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**A Strategy Leading From Public Outrage Over Judges' Wrongdoing  
To A Citizens Board For Judicial Accountability and Discipline  
A proposal for dividing labor among early organizers to attain specialization and  
effectively taking concrete steps toward forming a coalition of judicial reform advocates**

Wrongdoing by judges, whether in the federal or the state judiciaries, substantially impairs the integrity of the administration of justice. It manifests itself in different areas of the law, including probate, guardianship, partition of marital assets, child support and visitation rights, bankruptcy, etc. What is at the origin of any form of such wrongdoing is that a judge that engages in wrongdoing in one area of the law and gets away with it because the other judges will not expose and discipline him, will be more likely to do wrong in all areas of his work. He thus proves to other judges that wrongdoing, whether for profit or expediency, can be engaged in with impunity. By agreeing or looking the other way, judges explicitly or implicitly coordinate their wrongdoing. This triggers a trend whereby coordinated wrongdoing among judges and between them and other legal system insiders becomes the judiciary's institutionalized modus operandi.<sup>1</sup>

The judges will not expose such wrongdoing for fear of self-incrimination. Safe for insiders' leaks of the Wikileaks nature, the exposure must be done by outsiders. It falls to the victims of judicial wrongdoing. However, the exposure can be undertaken neither by action in court, the judges' turf where they protect each other, nor by individual victims, for the task is too big. It calls for a joint effort. Moreover, that effort needs a clear strategy in order to be effective and every one joining forces must just as clearly know what his or her contribution to the effort is.

**A. The stages of the strategy**

This is the outline of a proposed strategy for bringing about judicial accountability and discipline reform and for joining forces leading to a national coalition of its advocates. It is reasonably founded on the precedent of the Watergate Scandal and the 9/11 Commission.

- 1) The media, both the established outlets and the new one emerging on the Internet, such as bloggers and citizens journalists, plays a key role in exposing from the outside coordinated judicial wrongdoing and thereby getting the public outraged.
- 2) As public outrage grows in intensity, more media outlets will pick up the story. By deepening the investigation, the media will reveal that wrongdoing has been coordinated not only among judges, but also between them and those who make recommendations for judicial appointments, the appointers, and supporters of candidates in judicial elections; and that they have traded moral and material benefits by providing reciprocal cover-up for years with reckless disregard for the harm to the public, thus establishing a pattern of racketeering activity.
- 3) The self-reinforcing process of media>outrage>more media>more outrage will attain a critical mass that will cause the exacerbated public clamor for official investigations to be heeded by the Department of Justice, the FBI, Congress, and their state counterparts. Thanks to their power of subpoena, they will be able to discover even more outrageous aspects of the story.
- 4) Honestly outraged members of the public and politicians just as opportunists will pick up the story and contribute to making it a national issue and prominent part of any election;

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<sup>1</sup> [http://Judicial-Discipline-Reform.org/docs/Dynamics\\_of\\_corruption.pdf](http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf); [http://Judicial-Discipline-Reform.org/Follow\\_money/Champion\\_of\\_Justice.pdf](http://Judicial-Discipline-Reform.org/Follow_money/Champion_of_Justice.pdf)

- 5) Under intense public pressure, Congress and state legislatures will adopt laws to hold the judiciary accountable and subject to discipline in accordance with the principle that in a democracy judges are employees of the government of and for the people with no other source of authority to be independent and exempt from the people's hiring and firing power. They should each establish an independent citizens board for judicial accountability and discipline.
  - a. Board members must be unaffiliated to political parties, non-lawyers or legal system insiders, and neither recommended nor appointed by the judiciary. They must hold all their administrative and deliberative meetings in public to ensure that they too are under scrutiny and accountable. All their documents must be a matter of public record and available online.
  - b. The board must be authorized to receive publicly filed complaints against judges; investigate them with subpoena power; and hold public hearings where complainants, complained-against judges, and witnesses, including other judges, are examined.
  - c. It must be empowered to discipline judges publicly, e.g., censure them, order them to apologize publicly, and condition their future work and conduct, e.g., transfer them to another type of court, e.g. from criminal to civil or from probate to traffic; or to another location, e.g., from city to village court; order them to provide a written statement of reasons for their decisions and that the latter be submitted for a probation period to the board for it to ascertain compliance; order that their decisions be made public or published.
  - d. The board must also be authorized to order judges or the judiciary to compensate the victims of their individual or coordinated wrongdoing; recommend that judges be disbarred; and transmit the record to Congress with a recommendation for their impeachment and removal.
  - e. Any appeal from a decision of the board must be to a subcommittee of the House Committee on the Judiciary and then to the Senate Committee on the Judiciary.
- 5) Once an outraged public becomes the jury pool, victims of wrongdoing by judges and legal system insiders may consider suing them for compensation through multidistrict class actions in federal court charging counts under **(a)** the Racketeer Influenced and Corrupt Organizations law (RICO), which entitles a successful plaintiff to "recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee" (18 U.S.C. §1964(c)) and maybe punitive damages as a deterrent to fraud; or **(b)** a new Judicial Victims Compensation Act. Intense public scrutiny will diminish judges' willingness and ability to hold their peers non-suable by applying the judicial immunity doctrine conjured up in self-interest; dismiss the lawsuit by summary judgment; or engage in violations of due process to protect their own.

## **B. The implementation of the strategy through division of labor and specialization**

The implementation of this strategy requires hard work. It is best performed through division of labor that allows for allocation of responsibilities and specialization. Consider this:

**PERSON 1.** (P1, who is an individual or a team): The federal Report on Guardianships<sup>2</sup> found abuse of seniors in 45 states and D.C. P1 must read it and research the Internet for any references useful to identify entities in each of those states that are struggling to expose and eliminate such abuse. The purpose is to share information, resources, and ideas and start building a national

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<sup>2</sup> GUARDIANSHIPS Cases of Financial Exploitation, Neglect, and Abuse of Seniors, Report of the U.S. Government Accountability Office to the Chairman, Special Committee on Aging, U.S. Senate; GAO-10-1046; September 2010; <http://www.gao.gov/products/GAO-10-1046?source=ra>; and [http://Judicial-Discipline-Reform.org/docs/GAO\\_Guardianship\\_Abuse.pdf](http://Judicial-Discipline-Reform.org/docs/GAO_Guardianship_Abuse.pdf)

coalition of entities complaining about abuse by not only guardians, but also the judges who appoint them and are supposed to supervise them. P1 needs to build a database<sup>3</sup> and a mailing list that will help P5 to contact these entities with a single email. Some of the elderly homes may be owned by national corporations, such as or similar to HMOs, which practice such abuse as a policy or due to negligence. There may be a national organization of guardians too. P1 must look for key strategic elements: weakened entities that have already been sued successfully, multistate entities that can provide the basis for jurisdiction in federal court, deep pockets to sue.

**PERSON 2.** Journalists are indispensable to investigate judges' self-exemption from discipline, unaccountability, and riskless abuse of power, and expose them in a steady flow of news. Their news coverage is needed to outrage a national public and develop the issue into a national one. Without them the strategy does not work and judicial reform advocates are left with the current option: suing judges in their own turf, the courts, while they are as strong as they are now, a hopeless course of action<sup>4</sup> because judges are not going to incriminate themselves.<sup>5</sup>

P2 must search for, and add to the database, investigative and local affairs journalists as well as those that have investigated either abuse of seniors and others unable to defend themselves or abuse by people such as trustees, executors, receivers, conservators, and judges who appointed, or are duty-bound to supervise, them.<sup>6</sup> P2 must write on their blogs and use their email or street addresses, phone numbers, etc., to invite them to pursue the story and contact P2 and other advocates. P2 must highlight, not the advocates' need for journalists, but rather journalists' potential rewards from pursuing wrongdoing all the way to the top of a judiciary. Those rewards can be similar to those of Washington Post Reporters Bob Woodward and Carl Bernstein for pursuing the Watergate Scandal to the White House and President Nixon: a Pulitzer Prize, a best-seller book and a blockbuster movie (*All the President's Men*); or TIME's Man of the Year cover and the prospect of becoming this generation's iconic figure of journalism in the public interest.

**PERSON 3.** P3 does a similar work but in connection with politicians, in general, and the TEA Party, in particular. The TEA Party is a key element in the strategy because its members are not beholden to other politicians and judges. They have not been on the scene long enough to have engaged in official wrongdoing and reciprocal cover-ups. It is possible for them to expose judges without risking self-incrimination. TEA Party committees in every state and big city must be contacted to interest them in joining the coalition and taking up the issue during the any electoral race. The TEA Party wants to emerge as a political party in its own right. It needs to distinguish

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<sup>3</sup> Consider using a program such as Microsoft Access; <http://office.microsoft.com/en-us/access/>

<sup>4</sup> Statistical Tables of Judicial Misconduct and Disability Complaints Produced By The Administrative Office of The U.S. Courts and Graphical Representation of Judicial Caseloads; [http://Judicial-Discipline-Reform.org/statistics&tables/judicial\\_misconduct\\_complaints.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf)

<sup>5</sup> 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; [http://Judicial-Discipline-Reform.org/docs/SCt\\_knows\\_of\\_dismissals.pdf](http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf)

<sup>6</sup> E.g., CBS Producer Christopher Scholl and Correspondent Sharyl Attkisson, who ran The Marie Long Story of unconscionable exploitation of the elderly and judicial connivance; <http://Judicial-Discipline-Reform.org/journalists/CBS/11-5-18DrRCordero-ProdCScholl.pdf>

Col. Laurie Roberts, The Arizona Republic, Court of Appeals strikes down probate fee ruling, 10dec10; <http://www.azcentral.com/members/Blog/LaurieRoberts/110264#comments>, and [http://Judicial-Discipline-Reform.org/docs/Laurie\\_Roberts\\_Ct\\_reverses\\_probate\\_ruling\\_10dec10.pdf](http://Judicial-Discipline-Reform.org/docs/Laurie_Roberts_Ct_reverses_probate_ruling_10dec10.pdf)

itself from both parties. It can use this issue to do so by showing how both parties are equally corrupt and will not change the status quo. Consequently, the TEA Party can be a springboard for the coalition and must be gained for the cause of judicial discipline reform.

**PERSON 4.** This is hard work requiring people and technical skills. The discovery without the benefit of subpoena power of coordinated wrongdoing among government officers, let alone the preparation of a class action and multidistrict litigation for the right time in future, demands knowledge of journalism, the law, and Fraud & Forensic Accounting and Auditing (FFAA), etc. Securing qualified help costs money. P4 must try to secure such help by making a pitch to law, journalism, and business school students in and out of state. P4 will contact their deans and request the opportunity to address the students to make a presentation of the issue of judicial unaccountability and self-exemption from discipline in order to ask for volunteers. Contacting deans is not a promising approach due to conflict of interests. Yet, it is required by good form.

Thus, P4 must also find on the Internet or by calling the dean for student affairs the names and contact information of the presidents of the student bodies at those schools and the presidents of the clubs by appropriate subject matter among the numberless clubs in each school. For instance, the maritime law club need not be contacted, but the elderly law club and the public service club do; as do the investigative journalism club and the government reporting club at journalism schools. At the business school, P4 will contact clubs such as the FFAA and the non-for-profit organizations club. P4 needs to get the board of directors of these clubs to invite a speaker to give a presentation on the issue of judicial unaccountability and discipline reform; the PR work needed; and the prospect of rewards. The latter include those mentioned above as well as moral rewards that appeal to what makes students such inestimable workers: their still unblemished idealism of youth, their belief that they can start now to change the world for the better, and their feeling that they can be part of a noble cause greater than their own personal interests.

To succeed, P4 needs to have a well-defined program of work for the volunteers. Telling students ‘come over and we’ll find something for you to do’ will not cut it. Students must be treated seriously and with a lot of respect. In a Q&A session, they chew presenters and spit them out just to warm up their mouths before appetizers. In addition, if the program of work shows academic merits, P4 can obtain the best of all worlds: Students requesting successfully from their faculty and deans that credits be earned for their volunteer work conducted under the supervision of either an academically qualified judicial reform advocate or a member of their school faculty.<sup>7</sup>

**PERSON 5.** All the information that the advocates generate or gather must be posted, and all their activities announced, on their website. It must look professional and sober, not gaudy with multi color capitalized lettering and outlandish conspiracy theories and devil-they-are statements ...foam at the mouth, no substance in the brain. Suitable models can be the websites of respected newsmen and members of Congress. P5 writes invitations to join the coalition and emails them to every entity or person that may be interested in the issue of judicial unaccountability and discipline reform, such as those found by P1 and the hundreds of Yahoo- and Googlegroups and bloggers concerned with justice, corruption, probate, transparency in government, etc. P5 is the fundraiser. Even noble ideas need money to ride on, rather than crash against, economic realities.<sup>8</sup>

**All PERSONS** work toward organizing the first big event: a meeting of advocates.<sup>Cf. 7 >Dn:3</sup> With a sound strategy and division of labor, progress can be made toward Equal Justice Under Law.

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<sup>7</sup> [http://Judicial-Discipline-Reform.org/DeLano\\_course/17Law/DrRCordero\\_course&project.pdf](http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf)

<sup>8</sup> [http://Judicial-Discipline-Reform.org/docs/DrRCordero\\_aca&biz\\_venture.pdf](http://Judicial-Discipline-Reform.org/docs/DrRCordero_aca&biz_venture.pdf)