

(as of October 19, 2007)

Summarize Your Judicial Misconduct Complaint in 350 or Fewer Words

**to convince the media and bloggers of the need to investigate and discuss
how judges engage in misconduct and self-exempt from any discipline**

Last September 27, the Committee on Judicial Conduct and Disability of the Judicial Conference of the United States (28 U.S.C. §331), held its one single hearing in the whole nation to receive public comment on its draft rules governing judicial misconduct complaint proceedings provided for under the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364).

I presented graphs based on official statistics of the federal judiciary showing that between October 1996 and September 2006, the number of complaints against federal judges and magistrates filed with U.S. chief circuit judges was 7,462, but the judges disciplined only 9 of their peers! (http://Judicial-Discipline-Reform.org/judicial_complaints/outline_graphs.pdf)

This proves that federal judges have engaged in the [systematic dismissal](#) of judicial misconduct complaints. They have compromised their integrity to protect their peers while disregarding their duty “to administer justice without respect to persons”. (28 U.S.C. §453) By so doing, they have turned the system of judicial self-discipline set up under the Act into a sham, removing themselves from the reach of any discipline and, consequently, placing themselves above the law. Just as they have disregarded the current rules governing judicial complaint proceedings (cf. [CA2 complaint rules](#)), they will likewise disregard the draft rules, from which they are practically indistinguishable. (http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_draft_rules.pdf)

Illustration of how to summarize a complaint

It is important to illustrate that meritorious judicial misconduct complaints within the scope of the Act were dismissed systematically by judges as part of their concerted activity to immunize themselves from all discipline. The purpose is to persuade independent third parties, such as the media and bloggers, to investigate and discuss judicial misconduct. However, they are not going to read hundreds of pages of complaints. But they may read a series of well-crafted summaries that set forth a pattern of judicial misconduct. So do not ask them to read your novel, just tell them the anecdote of your complaint, as others will, in 350 WORDS OR LESS.

Doing so requires that you make every word count. No word can be wasted arguing the legal merits of your case, which is done through the appeals process. Nor is there room to advocate public policy, which is better pursued through your legislative representatives. Just a concise, even bullet-pointed statement of the most evident facts of judicial misconduct in your case.

Reducing a complaint to 350 or fewer words is similar to the process to employ if you were told that Hurricane Katrina will strike your city and you must evacuate your home to seek shelter in the state capitol, taking with you, not your belongings, but only a few receipts and photos that will enable you to prove ownership of the most valuable pieces for whose loss an insured may claim compensation under a government issued general property insurance policy.

To be able to claim under that policy, you would select the receipt or photo of the piece of property that at first blush appears to you the one most commonly accepted to be everybody's most valuable one, and for the loss of which the government would most likely pay compensation. This is unlikely to be the piece that has greatest emotional value to you individually. Then you would compare to it the receipt or photo of another piece of property and keep the one most likely to convince any government employee to compensate any insured for its loss. You would repeat this process until you ended up with the three receipts or photos that would be most convincing under the government policy, i.e., The Policy for the Administration of Equal Justice Under Law by Judges Conducting Themselves in a Fair, Unbiased, and Honest Manner.

Those receipts or photos, not your belongings themselves, are the equivalent of distinct and accurate facts of judicial misconduct in your case, not the case documents themselves. To apply this illustration to the summarizing of your complaint, follow this step-by-step process:

1. To get a draft, first write what comes to mind as having caused you to complain about the judge's conduct.
2. Identify the most important **FACTS OF MISCONDUCT** and order them in short paragraphs. Those facts show the following type of conduct or condition on the judge's part:

a. abuse of judicial power	d. bias or prejudice	g. conflict of interests
b. bribery or corruption	e. undue decisional delay	h. incompetence or neglect
c. disregard for the rule of law or the facts	f. abusive language or demeanor	i. mental or physical disability to perform judicial functions

3. Check the paragraphs against the documents of the case for accuracy and relevance.
4. Then write to convince, not your friends or group members, but jurors, as it were, who do not know or trust you. Briefly state for them the case's 6Ws: who, when, where, what, how, and why. Appeal to their common sense to show that what happened in your case is not how a judge should behave or is evidence of wrongdoing engaged in or tolerated by the judge.
5. Rewrite to eliminate unimportant details and highlight important ones. Revise to correct grammatical errors. Run a spell-check. If your complaint matters to you, *SWEAT OVER IT*, not to turn out a miniature of it all, but a selection of its most telling features. Count your words until you have a snapshot, not a movie, of judicial misconduct in 350 or fewer words.

Use this template for summarizing your complaint

1. I am Name, of City, State,
2. [**party type**: parent, divorcing spouse, debtor/creditor in bankruptcy, etc.],
3. in Case Name/Docket #, in Court Name,
4. which concerns [**case type**: bankruptcy, child support or custody, probate, etc.].
5. This case came before Judge Name, who showed [**misconduct type** as listed above].
6. State the most revealing **FACTS** of misconduct: No opinions or mere accusations, no exaggerations, no arguments on the merits. Just **ACCURATE FACTS OF MISCONDUCT**,

with dates, names, and numbers. Be as fair to everybody as you are asking them to be to you. Be a responsible advocate of judicial reform, for your own good and that of all those who seek “Equal Justice Under Law”.

7. If you filed a judicial misconduct complaint, state docket number, name of judge filed with, length of time from filing to disposition, and disposition.
8. State why the media or bloggers should investigate or discuss, not your particular complaint, but rather the general problem of judges that engage in misconduct in our courts.

Sample SUMMARY

I am Dr. Richard Cordero, Esq., of New York City, creditor in *In re DeLano*, 04-20280, WBNY, in U.S. Bankruptcy Court, a voluntary bankruptcy petition, now in the Court of Appeals, *2nd Cir.*, 06-4780-bk.

This case came before Judge John C. Ninfo, III, who supported or tolerated a bankruptcy fraud scheme.

Mr. DeLano, a banker for 39 years, was an M&T Bank bankruptcy officer when he and his wife filed their petition in January 2004 declaring:

1. that they had in cash and on account only \$535, although they had declared that their monthly excess income was \$1,940; and in their [Financial Affairs Statement](#) and [1040 IRS](#) forms that in the three years preceding their filing they had earned \$291,470, still unaccounted for;
2. that their only real property was their home, bought in 1975 and appraised in November 2003 at \$98,500, their mortgage still \$77,084, and their equity only \$21,416...after making mortgage payments for 30 years! and receiving during that period \$382,187 through eight mortgages!;
3. that they owed \$98,092 on 18 credit cards, but valued their household goods accumulated during more than 30 years at \$2,810, less than 1% of their earnings in the previous three years!
4. Only 2½ months after being discharged, they sold their home for \$135,000, a 37% increase in value in a down home market.
5. Their case is among the [trustee's 3,907](#) cases and their [lawyer's 525](#) before Judge Ninfo.
6. Judge Ninfo ordered an evidentiary hearing, but violating my discovery rights under FRCivP 26 and 34, he, the DeLanos, the trustees, District Judge David Larimer, and the Court of Appeals denied me [every single document](#), which would prove concealment of assets and their support of a [bankruptcy fraud scheme](#) as part of their coordinated wrongdoing.

The media and bloggers should investigate how judges have self-exempted from all discipline. Fearing no consequences from abusing their power, they wield absolute power, which corrupts absolutely. Only independent third parties can expose them, cause public outrage, force official investigations and the discussion by presidential candidates of a Citizens Board For Processing Judicial Conduct and Disability Complaints. (http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf)

SUMMARY word count: 349

Send your complaint SUMMARY to news bureaus, investigative reporters, bloggers, and Dr.Richard.Cordero.Esq@Judicial-Discipline-Reform.org.