

May 17, 2019

Scott Harshbarger, Esq., Chair John Montgomery, Esq., Steering Committee
Lawyers Defending American Democracy hello@lawyersdefendingdemocracy.org; tel. (857)300-0018

Dear Chair Harshbarger, Mr. Montgomery, and LDAD Members,[‡]

1. After you published your open letter denouncing P. Trump's threat to democracy and the rule of law, I tried to contact you([infra](#) ↓ [OL2:841](#))¹, scores of members(↓¶18), your contact person Emily Demikat([840](#)) at tel. (857)300-0018, and through your website, to ask that you be consistent by denouncing those who are held by themselves, the other branches, and the media exempt from any "checks and balances" and public scrutiny: judges. Risklessly, they abuse their power([841¶3](#)), which exempt from any "checks" is 'absolute and corrupts absolutely'(*>[jur:27](#)²⁸). Can one defend democracy while leaving *We the People* at their mercy? I never received any reply of any kind.
2. To ascertain whether you received my emails, you may search for their two Subject: lines:
To LDAD Demikat & NLJ Barber: 'We Must Speak Out': Hundreds of Lawyers Form New Group Assailing Trump [my Subject: line + that of National Law Journal Reporter C. Ryan Barber's article on the launch of LDAD];
To LDAD S. Harshbarger and J. Montgomery: 'We Must Speak Out': ...Trump

A. Unaccountable judges' disregard for the law and a strategy to defend *the People*

3. *We the People* are the democratic source of all public power. We are the masters who entrusted some to our judicial public servants. But judges are in fact unaccountable and disregard their duty to exercise that power according to the rule of law, abusing it in their personal and class interest.
4. This letter provides probable cause to believe that our communications and those to and from other lawyers, journalists, law professors and students, etc.(↓[Appendix](#)), were intercepted by judges, who have the most to lose from being exposed. This should concern, if not outrage, you, as it would the public, because it threatens democracy, which depends on an informed public that speaks out.
5. Moreover, judges' self-interested interception of people's communications is an outrageous betrayal of the entrustment of public power to safeguard Americans' most cherished and fundamental democratic right, guaranteed by the First Amendment: the right to "freedom of speech, or of the press, or the right of the people peaceably to assemble [even by email and social media], and to petition the Government for a redress of grievances"(*>[jur:22](#)^{12b}).
6. Hence, this letter asks whether you received my previous communications and replied to them. It also proposes our joining of forces to expose the interceptors by implementing a strategy that takes advantage of the presidential campaign to insert into the national debate the counterpart to, and more important exercise than, public hearings on the qualifications of judicial candidates: public assessment of judges' performance. We can expose how through their exemption from "checks", judges have institutionalized their abuse of their enormous power over people's property, liberty, and all their rights and duties. Thereby we can defend "government of, by, and for" *the People* from what they have impermissibly carved out for themselves: Judges' State of Above the Law.

¹ The materials corresponding to the(* >[vol:pg# references](#)) are found in my two-volume, professionally researched and written study of judges and their judiciaries, titled and downloadable thus:

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

* http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf >all prefixes:# up to OL:393 OL2:901

‡ <http://www.Judicial-Discipline-Reform.org/OL2/DrRCordero-LDAD.pdf>

B. Statistical analysis shows interception of our communications

7. One need not be a statistician or have written a Brandeis brief([†]>OL2:454¶4) by supporting a brief with statistics to know that the normal distribution of a series of statistical values goes from one extreme through increasing and decreasing degrees to the opposite one. When those values are plotted on an X, Y system of coordinates, they delineate a bell-like curve: The fewest values near the point of intersection of the X and Y axes begin the curve; ever more values raise it toward the crown of the bell; and ever fewer values lower the curve on the other side toward the bell rim.
8. The normal distribution of responses to my communications, whether through emails or letters, would have caused the fewest recipients to react so negatively to them as to demand that I be disbarred and imprisoned for blasphemous contempt of court. Ever more recipients would have tempered their negative reaction until reaching the other side of the crown of the bell, where recipients would have expressed an ever more positive reaction to them until the fewest recipients would have acclaimed my communications as the best pieces of writing since the Declaration of Independence. At the least, somebody would have seen my communications and said something.
9. However, all the scores of LDAD members that I contacted multiplied by the many times that I repeated my contact attempts had only one single response: none. The bell curve was reduced to a point: 0, 0. That defies reasonable statistical expectations, never mind professional courtesy. It required intention to manipulate the values of receipt and replies. It provides probable cause to believe that my emails and letters to you and yours to me were intercepted.

C. Why it is reasonable to believe that judges are the interceptors

10. The rule of reason is a key analytical tool of the law. By applying it one can conclude that it is reasonable to believe that the people who have the most to lose from being criticized and even exposed in public for their abuse of power are the interceptors: judges.
 - a. What is reasonable in light of the experience shared as peers of the parties to a lawsuit provides the foundation of our jury system.
 - b. The strictest standard of proof is “beyond a reasonable doubt”.
 - c. The Constitution only protects “against unreasonable searches and seizures”.
 - d. The law is written to be understood and complied with by “a reasonable man [or woman]”.
 - e. The conduct of ‘a reasonable person’ determines liability in torts. Indeed, a person is deemed to intend the reasonable consequences of his or her acts.
 - f. Contracts and treaties must be given the reasonable interpretation that parties negotiating in good faith and at arm’s length must be presumed to have intended.
 - g. What is most reasonable supports the maxim, When you hear hooves, think horses, not zebras.
 - h. Occam’s razor cuts out anything superfluous and improbable to retain what is at the core: the simplest explanation. Here: The target of the attack has the strongest reason to fight back.

D. Motive, means, and opportunity to illegally intercept communications

11. To intercept communications judges have:
 - a. the motive to prevent their critics from “assembling” among themselves and with ever more people through emails, social media postings, and letters to ‘speak and publish’ about judges’ unaccountability and consequent riskless abuse of power;

- b. the means to intercept any communication thanks to their vast Information Technology network and expertise that allow the filing and retrieval of hundreds of millions of cases, motions, decisions, etc., e.g., PACER (Public Access to Court Electronic Records); and
 - c. the opportunity to grant or deny law enforcement agencies' requests for subpoenas and warrants, and the NSA's and other intelligence agencies' secret requests for secret orders of secret surveillance under FISA and state equivalents(*>OL:5⁷).
12. Nobody is entitled to fight back by resorting to unconstitutional, illegal, and unethical conduct. Just as LDAD members are outraged at P. Trump for doing so, they should be at judges for retaliating against those who protest judges' deprivation of their 1st Amendment rights(↑5¶). Also, judges violate 18 U.S.C. §2511, which prohibits the interception of communications; and §1030, which prohibits fraud and related activity in connection with computers.(*>OL:5a^{13, 14})

E. A complaint v DCC judges, referred to the Chief Justice and on to the 11th Circuit, betrays institutionalized 100% self-exemption from accountability

13. Judges' interception of the emails of 29 journalists and lawyers is evidenced with screenshots in the file at <http://Judicial-Discipline-Reform.org/OL2/DrRCordero-11Circuit.pdf>>OL2:885 et seq.
14. That file contains a complaint against judges of the District of Columbia Circuit (DCC) for having dismissed 100% of the 478 complaints against them and denied 100% of the petitions for review of dismissals in the 1oct06-30sep17 11-year period, achieving 100% self-interested exoneration.
15. The DCC Court of Appeals invoked "exceptional circumstances" to refer the complaint to Chief Justice John G. Roberts, Jr., who in turn assigned it to the 11th Circuit for disposition. The latter's chief judge dismissed it out of hand without any investigation. His decision, included in that file, shows sophistry bound to outrage any person who would deem it reasonable to appoint a rule-provided special committee to investigate the inherent suspiciousness of defendants of complaints acting also as judges to dismiss them. Abusing their power, they have granted themselves impunity.

F. Requested action: call me, join forces to investigate, and make history

16. If you are outraged at, or concerned by, judges' threat to democracy, I respectfully ask that you:
- a. call me at (718)827-9521 to set up a presentation by me to LDAD members and their guests via video conference or in person on the strategy of exposing unaccountable judges' abuse by bringing this issue to each of the 25 presidential candidates, each of whom is desperate to become the standard-bearer of an issue that provokes public outrage and earns him or her national media and public attention, donations, campaign volunteers, and the indispensable qualification to participate in the presidential debates that begin in June. Each of them can reasonably be expected to want to learn how to approach the huge(OL2:719¶¶6-8) untapped voting bloc of The Dissatisfied with The Judicial and Legal System and become their leader;
 - b. join resources to do what Former CBS Reporter Sharyl Attkisson did before filing her \$35 million suit against the Justice Department for roaming her office and home computers(OL2:782¶7): She and CBS had three Information Technology experts conduct independent forensic studies to ascertain whether their computers had been intercepted and, if so, by whom; and
 - c. join forces to do a first in history: form a *MeToo!*-like civic movement of the masters in a democracy to hold their judicial public servants accountable for their performance and liable to their victims: *Dare trigger history!*... and you may enter it as historic Champions of Justice.

Sincerely, *Dr. Richard Cordero, Esq.*

APPENDIX

Parties whose to and from communications have been intercepted

17. The following email account holders and addressees of mailed letters have had their communications from and to me intercepted. Hence, they and I have suffered injury in fact and can be complainants or plaintiffs in an action([supra ¶16a](#)), as can others who as a result of our exposure become aware of the interception that they have suffered.
18. Signers of the LDAD open letter to whom a letter was mailed; <http://www.Judicial-Discipline-Reform.org/OL2/DrRCordero-LDAD.pdf>

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a. Email addresses collected from the above paragraph and to be placed as a bloc in the To: line of an email to facilitate contacting their holders:

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19. The following 29 journalists and lawyers are the apparent senders between March 30-April 5, 2019, of 71 “Not read” notices to me concerning an article on Then-Judge Gorsuch that I had emailed to them and many others in March 2017, two years earlier! The suspiciousness of those notices and their temporal connection to my complaint against Then-Judge Kavanaugh and his peers and colleagues at the District of Columbia Circuit([supra §E](#)) is discussed in detail at [OL2:881](#)

-886, 899. Were the notices sent by taunting interceptors or by Deep Throat-like (*>jur:106§c) whistleblowers?; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Apparent_Senders.pdf

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20. The following are some of the Harvard and Yale law professors and students, journalists, lawyers, etc., whom I have tried to contact(†>OL2:768, 773, 805, 808, 872¶29; 671, 672, 676 683, 698-700, etc.) to no avail although they have publicly expressed interests harmonious with mine.

a. By email and individualized mailed letter:

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b. By individualized mailed letter:

21. Dean Heather K. Gerken, Dean of **Yale Law School**;
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YLS student Andy DeGuglielmo and the Working Group;
YLS student Rita Gilles and the Working Group;
YLS student Lisa Hansmann and the Working Group;
YLS student Ms. Chandini Jha and the Working Group;
YLS student Serena Walker and the Working Group;
YLS student Megan Yan and the Working Group;
YLS student Alyssa Peterson and Pipeline Parity Project;
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25. Jaime Estades, Esq., MSW Adjunct Professor, **Columbia University** Graduate School of Social Work, 1255 Amsterdam Ave, New York, NY 10027; jaimeestades@yahoo.com (†>OL2:808)

26. Ms. Kendall Turner, Law Clerks for Workforce Accountability, c/o: O'Melveny & Myers LLP, 1625 Eye Street, NW, Washington, DC 20006

27. Dean M. Elizabeth Magill, Dean and Richard E. Lang Professor of Law, **Stanford Law School**, 559

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28. Ms. Karyn Koos, Executive Assistant to Dean M. Elizabeth Magill, **Stanford Law School**, Office of the Dean, William H. Neukom Building, Room 305, 555 Nathan Abbott Way, Stanford, CA 94305-8610
29. Dean Erwin Chemerinsky, Dean and Jesse H. Choper Distinguished Professor of Law, **Berkeley School of Law**, University of California, 215 Boalt Hall, Berkeley, CA 94720

30. Prof. Dr. Jennifer A. Drobac, R. Bruce Townsend Professor of Law, Robert H. McKinney **School of Law, Indiana University**, Lawrence W. Inlow Hall, 530 W. New York Street, Indianapolis, IN 46202-3225
31. Mr. Russell Wheeler, Visiting Fellow, Governance Studies, **The Brookings Institution**, 1775 Massachusetts Ave., NW, Washington, DC 20036

G. Subscribe for free to, and support the work of, Judicial Discipline Reform

32. Visit the website at, and subscribe for free to its articles thus: <http://www.Judicial-Discipline-Reform.org> > + New or Users >Add New
33. No meaningful cause can be advanced without money. Support Judicial Discipline Reform's:
- a. professional law research and writing, and strategic thinking([†]>OL2:445§B, 475§D);
 - b. enhancement(OL2:563) of its website at <http://www.Judicial-Discipline-Reform.org> into:
 - 1) a clearinghouse for complaints about judges that anybody can upload; and
 - 2) a research center for searching many complaints for the most persuasive type of evidence, i.e., patterns, trends,(OL:274, 304), and coordinated abuse schemes(OL2:614);
 - c. tour(OL:197§G) of Programmatic Presentations(OL2:821-824) on forming a national movement for judicial abuse exposure, redress, and reform during the presidential campaign(895);
 - d. call for unprecedented citizen hearings([†]>OL2:812§E) on judges' abuse, to be held at universities and media stations, conducted by journalists and news anchors, journalism and business professors, and Information Technology experts; and broadcast multimedia interactively;
 - e. investigation(OL:194§E) of judges' abuses that will outrage the nation: failure to read most briefs([†]>OL2:760); interception of people's communications(781, 885, 899), and a bankruptcy fraud scheme(614) involving \$100s of billions(*>jur:27§2, 65§§1-3) and harming millions;
 - f. holding a press conference and publishing one or a series of articles(OL2:719§C) to make an Emile Zola's *I accuse!*-like(jur:98§2) denunciation of institutionalized(49§4) judges' abuse;
 - g. holding the first-ever and national, multimedia conference(jur:97§1) on judges' abuse to start judicial reform and energize the 34 states' call for a constitutional convention(OL2:878¶15);
 - h. launching a multidisciplinary academic and business venture(*>jur:119§1) that leads to the creation of the institute for judicial unaccountability reporting and reform advocacy(jur:131§5).

Put your money where your outrage at abuse and passion for justice are.

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at the **GoFundMe** campaign at
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or



34. To retain my legal services, see my model letter of engagement(*>OL:383).

<https://www.linkedin.com/in/dr-richard-cordero-esq-0508ba4b>

Dare trigger history!(>jur:7§5)...and you may enter it.*

Dr. Richard Cordero, Esq.

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March 3, 2019

Ms. Emily Demikat tel. (857)300-0018
Lawyers Defending American Democracy
hello@lawyersdefendingdemocracy.org

Mr. C. Ryan Barber
National Law Journal
cbarber@alm.com

Dear Ms. Demikat and Mr. Barber,

1. The open letter of Lawyers Defending American Democracy (LDAD) released last February 21 and reported by you, Mr. Barber, “call[s] on...fellow lawyers nationwide to speak out...against these attacks by the President on the core of our democratic constitutional form of government.” I want to speak out as described hereunder and urge you, LDAD, and NLJ to do so too.
2. Your chair, Scott Harshbarger, Esq., reportedly said, “The general silence of and seeming acquiescence by, law firm, bar and law school leaders as well as elected law enforcement and legal officers, is absolutely deafening.” His words are applicable to their silence and acquiescence about ‘the disregard of the rule of law’ not only by the President, but also by more powerful and “threatening” officers: life-tenured, discipline self-exempting, in practice unimpeachable and irremovable judges with power over people’s property, liberty, and the rights and duties that frame their lives.
3. For his part, John Montgomery, Esq., a member of LDAD’s steering committee, said that the “focus of the group is to mobilize and amplify the voices of lawyers [because] we have a unique position in American society and a responsibility to support the values underlying the rule of law”. But this rule has been ‘weakened by a pattern of disregard’ by judges because nobody dare ‘challenge and check their power’. This has ‘invited its unfettered growth’ and allowed judges to ‘transform themselves into autocrats’, who are more ‘threatening to [the abstract notion of] democracy’ and the concrete parties before them and the rest of *We the People* than the President is.
4. “As lawyers, we have the responsibility to defend the...core values and principles [of] truthfulness to the public; and the integrity of our system of justice. “Our democracy is built on trust and telling the people the truth about public matters”. “The maintenance of that trust and Americans’ ability to make informed and rational public decisions require” us to provide them “essential facts and other information necessary to inform[ed] actions”, e.g.: We, lawyers, have allowed judges to go “unchallenged and unchecked” so that they “disregard the rule of law” risklessly(infra) for their benefit. “Accordingly, we, as lawyers, cannot ignore or remain silent about [judges’] disregard of these core values and principles” while criticizing the President for his “most pernicious...contempt [for] the truth”. If we continue our “intentional efforts to suppress and distort our [clients’ and all other Americans’] ability to discover the truth about what our [judges] are doing, or not doing, and why”, we are hypocrites and accessories to Judges Above the Law, anathema to democracy.
5. To urge Mr. Harshbarger, Mr. Montgomery, and their fellow members to “speak out” and assume ‘the responsibility that they acknowledge we all have as lawyers’, I respectfully request that you share this and the next letter with them and arrange for me to make to you and them one or more presentations(†>OL2:821-824) via video conference or in person on defending the integrity of judicial process from judges’ “unchallenged and unchecked” power; and that you, Mr. Barber, report it and cause the publication of the articles at †>OL2:760 and 781 for the reasons stated below.
6. The text below with supporting articles can be downloaded in the format of a formal business letter through this link: <http://www.Judicial-Discipline-Reform.org/OL2/DrRCordero-LDAD.pdf>
7. Please let me know how you intend to proceed. I look forward to hearing from you and the members.

Dare trigger history!(>jur:7§5)...and you may enter it. 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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March 3, 2019

Scott Harshbarger, Esq., Chair,
Lawyers Defending American Democracy

John Montgomery, Esq., Steering Committee
hello@lawyersdefendingdemocracy.org; tel. (857)300-0018

Dear Mr. Harshbarger, Mr. Montgomery, and LDAD members,

1. I read LDAD's open letter stating that its members "believe that the virtually unprecedented assault on our democracy by our President must not stand". I agree. You are justified in 'making your voices heard' about 'the bedrock values and principles of our American, constitutional, democratic form of government' that the President has repeatedly violated'. But to be consistent and avoid a double standard, you must also raise your voice against worse assaulters and violators thereof: judges. While P. Trump is "challenged and checked" by the media, Congress, voters, you, etc., nobody 'challenges and checks' federal judges, the model for their state counterparts: In the last 230 years since the creation of the Federal Judiciary in 1789, the number of them impeached and removed is 8! Yet, on 30Sep17, there were 2,142 federal judicial officers on the bench (*>[jur:22](#)¹³⁻¹⁵). Once a nominee is confirmed to the federal bench, he or she can abuse risklessly his or her powers over people's property, liberty, and rights in reliance on this historic record.
2. Still worse, federal judges ensure their own unaccountability: Indeed, in the 2006-2017 11-year period during which Then-Judge Bret Kavanaugh served on the District of Columbia Circuit, he and his peers and colleagues dismissed 100% of the 478 complaints filed against them and denied 100% of the petitions for review of those dismissals(†>[OL2:748](#)). That is what Then-Judge Neil Gorsuch and his peers and colleagues in the 10th Circuit did([OL2:548](#)); what Then-Judge Sonia Sotomayor in the 2nd did (*>[jur:11](#)) before being elevated to the Supreme Court; and what their peers and colleagues in the other circuits do([jur:10](#)). Hence, the justices have a self-interest in not denouncing judges' continued abuse of their self-disciplining authority lest they incriminate themselves. In addition, the politicians who recommended, endorsed, nominated, and confirmed judges to the Judiciary protect them thereafter as 'our men and women on the bench'. As a result, judges have transformed the Judiciary from a government branch liable to checks and balances in-to a state within the state. They are far more powerful than the President: One single federal judge suspended *nationwide* his first Muslim travel ban, and three circuit judges sustained his suspension *nationwide*. One single judge can suspend his invocation of emergency powers to build his wall. A fortiori, judges abuse much weaker parties, while lawyers "ignore and remain silent" about it.
3. Judges' abuse is shown by the "honest, factual information" in my study [Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting](#)* †: Judges fail to read the majority of briefs([OL2:608§A](#)), causing parties to waste the \$1Ks and even \$10Ks that it costs to produce a brief([OL2:760](#)). The federal circuits dump out 93% of appeals in unresearched, unreasoned, fiat-like orders "on procedural grounds [e.g., lack of jurisdiction], unsigned, unpublished, without comment, and by consolidation"([OL2:457§D](#)); the remaining 7% unfairly and unequally get published opinions. To cover their abuse, judges intercept their critics' communications([OL2:781](#)). 'The values and principles threatened by [judges] go much deeper, and are much more important, than...any [lawyer's] self-interest' in not antagonizing judges. If "As lawyers, we have a responsibility to uphold "the rule of law" and prevent "the law of [judicial] rulers", we must "defend the...value [of] truthfulness to the public...and the integrity of our...judiciary [as] a pillar of our democracy. We must speak out". 'Americans need to hear your voice' about judges' abuse. So I respectfully ask that LDAD hear mine by sharing this letter and inviting me to present thereon via video conference or in person.

Dare trigger history!(>[jur:755](#))...and you may enter it.*

Sincerely, *Dr. Richard Cordero, Esq.*

September 2, 2018

The official statistics¹ of the U.S. District of Columbia Circuit show that Judge Brett Kavanaugh², Chief Judge Merrick Garland, and their peers recieved 478 complaints³ against judges in their Circuit during the 1oct06/30sep17 11-year period, but systematically abused their disciplinary power to exonerate 100% of them. They have impugned their impartiality by covering up for abusive judges while leaving parties at their mercy.
 The Senate hearings should be on whether unaccountable federal judges have turned abuse into their modus operandi.

Line	All current and some old tabulating entries, mostly in their current order ⁴	'07 ⁵	'08A ⁶	'08B ⁷	'09A ⁸	'09B	'10 ⁹	'11 ¹⁰	'12 ¹¹	'13 ¹²	'14 ¹³	'15 ¹⁴	'16 ¹⁵	'17 ¹⁶	totals
1.	Complaints Pending on Sep. 30 of preceding year *	6	12	-17	0	2	5	21	7	4	6	15	27	3	
2.	Complaints Concluded	21	14	0	0	35	75	73	48	36	24	34	77	21	
3.	Complaints Filed ¹⁸	30	17	20	19	48	93	56	43	42	35	46	61	38	
4.	Complaint Type/Sources of Complaints														
5.	Written/Filed by Complainants	30	17	20		48	93	56	43	42	35	46	61	38	
5a	On Order of/Identified by Circuit Chief Judges	0	0	0		0	0	0	0	0	0	0	0	0	
6.	Complainants**	-	-												
7.	Prison inmates	-	-	4		9	25	4	1	0	0	0	1	0	
8.	Litigants	-	-	14		38	66	51	42	35	32	47	41	37	
9.	Attorneys	-	-	1		1	1	1	0	2	10	0	18	2	
10.	Public Officials	-	-	0		0	0	0	0	0		0	1	0	
11.	Other	-	-	1		0	1	0	0	17	2	0	9	0	
12.	Judges Complained About **														
13.	Circuit Judges	14	4	5		10	43	22	10	6	5	12	38	17	
14.	District Judges	22	12	14		34	48	32	29	33	27	34	23	20	
15.	Court of International Trade Judges	0	0	0		0	0	0	0	0	0	0	0	0	
16.	Court of Federal Claims Judges	0	0	0		0	0	0	0	0	0	0	0	0	
17.	Bankruptcy Judges	1	0	0		1	1	1	0	0	2	0	0	1	
18.	Magistrate Judges	2	1	1		3	1	1	4	3	1	0	0	0	
19.	Tax Court Judges	-	-	-		-	-	-	-	-	-	-	-	0	
20.	Nature of Allegations														
21.	Erroneous Decision	-	-	13		18	57	24	15	21	11	19	36	12	
22.	Delayed Decision/Undue Decisional Delay	2	-	1		6	5	0	4	6	0	10	2	4	
23.	Failure to Give Reasons for Decision	-	-	0		0	0	0	0	0	0	0	0	0	
24.	Incompetence/Neglect	0	2	-											
25.	Improper Discussions With Party or Counsel	-	-	1		2	11	1	1	1	2	5	4	0	
26.	Hostility Toward Litigant or Attorney	-	-	1		3	11	4	2	4	2	3	4	2	
27.	Prejudice/Bias	13	2	-	-	-	-	-	-	-	-	-	-	-	
28.	Racial, Religious, or Ethnic Bias	-	-	4		1	1	2	1	1	0	12	3	0	
29.	Personal Bias Against Litigant or Attorney	-	-	5		6	8	4	3	0	2	4	5	7	
30.	Conflict of Interest (Including Refusal to Recuse)	0	0	3		2	1	1	0	1	5	3	1	8	
31.	Failure to Meet Financial Disclosure Requirements	-	-	0		0	0	0	0	0	0	0	0	0	
32.	Improper Outside Income	-	-	0		0	0	0	0	0	0	0	0	0	
33.	Partisan Political Activity or Statement	-	-	3		0	0	0	0	0	0	0	1	1	
34.	Acceptance of a Bribe	-	-	0		1	2	0	0	0	2	0	0	0	
35.	Bribery/Corruption	1	0	-											

36.	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
37.	Effort to Obtain Favor for Friend or Relative	-	-	0	-	1	8	1	0	2	1	2	0	0	
38.	Solicitation of Funds for Organization	-	-	0	-	0	0	0	0	0	0	0	0	0	
39.	Retaliation Against Complainant, Witness, or Others Involved in the Process	-	-	-	-	-	-	-	-	-	-	-	-	1	
40.	Violation of Other Standards	-	-	1	-	-	-	0	0	0	-	1	0	0	
41.	Other/Other Misconduct	0		1		27	43	36	24	17	22	19	44	18	
42.	Demeanor	0	0	-	-	-	-	-	-	-	-	-	-	-	
43.	Abuse of Judicial Power	9	11	-	-	-	-	-	-	-	-	-	-	-	
44.	Disability			0		0	0	0	1	0	1	1	0	1	
45.	Mental	0	0	-	-	-	-	-	-	-	-	-	-	-	
46.	Physical	0	0	-	-	-	-	-	-	-	-	-	-	-	
47.	ACTIONS REGARDING THE COMPLAINTS														
48.	Concluded/Terminated by Complainant or Subject Judge/Withdrawn	21	-	1	-	0	0	0	0	0	0	0	0	0	
49.	Complaint Withdrawn with Consent of Chief Circuit Judge	0	0	1	0	0	0	0	0	0	0	0	0	0	
50.	Withdrawal of Petition for Review	0	0	0	0	0	0	0	0	0	0	0	0	0	
51.	Actions by Chief Circuit Judge														
52.	Matters Returned from Judicial Council/or Judicial Conference Committee	-	-	0	-	0	0	0	0	0	0	0	0	0	
53.	Complaint Dismissed♦ in Whole or in Part³	18 ²⁰	3	13	0	48	67	75	40	39	34	24	82	35	478
54.	Not in Conformity With Statute/Not Misconduct or Disability	0	0	0	0	0	3	0	0	1	1	4	0	0	
55.	Directly Related to Decision or Procedural Ruling/ Merits Related	12	3	10	0	22	45	46	25	25	25	15	39	15	
56.	Frivolous	4	0	0	0	0	0	1	0	0	0	0	0	1	
57.	Lacked Factual Foundation/Allegations Lack Sufficient Evidence	-	0	5	0	37	42	47	30	35	28	16	68	33	
58.	Allegations Incapable of Being Established	-	-	0		0	0	0	0	0	0	0	0	0	
59.	Filed in Wrong Circuit	-	-	0		0	0	0	0	0	0	0	0	0	
60.	Otherwise Not Appropriate	-	-	1		2	2	2	0	0	0	0	0	0	
61.	Complaints Concluded in Whole or in Part			0		0	6	0	0	0	0	0	5	2	
62.	Informal Resolution Before Complaint Filed	-	-	0	-	0	0	0	0	0	0	0	0	0	
63.	Voluntary Corrective Action Taken	-	-	0	-	0	0	0	0	0	0	0	0	0	
64.	Action No Longer Necessary Because of Intervening Event	2	0	0	0	0	6	0	0	0	0	0	5	2	
65.	Appropriate Action Already Taken	0	0	0	0	-	-	-	-	-	-	-	-	-	
66.	Complaint Withdrawn	0	0	-	0	-	-	-	-	-	-	-	-	-	
67.	Subtotal														
68.	Special Investigative Committee Appointed/Complaint Referred to Special Committee	0	0	0	0	0	0	0		1		0	0	0	
69.	Actions by Special Committees												0	0	
70.	Matter Returned from Judicial Council	--		0		0	0	0	0	0	0	0	0	0	
71.	New Matter Referred to Chief Judge	-		0		0	0	0	0	0	0	0	0	0	
72.	Action by Judicial Council/Jud. Council Proceedings	-													
73.	Matter Returned from Judicial Conference	-		0		0	0	0	0	0	0	0	0	0	

74.	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
75.	Complaint Transferred to/from Another Circuit	-	-	0		0	0	0	0	0	0	0	0	0	
76.	Special Committee Reports Submitted to Judicial Council	-	-	0		0	0	0	0	0	1	0	0		
77.	Received Petition for Review ²¹	-	-	0		8	17	36	18	15	18	18	28	12-	
78.	Withdrawn	0	0	-	-	-	-	-	-	-	-	-	-	-	
79.	Action on Petition for Review														
80.	Dismissed Complaint ²² /Petition Denied	3	11	8	0	8	18	37	17	16	13	24	28	8	
81.	Matter Returned to Chief Circuit Judge	-	-	0		0	0	0	0	0	0	0	0	0	
82.	Matter Returned to Chief Circuit Judge for Appointment of Special Committee	-	-	0		0	0	0	0	0	0	0	0		
83.	Ordered Other Appropriate Action /Other	0	0	0	0	0	0	0	0	0	0	0	0	0	
84.	Received Special Committee Report/Special Committee Reports Submitted to Judicial Council	-	-	0		0	0	0	0	0	1	0	0	0	
85.	Withdrawn	-	-												
86.	Remedial Action Taken/Action on Special Committee Report	-	-	0								0	0	0	
87.	Complaint Dismissed	-	-	0	0	0	0	0	0	0	1	0	0	0	
88.	Not Misconduct or Disability			0		0	0	0	0	0	1	0	0	0	
89.	Merits Related			0		0	0	0	0	0	0	0	0	0	
90.	Allegations Lack Sufficient Evidence	-	-	0		0	0	0	0	0	0	0	0	0	
91.	Otherwise Not Appropriate	-	-	0		0	0	0	0	0	0	0	0	0	
92.	Corrective Action Taken or Intervening Events	-	-	0		0	0	0	0	0	0	0	0	0	
93.	Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	
94.	Remedial Action Taken	-	-	0		0									
95.	Privately Censured	0	0	-	0	-	-	-	-	-	-	-	-	-	0
96.	Publicly Censured	0	0	-	0	-	-	-	-	-	-	-	-	-	0
97.	Censure or Reprimand	-	-	0	-	0	0	0	0	0	0	0	0	0	0
98.	Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0
99.	Directed Chief District J. to Take Action (Magistrates only)/Action Against Magistrate Judge	0	0	0	0	0	0	0	0	0	0	0	0	0	0
100.	Removal of Bankruptcy Judge	-	-	0	0	0	0	0	0	0	0	0	0	0	0
101.	Request of Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0
102.	Certification of Disability of Circuit or District Judge	0	0	0	0	0	0	0	0	0	0	0	0	0	0
103.	Additional Investigation Warranted	-	-	-	-	0									0
104.	Returned to Special Committee	-	-	-	-	0	0	0	0	0	0	0	0	0	
105.	Retained by Judicial Council	-	-	-	-	0	0	0	0	0	0	0	0	0	
106.	Actions by Chief Justice	-	-	-	-		0	0	0	0	0	0	-	-	
107.	Transferred to Judicial Council	-	-	-	-	0	0	0	0	1	-	0	0	-	
108.	Received from Judicial Council			-	-	0	0	0	0		-	0	1	0	
109.	Complaints Concluded/Terminated by Final Action														
110.	During 12-month Period Ending Sep. 30 of reported year	21	14	-	0	35	75	73	48	36	24	34	77	21	
111.	Complaints Pending on Sep. 30 [end of reported year]	15	15	6	0	15	23	4	2	10	17	27	11	20	
	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

[The following notes are in the official statistical Table S-22; see infra, endnote 1.]

- ◆ Each complaint may involve multiple allegations. Each complaint may have 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.

Endnotes by Dr. Cordero

‡ See the equivalent table of complaints concerning Then-Judge Sonia Sotomayor of the 2nd Circuit(*>jur:11); Then-Judge Neil Gorsuch of the 10th Circuit(†>OL2:548); and all circuits (jur:10 12-14; 21§a).09BJ0

These table are supported by Dr. Cordero’s study of judges and their judiciaries, titled and downloadable thus:

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

Visit the website at, and subscribe to its series of articles thus:
www.Judicial-Discipline-Reform.org > + New or Users >Add New

¹ a. 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 by the Director of the Administrative Office of the U.S. Courts (AO), §§601-613. The Report must include 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.

b. Each of the District of Columbia and the 11 numbered regional federal judicial circuits and the two national courts, i.e., the Court for International Trade and the Federal Claims Court, must file its statistics on complaints against its judges with AO for inclusion in the statistical tables of its Annual Report. The tables for the fiscal years 1oct96-30sep17 have been collected in the file at http://Judicial-Discipline-Reform.org/retrieve/DrRCordero_tables_complaints_v_judges.pdf. So, 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.

c. The above table for the District of Columbia 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(28usc351-364 at *>jur:24§b) 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 they are in effect Judges Above the Law.

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Federal Judicial Caseload Statistics 2017

In accordance with 28 U.S.C. § 604(a)(2)¹, each year the Administrative Office of the United States Courts is required to provide a report of statistical information on the caseload of the federal courts for the 12-month period ending March 31.

This report presents data on the work of the appellate, district, and bankruptcy courts and on the probation and pretrial services systems. Below is a summary of key findings provided for the year ending March 31, 2017.

- In the U.S. courts of appeals, filings rose 10 percent.
- The bankruptcy appellate panels reported that filings rose 1 percent.
- Filings in the U.S. Court of Appeals for the Federal Circuit rose 11 percent.
- In the U.S. district courts, filings of civil cases rose 6 percent, while filings for defendants charged with crimes dropped 5 percent.
- The U.S. bankruptcy courts received 5 percent fewer petitions.
- The number of persons under supervision by the federal probation system on March 31, 2017, was 1 percent lower than the total reported one year earlier.
- The number of pretrial services cases activated in the past 12 months decreased 4 percent.

U.S. Courts of Appeals

Filings in the 12 regional courts of appeals rose 10 percent to 58,951 (up 5,303 appeals). Most of this increase stemmed from higher filings of original proceedings and miscellaneous applications, which offset decreases in criminal appeals, appeals of administrative agency decisions, and bankruptcy appeals. Civil appeals remained nearly unchanged.

Civil appeals grew by 5 cases to 28,071.

- U.S. prisoner petitions rose 18 percent.

Caseload Statistics 2017

Caseload Statistics 2017

Caseload Statistics 2017 Charts

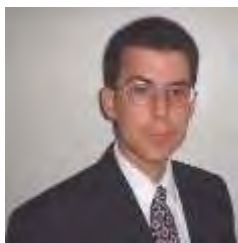
Caseload Statistics 2017 Tables

Judicial Caseload Indicators

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September 9, 2018



Judges do not read most briefs and dispose of most cases through the unresearched, reasonless, arbitrary, fiat-like orders contained in the dumping forms filled out and rubberstamped by clerks: ‘The math of abuse of power’ shows it and can be used to expose it and lead an abuse intolerant, *Me Too!* public to demand that courts refund filing fees and pay damages, and that judges write reasoned opinions.‡

1. National public attention has been drawn to the judiciary by the nomination of a judge to the U.S. Supreme Court and the upcoming Senate confirmation hearings. So have decisions of individual federal judges, e.g., that suspending nationwide President Trump’s first Muslim ban travel; and those ordering his administration to reinstate DACA and terminate the separation of children from their parents.
2. In New York, the state judiciary drew attention to itself when it humiliated Gov. Andrew Cuomo by forcing him to withdraw his proposal in his January 2018 Budget Speech to the Legislature to increase the judiciary budget by 2.5% if the judges agreed to certify monthly that they had worked at least 8-hour days¹. Because they close their courts without working even that minimum, they have given rise to a chronic backlog of cases and deny justice by delaying it.
3. When judges can tell the President and a governor what to do and not to do and that they will continue to ignore basic work requirements, what chance does the public have of forcing judges to do even the basic: read briefs and decide cases themselves by applying the law? None.

A. The enormous financial and emotional cost of briefs

4. If judges close their courts after working less than the minimum daily hours, why and where would they open briefs to read and work on them? They just do not read most briefs, causing parties to lose their financial and emotional investment in producing them.
5. Indeed, what gives rise to a case in court is a dispute between parties. They pay for the dispute resolution services offered by judges as public servants. The judges require that the parties file briefs setting forth the facts and legal arguments that justify the only section of the brief that matters to the parties because it is the one that has practical consequences for them: the “Relief Requested”. Each party asks the judges to relieve it of the dispute’s burden on it by issuing the orders to each of the parties that provide the greatest relief to the requesting party.

‡ Dr. Richard Cordero, Esq., is a researcher writer attorney in New York City. He holds a Ph.D. in law from The University of Cambridge, England; an M.B.A. from the University of Michigan Business School; and a D.E.A. from La Sorbonne, Paris. This article is based on his two-volume and ongoing study of judges and their judiciaries, where he discusses his original research on, and analysis of, official court statistics, reports, and statements. It is titled and downloadable thus: [Exposing Judges’ Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting](#)*†. In addition, this article and his study are informed by his practice from bankruptcy, district, and circuit courts in the U.S. Second Circuit, with certiorari petition to, and motion practice in, the Supreme Court; e.g., [*>jur:65](#)^{109, 114}; and the NY State Unified Court System; e.g., [*>OL:240](#); [†>OL:729](#). This justifies his references herein to that study for more analysis, information, and bibliographic notes. To contact him, email him at DrR_Cordero@Judicial-Discipline-Reform.org, Dr.Richard.Cordero_Esq@verizon.net, CorderoRic@yahoo.com.

6. To prepare their briefs parties must perform an enormous amount of work, which costs \$Ks and even \$10Ks. This is so whether they retain a lawyer or do the work themselves, for the hours that they invest working on their case represent their opportunity loss: the hours that they cannot employ doing something else. Likewise, the constant flow of emotional energy needed to prosecute or defend a case through its ups and downs for months or years has a wearing effect; it can be compensated by an amount of money.
7. Preparing a brief, whether for a case or a motion, includes, among other things:
 - a. studying the underlying documents, e.g., contracts, ads, wills, emails, and researching the law to find the legal claims and defenses possibly available;
 - b. learning the rules of procedure and evidence of the state² or federal³ judiciary⁴;
 - c. finding the facts by gathering evidence through discovery, e.g., searching for documents and analyzing them; for witnesses and interviewing or deposing them; locating objects, e.g., financial accounts; inspecting premises, e.g., the place of the accident, and conducting their forensic examination; causing the medical examination of people⁵;
 - d. identifying expert witnesses, consulting with them, and studying their reports;
 - e. once more law researching into the claims and defenses that will be asserted in the brief;
 - f. studying the court's own rules of procedure, with whose minutiae⁶ every party must comply, lest its brief be rejected by the filing clerk or objected to by the opposing party;
 - g. writing the brief;
 - h. compiling the record of supporting documents, including transcripts, which cost around \$5.30 per page so that one hour's worth of transcription can cost over \$600;
 - i. printing and binding the required number of copies;
 - j. paying fees⁷ to file those for the judges and serve two on each party or its lawyer; and
 - k. preparing for, and delivering, oral argument before the judges.

After all that exhausting and costly work, known to the judges, they do not read most briefs. They make it go to waste. Yet, they pretend that they reached a decision "upon reading the papers", although they fail to disclose that they do not even have the material possibility of reading them.

B. Model for analyzing judges' possibility of brief reading

8. The nine justices of the U.S. Supreme Court and their pool of clerks pick out of some 7,250 filings per year only some 78 cases to be heard and decided by written decisions⁸. This is not a standard of service responsibly rendered in proportion to the known cost of brief production and filing fee. However, it provides a baseline for comparison with other courts' statistics and the following model of analysis that you, the Reader, and others can undertake (see [OL2:763§D¶18.b infra](#)).
9. For example, the homepage of the NY State Supreme Court, Appellate Division, First Department (AD1)⁹ states the following:

Over 3,000 appeals, 6,000 motions, and 1,000 interim applications are determined each year. In addition, the Appellate Division admits roughly 3,000 new attorneys to the Bar each year, disciplines practicing lawyers, and otherwise exercises its judicial authority in Manhattan and the Bronx.²

10. AD1 judges also prepare and hold administrative and policy-making meetings; induct new judges; honor retiring ones; receive visitors from, or visit, other courts; etc. Some days they may be sick; busy with attorney registration matters; have a family emergency; attend seminars; serve on moot courts or the board of charities; etc. Work is cut back during the summer recess months.
11. The site shows that there are 19 AD1 justices. They serve on 5-justice panels. It can be assumed *arguendo* that only the equivalent to three panels can be deemed to work on 10,000+ pleadings 250 weekdays per year after excluding 10 holidays and weather days. Each panel is assigned 3,333+ pleadings a year or 13+ a day.
12. To handle 13+ pleadings in what is left of each 8-hour workday after deduction of the time allocated for oral arguments, panel deliberation, research and writing opinions, and discussion of the latter by the panel, which can lead to the writing of concurring or dissenting opinions, an AD1 justice would have to read:
 - a. the briefs of 13+ appellants and 13+ respondents, each having up to 14,000 words or 70 pages, as provided for by AD1's Rules of Procedure;
 - b. any replies of appellants, which may have up to 35 pages or 7,000 words;
 - c. even as few as 10 pages of each of 13+ records on appeal, each with 100s or 1,000s of pages;
 - d. their motions and answers, and any replies, each with some 2,000 words or 10 pages, although the Rules do not limit their length;
 - e. exhibits to motions, answers, and replies;
 - f. some 10 pages of each of the 13+ decisions of the judges appealed from, although a judge can write a decision of whatever length; and
 - g. any number of cases, laws, regulations, and legislative, expert, or corporate reports cited by the parties or found through the judge's own research.
13. No judge can read over 1,500 pages a day each of 250 days. Neither can their clerks. Instead, the decisions downloadable from AD1's website exhibit a pattern that supports probable cause to believe that the clerks dump pleadings out of the justices' caseload by using a dumping form¹⁰: Its top part provides blanks for identifying the parties and the appeal; its bottom part provides blanks for mentioning any one point picked out of the decision on appeal as the pretext for affirming it; followed by the word "Affirmed" and the rubberstamped signature of the clerk of court. "Denied" is how most motions are dumped. The "Relief Requested" is not discussed.
14. Clerks may not even be lawyers and were not vetted publicly. No provision of law allows justices to delegate judicial discretionary power to them. Clerks merely follow the justices' dumping instructions uncritically. As instructed, they must disregard the uniqueness of the facts, the merits or novelty of the arguments, and the equities at stake. Hence, they must leave the status quo unchanged, which does not require them to consider the implications of changing it by reversing a decision or granting a motion, except for clerical matters, e.g., extending a filing date.
15. Dumping form disposition is unreasoned and thus, conclusory and arbitrary, a fiat that expediently dumps out a pleading; not a considered decision intent on rendering justice according to law. It is not the kind of dispute resolution service that the judges offered and the parties had demanded and paid for, thus forming a contract for services. See a deeper analysis of federal circuit courts' statistics and their judges' abuse, which can be applied to SCt. nominee Brett Kavanaugh¹¹.

C. Denial of due process and equal protection of law

16. Judges deny parties due process of law when they do not read their briefs. Thereby they:
 - a. neither take notice of plaintiffs' claims;
 - b. nor afford defendants an opportunity to defend against them;
 - c. nor identify the issues raised by the claims and requiring research to determine which party is legally entitled to which order requested in the "Relief";
 - d. nor can write an opinion stating their reasons for granting or denying each relief.
17. Also, judges deny most parties equal protection of the law, for those few whose disputes are bound to attract public scrutiny or are chosen as an opportunity to make law get their briefs read and a reasoned opinion discussing their claims and requested reliefs. Those few receive any value for the filing fees that they paid; the many had to pay them too and invested even \$10Ks in their briefs but only get a dumping form on one 5¢ sheet, often printed on its front side only.

D. From attention on the judiciary to action to recover

18. "Outrageous!" is the reasonably expected reaction of the public upon learning that judges do not read most briefs. The outrage will be widespread because people file more than 50 million cases¹² every year, to which must be added the parties to scores of millions of pending cases, and to the hundreds of millions of cases already decided; and their friends and family, workmates, etc. They form part of a national public with the self-assertive *MeToo!* attitude that shouts loud and clear the rallying cry: *Enough is enough! We won't take any abuse by anybody anymore*¹³.
19. They constitute the receptive audience of a commercially savvy media outlet that seizes the opportunity to take the lead in showing them how not to take judges' abuse. Through its investigation and publication of a series of articles¹⁴ and by sponsoring presentations¹⁵ and the development of a website¹⁶ as a rallying point the outlet can call for, and become a key organizer of:
 - a. a national movement composed of 'local chapters' formed by actual and potential parties to cases before the same court, who join forces¹⁷ to demand that it refund their filing fees, pay damages, and use only reasoned opinions to resolve disputes filed with it¹⁸;
 - b. law and journalism students¹⁹ that demand that their schools offer seminars and research projects to audit the decisions of a court through statistical, linguistic, and literary analysis²⁰, and interview parties, judges, and clerks to ascertain the decisions' quality and authorship, and expose judges' and clerks' performance in fact rather than in theory²¹;
 - c. unprecedented public hearings on judges' abuse of power, conducted by publishers, news anchors, and journalism and law professors, and broadcast nation- and statewide to make it a decisive issue of the Senate confirmation hearings²², and the mid-term and 2020 presidential campaigns²³, and force politicians to hold televised public hearings thereon.
20. A media outlet²⁵ can issue an Emile Zola's *I accuse!*-like²⁶ denunciation of judges' institutionalized abuse of power²⁷ and accomplish what *The New York Times* did by publishing its exposé of Harvey Weinstein: set off a societal transformation here and abroad. *We the People* can realize that we are the masters of "government of, by, and for the people"(jur:82¹⁷²), entitled to hold our judicial servants, like all other servants, accountable for their job, serving Equal Justice Under Law, and liable for their abuse. Just as *NYT* trailblazed sexual abuse exposure in the world and won a Pulitzer, that outlet can worldwide pioneer the news and publishing field of judicial unaccountability reporting^{fn1}.
*Dare trigger history!*²⁴...and you may enter it.

-
- ¹ †>OL2:717, 718
- ² E.g., New York Civil Procedure Law and Rules (CPLR); <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO: >Laws of New York >CVP>
- ³ http://Judicial-Discipline-Reform.org/docs/28usc_Civ_App_Evi_Rules.pdf
- ⁴ A meticulous party would also check the law regulating the judiciary; e.g., <http://Judicial-Discipline-Reform.org/docs/28usc.pdf>; as well as the rules of the chief administrator of the courts; e.g., <https://www.nycourts.gov/rules/chiefadmin/index.shtml>.
- ⁵ Supra, endnote 2, CPLR, Article 31. Disclosure; endnote 3, Federal Rules of Civil Procedure, Rules 26-37.
- ⁶ E.g., <http://www.courts.state.ny.us/courts/AD1/Practice&Procedures/rules.shtml>, Rules 600.10. Format and Contents of Records, Appendices and Briefs; and 600.11. Perfecting and Hearings of Appeals; Calendars.
- ⁷ Id., Rule 600.15. Fees of the Clerk of the Court, a.5 and 6: The fee for filing an appeal in AD1 is \$315 and for a motion it is \$45. Under CPLR §8002(a), the cost of filing a Notice of Appeal is \$65.
- ⁸ †>OL2:459§E; <https://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx>
- ⁹ <http://www.courts.state.ny.us/courts/AD1/index.shtml>
- ¹⁰ Dumping forms in AD1 and other state courts have their equivalent in the Federal Judiciary’s “summary orders”, *>jur:43§1. They are “not for publication” and “not precedential”, hence, difficult to find and not worth finding. In a common law system based on precedent, they are neither tied to precedent nor establish any, an expedient, ad-hoc, arbitrary exercise of unaccountable power.
- ¹¹ †>OL2:457§D, 546
- ¹² †>OL2:719¶¶6-8. The Dissatisfied With The Judicial And Legal System form a huge audience.
- ¹³ †>OL2:648, 660
- ¹⁴ †>OL2:598, 719§C
- ¹⁵ *>OL:197§G; †>OL2:622, 746
- ¹⁶ <http://Judicial-Discipline-Reform.org> with 24,450 subscribers at this moment, †>OL2:app:5; 563
- ¹⁷ *>OL:274-280, 304-307
- ¹⁸ †>OL2:729, which can be used to hold the first, national conference on judicial accountability.
- ¹⁹ †>OL2:641, 644; *>Lsch:23
- ²⁰ *>jur:131§b; †>OL2:588
- ²¹ *>OL:60, 255; †>OL2: 645§B, 687
- ²² *>jur:10-14; †>OL2:546, 548
- ²³ †>OL2:504, 724
- ²⁴ *>jur:7§5, 172
- ²⁵ †>OL2:725, 743, 745
- ²⁶ †>OL2:611§B, 688
- ²⁷ †>OL2:645; *>jur:47§c

October 15, 2018

Exposing government interception of communications of critics of judges as an abuse of power that would cause a national scandal and launch a generalized media investigation into judges' unaccountability and consequent riskless abuse

A. Statistics as the source of probable cause to believe that there is interception

1. There is reason to believe that the communications among critics of judges, including Advocates of Honest Judiciaries, and between them and third parties are intercepted, which is prohibited as provided for in the Criminal Code under 18 U.S. §2511(*>OL:5a¹³). This is demonstrated through the statistical analysis(*>OL:19² >‡>ws:58 §7) of communications(*>ggl:1; †>OL2:476, 425, 405§§A-C) in this study, **Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting** * †.
2. Statistically, people line up in a standard normal distribution, which is a continuum that goes from one extreme of low values to the opposite extreme of high values of the variable in question. This continuum, when graphically plotted on an X,Y system of coordinates produces a **bell curve**. Most people bunch up on either side of the top –the crown- of the bell. Hence, it is abnormal and a sign of manipulation to see the values for everybody on only one of the two extremes.
3. Although I email to tens of thousands of email accounts directly and through hundreds of yahoogroups, hardly ever do I receive an email that is positive and encouraging. Nevertheless, my website(*><http...org>) has 24,700 subscribers and counting; it is built on the most widely used platform in the world, WordPress. When was the last time that you liked what you read on a site so much that you subscribed to it, although you and the rest of us suffer under information overload? It is counterintuitive for people to subscribe but leave no comment. It is decidedly suspect for the number of subscribers, which had reached an average of 90 a day, with peaks of over 110, to drop to 0 in the space of a week and then pick up to only around 3 a day(OL2:604¶2).
4. To some emails I receive no reply at all. Practically every reply that I do receive is negative and critical of them. That is counterintuitive in a country as divided as ours, where at one end of the spectrum of everything there are people strongly in favor of it and at the other end people strongly against it. Cf. A rubric of one of the national TV networks, either CBS or NBC, is precisely “A Nation Divided”. Although I have communicated with some Advocates of Honest Judiciaries for years, I do not receive emails from them anymore. People email me, I reply to them with an encouraging message, but then I do not receive any more emails from them.
5. More than 2,000 Mothers in the Legal Profession and more than 2,400 law professors took out each an ad in *The New York Times* regarding J. Kavanaugh. I addressed them in the Subject: line of emails that I sent to tens of thousands. Although I am a lawyer, and a doctor of law at that, I have not received a single reply from any of them. This is suspect because we have harmonious interests(*>dcc:8¶11; Lsch:14§§2-3). Those protected under the 1st Amendment(*>jur:23^{12b}), are “freedom of speech, of the press; the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”. Requests that I make for membership in yahoogroups are approved only for my next posting to them to be rejected because I am told I am not a member.

1. Recent cases showing government interception of communications

6. The National Security Agency (NSA) conducted a warrantless, indiscriminate, ‘dragnet’ collection of the metadata, e.g., phone numbers, callers and callees’ names, call duration, of the communications of millions of people(OL2:395§B), revealed by the documents leaked by Edward Snowden.

7. Former CBS Reporter Sharyl Attkisson has sued the U.S. Department of Justice for \$35 million for hacking her personal and work computers to spy on the status of her investigative reporting on the attacks by extremists on the American embassy in Benghazi, Libya, that killed the American ambassador and three of his aides; and the fiasco Fast and Furious gunrunning operation of its Bureau of Alcohol, Tobacco, and Firearms, which sold even assault rifles to track their way to Mexican druglords(OL:346¶131) and resulted in one such rifle being used to kill an American border patrol. Her articles were so incriminating that A.G. Eric Holder would respond to congressional demands for documents with entire pages blacked out. He was the first sitting member of the presidential cabinet to be held by Congress in contempt of it. Accordingly, he was forced to resign.
8. These cases show that the government, of which the judiciary is part, engages in illegal digital activity against those whom it perceives as a threat, such as a persistent investigative reporter, and even those who are suspected of nothing at all, such as those caught in NSA's surveillance dragnet.
9. It is the judges of the secret court set up under the Foreign Intelligence Surveillance Act (FISA) that approve up to 100% of the NSA's secret request for secret orders of secret surveillance. Do they do so for the quid pro quo of the interception by the NSA of the communications of critics of judges? That is what the proposed *Follow it wirelessly!* investigation must determine(OL2:600§B).

B. Money and a scandal that focuses the media on judges' abuse of power

10. Potentially, there is money to be made by suing the government for breach of constitutional rights and the right to privacy. More realistically, exposing to the national public that judges have abused their power to intercept their critics' communications and prevent their 'assembling to petition for redress of judges' abuse' would constitute a scandal far greater than that provoked by Snowden's leak. It would shock America's conscience and put you and your organization on the frontpage of every publication and at the top of every newscast, and on the list of Pulitzer Prize candidates.

C. What you can do to expose government interception of communications

11. I respectfully propose that you participate in exposing the interception of the communications of critics of judges by those who have the greatest interest therein: judges themselves. You can:
 - a. widely share and post my articles with your address as the reply address to see what kind and number of replies you receive, which you can forward to me under an unrelated Subject: line;
 - b. help finance IT experts' examination of critics' email accounts and computers, and servers;
 - c. help organize presentations(OL:194§G) by me at law, journalism, IT, and business schools, pro se groups, and venture capitalists who may be interested in my business plan(OL2:563).
12. Consider this proposal in light of these principles of strategic thinking(OL2:445§B, 475§D) and dynamic analysis of harmonious and conflicting interests(OL2:570§E, 475§D, 465§1):
 - a. The enemy of my enemy is my friend (we share the interest of defeating our common enemy).
 - b. The friend of the friend of my friend may want to become my friend (which speaks to the indirectness of connections and a means of building alliances of result even if not of interests).
 - c. People never work as hard as when they work for themselves. (Ask yourself: What interest of her own can the person that I want to persuade to do something advance by joining forces with me? Cf. Some such interests are to make herself and her group or organization known.)
13. Time is of the essence to insert the issue of unaccountable judges' abuse in the mid-term elections.

Dare trigger history!(>jur:7§5)...and you may enter it.*

February 9, 2020

**The rewards of exposing unaccountable judges' self-enrichment,
denounced by Sen. E. Warren in her “plan for the Judiciary”,
and other forms of their abuse of power,
by the media and academics publishing, investigating, and
holding unprecedented citizen hearings‡**

Dear Journalists, professors, and Advocates of Honest Judiciaries,

I would like to submit to your and your colleagues' consideration this proposal for:

**A. The publication of one(e.g., †>OL2:760, 781, 1040) or a series(†>OL2:719§C)
of my articles:**

1. analyzing Sen. Elizabeth Warren's “plan for that too”, namely, to hold judges accountable for self-enrichment by failing to recuse themselves when they have conflicts of interests due to their holding shares in one of the parties before them and instead resolving the conflicts in that party's and their own favor. If elected, Sen. Warren plans to have legislation adopted to hold judges accountable for abusively enriching themselves(†>OL2:998). Self-enrichment through abuse of power includes concealment of assets, tax evasion, and money laundering(†>OL2:949);

* † The materials corresponding to the(* †>footnote-like blue text references) are found in my professional two-volume study of judges and their judiciaries. The study is titled and downloadable thus:

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

2. showing through “the math of abuse”(†>OL2:608§A) and statistics(OL2:457§§B, D) that judges do not read the majority of briefs that they require parties to file in support of any case or motion.
 - a. A brief costs each party \$1Ks and even \$10Ks to research, discover evidence, write, compile the record of evidentiary documents, print, file, and serve.
 - b. Yet, judges have their clerks(†>OL2:1025¶15) dump the corresponding case or motion out of their caseload by applying categories of dumpable cases and motions(OL2:762¶¶14-15, 981¶18d) and rubberstamping in the clerk of court's name a 5¢ dumping form. The latter contains an unresearched, arbitrary, fiat-like order without any discussion of the facts and the law, let alone any reasoning, and with only a blank to be filled in with “affirmed” or “denied”(OL2:1024¶16). They are meaningless even to the parties, let alone anybody else.
 - c. Moreover, those orders are fraudulent, for they take no notice of the only section of the brief that matters to the party filing it and for which the court asks for and receives filing fees: the “Relief Requested”. Through the items therein the party asks the court to solve the controversy with the opposing party and for which it pays the court's filing fees. The clerks could not care less, for the task that they received from the judges is to dump as many cases and motions as possible. They will dump any appeal. “Next!”(OL2:546¶¶4-6)
 - d. By contrast, a tiny minority of briefs of interest(OL2:1006¶2b.ii) to the judges benefit from their *unequal* protection: They are read and discussed in opinions with precedential value and reasoned decisions issued in the judges' names and published for parties, judges, and journalists to cite and comment(†>OL2:760).

*http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest_Jud_Advocates.pdf >all prefixes:# up to OL:393 OL2:1047

‡ <http://Judicial-Discipline-Reform.org/OL2/DrRCordero-media.pdf>

- e. To verify the above statements, go to the websites of courts, particularly appellate ones, download a random sample of posted decisions, and analyze and compare them.
3. exposing judges' dismissal of 100% of complaints against them and denial of 100% of petitions to review those dismissals(*>jur:10-14; †>OL2:548, 748), whereby judges self-exonerate from all accountability.
 - a. Congress granted judges self-disciplining authority under the Judicial Conduct and Disability Act of 1980(*>jur:24^{18a}), which it passed for the protection of anybody with a complaint against them.
 - b. But judges have in effect abrogated the Act for the gain and convenience that they grab through their riskless abuse of power.
 - c. Congress is informed of judges' handling of complaints in the Annual Report of the Director of the Administrative Office of the U.S. Courts(OL2:1037¶6), who is an appointee of the Chief Justice. Congress 'saw something, but said nothing'. Its culpable indifference has been self-interested: to avoid retaliation(*>Lsch:17§C) by judges, who have a gang mentality(OL2:546¶¶1-3) and the power to hold executive orders(OL2:1028¶4), laws, and a legislative agenda unconstitutional(*>jur:23¹⁷; *>OL:267§4).
 - d. Congress allows judges to hold themselves unaccountable and become Judges Above the Law, the harm to the public and the rule of law notwithstanding;
 4. asserting the equal protection right of victims of judges and their judiciaries to be compensated by them, just as are the victims of malpracticing doctors and their hospitals; lawyers and their law firms; pedophilic priests and their churches; police officers and their police departments; etc.
 - a. The formation is underway of local chapters of parties to cases before the same judge or in the same court to demand(†>OL2:729) the refund of filing fees; compensation for wasteful briefs; and damages for the fraud of cashing in filing fees and alleging that cases and motions were decided based on the briefs even though they were not even read(OL2:953).

B. Joint investigations of timely stories in the context of the presidential campaign

5. The objective of the investigations is, not to pass judgment on the abuse of discretion by one or more judges, but rather to expose to voters how unaccountable judges in connivance with politicians have coordinated their abuse into their judiciaries' institutionalized modus operandi. The investigations can follow the abundant leads already gathered(*>OL:194§E). Their findings will inform voters and the rest of the public about, and outrage them at, judge' criminal activities; e.g.:
6. Judges' interception of people's emails and mail(OL2:995§B) to detect and suppress those critical of their abuse(974§B, 930§C) will be the subject of the *Follow the wire!* investigation(jur:105§b).
 - a. This may be their most outrageous abuse of power, for it deprives *We the People* of our most cherished rights: those guaranteed under the 1st Amendment to "freedom of speech, of the press, the right of the people peaceably to assemble [through the Internet and on social media too], and to petition the Government [of which judges are the third branch] for a redress of grievances"(OL2:792¶1). Cf. NSA's collection of calls' metadata(996§2).
7. The *Follow the Money!* investigation(*>jur:102§a) can be patterned on the one conducted during the Watergate scandal(*>jur:4¶11; †>OL2:522¶d); and those revealed in the Offshore Leaks (*>OL:1) and the Panama Papers, and lead to the discovery of:

- a. the money involved in judges' self-enrichment denounced by Sen. Warren(*supra* ¶1a); and
- b. \$100 billions(*>jur:27§2) involved in the bankruptcy fraud scheme (OL2:614).

- 1) Judges, their cronies(jur:32§§2, 3), and other insiders, e.g., lawyers, accountants, warehousemen, appraisers, auctioneers, bankers(jur:81¹⁶⁹), take advantage of millions of people facing the most disruptive and stressful financial situation: bankruptcy.
- 2) Bankrupts have hardly any money to pay a lawyer, the immense majority appear pro se to deal with the mind-boggling complexities of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure as they supplement the Federal Rules of Civil Procedure, and the rules of the local bankruptcy court, and as a result are *wiped out!*(*>jur:28³⁵, 43^{65a});

8. How the conduct of the Chief Justice of the Supreme Court and his approval or condonation of the conduct of senators during the impeachment trial of President Trump in the Senate can be:

- a. invoked by defendants in federal and state cases on grounds of equal protection and due process of law to refuse the production of any witness and document, and assert an absolute privilege of CEOs and other principals to prevent their aides from being interrogated on their advice to them(OL2:1040).

- 1) Defendants can argue that the President's attorneys compared the House of Representatives' impeaching a president to a prosecutor's indicting before a grand jury a person on counts of having committed one or more crimes.
- 2) They argued that the House was supposed to conduct a full investigation, the equivalent of discovery, during the impeachment process, asking for all necessary documents, calling all possible witnesses, and even allowing the President to cross-examine them and call his own witnesses.
- 3) They contended that the House failed to do that before adopting the articles of impeachment. As a result, its managers were not entitled to call witnesses and request documents during the trial in the Senate. They were entitled only to make an opening statement to the senators and answer their questions, upon which the senators, acting as the jury, could vote on whether to convict and remove the President.
- 4) Equally, a criminal defendant would claim that what was deemed to be due process when trying the President should be so deemed in her case. Consequently, once the prosecutor concluded his case to the grand jury and the latter returned an indictment, the prosecutor could not call witnesses and documents at trial, and was limited to making an opening statement to the jury and answering the questions of jurors, after which the jury would deliberate and return a verdict(OL2:1044¶25);

- b. traced back to a quid pro quo: the Chief Justice disregarded "traditional notions of fair play and substantial justice"(OL2:1041¶8), which commanded the production of witnesses and documents, and allowed the senators to do whatever they wanted in exchange for the senators continuing to hold judges unaccountable and allowing them 100% self-exoneration from complaints(*supra* ¶1c).

9. How the justices of the Supreme Court have engaged in abuse of power as principals and cover it as accessories(†>OL2:950¶6b) and as circuit justices allotted to the several circuits(*>jur:26^{23a}).

- a. Justices and judges are well aware of the dire warning that all of them have written on their

foreheads: “I know about your own abuse of power. So if you bring me down, I’ll take you with me!” That is how judges extort from each other complicit survival assistance.

C. Investing in Judicial Discipline Reform to enable its continued pursuit of judicial abuse exposure, compensation of abusees, and reform

10. The website at <http://www.Judicial-Discipline-Reform.org> has attracted numberless visitors and has exerted such strong appeal that it has turned 30,212 and counting(OL2:Appendix 3) into subscribers. This proof of public appeal makes it a sound business proposition:
 - a. to develop this free informational outlet into a for-profit interactive business that sells ads, services, and goods, as set forth in its business plan(OL2:914); and
 - b. to finance the programmatic activities(†>OL2:916§C, 978§E) to implement the out-of-court(OL2:1008§B) inform and outrage strategy for forming a national civic single issue movement for judicial abuse of power exposure, compensation, and reform(†>OL2:1037).

D. Rewards from exposing judges’ abuse: electoral, commercial, and reputational

11. More than 50 million cases are filed in the state and federal courts annually(*>jur:8^{4,5}), to which must be added the scores of millions of cases pending or deemed to have been decided wrongly or wrongfully. Parties sue and are sued separately and suffer abuse alone. They constitute the huge national untapped voting bloc of The Dissatisfied with the Judicial and Legal System.
12. The Dissatisfied can significantly increase the audience of a journalist and/or media outlet that recognize their existence and give them a voice. This is particularly so if the journalist and the outlet contribute to organizing the proposed unprecedented citizen hearings(†>OL2:1045, 982, 971) on judges’ abuse of power. Their findings can be discussed at a conference on judicial reform.
 - a. These citizen hearings are to be held by universities and media stations; moderated by professors, news anchors, investigative journalists, and other fraud and forensic experts; and broadcast on an interactive multimedia basis. The hearings will give the organizers access to a national audience that will hear or give testimony about judges’ abuse of power that witnesses have experienced or witnessed. Thus informed and outraged, the audience, in general, and voters, in particular, will demand that politicians call and hold official hearings and reform judicial accountability and liability(*>jur:158§§6-8; cf. OL2:933¶6).
13. A principled or opportunistic but savvy presidential candidate(OL2:1011, 937) can attract The Dissatisfied by denouncing judges’ abuse, as did Sen. Warren(supra ¶1) at rallies, townhall meetings and interviews; seeking compensation for them through local chapters of abusees; and calling for congressional hearings. So can the candidate become their Champion of Justice(991, 1028).
14. Scandal sells copy. A scandal will be provoked by exposing how the politicians who recommended, endorsed, nominated, and confirmed judicial candidates and thereafter hold them unaccountable have allowed judges and their judiciaries to become a racketeering branch(OL2:999¶13).
15. The journalist and media outlet that scoop this scandal will be rewarded commercially and can expect to enhance their personal and professional names and even win a Pulitzer Prize(*>OL:3§F).
 - a. A journalist and a media outlet can seek to turn one or more judges and their clerks into *Whistleblower in the Judiciary*, the equivalent of the whistleblowing officer in the Executive who launched the process of impeachment of President Trump(†>OL2:1008). They and waiters, drivers, receptionists, etc., can become confidential informants(jur:106§c).

16. There is precedent for a Supreme Court justice being forced to resign without even being impeached: Justice Abe Fortas resigned on May 14, 1969, due to the public outrage that he caused as a result of his “appearance of impropriety”(*>jur:92§d). Could you end up writing a bestseller or portrayed in a blockbuster movie if you caused one or several justices, or even the whole Supreme Court to resign? You can become a transformative historic figure here and abroad.(†>OL2:1008)

E. Every meaningful cause needs resources for its advancement; none can be continued, let alone advanced, without money

17. If you are interested in accountable and liable judges and their judiciaries, you may want to support Judicial Discipline Reform in its:

- a. professional law research and writing, and strategic thinking(†>OL2:445§B, 475§D); and
- b. enhancement of its website at <http://www.Judicial-Discipline-Reform.org> into:
 - 1) **a clearinghouse** for complaints(OL2:918) about judges that anybody can upload for free; and
 - 2) **a research center** for fee-paying customers to audit(*>OL:274-280, 304-307) many complaints in search of(*>jur:131§b, OL:255) the most persuasive type of evidence, i.e., patterns(†>OL2:792§A), trends(OL2:455§B), and schemes (OL2:614, 929, 457§D) of abuse of power, including the coordinated fraudulent filing by judges and approval by other judges of mandatory annual financial disclosure reports(jur: 102§a and ^{213b}) under the Ethics in Government Act of 1978, which are intentionally misleading in order to conceal assets, evade taxes, and launder money, such as the money grabbed by self-enriching judges denounced by Sen. Warren in her “plan” to hold them accountable for it(supra ¶¶1, 7b and OL2:998).

**Put your money
where your outrage at abuse and
passion for justice are.**

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F. Offer of a presentation

18. I offer to present via video conference or in person this article to you and your colleagues. You may use the contact information in the letterhead to reach me and discuss the presentation's terms and conditions and its scheduling.

19. To decide whether to organize such presentation watch my video together with its supporting slides(†>OL2:958) using the following links:

http://Judicial-Discipline-Reform.org/OL2/DrRCordero_judges_abuse_video.mp4

http://Judicial-Discipline-Reform.org/OL2/DrRCordero_judges_abuse_slides.pdf

http://Judicial-Discipline-Reform.org/OL2/DrRCordero_introduction_video_slides_judges_abuse.pdf

Dare trigger history!(†>OL2:1003)...and you may enter it. Sincerely, s/Dr. Richard Cordero, Esq.

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Volume I

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

A study of coordinated wrongdoing as judges' institutionalized modus operandi and its out-of-court exposure through a multidisciplinary academic and business venture based on strategic thinking centered on dynamic analysis of harmonious and conflicting interests

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WordPress Users management interface: All (35,697) | Administrator (1) | Subscriber (35,696). Buttons: Bulk actions, Apply, Change role to..., Change. 35,697 items

Table of users with columns: Username, Name, Email, Role. Rows include: 1970mdegcf, 1Barret1cuple, 1ofthemany, 365betv31h, 3aplus63von, 791064087357326, AAAGlennbeish, AaaPiopsy.

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