self-discipline power granted to them under the Judicial Conduct and Disability Act to exempt themselves from discipline, placing themselves beyond investigation and above any liability. They hold themselves unaccountable by arrogating to themselves the power to abrogate in practice that Act of Congress. By so doing, they harm the complainants, who are left with no relief from the harmful conduct of the complained-about judge and exposed to his or her retaliation. Likewise, they harm the rest of the public, who is left with judges who know that as a matter of fact they can rely on the protection of their peers to abuse their power and disregard due process and the equal protection of the law, for their are in effect Judges Above the Law.

² Any person, whether a party to a case or a non-party, even a judge, can file a complaint against the conduct or disability of a federal judge under the provisions of the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§351-364; [‡]http://Judicial-Discipline-Reform.org/docs/28usc_Judicial_Code.pdf. The complaint is not a means of avoiding an appeal on the merits from a judge's decision. In fact, the complaint need not be related to any lawsuit at all; e.g., it may concern the attendance of a judge at a seminar where she became drunk and disorderly or at a fund raising meeting in favor of a political candidate or against a given issue where the judge appeared to breach her impartiality or place the prestige of judicial office in favor or against thereof. But it is obvious that the most frequent occasion where a person comes in contact with a judge and for complaints against her to arise is a lawsuit, whether at the trial or the appeal level.

In any event, the complaint must be filed with the chief circuit judge of the circuit where the complained-about judge sits. The chief and the complained-about judge may have been colleagues, peers, and friends for 1, 5, 10, 15, 20, 25 years or more. If they hold life-appointments, as circuit and district judges do, they are stuck with each other for the rest of their professional lives. If she is a bankruptcy judge, she was appointed for a renewable term of 14 years by the

respective circuit judges under 28 U.S.C. §152. If she is a magistrate judge, the respective district judges appointed her for a renewable term of 8 years under 28 U.S.C. §631(a) and (e).

The very last thing that they want is a peer holding professional and personal grudges against them for their rest of their lives or even for a term of years for failure to dismiss the complaint and insulate her from any discipline. Actually, appointing-judges who hold an appointee of theirs liable for misconduct or incompetence indict their own good judgment and the quality and impartiality of their vetting procedure. Think of all the criticism that has been heaped on President Trump for having appointed General Michael Flynn his National Security Advisor allegedly without having found out during the vetting of him that he had had meetings with the Russian ambassador; and for demonstrating a dishonest character when he lied thereabout to the Vice President. The President fired him less than a month after appointing him.

Worse yet, finding that a judge behaved dishonestly or incompetently casts doubt on her character and professional capacity. This provides grounds for every party that has appeared before her to file a motion in his own case for recusal or disqualification, to quash her decision, to reverse and remand for a new trial, for leave to appeal...*'Why bother!'*, shout the judges handling the complaint. 'It suffices for me as chief circuit judge to dismiss the complaint by signing a decision with boilerplate text alleging that it relates to the merits of the case or lacks any evidence; or by us in the judicial council having an unsigned 5¢ form issued that disposed of the petition for review of such dismissal with one single operative word: Denied. That's how we avoid all the hassle and the bad blood that comes with it.'

And then there is the self-serving consideration of reciprocally ensured survival: 'Today I dismiss this complaint against you, and tomorrow, when I am or one of my friends is the target of one of these pesky complaints, you in turn dismiss it'. By so doing, the judges assure each other that no matter the wrongdoing they engage in, their "brothers and sisters of the robe" will exempt them from any discipline and let them go on to do ever graver wrongs. (* >jur:68§§a-c)

The result is the same: Complainants are left to bear the dire consequences of the misconduct and wrongdoing of judges, and the rest of the public is left at the mercy of a judicial class with ever less integrity and regard for the strictures of due process and equal protection of the law, for the class is composed of Judges Above the Law.

³ On judicial councils see *>jur:57fn96 and id.>28usc§332(g).

⁴ <http://www.uscourts.gov/statistics-reports/judicial-business-2007>

⁵ <http://www.uscourts.gov/statistics-reports/judicial-business-2008>

⁶ The adoption on March 11, 2008, of new rules for filing and processing complaints against judges caused the complaints filed from 1oct07 through 10may08 under the old rules to be reported in Table S-22A in the 2008 Judicial Business Report; and those filed under the new rules from 11may-30sep08 to be reported in that year's Table S-22B. The same applies to the corresponding 2009 tables.

⁷ <http://www.uscourts.gov/statistics-reports/judicial-business-2009>. While the 2009 Judicial Business Report covers only the fiscal year that started on October 1, 2008, its table on complaints against judges includes the complaints filed under the new rules during May 11 through September 30, 2008. This period alone is reported in Table S-22B of 2008.

⁸ <http://www.uscourts.gov/statistics-reports/judicial-business-2010>

⁹ <http://www.uscourts.gov/statistics-reports/judicial-business-2011>

¹⁰<http://www.uscourts.gov/statistics-reports/judicial-business-2012> >Complaints against judges, Table 10 Judicial Complaints Commenced, Terminated, and Pending Fiscal Years 2010-2012 >Table S-22, <http://www.uscourts.gov/statistics/table/s-22/judicial-business/2012/09/30>

¹¹<http://www.uscourts.gov/statistics-reports/judicial-business-2013> >Complaints against judges, <http://www.uscourts.gov/statistics-reports/complaints-against-judges-judicial-business-2013> >Table 10 Judicial Complaints Commenced, Terminated, and Pending Fiscal Years 2011-2013 >Table S-22, <http://www.uscourts.gov/statistics/table/s-22/judicial-business/2013/09/30>

¹²<http://www.uscourts.gov/statistics-reports/judicial-business-2014> >Complaints against judges, <http://www.uscourts.gov/statistics-reports/complaints-against-judges-judicial-business-2014> >Table 10 Judicial Complaints Commenced, Terminated, and Pending Fiscal Years 2012–2014 >Table S-22, <http://www.uscourts.gov/statistics/table/s-22/judicial-business/2014/09/30>

¹³ <http://www.uscourts.gov/statistics-reports/judicial-business-2015> >Complaints against judges, <http://www.uscourts.gov/statistics-reports/complaints-against-judges-judicial-business-2015> >Table 10 Judicial Complaints Commenced, Terminated, and Pending Fiscal Years 2013-2015 >Table S-22, <http://www.uscourts.gov/statistics/table/s-22/judicial-business/2015/09/30>

¹⁴ <http://www.uscourts.gov/statistics-reports/judicial-business-2016> >Complaints against judges, <http://www.uscourts.gov/statistics-reports/complaints-against-judges-judicial-business-2016> >Table 10 Judicial Complaints Commenced, Terminated, and Pending Fiscal Years 2015-2016 >Table S-22, <http://www.uscourts.gov/statistics/table/s-22/judicial-business/2016/09/30>

¹⁵ <http://www.uscourts.gov/statistics/table/s-22/judicial-business/2017/09/30>

¹⁶ Over the years, the judges have added some headings and removed others to and from the table for reporting the statistics on complaints against judges. This explains why some cells have no values, which is indicated by an unobtrusive hyphen - so that it may not be misinterpreted as a failure to include the corresponding value. In the same vein, this is a composite table that aggregates all headings and entries and place them in the most logical position in the series of headings and entries. The most significant addition and removal came when the new rules for processing these complaints were adopted in 2008. The use of the new rules became mandatory on May 11, 2008. Since then a new reporting table with more numerous and detailed headings and entries has been used to report the statistics on complaints filed under the new rules.

Although the new rules for filing complaints against federal judges provided more numerous and detailed causes for complaint, the systematic dismissal of them and denial of petitions for review of such dismissals by judges protecting their own as well as themselves –‘I protect you today, and if tomorrow I’m or any of my friends is the one complained against, you protect me or them- continued unabated. The new rules was a ruse by the judges to dissade Congress from taking action to correct the fact that the judges had applied for over 20 years the Judicial Conduct and Disability Act of 1980 in such a way as to render it useless so that judicial discipline was as inexistence as it had been since the creation of the Federal Judiciary in 1789, a period during which there was no formal mechanism for complaining against judges; see the history of, and a comment on, the new rules at http://Judicial-Discipline-Reform.org/judicial_complaints/8-4-3DrRCordero_new_rules_no_change.pdf.

¹⁷Table S-22A(stat:28) for the fiscal year 1oct08-30sep09 deals only with the action taken on the complaints filed under the old rules up to and including May 10, 2008. By definition, none of those complaints could have been filed during that fiscal year. Consequently, that table does not report any complaint filed.

¹⁸The table(cf. stat:24) used to report complaints about judges filed under the old rules did not report the number of complainants' petitions to the judicial circuit to review the unfavorable disposition of their complaints, which consisted in their systematic dismissal without any investigation. Accordingly, it did not report on the disposition by judicial councils of such petitions. The table(cf. stat:26) used for reporting under the new rules began reporting both the number of petitions for review and their disposition. This explains why the number of "Received Petitions for Review" is 176(L65), yet the number of "Petitions Denied" is 242(L68). This illustrates that the circuit and district judges on the judicial council of the respective circuit overwhelmingly disposed of those petitions through their systematic denial. Thereby they attained the same objective: their self-exemption from discipline to ensure their unaccountability as Judges Above the Law.

¹⁹ Cf. stat:28. The entry "Action on Petition for Review: Petition Denied" under the heading Judicial Council Proceedings" first appear in Table S-22B of 2009(stat:30).

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