

Synopsis of an Investigative Journalism Proposal

Where the Leads in Evidence Already Gathered in [12 Federal Cases](#)¹

Would be Pursued in a Watergate-like *Follow the money!* Investigation to Answer the Question:
Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?

by Dr. Richard Cordero, Esq.

This is a poignant question, for it casts doubt on the integrity of the branch of government that should incarnate respect for the law and high ethical values. What makes it a realistic question worth investigating is the fact that since 1980 judges are charged with the duty to discipline themselves; what is more, complaints by anybody against their conduct must be filed with, and handled by, them. But according to the statistics of the [Administrative Office of the U.S. Courts](#)², judges [systematically dismiss](#)³ all complaints. As a result, in the last 26 years only three judges out of some 2,133 federal judges, have been impeached, the last one in 1989. Actually, in the whole 217 years since the U.S. Constitution of 1789, [only 7 judges](#)⁴ have been impeached and convicted...on average one every 31 years!

If that were the time it would take for your CEO to be held accountable by his peers for his conduct toward you and the other people in your office, and in the meantime he could wield power over your life, liberty, and property with no more consequences than the suspension of a decision of his, do you think that he would be tempted to treat you however he wanted? If all complaints of yours ended up in the wastebasket together with those of your colleagues in the office, would you say that they would want to know of your efforts to force your CEO and his peers out of their safe haven in order to require them to treat you and your colleagues with respect or be liable to all of you? If so, you have a U.S. audience of 300 million colleagues waiting to know about your efforts to hold your judicial CEO and his peers accountable for their conduct.

Indeed, by law the chief justice of the Supreme Court and the associate justices review with the chief district and appellate judges [twice a year reports](#)⁵ showing that complaints against judges are dismissed systematically, which points to coordination to disregard a duty placed upon them by law. They have known also that in an area such as bankruptcy, judges wield enormous power over tens of billions of dollars annually. Power and money, the two most insidious and absolute corruptors in the hands of the same judges that have exempted themselves from any discipline. There is evidence that bankruptcy judges have engaged in a [bankruptcy fraud scheme](#)⁶ with the knowledge and support of district judges, and at least the toleration of circuit judges and the justices of the Supreme Court. That evidence and [leads](#)⁷ are hereby being offered for a joint *Follow the money!* investigative journalism project.

The exposure of coordinated wrongdoing involving criminal conduct throughout the federal judiciary is bound to have a farther reaching impact than finding out that the Watergate Burglary was connected to President Richard Nixon. Unlike the president and his White House aides, federal judges hold office for life or renewable 14-year terms and can only be removed through the historically [useless impeachment mechanism](#).⁸ Hence, the investment of investigative resources in this project would not be for a momentary scoop, but rather for the development of a lode of news of intense interest to the public, all members of the Congress dominated by ["the culture of corruption"](#)⁹, and a president who nominated two justices, including the chief. The question 'Were and are federal judges fit to decide cases?' and the investigative results would lock in a vicious circle causing an ever deepening institutional crisis...only to be aggravated by a [class action](#)¹⁰ on behalf of those injured by corrupt and complaint-dismissing judges. In addition, the expertise gained from the investigation of federal judges can be reinvested in that of their state counterparts. Thus, I respectfully request an interview with you to discuss the [details](#) of this synoptic proposal.¹¹

1	http://Judicial-Discipline-Reform.org/docs/Table_of_cases.pdf	IP:3
2	Table S-22. Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364 During 12-Month Periods Between October 1, 1996 and September 30, 2005, in the 1997-2005 Annual Reports of the Director of the Administrative Office of the United States Courts; http://Judicial-Discipline-Reform.org/docs/Administrative_Office_statistics.pdf	IP:5
3	The Official Statistics of the Administrative Office of the U.S. Courts Show the Systematic Dismissal of Judicial Conduct Complaints by Federal Judges, Including the Justices of the Supreme Court, by Dr. Richard Cordero, Esq.; http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf	IP:23
4	Judges of the United States, Impeachments of Federal Judges, Federal Judicial Center, http://www.fjc.gov/history/home/nsf	IP:27
5	The Supreme Court Justices and the Chief Judges Have Semi-annually Received Official Information About the Self-immunizing Systematic Dismissal of Judicial Conduct Complaints, But Have Tolerated It With Disregard for the Consequent Abuse of Power and Corruption, by Dr. Richard Cordero, Esq.; http://Judicial-Discipline-Reform.org/docs/SCT_knows_of_dismissals.pdf	IP:31
6	Statement of Facts providing evidence showing that a federal judgeship has become a safe haven for wrongdoing due to lack of an effective mechanism of judicial conduct control and calling for the formation of a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action based on a representative case charging that Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit have engaged in a series of acts of disregard for the law, the rules, and the facts, and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that protects peers and other schemers involved in a bankruptcy fraud scheme, by Dr. Richard Cordero, Esq., http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf	IP:33
7	Contact information with detailed index to exhibits, organized by categories listed in the order in which the <i>Follow the money!</i> investigation may proceed, http://Judicial-Discipline-Reform.org/docs/contact_info_by_categories.pdf	IP:43
8	Under 28 U.S.C. §152(a)(1) bankruptcy judges are “appointed by the court of appeals of the United States for the circuit in which such district is located”, that is, the judicial district for which the judge is appointed “for a term of fourteen years”. Under §152(a)(3), if a majority of the judges of such court cannot agree upon such appointment, the chief judge of the court appoints the bankruptcy judge. The latter’s removal during his or her term is provided for under §152(e), which allows it to be executed “only by the judicial council of the circuit in which the judge’s official duty station is located”. Judicial councils are formed under §132(a)(1) “by the chief judge of the [respective] circuit...and an equal number of circuit judges and district judges of the circuit”. This mechanism of removal has proved to be as equally useless as that of impeachment of life-tenured federal judges, for not only do judges protect each other, but they are most reluctant to impugn their own judgment by admitting that the bankruptcy judge that they appointed was unfit to hold office and should be removed.	
9	House Minority Leader Nancy Pelosi has publicly stated that Congress is dominated by “a culture of corruption” and that if her party wins control of the U.S. House of Representatives and she becomes its Speaker, she will work to “drain the swamp of corruption” in Congress.	
10	Federal judges have no grant of immunity from the Constitution: In a system of “Equal Justice Under Law” they must be liable to prosecution as defendants in a class action like anybody else, by Dr. Richard Cordero, Esq.; http://Judicial-Discipline-Reform.org/docs/no_judicial_immunity.pdf	IP:65
11	cf. Programmatic Proposal to Unite Entities and Individuals to Use Their Resources Effectively in Our Common Mission to Ensure Integrity in Our Courts by Engaging in Specific Activities and Achieving Concrete Objectives, by Dr. Richard Cordero, Esq.; http://Judicial-Discipline-Reform.org/Programmatic1.htm	IP:67

Tables of Exhibits*

that provide the evidence gathered in 12 cases over 6 years showing that a federal judgeship has become a safe haven for wrongdoing and justifying an investigation to determine how high and to what extent wrongdoing has reached; and that warrant the call for forming a virtual firm of lawyers and investigative journalists centered on Judicial Discipline Reform.org to help prepare pro bono a class action based on the representative case charging that Chief Judge John M. Walker, Jr., of the Court of Appeals for the Second Circuit (CA2) and CA2 Judge Dennis Jacobs have engaged in a series of acts of disregard of evidence and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and protects the schemers

by
Dr. Richard Cordero, Esq.

I. Cases providing evidence for the investigation & the representative case

	Case name	Filing date	Closing date or status	Docket no.	Court	File:pg.# * of brief docket	
1.	<i>In re Premier Van Lines</i> (Ch. 7 bkr.)	3/5/1	10/24/3	01-20692	WBNY	cf. A:72§1	A:565
2.	<i>Pfuntner v. Trustee Gordon et al.</i> (AdvP)	9/27/2	pending	02-2230	WBNY	A:70	A:1551
3.	<i>Cordero v. Trustee Gordon</i>	1/15/3	3/27/3	03cv6021L	WDNY	A:158	A:458
4.	<i>Cordero v. Palmer</i>	2/4/3	3/27/3	03mbk6001L	WDNY	A:314	A:462, but see ToEA:156>A:462b
5.	<i>In re Premier Van et al.</i>	5/2/3	1/26/5dism'd	03-5023	CA2	C:169	C:422
6.	<i>In re Richard Cordero</i> (mandamus)	9/12/3	denied 10/8/3	03-3088	CA2	A:615	A:665g
7.	<i>Misconduct complaint v. Bkr. J. Ninfo, WBNY</i>	9/2/3	6/8/4 dism'd	03-8547	CA2	C:1, 63; E:1	ToEC:7§§A,D
8.	<i>Misconduct complaint v. Chief J. Walker, CA2</i>	3/30/4	9/24/4dism'd	04-8510	CA2	C:271	ToEC:13§§B,F
9.	<i>Cordero v. Trustee Gordon et al.</i>	1/27/5	cert. denied	04-8371	SCt	A:1601	A:2229
10.	<i>In re David & Mary Ann DeLano</i> (Ch. 13 bkr.)	1/27/4	on appeal	04-20280	WBNY	cf.C:1295§§A-B	D:496
11.	<i>Cordero v. DeLano</i>	4/22/5	on appeal	05cv6190L	WDNY	Pst:1231	Pst:1181
12.	<i>Dr. Richard Cordero v. David & Mary DeLano</i>	10/16/6	pending	06-4780	CA2	CA2:1700	CA2_dkt

*As of 4apr7. Page 1 of ToEC:pg#, ...A:, D:, Add:, and Pst:# at http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits.pdf

The Salient Facts of The *DeLano* Case

(as of 4aug10)

revealing the involvement of bankruptcy & legal system insiders in a bankruptcy fraud scheme

with links to [references](#) at Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf

DeLano is a federal bankruptcy case. Part of a case cluster, it reveals fraud that is so egregious as to betray overconfidence born of a long standing practice¹: Coordinated wrongdoing evolved into a bankruptcy fraud scheme.² It was commenced by the DeLano couple filing a bankruptcy petition with Schedules A-J and a Statement of Financial Affairs on January 27, 2004. (04-20280, WBNY³) Mr. DeLano, however, was a most unlikely bankruptcy candidate. At filing time he was a 39-year veteran of the banking and financing industry and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a Xerox technician, were not even insolvent, for they declared \$263,456 in assets v. \$185,462 in liabilities (*D:29*); and also:

1. that they had in cash and on account only \$535 (*D:31*), although they also declared that their monthly excess income was \$1,940 (*D:45*); and in the FA Statement (*D:47*) and their 1040 IRS forms (*D:186*) that they had earned \$291,470 in just the three years prior to their filing;
2. that their only real property was their home (*D:30*), bought in 1975 (*D:342*) and appraised in November 2003 at \$98,500⁴, as to which their mortgage was still \$77,084 and their equity only \$21,416 (*D:30*)...after making mortgage payments for 30 years! and receiving during that period at least \$382,187 through a string of eight mortgages⁵. (*D:341*) Mind-boggling!
3. that they owed \$98,092 –spread thinly over 18 credit cards (*D:38*)- while they valued their household goods at only \$2,810 (*D:31*), less than 1% of their earnings in the previous three years. Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their working lives of more than 30 years.
4. Theirs is one of the trustee's 3,907 *open* cases and their lawyer's 525 before the same judge.

These facts show that this was a scheming bankruptcy system insider offloading 78% of his and his wife's debts (*D:59*) in preparation for traveling light into a golden retirement. They felt confident that they could make such incongruous, implausible, and suspicious declarations in the petition and that neither the co-schemers would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by providing supporting documents. Moreover, they had spread their debts thinly enough among their 20 institutional creditors (*D:38*) to ensure that the latter would find a write-off more cost-effective than litigation to challenge their petition. So they assumed that the sole individual creditor, who in addition lives hundreds of miles from the court, would not be able to afford to challenge their good faith either. But he did after analyzing their petition, filed by them under penalty of perjury, and showing that the DeLano 'bankrupts' had committed bankruptcy fraud through concealment of assets.

The Creditor requested that the DeLanos produce documents⁶ as reasonably required from any bankrupt as their bank account statements. Yet the trustee, whose role is to protect the creditors, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied *every single document* requested by the Creditor, he moved for production orders. Despite his discovery rights and their duty to determine whether bankrupts have concealed assets, the *bankruptcy* and *district judges* denied him *every single document*. So did the *circuit judges*, even *then CA2 Judge Sotomayor*, the presiding judge, who also needed the documents to find the facts to which to apply the law. They denied him and themselves due process of law. To eliminate him, *they* disallowed his claim in a *sham evidentiary hearing*. Revealing how incriminating the documents are, to oppose their production the DeLanos, with the trustee's recommendation and the bankruptcy judge's approval, were allowed to pay their lawyers \$27,953 in legal fees⁷...though they had declared that they had only \$535. To date \$673,657⁸ is still unaccounted for. Where did it go⁹? How many of the trustee's 3,907 cases have unaccounted for assets? For whose benefit?²

¹ http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§XIII ²§III ³§V. ⁴§X ⁵§§I.B & VIII ⁶Cf. §XII ⁷§XI ⁸§I.B ⁹§II

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364
During the 12-Month Period Ending September 30, 2005

Summary of Activity	Circuits															National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²	
Complaints Pending on September 30, 2004*	212	0	4	9	57	9	8	16	30	1	13	30	8	25	2	0	
Complaints Filed	642	1	33	19	36	58	43	99	55	15	38	122	36	85	2	0	
Complaint Type																	
Written by Complainant	642	1	33	19	36	58	43	99	55	15	38	122	36	85	2	0	
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Officials Complained About**																	
Judges																	
Circuit	177	1	18	1	7	4	28	10	7	6	2	80	7	6	0	0	
District	456	0	21	15	23	41	32	52	51	11	22	102	27	59	0	0	
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bankruptcy Judges	31	0	0	4	0	5	1	2	3	1	2	9	2	2	0	0	
Magistrate Judges	135	0	1	4	6	8	9	35	5	2	13	27	7	18	0	0	
Nature of Allegations**																	
Mental Disability	22	0	1	2	3	2	2	3	0	0	0	6	0	1	2	0	
Physical Disability	9	0	0	2	0	0	0	0	0	0	0	4	0	2	1	0	
Demeanor	20	0	0	3	0	2	0	2	0	1	2	8	1	1	0	0	
Abuse of Judicial Power	206	1	7	13	3	5	26	6	3	4	28	57	0	52	1	0	
Prejudice/Bias	275	1	12	19	43	21	9	16	40	5	15	57	15	20	2	0	
Conflict of Interest	49	0	2	5	5	11	2	1	3	1	2	13	3	1	0	0	
Bribery/Corruption	51	0	0	3	2	1	2	2	1	0	4	32	0	4	0	0	
Undue Decisional Delay	65	0	0	6	8	8	2	9	2	0	4	14	7	5	0	0	
Incompetence/Neglect	52	0	2	4	4	3	2	3	0	1	8	22	1	1	1	0	
Other	260	0	2	1	80	40	11	80	0	7	1	19	18	0	1	0	
Complaints Concluded	667	1	22	23	91	47	48	90	47	16	45	120	33	81	3	0	
Action by Chief Judges																	
Complaint Dismissed																	
Not in Conformity With Statute	21	0	1	0	5	0	1	0	2	0	3	5	3	1	0	0	
Directly Related to Decision																	
or Procedural Ruling	319	1	8	8	46	18	20	30	12	6	29	57	16	65	3	0	
Frivolous	41	0	1	3	1	0	4	6	3	8	5	10	0	0	0	0	

Table S-22. (September 30, 2005—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	5	0	0	0	0	1	0	1	0	0	0	2	0	1	0	0
Action No Longer Necessary Because of Intervening Events	8	0	1	0	0	1	1	0	0	0	1	0	0	4	0	0
Complaint Withdrawn	6	0	0	0	2	0	0	2	0	0	0	2	0	0	0	0
Subtotal	400	1	11	11	54	20	26	39	17	14	38	76	19	71	3	0
Action by Judicial Councils																
Directed Chief District Judge to Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	267	0	11	12	37	27	22	51	30	2	7	44	14	10	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	267	0	11	12	37	27	22	51	30	2	7	44	14	10	0	0
Complaints Pending on September 30, 2005	187	0	15	5	2	20	3	25	38	0	6	32	11	29	1	0

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

¹ CC = U.S. COURT OF FEDERAL CLAIMS.

² CIT = U.S. COURT OF INTERNATIONAL TRADE.

* REVISED.

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

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364
During the 12-Month Period Ending September 30, 2004

Summary of Activity	Circuits															National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²	
Complaints Pending on September 30, 2003*	249	0	2	19	34	3	10	19	22	1	29	38	11	61	0	0	
Complaints Filed	712	2	31	30	23	40	63	95	72	34	77	146	41	58	0	0	
Complaint Type																	
Written by Complainant	712	2	31	30	23	40	63	95	72	34	77	146	41	58	0	0	
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Officials Complained About**																	
Judges																	
Circuit	240	6	20	16	4	6	23	16	24	8	14	84	13	6	0	0	
District	539	0	39	21	15	22	52	51	69	27	55	128	23	37	0	0	
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bankruptcy Judges	28	0	0	8	1	2	1	2	4	1	0	6	2	1	0	0	
Magistrate Judges	149	0	1	5	3	10	18	26	7	3	25	26	11	14	0	0	
Nature of Allegations**																	
Mental Disability	34	0	0	4	3	5	4	4	2	0	1	10	0	1	0	0	
Physical Disability	6	0	0	0	2	1	0	0	0	0	0	3	0	0	0	0	
Demeanor	34	0	1	1	6	0	4	3	0	1	7	9	1	1	0	0	
Abuse of Judicial Power	251	1	3	11	6	0	42	2	4	2	71	59	22	28	0	0	
Prejudice/Bias	334	2	19	27	35	14	22	35	42	7	38	52	20	21	0	0	
Conflict of Interest	67	0	5	8	4	6	3	3	2	0	5	22	7	2	0	0	
Bribery/Corruption	93	0	0	9	5	10	5	3	1	0	25	33	0	2	0	0	
Undue Decisional Delay	70	0	2	7	5	7	4	10	2	5	8	13	4	3	0	0	
Incompetence/Neglect	106	0	0	9	3	8	2	3	0	0	18	16	0	47	0	0	
Other	224	0	1	1	33	30	10	89	3	24	0	24	9	0	0	0	
Complaints Concluded	784	2	28	40	51	34	73	99	56	35	94	135	42	95	0	0	
Action By Chief Judges																	
Complaint Dismissed																	
Not in Conformity With Statute	27	0	4	0	6	0	5	0	4	1	5	0	0	2	0	0	
Directly Related to Decision																	
or Procedural Ruling	295	2	9	7	18	13	31	38	16	21	37	65	8	30	0	0	
Frivolous	112	0	8	4	3	0	1	11	3	5	18	5	4	50	0	0	

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Table S-22. (September 30, 2004—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	3	0	0	0	1	0	0	0	0	0	1	1	0	0	0	0
Action No Longer Necessary Because of																
Intervening Events	9	0	0	0	0	0	0	2	0	0	2	0	0	5	0	0
Complaint Withdrawn	3	0	0	0	1	0	0	0	0	0	0	1	1	0	0	0
Subtotal	449	2	21	11	29	13	37	51	23	27	63	72	13	87	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	335	0	7	29	22	21	36	48	33	8	31	63	29	8	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	335	0	7	29	22	21	36	48	33	8	31	63	29	8	0	0
Complaints Pending on September 30, 2004	177	0	5	9	6	9	0	15	38	0	12	49	10	24	0	0

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

¹ CC = U.S. COURT OF FEDERAL CLAIMS.

² CIT = U.S. COURT OF INTERNATIONAL TRADE.

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

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364
During the 12-Month Period Ending September 30, 2003

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 2002*	141	0	3	4	29	6	3	7	22	4	15	16	6	20	5	1
Complaints Filed	835	2	11	36	69	41	67	107	73	28	97	146	47	110	0	1
Complaint Type																
Written by Complainant	835	2	11	36	69	41	67	107	73	28	97	146	47	110	0	1
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	204	6	4	19	8	4	16	27	15	2	26	43	12	22	0	0
District	719	0	14	24	49	28	54	54	53	34	157	156	39	57	0	0
National Courts	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Bankruptcy Judges	38	0	0	2	1	3	1	2	5	2	1	16	3	2	0	0
Magistrate Judges	257	0	0	5	11	6	21	24	21	3	91	40	7	28	0	0
Nature of Allegations**																
Mental Disability	26	0	0	1	6	4	5	1	0	1	2	5	0	1	0	0
Physical Disability	7	0	0	0	1	0	0	2	0	0	2	1	0	1	0	0
Demeanor	21	0	0	1	4	3	1	4	0	1	1	3	1	1	1	0
Abuse of Judicial Power	239	1	0	7	20	3	29	22	2	6	30	59	14	45	0	1
Prejudice/Bias	263	2	12	9	20	14	21	26	29	11	36	37	14	29	2	1
Conflict of Interest	33	0	0	1	3	5	3	2	2	1	2	7	3	4	0	0
Bribery/Corruption	87	0	0	1	4	6	10	6	15	0	20	22	0	3	0	0
Undue Decisional Delay	81	0	0	3	9	6	6	4	3	5	25	16	2	1	0	1
Incompetence/Neglect	47	0	0	3	3	2	8	2	3	0	15	6	1	4	0	0
Other	131	0	0	0	4	37	4	45	0	9	2	13	14	0	3	0
Complaints Concluded	682	2	12	18	42	40	69	94	53	31	87	117	42	69	4	2
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	39	0	1	0	1	0	3	0	17	2	9	6	0	0	0	0
Directly Related to Decision																
or Procedural Ruling	230	2	3	2	14	13	30	24	10	15	15	46	9	46	1	0
Frivolous	77	0	0	0	7	1	3	6	0	7	25	21	1	6	0	0

Table S-22. (September 30, 2003—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	3	0	0	0	0	1	0	0	0	0	1	1	0	0	0	0
Action No Longer Necessary Because of Intervening Events	8	0	0	1	0	0	0	1	0	0	5	1	0	0	0	0
Complaint Withdrawn	8	0	0	0	0	0	1	0	0	0	4	2	0	1	0	0
Subtotal	365	2	4	3	22	15	37	31	27	24	59	77	10	53	1	0
Action by Judicial Councils																
Directed Chief District Judge to Take Action (Magistrate Judges Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Dismissed the Complaint	316	0	8	15	20	25	32	63	26	7	28	40	32	16	3	1
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial Conference	0	0														
Subtotal	317	0	8	15	20	25	32	63	26	7	28	40	32	16	3	2
Complaints Pending on September 30, 2003	294	0	2	22	56	7	1	20	42	1	25	45	11	61	1	0

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

¹ CC = U.S. COURT OF FEDERAL CLAIMS.

² CIT = U.S. COURT OF INTERNATIONAL TRADE.

* REVISED.

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

**Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 372(c)
During the 12-Month Period Ending September 30, 2002**

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 2001*	262	0	17	15	60	3	5	19	44	5	17	36	6	31	3	1
Complaints Filed	657	0	20	14	62	51	59	81	77	28	54	105	47	54	5	0
Complaint Type																
Written by Complainant	656	0	20	13	62	51	59	81	77	28	54	105	47	54	5	0
On Order of Chief Judge	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	353	0	47	6	10	4	17	26	52	11	52	114	11	3	0	0
District	548	0	13	20	41	35	68	32	72	29	43	127	36	32	0	0
National Courts	5	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0
Bankruptcy Judges	57	0	1	1	1	6	4	2	2	0	3	27	2	8	0	0
Magistrate Judges	152	0	1	2	10	6	8	21	11	2	21	48	11	11	0	0
Nature of Allegations**																
Mental Disability	33	0	0	0	4	1	3	2	6	1	3	11	2	0	0	0
Physical Disability	6	0	0	0	0	1	2	0	0	0	0	3	0	0	0	0
Demeanor	17	0	0	1	3	0	3	0	0	0	0	7	0	3	0	0
Abuse of Judicial Power	327	0	1	7	57	6	29	49	14	13	19	71	17	41	3	0
Prejudice/Bias	314	0	34	16	40	13	20	35	51	11	20	36	19	16	3	0
Conflict of Interest	46	0	1	0	18	9	2	3	2	0	4	3	1	3	0	0
Bribery/Corruption	63	0	0	0	15	0	4	6	8	0	5	20	1	4	0	0
Undue Decisional Delay	75	0	1	0	15	3	3	5	3	7	10	15	7	6	0	0
Incompetence/Neglect	45	0	0	2	2	1	7	1	9	0	6	16	1	0	0	0
Other	129	0	4	2	0	46	3	16	8	2	4	32	9	3	0	0
Complaints Concluded	780	0	35	25	93	48	61	98	98	30	57	124	47	61	3	0
Action By Chief Judges																
Complaint Dismissed																
Not in Conformity with Statute	27	0	1	0	1	0	3	1	7	0	1	9	1	3	0	0
Directly Related to Decision																
or Procedural Ruling	249	0	6	5	23	17	24	36	31	14	11	36	22	22	2	0
Frivolous	110	0	9	2	9	2	13	7	5	7	10	36	7	3	0	0

Table S-22. (September 30, 2002—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	3	0	0	1	0	0	0	0	1	0	1	0	0	0	0	0
Action No Longer Necessary Because of Intervening Events	6	0	0	0	2	0	1	0	0	1	0	0	0	2	0	0
Complaint Withdrawn	8	0	0	2	2	1	0	0	1	0	0	1	0	0	1	0
Subtotal	403	0	16	10	37	20	41	44	45	22	23	82	30	30	3	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	2	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	375	0	19	15	56	28	20	54	51	8	34	42	17	31	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	377	0	19	15	56	28	20	54	53	8	34	42	17	31	0	0
Complaints Pending on September 30, 2002	139	0	2	4	29	6	3	2	23	3	14	17	6	24	5	1

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

¹ CC = U.S. CLAIMS COURT.² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

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

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 372(c)
During the 12-Month Period Ending September 30, 2001

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 2001*	150	0	4	9	33	5	3	9	23	1	6	32	4	18	3	0
Complaints Filed	766	0	31	22	102	50	63	100	97	43	52	102	32	70	1	1
Complaint Type																
Written by Complainant	766	0	31	22	102	50	63	100	97	43	52	102	32	70	1	1
On Order of Chief Judge	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	273	0	15	16	31	13	25	23	12	16	33	53	16	20	0	0
District	563	0	16	26	52	23	45	50	86	37	69	104	25	30	0	0
National Court	3	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
Bankruptcy Judges	34	0	0	2	2	6	2	2	1	3	0	12	2	2	0	0
Magistrate Judges	143	0	3	1	17	8	12	25	17	3	10	20	9	18	0	0
Nature of Allegations**																
Mental Disability	29	0	0	0	5	4	1	3	3	1	2	5	0	5	0	0
Physical Disability	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Demeanor	31	0	0	1	14	2	1	0	1	4	2	5	0	1	0	0
Abuse of Judicial Power	200	0	3	3	28	3	35	28	1	13	21	33	15	16	1	0
Prejudice/Bias	266	0	18	11	24	9	17	31	36	13	11	43	14	38	1	0
Conflict of Interest	38	0	0	0	10	4	3	8	1	1	0	5	4	2	0	0
Bribery/Corruption	61	0	0	0	2	5	4	6	1	1	1	33	3	5	0	0
Undue Decisional Delay	60	0	0	0	6	6	3	11	2	6	4	15	0	7	0	0
Incompetence/Neglect	50	0	0	2	5	8	3	3	7	0	1	20	0	1	0	0
Other	186	0	8	1	0	50	4	47	16	3	8	32	7	10	0	0
Complaints Concluded	668	0	18	16	75	53	61	108	68	39	41	100	30	58	1	0
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	13	0	1	0	4	0	0	0	1	2	1	4	0	0	0	0
Directly Related to Decision																
or Procedural Ruling	235	0	2	3	17	26	25	42	20	14	18	27	14	27	0	0
Frivolous	103	0	0	2	13	0	6	13	14	12	7	31	2	3	0	0

Table S-22. (September 30, 2001—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	4	0	0	0	0	1	0	0	0	1	1	0	1	0	0	0
Action No Longer Necessary Because of																
Intervening Events	5	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0
Complaint Withdrawn	3	0	0	1	0	1	0	0	0	0	1	0	0	0	0	0
Subtotal	363	0	3	6	34	28	31	55	35	29	28	62	17	35	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judge Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	303	0	15	10	40	25	30	53	33	10	13	38	12	23	1	0
Withdrawn	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	305	0	15	10	41	25	30	53	33	10	13	38	13	23	1	0
Complaints Pending on September 30, 2001	248	0	17	15	60	2	5	1	52	5	17	34	6	30	3	1

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

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

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

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the 12-Month Period Ending September 30, 2000

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1999*	181	0	1	5	65	19	2	18	15	0	7	27	11	11	0	0
Complaints Filed	696	2	18	21	59	53	61	113	56	44	51	111	32	73	2	0
Complaint Type																
Written by Complainant	695	2	18	21	59	53	61	113	56	44	51	111	31	73	2	0
On Order of Chief Judges	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Officials Complained About**																
Judges																
Circuit	191	4	4	4	9	10	14	23	4	11	45	35	15	13	0	0
District	522	0	17	20	41	36	62	60	50	29	52	92	26	37	0	0
National Courts	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	26	0	0	1	2	6	1	2	2	2	2	5	2	1	0	0
Magistrate Judges	135	0	0	3	7	2	10	28	13	6	6	32	6	22	0	0
Nature of Allegations**																
Mental Disability	26	0	0	0	2	6	6	5	0	1	3	2	0	1	0	0
Physical Disability	12	0	0	1	1	3	4	0	0	0	0	3	0	0	0	0
Demeanor	13	0	0	0	3	2	0	0	0	0	1	6	0	1	0	0
Abuse of Judicial Power	272	0	0	10	29	25	29	43	9	23	20	38	16	30	0	0
Prejudice/Bias	257	1	13	8	28	17	15	24	28	13	17	39	25	29	0	0
Conflict of Interest	48	1	0	0	11	9	1	5	1	0	3	8	1	8	0	0
Bribery/Corruption	83	0	0	2	21	12	8	4	0	2	6	22	2	4	0	0
Undue Decisional Delay	75	0	2	1	11	6	6	7	5	3	3	16	4	11	0	0
Incompetence/Neglect	61	0	0	0	1	7	8	3	1	3	5	31	0	2	0	0
Other	188	0	7	1	5	66	0	50	4	7	13	20	9	6	0	0
Complaints Concluded	715	2	15	17	80	67	60	123	48	44	51	104	39	65	0	0
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	29	0	0	2	0	0	4	0	9	1	0	12	1	0	0	0
Directly Related to Decision																
or Procedural Ruling	264	2	4	3	29	31	26	23	21	11	23	38	15	38	0	0
Frivolous	50	0	4	1	0	0	2	8	2	12	8	9	2	2	0	0

Table S-22. (September 30, 2000—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	6	0	0	1	0	0	0	3	0	0	0	0	2	0	0	0
Action No Longer Necessary Because of																
Intervening Events	7	0	0	0	1	0	1	2	0	0	0	1	0	2	0	0
Complaint Withdrawn	3	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0
Subtotal	359	2	8	8	30	31	34	37	32	24	31	60	20	42	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judge Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	354	0	7	9	50	36	26	86	16	20	20	42	19	23	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	356	0	7	9	50	36	26	86	16	20	20	44	19	23	0	0
Complaints Pending on September 30, 2000	162	0	4	9	44	5	3	8	23	0	7	34	4	19	2	0

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

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

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

Table S-23.
Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the 12-Month Period Ending September 30, 1999

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1998*	228	0	3	1	23	48	0	3	28	0	19	75	3	25	0	0
Complaints Filed	781	2	16	17	99	34	55	196	72	31	36	115	58	50	0	0
Complaint Type																
Written by Complaint	781	2	16	17	99	34	55	196	72	31	36	115	58	50	0	0
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	174	4	16	0	23	3	7	31	16	7	25	31	11	0	0	0
District	598	0	48	17	63	24	55	98	58	27	24	99	47	38	0	0
National Courts	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	30	0	0	1	2	2	0	3	2	1	2	16	0	1	0	0
Magistrate Judges	229	0	1	4	11	5	6	64	14	4	10	69	30	11	0	0
Nature of Allegations**																
Mental Disability	69	0	0	0	26	4	3	11	3	0	2	5	0	15	0	0
Physical Disability	6	0	0	0	2	0	0	0	1	1	0	2	0	0	0	0
Demeanor	34	0	0	0	2	1	4	0	5	3	1	14	1	3	0	0
Abuse of Judicial Power	254	0	1	2	7	45	17	4	9	10	16	91	27	25	0	0
Prejudice/Bias	360	2	15	8	34	20	16	28	41	15	23	85	32	41	0	0
Conflict of Interest	29	0	0	0	5	1	6	4	0	0	2	6	2	3	0	0
Bribery/Corruption	104	0	0	4	10	26	4	4	3	1	2	44	0	6	0	0
Undue Decisional Delay	80	0	5	0	0	6	6	2	5	2	2	30	18	4	0	0
Incompetence/Neglect	108	1	0	0	3	5	3	0	6	0	2	71	2	15	0	0
Other	288	0	2	0	3	62	0	143	25	7	4	26	8	8	0	0
Complaints Concluded	826	2	18	12	57	63	53	184	82	31	45	163	50	66	0	0
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	27	0	4	0	0	0	6	0	8	1	4	4	0	0	0	0
Directly Related to Decision																
or Procedural Ruling	300	2	0	5	19	12	21	31	24	14	11	84	28	49	0	0
Frivolous	66	0	5	2	19	0	6	6	1	3	3	16	4	1	0	0

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Table S-23. (September 30, 1999—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Action No Longer Necessary Because of																
Intervening Events	10	0	0	0	3	0	0	0	1	0	0	3	2	1	0	0
Complainant Withdrawn	2	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0
Subtotal	406	2	9	7	41	12	34	37	34	19	18	107	35	51	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	416	0	9	5	16	51	19	147	46	12	27	54	15	15	0	0
Withdrawn	4	0	0	0	0	0	0	0	2	0	0	2	0	0	0	0
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	420	0	9	5	16	51	19	147	48	12	27	56	15	15	0	0
Complaints Pending on September 30, 1999	183	0	1	6	65	19	2	15	18	0	10	27	11	9	0	0

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

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

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

Table S-24.
Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the Twelve-Month Period Ended September 30, 1998

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1997*	214	0	6	3	10	31	0	6	18	4	18	82	1	35	0	0
Complaints Filed	1,051	1	27	10	73	120	73	46	86	37	78	265	37	197	1	0
Complaint Type																
Written by Complainant	1,049	1	27	10	73	120	73	46	86	36	78	264	37	197	1	0
On Order of Chief Judges	2	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0
Officials Complained About**																
Judges																
Circuit	443	1	16	2	14	22	23	13	8	17	134	20	11	162	0	0
District	758	0	47	9	56	83	50	27	82	26	83	250	29	16	0	0
National Courts	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Bankruptcy Judges	28	0	2	0	1	2	5	1	3	2	3	6	1	2	0	0
Magistrate Judges	215	0	3	2	8	13	15	12	16	5	7	110	8	16	0	0
Nature of Allegations**																
Mental Disability	92	0	0	3	9	4	7	2	18	0	36	13	0	0	0	0
Physical Disability	7	0	0	2	1	2	0	0	1	0	0	0	0	1	0	0
Demeanor	19	0	0	0	2	3	0	1	3	0	0	8	0	2	0	0
Abuse of Judicial Power	511	1	2	2	30	8	48	16	8	21	27	168	9	171	0	0
Prejudice/Bias	647	0	21	9	36	32	22	22	44	19	46	198	20	178	0	0
Conflict of Interest	141	0	0	1	0	7	3	3	0	0	3	117	2	5	0	0
Bribery/Corruption	166	0	0	0	0	0	3	0	0	1	2	155	2	3	0	0
Undue Decisional Delay	50	0	3	1	4	4	2	0	1	5	7	14	8	1	0	0
Incompetence/Neglect	99	0	0	0	1	4	4	0	3	1	1	81	1	3	0	0
Other	193	0	17	1	11	94	3	13	20	4	11	3	10	6	0	0
Complaints Concluded	1,002	1	33	13	56	95	73	49	70	40	78	257	35	202	0	0
Actions by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	43	0	6	0	4	2	5	0	2	3	6	5	3	7	0	0
Directly Related to Decision																
or Procedural Ruling	532	1	0	5	19	54	42	15	43	16	52	88	18	179	0	0
Frivolous	159	0	1	1	1	1	0	1	5	13	2	133	1	0	0	0

Table S-24. (September 30, 1998—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	2	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0
Action No Longer Necessary Because of																
Intervening Events	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Complaint Withdrawn	5	0	1	0	0	0	1	0	1	1	1	0	0	0	0	0
Subtotal	742	1	8	6	24	57	48	16	51	34	62	227	22	186	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	258	0	25	7	32	38	25	32	19	6	16	29	13	16	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	260	0	25	7	32	38	25	33	19	6	16	30	13	16	0	0
Complaints Pending on September 30, 1998	263	0	0	0	27	56	0	3	34	1	18	90	3	30	1	0

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

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

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

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Table S-24.
Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the Twelve-Month Period Ended September 30, 1997

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1996*	109	0	1	21	5	11	7	10	1	3	11	31	8	0	0	0
Complaints Filed	679	3	15	16	40	62	69	84	68	28	56	137	54	47	0	0
Complaint Type																
Written by Complaint	678	3	15	16	40	62	69	84	68	27	56	137	54	47	0	0
On Order of Chief Judges	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	461	3	4	10	3	24	29	14	11	5	102	249	7	0	0	0
District	497	0	14	17	27	28	48	43	59	25	45	121	38	32	0	0
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	31	0	0	2	2	2	6	3	2	2	2	6	1	3	0	0
Magistrate Judges	138	0	0	1	8	7	15	27	10	0	9	24	25	12	0	0
Nature of Allegations**																
Mental Disability	11	0	0	0	1	1	2	0	2	0	3	2	0	0	0	0
Physical Disability	4	0	0	1	0	1	1	0	1	0	0	0	0	0	0	0
Demeanor	11	0	0	0	2	0	0	0	0	0	1	4	0	4	0	0
Abuse of Judicial Power	179	3	0	6	25	1	40	20	8	13	17	19	22	5	0	0
Prejudice/Bias	193	1	9	8	32	8	27	12	17	4	14	30	20	11	0	0
Conflict of Interest	12	0	0	0	0	0	2	1	2	0	3	3	0	1	0	0
Bribery/Corruption	28	0	0	1	0	2	1	0	4	2	4	13	0	1	0	0
Undue Decisional Delay	44	0	0	1	0	6	1	10	4	2	3	11	5	1	0	0
Incompetence/Neglect	30	0	0	3	4	1	0	0	5	0	0	16	1	0	0	0
Other	161	1	3	2	0	30	1	38	24	10	7	19	22	4	0	0
Complaints Concluded	482	3	9	13	33	31	69	80	49	24	41	60	53	17	0	0
Action By Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	29	2	4	0	3	1	4	2	1	3	6	2	0	1	0	0
Directly Related to Decision																
or Procedural Ruling	215	0	0	6	12	21	34	26	21	11	14	31	24	15	0	0
Frivolous	19	1	0	0	0	0	3	0	1	6	1	5	2	0	0	0

Table S-24. (Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	2	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
Action No Longer Necessary Because of																
Intervening Events	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Complaint Withdrawn	5	0	0	0	0	0	4	0	0	0	0	0	0	1	0	0
Subtotal	270	3	4	6	15	22	45	29	23	21	21	38	26	17	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	212	0	5	7	18	9	24	51	26	3	20	22	27	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	212	0	5	7	18	9	24	51	26	3	20	22	27	0	0	0
Complaints Pending on September 30, 1997	306	0	7	24	12	42	7	14	20	7	26	108	9	30	0	0

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

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

The Official Statistics of the Administrative Office of the U.S. Courts
Show the Systematic Dismissal of Judicial Conduct Complaints
by Federal Judges, Including the Justices of the Supreme Court
(excerpt from Tables of Exhibits, ToEC:40, revised as of 10/7/6)

by
Dr. Richard Cordero, Esq.

1. The statistics of workload of the courts contained in the “Supreme Court’s 2005 Year-end Report on the Federal Judiciary” (emphasis added; C:980k¹) show that there were **7,496 case filings** in the 2004 Term. Only 9 justices managed to hear oral argument in 87 cases and to dispose of 85 in 74 signed opinions. (C:980.q; for the 2000-2004 workload statistics see A:1965)
2. The Report goes on to state that “Filings in the regional courts of appeals rose 9 percent to an all-time high of **68,473**, marking the 10th consecutive record-breaking year and the 11th successive year of growth.” (emphasis added; C:980r) That steady growth started **from 40,893 cases filed in 1990**, as shown in “Table 2.1. Appeals Filed, Terminated, and Pending (Excludes Federal Circuit) Summary of 1990-2005”, (thus, 12 regional courts covered; C:980.x) contained in “Judicial Facts and Figures” published by the Administrative Office of the U.S. Courts (C:980.t²). That Table also shows that **38,961 cases were terminated in 1990** while **61,975** were **in 2005**.
3. The Administrative Office has also published the reports of judicial misconduct **complaints filed** under 28 U.S.C. §351 et seq. in the period beginning on October 1, 1996 and ending on September 30, 2005. (C:973-980.j³) It covers not only the 13 regional

¹ 114 **Supreme Court’s 2005** Year-end Report on the Federal Judiciary C:980.k
<http://www.supremecourtus.gov/publicinfo/year-end/2005year-endreport.pdf>

² 116 Judicial Facts and Figures, published by the Administrative Office of the U.S. Courts C:980.t
<http://www.uscourts.gov/judicialfactsfigures/contents.html>

a) Table 1. Total Judicial Officers. Courts of Appeals, District Courts,
Bankruptcy Courts C:980.w

b) Table 2.1. U.S. Courts of Appeals (Excludes Federal Circuit). Appeals
Filed, Terminated, and Pending, Summary of 1990-2005 C:980.x

³ 115. **1997-2005 Reports of Complaints** Filed and Action Taken Under Authority of
28 U.S.C. §§351-364 and 372(c) During the 12-Month Period Ending September
30, [of the year reported on], in Judicial Business of the United States Courts,

courts of appeals, including the Federal Circuit, but also two national courts, that is, the Court of Claims and the Court of International Trade, for a total of 15 courts. It shows that for the administrative year ending on September 30, **1997, 679** complaints were filed. (C:980.i) However, in the year ending on September **2005, only 642** complaints were filed. (C:973) So today there are fewer complaints filed with 15 courts against judges than nine years ago. Since **68,473 cases** were filed in 12 regional courts of appeals **but only 642 judicial misconduct complaints** were filed with all the 15 courts of appeals **in 2005**, there was less than one complaint out of every 100 cases appealed to just 12 courts by "disappointed litigants"...in a society ever more litigious as ours, as shown above? That is *unbelievable!*

4. So the courts and judicial bodies that provide to their Administrative Office the numbers of complaints filed and disposed of would have one believe that a society that has shown to become dramatically more litigious toward everybody, as shown by the ever increasing number of appeals, has become less contentious toward the 2,133 circuit, district, and bankruptcy judges. Oh, judges!, ever so civil, patient, and understanding of one's point of view. (C:980.w) How ridiculously implausible!, particularly since that same society is ever more prone to road rage, school shootings, and violence against judges, as shown "by the horrific murders of a U.S. District Court judge's husband and mother by a disappointed litigant, and the terrible incident in Atlanta in which a judge, court reporter, and deputy were killed in the Fulton County courthouse", as stated by the Supreme Court in the same 2005 Year-End Report, which was issued by Chief Justice John Roberts. (C:980.l)
5. What is more, the judicial councils –the first level of appeal after a complainant files a complaint with the chief judge of the respective court of appeals- took no action on any of those complaints but one kind: dismissal. So **in** the administrative year **1997** the councils **dismissed 212 complaints** -compared with 679 filed- (C:980.j) only to **increase that number to dismiss 267** -compared with 642 complaints filed- **in 2005** (C:974).
6. This is not just preposterous; this is a pattern where the last nine years are representative of the last 25 since the enactment of the [Judicial Conduct and Disability Act of 1980](#) (C:576, TOEC:60). It is the pattern of intentional and coordinated disregard by chief judges of the courts of appeals and the judges of the judicial councils of an Act of Congress inimical to their interests as a class of people. This explains how in the 26 years since the enactment of the Act the Judicial Conference of the United States, which is the second and last level of appeal of complaints under the Act, has issued only 15 orders (C:682, 1611), while in the same time the Supreme Court issued thousands of decisions, 74 signed opinions in 2005 alone, as shown in ¶¶1 and 2 above.
7. Actually, the chief justice of the Supreme Court is the presiding member of the Conference. Each of the justices of the Supreme Court is also a circuit justice of the judicial council to which he or she was allotted, and as such a member of the judicial

[Annual Reports of the Director](#), by Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts, C:973
<http://www.uscourts.gov/judbususc/judbus.html>

council to which the dismissal of any complaint was first appealed.⁴ Also members of the Conference are all the chief judges of the courts of appeals, the very ones who first received the complaints and who systematically dismissed practically all of them.⁵ The councils denied all but a handful those appeals⁶ and decided in practice which complaints they would allow to reach the Conference.⁷ Hence, all the Supreme Court justices, the circuit chief judges, and the many district judges that form part of the judicial councils or the Judicial Conference have participated in, and known of, the systematic dismissal of judicial conduct complaints. By engaging in it, all of them injured those complainants whose complaints they dismissed out of hand, thereby denying them any relief and leaving them at the mercy of the biased, law-disregarding judges about whom they had complained.

8. In addition to being liable for having caused that injury, federal judges are liable for having abrogated in practice an Act of Congress and having abused their power to exempt themselves from the duty of self-discipline that it imposed upon them. They did so to provide for themselves a status of factual immunity from any control of their conduct, not to mention immunity from prosecution, that is, impeachment. Hence, they usurped a status to which no person in our country, not even the president of the United States or the speaker of the House of Representatives, has any right: Federal judges have elevated themselves to the position of the only people in our country that as a matter of fact are above the law.
9. Why would officers sworn to apply the law “without respect to persons” (28 U.S.C. §453) disregard their oath when it comes to applying the law in a disciplinary setting to their peers and themselves, thus administering for their benefit ‘unequal justice under law’? In light of the evidence and taking account of the dynamics of webs of personal relationships, two reasonable answers to that question present themselves. One is that

⁴ See the discussion of this issue and the references in ¶¶42 and 43 of the “Statement of Facts.” <http://Judicial-Discipline-Reform.org/StatFacts1.htm>

⁵ cf. §A. Judicial misconduct complaint against Bkr. Judge John C. Ninfo, II, WBNY ToEC:7
http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits.pdf (downloadable)
<http://Judicial-Discipline-Reform.org/ToeC.htm> (on website)

cf. §B. Judicial misconduct complaint against complaint against Chief Judge John M. Walker, Jr., CA2 ToEC:13

⁶cf. §D. Appeal to the Judicial Council, 2nd Cir., from the dismissal of the misconduct complaint against Bkr. Judge John C. Ninfo, II, WBNY ToEC:23
http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits.pdf (downloadable)
<http://Judicial-Discipline-Reform.org/ToeC.htm> (on website)

cf. §F. Appeal to the Judicial Council, 2nd Cir., from the dismissal of the misconduct complaint against Chief Judge John M. Walker, Jr., CA2 ToEC:29

⁷ cf. §G. Appeal to the Judicial Conference of the U.S. from the denials by the Judicial Council of the petitions for review of the dismissals of the complaints against Judge Ninfo and Chief Judge Walker ToEC:32

if the judges reviewing the complaints have themselves engaged in the type of conduct complained about, then if they were to declare it unbecoming of a judge and deserving of discipline, they would be incriminating and exposing themselves to being the target of the same discipline.

10. The other answer is that judges disregard complaints against their peers in order to avoid retaliation. So if today they were to pay any attention to a complaint, not to mention set up a special committee or call in a standing committee under [28 U.S.C. §§353\(a\)](#) and [356\(b\)](#), respectively, to examine the complained-about judge, then if tomorrow they were the subject of a complaint, the formerly investigated judge or his friends, allies, and accomplices would take the opportunity to retaliate by investigating them and perhaps even disciplining them.
11. Such conduct involves judging 'with' regard to persons, contrary to their oath of office. It illustrates the axiomatic principle that due to inescapable grave conflict of interests, one cannot sit in judgment of oneself or of those in one's web of personal relationships. Judges do act in self-interest, taking the easy, unprincipled way out in dereliction of duty and to the detriment of complainants and the integrity of judicial process. (On webs of personal relationships see [Statement of Facts:4§14.](#))
12. 'Big deal! Why would we judges ever indispose ourselves with our peers with whom we will spend the rest of our professional lives as Article III life-term appointees or renewable 14-year term bankruptcy judges⁸? Why create for ourselves an avoidable hostile work environment and the repellant reputation of an unreliable class traitor just because one Joe or Jane thought in their very impeachable judgment that a judge had misbehaved or even broken the law? Who cares! Let them deal with it for the short time they will be upset! They will get over it, trust us!, since we judges are the last resort of those complainants.'
13. Such is the mentality arising from the dynamics of a web of personal relationships whose members are endowed with unappellable judicial power. It rests on a judicial system of self-discipline inherently flawed: Federal judges have no incentive to do what is right but inimical to themselves because they do not have to fear any adverse consequences of doing what is wrong. Hence, they have taken out of service the mechanism of judicial discipline that they are supposed to operate. However, that does not mean that they are idle. Far from it, the "[Statement of Facts](#)" shows that they operate or tolerate the operation of a [bankruptcy fraud scheme](#).

Dr. Richard Cordero, Esq.

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⁸ §H. Comments in response to the invitation by CA2 for public comments on the [reappointment of Judge John C. Ninfo, II](#), to a new term as bankruptcy judge [ToEC:42](#)
http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits/pdf (downloadable)
<http://Judicial-Discipline-Reform.org/ToeC.htm> (on website)



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Impeachments of Federal Judges

John Pickering, U.S. District Court for the District of New Hampshire.

Impeached by the U.S. House of Representatives on March 2, 1803, on charges of mental instability and intoxication on the bench; Trial in the U.S. Senate, March 3, 1803, to March 12, 1803; Convicted and removed from office on March 12, 1803.

Samuel Chase, Associate Justice, Supreme Court of the United States.

Impeached by the U.S. House of Representatives on March 12, 1804, on charges of arbitrary and oppressive conduct of trials; Trial in the U.S. Senate, November 30, 1804, to March 1, 1805; Acquitted on March 1, 1805.

James H. Peck, U.S. District Court for the District of Missouri.

Impeached by the U.S. House of Representatives on April 24, 1830, on charges of abuse of the contempt power; Trial in the U.S. Senate, April 26, 1830, to January 31, 1831; Acquitted on January 31, 1831.

West H. Humphreys, U.S. District Court for the Middle, Eastern, and Western Districts of Tennessee.

Impeached by the U.S. House of Representatives, May 6, 1862, on charges of refusing to hold court and waging war against the U.S. government; Trial in the U.S. Senate, May 7, 1862, to June 26, 1862; Convicted and removed from office, June 26, 1862.

Mark W. Delahay, U.S. District Court for the District of Kansas.

Impeached by the U.S. House of Representatives, February 28, 1873, on charges of intoxication on the bench; Resigned from office, December 12, 1873, before opening of trial in the U.S. Senate.

Charles Swayne, U.S. District Court for the Northern District of Florida.

Impeached by the U.S. House of Representatives, December 13, 1904, on charges of abuse of contempt power and other misuses of office; Trial in the U.S. Senate, December 14, 1904, to February 27, 1905; Acquitted February 27, 1905.

Robert W. Archbald, U.S. Commerce Court.

Impeached by the U.S. House of Representatives, July 11, 1912, on charges of improper business relationship with litigants; Trial in the U.S. Senate, July 13, 1912, to January 13, 1913; Convicted and removed from office, January 13, 1913.

George W. English, U.S. District Court for the Eastern District of Illinois.

Impeached by the U.S. House of Representatives, April 1, 1926, on charges of abuse of power; resigned office November 4, 1926; Senate Court of Impeachment adjourned to December 13, 1926, when, on request of the House manager, impeachment proceedings were dismissed.

Harold Louderback, U.S. District Court for the Northern District of California.

Impeached by the U.S. House of Representatives, February 24, 1933, on charges of favoritism in the appointment of bankruptcy receivers; Trial in the U.S. Senate, May 15, 1933, to May 24, 1933; Acquitted, May 24, 1933.

Halsted L. Ritter, U.S. District Court for the Southern District of Florida.

Impeached by the U.S. House of Representatives, March 2, 1936, on charges of favoritism in the appointment of bankruptcy receivers and practicing law while sitting as a judge; Trial in the U.S. Senate, April 6, 1936, to April 17, 1936; Convicted and removed from office, April 17, 1936.

Harry E. Claiborne, U.S. District Court for the District of Nevada.

Impeached by the U.S. House of Representatives, October 9, 1986, on charges of income tax evasion and of remaining on the bench following criminal conviction; Trial in the U.S. Senate, October 7, 1986, to October 9, 1986; Convicted and removed from office, October 9, 1986.

Alcee L. Hastings, U.S. District Court for the Southern District of Florida.

Impeached by the U.S. House of Representatives, August 3, 1988, on charges of perjury and conspiring to solicit a bribe; Trial in the U.S. Senate, October 18, 1989, to October 20, 1989; Convicted and removed from office, October 20, 1989.

Walter L. Nixon, U.S. District Court for the Southern District of Mississippi.

Impeached by the U.S. House of Representatives, May 10, 1989, on charges of perjury before a federal grand jury; Trial in the U.S. Senate, November 1, 1989, to November 3, 1989; Convicted and removed from office, November 3, 1989.

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as of November 1, 2006

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

For decades since before the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §351 et seq.)¹, the Supreme Court has known of the lack of an effective judicial impeachment mechanism (ToEC:60>Comment, C:1384):² In the 217 years since the U.S. Constitution of 1789, only 7 federal judges³ have been impeached and convicted. Since the Act's passage, they have know also of the break down of its self-discipline mechanism (ToEC:24>Comment, C:573). To know it, Late Chief Justice Rehnquist, who was also the presiding member of the Judicial Conference (28 U.S.C §331¶1), the body of last resort under the Act (id. §354(b)), need not read the Annual Reports on the Act produced by the Administrative Office of the U.S. Courts (id. §604(h)(2)) or the Conference's reports (C:1771). He knew that in the 24 years since the Act the Conference had issued under it only 15 orders! (C:1611) Yet he waited until May 2004 to charge Justice Stephen Breyer with chairing a committee to study it. (C:574-577) The Breyer Committee held no hearings (cf.ToEC:66§L) and took over 27 months only to issue a report that clears his lower peers of the systematic dismissal of complaints apparent from the official reports.

All the justices are also circuit justices of the circuits to which they have been allotted (28 U.S.C. §42, 45(b); C:149) so they may attend (C:980y-83; cf. 980z-10) their councils' meetings where misconduct complaints are discussed (C:980y-84, z-76) and can learn the nature and number of orders related thereto, which must be reported to the Administrative Office (28 U.S.C. §332(c-d, g); C:980y-87, z-79). Hence, they know that such complaints are systematically dismissed. Actually, the justices must be presumed to have realized from the cases that they deal with daily at the Supreme Court that 'power corrupts and in the absence of any control over its exercise, power becomes absolute and corrupts absolutely'. So they could not have reasonably believed that while wielding power over life, liberty, and property the 2,133 federal judges would remain immune to the type of "Culture of Corruption", in the words of House Minority Leader Nancy Pelosi, that has engulfed the 535 members of Congress. Did the justices or the circuit judges of the courts of appeals, who appoint bankruptcy judges to renewable 14-year terms (28 U.S.C. §152(a)(1)) believe for a moment that even in the absence of any supervision and discipline and without the deterrence of impeachment bankruptcy judges would resist the temptation to mishandle the \$billions that are at stake in bankruptcies and whose disposition they

¹ All the references to legal authority are found at:

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

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

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

³ Judges of the United States, Impeachments of Federal Judges, Federal Judicial Center, <http://www.fjc.gov/history/home/nsf>

determine? (D:458§V, Add:621§1) Since the justices and circuit judges cannot have ignored ongoing misconduct of judges abusing their uncontrolled power, why have they tolerated it?

A reasonable person is assumed to intend the normal consequences of his or her acts, just as they are assumed to engage in rational behavior in furtherance of what they conceive to be their interests. Consequently, it must be assumed that when the justices and circuit judges engaged or acquiesced in the systematic dismissal of misconduct complaints against judges they intended to allow their peers and themselves to wield uncontrol power and engage in its normal consequence of abuse of power and corruption. Since this in turn would normally give rise to complaints leading to prosecution, the dismissal of such complaints became necessary to immunize themselves from such prosecution. The facts do not allow the justices of the Supreme Court to deny that this was their intention.

Indeed, they know how litigious our society is, for the number of filings in the Supreme Court went from 7,924 in the 2001 Term to 8,255 in the 2002 Term⁴...for only the nine justices to take care of! Hence, they could not assume for a nanosecond that it was a natural occurrence that *for years in a row* not a single complaint, all denied by a circuit chief judge or dismissed by any of the 13 circuit councils, made it up as a petition for review to the Judicial Conference. The later is the highest administrative body of the federal judiciary, the Third Branch of Government, that must ensure the proper functioning and integrity of the courts and its judges. (C:1711)

It would be patently untenable to pretend that not even one of all the complainants to the circuit chief judges was so dissatisfied with a chief judge's final order concerning his complaint under 28 U.S.C. §351 as to petition the respective circuit council for review thereof under §352(c). It would be just as untenable to allege that not a single petitioner to any of the 13 councils was "aggrieved" under §357(a) by a council's action so as to be entitled to petition the Conference for review thereof. It would be equally untenable to suggest that of all the complaints filed during the course of years there has not been even one meritorious enough for any of the councils to refer under §354(b) to the Conference.

Consequently, it necessarily follows that the occurrence of "no pending petitions for review of judicial council action on misconduct orders"⁵ is the result of the non-coincidental, intentional, and coordinated determination of the judges of the 13 councils, with the conniving approval of those who are also members of the Conference, and its presiding member, the chief justice, both to prevent complaints, not to mention their own action on them, from being reviewed and to put an end to them at the earliest stage possible. The Supreme Court is responsible for ensuring respect for the rule of law through its application not only by, but also to, judges. Hence, it too is to blame for having allowed the entrenchment of the attitude of flagrant disregard by judges, chief judges, and their councils and Conference, of the legal duty imposed on them under §351 et seq. to handle effectively complaints against them and to discipline themselves as well as for having tolerated its deleterious effect on the integrity of judicial process: abuse of power and corruption. (Cf. A:1662§D; ToEC:>C:973 and Comment thereunder)

⁴ Supreme Court of the United States 2003 Year-end Report on the Federal Judiciary; www.supremecourtus.gov.

⁵ Report of September 23, 2003, of the Proceedings of the Judicial Conference, and Reports of March and September 2003 and March 2004, of the Judicial Conference's Committee to Review Circuit Council Conduct and Disability Orders. (C:569-572)

Statement of Facts

providing evidence showing that a federal judgeship has become a safe haven for wrongdoing due to lack of an effective mechanism of judicial conduct control and calling for the formation of a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action based on a representative case charging that Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit have engaged in a series of acts of disregard for the law, the rules, and the facts, and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that protects peers and other schemers involved in a bankruptcy fraud scheme

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I. Evidence gathered in 12 cases over 5 years supporting Statement & representative case

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

¹ The letters preceding the page number # identify the cases and their tables of exhibits. (ToEC:1fn. & 5§IV).
*The blue text links are active in <http://Judicial-Discipline-Reform.org/StatFacts1.htm> et seq. 1 of 10

2. In just one of those cases the judges have refused even to ask for the whereabouts of over \$670,000 (T_oEC:110) earned or received by the ‘bankrupt’ *banker*, as shown by his own documents...and according to PACER.uscourts.gov (Public Access to Court Electronic Records) the trustee in his case had at the time 3,909 *open cases*! The judges’ refusal to take or skip a necessary step to decide a case is only one use of the means enabling money to have its evil effect, to wit, the most powerful corruptor, power itself, here unsupervised, discipline-free, in practice absolute judicial power exercised by federal judges who have in fact become a class of people above the law.
3. The evidence in those 12 cases shows that judges have systematically exercised judicial power through bias and disregard for the rule of law that is intended to prescribe limits to its use. Risk-free abuse of judicial power in a setting awash with money has led certain judges, their staff, and bankruptcy trustees to support a bankruptcy fraud scheme. While their exercise of it is immune from discipline, it is not harmless. It has had injurious consequences for Dr. Richard Cordero, Esq., depriving him of his legal rights in cases to which he is a party pro se and causing him enormous waste of effort, time, and money as well as inflicting upon him tremendous emotional distress.
4. Repeatedly, Dr. Cordero has submitted to Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the Court of Appeals for the Second Circuit (CA2), who have supervisory duties over the integrity of 2nd Circuit courts, substantial evidence of the pattern of support by U.S. judges therein of the bankruptcy fraud scheme and its effect on him. Consistently they have disregarded that evidence, thereby condoning the other judges’ continued support for the scheme and the schemers and allowing their bias and denial of due process to further injure Dr. Cordero.
5. In so doing, Judges Walker and Jacobs have shown their own bias toward their peers and staffs, including their own staff (T_oEC:19§C), to the detriment of Dr. Cordero and have also denied him due process of law in their dealings with him. In addition, by so protecting those officers they have breached their oath of office to apply the law, let alone do so equally “without respect to persons” (28 U.S.C. §453), which gives rise to a duty that inures to the benefit of every third party, such as Dr. Cordero, who comes before them with the reasonable expectation of having their cases decided impartially in accordance with law. Moreover, they have failed to discharge their duty as chief judge and as members of the Judicial Council of the Second Circuit to safeguard the integrity of the courts and their officers in the Circuit, a duty that also runs to the benefit of every person that resorts to the courts for the proper administration of justice.
6. There is ample and *official* evidence of coordinated and systematic disregard by judges of misconduct by their peers. (T_oEC:39>973 & Comment) To establish such disregard and its consequences a representative case can center on C.J. Walker and Judge Jacobs because the evidence against them is as abundant as their disregard of judicial misconduct has been blatant.

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

7. Dr. Cordero is currently a resident of New York City. However, in the early 1990’s he resided in Rochester, NY. Before leaving that city in 1993, he entrusted personal and professional property to a moving and storage company. For almost 10 years he paid storage and insurance fees for the safekeeping of such property.
8. At the beginning of 2002, Dr. Cordero contacted by phone Mr. David Palmer, the owner of

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

9. As it turned out, more than a year earlier, on March 5, 2001, Mr. Palmer had filed a voluntary petition for Premier's bankruptcy under [11 U.S.C. Chapter 11](#) (*In re Premier Van Lines, Inc.*, no. 01-20692, WBNY, docket at [A:565](#); [nywb.uscourts.gov](#); hereinafter *Premier*). His case had landed before Bankruptcy Judge John C. Ninfo, II, WBNY. Soon thereafter Mr. Palmer failed to comply with the obligations of his bankruptcy and even stopped appearing in its proceedings. Hence, on December 28, 2001, Trustee Kenneth Gordon, Esq., the Standing Trustee for liquidations under [Chapter 7](#), was appointed to liquidate Premier. (A:572/63)
10. Trustee Gordon's performance was so negligent and reckless that he failed to find out that Mr. James Pfuntner owned a warehouse in Avon, Rochester, where Premier had stored its clients' property, such as those of Dr. Cordero. To begin with, just as Mr. Palmer failed to inform Dr. Cordero of his filing for bankruptcy protection for Premier, the Trustee did not inform Dr. Cordero of his liquidation of it; consequently, Dr. Cordero was deprived of his right to file a claim as creditor of Premier. By failing thus to inform Dr. Cordero, the Trustee also deprived him of the opportunity to decide what to do with his property. Moreover, Trustee Gordon could have found out the possibility of such property being in Mr. Pfuntner's warehouse by just examining *Premier's* docket (A:567/13, 17, 19, 21, 23; 571/52), not to mention through diligent examination under [11 U.S.C. §704\(4\)](#) of Premier's financial affairs and its business records, to which he had access (A:109 ftnts-5-8; A:45, 46, 352).
11. As a result, Trustee Gordon failed to discover the income-producing storage accounts that belonged to the estate or to act timely (A-575:94; cf. A:46-48; A:575/87, 89). So he closed the case as "No distribution" (A:577/107 & entries for 10/24/2003), although he had not only classified it as an "Asset case" (A:572/70, 573/71; 575/94, 95), but had also applied for authorization to Judge Ninfo and received it to hire an auctioneer, Mr. Roy Teitsworth (A:576/97)...and then what happened? Where is the accountant's report for which \$4,699 was paid? (A:575/90) Nobody would answer, for these were job-threatening questions ([28 CFR §58.6\(7\)](#)) that no outsider was supposed to ask. (A:835§B7) Interestingly enough, a query on PACER of Kenneth Gordon as trustee returned that between April 12, 2000, and November 3, 2003, he was the trustee in [3,092](#) cases! How many of them did he handle as he did Premier?
12. Likewise, Mr. David Gene DeLano, Assistant Vice President for M&T Bank handled negligently and recklessly the liquidation of the storage containers that Mr. Palmer had bought with a loan from M&T in which the latter had kept a security interest. He assured Dr. Cordero that he had seen the storage containers holding his property at the Jefferson Henrietta Warehouse; that those containers had been sold to Champion Moving & Storage; and that he should contact and from them on deal with Champion concerning his property in those containers. (Tr.149/25-150/6, 101/17-19, 109/3-5, 111/9-24, 141/8-13) Dr. Cordero did so only to find out that Champion had never received such containers. Thus, he had to search for his property. Eventually he found out that the containers had never been at the Jefferson Henrietta Warehouse! Instead, they had been abandoned by Mr. Palmer at Mr. Pfuntner's warehouse in Avon. (A:46; Pst:1285¶70)

13. Dr. Cordero was referred to Trustee Gordon to find out how to retrieve his property. But the Trustee would not give him any information and even enjoined him not to contact his office anymore ([A:353-25, 26](#)), thus violating his duty under [11 U.S.C. §704\(7\)](#) to a party in interest.
14. Dr. Cordero found out that *Premier* was before Judge Ninfo and applied to him for a review of Trustee Gordon's performance and fitness to serve as Premier's trustee. ([A:353-28, 29](#)) The Judge, however, took no action other than to pass that application on to the Trustee's supervisor, namely, Assistant U.S. Trustee Kathleen Dunivin Schmitt. ([A:29](#)) Her office is in the same small federal building as that of Judge Ninfo's Bankruptcy Court, Trustee Gordon's box, the District Court, the U.S. Attorney's Office, and the FBI Bureau; this allows for daily contacts and the development of a web of personal relationships among their officers. By contrast, Dr. Cordero lives hundreds of miles away in NYC and is, thus, a 'diverse citizen'. Not surprisingly, Trustee Schmitt conducted a 'quick contact' with her supervisee, Trustee Gordon, that was as superficial as it was severely flawed. ([A:53, 104](#)) Nor did Judge Ninfo take action upon Dr. Cordero bringing to his attention ([A:32, 38](#)) that Trustee Gordon had filed with him false statements and statements defamatory of Dr. Cordero to persuade the Judge not to take any action on Dr. Cordero's Application to review his performance ([A:19, 41§II](#)).
15. Meantime, Mr. Pfuntner had commenced an adversary proceeding on September 27, 2002, against the Trustee, Dr. Cordero, M&T Bank, and a hockey club to recover administrative and storage fees ([A:22](#)) from them (*Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY; docket at [A:1551](#)). Dr. Cordero cross-claimed against Trustee Gordon and M&T Bank ([A:70, 83, 88](#)) and also brought in as third-party defendants Messrs. Palmer, Dworkin, and DeLano and Jefferson Henrietta Warehouse. ([Add:534/after entry 13; 891/fn.1](#))
16. Trustee Gordon countered with a motion under [Rule 12\(b\)\(6\)](#) of the Federal Rules of Civil Procedure to dismiss only Dr. Cordero's cross-claims against him. ([A:135, 143](#)) It was argued on December 18, 2002. By then almost three months had gone by since the commencement of *Pfuntner*, but the required [Rule 16](#) and [26](#) meeting of the parties and disclosure had not taken place despite Dr. Cordero having disclosed numerous documents as exhibits to his papers. ([A:11-18, 33-36, 45-49, 63-64, 65, 91-94](#))- much less had there been any discovery. Yet, disregarding the record's lack of factual development, Judge Ninfo summarily dismissed the cross-claims notwithstanding the genuine issues of material fact that Dr. Cordero had raised concerning the Trustee's negligence and recklessness in liquidating Premier ([A:148](#)). Similarly, the Judge disregarded the consideration that after discovery and at trial Mr. Pfuntner's claims against the Trustee could lend support to Dr. Cordero's claims against the Trustee.
17. Judge Ninfo even excused the Trustee's defamatory and false statements as merely "part of the Trustee just trying to resolve these issues", ([A:275/10-12](#)) thus condoning his use of falsehood; astonishingly acknowledging in open court his own acceptance of unethical behavior; and showing gross indifference to its injurious effect on Dr. Cordero.
18. That dismissal constituted the first of a long series of similar acts of disregard for the law, the rules, and the facts in which Judge Ninfo as well as other judicial and clerical officers at both the Bankruptcy and the District Court have participated, all consistently to the benefit of those in the web of personal relationships and to Dr. Cordero's detriment. Such acts were initially aimed at preventing Dr. Cordero's appeal, for if the dismissal were reversed and the cross-claims reinstated, discovery could establish how Judge Ninfo had failed to realize or knowingly tolerated Trustee Gordon's negligent and reckless liquidation of Premier. This fact would be followed by a common sense question: What motive did he have to do so?

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

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

20. Dr. Cordero made Chief Judge Walker aware of these and similar concerns. Indeed, the Chief Judge was a member of the panel that was drawn –randomly?- to decide his appeal from *Pfuntner* in *Premier Van et al.*, no. 03-5023, CA2. (docket at [A:1285](#)) As such, the Chief was supposed to read Dr. Cordero's brief of July 9, 2003 ([A:1303](#)), which also included appellate arguments concerning the arbitrary, unlawful, and suspicious way in which Judge Ninfo ([A:302, 306](#)) and District Judge David G. Larimer, WDNY, ([A:315, 339, 343, 350](#)) denied Dr. Cordero's application for default judgment against Premier Owner David Palmer ([A:290-95](#)), who had nevertheless been defaulted by Bankruptcy Clerk of Court Paul Warren ([A:303; 304](#)).
21. Moreover, Chief Judge Walker was the officer with whom Dr. Cordero lodged his misconduct complaint against Judge Ninfo of August 8, 2003, ([C:1, 63](#)) under the Judicial Conduct and Disability Act. That statute imposes on the circuit chief judge the duty to "expeditiously review" such complaints. ([28 U.S.C. §352\(a\)](#)) Anyway, the Chief should have investigated a complaint like that which cast doubt on the integrity of a judge and the fairness of justice that he administered.
22. What is more, the Chief Judge was a member of the panel that decided Dr. Cordero's petition of September 12, 2003, for a writ of mandamus, no. 03-3088, CA2, ([A:615](#)) requesting that Judge Ninfo be disqualified for bias and disregard for the rule of law and that *Pfuntner* be transferred outside his web of personal relationships to an impartial court, such as the U.S. District Court in Albany, NDNY. More still, he learned of additional charges through Dr. Cordero's motion of November 3, 2003, to update the evidence of Judge Ninfo's bias. ([A:801](#)) Even more, the Chief had the opportunity to hear about Judge Ninfo's misconduct during Dr. Cordero's oral argument of *Premier Van et al.* on December 11, 2003; and even read the argument's written version that Dr. Cordero handed out to him and the other panel members on the day of argument. ([C:296](#))
23. Nevertheless, CJ Walker did nothing other than deny those requests. ([A:876, 664](#)) Yet, he had the duty to review or "promptly appoint a special committee to investigate" the complaint ([§353\(a\)](#)). Instead, he let *six months* go by without taking any action on it. So on February 2, 2004, Dr. Cordero wrote to him to inquire about the complaint's status ([C:105](#)), pointing out that the duty of promptness was imposed on the Chief not only under the Act, but also under the Circuit's

own rules, that is, Rule 3(a) of the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers under 28 U.S.C. §351 et seq. (C:75) This time the Chief did something else: He had Dr. Cordero's letter returned to the sender! (C:109)

24. More than a month and a half later Chief Judge Walker had still taken no action on the complaint. By contrast, Judge Ninfo went on to engage in even more flagrantly wrongful conduct in another case to which Dr. Cordero was made a party, namely, the voluntary petition for bankruptcy under 11 U.S.C. Chapter 13 of M&T Bank Assistant Vice President David DeLano of all people! (*In re DeLano*, no. 04-20280, WBNY; C:1431, 1435, 1467; docket at D:496) Consequently, Dr. Cordero filed a judicial misconduct complaint against Chief Judge Walker on March 19, 2004. (C:271) As required by law and Circuit rule, he addressed it to the next judge eligible to become the chief judge, to wit, Circuit Judge Dennis Jacobs.

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

25. Dr. Cordero brought to Judge Jacobs' attention not only Chief Judge Walker's failure to take action on the complaint against Judge Ninfo, but also how his inaction had condoned Judge Ninfo's misconduct and allowed him to engage even more flagrantly in bias and disregard for the law, the rules, and the facts in the handling of *DeLano*. A judge mindful of his duty, not only under §351, but also as a member of the Judicial Council, to safeguard the integrity of judicial process and the proper administration of justice would have conducted an investigation, for the *DeLano* petition and its handling by Judge Ninfo and other court officers and trustees are so egregious as to reveal the force that joins them and links the cases: a bankruptcy fraud scheme.
26. Indeed, Mr. David and Mrs. Mary Ann Delano are not average debtors. Mr. David DeLano has worked in financing for 7 years and as an officer at two banks for 32 years: 39 years professionally managing money!...and counting, for he is still working for M&T Bank as a manager in credit administration (Tr:15/17-16/15). As such, he qualifies as an expert in how to assess creditworthiness and remain solvent to be able to repay bank loans. Thus, Mr. Delano is a member of a class of people who should know how not to go bankrupt.
27. As for Mrs. DeLano, she was a specialist in business Xerox machines. As such, she is a person trained to think methodically so as to ask pointed questions of customers and guide them through a series of systematic steps to solve their technical problems with Xerox machines.
28. Hence, the DeLanos are professionals with expertise in borrowing, dealing with bankruptcies, and learning and applying technical instructions. They should have been held to a high standard of responsibility...but instead they were allowed to conceal assets because they know too much.
29. This means that because of his 39-year long career in finance and banking, Mr. DeLano has learned how borrowers use or abuse the bankruptcy system, and more importantly, how trustees and court officers handle their petitions so that rightfully or wrongfully they are successful in obtaining bankruptcy relief from their debts. Actually, Mr. DeLano works precisely in the area of bankruptcies at M&T Bank, collecting money from delinquent commercial borrowers and even liquidating company assets (Tr:17.14-19). In fact, he was the M&T officer that liquidated the storage containers in which M&T kept an interest to secure its loan to Mr. Palmer. So he knows how the latter was treated by Judge Ninfo in *Premier*, which gave rise to *Pfuntner*.

30. In preparation for their golden retirement, the DeLanos filed their joint voluntary bankruptcy petition and, of course, it came before Judge Ninfo. Based on what and whom Mr. DeLano knew, they could expect their petition to glide smoothly toward being granted (D:266¶¶37-39) The fact that among their 21 creditors in Schedule F they themselves named Dr. Cordero (C:1448) must have carried no significance at all other than that thereby they would be able to discharge his claim against Mr. DeLano arising in *Pfuntner*. After all, Dr. Cordero was their only non-institutional creditor, lives hundreds of miles away in NYC, and was unsecured to boot.
31. But a most unforeseen event occurred: Dr. Cordero went through the trouble of examining their petition, and more surprisingly yet, he even realized how incongruous the declarations were that the DeLanos had made in its Schedules (C:1437-1454) and Statement of Financial Affairs (C:1455-1461). Most unexpectedly, not only did he put in writing his realization, but he also traveled all the way to Rochester to attend the meeting of their creditors on March 8, 2004 (D:23), the only one to do so! (D:68, 69) While there he filed with Judge Ninfo's clerks his objection to the confirmation (C:291) of their debt repayment plan (C:1467) and even invoked 11 U.S.C. §1302(b) and §704(4) and (7) to request Chapter 13 Trustee George Reiber to investigate their financial affairs and produce documents to show the in- and outflow of their money.
32. Money the DeLanos do have, as Trustee Reiber, Judge Ninfo, Assistant Trustee Schmitt, and Region 2 Trustee Martini knew or could have readily known had they only cast a glance at their implausible petition. (C:1411) Hence, the alarms went off, for these officers were aware that Mr. DeLano could not be allowed to go down on a charge of bankruptcy fraud since he knows about their intentional and coordinated disregard for the law, the rules, and the facts in handling bankruptcy petitions, that is, of their support for the bankruptcy fraud scheme. Therefore, if Mr. DeLano's petition were checked and as a result, he were charged with bankruptcy fraud and he and his wife ended up facing up to 20 years imprisonment and ruinous fines under 18 U.S.C. §§151-158, and 1519 and 3571, he would consider it in his interest to enter into a plea bargain to incriminate top schemers in exchange for leniency. Consequently, the schemers closed ranks to protect Mr. DeLano from being investigated or having to produce incriminating documents.
33. Yet, even a person untrained in bankruptcy could realize the incongruity and implausibility of the DeLanos' declarations in their bankruptcy petition. For instance:
- a. The DeLanos earned \$291,470 in just the 2001-2003 fiscal years preceding their petition of January 27, 2004 (C:1419; 1499);
 - b. but they declared having only \$535 in hand and accounts (C:1439); yet, they and their attorney, Christopher Werner, Esq., knew that they could afford to pay \$16,654 in legal fees (C:1060) for over a year's maneuvering to avoid producing the documents requested by Dr. Cordero, which would incriminate them for concealment of assets; their tough stance was rewarded by Judge Ninfo, who without any written request allowed even higher legal fees, \$18,005! (C:1057) But then Att. Werner is not just any attorney: according to PACER, as of February 28, 2005, he had appeared before Judge Ninfo in 525 cases out of 575! (TOEC:91¶3) Trustee Reiber rewarded Att. Werner too by requesting another \$9,948 for him on December 7, 2005, and lowering the recovery rate from 22¢ to less than 13¢ on the \$ (Pst:1175). Outrageous arrogance of power endowed with immunity!
 - c. The DeLanos amassed a whopping debt of \$98,092 (C:1449), although the average credit card debt of Americans is \$6,000; and spread it over 18 credit cards so that no issuer would have a stake high enough to make litigation cost-effective (C:1401).

- d. Despite all that borrowing, they declared household goods worth only \$2,910 (C:1439) ...that's all they pretend to have accumulated throughout their combined worklives, including Mr. DeLano's 39 years as a bank officer, although they earned over a 100 times that amount, \$291,470, in only the three fiscal years of 2001-03 (C:1499)...Unbelievable!;
- e. They also strung together mortgages since 1975, through which they received \$382,187 (Add:1058) to buy their home; yet in 2005, 30 years later, they lived in the same home but owed \$77,084 and had equity of merely \$21,415 (C:1438). *Mindboggling!* (Add:1058¶54)
34. Although the DeLanos have received over \$670,000, as shown by even the few documents that they reluctantly produced at Dr. Cordero's instigation (ToEC:110), the officers that have a statutory duty to investigate evidence of bankruptcy fraud or report it for investigation not only disregarded such duty (ToEC:111), but also refused to require them to produce (Add:1022) documents as obviously pertinent to any bankruptcy petition as the statements of their bank and debit card accounts...for such documents would show the flow of the DeLanos' receipts and payments and thereby reveal the fraud that they had committed and that the officers had covered up. Judge Jacobs too disregarded the Statement that Dr. Cordero sent him analyzing these incongruous declarations (C:1297§§15-17) and had it returned to the sender (C:1317).
35. What has motivated these officers to spare the DeLanos from having to produce incriminating documents? (D:458§V) All have been informed of the incident on March 8, 2004, that to a reasonable person, and all the more so if charged with the duty to prevent bankruptcy fraud, would have shown that the DeLanos had committed fraud and were receiving protection from exposure: Trustee Reiber unlawfully allowed his attorney, James W. Weidman, Esq., to conduct the meeting of creditors (28 CFR §58.6(10);§341) where the latter unjustifiably asked Dr. Cordero whether and, if so, how much he knew about the DeLanos' having committed fraud, and when he would not reveal what he knew, Att. Weidman, with the Trustee's approval, rather than let him examine them under oath, as §343 requires, while officially being tape recorded, put an end to the meeting after Dr. Cordero had asked only two questions! (D:79§§I-III; Add:889§II)
36. Judge Jacobs too was informed of this incident (C:272). Yet he did not conduct any investigation or ask for any documents, such as the tape of that meeting of creditors or, after the effort to impede the holding of the adjourned meeting failed, the transcript of such meeting, which contains incriminating statements by Attorney Werner of his having destroyed documents of the DeLanos. (C:1299¶¶21-33) Nor did he respect his duty of promptness in handling a misconduct complaint. The one of March 19, 2004, against his colleague, Chief Judge Walker, was in its seventh month when on September 24 Judge Jacobs "dismissed [it] as moot [because] the Complainant's judicial misconduct [against Judge Ninfo] was dismissed by order entered June 9, 2004". (C:392) Yet it took Judge Jacobs another 2½ months to dismiss it!? And still he got wrong the date of that earlier dismissal that he himself had written, and that was entered, on June 8 (C:144, 148), a mistake revealing the lack of care with which he wrote an otherwise perfunctory decision (cf. C:711).
37. As CJ Walker had done, Judge Jacobs condoned with his inaction Judge Ninfo's misconduct, thus encouraging him to engage in more brazen bias and disregard for the rule of law: Dr. Cordero submitted a statement on June 9, 2004, to J. Ninfo showing on the basis of even the few and incomplete documents that the DeLanos had produced (ToEC:62¶¶5-11, D:165-189; C:1415) that they had fraudulently concealed assets, and requesting that they be referred to the FBI and that Trustee Reiber be removed (D:193). J. Ninfo reacted by joining the DeLanos in a process abusive maneuver that used a) a motion to disallow Dr. Cordero's claim (D:218; cf. D:249; ToED:210§II);

b) an order directing Dr. Cordero to take discovery of that claim in *Pfuntner* (D:272; cf. D:440) only for *every single document* that he requested (D:287, 310, 317) to be denied by both the DeLanos (D:313, 325) and J. Ninfo (D:327; cf. ToEA:153§7) and c) a sham evidentiary hearing on March 1, 2005 (Pst:1255§E; cf. C:193§§1-3) that ended as predetermined in disallowing Dr. Cordero's claim and stripping him of standing to participate further in *DeLano* (D:20§IV, ToEC:109).

38. Dr. Cordero made Chief Judge Walker and Judge Jacobs aware of these developments by appealing to the Judicial Council and writing to Judge Jacobs (C:995, 1000, 1025). This time they acted promptly: They reappointed Judge Ninfo to a new 14-year term as bankruptcy judge! (ToEC:§H)
39. Meanwhile, Dr. Cordero appealed Judge Ninfo's disallowance of his claim to the District Court, WDNY, Judge Larimer presiding. This Judge showed again, as he had in *Pfuntner* (ToEC>C:1107-8 >Comment), that he supports the bankruptcy fraud scheme. He refused to order the DeLanos to produce *even a single document* that could shed light on the 39-year veteran banker's incongruous and implausible declarations. (ToEC:111; Add:951, 1022, ToEAdd:231§VI) He even attempted to prevent Dr. Cordero from obtaining the transcript of the sham evidentiary hearing (C:1001, 1083; cf. ToEA:135§3), for what happened there incriminates Judge Ninfo as Mr. DeLano's biased Chief Advocate. Such advocacy derives from the fact that Mr. DeLano's attorney in *Pfuntner* is Michael Beyma, Esq., of Underberg & Kessler (A:1552; Pst:1289§f), the law firm of which Judge Ninfo was a partner when he was appointed to the bench (Add:636); so he felt Mr. DeLano to be his client, whereby he forfeited his position as an impartial arbiter who should have no interest in the controversy before him. The transcript also shows that Mr. DeLano's testimony corroborates Dr. Cordero's claim against him. (Pst:1281§d; ToEC:55>Comment>2nd ¶)

IV. Call for a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action centered on a representative case against these judges to expose the systematic dismissal of complaints supporting a bankruptcy fraud scheme and reveal how high and to what extent wrongdoing has reached

40. Congress adopted the Bankruptcy Abuse Prevention Act to "restor[e] personal responsibility and integrity in the bankruptcy system [and] respond to...the absence of effective oversight to eliminate abuse in the system." *HR Rep. 109-31, p.2* For its part, the Administrative Office of the U.S. Courts (AO) has produced the 1997-2005 Reports of Complaints Filed and Action Taken under the Judicial Conduct Act (C:973), which together with its previous annual Reports shows that the judges' systematic dismissal for over a decade of §351 judicial misconduct complaints could not have occurred but for their unlawful coordination to insulate themselves from such complaints. (ToEC>C:973>Comment) The relation between those official findings is what the 12 cases referred to here show, to wit, the abuse has developed into a bankruptcy fraud scheme and judges have mishandled §351 complaints to, among other things, protect it and the schemers.
41. Now there is a need to expose the bankruptcy fraud scheme and the systematic dismissal of judicial misconduct complaints so as to lay bare the motive or benefit driving federal judges to tolerate or engage in such intentional and coordinated wrongdoing. A **first step** to that end is this presentation of the evidence gathered over the past five years in 12 cases and contained in the commented records of exhibits (ToEC:1 et seq.) and the exhibits. The **second step** is the formation, called for herein, of a virtual firm of lawyers and investigative journalists digitally meeting at Judicial-Discipline-Reform.org to pro bono research difficult legal issues and organize the investigation *Follow the money!* from filed bankruptcy petitions, many available through

PACER, to wherever it ended up in preparation for the **third step**: a class action centered on the representative case against C.J. Walker and J. Jacobs, brought on behalf of those similarly injured by the scheme and the systematic dismissal of their complaints, and charging denial of due process and violation of, among others, the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §1961; C:1291) by judges who may remain in office only “during good Behaviour” (Const. Art. III sec.1; 28 U.S.C §44(b)), but who enjoy no blanket immunity from being subject to “Equal Justice Under Law” (C:1823); their governing bodies (T_{OE}C:107) and staffs (T_{OE}C:19§C, 28§E & 46§D); private and U.S. bankruptcy trustees (T_{OE}C:111); other officers (cf. T_{OE}C:§K; C:1552, 1568) in the web of personal relationships (C:1546, 1565, 1566); bankruptcy lawyers and their law firms (cf. D:258); and bankruptcy petitioners (¶33 above; T_{OE}A:135§4).

42. The class action will confront the most powerful judges. Indeed, for decades since before the Judicial Conduct Act of 1980, the Supreme Court has known of the lack of an effective judicial impeachment mechanism (T_{OE}C:60>Comment, C:1384) and of the break down of the Act’s self-discipline mechanism (T_{OE}C:24>Comment, C:573). To know it, Late Chief Justice Rehnquist, who was also the presiding member of the Judicial Conference (28 U.S.C §331¶1), the body of last resort under the Act (id. §354(b)), need not read the AO’s Annual Reports on the Act (id. §604(h)(2)) or the Conference’s reports (C:1771). He knew that in 24 years since the Act the Conference had issued under it only 15 orders! (C:1611) Yet he waited until May 2004 to charge Justice Stephen Breyer with chairing a committee to study it. (C:574-577) The Breyer Committee held no hearings (cf. T_{OE}C:66§L) and took over 27 months only to issue a **report** that clears his lower peers of the systematic dismissal of complaints apparent from the official reports.
43. All the Justices are also circuit justices of the circuits to which they have been allotted (28 U.S.C. §42, 45(b); C:149) so they may attend (C:980y-83; cf. 980z-10) their councils’ meetings where misconduct complaints are discussed (C:980y-84, z-76) and can learn the nature and number of orders related thereto, which must be reported to the Administrative Office (id. §332(c-d, g); C:980y-87, z-79). Hence, they know that such complaints are systematically dismissed. Actually, the Justices must be presumed to have realized from the cases that they deal with daily at the Supreme Court that ‘power corrupts and in the absence of any control over its exercise, power becomes absolute and corrupts absolutely’. Did they think that while wielding such power the 2,133 federal judges would remain immune to the type of “Culture of Corruption” that has engulfed the 535 members of Congress?, even bankruptcy judges, whose decisions affect the hand-changing of \$billions? (D:458§V, Add:621§1) Since the Justices cannot have ignored ongoing misconduct of judges abusing their uncontrolled power, why have they tolerated it?
44. Once in a lifetime the opportunity presents itself for a person to take extraordinary action for the common good. When it is long-term, fraught with grave risks, but capable of improving society with reforms that give practical meaning to the notions of integrity in government and fairness in its treatment of its people, the action becomes a noble mission. For he or she who rises to the challenge, there is public honor, gratitude, and remembrance. This is one such opportunity and a momentous one too, for it must reach all the way to the top of the Third Branch of Government to identify the motives of those in charge of the system of administration of justice for having allowed institutionalized wrongdoing by judges. Are you up to the mission to engage in highly skillful and professionally responsible legal research and analysis or investigative journalism of social and financial networks in order to answer the critical question arising from the evidence thus far collected: **Is a federal judgeship a safe heaven for wrongdoing and, if so, how high and to what extent has intentional and coordinated wrongdoing reached?**

VII.A.3. Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed (see also the alphabetically organized table at ToEC:76)

- | | |
|--|---|
| <p>I. The web of personal relationships in WDNY (Stat. of Facts 4¶14 et seq.) and the bkr fraud scheme (C:660)</p> <p>a) The bankrupts</p> <p>b) The trustees</p> <p>c) The judges & their staffs</p> <p> i) Bankruptcy Court, WDNY</p> <p> ii) District Court, WDNY</p> <p>d) Lawyers and law firms</p> <p>e) Bankruptcy professionals</p> <p>f) Warehousers</p> <p>g) Financial Institutions</p> <p>h) U.S. attorneys</p> <p>i) FBI agents</p> | <p>II. Higher courts protecting their judicial peers (Stat. of Facts 5§A et seq.)</p> <p>a) Court of Appeals for the 2nd Circuit</p> <p> i) CA2 Judges</p> <p> ii) Staff of CA2</p> <p>b) Judicial Council of 2nd Circuit</p> <p> i) Circuit Justice</p> <p> ii) Circuit Judges</p> <p> iii) District Judges</p> <p>c) Administrative Office of the U.S. Courts</p> <p>d) Judicial Conference of the U.S.</p> <p> i) Executive Committee</p> <p> ii) Conference Members</p> <p> iii) Committee to Review Circuit Council Conduct and Disability Orders</p> <p>e) Supreme Court of the United States</p> <p> i) Judicial Conduct and Disability Act Study Committee</p> <p>f) U.S. Congress Committees on the Judiciary</p> |
|--|---|

I. The web of personal relationships in WDNY

a) The bankrupts

Palmer, David
Premier Van Lines, Inc.
1829 Middle Road
Rush, NY 14543
Tax id. no. 065-62-2753
(owner of Premier who filed for its bankruptcy under Ch. 11, Reorganization) (A:72¶10 et seq., 78§A, 88§B, 290-295, 351)

Premier Van Lines, Inc.
c/o David Palmer
1829 Middle Road
Rush, NY 14543
Tax id.: 16-1542181 (A:565)
(storage and moving company)

DeLano, David Gene and Mary Ann
1262 Shoecraft Road
Webster, NY 14580
Tax id. Nos. 077-32-3894; 091-36-0517)
(debtors in *In re DeLano* who filed under Ch. 13, Adjustment of debts of individuals with regular income)

- a) who the DeLanos are (C:1296¶¶9-16)
- b) notice of meeting of creditors (C:581)
- c) list of the DeLanos' creditors (C:583 & ToEC:25>583>Comment)
- d) bankruptcy petition (C:585; D:23)
- e) debt repayment plan (C:617; D:59)
- f) documents requested by the DeLanos (D:199, 206, 213)
- g) documents produced (C:1469-1479; D:165-188, 223-230, 280-282)
- h) mortgages and unaccounted-for proceeds (C:1312; 341-354, 472-491; cf C:492)
- i) analyses of documents (C:578)
- j) table comparing claims on the DeLanos (C:1415)

DeLano, David Gene

Assistant Vice President
M&T Bank

255 East Avenue

Rochester, NY 14604

tel. (585) 258-8475, (800) 724-2440

(3rd party defendant in *Pfuntner*
(A:82, 87; Pst:1285¶70);

(bkr. petitioner in *DeLano* (D:23-60)
defendant in *Cordero v. DeLano*)
(Pst:1281§§d-f)

b) The trustees

Executive Office of the U.S. Trustee
(EOUST)

20 Massachusetts Ave., N.W., Room 8000

Washington, D.C. 20530

tel. (202)307-1391; fax (202)307-0672

http://www.usdoj.gov/ust/eo/ust_org/office_locator.htm

Friedman, Lawrence A.

Director

Executive Office of the U.S. Trustees

20 Massachusetts Ave., N.W.

Washington, D.C. 20530

tel. (202)307-1391; fax (202)307-0672

Martini, Deirdre A.

U.S. Trustee for Region 2

Office of the United States Trustee

55 Whitehall Street, 21st Floor

New York, NY 10004

tel. (212) 510-0500; fax (212) 668-2256

<http://www.usdoj.gov/ust/r02/>

(D:90§VII, 137, 139, 141, 158, 307, 330)

Schwartz, Carolyn S.

United States Trustee for Region 2

3 Whitehall Street, Suite 2100

New York, NY 10004

tel. (212)510-0500; fax: (212)668-2256

(A:101, 102)

Schmitt, Kathleen Dunivin, Esq.

Assistant U.S. Trustee

Federal Office Building, Room 6090

100 State Street, Room 6090

Rochester, New York 14614

tel. (585) 263-5812; fax (585) 263-5862

(A:37, 38, 52, 102; D:84§IV; D:160, 307,
470, 471, 474; ToEC:§VII.E Table 4)

Kyler, Christine

Assistant to Assistant U.S. Trustee

Federal Office Building, Room 6090

100 State Street, Room 6090

Rochester, New York 14614

tel. (585) 263-5812; fax (585) 263-5862

(D:474, 476, 495)

Gordon, Kenneth W., Esq.

Chapter 7 Trustee

Gordon & Schaal, LLP

100 Meridian Centre Blvd., Suite 120
Rochester, New York 14618
tel. (585) 244-1070; fax (585) 244-1085
(trustee for liquidating Premier)

- a) re his 3,383 cases (C:641 &
ToEC:26>641>Comment; ToEC:91)
- b) letters (A:1, 2, 8, 19, 37, 83§F, 88§C)

Reiber, George M., Esq.
Chapter 13 Trustee
South Winton Court
3136 S. Winton Road, Suite 206
Rochester, NY 14623
tel. (585) 427-7225; fax (585) 427-7804
(trustee in *DeLano*)

- a) re his 3,383 cases (C:641)
- b) events on March 8, 2004 ((D:79§§ I&II,
92§C)
- c) disregard of statutory duty to
investigate the DeLanos
(ToEC:111>row 1)
- d) confirmation of the DeLanos' plan
(C:1052-1054; 1056; Add:1038)
- e) knew the DeLanos have money
(C:1052, 1056, 1060, ToEC:45>1060>
Comment, C:1064 &
ToEC:46>1064>Comment)

Weidman, James, Esq.
South Winton Court
3136 S. Winton Road, Suite 206
Rochester, NY 14623
tel. (585) 427-7225; fax (585) 427-7804
(attorney for Trustee Reiber)
(D:79§§ I&II)

c) The judges & their staffs

Internet links to all federal courts
<http://www.uscourts.gov/courtlinks/>
(C:852)

i) Bankruptcy Court, WBNY

Bankruptcy Court (Buffalo)
U.S. Bankruptcy Court, WBNY
Olympic Towers, 300 Pearl St., Suite 250
Buffalo, NY 14242
tel. (716) 551-4130; fax (716)551-5103
<http://www.nywb.uscourts.gov/>
(Official directory at ToEC:90)

Bankruptcy Court (Rochester)
U.S. Bankruptcy Court, WBNY
1400 U.S. Courthouse
100 State Street
Rochester, NY 14614
tel. (585) 613-4200; fax (585)613-4299
<http://www.nywb.uscourts.gov/>
(Official directory at ToEC:89)

Ninfo, Bkr. Judge John C., II
United States Bankruptcy Court
1400 United States Courthouse
100 State Street
Rochester, NY 14614
tel. (585) 613-4200; fax (585)613-4299
(Official directory at ToEC:89)
(judge in *Premier Van Lines, Pfuntner,*
and DeLano)

- a) misconduct complaint (C:1, 63; E:1-60)
- b) evidence of bias and disregard for
rule of law (C:951, 1313; A:801; D:231;
Pst:1269§§a-d)
- c) motions to recuse (A:674; D:355)
- d) list of hearings and decisions presided
over or written by Judge Ninfo in
Pfuntner and *DeLano*, as of May 10,
2006 (C:1110)
- e) failure to investigate (ToEC:§VII.E
Table 4; Add:1051§II)
- f) Judge Ninfo's decisions at
<http://www.nywb.uscourts.gov/decisions/jcn.php> to be searched for
patterns and inconsistencies

Warren, Paul R.
Bankruptcy Clerk
United States Bankruptcy Court
1400 United States Courthouse
100 State Street
Rochester, NY 14614
tel. (585) 613-4200
(C:1166, A:303; 334, 337, TOEA:§B.7)

Stickle, Todd
Deputy Clerk of Court
U.S. Bankruptcy Court, WBNY
1400 United States Courthouse
100 State Street
Rochester, NY 14614
tel. (585) 613-4223
(TOEA:§B.7)

Dianetti, Mary
Bankruptcy Court Reporter
612 South Lincoln Road
East Rochester, NY 14445
tel. (585)586-6392
(C:1081 & 1083; C:1155-1165, 1167;
see Melissa Frieday below)

Frieday, Melissa
Court Reporter Contracting Officer
US. Bankruptcy Court, WBNY
Olympic Towers, 300 Pearl St., Suite 250
Buffalo, NY 14242
tel. (716) 551-4130; fax (716)551-5103
(cf. C:1152; C:1153, 1166)

ii) District Court, WDNY

District Court
U.S. District Court, WDNY
2120 U.S. Courthouse
100 State Street
Rochester, NY 14614-1387
tel. (585)613-4000
<http://www.nywd.uscourts.gov/>

District judges' decisions at
<http://www.nywd.uscourts.gov/decision/decision.php> to be searched
for patterns and inconsistencies

Larimer, District Judge David G.
United States District Court
2120 U.S. Courthouse
100 State Street
Rochester, NY 14614-1387
tel. (585) 263-6263
(judge in appeals from *Pfuntner* and
DeLano)

- a) list of orders (C:1278)
- b) in *Pfuntner* (A:1654§B)
- c) efforts in DeLano to keep transcript
from Dr. Cordero (C:1108 &
TOEC:>C:1108>Comment; C:1170,
1183, 1303§B, 1313, I)
- d) disregard for statutory duty to
investigate bkr fraud (TOEC:111 Table
4; TOEC:>C:1108>Comment)
- e) refusal to post digital record on
PACER (C:1307¶¶46-49 & Pst:1214)

Rand, Paula
Courtroom Deputy for Judge Larimer
United States District Court
2120 U.S. Courthouse
100 State Street
Rochester, NY 14614-1387
tel. (585)613-4040, (585) 263-6263

Early, Rodney C.
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United States District Court
2120 U.S. Courthouse
100 State Street
Rochester, NY 14614-1387
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(A:469, 457, 461, 462, 1370§D)

Ghysel, Margaret (Peggy)
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2120 U.S. Courthouse
100 State Street
Rochester, NY 14614-1387
tel. (585) 263-6263
(A:467a, 456, 460, 462, 1370§D)

d) Lawyers and law firms

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1800 Chase Square
Rochester, NY 14604
tel. (585)-258-2890
(attorney for M&T and David DeLano
in *Pfuntner*)
(Add:531; Pst:1289§f)
law firm's tel. (585) 258-2800; fax (585)
258-282
<http://www.underberg-kessler.com/>

Essler, Karl S., Esq.
Fix Spindelman Brovitz & Goldman, P.C.
295 Woodcliff Drive, Suite 200
Fairport, NY 14450
tel. (585) 641-8000; fax (585) 641-8080
<http://fixspin.com/fsbg.html>
(attorney for David Dworkin and
Jefferson Henrietta Associates)
(A:725, 727)

MacKnight, David, Esq.
Lacy, Katzen, Ryan & Mittleman, LLP
130 East Main Street
Rochester, New York 14604-1686
tel. (585) 454-5650; fax (585) 454-6525
<http://www.lacykatzen.com/>
(attorney for James Pfuntner)
(Add:531; A:495-505, 510)

Stilwell, Raymond C., Esq.
Adair, Kaul, Murphy, Axelrod & Santoro,
LLP
The Law Center at Williamsville
17 Beresford Court
Williamsville, NY 14221
tel. (716) 565-2000
300 Linden Oaks, Suite 220
Rochester, NY 14625
tel. (585)248-3800; fax (585)248-4961
(Attorney for Premier & David
Palmer)
(A: 353-5, 341, 565)

Werner, Christopher K., Esq.
Boylan, Brown, Code
Vigdor & Wilson, LLP
2400 Chase Square
Rochester, NY 14604
tel. (585) 232-5300; fax (585) 232-3528
<http://www.boylanbrown.com/>
(DeLanos' attorney in their
bankruptcy case *In re DeLano*)

- a) motion to disallow Dr. Cordero's claim (D:218, 249)
- b) refusal to produce documents (D:287, 313; 320§II, 325, 327)
- c) violation of FRBkrP 9011(b) (D:259; Pst:1288§§e-f)
- d) knew the DeLanos have money (C:1059, 1060 & T_oE_C:45>1060> Comment, >1064>Comment)
- e) out of his 575 cases, 525 before Judge Ninfo (T_oE_C:91¶3)

e) Bankruptcy professionals

Bonadio & Co. LLP
Accountants
Corporate Crossings
171 Sully's Trail Suite 201

Pittsford, NY 14534-4557
tel. (585)381-1000; fax (585)381-3131
<http://www.bonadio.com/>
(accounting firm in *Premier*)
(T_{OE}A:153§7; A:431, 967)

Reynolds, John, Auctioneer
tel. (315)331-8815
(Tr.97/13-20, 98/13-20, 102/2-19,
110/2-8, 110/23-111/4, 113/2-10,
115/4-17, 119/4-14, 121/9-17)

Teitsworth, Roy
Auctioneer
6502 Barber Hill Road
Geneseo, NY 14454
tel. (585)243-1563; fax (585)3311
<http://www.teitsworth.com/>
(hired by Trustee Gordon in *Premier*)
(A:431, 576/97, 967, 986; T_{OE}A:153§7)

f) Warehouseers

Pfuntner, James
2140 Sackett Road
Avon, NY 14414
tel. in NY (585)738-3105; (585)226-2122;
(585)226-8303; in Florida (954)321-6449)
a. Owner of the warehouse in Avon
and Plaintiff in *Pfuntner*
(A:18a, 21, 22, 56, 492, 510)
b. Western Empire Truck Sale, owner
2926 West Main Street
Caledonia, NY 14423
tel. (585)538-2200; fax (585) 538-9858
c. Western Empire Storage, owner
Caledonia, NY 14423
tel. (585)538-6100

Carter, Christopher, Owner
Champion Moving & Storage
795 Beahan Road
Rochester, NY 14624

tel. (585) 235-3500; fax (585) 235-2105
cellular (585) 820-4645
(A:353-9/14; 109fn.8)

Ormand, John
tel. (585)226-8303
(Manager of James Pfuntner's
warehouse in Avon, NY)
(A:500¶2 et seq.; 503; 520¶49 et seq.)

Chris, John Ormand's son)
(A:500¶2 et seq.; 503; 520¶49 et seq.)

Dworkin, David
Manager
Jefferson-Henrietta Warehouse
415 Park Avenue
Rochester, NY
tel. (585) 244-3575; fax 716-647-3555
(3rd party defendant in *Pfuntner*
(A:79, 88; 353-1/2&4)
(manager of Simply Storage
tel. (585) 442-8820;
officer of LLD Enterprises
tel. (585) 244-3575; fax (716)647-3555)

Jefferson Henrietta Associates
415 Park Avenue
Rochester, NY 14607
tel. (585) 244-3575; fax. (585) 473-3555
(3rd party defendant in *Pfuntner*)
(A:81, 88; 353-2; 108fn.5-8)

g) Financial Institutions

Creditors, financial institutions, and others
(C:583, 1354, 1464, 1481, 1488; D:324)

M&T Bank (Manufacturers & Traders
Trust Bank)
255 East Avenue
Rochester, NY 14604

tel. (585) 258-8475, (800) 724-2440, 8472
<http://mtbna.com/>
(defendant and cross-defendant in
Pfuntner & employer of David DeLano)
(A:83, 87§III.A)

Pusateri, Vince
Vice President
Manufacturers & Traders Trust Company
255 East Avenue
Rochester, NY 14604
tel. (585) 258-8472, 800-724-2440
(David DeLano's boss)
(A:353-10-14)

h) U.S. attorneys

Department of Justice
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
main switchboard tel. (202)514-2000
Office of the Att. Gen. tel. (202)353-1555
<http://www.usdoj.gov>

Attorney General Alberto Gonzales
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
main switchboard tel. (202)514-2000
Off. of the Att. Gen.'s tel. (202)353-1555
<http://www.justice.gov/index.html>
http://www.justice.gov/usao/offices/usa_listings2.html#n

Battle, Michael, Esq.
U.S. Attorney for WDNY
U.S. Attorney's Office
138 Delaware Center
Buffalo, NY 14202
tel. (716)843-5700; fax (716)551-3052
<http://www.justice.gov/usao/nyw/>

(C:1551, 1552, 1562-1566, 1568, 1601)

Floming, Mary Pat, Esq.
Assistant U.S. Attorney
U.S. Attorney's Office for WDNY
138 Delaware Center
Buffalo, NY 14202
tel. (716)843-5700, ext. 867;
fax (716)551-3052
(C:1560, 1561)

Bowman, Jennie
Executive Assistant to the US Attorney
U.S. Attorney's Office for WDNY
138 Delaware Center
Buffalo, NY 14202
tel. (716)843-5700; fax (716)551-3051
(C:1559)

Tyler, Bradley E., Esq.
U.S. Attorney in Charge
620 Federal Building
100 State Street
Rochester, NY 14614
tel. (585)263-6760; fax (585)263-6226
(C:1512, 1513, 1546, 1547)

Resnik, Richard, Esq.
Assistant U.S. Attorney
620 Federal Building
100 State Street
Rochester, NY 14614
tel. (585)263-6760; fax (585)263-6226
(C:1545, 1546, 1547)

U.S. Attorney's Office for SDNY
One St. Andrews Plaza
New York, NY 10007
tel. (212)637-2200; fax (212)637-2611
<http://www.justice.gov/usao/nys/>
(see also Kelley, David N., Esq.)
(C:1345, 1391-1395, 1511, 1512;

Kelley, David N., Esq.
U.S. Attorney for SDNY
One St. Andrews Plaza
New York, NY 10007
tel. (212)637-2200; fax (212)637-2611
<http://www.justice.gov/usao/nys/>
(C:1345, 1391-1395, 1511, 1512)

Mauskopf, Roslynn, Esq.
U.S. Attorney for the EDNY
147 Pierrepont Street
Brooklyn, NY 11201
tel. (718)254-7000; fax (718)254-6479
<http://www.justice.gov/usao/nye/>
(C:1346, 1347)

i) FBI agents

Federal Bureau of Investigations
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001
tel. (202) 324-3000
<http://www.fbi.gov/>

Ahearn, Peter
Special Agent in Charge
FBI Buffalo
7800 One FBI Plaza
Buffalo, NY 14202-2698
tel. (716) 856-7800; fax (716)843-5288
<http://buffalo.fbi.gov/>
(C:1550)

FBI, Rochester Office
Rochester Resident Agent
300 Federal Building
100 State Street
Rochester NY 14614
tel. (585)546-2220; fax (585)546-2329

Damuro, Pasquale J.
Assistant Director in Charge

FBI New York
26 Federal Plaza, 23rd. Floor
New York, NY 10278-0004
tel. (212)384-1000; emergency (212)384-5000]
<http://newyork.fbi.gov/>
(C:1331, 1348, 1391, 1396)

II. Higher courts protecting their
judicial peers

a) Court of Appeals, 2nd Circuit (CA2)

Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007
tel. (212) 857-8500
<http://www.ca2.uscourts.gov/>

- a) table of key documents and dates of the judicial misconduct complaints (TOEC:107)
- b) lists of CA2 judges contacted either as members of the Court or of the Judicial Council, and titles of documents sent (C:141, 653, 783, 887, 997, 1000, 1026; see also Judicial Council, 2nd Circuit below)
- c) CA2's invitation to comment on J. Ninfo's reappointment (C:981)
 - 1) comments (C:982, 1001, 1027)
 - 2) letters to judges (C:995 & 997; 1000 & 999; 1025 & 1026)

i) CA2 Judges

Walker, Chief Judge John M., Jr.
a) complaint v. J. Ninfo (C:1; E:1, C:63, 105; cf. C:145)
b) complaint v. CJ Walker (C:271, 632)

- c) complaint v. staff (C:441, 465 & 442; C:514 & 540; cf. C:657)
- d) appeal *In re Premier Van et al.* (C:119 & T_oE:C:10>119>Comment; cf. C:169)
 - i) motion re J. Ninfo's bias (C:108)
- e) petition for rehearing (C:122, 394 & T_oE:C:18>394>Comment, C:403)
- f) motions & orders re CJ Walker's recusal (C:303, 337, 359 & 360; C:361 & 389; C:393 & T_oE:C:17>393>Comment)
- g) unavailability of CA2 misconduct orders (530, 533; T_oE:C:22>536>Comment)
- h) order to issue mandate (C:421)

Jacobs, CA2 Judge Dennis
(next eligible chief judge)

- a) complaint v. J. Ninfo (C:111, 145)
- b) complaint v. CJ Walker (C:271 & 279, 391 & T_oE:C:17>391>Comment)
- c) complaint v. staff (C:316; cf. 656)
- d) abrogation of WDNY rules (C:1285, 1317)
- e) request to refer to U.S. Att. Gen. re bkr fraud scheme (C:1285, 1317 & T_oE:C:57>1317>Comment ; cf. T_oE:C:18>405>Comment; C:1317)

Cabranes, Judge Jose A.

Calabresi, Judge Guido

Hall, Judge Peter W.

Jacobs, Judge Dennis (see above)

Katzmann, J. Robert A. &

Oakes, Judge James L.

- a) appeal *In re Premier Van et al.* (C:119 & T_oE:C:10>119>Comment; cf. C:169)
- b) petition for rehearing (C:122, 394 & T_oE:C:18>394>Comment, C:403)
- c) motion re J. Ninfo's bias (C:108)

- d) motions & orders re CJ Walker's recusal (C:303, 337 & 360; C:361 & 389; C:393 & T_oE:C:17>393>Comment)
- e) motion to refer to U.S. Att. Gen. re bkr fraud scheme (C:404; T_oE:C:18>405>Comment)
- f) motion to stay mandate (C:395, 420, 421)
- g) motion to refer to U.S. Att. Gen. re bkr fraud scheme (C:404 & T_oE:C:18>405>Comment)
- h) complaint v. staff (C:441, 442, 514 & 540)

Oakes, Judge James L.

- a) (see J. Katzmann above; C:359)
- b) J. Ninfo's reappointment (C:995)

Parker, Judge Barrington D. (C:1000)

Pooler, Judge Rosemary S. (C:652)

Raggi, Judge Reena (C:1025)

Sack, Judge Robert D. (C:319, 320)

Sotomayor, Judge Sonia

Straub, Judge Chester J. (C:658)

Walker, Chief Judge John M., Jr. (see above)

Wesley, Judge Richard C. (C:359)

Winter, Judge Ralph K. (see also Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders)

ii) Staff of CA2

MacKechnie, Roseann

Clerk of Court

Court of Appeals for the Second Circuit

40 Foley Square, Room 1802

New York, NY 10007

tel. (212) 857-8500

- a) complaint v. J. Ninfo (C:1; E:1; C:63)
 - 1) re letter to judges re complaint v. J. Ninfo (C:142;

ToEC:11>142>Comment

- b) complaint v. CJ Walker (325;
ToEC:16>C:325>Comment
1) re letter to judges re complaint v. CJ Walker (C: 320)
- c) complaint v. staff (C:465 & 442, 491;
ToEC:20>491>Comment; C:492, 510;
cf. C:514)
- d) petition for review re J. Ninfo (C:654, 656)
- e) (see also Allen, Patricia)

Allen, Patricia Chin-
Deputy Clerk
Court of Appeals for the Second Circuit
40 Foley Square, Room 1802
New York, NY 10007
tel. (212)857-8702

- a) complaint v. Judge Ninfo (C:62, 71 &
ToEC:8>71>Comment; C:73, 107, 109,
144)
- b) complaint v. CJ Walker (C:315; cf. 316;
C:326, 390)
- c) complaint v. staff (C:465 & 442, 510)
- d) petition for review re J. Ninfo (C:651,
657, 658, 671)
- e) petition for review re CJ Walker and
denial (C:716; 777-779; 780)

Galindo, Fernando
Chief Deputy Clerk
Court of Appeals for the Second Circuit
40 Foley Square, Room 1802
New York, NY 10007
tel. (212) 857-8500

- a) complaint v. staff (C:509 &
ToEC:21>509>Comment; C:537)
- b) petition for review re J. Ninfo (C:621
& ToEC:25>621>Comment &C:622)

Carr, Lucille
Deputy Clerk
Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007
tel. (212)857-8521
(C:121)

Rodriguez, Robert
Deputy Clerk
Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007
tel. (212)857-8521
(A:507, 612)

Heller, Art (Arthur), Esq.
Calendar Officer
Calendar Office
Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007
tel. (212) 857-8532

- a) motions signed (C:360, 420, 540)
- b) letters (A:1041, 1042, 1181, 1193;
D:285, 297)

b) Judicial Council, 2nd Circuit

Judicial Council of the Second Circuit
Court of Appeals for the Second Circuit
40 Foley Square, Room 1802
New York, NY 10007
tel. (212)857-8700; fax (212)857-8680

- a) official information about the Judicial Council
<http://www.ca2.uscourts.gov/>
(C:775)
- b) table of key documents and dates of the judicial misconduct complaints
(ToEC:107)

- c) letters re complaint v. J. Ninfo (C:110, 112, 141)
- d) petition for review re J. Ninfo and denial (C:551 & 561; 623 & 629; 672 & ToEC:28>672>Comment)
 - 1) letters to judges or clerks (C:652 & 653; 654 & 655; 659 & 660)
 - 2) from clerks (C:656-658; 667-670; 671)
- e) table of CA2 judicial misconduct orders (C:564; cf. C:973, C:980.k; ToEC:980.k>Comment)
- f) petition for review re CJ Walker and denial (C:711, 781)
 - 1) letters (C:716, 717 & 718; 777)
- g) request to report evidence of judicial wrongdoing & bkr fraud scheme to U.S. Att. Gen (C: 782, 783, 785; cf. C:404 & ToEC:18>405>Comments; see also i) abrogatory request below)
 - 1) money driving bkr fraud scheme (C:660)
- h) comments on J. Ninfo's reappointment
 - 1) CA2 invitation to comment (C:981)
 - 2) comments (C:982, 1001, 1027)
 - 3) letters to judges (C:995 & 997; 1000 & 999; 1025 & 1026)
- i) request for abrogatory review of WDNY Local Rule inconsistent with FRCivP (C:1291)
 - 1) letters (C:1285 & 1286; 1317 & ToEC:57>1317>Comment)
 - 2) request for report to Att. Gen (see g) above)
- j) tables of names, addresses, and telephone numbers of the members of the Judicial Council
 - 1) displayed in tabular format for mail merge (C:774)

- 2) displayed as block addresses (C:112, 783)

i) Circuit Justice

Ginsburg, Justice Ruth
 Circuit Justice for the Second Circuit
 The Supreme Court of the United States
 1 First Street, N.E.
 Washington, D.C. 20543
 tel. (202) 479-3000

- a) circuit justice for 2nd circuit (C:149)
- b) complaint re J. Ninfo (C:110, C:653)
- c) petition for review of Judicial Council denials (C:855)

ii) Circuit Judges

(see also Court of Appeals, 2nd Cir. above)

Cabranes, Judge Jose A. (C:141, 668, 778, 811)

Calabresi, Judge Guido (C:142, 670)

Jacobs, Judge Dennis (C:111, 656, 667)

Pooler, Judge Rosemary S. (C:652)

Straub, Judge Chester J. (C:142, 779)

Sack, Judge Robert D. (C:319; C:320)

Walker, Chief Judge John M., Jr. (C:669, 777)

Member of Judicial Council, 2nd Circuit
 Court of Appeals for the Second Circuit
 Thurgood Marshall U.S. Courthouse
 40 Foley Square
 New York, NY 10007
 tel. (212)857-8700; fax (212)857-8680

iii) District Judges

Chatigny, Chief Judge Robert N.
 Member of Judicial Council, 2nd Circuit
 U.S. District Court
 for the District of Connecticut
 450 Main Street

Hartford, Ct 06103
tel. (860) 240-3659
(C:139; ToEC:11>139>Comment)

Korman, Chief Judge Edward R.
Member of Judicial Council, 2nd Circuit
U.S. District Court, EDNY
225 Cadman Plaza East
Brooklyn, NY 11201
tel. (718) 330-2188
(C:659, 812)

Mukasey, Chief Judge Michael B.
Member of Judicial Council, 2nd Circuit
U.S. District Court, SDNY
500 Pearl Street, Rm 2240
New York, NY 10007
tel. (212) 805-0136; (212) 805-0234
(C:140 & ToEC:11>140>Comment)

Scullin, Chief Judge Frederick J., Jr.
Member of Judicial Council, 2nd Circuit
U.S. District Court, NDNY
James T. Foley U.S. Courthouse
Albany, NY 12207-2924
tel. (518) 257-1800 or-1661

Arcara, Judge Richard J.
Member of the Judicial Council
U.S. District Court, WDNY
Olympic Towers, Ste. 250
300 Pearl St.
Buffalo, NY 14202-2501
tel. (716)551-4211; fax (716)551-4850
(C:717)

Sessions, Chief Judge William, III
Member of Judicial Council, 2nd Circuit
U.S. District Court for the District of Vermont
P.O. Box 945
Burlington, VT 05402-0945
tel. (802) 951-6395

Milton, Karen Greve
2nd Circuit Executive
Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007
tel. (212)857-8700; fax (212)857-8680

- a) complaint v. J. Ninfo (C:143, ToEC:12>143>Comment)
- b) complaint v. staff (C: 466 &442 & 469; 508, 511, 513; ToEC:21>513>Comment)
- c) denial of petition for review re J. Ninfo (C:672 & ToEC:672>Comment)
- d) denial of petition for review re CJ Walker (C:781 & ToEC:781>Comment; C:811)
- e) comments on J. Ninfo's reappointment (cf. C:981; C:982; 998; 1024 & ToEC:44>C:1024>comment, 1066)
- f) request for abrogatory review of WDNY Local Rule inconsistent with FRCivP (cf. C:1285 & 1286; C:1317 & ToEC:57>1317>Comment))

c) Administrative Office of the U.S. Courts

Administrative Office of the U.S. Courts
Office of the General Counsel
One Columbus Circle, NE, Suite 7-290
Washington, DC 20544
tel. (202) 502-1100; fax (202) 502-1033
<http://www.uscourts.gov/adminoff.html>
(C:685, 1120)

- a) statistics on judicial misconduct complaints (C:973 & ToEC:39>980.k-x and Comment thereunder; see also Judicial Conduct and Disability Act Study Committee)
- b) complaint v. court staff (C:685)

- c) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:859 & ToEC:34>859>Comment; cf. C:865 & 877)
- d) court reporter's refusal to certify her transcript's reliability (C:1120 & ToEC:49>1120>Comment)

Barr, Jeffrey, Esq.
 Assistant General Counsel
 Administrative Office of the U.S. Courts
 Office of the General Counsel
 One Columbus Circle, NE, Suite 7-290
 Washington, DC 20544
 tel. (202) 502-1100; fax (202) 502-1033
 (C:681-684)

Burchill, William, Esq.
 General Counsel
 Administrative Office of the U.S. Courts
 Office of the General Counsel
 One Columbus Circle, NE, Suite 7-290
 Washington, DC 20544
 tel. (202)502-1100; fax (202)502-1033
 statistics on systematic judicial complaint dismissals (cf. C:877, 887, 890, 893, & ToEC:37>893>Comment)

Deyling, Robert
 Assistant General Counsel
 Office of the General Counsel
 Administrative Office of the U.S. Courts
 One Columbus Circle, NE, Suite 7-290
 Washington, DC 20544
 tel. (202) 502-1100; fax (202) 502-1033
 petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:859 & ToEC:34>859>Comment; cf. C:865 & 877)

Rabiej, John K.
 Chief of the Rules Committees Support Office
 Administrative Office of the U.S. Courts
 One Columbus Circle, NE, Suite 7-290
 Washington, DC 20544
 tel. (202)502-1820
 (C:861, 862 & ToEC:35>862>Comment))

PACER (Public Access to Court Electronic Records)
<http://pacer.psc.uscourts.gov/>;
 cf. <https://ecf.nywb.uscourts.gov/cgi-bin/login.pl>
 (Stat. of Facts 2 ¶¶2, 11, 19, 33b)

d) Judicial Conference of the U.S.

[Executive Committee](#)
[Conference members](#)
[Committee to Review Circuit Council Conduct and Disability Orders](#)

Judicial Conference of the United States
 Administrative Office of the U.S. Courts
 Office of the General Counsel
 One Columbus Circle, NE, Suite 7-290
 Washington, DC 20544
 tel. (202) 502-1100; fax (202) 502-1033
<http://www.uscourts.gov/judconfindex.html>

- a) reports (C:567, 568-572)
- b) the 15 misconduct memoranda & orders
 - 1) request for – (C:681-683)
 - 2) table (C:566)
 - 3) text (C:1611)
- c) **petition for review** of Judicial Council's denials re J. Ninfo and CJ Walker (C:823, 899; ToEC:35>862>Comment)

- 1) letters to members (C:851& 822; 855; 865 & 872)
- 2) replies (see the NOTE under Conference Members below)
- d) court reporter's refusal to certify her transcript's reliability
 - 1) petition for investigation and replacement (C:1081, 1083 & [ToEC:47>1108>Comment](#), C:1115)
 - 2) letters re petition to and from members (except chairs of Executive Committee below) (C:1119; 1121, 1122, 1124)
 - 3) Administrative Office (C:1120)
 - 4) supplement to the petition (C:1127, 1151)
 - 5) letters re supplement (C:1125, 1151)
- e) Trustee Reiber and bkr fraud scheme (C:1127, 1151)
- f) how to update the table of Conference members (C:852)

i) Executive Committee

King, Chief Judge Carolyn Dineen
Chair of the Executive Committee of the
 Judicial Conference
 U.S. Court of Appeals for the 5th Circuit
 515 Rusk Street, Room 11020
 Houston, TX 77002
 tel. (713)250-5750; fax (713)250-5050

- 600 Camp Street
 New Orleans, LA 70130
 tel. (504) 310-7700
- a) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (cf. C:822 & 853)
 - 1) request re Mr. Deyling's letter (C:859 & [ToEC:34>859>Comment](#); 872 & 887; 891, 896 & [ToEC:38>896>Comment](#))

- 2) Conference's jurisdiction to review petition (C:897, 971)
- b) court reporter's refusal to certify her transcript's reliability (C:1117, 1118, 1123; 1152, [ToEC:51>1152>Comment](#) & cf. [ToEC:52>1166>Comment](#) & cf. Add:1025)

Hogan, Chief Judge Thomas F.
Chair of the Executive Committee of the
 Judicial Conference
 U.S. District Court for the District of Columbia
 333 Constitution Avenue, NW
 Washington, DC 20001
 tel. (202) 354-3000
 court reporter's refusal to certify her transcript's
 reliability (C:1177, 1178, 1179;
[ToEC:55>1271>comment](#))

ii) Conference Members

NOTE: These were the members as of November 2004. (cf. C:852) The names with hyperlinks indicate that they or their staffs replied to Dr. Cordero's c.2) petition for review (C:822 & 851).

Rehnquist, W., SCt	Flaum, J., 7th Cir.
Ginsburg, R., SCt	Stadtmueller, J.
Boudin, M., 1st Cir.	Loken, J., 8th Cir.
Laffitte, H.,	Rosenbaum, J.
Walker, J, Jr., 2nd Cir.	Schroeder, M., 9th Cir.
Scullin, F., Jr.	Ezra, D.
Scirica, A., 3rd Cir.	Tacha, D., 10th Cir.
Vanaskie, T.	Russell, D.
Wilkins, W., 4th Cir.	Edmondson, J., 11th Cir.
Norton, D.	Forrester, J.
King, C., 5th Cir.	Ginsburg, D., CA DCC
Feldman, M.	Hogan, T.
Boggs, D., 6th Cir.	Mayer, H., CA FC
Zatkoff, L.	Restani, J., Int' Trade

Rehnquist, Chief Justice William
 Member of the Judicial Conference
Supreme Court of the United States
 1 First Street, N.E

Washington, D.C. 20543
tel. (202) 479-3000

- a) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:851, 865, 872)
- b) court reporter's refusal to certify her transcript's reliability (C:1121, 1122)

Ginsburg, Justice Ruth
Circuit Justice for the Second Circuit
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543
tel. (202) 479-3000
(C:855 & 857)

Boudin, Chief Judge Michael
Member of the Judicial Conference
U.S. Court of Appeals, **First** Circuit
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, Massachusetts 02210
tel. (617) 748-4431; (617) 748-9057

Laffitte, Chief Judge Hector M.
Member of the Judicial Conference
U.S. District Court for the District of
Puerto Rico
150 Carlos Chardon Street
Clemente Ruiz-Nazario U.S. Courthouse
& Federico Degetau Federal Building
150 Carlos Chardon Street
Hato Rey, P.R. 00918
tel. (787) 772-3131

Walker, Chief Judge John M., Jr.
Member of the Judicial Conference
U.S. Court of Appeals, **Second** Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 1802
New York, NY 10007
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Scullin, Chief Judge Frederick J., Jr.
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District of New York
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Scirica, Chief Judge Anthony J.
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22614 U.S. Courthouse
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Philadelphia, PA 19106
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(C:851, 856 & ToEC:33>856>Comment)

Vanaskie, Chief Judge Thomas I.
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of Pennsylvania
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Scranton, PA 18501
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Wilkins, Chief Judge William W.
Member of the Judicial Conference
U.S. Court of Appeals, **Fourth** Circuit
Lewis F. Powell, Jr., U. S. Courthouse Annex
1100 East Main Street, Annex, Suite 501
Richmond, Virginia 23219-3517
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Norton, Judge David C.
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U.S. District Court for the District of South
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King, Chief Judge Carolyn Dineen
Member of the Judicial Conference
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New Orleans, LA 70130
tel. (504) 310-7700
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Feldman, Judge Martin L. C.
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of Louisiana
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Boggs, Chief Judge Danny J.
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Potter Stewart U.S. Courthouse
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Cincinnati, Ohio 45202-3988
tel. (513) 564-7000

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Member of the Judicial Conference
U.S. District Court for the Eastern District
of Michigan
Theodore Levin U.S. Courthouse, Rm. 703
231 W. Lafayette Blvd.
Detroit, MI 48226
tel. (313) 234-5110
(C:851 & 889 &
TOEC:37>889>Comment)

Flaum, Chief Judge Joel M.
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Dirksen Federal Building, Room 2702
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Chicago, IL 60604
tel. (312) 435-5850

Stadtmueller, Judge J. P.
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U.S. District Court for the Eastern District
of Wisconsin
United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202
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Loken, Chief Judge James B.
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U.S. Court of Appeals, **Eighth** Circuit
Federal Court Building
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St. Paul, MN 55101
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Rosenbaum, Chief Judge James M.
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Minnesota,
15E U.S. Courthouse
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Minneapolis, MN 55415
tel. (612)664-5050

Schroeder, Chief Judge Mary M.
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Post Office Box 193939
San Francisco, CA 94119-3939
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Ezra, Chief Judge David Alan
Member of the Judicial Conference
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Tacha, Chief Judge Deanell R.
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U.S. Court of Appeals, **Tenth** Circuit

Byron White U.S. Courthouse
1823 Stout Street
Denver, CO 80257
tel. (303) 844-3157

Russell, Judge David L.
Member of the Judicial Conference
U.S. District Court for the Western District
of Oklahoma
U.S. Courthouse, Room 3309
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Oklahoma City, OK 73102
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Edmondson, Chief Judge J. L.
Member of the Judicial Conference
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Forrester, Senior Judge J. Owen
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1921 Richard B. Russell Federal Building
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Ginsburg, Chief Judge Douglas H.
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U.S. Court of Appeals for the District of
Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
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tel. (202) 216-7280; (202) 216-7190
a) petition for review of Judicial Council's
denials re J. Ninfo and CJ Walker
(C:876, cf. & TOEC:34>858>Comment)
b) court reporter's refusal to certify her

transcript's reliability (C:1119, 1124)

Hogan, Chief Judge Thomas F.
Member of the Judicial Conference
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Mayer, Chief Judge Haldane Robert
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tel. (202) 312- 5527
(C:865)

Restani, Chief Judge Jane A.
Member of the Judicial Conference
U.S. Court of **International Trade**
One Federal Plaza
New York, NY 10278-0001
tel. (212) 264-2018

a) petition for review of Judicial Council's
denials re J. Ninfo and CJ Walker
(C:858 & TOEC:34>858>Comment;
C:875 & TOEC:35>875>Comment)

iii) Committee to Review Circuit Council Conduct and Disability Orders

Committee to Review Circuit Council
Conduct and Disability Order
Administrative Office of the U.S. Courts
Office of the General Counsel
One Columbus Circle, NE, Suite 7-290
Washington, DC 20544
tel. (202) 502-1100; fax (202) 502-1033

a) reports to the Judicial Conference

(C:569-572; cf. C:973 & T_oE C:980.k and Comment thereunder; C:1374, 1376-1379)

- 1) table of all 15 memoranda & orders (C:566, 1373)
- 2) text (C:1611)

Winter, Judge Ralph K., Jr.
Chairman

Committee to Review Circuit Council
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Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

tel. (212)857-8700; fax (212)857-8680
(C:877; cf. C:890, C:893 &
T_oE C:37>893>Comment; 935, 936,
968; cf. C:967)

- a) request to forward petition for review to Conference (C:877; cf. 890; & C:893)
 - 1) statement of facts (881)
- b) request to submit to whole Committee (C:935, 936, 967, 968, 972)

Bowman, Judge Pasco M.

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U.S. Court of Appeals for the 8th Circuit
111 South 10th Street
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tel. (816) 512-5800
(C:967-968; cf. 574)

Dimmick, Judge Carolyn R.

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Council Conduct and Disability Orders
U. S. District Court for the Western
District of Washington
700 Stewart Street
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tel. (206) 370-8400
(cf. C:967-968)

Sanders, Judge Barefoot

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Council Conduct and Disability Orders
U. S. District Court, Northern District of Texas
1100 Commerce Street, Room 1504
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(cf. C:967-968)

Sloviter, Judge Dolores K.

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18614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106
tel. (215) 597-1588
(cf. C:967-968; C:972 &
T_oE C:39>972>Comment)

Winter, Judge Ralph K., Jr. (see above)

e) Supreme Court of the U.S.

Supreme Court of the United States

1 First Street, N.E.
Washington, D.C. 20543
tel. (202)479-3211
year-end reports (C:573 &
T_oE C:24>573>Comment; C:980.k &
T_oE C:40>980.x>Comment)

Rehnquist, Chief Justice William

Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543
tel. (202)479-3000
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Ginsburg, Justice Ruth

Circuit Justice for the 2nd Circuit
Supreme Court of the United States

1 First Street, N.E.
Washington, D.C. 20543
tel. (202)479-3000
re misconduct complaints (C:110; 855,
857)

Breyer, Justice Stephen
(see Judicial Conduct and Disability Act
Study Committee)

Suter, William K.
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Office of the Clerk
Washington, D.C. 20543-0001
tel. (202)479-3023
(C:857, 1121)

Blalock, M.
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(C:573, 980.k;
ToEC:>C:980.x>Comment; A:1601)

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i) Judicial Conduct and Disability Act Study Committee

Breyer, Justice Stephen
Chairman
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Act Study Committee
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

tel. (202) 479-3211
http://www.supremecourtus.gov/publicinfo/press/pr_04-13-04.html

- a) announcement of first meeting (C:574)
- b) systematic complaint dismissal (C:973,
ToEC:980.k and Comment thereunder)
- c) no need of Study to know of complaint
dismissal (Stat. of Facts 10¶32)

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Disability Act Study Committee
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District of Indiana
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Indianapolis, IN 46204
tel. (317) 229-3600; fax (317) 229-3607
(C:574)

Bowman, Judge Pasco M.
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111 South 10th Street
St. Louis, MO 63102
tel. (816) 512-5800, (314) 244-2400
(C:574; 967)

Hornby, Judge D. Brock
Member of the Judicial Conduct and
Disability Act Study Committee
U.S. District Court for the District of

Maine
156 Federal Street
Portland, Maine 04101
tel. (207)780-3280; fax (207)780-3152
(C:574)

Rider, Sally M.
Administrative Assistant to the Chief
Justice
Member of the Judicial Conduct and
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Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543
tel. (202)479-3211
(C:574)

Wilkinson, Judge J. Harvie, III
Member of the Judicial Conduct and
Disability Act Study Committee
U.S. Court of Appeals for the 4th Circuit
255 West Main Street
Charlottesville, VA 22902
tel. (434)296-7063
(C:574)

f) U.S. Congress, Committees on the Judiciary

U.S. House of Representatives
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515
tel. (202) 225-3951
<http://judiciary.house.gov/>
www.house.gov/judiciary
(C:1354; T0EC>C:1352>Comment)

Sensenbrenner, Chairman F. James Jr.,
U.S. HR Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn, House Office Building

Washington, DC 20515
(cf. C:574; C:576, 1352;
T0EC>C:1352>Comment)
www.house.gov/judiciary
U.S. Senate News Advisory, Contact:
Jeff Lungren/Terry Shawn
tel. (202)225-2492
(C:576)

U.S. Senate
Judiciary Committee
224 Dirken Senate Office Building
Washington, D.C. 20510
tel. (202) 224-5225; fax: (202) 224-9102
<http://judiciary.senate.gov/>
(C:1354; T0EC>C:1352>Comment)

Hatch, Chairman Orrin G.
U.S. Senate, Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510
tel. (202) 224-5251; fax: (202) 224-6331
(C:1353; T0EC>C:1352>Comment)

(from TOEC:89) **VII.A. 2. Official Directory of the Bankruptcy Court in Rochester and Buffalo, NY**

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Megan Dorr	Law Clerk	(585) 613-4200

Administrative Section

Paul R. Warren	Clerk of Court	(585) 613-4200
Todd M. Stickle	Deputy-in-Charge	(585) 613-4223

Operations Section

Chapter 7 + 13

BK Case # Range

Torry Hirsch	Supervisor	(585) 613-4200	91-96
Jane Murphy	Data Quality Analyst/Trainer	(585) 613-4200	97-99
Tina Folwell	Case Manager	(585) 613-4200	00-10
Lisa Lawson	Case Manager/Trainer	(585) 613-4200	11-21
Ginny Wheeler	Case Manager	(585) 613-4200	22-32
Amy Andrews	Case Manager	(585) 613-4200	33-43
Carm Capogreco	Case Manager	(585) 613-4200	44-54
Annette Lampley	Case Manager	(585) 613-4200	55-65
Judy Middleton	Case Manager	(585) 613-4200	66-76
Paula Finucane	Case Manager	(585) 613-4200	77-83 + odd numbered A.P. cases
Karen Tacy	Case Manager	(585) 613-4200	84-90 + even numbered A.P. cases
Lorraine Parkhurst	Courtroom/Calendar Deputy	(585) 613-4200	

NOTE: Chapter 11 case assignments are rotated among Tina, Lisa, Ginny, Amy, Carm, Annette and Judy.

Intake/Financial Section

Michele Telesca	Intake Clerk	(585) 613-4200
Maggie Clifford	Intake Clerk	(585) 613-4200

United States District Court Western District of New York

Notice

Effective immediately the telephone numbers for the Rochester division of the United States District Court judicial officers and staff have changed. Please update your directories with these new numbers:

U.S. District Judge David G. Larimer

Main Number (585) 613-4040
FAX Number (585) 613-4045
Paula Rand, Courtroom Deputy (585) 613-4044
David Chapus, Law Clerk (585) 613-4042
Kathryn Lee, Law Clerk (585) 613-4043

U.S. District Judge Charles J. Siragusa

Main Number (585) 613-4050
FAX Number (585) 613-4055

U.S. District Judge Michael A. Telesca

Main Number (585) 613-4060
FAX Number (585) 613-4065
Melissa Schoen, Courtroom Deputy (585) 613-4064
Law Clerks (585) 613-4067

U.S. Magistrate Judge Jonathan W. Feldman

Main Number (585) 613-4070
FAX Number (585) 613-4075

U.S. Magistrate Judge Marian W. Payson

Main Number (585) 613-4080
FAX Number (585) 613-4085
Catherine Marr, Courtroom Deputy (585) 613-4084

Rodney C. Early, Clerk of Court

Main Number (585) 613-4000
FAX Number (585) 613-4035
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Electronic Case Filing Help Desk (585) 613-4036

Federal judges have no grant of immunity from the Constitution

In a system of “equal justice under law” they must be liable to prosecution as defendants in a class action like anybody else

by

Dr. Richard Cordero, Esq.

<http://Judicial-Discipline-Reform.org>

(as of September 2006)

The judicial power of the United States is established by Article III of the U.S. Constitution. That article does not immunize judges for their judicial actions from prosecution under the laws of the United States, or those of any state for that matter. The sole protection that it affords judges is found in section 1, which provides that they “during their Continuance in Office shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished”. (Authorities Cited:U.S. Constitution; all references are found at Judicial-Discipline-Reform.org) Neither the Legislative nor the Executive Branches can retaliate against judges by diminishing their salary; otherwise, Article III leaves judges as exposed to other sanctions for their official and personal acts as any government officer or private person is.

Indeed, that same Article III, section 1 specifically states that “The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour”. To be meaningful, this necessarily implies that they ‘can no longer hold their Offices’ if they engage in ‘bad Behaviour’. Given the fundamental principle of our democracy that government is by the rule of law, judges engage in ‘bad Behaviour’ when they, as members of the Third Branch of Government, violate such law.

As a matter of fact, Article II, section 4, of the Constitution sets forth types of ‘Behaviour’ that when engaged in by judges results in the obligation, not merely the possibility, that they “shall be removed from Office”. They include not only “Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes”, but also “Misdemeanors”. This means that the offense need not threaten national security, involve corruption, or manifest itself outrageous evil or harmful to warrant removal from office, but rather it may entail such a relatively small deviation from legally accepted conduct as to be classified as a misdemeanor and still give cause for removal.

Removal from office is not the only consequence that judges risk for ‘Bad Behaviour’. This follows also from Article II, section 4, for it provides the same consequence for “The President, the Vice President, and all civil Officers of the United States”. Never has it been affirmed even by a reasonable judge, let alone by Congress or any top member of the Executive Branch, that citizens that are elected or nominated and confirmed, not to mention merely hired, as “civil Officers of the United States”, receive a grant of immunity providing that if they, whether in their official or personal capacity, commit any act of “Treason, Bribery, or other high Crimes and Misdemeanors”, no sanction shall be visited upon them graver than removal from office and no compensation shall be demanded of them for the benefit of those that they harmed. Hence, judges, like “all civil Officers”, may not do whatever they want, however unlawfully injurious to the life, liberty, and property of others, and if they are caught, they simply move on to a different job.

Far from it, when judges engage in ‘bad Behaviour’, they expose themselves to any other punishment that the law imposes on any other lawbreaking person. This follows from the other fundamental principle that is the corollary to the one mentioned above, namely, nobody is above that law. This principle is expressed on the frieze below the pediment of the Supreme Court building by the inscription “Equal Justice Under Law”. Consequently, judges that violate the law are liable to third parties as much as all the other “civil Officers” are. Stamping the label ‘judicial

act' on any of their unlawful actions neither limits their loss to that of their offices nor deprives any third party of any compensation for the harm inflicted upon them by such actions.

Since neither the Constitution nor Congress endows a federal judgeship with a blanket exemption from liability for lawbreaking, judges cannot fashion one from the bench for the benefit of their peers. That would in itself constitute a violation of the law, which provides at 28 U.S.C. §453 that "before performing the duties of office, [they shall] solemnly swear (or affirm) that [they] will **administer justice without respect to persons**, and **do equal right** to the poor and to the rich, and that [they] will faithfully and **impartially** discharge and perform all the duties incumbent upon [them] under the Constitution and the laws of the United States". (emphasis added)

Therefore, when judges are sued in court, whether by the district attorney or private persons, the sitting judges cannot simply dismiss their complaints in order to insulate their peers from any further legal action, just as during the proceedings before them they must not show bias in their favor by issuing rulings or decisions that are either unwarranted under the law or even motivated by the desire of securing a positive outcome for the defendant judges. By doing so, they would both breach their oath to administer equal justice "without respect to persons", abuse the power of their offices, and deny the plaintiffs due process under law. Nor are judges entitled to hold the prejudice that members of their judicial class 'can do no wrong' and thus, cannot be held accountable to anybody for what their actions, for that assumption contradicts the explicit statement of Article II, section 4, of the Constitution that judges, just like all other "civil Officers", are liable to "Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors".

"Crimes and Misdemeanors" are offenses against the people that the government prosecutes on their behalf. Yet, an indictment by the government does not prevent those individual members of the people proximately injured by the criminally accused from becoming plaintiffs in civil actions and bringing them directly against the accused named as defendants. What is more, neither filing their complaints nor litigating their causes of action depends on the government having secured a conviction. Indeed, the government's failure to establish the guilt of the accused upon application of the highest standard of legal responsibility of "guilty beyond a reasonable doubt", has no bearing on the plaintiffs' ability to obtain a judgment against the defendants upon application of the lower standard of 'clear and convincing proof', let alone the lowest standard applied in most civil actions, namely, 'by a preponderance of the evidence'.

When those individual members of the people "(1)...are so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to [them and], (3) the claims or defenses of the representative parties are typical of [their] claims or defenses" (FRCP 23(a)), they may be certified as a class to maintain a class action. Rule 23 and the Class Action Fairness Act of 2005 (Pub.L. 109-2, Feb. 18, 2005, 119 Stat. 4; cf. 28 U.S.C. §1711 et seq.), do not prevent a group of people from forming a class to take legal action against a group of judges. Their provisions can neither constitutionally exclude nor as a matter of fact exclude judges from becoming a defendant class while exposing any other group of people to become such a class, for that would constitute unequal treatment under the law. The Racketeer Influenced and Corrupt Organizations Act (RICO, 18 U.S.C. §1961 et seq.), does not exclude judges from its scope either.

Whether a judge or panel of judges will apply the law "without respect to persons" or disregard it in order to take care of their own and themselves remains to be seen. One can only hope that, as in other groups of people, there are judges who value their personal integrity and that of their office enough to do, not what is expedient and predetermined to immunize their peers, but rather what is right and appears to be right, namely, to administer "equal justice under law".

Programmatic Proposal
to Unite Entities and Individuals to Use Their Resources Effectively
in Our Common Mission to Ensure Integrity in Our Courts
by Engaging in Specific Activities and Achieving Concrete Objectives
(version 1 as of 10/11/6)

by
Dr. Richard Cordero, Esq.

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I. Effectiveness through unity: many entities and individuals complaining separately about wrongdoing judges, who are tightly coordinated in the Judiciary, the 3rd Branch of Government

1. There are many entities and individuals that complain on the Internet, talk shows, and e-mails about our federal and state legal systems. They protest about judges that abuse their judicial power either to advance their own ideological agenda with disregard for the respective constitution and laws that they swore to apply or to gain an unlawful benefit for themselves and others participating in a corrupt scheme. In short, they all complain about wrongdoing judges.
2. In neither case is the source of their complaints acts within the bounds of judicial power that the appeal courts have failed to correct. Rather, in both cases the source is judges that have failed to apply to themselves the statutory mechanism of judicial self-discipline. In the federal jurisdiction, this mechanism is triggered when a judicial conduct complaint against a federal judge is filed by any person with the chief judge of the respective court of appeals, as provided for by the Judicial Conduct and Disability Act of 1980. (28 U.S.C. §351 et seq.)
3. The failure to discharge their self-discipline duty allows judges to do anything they want and get away with it in the knowledge that they will not be asked by their peers to answer for their conduct. That knowledge results from, and gives rise to, coordination to engage in wrongdoing. Evidence of such coordination is found in the official statistics of the [Administrative Office of the U.S. Courts](#). They show that [the judges’ rate of dismissal](#) for over a decade of judicial conduct complaints could not have occurred but for their wrongful coordination to systematically dismiss them in order to insulate themselves from any discipline. (http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf) Thus exempting themselves from the control of their conduct provided for by the Act constituted abuse of power. It engendered the sense of impunity that encouraged any subsequent abuse of power. Self-exemption from discipline and abuse of power acting as mutually reinforcing cause and effect of each other.
4. Federal judges’ sense of not being answerable for their actions to any disciplinary body is grounded in facts. As stated by the [Late Chief Justice W. Rehnquist](#) and the [Federal Judicial Center](#), since the adoption of the U.S. Constitution in 1789 only 13 judges have been impeached and only 7 convicted...in 217 years of federal judicial history. Since their chances of getting caught are less than a third of those of becoming the 18th chief justice of the Supreme Court, they engage in wrongdoing because they know that as a historical fact they are exempt from prosecution. As a result, federal judges constitute the only group of people in our country that as a matter of fact are above the law. (http://judicial-discipline-reform.org/docs/CJ_Rehnquist_impeachments.pdf)

5. Many entities and individuals have complained repeatedly about, and developed different initiatives against, the many ways in which abusive judges manifest their bias and disregard for the rule of law. Their effectiveness, however, has been limited. For one thing, a) many complaints and initiatives deal with the manifestations of the judges' abusive conduct rather than the circumstance enabling their riskless wrongdoing, to wit, their inapplication to themselves of the mechanism of judicial discipline. In addition, b) the public has not yet been made aware of the extent of the judges' abusive conduct and the fact that it concerns everybody because judges have enormous power to take decisions that affect every person's right to life, freedom, and property as well as every social and economic activity in this country. Moreover, c) the entities and individuals have pursued their complaints and initiatives separately against judges, who, by contrast, are united within a most powerful, well-connected, and moneyed organization, namely, the Judiciary, the Third Branch of Government, which provides the institutional framework for a more insidious and intractable type of wrongdoing: coordinated judicial wrongdoing.

II. A three-pronged proposal to pursue a common mission through a virtual firm, win the public's support, and cause the reform by law of judicial discipline

6. A proposal is made here to overcome these three obstacles to the effectiveness of the entities and individuals' many initiatives against abusive judges that show bias and disregard the rule of law. To begin with, it identifies what constitutes their essential common mission, namely, to restore integrity to our legal system. For its accomplishment, it proposes that they c) unite their efforts and resources to create a virtual firm on the Internet of investigative journalists and lawyers to b) make the public aware of how and why judges abuse their rights by exposing evidence of their wrongdoing through a media campaign and a class action against wrongdoing judges aimed at gaining the public's support to a) force executive and legislative authorities to launch official investigations into coordinated wrongdoing in the judicial branch leading to public demand for, and passage of, reform legislation that creates an external body for administering judicial discipline and inspecting the judges' use of public funds. Through this program of activities the entities and individuals can embark on a common mission to deal effectively with the cause of their complaints: the judges' unlawful, intentional failure to discharge their self-discipline duty, which enables them to eliminate punishment as a deterrent to wrongdoing and to engage in coordinated wrongdoing that leads to abuse and corruption in our legal system.
7. This proposal, by its very nature flexible and open to discussion, is addressed to the entities and individuals as a statement of a concrete way in which they can combine their efforts and resources in order to pursue effectively their common mission. It is also addressed as a recruitment presentation to "the best of the best, most committed, and most informed", those professionals whose quality of work can make the difference between a successful undertaking and a disappointing flop, and who demand to know before coming on board what specific functions they would be performing in a well-run firm. Likewise, it is addressed as a business plan at the pre-quantified stage to financial supporters, those with the cash and business connections and experience necessary to turn a project into a going business, but who want to make sure that an initial general idea has been thought through to a chronological series of precise activities for specific types of workers resulting in a product that people want out there in the real world. Here the business is a lofty mission: to restore integrity to our legal system so that it can produce judicial decisions that are just and fair when measured against the benchmark of "Equal Justice Under Law".

A. The virtual firm's three objectives and its activities to attain them

8. The first step in entities and individuals dealing effectively with their complaints about the legal system is to acknowledge the need for a shared and sharply focused activity on which to concentrate their efforts and resources long-term so as to reap a multiplier effect that increases the chances of success against long odds: a common mission against the well-coordinated Judiciary. The centerpiece of that unity and the key instrument in accomplishing their mission is a virtual firm on the Internet of lawyers and investigative journalists. That firm too needs to be sharply focused. Thus, it will have three realistic and progressively attainable objectives:

i) expose judicial wrongdoing: a *Follow the money!* investigation & a class action

expose judges' coordinated wrongdoing in a bankruptcy fraud scheme or in the systematic dismissal of judicial conduct complaints through investigative journalists that will uncover evidence thereof by engaging in a Watergate-like *Follow the money!* investigation from filed bankruptcy petitions into the schemers' web of personal and financial relations, and through lawyers that will bring a class action on behalf of those injured by wrongdoing judges so that through its two categories of professionals the firm will mount a media campaign to make an ever larger audience aware of the extent and damaging consequences for the public at large of judicial wrongdoing;

ii) cause authorities to investigate and prosecute wrongdoing judges

cause an outraged public to force the authorities, such as the FBI, the Department of Justice, Congress, and their state counterparts, to investigate coordinated wrongdoing in the judiciaries and proceed to the impeachment or prosecution and conviction of judges and other wrongdoers, and bring about the retirement of other unfit judges; and

iii) bring about laws to reform the mechanism of judicial discipline

channel the public's demand for integrity in the legal system to the reform by law of the judicial discipline mechanism through the creation of a body of members unrelated to, nominated and confirmed, and mandated to operate independently of, the judiciary for receiving and acting on complaints about judges' conduct and inspecting their use of public funds.

9. Neither the firm nor the class action can pursue the particular complaints of each of its professionals, supporters, or members. They will know before joining that a shotgun of issues and agendas is confusing, overwhelming, conflict-generating, and ultimately fatal to the certification of the class. Hence, they must shed distinguishing elements from their complaints and divisive statements from their discourse in order to pursue effectively their common mission. Given their unifying commitment to it, they will agree to concentrate their efforts and resources on those three reasonable objectives attainable through a program of specific, manageable activities.

III. Qualifications and tasks of virtual firm's professionals & program of activities

10. The firm will pursue its objectives by following a program of chronologically outlined activities:

A. The investigative journalists' tasks

11. The investigative journalists will conduct a Watergate-like *Follow the money!* investigation

through the web of personal and financial relationships of judges and other people involved in the judicial disposition of money. Consequently, the starting point of their investigation will be the [publicly available bankruptcy petitions](#) filed by bankrupts, such as those relating to the bankruptcy fraud scheme that constitutes a key component of the representative case of the class action. Their investigation will include digital and physical document search, [interviews](#), and inspection of places in search of assets belonging to the bankruptcy fraud schemers. The journalists will also seek to determine what federal judges and any other persons knew and when they knew of the existence of a bankruptcy fraud scheme or of a pattern of other wrongdoing, such as real estate sweet deals, and how judges supported such wrongdoing. (cf. http://judicial-discipline-reform.org/docs/Trustee_Reiber_3909_cases.pdf and http://judicial-discipline-reform.org/docs/DeLano_petition.pdf)

12. The investigative journalists will have the crucial task of convincing the editors and assignment managers of the media with the largest audience to carry their reports and commit their own resources to pushing the investigation ever more deeply and widely, and to cover the firm's own work. They will also work on identifying and vetting individuals of appropriate standing and with relevant skills, knowledge, and financial means that can overtly or anonymously join or support the firm to make a significant contribution to accomplishing its mission.

B. The lawyers' tasks

13. The evidence of coordinated judicial wrongdoing already posted and described in http://judicial-discipline-reform.org/docs/Tables_of_Exhibits.pdf, as well as the evidence produced by the investigative journalists will be reviewed by the virtual firm's lawyers, who will select the most appropriate for restricted circulation or publication and for supporting the class action. They will work on the difficult legal issues, some of them novel, involved in preparing that action. Among them are those dealing with obtaining contact information of potential class members, such as judicial conduct complainants, and selecting them; certifying the class and its representatives; choosing the judges, judicial and administrative bodies, trustees, lawyers, law firms, and other persons to be named as defendants and preparing the charges against all or some of them under laws such as the Racketeer Influenced and Corrupt Organizations Act (RICO); intentional denial of due process and judicial rights; dereliction of duty and third party beneficiaries of the oath of office; conflict of interests in judging peers, disqualification or change of venue; proper venue for claims against a branch of government; subpoenaing judges to be deposed, produce court and financial records, and testify; overcoming claims of judicial immunity, privilege, and confidentiality; conspiracy; standard of proof, and admissibility of corruption evidence against judges; liability and damages; etc. These and other tasks are described on the webpage "[Tasks for Lawyers and Investigative Journalists](http://Judicial-Discipline-Reform.org/Tasks%20for%20L%20%20I.htm)". (<http://Judicial-Discipline-Reform.org/Tasks%20for%20L%20%20I.htm>)

C. Organizing and posting evidence

14. The evidence gathered that meets journalistic standards of publication, such as accuracy, credibility, and verifiability, or legal standards of admissibility will be posted on the virtual firm's website with different degrees of accessibility or made available to the media to attain the widest publication possible. The purpose will be to inform the firm's professionals and the public of the on-going state of the investigation in order to avoid duplication and provide leads

for further investigation. Such publication will also intend to encourage other journalists and bloggers aiming to deserve a Pulitzer Prize or in quest for their 15 minutes of meritorious fame to join and expand the search for evidence that will reveal to the public nationwide the nature and extent of coordinated wrongdoing in both the federal and the state judiciaries and the need for official investigations and for legislation to reform the mechanism of judicial discipline.

1. Table of wrongdoing evidence

15. To help the investigation along and facilitate the organization and widest use of the evidence gathered, the firm will devise as its key evidentiary instrument the Table of Judicial Wrongdoing Across the Nation. It will list in a column each of the 50 states, for each of which each of a selected handful of the most promising federal and state cases from a journalistic and legal standpoint will be listed in a row, the cells of which will provide essential docket information and hyperlinks to the most relevant court documents and news articles. One of those cells will provide the case-type identifier that will hyperlink to the case synopsis. This will be the paragraph most important and difficult to craft professionally, the one that will frequently be the only one read by those choosing which case to investigate or looking for an overview of judicial wrongdoing nationwide. The case synopsis will describe in 150 words or less the information that enables the first paragraph of a well-written news article to grab the attention of the reader and make her want to read on for details, the so-called six W's: what, where, when, who, how, and why. This should suffice to state the nature of the legal controversy and issues at stake. The [Table of 11 Cases](http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf) accompanying the Statement of Facts is a prototype of that Table. (http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf)

2. Analyzing, integrating, and summarizing information

16. In order for the lawyers and investigative journalists of the virtual firm to be able to write clearly, concisely, and effectively, whether it be the case synopsis or briefs, petitions, and articles for the courts, the authorities, and the media, they will perform several essential information-processing, highly detail-oriented, but imagination-demanding and-creative tasks:

a) springboard analysis of documents

17. analyze documents, such as reports on previous investigations by authorities and civilians into official corruption and influence peddling as well as legislative hearing and debate transcripts and reports on relevant subjects and laws, in order to gain insight into the dynamics of the similar, different, or conflicting interests of the characters and of the forces shaping the events involved; and identify mistakes to be avoided and pick up leads to be followed;

b) boomerang scrutiny

18. capture the spin of orders, decisions, speeches, press releases, and articles of wrongdoing judges to harness their patterns of bias or intrinsic inconsistencies or extrinsic disregard for the law and cause the judges' own words to hit them in their mouths;

c) mosaic integration

19. read a document to gain an understanding of the workings of its statements and discern between its lines its assumptions, implications, and possibilities; mine from it bits and pieces of information of importance to trained and imaginative eyes and in light of their relative shades

and shapes of relevance and credibility place them in the developing mosaic of the bits and pieces of many other documents as their placement sometimes is suggested by the picture that puzzle-like is revealing itself and sometimes is chosen by the picture of meaning that the reader is creatively drawing;

d) broth reduction

20. summarize the essential informational nutrients of scores or even hundreds of documents to a synoptic paragraph, an executive summary, a word limited news article, a table, a chart, or a diagram by submitting those source documents to the boiling down heat of the objectives at hand, the audience being addressed, and the reasonable calculation that in such size and format the piece will get read and its information assimilated;

e) database creation

21. apply standard or devise new structure and search functions of relational databases to manage efficiently and make easily accessible the documents being gathered and the informational elements that they contain so that they will assist in understanding and writing other documents;

f) Report on Judicial Wrongdoing in America

22. produce the text, tables, statistical analyses, charts, and descriptive entries of the bibliography of the virtual firm's publication that will make the influential, reading public aware of how widespread judicial wrongdoing has become and how high it has reached at the federal and state levels and serve as the firm's presentation tool before authorities to cause them to launch official investigations and legislative bodies to enact judicial discipline reform legislation.

3. A firm of "the best of the best, most committed, and most informed"

23. It should be obvious that for the virtual firm to carry out those difficult tasks it will need to be composed of a team of professionals with superior skills, technical knowledge, and ingenuity. They also must have the leadership attributes to guide the supporting entities and individuals and to organize effectively the members of the class action, not to mention to manage their relations with outsiders so as to garner their sympathy and respect while enduring with dignity abuse, disappointment, and stress. These tough demands on the performance and character of the firm's professionals require their selection by application in stages of the rigorous criteria of "the best of the best, most committed, and most informed", unlike the considerations to be used for qualifying other people as either financial supporters of the firm or members of the class action.

D. Enter the media

24. Evidence of widespread coordinated wrongdoing that reaches high in the judiciary clearly and concisely presented through the synoptic paragraphs summarizing cases and the Table of Judicial Wrongdoing Across the Nation laying out docket data and links to supporting documents and articles can generate on the Internet considerable interest as well as outrage. The buzz can reach such pitch as to cause the national newspapers and TV stations to consider it in their commercial interest to pick up the story and further develop it with their vast human, technical, and financial resources for investigative journalism.

1. Examples of the media joining an Internet buzz

25. The following account supports the reasonable expectation that investigative journalists and bloggers will recognize the importance for the man in the street and our elected representatives of uncovering evidence of coordinated wrongdoing in the Third Branch of Government and the opportunity that it offers to merit public recognition for reportage in the common good, and join the search for more evidence: Oprah Winfrey picked up for her book club James Frey's autobiography "A Million Little Pieces" and thereby launched it to the top of the best seller lists. This caught the attention of TheSmokingGun.com blog, which exposed it as embellished pseudo-fiction, after which the major TV stations picked up the story and interviewed TheSmokingGun Editor Bustone. Investigative journalists of *The New York Times* and the *Star Tribune* played a key role in exposing the book as a fabrication around a few little pieces of truth. <http://www.thesmokinggun.com/jamesfrey/0104061jamesfrey1.html>
26. In the same vein, the ever more popular, compassion-inducing drama of Lonely Girl was picked up by *The New York Times* and revealed as the hoax of some website promoters and an actress that was anything but lonely. <http://www.nytimes.com/2006/09/12/technology/12cnd-lonely.html?ex=1315713600&en=abf28fc073b3c6e9&ei=5088&partner=rssnyt&emc=rss>.

E. Filing the class action

27. Once the exposure of coordinated judicial wrongdoing has generated a critical mass of public outrage and clamor for official intervention, the filing by the virtual firm of a class action on behalf of entities and individuals injured by wrongdoing judges will stand a better chance of being reported on by the national media; taken seriously by the presiding judge, whose every decision will come under close scrutiny in the spotlight of the mass media and law journals; and surviving a motion to dismiss, particularly a bogus one intended to nip in the bud any discovery of evidence of wrongdoing coordination.

1. Bankruptcy-fraud members of the class

28. Some members of the class action will have been injured by fraud supported by judges in a bankruptcy case; other members' injuries will have arisen from the elimination of their judicial conduct complaints by the judges' systematic dismissal of such complaints. The element common to all those members is that all of them sustained actionable injury at the hand of a wrongdoing judge or of judges acting in wrongful coordination. The injury, of course, must not be susceptible to being characterized as an adverse consequence of a judicial act, for such characterization would make the theory of judicial immunity for judicial acts available to protect the judge in question from being sued.
29. However, [Article III, section 1 of the Constitution](#) provides for federal judges to remain in office only "during good Behaviour". The disposition of money in controversy by a judge acting fraudulently for his own benefit or a third party's is indisputably not "good Behaviour", but rather an impeachable act of corruption not protected by any theory of judicial immunity, which in any event is not explicitly provided for in the Constitution. Such fraud evidence could not be dismissed by the judge presiding over the class action without revealing glaring partiality by defending his peer's legally indefensible conduct and, thereby rendering himself suspicious.
30. That is why a case involving a bankruptcy fraud scheme is the representative one of the class

action. It allows evidence of fraud to be the anchor that should keep the action from being thrown out of court by the judges' immunity theory bulldozer. By the same token, the bankruptcy fraud members of the class should be able to provide invaluable leads for the investigative journalists' Watergate-like *Follow the money!* investigation of bankruptcy money fraudulently channeled into concealed assets and illegal contributions, political or otherwise.

2. Complaint-dismissal members of the class

31. Evidence of the judges' support or toleration of a bankruptcy fraud scheme would show bias and disregard for the rule of law as well as engagement in a continuing criminal activity and the consequent need to cover it up. Such evidence would lend credence to the claims that the non-bankruptcy class members made both in their judicial misconduct complaints, to wit, that the judges in their respective cases, regardless of their subject matter, showed bias and disregard for the rule of law, and subsequently in the class action, that is, that the judges that received those complaints systematically dismissed them too without any investigation or consideration of their merits so as to prevent any investigation of a judge that could open the way to the exposure of the judges' coordination to do wrong, for example, to participate in a bankruptcy fraud scheme. Hence, all the members have mutually reinforcing claims arising from the same source: judicial wrongdoing made possible by the coordination not to discipline each other.

F. Authorities investigate the judiciary

32. The outrage provoked by the media reporting on coordinated wrongdoing by judges can force the FBI, the Department of Justice, and finally Congress to launch their own investigations. Current events support this expectation. Indeed, Congress held hearings within a month after the revelation that to identify the source of leakage of classified corporate information, the top officers of Hewlett-Packard had orchestrated pretexting –posing as members of the board of directors to obtain private information about directors- and unlawful wiretapping of journalists. Likewise, less than a week after the scandal broke that Representative Mark Foley had sent salacious e-mails to underage Congressional pages and that the House leadership had known for three years that he had sent other improper e-mails to pages, the FBI opened an in-depth investigation into what Congressional leaders knew and when they knew it.

G. Impeachment of judges

33. Official investigations can lead to the impeachment or prosecution and conviction of judges as well as other bankruptcy fraud schemers and to the tactical retirement of other judges in anticipation of being charged. This will cause the removal or exiting from the bench of wrongdoing judges and have a cautionary effect on the conduct of those remaining in office.

H. Drive for judicial reform legislation

34. Once a national public has become outraged by exposure of coordinated judicial wrongdoing at both the federal and state levels, and cries out for the authorities to restore integrity to our legal system, the virtual firm and its supporting entities and individuals will more effectively press Congress and state legislatures to enact legislation providing for effective mechanisms to

discipline judicial conduct and to inspect judges' handling of public funds allocated to the judiciary. By contrast to the insufficient bill currently in Congress for the [Judicial Transparency and Ethics Enhancement Act](#), which would apply only to the federal judiciary, the new mechanism must be operated by an external body whose members will not be recommended, let alone appointed, by the judiciary, and which will receive and investigate judicial conduct complaints against, apply disciplinary measures to, and make recommendations for the impeachment of, any members of the judiciary, including the justices of the Supreme Court.

I. Redress and compensation for class members

35. The members of the class action may receive collective redress for their grievances in the form of appellate review of their cases or new trials, and perhaps even compensation from:
 - a. individual judges found liable for the harm that they inflicted through their wrongdoing;
 - b. judicial governing bodies or entities servicing the judiciary found liable for having assisted judges in their wrongdoing or covered up for them; and/or
 - c. the Federal government since the Federal Judiciary is a branch of the U.S. Government.

IV. How to select persons that want to join the virtual firm

36. Among the preliminary steps that can be taken in the process of selecting the professionals of the virtual firm of lawyers and investigative journalists are the following:
 - a. examine their complaints against the judiciary as stated in their websites, court documents filed by them, and talk shows;
 - b. check the person's name, address, resume, and entries in professional directories;
 - c. require of a person that has expressed interest in joining the firm to submit a written statement indicating, in light of this proposal:
 - 1) the reasons for wanting to join the firm in terms of its mission and objectives;
 - 2) academic and professional qualifications to carry out any of the tasks described above;
 - d. provide samples of his or her work.
37. It should be evident that a person that does not want to bother to read this proposal and provide the requested information is neither committed to the entities and individuals' common mission nor realizes how much work will be required to accomplish it or attain the firm's objectives. Just as easily as he or she would like to join, he or she would quit the firm, leaving everybody else burdened with the work that had been assigned to that person, perhaps when the pressure of an approaching key date was mounting. That is not a promising way of running a firm, particularly since the mission is to enforce discipline and accountability on the tightly-knitted web of bankruptcy fraud schemers and well-coordinated peers of the Third Branch of Government.

Comments on this Programmatic Proposal and inquiries about joining the firm are welcome and may be e-mailed to DrRCordero@Judicial-Discipline-Reform.org.