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Mr. Josh Silver
CEO, United Republic
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info@unitedrepublic.org

Dear Mr. Silver,

You state on your website: "[R]ecent Supreme Court decisions have not only stood in the way of common-sense reforms of the system but have actually knocked down many of the remaining safe-guards against large scale corruption and cooptation of the political process.…We will hold politicians accountable."[i] This is a proposal[ii] for you to do so by exposing how federal judges, including the justices, and politicians have tolerated each other's wrongdoing, which can so outrage "citizens of all stripes"[iii] as to cause them to add their indispensable force, stronger in a presidential campaign, to "create a new America"[iv.a]. Held unaccountable by a live and let live Congress, judges do wrong in such coordination with one another and so routinely as to have turned wrongdoing into the Judiciary's institutionalized modus operandi to the detriment of government of and for the people.

Skepticism to that statement, a normal reaction, should be dispelled by the Federal Judiciary's official statistics, whose analysis reveals the judges' unaccountability.(§A) Among them are that in the 222 years since its creation in 1789, only 8 federal judges have been removed from office.[14] The Judiciary has allowed its chief circuit judges to dismiss systematically 99.82% of the complaints filed against its own in the 1oct96-30sep08 12-year period.[19] In that period, its judicial councils –the circuits'[23a] all-judge disciplinary bodies– denied up to 100% of the petitions to review those dismissals, as did the 2nd Circuit's council in NY City, of which Then-Judge Sotomayor was a member[19d]. Up to 9 of every 10 appeals are disposed of ad-hoc[25] through no-reason[v] summary orders[37]or opinions so "perfunctory"[38] that they are neither published nor precedential[40].

Judges abuse their unaccountable power to pursue the most corruptive motive: *money!* Just in the bankruptcies filed by consumers in CY10, bankruptcy judges ruled on $373 billion.[28] Money is what drives[27] the blatant concealment of assets in *DeLano*[61], a consumer bankruptcy appeal presided over by Then-Judge Sotomayor.(§B) She engaged in such concealment as part of a routine practice that has developed into a judge-run bankruptcy fraud scheme[59]. Indeed, *The New York Times*, *The Washington Post*, and Politico suspected her of concealing assets of her own[57a] despite her duty to disclose[57b-d]. While 1.5 million bankruptcies are filed annually[30], only .23% are reviewed by district courts and fewer than .08% by circuit courts[29]. Their unreviewability ensures the opportunity for riskless wrongdoing(§C) since nobody will hold judges accountable.

But you and UR can by 'striking at the root of the evil'[i]: Justices, who as judges engaged in [61b§X], or tolerated their peers'[85d], wrongdoing motivated by money and due process-dismissive expediency must now cover it up[81]. By pioneering[vi] JUDICIAL UNACCOUNTABILITY JOURNALISM, applying it to the focused investigation of the *DeLano*-J. Sotomayor story(§D), you can expose wrongdoing from the bottom of the judicial hierarchy to the Supreme Court. It can cause one or more justices to resign, as Justice Abe Fortas had to in 1969[¶91]. A public presentation(§E) of the findings can be historic, for it can set off a Watergate-like generalized media investigation[¶¶5-6] that asks: 'What did the President[vii], the Republicans[viii], and the justices know about J. Sotomayor's tax evasion[58] and when did they know it?'[¶55] The millions of citizens[¶14] hurt by judges but 'clearly informed about their leaders'[ix] by UR can vote out conniving politicians and elect people that heed "the needs and ideas of the many"[id]. A business venture(§E3) can lead to "real reform"[iv.b]. A joint project with a journalism school can increase UR's investigative resources.[x] Thus, I respectfully request the opportunity to present(§F) to you and UR my proposal.[xi]

Sincerely, Dr. Richard Cordero, Esq.

Endnotes (ent.#)

[i] http://unitedrepublic.org/about-us/

[ii] This proposal is based, not on other authors' opinions, but rather on official sources of facts found through original research and analyzed by Dr. Cordero, such as:

a) official statistics of the Administrative Office of the U.S. Courts, http://www.uscourts.gov/Statistics.aspx, and of individual courts, e.g., http://www.ca2.uscourts.gov/;

b) official reports on the federal courts, http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx and http://www.uscourts.gov/Statistics/JudicialBusiness.aspx; and reports of individual courts, e.g., http://www.ca2.uscourts.gov/annualreports.htm;

c) official reports on the proceedings of judicial bodies, e.g., http://www.uscourts.gov/FederalCourts/JudicialConference/Proceedings.aspx

d) documents publicly filed with the courts, http://www.pacer.uscourts.gov/index.html;

e) rulings, decisions, and opinions of judges available in print and online through the courts' websites, http://www.uscourts.gov/court_locator.aspx, and through official court reporters, e.g. West Publishing, http://web2.westlaw.com/signon/default.wl?bhcp=1&fn=%5Ftop&newdoor=true&rs=WLW11%2E10&vr=2%2E0; and unofficial aggregators of official court materials, e.g., http://www.findlaw.com/ and https://www.fastcase.com/;

f) judges' speeches, e.g., http://www.supremecourt.gov/publicinfo/speeches/speeches.aspx;

g) official news releases and articles in the official newsletter of the federal courts, http://www.uscourts.gov/News/InsideTheJudiciary.aspx;

h) other materials, http://www.uscourts.gov/FederalCourts/PublicationsAndReports.aspx;

i) federal laws and rules of judicial procedure, http://uscode.house.gov/;

j) reports on which legislative bills are based, http://www.senate.gov/pagelayout/legislative/g_three_sections_with_teasers/legislative_home.htm and http://clerk.house.gov/floorsummary/floor.aspx

k) statements of members of Congress on their websites, http://www.house.gov/representatives/ and http://www.senate.gov/general/contact_information/senators_cfm.cfm;

l) reports of the U.S. Govt. Accountability Office, http://www.gao.gov/browse/date/week.

Most of these materials have been downloaded, converted to pdf's, enhanced with links to the originals and navigational bookmarks, and posted to http://Judicial-Discipline-Reform.org to ensure that they are always available no matter what happens to the originals. Cf. this note on the Administrative Office's website: "Page Not Found. Sorry, the page you requested could not be found at this address. We've recently made updates to our site, and this page may have been moved or renamed"; http://Judicial-Discipline-Reform.org/docs/AO_Page_Not_Found_5nov11.pdf.

[iii] "United Republic is a new organization fighting the corrupting influence of well-financed special interests over American politics and government. We welcome the energy and creativity of citizens of all stripes – progressive, conservative and independent– who envision a nation where the needs and ideas of the many aren't drowned out by the influence of the wealthy few." ent.i:

[iv] **a)** "The Tea Party. Occupy. Everywhere you turn, people are taking action because they know the system is broken. Join us in helping fix it. Together we can create a new America that is truly of, by and for the people"; http://unitedrepublic.org/sign-up/. **b)** Id. "[W]e're gearing up to demand real reform."

[v] "The judicial decision-making process is shrouded in the most secrecy, except for national security,

intelligence or law enforcement agencies.…Has there generally been less scandal in the judiciary because less information is made available to the public, or is there inherently more "integrity" in this part of government?…Judges deliberate in private, and much of their decision-making process is out of plain view. That is understandable on some level, certainly. But at the same time, reasonable public access to information, openness and accountability are also the attendant responsibilities of any public servant, including judges. Donning a black robe does not automatically connote civic virtue and exemption from the exigencies of public life." Commentary: Judiciary should let sunshine in to reduce public skepticism; Examining the ethics issues surrounding the nation's judges, Charles Lewis, currently the Executive Editor of the Investigative Reporting Workshop at the School of Communication of American University in Washington, D.C.; 19mar11, updated 8jun11; http://www.iwatchnews.org/2001/06/08/3229/commentary-judiciary-should-let-sunshine-reduce-public-skepticism. Cf. fn.65 >HR:3/fn.10.

[vi] The media is as complicit as Congress in judicial wrongdoing, for it has failed in its duty to inform the people about judges, their public servants, by holding them accountable.[juj:2¶4-9] Cf. "We address one of the occasional past failings of investigative journalism by being persistent, by shining a light on inappropriate practices, by holding them up to public opprobrium and by continuing to do so until change comes about. In short, we stay with issues so long as there is more to be told, or there are more people to reach." About Us, ProPublica; http://www.propublica.org/about/.

[vii] President Obama lied to the American people when he vouched for the integrity of Then-Judge Sotomayor, because he had learned from the FBI's vetting report that she was a tax cheat –just as it was known from public records and accounts that Tim Geithner, Tom Daschle, and Nancy Killefer had cheated on their taxes, yet he still nominated them– but nevertheless made her his nominee to the Supreme Court in his personal and political interest of using her to curry favor with Latino and feminist voters who wanted a Latina and another woman on the highest bench.

[viii] The Republicans too received from the FBI its report on Then-Judge Sotomayor and from her the financial data that the Senate Judiciary Committee had requested from her, which was posted on the Committee's website[57a-c]. But they also in self-interest hid that information rather than reveal it to prevent her confirmation so that a lawbreaker would not become a case law maker. They too had nominated and confirmed other wrongdoing judges.[85d] Had they made J. Sotomayor's disqualifying tax evasion public knowledge, the Democrats would have retaliated by revealing the Republicans' abuse of their judicial appointment power.

[ix] "United Republic envisions a nation where the will and concerns of the people aren't drowned out by the financial influence of the few. Where politicians devote more time to their constituents than to their fundraising. Where political decisions are made on principle, without the distorting effect of lobbyists. Where individual citizens have access to clear information about their leaders and are empowered to end the imbalance of power in Washington and our state capitals. We believe this vision is achievable and central to the success of the republic." http://unitedrepublic.org/about-us/

[x] "The [] concentration at NYU offers master's level instruction with a focus on innovation and adapting journalism to the Web. The curriculum emphasizes project-based learning." NYU Carter Journalism Institute, ProPublica Team Up - "The Explainer"; 1dec10; http://journalism.nyu.edu/news/2010/fall/nyu-carter-journalism-institute-propublica-team-up-the-explainer/. Cf. fn.171e.

[xi] The rewards for pioneering JUDICIAL UNACCOUNTABILITY JOURNALISM will be many, commensurable with the risk involved and the courage, leadership, and originality required. One comes to mind: Today, Time Magazine announced the 'person' of the year: The Protester; its cover portrays the head and face of a person wrapped in a turban in Arab-like fashion. Who has a better chance of being the next Time 'person' of the year, a journalist with his pen clenched between his teeth and his hands over his eyes and hears as he stoops down the street past a courthouse or a person who dare investigate judges and justices to expose their coordinated wrongdoing and mutual cover-up dependent survival? That courageous 'person' can be UR.

EXECUTIVE SUMMARY OF THE PROPOSAL FOR JUDICIAL UNACCOUNTABILITY JOURNALISM IN THE PUBLIC INTEREST

Section A(juj:9) discusses the means, motive, and opportunity enabling federal judges to do wrong -whether by applying to others the law without due process while exempting themselves from its application or ruling for their own benefit and that of insiders- so routinely and in such coordinated fashion as to have turned wrongdoing into the Federal Judiciary's institutionalized modus operandi. It identifies as the root of judicial wrongdoing the unaccountability of federal judges resulting from politicians' and the media's self-interested and unprincipled policy of live and let live, which spares judges any investigation. Unaccountability renders wrongdoing riskless, irresistible, and inevitable.

Section B(juj:21) describes representative cases of judicial wrongdoing that went from bankruptcy court to the Supreme Court and to bodies representing each of the Judiciary's administrative bodies. While 1.5 million bankruptcies are filed annually -80% of federal cases and involve $370b.-, only .23% are reviewed by district courts and fewer than .08% by circuit courts. Their de facto irreviewability enables greedy abuse leading to a judge-run bankruptcy fraud scheme.

Section C(juj:29) explains the legal and practical significance for public interest entities, journalists, and their supervised journalism students of an investigation focused on 'wrongdoing' rather than 'corruption'; and how the yet more easily demonstrable "appearance of impropriety" led to the resignation of Justice Abe Fortas on 14may69, which is precedent for what the investigation can aim at.

Section D(juj:39) proposes a *Follow the money and the wire!* investigation of the §B cases to expose judicial wrongdoing. It can be cost-effective thanks to the leads extracted from over 5,000 pages of their public record and the identification of documents that can establish such wrongdoing, places where to search, people to interview, and appropriate search methods. It can be confined to, or expanded beyond, the Internet, D.C., NY City, Rochester, and Albany.

Section E(juj:48) argues that a multimedia presentation of the findings at a well-advertised public event or a journalism student job fair can set off a Watergate-like generalized and first-ever media investigation of wrongdoing in the Federal Judiciary, which can pick up where the initial investigators left off, to answer: What did the justices know and when did they know it? Its Emile Zola *I accuse!*-like manifesto of such wrongdoing can launch a national debate about equal justice systematically denied and the application to judges of Nobody is Above the Law.

Section E3(juj:51) points out how such presentation, particularly before a presidential election, will outrage the public and stir it to clamor that politicians bring about judicial accountability and discipline reform. That public will constitute a market for judicial wrongdoing news and skills to expose and curb it. To satisfy its demand, an academic and business venture will be announced. It will be open to the media, academe, the public, and investors. It will advocate that reform through legal and scholarly means and by practicing and developing a new field of activity: judicial unaccountability journalism in the public interest.

Section F (juj:68) Offer to present this proposal

A proposal, not just to conduct another investigation, but *to trigger history!*

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PROPOSAL TO UNITED REPUBLIC

to pursue its mission to "empower citizens with clear information about their leaders"[1a] by investigating the wrongdoing of federal judges held unaccountable by conniving politicians, whose exposure can so outrage the national public as to both stir it to demand that those judges be held accountable and win its support for UR to further advance its mission by undertaking work TO PIONEER JUDICIAL UNACCOUNTABILITY JOURNALISM IN THE PUBLIC INTEREST

INTRODUCTION: The goal is, not to investigate another story, but *to trigger history!*

1. There must have been at least as many wrongdoing federal judges as state judges in proportion to their total numbers. In fact, charges against both types of judges have been leveled by the public in hundreds of websites and Yahoo- and Googlegroups that complain about their corruption as well as their arrogance, arbitrariness, and unaccountability.[1] As for state judges, the complaints concentrate in areas such as probate, child custody, divorce, guardianships, foreclosures, landlord-tenant, employment, and traffic violations. Federal judges usually deal with higher stakes because cases before them concern matters so important as to be regulated nationally under federal law or to have attracted multistate parties. The higher the stakes, the higher the motive and the offer to corrupt a judge and the benefit from becoming corrupt.

2. To act on a wrong motive judges have vast decision-making power. No single officer of the other two branches can do what even one lowly single trial judge can, to wit, declare a law unconstitutional that a majority of the members of each legislative chamber has voted to pass and the chief of the executive has signed to enact. With that, the application of the law is suspended in the case at bar and maybe even within the judge's jurisdiction. If just two judges of a three-judge panel of a federal circuit court agree on the unconstitutionality of a law, they may render it inapplicable in all the states in the circuit. Even when a judge upholds a law, he can affect a very large number of people besides the parties before him. Through the precedential authority of his decisions, the way he interprets and applies a law can establish or influence the way other judges do so. Thereby he can impact the rights and duties of the people in his jurisdiction and well beyond it. Hence, it is accurate to state that a judge has power to affect not just the life of a defendant subject to the death penalty, but also people's property, liberty, and everyday life.

3. Power abhors idleness; it forces its use. Judges' vast power create the conditions for its abuse.

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[1] This is how Author Larry Hohol's homepage, www.TheLuzerneCountyRailroad.com, describes his talk with Host Sue Henry as part of a Barnes & Noble Author Event about his book *The Luzerne County Railroad* on judicial corruption in Pennsylvania: "The scheduled 20 minute appearance was extended to two hours after the switchboard lit up solid with phone calls from listeners". It is quite rare for media stations to throw off their care-fully matched schedules of shows and sponsors to respond on the fly to even overwhelming audience reaction to their current show. That this happened demonstrates that even within the limited geographic reach of an FM station, i.e., WILK-FM, 103.1, his story of judicial abuse of power and betrayal of public trust stroke a cord with the audience. This experience supports the reasonable expectation that people elsewhere would react likewise to similar accounts because judges have been allowed to engage in such conduct with impunity long enough to have victimized and outraged many people everywhere.

Yet, it is rare for journalists to investigate complaints against state judges brought to the media's attention by people claiming that judges disregarded the law and even the facts and behaved arbitrarily. Worse yet, it is almost unheard of for journalists to investigate a federal judge. Nevertheless, that is their professional duty. As stated in the executive summary of the report commissioned by Columbia Graduate School of Journalism on the future of journalism as it experiences tectonic changes in its structure and operation brought about by new technologies: "News reporting that holds accountable those with power and influence has been a vital part of American democratic life".[2] That way of life rests on the foundation of government, not of men, but of laws. It is dangerously undermined when the officers of the third branch, the judiciary, disregard the rule of law to decide cases wrongfully based on their bias, prejudice, interest in a conflict of interests, or without stating any reason, thus issuing ad-hoc fiats of unprincipled raw power.

4. The media have never started with the investigation for wrongdoing of a federal judge and kept investigating the conditions enabling the judge to do wrong. Nor have they ever gone up the judicial hierarchy to ask a question corresponding to one that entered our national political discourse more than a generation ago as a result of a journalistic investigation of one of the most powerful and influential men in our country: What did the President know and when did he know it?

5. That was the question that U.S. Senator Howard Baker, vice chairman of the Senate Watergate Committee, asked of every witness at the nationally televised hearings concerning the involvement of President Richard Nixon in the Watergate Scandal. The latter came to light because of two reporters with superior professional skills and enormous perseverance: Bob Woodward and Carl Bernstein of *The Washington Post*. They wrote an article questioning how the so-called "five plumbers" caught in the Democratic National Headquarters at the Watergate complex in Washington, D.C., on June 17, 1972, could afford top notch Washington lawyers. Woodward and Bernstein were initially mocked for wasting their time on "a garden variety burglary". But they persevered in their valid journalistic investigation, an endeavor in which they were supported by their editor, Benjamin Bradlee, and the *Post* publisher, Katharine Graham.

6. As a result, they set in motion a generalized media investigation looking for the source of the money to pay those lawyers. They found it in a 'special operations' slush fund of the Republican Committee for the Reelection of Nixon.[3] The story kept feeding on readers' interest. Ever more journalists wanted a piece of the action and jumped onto the investigative bandwagon. Offer and demand in a market economy. Eventually they all contributed to finding Nixon's involvement in political espionage, abuse of power by setting the IRS and other agencies against political opponents, and illegal surveillance of demonstrators against the Viet Nam War. Collectively they caused Nixon to resign on August 9, 1974.

7. Woodward and Bernstein were instrumental in holding accountable the most powerful executive officer as well as his White House aides, who went to prison. They were rewarded with a Pulitzer Prize; and their account of the events in *All the President's Men* became a bestseller and the homonymous movie a blockbuster. More importantly, the generalized media investigation to which they gave rise helped reaffirm a fundamental principle of our democratic life: Nobody Is Above The Law. They also validated the essential role that journalism plays in applying that

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[2] Executive Summary by The Editors of Columbia Journalism Review, Strong Press, Strong Democracy, of *The Reconstruction of American Journalism,* a report released at an event at the NY Public Library; http://www.cjr.org/reconstruction/executive_summary_the_reconstr.php

[3] *All the President's Men*, Carl Bernstein and Bob Woodward; Simon & Schuster (1974); pp. 16-18, 34-44; cf. http://Judicial-Discipline-Reform.org/docs/WP_The_Watergate_Story.pdf

principle by relentlessly pursuing their story wherever it led. Their never-ending curiosity about the unknown causes of the known ones propelled their investigation on the wheels of their common sense and their sense of what makes an individual tic and the world turn. Deservedly, they have been for over a generation icons of American journalism.

8. Yet, even Woodward and Bernstein have failed to investigate judicial wrongdoing despite the mounting complaints about it. So have *The Washington Post* and the rest of the media. Their failure is particularly blamable because they all have had access not just to the public's 'anecdotal' complaints against judges, but also to the official statistics of the federal and state judiciaries. These statistics should have prodded the indispensably analytical and inquisitive mind of their journalists, editors, and publishers to examine them critically and ask some obvious questions: What are the underlying facts that these statistics reveal? What are the enabling factors of the known facts? What are the consequences for the people and their government of those facts given human nature and the world we live in? These are the questions that this proposal addresses.

9. As politicians and advocates of an informed public and their interests read on, they should ask themselves the same questions that victims of wrongdoing judges do with a sense of helplessness and bafflement: Why do journalists not investigate complained-against judges? Do they not want a Pulitzer anymore? Can an outrageous story of judicial wrongdoing cause them to investigate?

10. Section(§) A analyzes official statistics of the Federal Judiciary. They reveal that federal judges exercise unaccountable power driven by the money motive in practically unreviewable cases. These statistics are especially compelling as the Judiciary's declarations against self-interest.

11. Section B illustrates those statistics with cases of outrageous wrongdoing that went from a bankruptcy court at the bottom of the federal judicial hierarchy to the top, the Supreme Court. They show how wrongdoing pervades even routine legal procedures and administrative processes, runs throughout the hierarchy, and results from and gives rise to a most insidious enabler: coordination.

12. Section C explains how "wrongdoing" and "coordinated wrongdoing" as opposed to "corruption" are notions that encompass more conduct and impose a lower burden of proof to be borne by the proposed investigation of the §B cases, thus increasing the chances of successfully completing it.

13. Section D lays out the proposal: the *Follow the money!* and *Follow the wire!* investigation of the key §B case, *DeLano*, which was presided over by Then-Judge Sotomayor of the U.S. Court of Appeals for the 2nd Circuit (CA2) in NY City[4a]. Now at the Supreme Court, she can be sure that her former peers do as she does for the other justices and judges[cf.85d]: They cover for each other. The investigation can move from CA2 to law firms and financial institutions(¶102b); the Manhattan D.A.'s[88b] and N.Y. A.G.'s[88d] offices; property registries(¶¶94a, 101); a disciplinary committee[86b]; on to Rochester[69b], Albany[88c,d]; D.C.[64,69a], and beyond(¶94c-e). Coordination ensures the wrongdoers' collective survival and a more profitable wrongdoing. Through it judges have arrogated to themselves a status that no person in a democracy is entitled to: Judges Above the Law.

14. Section E describes the public presentation of the *DeLano*-J. Sotomayor evidence available and the findings of its proposed further investigation. It can set off a Watergate-like generalized and first-ever media investigation of the Federal Judiciary, which can prompt similar investigations of state judiciaries. This is a statistically realistic outcome[5]: 2,021,875 new cases were added to

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[4] **a)** http://www.ca2.uscourts.gov/; **b)** http://www.census.gov/main/www/popclock.html

[5] Caseload for the 2010 fiscal year (1oct9-30sep10 FY10): 2,021,875 = Supreme Court: 8,205 + Court of Appeals: 55,992 + District Courts: 361,323 + Bankruptcy Court: 1,596,355;

the pending ones in the federal courts in FY10; and the comparable figure in the state courts for 2007 was 47.3 million![6] Since there are at least two parties to every case and annually 50 million new cases are filed in all courts, a minimum of 100 million people out of a population of 312 million[4b] go or are brought to court every year. They are added to those already parties to pending cases. This 100 million does not begin to count the scores of millions indirectly affected during litigation and thereafter by its outcome: friends and family, colleagues, clients, creditors, employees, shareholders, class action members, the stores that they patronize less or not anymore for lack of money, those who must bear higher insurance premiums or lower protections, etc.

15. These numbers show that the public presentation can set off a Watergate-like generalized investigation of the judiciaries because journalists will want to reach a huge market and get a name-making scoop while escaping retaliation by the impossibility of targeting all of them. That is what it takes to investigate judges' wrongdoing: A huge market demanding news, punditry, and documentaries if a story of judges' outrageous wrongdoing makes itself **a)** the market's national story by showing that everybody can already be among the story victims; **b)** the market's concern by depicting the abused justice that can be inflicted on everybody by judges whose wrongdoing is their institutionalized modus operandi; and **c)** the feeder of the expectation of top heads rolling. That story can stir that market to clamor for Congress, DoJ, and their state counterparts to investigate their judiciaries for the unbearable betrayal: People raised by pledging every morning allegiance to the belief that we are "one nation, indivisible…with justice for all" find out that we are very much divided into Judges Above the Law and the rest of us, who get their mockery of justice.

16. Official investigations can give rise to public hearings where that key question of our political debate can be asked again after being rephrased thus: *What did the justices know about each other's and judges' wrongdoing and when did they know it?* Those who set in motion the process leading up to its being asked before the riveted eyes of a national TV audience can become this generation's Bob Woodward and Carl Bernstein and win the personal and professional rewards that they did. The public interest entities, deans, and professors that make possible their investigation and public presentation can become the new iconic 'editors' and 'publishers' of an American journalism that reconstructs itself by holding even powerful judges subject to the fundamental principle of our democratic life: All public officials are accountable to the people.

17. United Republic and coalition members can present the available evidence(§§A-B) and their own findings(§D) concerning judicial wrongdoing and the *DeLano*-J. Sotomayor story at a press conference or a multimedia public event[158]. If a journalism school[171e] joins their investigative effort as an academic project, the presentation can be held at a media student job fair before recruiters and editors from across the country. The latter are likely to disseminate the presentation contents and launch their own investigations of a national story bound to further agitate an election-mobilized market, for it will affect the campaign and the vote. Thereby UR can pioneer JUDICIAL UNACCOUNTABILITY JOURNALISM IN THE PUBLIC INTEREST. By courageously leading the way, you can also become a Champion of Justice of a people convinced that their defining, inalienable right as Americans is to Equal Justice Under Law. Indeed, *you can trigger history!*

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http://Judicial-Discipline-Reform.org/statistics&tables/caseload/1judicial_caseload.pdf

[6] In "An Interview with Chief Justice Margaret H. Marshall, President of the Conference of Chief Justices", The Third Branch, vol.41, number 4, p.1 and 9; April 2009, President Marshall stated that "[f]or 2007…the total number of cases filed in…state courts…was 47.3 million cases, not including traffic offenses. In other words, tens of millions of Americans experience justice—or the lack thereof— in state courts." http://Judicial-Discipline-Reform.org/docs/num_state_cases_07.pdf. Cf. http://www. ncsconline.org/D_Research/csp/CSP_Main_Page.html

TABLE OF CONTENTS

of the proposal for United Republic

to pursue its mission to

"empower citizens with clear information about their leaders"

by investigating the conduct of federal judges and conniving politicians through

JUDICIAL UNACCOUNTABILITY JOURNALISM IN THE PUBLIC INTEREST

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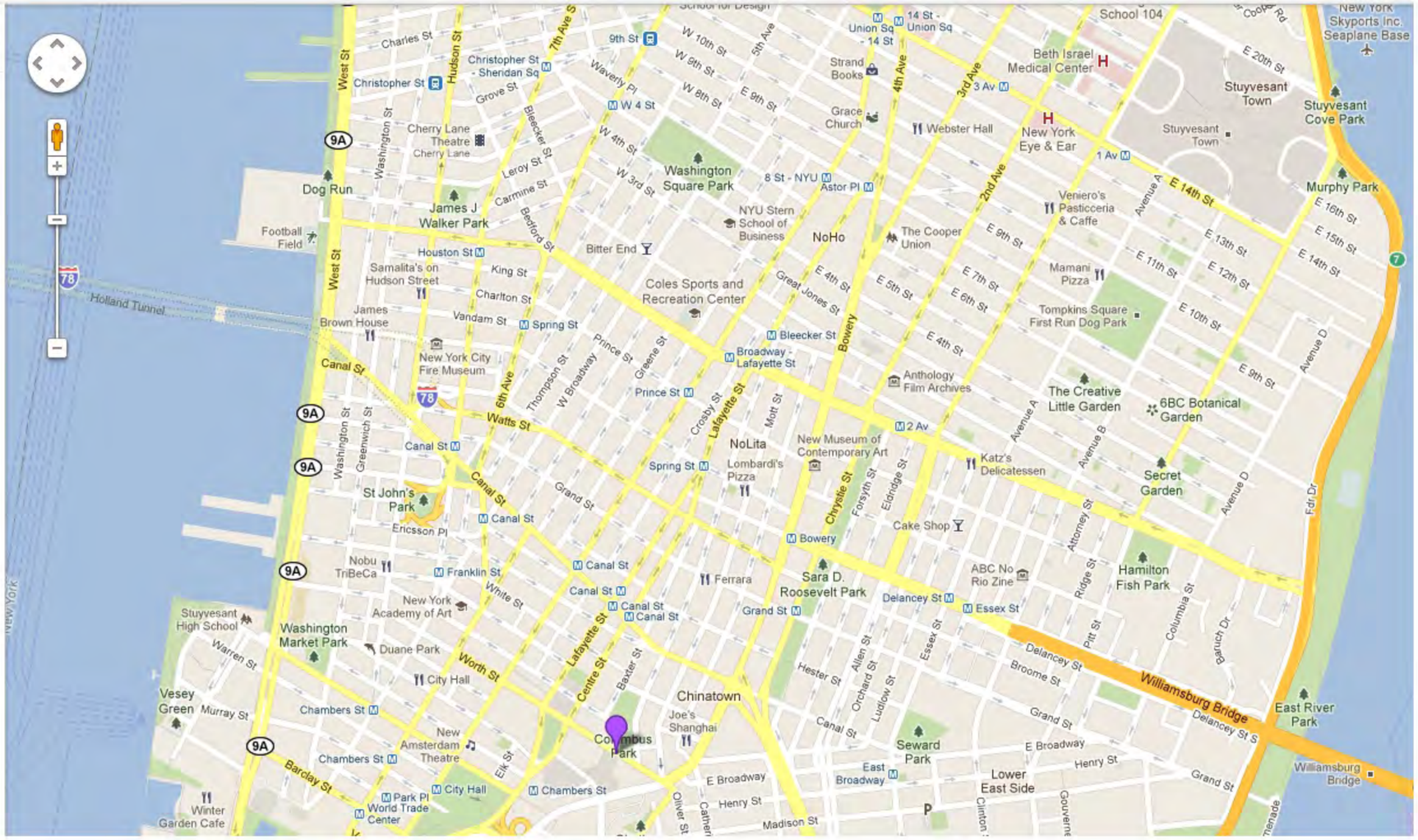

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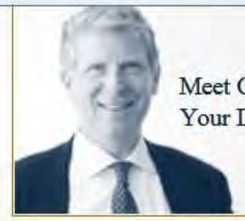

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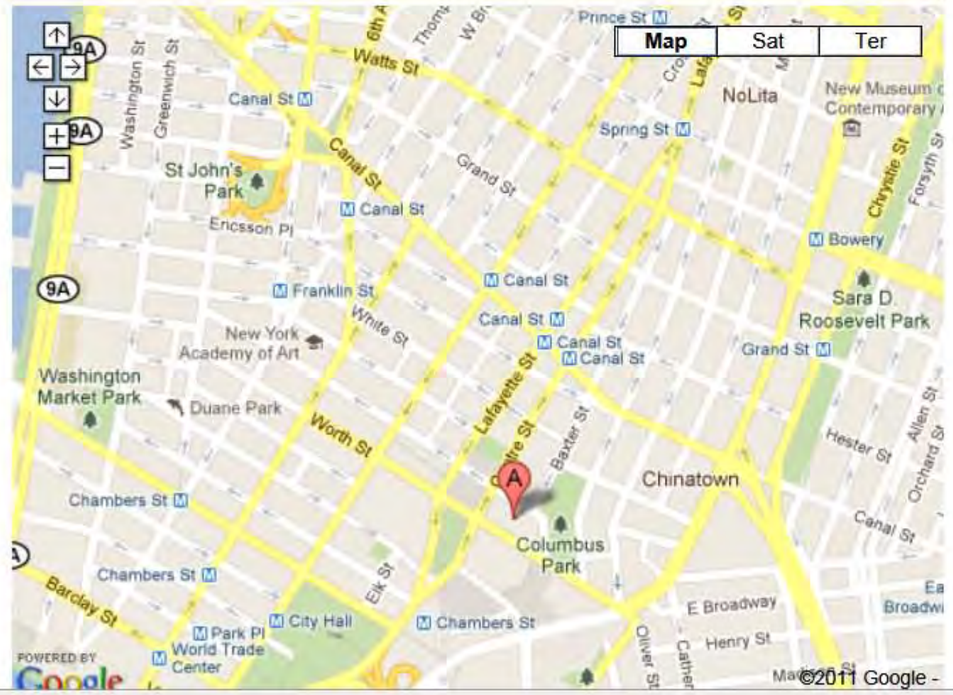

Hot Topic: Domestic Violence

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- Public Integrity Unit
- Get an order of protection
- Find a number for my local precinct
- Identify elder abuse
- Report child abuse
- Keeping kids safe online
- Report identity theft

juj:8-c

Court Locator

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- Court-Related Associations

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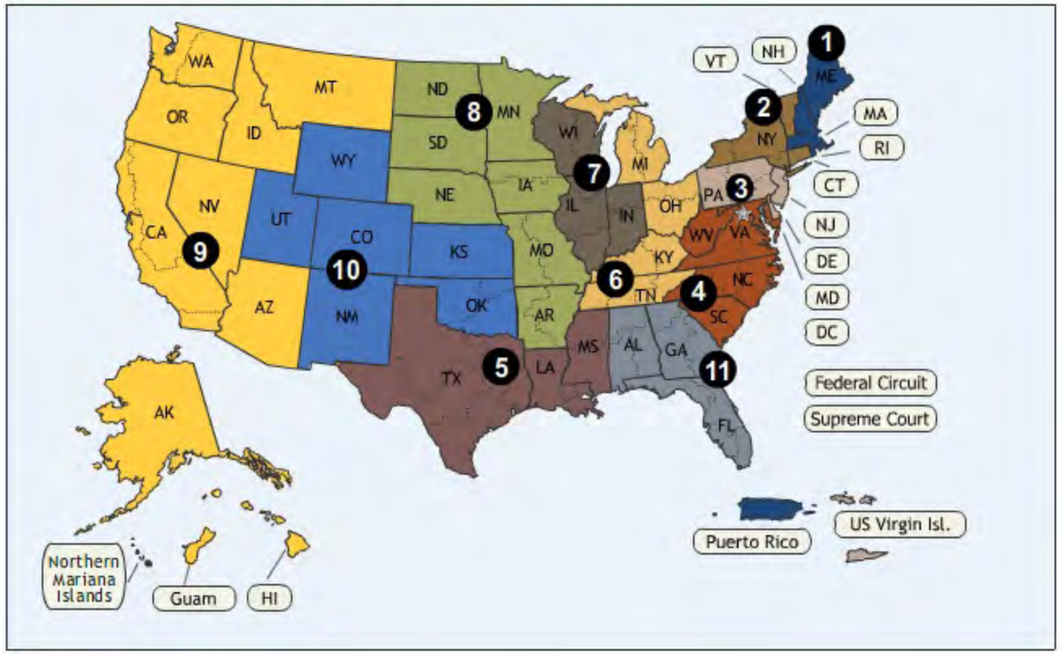
COURT LOCATOR

To find a court location, click a state in the map below or use advanced search.



juj:8-d

Map of the federal circuits, produced by the Administrative Office of the U.S. Courts; http://www.uscours.gov/Court_Locator.aspx

A. Means, motive, and opportunity for the Federal Judiciary to engage in coordinated wrongdoing and turn it into its institutionalized modus operandi

18. Coordinated wrongdoing in the Federal Judiciary[7] is driven by (a) the most effective means, to wit, lifetime unaccountable power to decide over people's property, liberty, and lives; (b) the most corruptive motive, *money!*, staggering amounts of money in controversy between litigants; and (c) the opportunity to put both in play in millions of practically unreviewable cases.[8]

1. The means of unaccountable power

a. Only 8 federal judges removed in over 221 years: de facto unimpeachable

19. The unaccountable power of federal judges[9] is revealed by the official statistics of the Federal Judiciary. They are published by its Administrative Office of the U.S. Courts (AO)[10] and its

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[7] For an overview of the structure of the Federal Judiciary, see http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/FederalCourtsStructure.aspx

[8] The statements made in this proposal concern directly the Federal Judiciary and its judges. However, they are indirectly applicable to state judges for similar reasons, namely, they too are held unaccountable by their peers, who expect reciprocal treatment; by the executives who appointed or nominated them and are loath to expose subsequently their own appointees' unethical or criminal conduct; and by the legislatures, who fear their power, as the executives also do, to declare their signature laws unconstitutional. Such unaccountability encourages riskless wrongdoing.

What also varies among all of them is the mode of access to a justiceship: Federal district and circuit judges and the justices are the only ones nominated by the President and confirmed by the Senate for their justiceships for life. Although federal bankruptcy judges and magistrates are appointed by life-tenured judges for renewable terms[32], their terms are routinely renewed and the effect is similar to a life appointment. All state judges are either appointed for a term, which may be renewable, or run for their judgeships in judicial elections. The practical importance of differences in mode of access to a judgeship is lessened by the similar effect of being held unaccountable and its resulting perverse assurance that their wrongdoing is riskless.

[9] Generally in this proposal, "judges" means U.S. Supreme Court justices; U.S. bankruptcy, district, and circuit court judges (the latter are those of the Courts of Appeals for the 13 federal circuits), and magistrates, unless the context requires the term to be given a more restrictive or expansive sense.

[10] **a)** AO assists only in the administration of the federal courts and has no adjudicative functions; http://www.uscourts.gov/ContactUs/ContactUs2.aspx. **b)** It was established under title 28 of the U.S. Code, section 601 (28 U.S.C. §601); http://Judicial-Discipline-Reform.org/docs/28usc601-613_Adm_Off.pdf. Its director and deputy director are appointed and removable by the chief justice of the U.S. Supreme Court; id. AO's official statistics are posted at http://www.uscourts.gov/Statistics.aspx. Those relevant to this proposal have been collected for the various years covered by online postings, tabulated,

Federal Judicial Center[11]. Although thousands and thousands of federal judges have served since their Judiciary was created in 1789 under Article III of the U.S. Constitution[12] –2,146 were in office on 30sep10[13]-, the number of those removed in more than 221 years since then is only 8![14]

20. It follows as a historic fact that once confirmed as a judge, a person can do whatever he wants without fear of losing his job. If your boss had such assurance of irremovability, would you trust her to make any effort to maintain "good Behaviour"[12] and treat you fairly rather than cut corners at your expense and abusing your rights at her whim?

21. In recent years there have been about four times more judges than the 535 members of Congress. Yet, in those years there have been more members showing „bad Behaviour" than judges so doing in well over two hundred years.[15] It is not possible that people nominated and

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analyzed, and together with links to the originals posted on http://Judicial-Discipline-Reform.org, from which they can be retrieved using the links provided hereunder.

For statistics on state courts, see Court Statistics Project, National Center for State Courts; http://www.ncsconline.org/D_Research/csp/CSP_Main_Page.html.

[11] The Federal Judicial Center is the Federal Judiciary's research and educational body; http://www.fjc.gov/. It was established under 28 U.S.C. §620; http://Judicial-Discipline-Reform.org/docs/28usc620-629_Fed_Jud_Center.pdf. The chairman of its board is the chief justice of the U.S. Supreme Court; id. >§621, subsection (a), paragraph (1) (§621(a)(1)).

[12] Cf. U.S. Constitution, Article III, Section 1: "The Judges…shall hold their Offices during good Behaviour…and…receive a Compensation, which shall not be diminished during their Continuance in Office"; http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf

[13] http://Judicial-Discipline-Reform.org/statistics&tables/num_jud_officers.pdf >njo:10

[14] Federal Judicial Center, http://Judicial-Discipline-Reform.org/statistics&tables/impeached_removed_judges.pdf. To put this in perspective, "1 in every 31 adults [in the U.S.] were [sic] under correctional supervision at yearend „08"; Probation and Parole in the U.S., 2008, Lauren E. Glaze and Thomas P. Bonczar, Bureau of Justice Statistics, U.S. Department of Justice, BJS Bulletin, dec9, NCJ 228230, p.3; http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=271; and http://Judicial-Discipline-Reform.org/docs/statistics&tables/correctioneers/correctional_population_1in31.pdf.

If the "1 in every 31" statistic is applied arguendo to the 2,146 federal judges on the bench on 30sep10, then 69 of them should have been incarcerated or on probation or parole. Hence, the current number of 1 judge under any such type of correctional supervision –U.S. District Judge Samuel Kent of the Southern District of Texas, incarcerated on charges of sexual misconduct– defies any statistical refinement to bring it within the scope of the corresponding correctional supervisee number pertaining to the general population

[15] Some of the members of Congress who in the past few years have been incarcerated, expelled, censured, or investigated by a congressional ethics committee –let alone any investigated by the U.S. Department of Justice– or have resigned under the pall of scandal or publicly acknowledged their ethical violations are Larry Craig, John Conyers, Duke Cunningham, Tom Delay, John Doolittle, John Ensign, Mark Foley, William "Dollar Bill" Jefferson, Christopher Lee, Eric Massa, John Murtha, Bob Ney, Richard Pombo, Charles Rangle, Rick Renzi, James Traficant, Ted Stevens, Anthony Weiner,

confirmed to judgeships in an eminently political process conducted by politicians in "Washington[, a place that] is dominated by the culture of corruption"[16], could have turned out to be so astonishingly consistent in their "good Behaviour". The corrupt, tainted as they are, could not have bestowed incorruptibility on those whom they chose as judges, aside from the fact that no one could do so on anybody else. It is more likely that they confirmed judges whom they expected either to uphold the legislation that they had passed or would pass to enact their political agenda[17] or to be lenient toward them if on charges of their own corruption they had to face those judges or their peers in future.

b. Systematic dismissal of 99.82% of complaints against judges

22. Under the Judicial Conduct and Disability Act of 1980[18a] any person can file a complaint against a federal judge for misconduct. However, of the 9,466 complaints filed during the 1oct96-30sep08 12-year period reported online, 99.82% were dismissed with no investigation[19a,b]. Since these complaints are kept confidential, they are not available to the public, who is thereby prevented from reviewing them to detect either patterns or trends concerning any individual judge or all judges as a class, or the gravity and reliability of the allegations.

23. Moreover, in the 13-year period to 30sep09, the all-judge judicial councils of the federal circuits, charged with their respective administrative and disciplinary matters, have systematically denied complainants' petitions to review[18b] such dismissals[19c]. So much so that

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David Wu. Cf. http://www.crewsmostcorrupt.org/mostcorrupt

[16] Speaker of the U.S. House of Representatives Nancy Pelosi, in addition to so denouncing Washington, promised in 2006 "to drain the swamp of corruption in Washington"; http://Judicial-Discipline-Reform.org/docs/corruption_culture_dominates_Washington.pdf.

[17] President Franklin D. Roosevelt had key elements of his New Deal legislation declared unconstitutional by Supreme Court justices that advocated a free market and did not approve of his market regulation aimed at correcting both some of the excesses that had led up to the Great Depression of 1929 and the widespread poverty that the latter had brought about. He countered with his 1937 court packing proposal: He attempted to increase from 9 to 15 the number of justices with his own supporters, whose votes would nullify those of the justices opposing his legislation. His proposal failed because it was deemed an abuse of the Executive trying to manipulate the Judiciary. This event stands as a reminder to the Executive and legislators of how vulnerable they are vis-à-vis a Judiciary if it wants to retaliate against them for investigating judges for wrongdoing: The judges can close ranks and simply and without raising any suspicion declare their programmatic legislation unconstitutional. For President Obama and the Democrats in Congress such legislation would be the health care and Dodd–Frank Wall Street reform acts. Yet, the judges are even more vulnerable, as shown below.(juj:37§d)

[18] **a)** http://Judicial-Discipline-Reform.org/docs/28usc351-364.pdf; **b)** id. >§352(c); **c)** >§353; **d)** >§354(a)(1)(A), (C); **e)** >§351(d)(1); 363; **f)** http://www.ca2.uscourts.gov/judcouncil.htm

[19] **a)** Table S-22. Report of Action Taken on Complaints [previously Table S-23 or S-24]; AO, Judicial Business of the U.S. Courts; http://www.uscourts.gov/Statistics/JudicialBusiness.aspx; **b)** collected and relevant values tabulated, http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf >Cg:1 & 5a/fn.18; **c)** id. >Cg:6; **d)** id. >Cg:3, row 63, Cg:7 and 48; **e)** id. >Cg:4, 6

the judges on the Judicial Council of the Second Circuit[18f], including Then-Judge Sonia Sotomayor during her stint there, denied 100% of those petitions during FY96-09.[19d] Thereby they pretended that in that 13-year period not a single one of their 2nd Circuit complained-against peers engaged in conduct suspect enough to warrant that the dismissal by the CA2 chief judge of the corresponding complaint be reviewed by the Council. This reveals perfect implicit or explicit coordination between them to reciprocally protect themselves on the understanding that „today I dismiss a complaint against you, tomorrow you dismiss any against me". Such reciprocal protection is given to judicial peers, of course, to the detriment of complainants, who are afforded no relief from the cause for complaint, and notwithstanding the impairment inflicted on the integrity of the administration of justice, for partiality toward peers is shown in disregard of equal application to them of the law and protection of complainants thereunder.

24. Although a chief judge can appoint an investigative committee to investigate a complaint[18c] and a council can "conduct any additional investigation that it considers to be necessary"[18d], years go by without a single committee being appointed and any additional investigation being conducted in any of the 12 regional circuits[23a] and 3 national courts[18e]. As a result, the complained-against judges have gotten scot-free without the statistics reporting *for 13 years nationwide* but 1 single private censure and 6 public ones out of 9,466 complaints.[19e] This is .07% or 1 in every 1,352. The judges have arrogated to themselves the power to effectively abrogate in self-interest that Act of Congress granting the people the right to complain against them and to petition for review of the dismissals of the their complaints.[20]

25. In addition to ensuring reciprocity, judges fail to investigate each other in the self-interest of preserving their good relations with the other members of the class of judges as well as out of fear of being outcast as traitors. Camaraderie trumps discipline.

> Cir. J. Kozinski [presently Chief Judge of the U.S. Court of Appeals for the Ninth Circuit], dissenting: Passing judgment on our colleagues is a grave responsibility entrusted to us only recently. In the late 1970s, Congress became concerned that Article III judges were, effectively, beyond discipline because the impeachment process is so cumbersome that it's seldom used.…Disciplining our colleagues is a delicate and uncomfortable task, not merely because those accused of misconduct are often men and women we know and admire. It is also uncomfortable because we tend to empathize with the accused, whose conduct might not be all that different from what we have done —or been tempted to do— in a moment of weakness or thoughtlessness. And, of course, there is the nettlesome prospect of having to confront judges we've condemned when we see them at a judicial conference, committee meeting, judicial education program or some such event. 28 U.S.C. §453. [56] (Internal citations omitted.) In re Judicial Misconduct Complaint, docket no. 03- 89037, Judicial Council, 9th Circuit, September 29, 2005, 425 F.3d 1179, 1183. http://www.ca9.uscourts.gov/opinions/ >Advance Search: 09/29/2005 >In re Judicial Misconduct 03-89037; and http://Judicial-Discipline-Reform.org/docs/CA9JKozinski_dissent.pdf

[20] **a)** Complaint statistics are reported under 28 U.S.C. §604(h)(2), http://Judicial-Discipline-Reform.org/docs/28usc601-613_Adm_Off.pdf, to Congress, which in self-interest ignores the Judiciary's nullification of its Act, the harm to the people that it represents notwithstanding. **b)** Cf. http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf

c. Self-granted immunization for even malicious and corrupt acts

26. The Supreme Court has protected its own by granting judges absolute immunity from liability for violating §1983 of the Civil Rights Act[21], although it applies to "every person" who under color of law deprives another person of his civil rights.[22] "This immunity applies even when the judge is accused of acting maliciously and corruptly".[id.] The Court has also assured judges that "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority"[23b]. Appeals from decisions holding malicious judges harmless are not a remedy: Most litigants cannot afford to appeal and ignore how to, specially if pro se. Since more than 99% of appeals to the Supreme Court are denied[24], appeals offer no deterrence.

d. All meetings held behind closed doors; no press conferences held

27. To evade accountability, they hold their meetings behind closed doors[25] and never appear at a press conference. Thereby they ensure their historic de facto unimpeachability and beyond prosecution status. Since they are unaccountable, the power that they wield is not just enormous, it is also absolute, which is the key element in rendering power absolutely corruptive.[26]

2. The corruptive motive of money

28. Two chief justices have stated the critical importance that federal judges attach to their salaries.[27] Unfortunately for them, they do not fix their own salaries. However, just the

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[21] http://Judicial-Discipline-Reform.org/docs/42usc1981_civil_rights.pdf

[22] **a)** *Pierson v. Ray*, 386 U.S. 547 (1967); http://Judicial-Discipline-Reform.org/docs/Pierson_v_Ray_jud_immunity.pdf; **b)** id.; but see J. Douglas's dissent.

[23] **a)** http://www.uscourts.gov/Court_Locator.aspx; **b)** *Stump v. Sparkman*, 435 U.S. 349 (1978); http://Judicial-Discipline-Reform.org/docs/Stump_v_Sparkman_absolute_immunity.pdf

[24] http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_caseload.pdf.

[25] http://judicial-discipline-reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf >2

[26] Lord Acton, Letter to Bishop Mandell Creighton, April 3, 1887: "Power corrupts, and absolute power [whose hallmark is unaccountability, which leads to unbound exercise] corrupts absolutely".

[27] **a)** "I will reiterate what I have said many times over the years about the need to compensate judges fairly. In 1989, in testimony before Congress, I described the inadequacy of judicial salaries as "the single greatest problem facing the Judicial Branch today." Eleven years later, in my 2000 Year-End Report, I said that the need to increase judicial salaries had again become the most pressing issue facing the Judiciary." Chief Justice William Rehnquist, 2002 Year-end Report on the Federal Judiciary, p.2. http://www.supremecourtus.gov/publicinfo/year-end/2002year-endreport.html; and http://Judicial-Discipline-Reform.org/docs/Chief_Justice_yearend_reports.pdf >CJr:79

b) "[Administrative Office of the U.S. Courts] Director Mecham's June 14 letter to you makes clear that judges who have been leaving the bench in the last several years believe they were treated unfairly…[due to] Congress's failure to provide regular COLAs [Cost of Living Adjustments]…That sense of inequity erodes the morale of our judges." Statement on Judicial Compensation by

bankruptcy judges in only consumer bankruptcies ruled on $373 billion in calendar year 2010.[28] To that number must be added the $10s of billions in commercial bankruptcies that they ruled on. The other federal judges also ruled on $10s of billions at stake in cases before them, such as those dealing with antitrust, breach of contract, eminent domain, fraud, patents, product liability, licensing and fines by regulatory agencies, etc. Their unaccountable power endows their wrongful ruling on such massive amount of money with the most irresistible attribute: risklessness. Judges with an „eroded morale" and the motive to correct what they feel to be the „inequity of their judicial salaries"[27b] can wield their means of unaccountable power to risklessly resort to helping themselves to a portion of that mind-boggling amount of money. They have ample opportunity to do so.

3. The opportunity in millions of practically unreviewable cases

a. In the bankruptcy and district courts

29. The opportunity for individual and coordinated wrongdoing presents itself in the cases brought before judges for adjudication. That opportunity is amplest and most irresistible in the bankruptcy courts because there litigants are most numerous and vulnerable. Eighty percent of all federal cases enter the Federal Judiciary through those courts.[29] Of the 1,571,183 bankruptcy cases filed in the year to March 31, 2011, 1,516,971 were filed by consumers.[30] The overwhelming majority of consumers are individuals appearing in court pro se, for they are bankrupt and lack the money to hire lawyers. They also lack the knowledge of the law to detect bankruptcy judges" wrong or wrongful decisions, let alone to appeal. As a result, only 0.23% of the decisions of the bankruptcy courts are reviewed by the district courts and fewer than .08% by the circuit courts.[31]

William H. Rehnquist, Chief Justice of the United States, Before the National Commission on the Public Service, July 15, 2002. http://www.supremecourtus.gov/publicinfo/speeches/sp_07-15-02.html; and http://Judicial-Discipline-Reform.org/docs/CJ_Rehnquist_morale_erosion_15jul2.pdf

c) "Congress"s inaction this year vividly illustrates why judges" salaries have declined in real terms over the past twenty years…I must renew the Judiciary"s modest petition: Simply provide cost-of-living increases that have been unfairly denied!" U.S. Chief Justice John **Roberts**, Jr., 2008 Year-end Report on the Federal Judiciary, p. 8-9. http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx >2008; **d)** http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_yearend_reports.pdf >yre:144-146; **e)** id. >yre:9-10; 29; 40-43; 52-53; 62; 109-114; 129

[28] http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_dollar_value.pdf

[29] http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_as_percent_new_cases.pdf

[30] http://Judicial-Discipline-Reform.org/statistics&tables/latest_bkr_filings.pdf

[31] http://Judicial-Discipline-Reform.org/statistics&tables/bkr_non-biz&pro_se&appeals.pdf

b. In the circuit courts

(1) Summary orders, «not for publication» & «not precedential» decisions

30. Even when a bankruptcy decision reaches the court of appeals of the respective circuit, it is reviewed by the very circuit judges that appointed the bankruptcy judge for a 14-year renewable term.[32] They are biased toward affirmance, lest a reversal impugn their judgment for having appointed an incompetent or dishonest bankruptcy judge. Moreover, a reversal would require circuit judges to deal with the Bankruptcy Code"s intricate statutory provisions and their rules of application and forms[33] and the Federal Rules of Bankruptcy Procedure[34] and write a decision identifying the reversible error, stating the extent to which it impaired the appealed decision, and setting forth how to avoid repeating it on remand. This can be avoided by rubberstamping "Affirmed"…*next!*

31. What is *next!* can very well be an appeal by a pro se, for in FY10 in the circuit courts 30.4% of all bankruptcy appeals, in particular, and a whopping 48.6% of all appeals, in general, were pro se.[35] That characterization is fatal because those courts calculate their "adjusted filings [by] weighting pro se appeals as one-third of a case".[36a] It derives from "[w]eighted filings statistics[, which] account for the different amounts of time district [and circuit] judges take to resolve various types of civil and criminal actions"[36b]. That weight is given a pro se case at filing time, that is, not after a judge has read the brief and knows what she is called upon to deal with[36c], but rather when the in-take clerk receives the filing sheet, sees that the filer is unrepresented, and takes in the same filing fee as that paid by a multinational company that, like Exxon in the Exxon Valdez Alaska oil spill case, can tie up the courts for 20 years. The experience of "[t]he Federal Judiciary["s] techniques for assigning weights to cases since 1946"[id.] shows that right then and there judges discount the importance that they will attribute to that pro se case and, consequently, the time that they will dedicate to solving it. Would it be reasonable to expect circuit judges with this statistically based biased mindframe to accord bankruptcy pro se cases, already decided by their bankruptcy appointees, Equal Justice Under Law?

32. This perfunctory treatment of the substantial majority of all appeals to the circuit courts can be

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[32] **a)** Appointment of bankruptcy judges; http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf >§152(a)(1) **b)** Cf. Magistrates are appointed by district judges for a term of eight years, if full time, and four years, if part time; 28 U.S.C. 631(a) and (e); http://Judicial-Discipline-Reform.org/docs/28usc631-639_magistrates.pdf

[33] 11 U.S.C.; http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_10.pdf

[34] http://Judicial-Discipline-Reform.org/docs/FRBkrP_1dec10.pdf.

[35] http://Judicial-Discipline-Reform.org/statistics&tables/bkr_appeals&pro-se.pdf

[36] **a)** 2010 Annual Report of the Director of the Administrative Office of the U.S., p.40; http://Judicial-Discipline-Reform.org/docs/AO_Dir_Report_10.pdf; **b)** id. >p.26, 28; **c)** Pro ses do not fare any better when they are in front of the judge, as shown by a study in state courts. "Numbers are hard to come by, but what little research that exists on the topic supports the notion that going it alone [before a judge as a pro se party] is a losing proposition"; Crisis in the courts: Recession overwhelms underfunded legal services, Kat Aaron, Project Editor, Investigative Reporting Workshop at American University School of Communication; 14feb11; http://Judicial-Discipline-Reform.org/docs/KAaron_Crisis_in_courts.pdf

inferred from the representative statement that "Approximately 75% of all cases are decided by summary order. Pursuant to Interim Local Rule, summary orders may be cited, but have no precedential authority." [37]. Summary orders have no opinion or appended explanatory statement. They are no-reason, self-serving fiats of raw power to ensure the needed unaccountability to cover up laziness, expediency, and wrongdoing.[38] They constitute a breach of contract for adjudicatory services entered into by a court and a litigant upon the latter's payment of the required court fee but not rendered by the court and deceptively substituted with a 5¢ form rubberstamped overwhelmingly with a predetermined "Affirmed". Even an additional 15% of cases are disposed of by opinions with reasoning so perfunctory and arbitrary that the judges themselves mark them "not for publication"[39] and "non-precedential"[40].

33. In brief, up to 9 out of every 10 appeals are disposed of through a high-handed ad hoc fiat of unaccountable power either lacking any reasoning or with too shamefully substandard an explanation to be even signed by any member of a three-judge panel, which issues it "per curiam". They are neither to be published nor followed in any other case by any other judge of that circuit court or any other court in that circuit or anywhere else in the country. Until 2007 they could not even be cited. They still represent the betrayal of a legal system based on precedent aimed at fostering consistency and reliable expectations and intended to require that judges adjudicate cases neither on their whimsical exercise of power in a back alley nor personal notions of right and wrong, but rather by their fair, impartial, and public application of the rule of law. Through their use, federal judges show contempt for the fundamental principle that "Justice should not only be done, but should manifestly and undoubtedly be seen to be done"[41].

(2) Systematic denial of review by the whole court

34. To ensure that those decisions stand, circuit judges systematically deny litigants' petitions to have the decision of their respective 3-circuit judge panel reviewed by the whole circuit court,

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[37] Second Circuit Handbook, pg.17; http://Judicial-Discipline-Reform.org/docs/CA2Handbook_9sep8.pdf. On circuit judges' policy of expedient docket clearing through the use of summary orders and the perfunctory case disposition that they mask and encourage, see http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf.

[38] In *Ricci v. DeStefano*, aff'd per curiam, including Judge Sotomayor, 530 F.3d 87 (2d Cir., 9 June 2008); http://Judicial-Discipline-Reform.org/docs/Ricci_v_DeStefano_CA2.pdf, CA2 Judge Jose Cabranes sharply criticized the use of a meaningless summary order and an unsigned per curiam decision, id. >R:2, as a "perfunctory disposition" of that case; id. >R:6.

[39] http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf >§§2-3

[40] **a)** Federal Rules of Appellate Procedure, Rule 32.1 (FRAP); http://Judicial-Discipline-Reform.org/docs/FRAppP_1dec10.pdf

b) Unpublished opinions; Table S-3; U.S. Courts of Appeals –Types of Opinions or Orders Filed in Cases Terminated on the Merits After Oral Hearings or Submission on Briefs During the 12-Month Period Ending 30sep; Judicial Business of the U.S. Courts; http://www.uscourts.gov/Statistics/JudicialBusiness.aspx, collected at http://Judicial-Discipline-Reform.org/statistics&tables/perfunctory_disposition.pdf.

[41] *Ex parte McCarthy*, [1924] 1 K. B. 256, 259 (1923). Cf. "Justice must satisfy the appearance of justice", *Aetna Life Ins. v. Lavoie et al.*, 475 U.S. 813; 106 S. Ct. 1580; 89 L. Ed. 2d 823 (1986).

that is, their petitions for en banc review.[42] In the year to 30sep10, out of 30,914 appeals terminated on the merits only 47 were heard en banc, which is .15% or 1 in every 658 appeals.[43] To be sure, not every decision of a panel is followed by a petition for en banc review, after all, why waste more effort, time, and another $10,000, $20,000 or even much more on having a lawyer research, write, and file such a petition or the opportunity cost of doing so oneself since circuit judges in effect have unlawfully abrogated the right to it?[44] Thereby judges protect each other from review of wrong and wrongful decisions, implicitly or explicitly coordinating their en banc denials on the reciprocity agreement *'if you don't review my decisions, I won't review yours*".

35. To facilitate denying out of hand a petition, they use those "not for publication" and "non-precedential" markings as coded messages indicating that the panel in question made such short shrift of the appeal before it that it cranked out an unpublishable or non-binding decision so that the rest of the court need not bother taking a second look at it. They all have better things to do, such as work on an opinion where they will introduce a novel legal principle or make case law or which they hope will be praised with inclusion in a law school casebook; write their own books or law review articles; prepare for a class that they teach to earn extra income[45] and whose students will rate their performance and post the ratings; or get ready for a seminar where they can enhance their reputation or hobnob with VIPs. Litigants are just no match for any of these „better things". What are they going to do? Complain in the Supreme Court to the judges" own colleagues and former peers and expect the justices to agree to review the complaint so that they can incriminate themselves by criticizing what they used to and still do?

36. Circuit judges are life-tenured. Not even the Supreme Court can remove or demote them, cut their salary –which neither Congress nor the president can cut either[12]– or, for that matter, do anything else to them. Reverse their decision? Who cares! At least two judges concurred in any decision appealed from a 3-judge circuit court panel to the Supreme Court so the responsibility for the reversal is diffused, that is, if any is felt. Circuit judges are not accountable to the justices –neither are district, bankruptcy, nor magistrate judges–. Instead, circuit judges take care of their appointees, the bankruptcy judges. They do so by „taking out" any bankruptcy decision that against all odds has slipped their de facto unreviewability by having parties that were able emotionally, financially, and intellectually to appeal twice, first to the bankruptcy court and then to the circuit court. There the circuit judges simply wield their unaccountable power to dispose of the appealed decision with another of their meaningless summary orders and non-published, in practice secret, opinions. By so doing, the circuit judges can make their bankruptcy appointee immune to his or her own wrong or wrongful decision; and they can boast about their good judgment in having appointed such a competent, fair, and impartial bankruptcy judgeship candidate.

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[42] fn.40.a >FRAP 35. En banc determination

[43] http://Judicial-Discipline-Reform.org/docs/statistics&tables/en_banc_denials.pdf

[44] CA2 Chief J. Dennis Jacobs wrote that "to rely on tradition to deny rehearing in banc starts to look very much like abuse of discretion"; *Ricci,* fn.38 >R:26.

[45] Regulations on Outside Earned Income, Honoraria, and Employment, and on Gifts, Judicial Conference of the U.S.; http://Judicial-Discipline-Reform.org/docs/jud_officers_outside_income&gifts.pdf

(3) De facto unreviewable bankruptcy decisions

37. In 1oct09-30sep10 FY10 there were 1,596,355 bankruptcy filings in the 90 bankruptcy courts[46a], but only 2,696[46b] in the 94 district courts, and merely 678 in the 12 regional circuit courts[46c]. Hence, the odds of having a bankruptcy decision reviewed are, approximately speaking, 1 in 592 in district court and 1 in 2,354 in circuit court. If the appeal is by a pro se, the review will be pro forma and the affirmance issued as a matter of coordinated expediency. Even if the parties are represented by counsel, the district judge knows that he can mishandle the appeal in favor of her bankruptcy colleague because if the appealed decision happens to be one of those odd ones that are further appealed, the circuit judges will take of care of their appointee with their own affirmance. All of them know for sure that the odds of a bankrupt party being able to afford an appeal to the Supreme Court are infinitesimal, let alone the odds of the Court exercising its discretionary jurisdiction to agree to take up the case for review. As a result, they all can allow themselves to give free rein to the money motive: Even a small benefit ill-gotten from some of those 1,596,355 new bankruptcy cases plus the scores pending, which form in the aggregate a mind-boggling pool of money[28], adds up quickly to a very large benefit, such as a massive amount of ill-gotten money to be divvied up in a coordinated fashion.

c. In the Supreme Court

(1) Capricious, wasteful, and privacy-invading rules bar access to review in the Supreme Court

38. The odds of seeking and obtaining review in the Supreme Court are truly infinitesimal. To begin with, just to print the brief and record in the capricious booklet format[47a] required by the justices calls for typesetting by a specialized commercial firm[48]. Neither Kinkos nor Staples sell the special paper that must be used[47b], let alone print it. That can cost $50,000 and even $100,000 depending on the size of the record, which can run to tens and even hundreds of thousands of pages.

39. The justices impose this booklet format requirement on anybody who cannot prove his destituteness. To prove it and be granted leave to print the record on regular 8.5" x 11" paper, a party must first petition for leave to proceed *in forma pauperis*, i.e., as a poor person. This must be done by the petitioner filing a motion disclosing his private financial information and serving it on every other party.[47c] This only works to the advantage of a served party with

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[46] **a)** fn.30 >Table F, lbf:39; **b)** http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_to_dis_court.pdf >bd:8; **c)** fn.35 >Table S-4, pr:106

[47] **a)** Supreme Court Rules, Rule 33.1. "*Booklet Format:* (a) Except for a document expressly permitted by these Rules to be submitted on 8½-by 11-inch paper, see, *e. g.,* Rules 21, 22, and 39, every document filed with the Court shall be prepared in a 6⅛-by 9¼-inch booklet format using a standard typesetting process (*e. g.,* hot metal, photocomposition, or computer typesetting) to produce text printed in typographic (as opposed to typewriter) characters.…**b)** (c) Every booklet-format document shall be produced on paper that is opaque, unglazed, and not less than 60 pounds in weight, and shall have margins of at least three-fourths of an inch on all sides. The text field, including footnotes, may not exceed 4⅛ by 7⅛ inches." http://Judicial-Discipline-Reform.org/docs/SCt_Rules_16feb10.pdf ; **c)** id. >Rule 39. Proceedings ***In Forma Pauperis*** and Rules 12.1 and 4 and 29.3

[48] cf. http://brescias.com/legal_us_supr.html

deep pockets or one that wants to exploit the petitioner"s financial weakness. The requirement of filing and serving that financial disclosure motion in connection with a printing and stationery matter totally unrelated to the merits of the case violates the right to privacy. It aggravates the unreasonable waste of the booklet format requirement, which itself violates the controlling principle applicable in the bankruptcy and district courts: Procedural rules "should be construed and administered to secure the…inexpensive determination of every action and proceeding""[49].

40. Then comes the cost of writing the initial brief, for instance, by petitioning for a writ of certiorari or by other jurisdiction.[50] This can cost as much as $100,000. That is money, effort, and emotional energy that go to waste in the overwhelming majority of cases: The Supreme Court exercises its discretionary power to take or reject cases for review and denies more than 97% of petitions for review on certiorari, which constitute the bulk of the filings that it receives.[51] If it takes up a case, then another brief, the brief on the merits, must be written[52a], which can cost even more than $100,000. In addition, there is the fee for the time that the attorney who will argue the case before the Court must invest in preparing alone and with his battery of assistants that will drill him in mock sessions, for all of whom a fee is also charged. Then comes the fee for the actual arguing and any expense of travelling to Washington, D.C., and room and board. Add to this the cost of preparing and arguing motions and applications that any of the parties may make.[52b] No wonder, having a case adjudicated by the Supreme Court can cost well over $1,000,000![53]

41. The man in the street cannot realistically think of exercising his "right" to appeal to the Supreme Court, never mind a debtor that is bankrupt or a creditor fearful of throwing good money after bad. As an approximate comparison, consider that while 2,013,670 cases were filed in the bankruptcy, district, and circuit courts in FY10[5], only 8,205 were filed in the Supreme Court, which is .4%.[54] But even as to those cases that made it to the Court, on average for the 2004-2009 terms, the Supreme Court heard arguments in only 1 in every 113 cases on its docket, disposed of only 1 in every 119, and wrote a signed opinion in only 1 in every 133.[51] For every one of its 73 signed opinions in its 2009 term –FY10– there were 27,670 filed in all courts.

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[49] Rule 1001 of the Federal Rules of Bankruptcy Procedure, fn.34; and Rule 1 of the Federal Rules of Civil Procedure, http://Judicial-Discipline-Reform.org/docs/FRCivP_1dec10.pdf

[50] fn.47 >Rules 10 and 17-20, respectively

[51] http://Judicial-Discipline-Reform.org/statistics&tables/SCt/SCt_caseload.pdf; cf. http://Judicial-Discipline-Reform.org/docs/statistics&tables/cert_petitions.pdf

[52] **a)** fn.47a >Rule 24; **b)** id. >Rules 21-23

[53] A priceless win at the Supreme Court? No, it has a price, by Reporter Robert Barnes, *The Washington Post*, 25july11: A big victory at the Supreme Court isn't priceless, after all. It costs somewhere north of $1,144,602.64; http://Judicial-Discipline-Reform.org/docs/WP_Price_win_at_SCt_25jul11.pdf

[54] http://Judicial-Discipline-Reform.org/statistics&tables/caseload/1judicial_caseload.pdf

(2) Unreviewability of cases and unaccountability of judges breeds riskless contempt for the law and the people

42. That is the fate of the overwhelming majority of cases: They die of complicit indifference to wrongs and cold rejection at the door of the manor of the lords of the land of law; by execution of summary and unpublished orders of circuit lords; by contempt of law and fact by district lords, who „constructively convert"[55] U.S. courts to their respective *"my court!"*; or under the feet of bankruptcy lords, who are sure that however outrageously they exact money from, or mishandle it in, the cases in the fiefs with which they have been enfeoffed, practically no bankrupt party has the knowledge or resources to start out on the journey of appeal. Unreviewability breeds arrogance. Coordination assures favorable review and risklessness. They turn federal judges into Judges Above the Law, who administer to themselves what they deny everybody else: Unequal Protection *From* the Law.

43. It would be a feat of naiveté or self-interest to admit the unthinkable, that is, that priests, who dedicated their lives to helping others with the teachings of a loving and caring God, have given in to their abusive pedophilic desires and have been protected by the Catholic Church as a matter of policy, but deny the possibility that federal judges, who took an oath to "do equal right to the poor and to the rich"[56] and to uphold the Constitution and the laws thereunder, have given in, not to deviant conduct, but rather to the most mainstream, insidious, and pernicious desire that drives our national character: *money!*, and have been protected by the Federal Judiciary as a matter of collective survival after having institutionalized coordinated wrongdoing as its modus operandi. One must think this possible, for to breach their oath and be protected judges have a means that priests have never had: power to render themselves unaccountable and their wrongdoing riskless and unreviewable through self-exemption.

44. If one is neither naïve nor compromised by self-interest, one can consider with an open mind the evidence in the next section. It shows how unaccountable power, the money motive, and the opportunity in effectively unreviewable cases enabled federal judges to engage in outrageous coordinated wrongdoing involving individual concealment of assets and a collective bankruptcy fraud scheme.

[55] To detain something unlawfully that initially was held lawfully.

[56] http://Judicial-Discipline-Reform.org/docs/28usc_judges_oath.pdf

B. *In re DeLano*, Presiding Judge Sonia Sotomayor, and her appointment to the Supreme Court by President Barak Obama: evidence of a bankruptcy fraud scheme and her concealment of assets dismissed with knowing indifference and willful blindness as part of the Federal Judiciary's institutionalized modus operandi

1. Justiceship Nominee Judge Sotomayor was suspected of concealing assets by *The New York Times, The Washington Post,* and Politico

45. The evidence hereunder concerns what *The Washington Post*, *The New York Times*, and Politico suspected in articles contemporaneous with President Barak Obama"s first justiceship nomination, to wit, that Then-Judge Sonia Sotomayor of the U.S. Court of Appeals for the Second Circuit (CA2) had concealed assets of her own[57a]. The evidence is in the financial statements that she filed with the Senate Committee on the Judiciary holding hearings on her confirmation.[57b] They show that in 1988-2008 she earned and borrowed $4,155,599 + her 1976-1987 earnings; but disclosed assets worth only $543,903, leaving unaccounted for $3,611,696 - taxes and the cost of her reportedly modest living[57c]. Thereby she failed to comply with that Committee"s request that she disclose "in detail all [her] assets…and liabilities"[57b]. Her motive was to cover up her previous failure to comply with the requirement of the Ethics in Government Act of 1978 to file a "full and complete" annual financial disclosure report[57d]. The President disregarded the evidence of her dishonesty just as he did that of his known tax cheat nominees Tim Geithner, Tom Daschle, and Nancy Killefer[58]. The fact that the President is wont to nominate tax cheaters lends credibility to those respectable newspapers" suspicion that Judge Sotomayor too cheated on her taxes on the assets that she concealed.

46. Judge Sotomayor"s concealment of assets of her own is consistent with evidence of her cover-up of concealment of assets of others through a bankruptcy fraud scheme[59] run by judges and bankruptcy system insiders[60] in a case in which she was the presiding judge: *DeLano*[61].

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[57] **a)** http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/6articles_JSotomayor_financials.pdf;
b) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf;
c) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf;
d) http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf

[58] **a)** http://judicial-discipline-reform.org/docs/**Geithner**_tax_evasion_jan9.pdf;
b) http://Judicial-Discipline-Reform.org/docs/**Tom_Daschle_tax_evasion**_feb9.pdf; and
c) http://Judicial-Discipline-Reform.org/docs/**Nancy_Killefer**_3feb9.pdf

[59] http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

[60] **a)** fn.33 >11 U.S.C. §327. Employment of professional persons. **b)** In addition to judges and bankruptcy trustees, id. §704, bankruptcy system insiders include "attorneys, accountants, appraisers, auctioneers, or other professional persons", such as bankers, testamentary executors and administrators, guardians of the elderly, the incompetent, and infants, mortgage holders, and others that work closely with and for them. Collectively they are referred to

Although she and her CA2 peers were made aware of the scheme[62], they dismissed the evidence and protected their bankruptcy judge appointee[32a] that ran the scheme in *DeLano*. How they dismissed it is most revealing, as shown below.

47. President Obama too disregarded *DeLano* despite the evidence therein incriminating his nominee in the cover-up of the bankruptcy fraud scheme and the schemers. His vetting of Judge Sotomayor through his staff and the FBI must have found that case, for it was in the CA2‟s public record. The Judge so clearly realized how incriminating[63] that case was that she withheld it from the documents that she was required by the Senate Judiciary Committee to submit in preparation for her confirmation hearings[64]. By so doing, she committed perjury since she swore that she had complied with the Committee‟s initial and supplemental document requests[57b].

2. *DeLano* illustrates how concealment of assets is operated through a bankruptcy fraud scheme enabled by bankruptcy, district, and circuit judges, and Supreme Court justices

48. *DeLano*[65] concerns a 39-year veteran banker who in preparation for his debt-free retirement to a golden nest filed his personal bankruptcy[66], yet remained employed by a major bank, M&T Bank, as a bankruptcy officer! He was but one of a clique of bankruptcy system insiders: His

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as bankruptcy professionals.

[61] **a)** *DeLano*, 06-4780-bk-CA2, dismissed per curiam, Judge Sotomayor, presiding; **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf >US:2442§IX

[62] http://Judicial-Discipline-Reform.org/Follow_money/motion_en_banc.pdf >CA:1947§§I, III

[63] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf, 14mar8

[64] **a)** http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/7DrCordero-SenJudCom_docs.pdf, 3july9 >sjc:1;
b) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/18DrCordero-SenReid_SenMcConnell.pdf, 13july9;
c) Sample of the letter sent to each Senate Judiciary Committee member, 13july9; fn.87d;
d) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/18DrCordero-SenJudCom.pdf, 14july9 >p.2§2;
e) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/20DrCordero-SenJudCom_14jul9.pdf, 14july9;
f) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/1DrCordero-Senate.pdf, 3aug9

[65] For a more detailed account of *DeLano*, see http://Judicial-Discipline-Reform.org/HR/11-4-25DrRCordero-HR_ComJud.pdf >GC:41§D

[66] http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V >W:43

bankruptcy trustee had 3,907 *open* cases[67a] before the WBNY judge hearing the case; one of his lawyers had brought 525 cases[67b] before that judge; his other lawyer also represented M&T and was a partner in the same law firm[67c] in which that judge[67d] was a partner at the time of his appointment[32a] to the bench by CA2; when he was reappointed in 2006[68a], Judge Sotomayor was a CA2 member. M&T was likely a client of that law firm and even of the judge when he was a bankruptcy lawyer and partner there. The analysis of M&T cases[68b-c] and *DeLano* revealed the bankruptcy fraud scheme and these insiders' participation in it.[69a]

49. A co-schemer, the „bankrupt" officer declared $291,470 earned with his wife in the three years preceding their bankruptcy filing[70a]. Incongruously, they pretended that they only had $535 "on hand and in account"[70b]. Yet, they incurred $27,953 in known legal fees, billed by their bankruptcy lawyer, who knew that they had money to pay for his services[70c], and approved by the trustee and the judge. They also declared one single real estate property, their home, bought 30 years earlier[70d] and assessed for the purpose of the bankruptcy at $98,500, on which they declared to carry a mortgage of $77,084 and have equity of only $21,416[70e]…after making mortgage payments for 30 years! They sold it 3½ years later for $135,000, a 37% gain in a down market.[71f] Moreover, they had engaged in a string of eight mortgages from which they received $382,187, but the trustee and the judge refused to require them to account for it[70g].

50. For six months the bankruptcy officer and his wife, their lawyers, and the trustee treated a creditor that they had listed among their unsecured creditors as such and pretended to be searching for their bankruptcy petition-supporting documents that he had requested[71a]. It was not until the creditor brought to the judge's attention[71b] that the „bankrupts" had engaged in concealment of assets that they moved to disallow his claim[71c]. The judge called on his own for an evidentiary hearing on the motion only to deny discovery of *every single document* that the creditor requested, even the bankrupts' bank account statements, indispensable in any

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67 **a)** http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf;
b) http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf;
c) http://www.underbergkessler.com;
d) http://www.nywb.uscourts.gov/judge_ninfo_202.html >About [NY Western District] Bankruptcy J. John C. Ninfo, II, and fn.77

68 **a)** fn.65 >GC:32/fn.72; **b)** id. >GC:17§§B-C, describing bankruptcy cases to which M&T was a party and whose trustee had 3,382 cases before Judge Ninfo, http://Judicial-Discipline-Reform.org/docs/TrGordon_3383_as_trustee.pdf. The M&T cases went from bankruptcy court all the way to the Supreme Court, **c)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf, as did *DeLano*, fn.61b.

69 **a)** That analysis was set forth in support of the request of 25apr11 to the H.R. Judiciary Committee to investigate the scheme; fn.65. It was turned into the 25may11 request made for a similar purpose to Rep. Michelle Bachmann and each of the Tea Party Caucus members; http://Judicial-Discipline-Reform.org/HR/7Tea_P/11-5-25DrRCordero-Tea_P&Caucus.pdf. **b)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-Att_Grievance_Com.pdf

70 **a)** fn.66 >§I.B >W:2; **b)** id. >§V >W:51; **c)** id.>§XI >W:148; **d)** id.>§VIII >W:93; **e)** id.>§V >W:50; **f)** id.>§X >W:145; **g)** id.>§VIII >W:89-112 and fn.65>HR:217

71 **a)** fn.65 >GC:47:§3; **b)** id. >GC:45§2; **c)** id. >GC:49§4

bankruptcy[72a]. Thereby he deprived the creditor of his discovery rights, thus flouting due process. He turned the hearing[72b] and his grant of the motion into a sham[73]. He also stripped the creditor of standing in the case so that he could not keep requesting documents, for they would have allowed tracking back the concealed assets. On appeal, the judge's colleague in the same small federal building[74a] in Rochester, NY[69b], a WDNY district judge, also denied *every single document* requested by the creditor[74b].

3. Then-Judge Sotomayor's concealment of her own assets reveals wrongdoing as part of the modus operandi of peers and their administrative appointees, which requires justices to keep covering up their own and their peers' wrongdoing

a. Judge Sotomayor refused to investigate a bankruptcy officer's bankruptcy petition, though suspicious per se

51. When *DeLano* reached CA2, Judge Sotomayor, presiding[61b], condoned those unlawful denials and even denied in turn *every single document* in 12 requests by the creditor-appellant[75a]. However, she too needed those documents, e.g., bank and credit card statements, real estate title, home appraisal documents, etc., to find the facts to which to apply the law[75b]. Thus, she disregarded a basic principle of due process: The law must not be applied capriciously or arbitrarily[75c] in a vacuum of facts or by willfully ignoring them. Her conduct[74c] belied her statement before the Senate Judiciary Committee that her guiding principle as a judge was "fidelity to the law"[64f].

52. Judge Sotomayor also condoned the refusal of the bankruptcy judge to disqualify himself for conflict of interests(juj:22¶48) and "the appearance of impropriety"[76a-b], just as she refused to disqualify him[76c]. During her membership in the 2nd Circuit's Judicial Council[76d], she too denied the petition to review the dismissal without any investigation of the misconduct complaint against him[77]. This formed part of her pattern of covering up for her peers: As a

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[72] **a)** http://Judicial-Discipline-Reform.org/Follow_money/docs_denied.pdf; **b)** fn.65 >GC:51§5

[73] **a)** 'Hear' the judge's bias: http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf; **b)** cf. http://Judicial-Discipline-Reform.org/Follow_money/Analysis_Trustee_report_23aug5.pdf

[74] **a)** fn.65. >GC:11¶11; **b)** fn.72a >de:28; and http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_WDNY.pdf >Pst:1255§1 and 1281¶62; **c)** fn.65 >GC:58§8; cf. GC:54§7

[75] **a)** fn.61b >US:2484 Table: Document requests & denials; **b)** fn.72 >de:18§II; **c)** fn.29 >mp:3§A

[76] **a)** http://Judicial-Discipline-Reform.org/docs/Code_Conduct_Judges_09.pdf >Canon 2;
b) cf. http://Judicial-Discipline-Reform.org/docs/ABA_Code_Jud_Conduct_07.pdf >Canon 1, p.12;
c) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf >CA: 1725§A, 1773§c;
d) http://Judicial-Discipline-Reform.org/docs/28usc332_Councils.pdf

[77] http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf >N:36 and 48

CA2 member she condoned, and as a Council member she applied, the Council's unlawful policy during the 13-year period reported online of denying 100% of petitions to review dismissals of complaints against her peers[78a]. Thereby she contributed to illegally abrogating in effect an act of Congress giving complainants the right to petition for review[18b]; and also condoned the successive CA2 chief judges' unlawful practice of systematically and without any investigation dismissing such complaints[78a]. She did not "administer justice" [to her peers] rich"[56] in judicial connections, but rather a 100% exemption from accountability[78b]; and the "equal right" [79] that she did to them was to disregard all complaints against them, no matter their gravity or pattern, whether the allegation was of bribery, corruption, conflict of interests, bias, prejudice, abuse of power, etc.[80] Her unquestioning partiality toward her own was "without respect"[56] for complainants, other litigants, and the public. Instead of Equal Justice Under Law[79], Judge Sotomayor upheld Judges Can Do No Wrong. She breached her oath.

53. By so doing, Judge Sotomayor rendered wrongdoing irresistible: She assured her peers of its risklessness, insulating it from any disciplinary downside while allowing free access to its limitless scope and profitability upside. So she emboldened them to engage ever more outrageously in the bankruptcy fraud scheme[59] and other forms of wrongdoing. By removing wrong-doing's stigmatizing potential and allowing its incorporation into the judges' modus operandi, she encouraged their resort to its efficiency multiplier: coordination. Through it wrongdoing becomes institutionalized and wrongdoers' benefit from it becomes interdependent. Collective survival must be coordinated too since it requires their continued reciprocal cover-up[81]. Then-Judge Sotomayor thus ensured that they would cover up her concealment of assets. Now a Justice, she is not a champion of the Judiciary's integrity, but rather their accomplice[82a].

54. Indeed, the *DeLano* bankruptcy officer had during his 39-year long banking career learned who had turned the skeletons in the closet into such. The risk of his being indicted and trading up with domino effect motivated Judge Sotomayor and her peers to allow him to retire to a golden nest with at least $673,657 in known concealed assets[82b]. To protect peers, other insiders, and herself, she failed in her duty under 18 U.S.C. §3057 to report to the U.S. attorneys, not hard evidence, but just „a belief that bankruptcy fraud may have been committed"[83a]. In how many of the thousands of cases[67a-b,68b] before their appointed[32] bankruptcy judges have she and other judges complicitly let the bankruptcy fraud scheme fester with rapaciousness[83b] and to whose benefit or detriment?

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[78] **a)** fn.65 >HR:214; **b)** other ways of judges self-assuring their unaccountability, id. >HR:3/fn.10

[79] fn.39 >§§4-6

[80] **a)** fn.19b >Cg:1-4; **b)** fn.65 >HR:219

[81] http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf

[82] **a)** fn.65 >GC:61§1; **b)** fn.66 >W:2; **c)** fn.65 >HR:215; **d)** id. >HR:219, GC:63§2

[83] **a)** http://Judicial-Discipline-Reform.org/docs/make_18usc3057_report.pdf >§3057(a) and fn. 62 >CA:1961 ¶¶28-31; **b)** http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_crimes.pdf

b. The investigation of other justices for reciprocally covering up their wrongdoing

55. Forty nine U.S. representatives requested the House Judiciary Committee to investigate the involvement of Justice Elena Kagan while Solicitor General in the defense of Obamacare to determine whether she lied about it during her confirmation and should recuse herself now.[84] This supports the call for Justice Kagan to be investigated also for her past and present role in covering up Justice Sotomayor's and other Justices' wrongdoing.[85] However, she was never a judge. Thus, she comes to the Supreme Court without the baggage that the other justices and lower court judges must keep carrying of their participation in, or condonation of, individual and coordinated wrongdoing. Hence, she might see it in her interest not to join in its cover-up and instead denounce it from the inside and advocate measures to combat and prevent it.

c. The investigation of what the President and his aides knew about Then-Judge Sotomayor's wrongdoing

56. President Obama too had a duty: to vet justiceship candidates and choose among them, not in his interest, but for their fitness. He was not entitled to have his staff and the FBI vet them only for him to hush up[86] their finding[57a] of Judge Sotomayor's concealment of her assets[57c] and of those trafficked in the fraud scheme. Had he acted responsibly in the public interest, he would have realized that she had withheld[64] *DeLano*[61] to prevent her cover on the scheme from blowing up and scuttling her nomination, and either withdrawn her nomination or disclosed the incriminating information to enable others to make informed decisions. By burying that information under lies about her integrity in order to curry favor with Latino and feminists voters, who wanted a Latina and another woman on the Supreme Court, he fraudulently got a dishonest nominee confirmed and misled the Senate and *We the People*.

57. A.G. Eric H. Holder, Jr., also had a duty. By taking the oath of office, he bound himself to uphold the Constitution and enforce the laws thereunder in the interest of, not the President, but rather the people[87a]. Similarly duty-bound were the other federal[87b-d] and state officers[88]

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[84] http://Judicial-Discipline-Reform.org/docs/RepMBachmann_Tea_Party_Caucus_jul10.pdf>mb:19-24

[85] The investigation of J. Sotomayor can lead to J. Ruth Bader Ginsburg, who as the 2nd Circuit's Circuit Justice, **a)** http://Judicial-Discipline-Reform.org/docs/28usc41-49_CAs.pdf >§42. Allotment of Supreme Court justices to circuits, has responsibility for its integrity, and to other justices;

b) http://Judicial-Discipline-Reform.org/docs/DrCordero-JGinsburg_injunction_30jun8.pdf;

c) They were informed of evidence of corruption therein, such as a judge-run bankruptcy fraud scheme and her concealment of assets, but in self-interest dismissed it with knowing indifference and willful blindness; fn:76b >CA:1721. Cf. juj:35§§b,c

d) Cf. http://Judicial-Discipline-Reform.org/journalists/CBS/11-5-18DrRCordero-ProdCScholl.pdf re Former Arizona Judge and SCt. Justice Sandra Day O'Connor and alleged corruption in Arizona courts.

[86] Rep. Darrell Issa says Obama administration is 'one of most corrupt', Philip Rucker, *The Washington Post*, 2jan11; http://Judicial-Discipline-Reform.org/docs/WPost_RepDIssa_2jan11.pdf;

[87] **a)** http://Judicial-Discipline-Reform.org/DoJ-FBI/DrRCordero-DoJ_FBI_08-09.pdf. The latest

who vetted Judge Sotomayor or received complaints about her, the schemers[89], and their condoners. But they would not even ask those complained-against to answer the complaint or request any evidence-corroborating document[88d].

d. The senators received documents allowing them to suspect Then-Judge Sotomayor of concealment of assets, as did *The New York Times*, *The Washington Post*, and Politico

58. The same investigation should include all those Democrats and Republicans on the Senate Judiciary Committee[90] and the Senate leadership[64b] that requested and received financial documents[57b] from Judge Sotomayor but disregarded their glaring inconsistencies[57c] and the suspicion of her concealment of assets raised by *The New York Times*, *The Washington Post*, and Politico[57a]. They continued to do so even after they were alerted repeatedly by hardcopy, fax, email, and telephone both to such inconsistencies through the analysis[64] of those documents and to the evidence of her personal and coordinated wrongdoing. The senators were so determined neither to confront Judge Sotomayor publicly during the hearings[91a] with her own financial documents and their inconsistencies nor to allow the public to do so on their own that they refused to post either that analysis or the letters sent to them and the Committee[64] on the Committee website[91b] where they were posting the letters of citizens sent to them on the issue of the Judge's confirmation. By so doing, they engaged in unequally treating a member of the public and depriving all of the public of evidence that such public needed to make an informed decision on the confirmation of Judge Sotomayor. The investigation should also probe into the senators' motive for allowing Judge Sotomayor to withhold *DeLano* from them even though they were alerted also to this withholding[64b-f] and were furnished with a copy of the CA2 summary order dismissing *DeLano* and bearing her name as presiding judge[id.].

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complaint to DoJ, fn.65 >HR:1, has the statement of facts about the fraud scheme, >GC:14§III;

b) http://Judicial-Discipline-Reform.org/docs/DrCordero-**Tr_Schmitt_Martini_Adams**.pdf;

c) Cf. http://Judicial-Discipline-Reform.org/docs/DrCordero-**Tr_Schmitt_Schwartz**.pdf;

d) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/DrRCordero-**SenCSchumer**.pdf

f) http://Judicial-Discipline-Reform.org/midterm_e/DrRCordero-**SenKGillibrand**_16oct10.pdf;

88 **a)** http://Judicial-Discipline-Reform.org/DANY/9DrRCordero-**NYCDACVance**_11nov10.pdf;

b) http://Judicial-Discipline-Reform.org/midterm_e/DrRCordero-**AGACuomo**_22oct10.pdf;

c) http://Judicial-Discipline-Reform.org/AG/1DrRCordero-**AGESchneiderman**_4feb11.pdf = fn.65 >HR:7, 251;

d) id. >HR:233§E;

e) http://Judicial-Discipline-Reform.org/docs/**Maragos_v_Gillibrand**.pdf

89 http://Judicial-Discipline-Reform.org/docs/DrRCordero-**Disciplinary_Com**.pdf

90 http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/DrRCordero-list_Sen_mem_28aug9.pdf

91 **a)** http://Judicial-Discipline-Reform.org/docs/Senate_hearing_JSotomayor_09.pdf;

b) http://Judicial-Discipline-Reform.org/docs/Sen_postings_JSotomayor_21sep11.pdf

59. The investigation must search for partisan and personal interests so strong that even the Republican senators protected them by pulling their punches rather than pursuing their purported opposition to Judge Sotomayor‟s confirmation through her impeachment with her own documents. Those interests include the connivance between Congress and the Judiciary in which both Republicans and Democrats have participated for decades by allowing the Federal Judiciary to dismiss 99.82% of complaints against misconducting judges[19b], thereby making a mockery of an Act of Congress[18a] and depriving people of the protection that it intended to provide them against such judges[92]. For the sake of those interests, they all contributed to saddling our country with a dishonest justice, who for her next 20 or 30 years on the bench will be shaping the law of the land for everybody but her and her peers, all of whom will be mindful of who nominated and confirmed them.

60. For instance, Sen. Charles Schumer knew[87d] but disregarded the evidence of Judge Sotomayor‟s wrongdoing submitted to him. He recommended her to the President, vouched for her integrity, and was rewarded by becoming the President‟s point man to shepherd his nominee through the Senate.[93] So did Sen. Kirsten Gillibrand. Although she, as Sen. Schumer‟s protégé, knew the incriminating evidence or should have known it had she reviewed with due care the documents publicly filed by the Judge with the Committee, she recommended her to the President, introduced her to the Senate Judiciary Committee, and endorsed her to New Yorkers and the rest of the American public.[88f] For their dereliction of duty and betrayal of public trust by lying to the public about the Judge‟s integrity so as to enhance their standing with voters, the President, reelection donors, and within their party[81a] they too should be investigated.

[92] http://Judicial-Discipline-Reform.org/Follow_money/Champion_of_Justice.pdf >1:§A

[93] "Charles E. Schumer, New York Democrat. Leading the confirmation effort in the Senate as the White House-designated "sherpa" to guide Judge Sotomayor on Capitol Hill. Urged the president to nominate a Hispanic to the Supreme Court in a letter, recommending Judge Sotomayor and Interior Secretary Ken Salazar." Key Players in the Sotomayor Nomination, *The New York Times*, 19jun9; http://www.nytimes.com/interactive/2009/06/19/us/politics/0619-scotus.html; and http://Judicial-Discipline-Reform.org/docs/key_players_JSotomayor.pdf

C. The *DeLano*-Judge Sotomayor case as the basis of a journalistic story national in scope and impact but rendered manageable as an investigative project by key focusing notions

1. Neither Congress nor the Executive just as neither law professors and schools nor the media investigate the Federal Judiciary

61. The axiom of power states that he who has power will use it and also abuse it unless others enforce upon him limits on his use and penalties for his abuse of it; but they will not dare do so if they fear either retaliation or self-incrimination due to complicity or connivance through which they have advanced their self-interest by resorting to agreement with the abuser, knowing indifference, willful blindness, or improper conduct.

62. The evidence shows that neither the Executive Branch nor Congress dare exert constitutional checks and balances on the Judiciary.[92] They have failed to ensure that judges both apply the law fairly and impartially to others and themselves, and abide by the high standards of honesty and integrity applicable to them[76a], in particular, and to all public officers, in general. Politicians have been the enablers of wrongdoing federal judges by implicitly or explicitly coordinating their own wrongdoing with theirs under the unprincipled, self-interested, and corruptive policy of live and let live.

63. Law professors too have abstained from exposing judicial wrongdoing. Many clerked for judges and either aided them in their wrongdoing or kept quiet so as not to risk a glowing recommendation from the judge that would open the doors to a subsequent plush job and sign-up bonus.[94] Their exposing them now could lead to self-incrimination. Law schools will not investigate any judge for fear of having them close ranks to boycott their moot court and fund raising activities, refuse clerkships to their students and service on their academic boards, and retaliate against them in court. By protecting federal judges from exposure, also law professors and schools have enabled them to continue coordinating their wrongdoing among themselves and with other insiders of the legal and bankruptcy systems ever more closely and engaging in it so routinely as to turn wrongdoing into the Federal Judiciary"s institutionalized modus operandi. As a result, they have failed to safeguard a legal system that cannot serve the people if those who administer it abuse their power unaccountably, holding themselves above the law as they pursue the motive of money and other unlawful, unethical or improper benefits while denying everybody else under them the fair and impartial application of the law.

64. Yet, law professors and schools stand as educators of a people that committed themselves to "justice for all" through the rule of law. Had they remained true to their calling, they would have been the foremost advocates of judicial accountability and discipline reform. If only they had proceeded in accordance with the wisdom of Dr. Martin Luther King"s principle: "Injustice [not just] anywhere [but from the Supreme Court down] is a threat to justice everywhere [in the Judiciary and all its courts]".

65. The media too, as a matter of fact, have failed to expose judicial wrongdoing, particularly of federal judges.(juj:2¶4) The media have abdicated their professional duty to keep the people informed so that they may be in a position to assert their right to hold "government of the

[94] fn.27d >yre:43

people, by the people, for the people"[95] accountable to them and thereby defend the very nature and practice of a democratic republic. Instead, they have sought in self-interest to remain in good terms with life-tenured federal judges and avoided antagonizing them with investigations that could give rise to their retaliatory reaction. Nevertheless, the media know from experience that those same judges are the most vulnerable public officers to the most easily demonstrable journalistic charge, "the appearance of impropriety", let alone wrongdoing. (juj:37§d) Why did *The New York Times*, *The Washington Post*, and Politico drop without any explanation their investigation into the concealment of assets that they themselves suspected[57a] Then-Judge Sotomayor of having engaged in?[96]

2. The opportunity for public interest entities, journalists, and journalism students to pursue a novel stragegy for "progressive" journalism: to investigate a story that can provoke in the national public action-stirring outrage at judicial wrongdoing and thereby set in motion reformative change in the Federal Judiciary

66. Due to the default of those duty-bound to hold public officers, including judges, accountable, that task now falls to those for whose benefit that duty is supposed to be performed and who in a democratic society governed by the rule of law have the right to hold all public officers accountable: the people. Foremost among them are the entities that have made it their mission to advocate in the public interest „equal justice under law for all". They must expose those who frustrate that mission, namely, federal judges that by exempting themselves and being exempted by politicians from compliance with the requirements of legal and ethical conduct are able to give everybody else the residue left after the law is squeezed out of due process trampled underfoot: a mockery of justice.

67. For that exposure to take place, public interest entities need the investigative skills of principled, competent, and ambitious journalists. Since the latter may not be acting as representatives of a media organization, they need to enhance their resources with the meticulous work of, and multimedia technology available to, journalism students. The latter are held to rigorous compliance with the highest standards of professional quality and integrity by graduate schools of journalism, which center their pedagogical method on learning by doing and apply it by either assigning journalistic projects to their students or approving those proposed to them.

68. These public interest entities, journalists, and journalism students can advance toward their professional and academic goals and rewards(juj:2¶7) by jointly pursuing a novel strategy in a

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[95] Abraham Lincoln's Address on the Battlefield at Gettysburg, Pennsylvania, 19nov1883; http://Judicial-Discipline-Reform.org/docs/ALincoln_Gettysburg_Address.pdf

[96] Cf. **a)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-**NYTPubASulzberger**_jun-jul9.pdf **b)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-**WP_DGraham**_16jun9.pdf **c)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-**Politico**_12jun9.pdf; **d)** cf. fn.85d; **e)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-**NewsHour_Jim_Lehrer**.pdf **d)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-**Sen&HR_Jud_Com**_11jun4.pdf >p72

new field of activity: PIONEERING JUDICIAL UNACCOUNTABILITY JOURNALISM IN THE PUBLIC INTEREST. As journalistic investigators, they can render a valuable public service by searching for and reporting to the public information that it needs to defend its fundamental interest in "Equal Justice Under Law" administered by judges that are honest and comply with the requirements of due process of law. Information showing how that interest has been compromised can provoke action-stirring outrage. Generally, this is the type of outrage that causes the man in the street, voters too, to take action by demanding that politicians address a problem of vital public concern under pain of being voted out of office or not being voted in. In this context, such outrage can cause the public to demand that politicians officially investigate the federal and state judiciaries and legislate effective judicial accountability and discipline reform.

69. That demand is likely to be successful. The public has already been shown by a series of polls to disapprove in ever growing numbers Congress and the President for their incapacity to do their jobs. The failure of the congressional Super Committee to reach a deficit reduction agreement has only depressed even further the low esteem in which Congress and the President are held. The public would indignantly excoriate them if it learned that, in the self-interest of being in the good graces of powerful, life-tenured judges who could frustrate their political agendas and retaliate against them if they ever appeared before the judges in court, Congress and the President also failed in their duty to exercise constitutional checks and balances on the Judiciary and hold its judicial officers accountable, the harm that they inflicted on people‟s property, liberty, and lives notwithstanding. Under public pressure thus generated and aggravated by political challengers that seize the opportunity to attack incumbents for their individual or party responsibility for enabling judges‟ wrongdoing, Congress and the President, fearing for their political survival, are likely to give in and open judicial wrongdoing investigations that can lead to judicial accountability and discipline reform.

70. The current campaign for the 2012 presidential election can only heighten the likelihood that outrage at judicial wrongdoing will stir the public into such action. It has started to mobilize the public into passing judgment on politicians to decide whether to vote them in or out of office and how to vote in the primaries. By the same token, the campaign has made politicians more sensitive to the demands of the public. Hence, this is a most propitious time for public interest entities, journalists, and journalism students to investigate coordinated judicial wrongdoing and make a public presentation of their findings that can provoke such action-stirring outrage…and win those investigators the greatest professional, material, and academic rewards.(juj:2¶¶7-8)

3. The *DeLano*-J. Sotomayor case as the basis of a journalistic story revealing individual and coordinated judicial wrongdoing that can provoke action-stirring outrage in the public

71. Imagine the impact on a *national* audience of a journalistic story of concealment of assets to evade taxes, a judge-run bankruptcy fraud scheme, and their cover-up that involves President Barak Obama; his first justiceship nominee, Then-Judge Sonia Sotomayor of the Court of Appeals for the Second Circuit (CA2) and Now-Justice Sotomayor (J. Sotomayor); the Federal Judiciary, which engages in wrongdoing and tolerates it among its judges; and

Congress, which has covered for those judges before and after the Senate confirmed their nominations. This story will provoke in the public action-stirring outrage.(juj:30¶68)

72. The journalistic investigation of the *DeLano*-J. Sotomayor story can expose tax evading concealment of personal assets and a bankruptcy fraud scheme involving judges from the bottom of the Federal Judiciary hierarchy all the way to the Supreme Court.[61] It shows how judges disregard the law in substantive, procedural, administrative, and disciplinary matters, whether by doing it themselves or by doing nothing to stop their peers‟ disregard of it. It illustrates how judges dash the reasonable expectation of parties having and seeing justice done[41] by dismissing a case not only with a "perfunctory"[38] summary order, but also by merely citing cases that objectively have nothing to do with the facts or the law of the case at bar[74c]. So the case concerns the vital interest of every person and entity in this country in having, not just a „day in court‟, but also a true, meaningful one so that once there they are accorded due process of law. The satisfaction of that interest presupposes that of its underlying requisite, to wit, having honest[97] judges that administer justice according to law. The judges‟ character and law abidance determine their decisions, which through their in-case as well as their precedential value affect profoundly every aspect of the lives of the litigants in court and everybody else outside it.

73. The *DeLano*-J. Sotomayor story also reveals how judges engage in wrongdoing individually as well as collectively through the more insidious and pernicious coordination with each other and with insiders of the legal and bankruptcy systems[60], and how they do it so routinely as to have made of wrongdoing their institutionalized modus operandi. It also reveals coordination among judges and politicians to lie to the American people about their official actions so as to advance their personal, partisan, and class interests. To all of those officers applies a principle of law that springs from common sense: A person is deemed to intend the reasonable consequences of his actions. They all have intentionally harmed the people by enabling judges to wield unaccountable, in effect unreviewable, and thereby riskless, irresistible, and inevitably corruptive power over people‟s property, liberty, and lives. Their wrongdoing and the harm that they have inflicted will outrage the people. In their defense, the people will take action to demand that the judges be officially investigated and that judicial accountability and discipline reform be undertaken.

4. An investigation of the Federal Judiciary rendered promising and cost-effective by aiming to show to the public individual and coordinated judicial wrongdoing rather than prove in court to the judges' peers judicial corruption

74. The *DeLano*-J. Sotomayor story, at its core a legal case, was litigated all the way to the Supreme Court, taken through to all the competent administrative bodies of the Federal Judiciary[77], and in addition has been thoroughly researched. Hence, it can be further investigated in a cost-effective, narrowly focused fashion(juj:39§D) to be presented to the public as a journalistic story. This proposal aims to have that investigation conducted by United Republic and members of its coalition, such as Rootstrikers and Get Money Out, who

[97] On public officers' implied promise of honest service, see 18 U.S.C. §§ 1341, 1343, and 1346.

could be joined by like-minded investigative organizations, such as Think Progress[98], the Center for Public Integrity[99], and ProPublica[100]; and journalism students, who can enhance their investigative and multimedia resources while working under their supervision as part of a joint investigative project with journalism schools, which teach by having their students do journalistic work, such as the Investigative Reporting Workshop of the School of Communication of American University[101], City University of NY Graduate School of Journalism[102], and Columbia University Graduate School of Journalism[103].

75. Investigating the *DeLano*-J. Sotomayor case is a proper objective of any media outlet that advocates "progressive ideas and policies"[104], as Think Progress does. It is particularly proper for those that, like United Republic, are committed to providing information to the citizens in order to empower them;[105] and that, like Alliance for Justice, are thereby "[d]irecting public attention and our own advocacy resources to important issues that affect American life and justice for all"[106a-b], and have recognized the need "to cultivate the next generation of progressive

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98 **a)** http://thinkprogress.org/about/; **b)** http://Judicial-Discipline-Reform.org/teams/TP/11-12-5DrRCordero-FShakir.pdf

99 **a)** http://www.iwatchnews.org/about; **b)** http://Judicial-Discipline-Reform.org/teams/CPI/11-11-14DrRCordero-ExecDirBBuzenberg.pdf

100 **a)** http://www.propublica.org/about/; **b)** http://Judicial-Discipline-Reform.org/teams/PP/11-11-7DrRCordero-EdinCPSteiger.pdf

101 **a)** http://www.american.edu/media/news/20100309_AU_Fills_Investigative_Journalism_Gap.cfm; **b)** http://Judicial-Discipline-Reform.org/teams/AU/11-11-1DrRCordero-ProfCLewis.pdf

102 **a)** http://www.journalism.cuny.edu/faculty/robbins-tom-investigative-journalist-in-residence-urban-investigative/; **b)** http://Judicial-Discipline-Reform.org/teams/CUNY/11-11-8DrRCordero-ProfTRobbins.pdf

103 **a)** http://www.journalism.columbia.edu/page/88/88; **b)** http://Judicial-Discipline-Reform.org/teams/GSJ/11-10-3DrRCordero-ProfSCoronel.pdf; **c)** Cf. fn.171e-f

104 http://thinkprogress.org/about/

105 juj:iv/ent.ix and http://unitedrepublic.org/about-us/

106 **a)** http://www.afj.org/about-afj/afj-vision-statement.html; **b)** Just as the other "progressive" entities, Alliance for Justice must decide whether its "steadfast [commitment to] protecting and expanding pathways to justice for all…" and "the selection of judges who respect…core constitutional values of justice and equality…and the rights of citizens", id., is more important than the Hispanic ethnicity of Then-Judge Sotomayor cf.[39] that it made the central point of its support for her confirmation as a justice. At stake is whether Alliance possesses the integrity to acknowledge that on the basis of old and new evidence, such as that presented here, it must hold Now-Justice Sotomayor accountable for her concealment of assets(juj:21§1) and her cover up of the bankruptcy fraud scheme(juj:24§a). The decision is between being a Democratic Political Action Committee disguised as a public interest entity, with as little attachment to ethical values as the Supreme Court justices that it chastises for being Republican fundraisers disguised in robes, and being an honest advocate of "justice for *all*" and its foundation, fairness and impartiality, one that will not waver from or conceal the truth on political considerations and will hold all judges and

activists"[106c] and "expose students to careers in public interest advocacy"[106d] through a "Student Action Campaign, which provides year-round opportunities for students to engage in advocacy to ensure a fair and independent judiciary."[106e]

76. Public interest entities, journalists, and journalism students can jointly investigate the *DeLano*-J. Sotomayor story as a professional, journalistic, and academic project to perform their mission and duty to keep the citizenry informed so that it may know about the conduct of public officers and hold them accountable for the public trust vested in them. They can do so effectively within the scope of their respective professional and academic endeavor because they will not try to demonstrate that the officers engaged in corruption. This is the term usually employed by public interest entities and the media when exposing politicians and by politicians themselves when attacking each other. It is also the term most frequently used by litigants and their groups and supporters who complain against judges. However, corruption is most difficult to prove because it constitutes a crime and, consequently, requires meeting the highest legal standard of proof, that is, „beyond a reasonable doubt".

77. Rather, the goal of the investigators will be to apply professional standards of journalism to find facts and circumstances and expose them for the purpose of showing that these public officers, specially judges, engaged in individual as well as coordinated wrongdoing. This choice of goal is of fundamental importance because wrongdoing is a broader notion, easier to apply; therefore, it lowers the bar to the investigators" success. If they succeed in that arduous and no doubt risky pursuit, they can receive the recognition and gratitude owed to, and attain the historic, iconic status(juj:2¶7) as, the people"s Champions of Justice.

a. Wrongdoing: a broader notion easier to apply to judges and others

78. Wrongdoing is a broader notion than corruption because it includes also forms of conduct that are civilly liable, unethical, abusive of discretionary judgment, or that entail impropriety. Its field of applicability extends to what judges do in their official capacity, in non-judicial public life as citizens, and even in their private lives. Hence, wrongdoing is an essential notion for cleansing federal and state judiciaries of wrongdoing judges through media and public pressure rather than lawsuits in court, where judges watch out for their own. However, wrongdoing could be thought of as being limited to what an individual does alone.

79. By contrast, the notion of coordinated wrongdoing is much broader. Besides including the idea of two or more persons working together to do wrong, it embraces also the idea of enabling others to do wrong. Therefore, it is broad enough to include what judges:

    a. actively do wrong as:

        1) principals with others, that is, personally doing wrong in explicit (handshake) or implicit (wink and a nod) agreement with others or becoming

        2) accomplices through enablement

            (a) before the fact by creating conditions that are or are not wrong in

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politicians to the same high standards of legal and ethical conduct. **c)** http://www.afj.org/about-afj/; **d)** http://www.afj.org/resources-and-publications/films-and-programs/; **e)** http://www.afj. org/about-afj/the-first-monday-campaign.html

themselves (providing the password to the judges‟ confidential website section v. intentionally leaving confidential documents on the desktop within view of the „cleaning‟ crew) but that facilitate the wrong done by others, or

(b) after the fact by covering up their wrongs (dismissing complaints against judges or denying discovery of incriminating documents); and

b. passively enabling the continuation or undetection of wrongdoing by adopting the „three monkeys conduct‟ of seeing nothing, hearing nothing, and saying nothing, either because the judge

1) knows about the wrongdoing of others but is so indifferent to it that she says nothing or she actually

2) ignores it because she has willfully closed her eyes and plugged her ears, for instance, by failing to open an investigation or making a report to the competent authority, in order not to have her knowledge pressure her into saying something, thus preserving the excuse of „plausible deniability‟, that is, „I just didn‟t know so I didn‟t have anything to say‟.

c. Third-party beneficiaries of the judge‟s three monkeys conduct are able to continue doing wrong or keep their wrongdoing undetected, regardless of whether they

1) ignore that the judge engaged in knowing indifference or willful ignorance with respect to the third-parties‟ wrongdoing or

2) know because they saw the judge look on and walk away (onlooking passerby) or because they realize that if the judge had only looked into the matter with due diligence she would have found out about the third-parties‟ wrongdoing but she was too negligent or incompetent to do so (skylooking passerby).

80. It follows that the coordination among the wrongdoers can be:

a. express, such as through round-table agreement among wrongdoers; or

b. tacit among them but

1) pattern inferable from a series of acts so consistent in timing, participants, amount, result, etc., as to reveal a pattern of intentional conduct that negates the unreasonable explanation of an improbable chain of coincidences;

2) statistically inferable from the randomness of acts with equal chances of resulting in opposite (head/tail coin tossing) or cross-cancelling (over charge/under charge) results, e.g. all the mistakes of the clerks of court benefit the insiders and harm the outsiders rather than just 50% of mistakes do so and the other 50% the inverse.

81. The modes of coordination include, in addition to round table coordination, a hub and spoke system organized by a central wrongdoer that imparts instructions to several others with the result that the wheel of combined effort turns in a given direction divergent from the normal one. For example, a judge may tell individually to each of some clerks of court and law clerks what to do when a person comes to court expressing the intention to file for bankruptcy and they find out that the person is unrepresented, has a home in a certain geographic area, and its estimated value is above a certain figure. The clerks may follow her instructions, regardless of whether they realize who ends up buying the foreclosed home at a private auction for under a

certain amount (hub and spoke with rim because the clerks realize the connection between the intervening acts necessary to produce the ultimate result; or hub and spoke without rim when they do not know the ultimate result or do not realize how improbable such result is but for somebody"s pulling strings to produce it).

b. Knowing indifference: irresponsibility that gradually degenerates into complicity

82. Knowing indifference gradually raises the threshold of tolerance of wrongdoing: Another slim „salami slice" of wrongdoing is easier to swallow than a whole chunk of the salami stick. But slice by slice a judge can stomach even a nauseating crime. Nibbling on wrongdoing sickens his judgment and compromises his integrity, for it lays him open to reverse blackmail:

> "You knew what I was doing was wrong, but you simply stood aside and let me go ahead to where I am now. You knew the harm that I was causing others, but you wanted to keep my friendship and the friendship of my friends, of all of us judges. You enabled me either for the moral profit of continued camaraderie while letting me get the material profit that I wanted or you did it out of cowardice. In any event, take heart from this: You tell on me now and *I take you down with me!*"

83. Knowing indifference to the wrong or wrongful conduct of others also produces another profit that may be deposited in a bank automatically to grow in value effortlessly as with compound interest: a chip to be traded in for favors. Unexpectedly the need arises or the opportunity presents itself and the search for cash notices the golden gleams of those chips:

> "I let it slide when you received a loan from a plaintiff at an unheard of low rate, got free use of a hall for a judicial campaign meeting from lawyers with big cases before you, boasted of having gone on an all-paid judicial seminar without reporting it, and on and on. *Remember?!* Now it"s my turn. I need you to lean on your former classmate on the zoning board to rezone this lot commercial so that a company in which I am an unnamed investor can develop a shopping mall on it".[107]

84. Knowing indifference is not ignorant of its value; it only bids its time to realize it. In the process, it cheapens the moral fiber of those who show it.

c. Willful ignorance or blindness: reckless issue of a blank permit to do any wrong

85. Willful ignorance refers to the objective state of not knowing about wrongdoing because the judge suspected that if he had looked into the matter in question, he might not have liked what he might have seen so he abstained from looking into it.

86. In willful blindness the ignorance is subjective in that the judge knew the facts but willfully failed to draw reasonable conclusions that would have led him to at least suspect wrongdoing. Hence, he was blind to the facts willfully. Willful blindness is a broader notion and easier to apply because a person cannot claim to be competent and at the same time pretend that he just did not realize the implications of known facts which would have been realized by, in general, a reasonable person and, in particular, a person to whom knowledge of such implications is

[107] fn.81 & http://Judicial-Discipline-Reform.org/Follow_money/JudReform_from_outside.pdf

imputed as a result of his professional training and daily experience at work.

87. Willful blindness constitutes a form of wrongdoing even in the absence of probable cause to believe that a crime has been committed. The wrong lies precisely in the decision to look the other way from where such cause might be found and thereby avoid finding it and having to take action to expose and punish the wrongdoer. This lower standard is illustrated by the statutory duty imposed on federal judges to report to the respective U.S. attorney "reasonable grounds for believing [not just] that any violation [of bankruptcy laws] has been committed [but also] that an investigation should be had in connection therewith [to ascertain whether any violation has occurred]"[83a]. A judge who does not call for an investigation when a reasonable person would have enables, for instance, the bankruptcy fraud of concealment of assets to go on undetected.

88. Through willful blindness a judge avoids an investigation that can make her and others learn about, and take action against, the wrongdoer. The latter may be a peer, a clerk, an insider, or a lawyer who may be a voter or donor in a judicial election. Friendship with a colleague for 1, 5, 10, 15, 20 years is given precedence over duty. By so doing, the judge intentionally violates her shared, institutional duty to uphold the integrity of the courts and their administration of justice. That is the defining duty of her office. That conduct detracts from public confidence in her as well as other judges‟ impartiality and commitment to the rule of law. It supports the impression that they cover for each other regardless of the gravity of the wrong that may have been done. It casts doubt on their sense of right and wrong. Whatever the wrong that one of their own may have done, they exonerate them from any charge before they even know its nature and their degree of moral responsibility or legal liability. Their attitude is "anything goes, for a judge can do no wrong". So they turn a blind eye before they see evidence of wrongdoing that destroys their pretense that they did not do anything because they had not seen anything requiring them to take action. Such „no action due to lack of knowledge‟ pretense is in itself dishonest. It is also blamable because it amounts to engaging in a blanket cover up.

89. Willful blindness allows what occurred to go undetected and removes fear of detection, which facilitates and encourages what still may occur. In reliance on the judge‟s willful blindness in the past, the wrongdoer expects that the judge‟s willful blindness will also cover her future wrongdoing. Hence, it renders a judge liable as an accessory before and after the fact.

d. Impropriety: the widest and tested notion, which already forced and again can force a justice to resign

90. Impropriety enhances substantially the usefulness of the notion of wrongdoing, particularly since there is precedent showing that it actually does. To begin with, it is the most flexible „I recognize it when I see it‟ form of wrongdoing. It derives directly from the federal judges‟ own Code of Conduct, whose Canon 2 requires that "A Judge Should Avoid Impropriety And The Appearance Of Impropriety In All Activities" [76a]. Moreover, while federal judges are de facto unimpeachable(juj:9§a) and thus irremovable, the notion of "impropriety" has been applied with astonishing effect.

91. Indeed, impropriety led U.S. Supreme Court Abe Fortas to resign on May 14, 1969. He had not committed any crime given that the financial transaction that he was involved in was not criminal at all; nor was it clearly proscribed as unethical. Yet it was deemed „improper‟ for a justice to engage in. The impropriety was publicly ascertained after it became known that he…

> "had accepted fifteen thousand dollars raised by [former co-partner] Paul Porter from the justice's friends and former clients for teaching a summer course at American University, an arrangement that many considered improper. Republicans and conservative southern Democrats launched a filibuster, and the nomination [to chief justice by President Lyndon Johnson] was withdrawn at Fortas's request. A year later Fortas's financial dealings came under renewed scrutiny when *Life* magazine revealed that he had accepted an honorarium for serving on a charitable foundation headed by a former client [Louis Wolfson]. Fortas resigned from the Court in disgrace….his old firm refused to take him back…Fortas's relationship with Wolfson seemed suspect, and the American Bar Association declared it contrary to the provision of the canon of judicial ethics that a judge's conduct must be free of the appearance of impropriety."[108]

92. This precedent leaves no doubt that the resignation now of a current justice, and all the more so of more than one and of judges, is a realistic prospect. Public interest entities, journalists, and their supervised journalism students can endeavor to realize it where warranted by the facts and circumstances discovered through their pioneering judicial unaccountability journalism. Justice Fortas's resignation also shows that the notion of impropriety turns judges into the public officers most vulnerable to media and public pressure despite the fact that individually and as a class they wield the power that can most profoundly affect people's property, liberty, and lives. Therefore, the competent and principled application of the impropriety notion by the investigators can make the difference between their merely completing their professional and academic project successfully and shaking the Federal Judiciary to its foundations, making history in the process.

[108] The Oxford Companion to the Supreme Court of the United States, 2nd edition, Kemit L. Hall, Editor in Chief; Oxford University Press (2005), pp. 356-357.

D. The proposed two-pronged investigation by competent, principled, and ambitious public interest entities, journalists, and journalism students of the *DeLano*-J. Sotomayor story: the *Follow the money!* and *Follow the wire!* investigation

93. The investigation of the *DeLano*-J. Sotomayor story has two prongs: One is the *Follow the money!* investigation, for the actors in the story are driven by the most corruptive motive: *money!* In addition, there is probable cause to believe that the email, mail, and phone communications of those trying to expose the judges" wrongdoing have been interfered with. This calls for a *Follow the wire!* investigation.[109]

1. The *Follow the money!* investigation

94. The public interest entities, journalists, and the journalism students and their schools working on a joint project with them can start off their investigation by pursuing the many leads[110] that the prosecution of DeLano and related cases from bankruptcy, district, and circuit court all the way to the Supreme Court[111a] has already produced. They can search for:

a. the unaccounted-for earnings[57c] and undisclosed secondary real estate assets[57a] of Then Judge and Now Justice Sonia Sotomayor (J. Sotomayor);

b. her condonation of the systematic dismissal of complaints against her peers and her cover-up of them through the denial in the circuit council of 100% of dismissal review petitions[111b];

c. the unaccounted-for money and assets that WBNY Bankruptcy Judge John C. Ninfo, II[68d,77], and the judge to whom his M&T decisions[112] and *DeLano* were appealed, i.e., WDNY District Judge David G. Larimer[113], and their bankruptcy and legal system

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109 fn.65 >HR:266§II

110 **a)** Valuable leads for the *Follow the money!* investigation: http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >W:1§§I-III and W:29§§V-VIII personal and financial data; W:148¶¶3-4 contact information.

b) Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed; id. W:271

c) fn.65 >HR:215-218; and **d)** the guidance provided by a proposed subpoena identifying key documents to trace back concealed assets, id. >HR:233§E and http://Judicial-Discipline-Reform.org/HR/11-4-25DrRCordero-HR_ComJud_subpoena.pdf

e) How to Conduct A Watergate-like *Follow the Money!* Investigation To Expose Coordinated Wrongdoing in the Judiciary While Applying the Highest Standards of Investigative Journalism; http://Judicial-Discipline-Reform.org/Follow_money/how_to_follow_money.pdf

111 **a)** fn.68b; **b)** juj:11¶¶22, 52; and fn.65 >HR:214

112 fn.68b >GC:17§B and 21§C

113 **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_CA2.pdf, 9july3, >A:1304§VII, A:1547¶4, and **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero_DeLano_

insiders[67a,b;68b] helped:

1) to conceal in *DeLano* -at least $673,657[110a]- which the bankruptcy, district, and circuit judges and the justices covered up both by denying *every single document* requested by the outsider-creditor and needed by them to find the facts on which to decide the case, including 12 denials in *DeLano*, over which Judge Sotomayor presided[61], and by her withholding *DeLano* from the Senate and its Judiciary Committee[64], lest those documents expose their bankruptcy fraud scheme[59];

2) to cause to disappear in *Premier* and *Pfuntner*[112], which the CA2 panel that heard the appeal, presided over by CA2 Chief Judge John M. Walker, Jr., maintained concealed by dismissing the appeal on a contrived summary order[114] and denying the mandamus petition[115] to remove Judge Ninfo from those cases and transfer them to another U.S. district court that could presumably be fair and impartial.

d. Judge Larimer"s unaccounted for money in the mandatory[57d] annual financial disclosure reports that he filed with the Administrative Office of the U.S. Courts[116]. In 2008, his judicial salary alone was $169,300[117], placing him in the top 2% of income earners in our country[118]. Yet, in his available financial disclosure reports, he disclosed for the reported years up to 5 accounts with $1,000 or less each, no transaction reported in a mutual fund or the other accounts, and a single loan of between $15K-$50K. Where did his money go?

e. The financial reports of Judge Ninfo[119], who presided over all the cases here in question

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WDNY_21dec5.pdf > Pst:1255§E; **c)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf, 17mar7, >CA:1702§VII and 1735§B

[114] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_CA2_rehear.pdf, 10mar4

[115] http://Judicial-Discipline-Reform.org/docs/DrCordero_mandamus_app.pdf, 12sep3

[116] http://Judicial-Discipline-Reform.org/docs/J_Larimer_fin_disclosure_rep.pdf

[117] 5 U.S.C. §5332; http://uscode.house.gov/download/downloadPDF.shtml >110th Congress, 2nd Session (2008) (2006 Edition and Supplement II) >5400819 2008usc05.pdf >§5332, Schedule 7, Judicial Salaries

[118] http://Judicial-Discipline-Reform.org/docs/US_Census_Income_2010.pdf >Table 689. Money Income of People--Number by Income Level: 2007

[119] **a)** His financial disclosure reports and those of all other federal judges can be retrieved for free from Judicial Watch; http://www.judicialwatch.org/judicial-financial-disclosure. **b)** Their examination can help determine the pro forma character –or charade– of their filing by the judges and their acceptance, as part of the Judiciary's coordinated wrongdoing, by the Judicial Conference of the U.S., http://Judicial-Discipline-Reform.org/docs/28usc331_Jud_Conf.pdf and http://www.uscourts.gov/FederalCourts/JudicialConference.aspx, Committee on Financial Disclosure, a committee of judges, who are their peers and filers of similar reports, assisted by members of the Administrative Office of the U.S. Courts (**fn.10**), who are their appointees and serve at their pleasure; http://www.uscourts.gov/SearchResults.aspx?IndexCatalogue=AllIndexedContent&SearchQuery=Committee%20on%20Financial%20Disclosure.

and more than 7,280 of only two insider trustees[67a, 68b].

2. The *Follow the wire!* investigation

95. This investigation will:

a. seek to determine whether the anomalies in the behavior of email accounts, mail, and phone communications[109] are traceable to the Judiciary‟s abuse of power by ordering its own and other technical personnel to illegally intercept people‟s communications with the intent to:

1) impede the broadcast of facts regarding its abusive discipline self-exemption and resulting riskless coordinated wrongdoing;

2) hinder the formation of an entity for the advocacy of journalistic and official investigations of such wrongdoing; and thus

3) forestall the adoption of effective judicial accountability and discipline reform.

3. Field investigation on deep background: the search for Deep Throat

96. The public interest entities, journalists, and the journalism students supervised by them can continue their investigation in the field. There they can approach a source of information[120] that is essential to expose coordinated judicial wrongdoing: the judges‟ law clerks[121a] and the clerks of court[122]. They have inside knowledge of what goes on in chambers. But they will not talk openly. That would put at risk what every law clerk works for: a glowing recommendation from their judge that they can cash in for a job with a top law firm and an enticing sign-up bonus.[121b] But law clerks are young and still have the idealism of young people. Some even studied law because they believed in our system of justice and the power of the rule of law to make a better world. In this frame of mind, they can only feel disgusted at all the wrongdoing that they must witness in silence in their judges‟ chambers and in the courtroom and are even required to execute as the judges‟ agents of wrongdoing.

97. Likewise, clerks of court know what goes on among the court judges and are aware of the divergence between what they are supposed to do according to the internal operating rules[123] and what they are told by judges to do and even the reason for it. For example, clerks are supposed to spin the wheel to assign judges to cases randomly so that their biases do not

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120 A Journalist's Guide to the Federal Courts, Administrative Office of the U.S. Courts; p.10. Types and Sources of Court Information; http://Judicial-Discipline-Reform.org/docs/AO_Journalists_Guide_sep11.pdf;

121 **a)** Law Clerks Handbook: A Handbook for Law Clerks to Federal Judges, 2nd ed., edited by Sylvan A. Sobel; Federal Judicial Center (2007); http://Judicial-Discipline-Reform.org/docs/law_clerk_handbk_07.pdf; **b)** fn.27d >yre:40

122 **a)** National Conference of Bankruptcy Clerks; http://ncbc.memberclicks.net/; **b)** Federal Court Clerks Association; http://www.fcca.ws/

123 Cf. http://Judicial-Discipline-Reform.org/docs/CA2_Local_Rules_IOP_8sep11.pdf

influence which cases they pick or pass up. But if a judge asks for a case, what is a lowly clerk going to do?, risk being reassigned from the sunny documents in-take room to the moldy archive warehouse? He may choose to do as told and keep quiet about his realization that…

98. Judge Brypen always asks for cases to which a certain land developer is a party, which owns the hotel chain where a bank holds its semi-annual meetings at which the Judge is always invited to speak. The day the Judge told the clerk to declare the court closed due to a flash flood, the Judge blurted that he would go "to my room at the Bella Vita", the local hotel of that chain. The following day he arrived on time at the court wearing a suit and a tie that the clerk had seen before. Judge Brypen could not have brought those clothes from home the day before in anticipation of an unexpected flood or go home and change early that day due to the still flooded condition of the road to his home. The clerk put it together: The Judge has a permanent room at the hotel where he keeps clothes; the land developer always wins his cases. The clerk will not talk about this on the record. However, on a promise of anonymity he can provide information that the journalistic investigators cannot find as, or from, outsiders. He can help them find out whether Judge Brypen uses the room for free as payment of a bribe in kind, what he uses it for, whether the judge and the land developer meet in chamber or have scheduled meetings elsewhere, whether the former is an investor in the latter's business; etc.

99. Law clerks and clerks of court can be assured that if they want to contribute to exposing individual and coordinated wrongdoing in the Judiciary by confidentially communicating inside information to the investigators, their existence and anonymity will be held so confidential as to turn the clerks into the modern version of a historic figure: Deep Throat, the deputy director of the FBI, William Mark Felt, Sr., who provided guidance to *Washington Post* Reporters Bob Woodward and Carl Bernstein in their Watergate investigation and whose identity they kept secret for 30 years until Mr. Felt himself revealed it in May 2005.[124] The same assurance can be extended, of course, to current and former bankruptcy and legal system insiders[60] and members of the Judiciary as well as members of the Executive Branch and Congress.

100. This type of investigative journalism has hardly ever been practiced with the Federal Judiciary as the target, yet its potential is enormous. Just consider the amount of valuable information that can also be provided by waiters and waitresses, maids, concierges, drivers, and other personnel at hotels and resorts where judges attend or stay overnight when they participate in the semi-annual meetings of the Judicial Conference of the U.S.[125], circuit conferences[126],

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[124] **a)** http://Judicial-Discipline-Reform.org/docs/FBI_No2_Deep_Throat.pdf;
b) http://www.citmedialaw.org/state-shield-laws; and http://www.firstamendmentcenter.org/

[125] The Judicial Conference, fn.119, is the Federal Judiciary's highest administrative and disciplinary body. Its presiding member is the Chief Justice of the Supreme Courts and its other voting members are the chief judges of the 13 circuits and the Court of International Trade as well as one district judge per each of the 12 regional circuits; and a non-voting bankruptcy and a magistrate judge; http://www.uscourts.gov/FederalCourts/JudicialConference/Membership.aspx. It meets in March and September, fn.25, for two or three days at the Supreme Court and the Administrative Office of the U.S. Courts, which maintains its secretariat, in Washington, D.C.; fn.10. At the latter venue, its circuit and district members meet with the judges that form the Conference's many committees; http://www.uscourts.gov/FederalCourts/JudicialConference/Committees.aspx. Its meetings are always held behind closed doors, http://Judicial-Discipline-Reform.org/

private seminars[127], and meetings of classes of judicial officers and employees[128]. What did they hear and whom did they see when they were serving the chief judge and his guests in his hotel suite at midnight after their inhibitions had been washed away by potent torrents of brandy and cognac and their boisterous conversation was littered with the flotsam of their wrongdoing: stories of how they had outsmarted the IRS by using offshore accounts set up by big banks with cases before them; how the day before leaving for the meeting they had cleared their desk of unread[128e] pending cases by signing a bunch of summary orders so they could feel free to enjoy the „holiday"; how the next day they would meet privately with some bidders for the contract to remodel the courthouse; how they are planning for the judge to make an „unexpected" cameo appearance at a political fundraising event where she will pronounce a few words of gratitude for the support of the audience and their contributions to the event organizers" good work…„for our veterans and those still fighting for our shared principles and constitutional values…umm in Afghanistan"; etc.(cf. juj:10¶21)

4. Library investigation

101. The public interest entities, journalists, and their journalism student supervisees can also conduct a library investigation. Starting with the leads already available[110], they can search for relevant information in:

a. commercial databases[129], e.g., Dialog, Dun & Bradstreet, EDGAR (financial filings), Hoover, LexixNexis, Martindale (directory of law firms and biographies of lawyers)[130], Proquest, Saegis and TRADE-MARKSCAN, Thomson Reuters CLEAR;

b. government databases, e.g.,:

1) Administrative Office of the U.S. Courts[131],

2) Code of Federal Regulations (regulations and decisions of federal agencies)[132],

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docs/DrRCordero-investigators_leads.pdf, after which it issues an anodyne press release on miscellanea, http://Judicial-Discipline-Reform.org/Follow_money/JConf_systematic_dismissals.pdf. See map of the 12 regional and 1 national circuits, fn.23a and fn.126b.

[126] **a)** Each circuit holds a conference annually and in some cases biennially to deal with administrative matters, as provided for under 28 U.S.C. §333, http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf; cf. http://www.ca9.uscourts.gov/judicial_council/judicial_council.php. **b)** Circuit map: http://www.uscourts.gov/Court_Locator.aspx

[127] On the duty of judges to disclose attendance at seminars and who pays its cost; http://www.uscourts.gov/RulesAndPolicies/PrivateSeminarDisclosure.aspx

[128] **a)** Federal Judges Association; http://www.federaljudgesassoc.org/; **b)** Federal Magistrate Judges Association; http://www.fedjudge.org/; **c)** National Conference of Bankruptcy Judges; http://www.ncbj.org/; **d)** Supreme Court Fellows Program; http://www.supremecourt.gov/fellows/default.aspx; **e)** cf. fn.76c >CA:1749§2

[129] Cf. commercial databases with links at fn.167¶10

[130] http://www.martindale.com/

[131] http://www.uscourts.gov/Home.aspx

3) Council of the Inspectors General on Integrity and Efficiency (73 I.G.s that act as watchdog of federal government operations)[133],

4) General Accounting Office (the investigative arm of Congress, reputedly impartial and thorough)[134],

5) National Association of Counties[135],

6) National Association of County Recorders, Election Officials and Clerks[136],

7) Office of Management and Budget (attached to the White House, i.e. the Executive Branch)[137],

8) PACER (Public Access to Court Electronic Records, particularly rich in bankruptcy filings)[138],

9) Securities and Exchange Commission (filings of publicly traded companies)[139],

10) state family courts (where divorce and child custody dispute may reveal hidden assets, unpaid taxes, and money laundering)[140],

11) THOMAS (the Library of Congress)[141],

12) the U.S. Senate[142] and the U.S. House of Representative[143] (which contain a treasure trove of reports on the investigations and hearings that normally precede and provide the foundation for federal law);

13) U.S. Code[144] (the thematic collection of all public and private laws of the federal government)

14) US Tax Court (where litigants‟ filings may disclose otherwise confidential tax information)[145],

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[132] http://www.gpoaccess.gov/cfr/index.html

[133] http://www.ignet.gov/

[134] http://www.gao.gov/

[135] http://www.naco.org

[136] http://www.nacrc.org/

[137] http://www.whitehouse.gov/omb/

[138] http://www.pacer.uscourts.gov/index.html

[139] http://www.sec.gov/

[140] http://family.findlaw.com/family/family-law-help/state-family-courts.html

[141] http://thomas.loc.gov/home/thomas.php; cf. the Legal Information Institute of Cornell University Law School, http://www.law.cornell.edu/

[142] http://www.senate.gov/

[143] http://house.gov/

[144] http://uscode.house.gov/download/download.shtml

[145] http://www.ustaxcourt.gov/

15) cf. WestLaw (though a division of the private company Thomson Reuters, it reports under contract with federal and state[146] governments court procedural rules and case decisions, legislation, as well as information on judges, lawyers, companies, people, commercial transactions, etc.)[147]

16) U.S. Code Congressional & Administrative News (U.S.C.C.A.N.; containing the transcripts of congressional sessions; published by WestLaw)[148];

c. credit reporting bureaus, e.g., Equifax, Experian, TransUnion; Privacy Guard;

d. social networks, e.g., Facebook, Twitter, UTube;

e. accounts of dealings with judges and insiders posted by the public on websites that complain about judicial wrongdoing;[149]

102. To calculate Then-Judge Sotomayor"s earnings and assets from earlier in her work-life than was possible at the time of drawing up the table of her financial information[57c], the investigators can:

a. request under the NY Freedom of Information Law (FOIL)[150] the documents concerning the payment of her salary when she was an assistant district attorney in the NY County District Attorney"s Office during 1979-1984[151];

b. interview her former employer, the high end boutique law firm of Pavia & Harcourt, to find out, in general, her earnings there from April 1984 to September 1992 and, in particular in the context of the contrast made in "For a justice, Sonia Sotomayor is low on dough", by Josh Gersten of Politico, between „the about $25,000 that she was due for her partnership interest" in that firm and „the more than $1,000,000 that chief justice John Roberts was paid in salary and compensation for his interest when he left his law firm, Hogan & Hartson, in 2003"[152].

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146 **a)** http://government.westlaw.com/nyofficial/;
b) see also http://www.nysl.nysed.gov/collections/lawresources.htm and http://public.leginfo.state.ny.us/MENUGETF.cgi?COMMONQUERY=LAWS+&TARGET=VIEW

147 http://directory.westlaw.com/

148 http://directory.westlaw.com/default.asp?GUID=WDIR000000000000000000000010525 7&RS=W&VR=2.0

149 Alliance for Justice, www.afj.org/; Citizens for Judicial Accountability, http://www.judicialaccountability.org/; Citizens for Responsibility and Ethics in Washington, http://www.crewsmostcorrupt.org; National Association of Court Monitoring Programs, http://www.watchmn.org/; Judicial Watch, http://www.judicialwatch.org; National Association to Stop Guardian Abuse; http://nasga-stopguardianabuse.blogspot.com/2010/05/probate-judge-violates-ethics-code.html; National Forum on Judicial Accountability, http://www.njcdlp.org; Victims of Law, http://victimsoflaw.net/

150 http://Judicial-Discipline-Reform.org/docs/NY_FOIL&court_records.pdf

151 Cf. http://Judicial-Discipline-Reform.org/docs/DrRCordero-DANY_june09.pdf

152 fn.57a >ar:7; http://judicial-discipline-reform.org/SCt_nominee/Pavia&Harcourt_7feb10.pdf

5. Investigation by appealing on the Internet and social media to the public

a. Accounts of dealings with the judiciary

103. The public interest entities, journalists, and the journalism students supervised by them can also make innovative use of the Internet and social media to appeal to the public to submit their accounts of their dealings with the Federal Judiciary, in particular, and also the state judiciaries, in general. While those accounts may be anecdotal and not necessarily factually accurate or legally correct, they can help sound out the depth and nature of the problem of coordinated judicial wrongdoing. From this perspective, they can provide assistance by educating the journalists on the forms of wrongdoing. The frequency and consistency of account details can prove invaluable in detecting patterns[153] of conduct that reveal intentional conduct and coordination among judges, insiders, and others, which in turn can help figure out the most organized and pernicious form of coordinated wrongdoing: schemes.[59] Likewise, responses to neutral questionnaires can help determine public perception of the fairness, impartiality, and honesty of judges and the degree of public satisfaction with, and trust in, the administration of justice.

b. Questionnaires as precursors of a statistically rigorous public opinion poll

104. No doubt, such accounts and completed questionnaires will be submitted by a self-selected segment of the population. Submitters will most likely be people who bear a grudge against judges because of negative experiences with them. Such experiences have charged them emotionally to take advantage of the opportunity to vent their feelings toward them and criticize their performance. Since responders need not constitute a representative sample of the general public, their responses cannot be equated with those of a public opinion poll conducted according to statistics principles. Yet, their accounts and completed questionnaires can provide the groundwork for devising such a poll in a subsequent, more institutional phase[167](juj:61§h) of the investigation of coordinated judicial wrongdoing.

c. Copies of past and future complaints against judges made public as an exercise of freedom of speech and of the press and of the right to assemble

105. Another type of accounts of dealings with judiciaries that can prove useful even if submitted in a smaller number than general accounts is formal complaints against judges filed under federal[18] or state law. In the Federal Judiciary, as revealed by its official statistics[154], (a) these complaints are systematically dismissed by chief circuit judges(juj:11¶¶22-24); (b) petitions to review those dismissals are systematically denied by the circuit and district judges of judicial councils;[80b] and (c) petitions to review those denials have never been addressed by those chiefs and district judges that are members of the Judicial Conference[125]. This consistent and

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153 Under the federal Racketeer Influenced and Corrupt Organizations Act (RICO) a pattern of racketeering can be established by two acts of racketeering activity occurring within 10 years; http://Judicial-Discipline-Reform.org/docs/18usc1961_RICO.pdf >18 U.S.C. §1961(5).

154 fn.19a and b >Cg:1-10

unconditional partiality of judges toward their own provides evidence of coordinated conduct, whether through agreement(juj:34¶¶79-80), knowing indifference(juj:36§b), or willful blindness (juj:36§c), aimed at reciprocally covering up their wrongdoing regardless of the nature and gravity of the allegations(juj:24¶52) or the detriment to complainants and the administration of justice.

106. Judges‟ systematic dismissal of complaints against them allow the inference that judges (1) have become accustomed to their practice of covering up their complained-about wrongdoing; (2) have developed such practice into their express or tacit policy to tolerate and participate in each other‟s wrongdoing and, consequently, (3) have no scruples about applying it when they become aware of their peers‟ wrongdoing through sources of information other than complaints regardless of the nature and gravity of such wrongdoing. What obtaining copies of the complaints themselves can add is concrete even if unverified details of the nature and gravity of such wrongdoing and the names of judges, insiders, and others alleged to be engaged in it. As in the case of general accounts, these details can prove invaluable in detecting patterns and figuring out schemes, such as the bankruptcy fraud scheme. Therefore, copies of these complaints can contribute to establishing that coordinated wrongdoing has become the Judiciary‟s institutionalized modus operandi.

107. Complaints against judges are not placed in the public record or otherwise made available to the public by the courts, which keep them secret even from Congress. But however much the judges would like to pretend that complaints are confidential, they are simply to be kept confidentially by them upon complainants filing them with the courts.[155] Congress itself cannot prohibit the media from publishing such complaints, for that would be an unconstitutional violation of freedom of the press. It follows that Congress cannot indirectly achieve that result through a prior restraint on publication by prohibiting every person in this country from sharing his or her complaint, whether in writing or orally, with anybody else, including the media. Doing so would in itself be an unconstitutional violation of freedom of speech. Therefore, the journalistic investigators can invite the public to exercise their constitutional right under the First Amendment to “freedom of speech, of the press, [and] peaceably to assemble, and to petition the Government for a redress of grievances”[12] by submitting to them copies of their past, pending, and future complaints against judges for review and possible publication.[156]

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[155] fn.18 >§360(a)

[156] http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf >5§C. Organizing and posting evidence

E. Multimedia public presentation, made by public interest entities, journalists, and their supervised journalism students, and held at a press conference, a special event, or a student media job fair, of i) their findings of their *Follow the money!* and *Follow the wire!* investigation of the *DeLano*-J. Sotomayor story, ii) the *I accuse!* manifesto, and iii) an academic and business venture proposal

1. Multimedia public presentation at a press conference, a special event, or a journalism student job fair

108. Public interest entities, journalists, and journalism schools and students working jointly with them[cf.171e] can make a presentation[157a] of the statistics of coordinated judicial wrongdoing (juj:9§A), the evidence of it available in the *DeLano*-J. Sotomayor story(juj:21§B), and what they found through their own *Follow the money!* and *Follow the wire!* investigation[110] of that story (juj:39§D) as pioneers of judicial unaccountability journalism. The presentation can take place at a widely advertised multimedia public event[158] so as to provoke action-stirring outrage in the public, who will want to get to the bottom of it all. Its demand for pertinent news will create a market incentive(juj:3¶¶14-15) for the media to satisfy it, thus giving rise to a demand-driven Watergate-like generalized media investigation to find out how far high such wrongdoing reaches and how widespread it is in the Federal Judiciary and among its insiders, such as those of the legal and bankruptcy systems[60]. They will follow the lead of the presenters into the new field of judicial unaccountability journalism.

109. The presentation can be held at a university auditorium, a theater, or news network studio.[cf.2] It can be a press conference or a more elaborate academic conference on coordinated wrong-doing among federal judges and its institutionalization as the Federal Judiciary"s modus operandi. In addition to advertising it to the public, the presenters can also extend individual invitations to other public interest entities, including civil rights and public defender organizations, and their philanthropic supporters; investigative journalists, legal reporters, network anchors, and pundits; talk show hosts; owners of judicial victims websites; bloggers; newspaper, popular magazine, professional journal, and book publishers; similar public opinion shapers with multiplier effect; incumbent politicians and their challengers; judges and their clerks; lawyers and law enforcement officers; law, journalism, business, and IT school professors and student class officers and organizations; etc.

110. A presentation at a journalism student job fair will offer an additional and exceptional opportunity in itself. It will allow the presenting students to display their acquired professional skills and turn a job fair into their personal job interview.[157b] Furthermore, in recognition of the fact that journalism, besides being an essential public service entity by strengthening our democracy on the foundation of an informed citizenry, is also a business, the students can lay out to the recruiters, editors, and other business people an academic and business venture

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157 **a)** http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf >Dn:11; **b)** cf. id. >Dn:8

158 **a)** http://Judicial-Discipline-Reform.org/docs/DrRCordero_Course_trigger_history.pdf >1 §§A-C; **b)** http://Judicial-Discipline-Reform.org/DeLano_course/15Journalism/5DrCordero_syllabus.pdf

proposal.(juj:51§3) Thereby the students can show that they can bring to their future employer the new business of judicial unaccountability journalism in the public interest together with a plan to grow it into a more ambitious business entity.(juj:61§h)

111. An event as a job fair that gathers many representatives of the media will greatly facilitate educating them on the evidence of coordinated judicial wrongdoing and the application to it of judicial unaccountability journalism. Thereby it will boost the effort to launch a Watergate-like generalized media investigation of the *DeLano*-J. Sotomayor national story that can achieve a scoop: the resignation of one or even more justices(juj:37¶¶90-91) due at the very least to their failure to "avoid even the appearance of impropriety"(juj:24¶¶52-54)[159], if it is not because wrongdoing is shown or evidence of corruption makes holding on to office untenable. Such an arresting act can provide the incentive for other entities and people to conduct similar investigations of state judiciaries.(juj:3¶14) Regardless of who gets that scoop, it will remain a fact that it was the team of journalists, journalism deans, professors, and students, and public interest entities who recognized the potential for advancing their "progressive" mission of "justice for all" and the public significance –both heightened substantially by an ongoing presidential election campaign– of the *DeLano*-J. Sotomayor national story, investigated it through their pioneering practice of judicial unaccountability journalism, and first presented its outrageous and action-stirring findings to the media and the American public.

2. The *I accuse!* manifesto denouncing coordinated judicial wrongdoing

112. The judicial unaccountability investigators, that is, the public interest entities, the journalists, and the journalism students, can present the evidence to the public in a series of expository articles widely published on their own websites and social media accounts as well as by traditional media, the hundreds of websites and Yahoo- and Googlegroups that complain about judicial wrongdoing, bloggers[160], and blawgs[161], etc. The initial article can:

a. denounce based on official statistics and the *DeLano*-J. Sotomayor national story how federal judges' exercise of unaccountable power and pursuit of their money motive in practically unreviewable cases have allowed their turning their Judiciary into a safe haven for wrongdoing and how their coordination has enabled them to multiply the instances and scope of wrongdoing so that it has become their institutionalized modus operandi;

b. show how their unaccountability has made it possible for judges risklessly to:

1) dispose of cases by disregarding law and facts;

2) dispense with discovery rules and due process requirements;

3) arbitrarily and deceitfully dispose of even unread cases by issuing no-reason

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[159] **a)** Cf. >Dn:8; **b)** http://Judicial-Discipline-Reform.org/docs/ABA_Prof_Respon_links.pdf

[160] http://Judicial-Discipline-Reform.org/docs/from_bloggers_to_media.pdf

[161] Cf. **a)** http://blawgreview.blogspot.com/; **b)** http://www.blawg.com/; **c)** http://aba.journal.com/blawgs; **d)** http://www.scotusblog.com/; **e)** http://www.loc.gov/law/find/web-archive/legal-blawgs.php; **f)** http://blawgsearch.justia.com/blogs/categories/judiciary

summary orders and perfunctory "not for publication" and "non-precedential" opinions;

4) tolerate and participate in concealment of assets;

5) allow the running of a bankruptcy fraud scheme;

6) make and accept pro forma financial disclosure reports that cover tax evasion and require money laundering;

7) dismiss systematically complaints against judges and petitions for dismissal review;

8) cover up wrong and wrongful circuit panel decisions by systematically denying en banc petitions to review them by the whole court;

9) change court rules with disregard for the public comments that they receive but do not publish so that their request for such comments is purely pro forma;

10) disregard their duty to file complaints against judges and/or investigate them based on information otherwise acquired than through complaints in order to safeguard the integrity of the administration of justice[162]; and

11) disregard their statutory duty to report to law enforcement authorities their belief rather than evidence that an investigation for violation of the law should be had.

113. The initial evidence-exposing article can constitute a manifesto against judicial unaccountability and its consequent coordinated wrongdoing in the Federal Judiciary. It can become the modern version of *I accuse!*, the open letter to the French President that novelist Émile Zola published in a newspaper. In it he dared denounce the conviction of Jewish French Lieutenant Alfred Dreyfus for spying for the Germans as based on false accusations stemming from an Anti-Semitic conspiracy among French army officers.[163] Zola's courageous denunciation is credited with not only bringing about the exoneration and rehabilitation of Lt. Dreyfus, but also setting off a historic critical examination of many French officers' above-the-law sense of superiority in contradiction to the ideals of Liberty, Equality, and Fraternity that constituted the standard bearers of the collective French soul.

114. The *I Accuse!* manifesto can likewise launch a reformative debate in our country on the evidence of the Federal Judiciary as the safe haven for coordinated wrongdoing of Judges Above the Law.[164] It can expose how the Judiciary is left undisturbed by a self-preserving Congress and Executive Branch pretending deference to the doctrine of separation of powers[165]; in fact, all the three branches complicitly protect their interests with reckless disregard for the material and moral harm that they inflict upon a people whose government is by and for them and who are entitled to have it operate in fact on the foundational principle of the rule of law.

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[162] http://Judicial-Discipline-Reform.org/KGordon/11-8-18DrRCordero-CJDJacobs.pdf

[163] *J'Accuse…!*, *I accuse!*, Open letter to the President of the French Republic, Émile Zola, L'Aurore; 13jan1898; Chameleon Translations, ©2004 David Short; http://Judicial-Discipline-Reform.org/Follow_money/Emile_Zola_I_Accuse.pdf

[164] http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

[165] http://Judicial-Discipline-Reform.org/docs/no_judicial_immunity.pdf

3. Multidisciplinary academic and business venture concerning judicial unaccountability journalism in the public interest and judicial accountability and discipline reform study and advocacy

115. The presentation can midwife the birth of an academic and business venture aimed at opening new fields of journalistic and profit-making activity: Judicial unaccountability journalism can follow the evidence wherever it leads as it investigates, in particular, the *DeLano*-J. Sotomayor national story and, in general, unaccountable judicial power, the money motive, and practically unreviewable cases at the root of coordinated judicial wrongdoing among judges and between them and insiders of the legal and bankruptcy systems. For its part, an academic and business venture can pursue a project[166a] of multidisciplinary research, investigation, education, and publishing as well as monitoring, consulting, representing, and lobbying aimed at bringing about and implementing judicial accountability and discipline reform through the exercise of democratic control of the federal and state judiciaries by *We the People*.

116. The academic and business venture will be open to the media, teaching institutions, such as the School of Communication and American University itself and others elsewhere[cf.171e], public interest and advocacy entities, and investors. All of them are likely to recognize the public service and business potential of methodically investigating the Third Branch at the federal and state levels for coordinated judicial wrongdoing, as opposed to journalistically covering them to report on cases pending in court. Exposing judges‟ coordinated wrongdoing will provoke action-stirring outrage in scores of millions of litigants that are parties to scores of millions of cases(juj:3¶14) as well as the rest of the public. They are likely to become avid consumers of judicial unaccountability news as well as services and products that can help them defend themselves from abusive unaccountable judges and assert their rights. They may seek legal advice on how and where to demand individual and class compensation for the harm inflicted upon them by the judges and their respective judiciary. They may request consulting services to find out their options; and hire lobbyists to advance the cause of judicial accountability and discipline reform. Their action-stirring outrage will generate such demand because what is at stake is central to the American system of values and a source of commitment to defend it at whatever expense of effort, time, and money: Equal Justice Under Law.

117. The main elements of the venture‟s business plan for generating demand for news, services, and products relating to judicial wrongdoing and accountability reform have been listed elsewhere and can be developed as required.[167] As for the substantive content that will inform its activity, it is appropriate to lay out some of it here because it can be included in the presentation to make it richly educative in its own right and to announce the venture itself.

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[166] **a)** fn.159 >Dn:11¶2; Dn:52; **b)** id. >Dn:11¶3

[167] The venture has two components: **The *DeLano* Case Course;** and **The Disinfecting Sunshine on the Federal Judiciary Project;** http://Judicial-Discipline-Reform.org/docs/DrRCordero_aca&biz_venture.pdf. See also fn.159a >Dn:11, 52

a. A Watergate-like generalized investigation of the *DeLano*-J. Sotomayor national story

118. The presenters of the *DeLano*-J. Sotomayor story investigative findings can urge the audience at the presentation as well as the rest of the media, that is, traditional and digital media, bloggers, and citizen journalists, to pick up the investigation of coordinated judicial wrongdoing where they left off and to that end:

a. pursue the numerous leads[110] in:

1) the findings of their investigation and their *I accuse!* manifesto;

2) the public record of *DeLano*[61a], *Pfuntner*, and *Premier*[68c], and their analysis[65]

3) the articles in *The New York Times*, *The Washington Post*, and Politico[57a];

b. investigate:

1) the concealment by Then-Judge and Now-Justice Sotomayor of assets of her own and of others involved in the bankruptcy fraud scheme;[57a-c]

2) J. Sotomayor's participation in the cover-up of the bankruptcy fraud scheme and other forms of judicial wrongdoing;(juj:24§a)

3) what President Obama and the Senators knew about her concealment of assets and cover-up and when they knew it;[64, 87a,d,88]

4) the pro forma filing and acceptance of judges' financial disclosure reports;[119b]

5) the participation of other justices in reciprocally covering up their individual and coordinated wrongdoing(juj:26§b) and that of the circuits[23a] to which they are allotted as circuit justices[85b; 20b];

6) the role of court staff as enforcers of wrongdoing rather than Workers of Justice;

7) the state judiciaries by applying, to the appropriate extent, the conceptual framework on which the investigation of the Federal Judiciary rests, namely, judges' unaccountable power, the money motive, and practically unreviewable cases(juj:9§A), while taking into account the impact on judges' performance of judicial elections as a frequent state method of access to the bench;

c. present a petition for the appointment of a special counsel to investigate everything that the media is asked above to investigate;[168]

d. encourage the audience, the media, and the public to:

1) endorse the *I accuse!* manifesto;

2) sign the petition for the appointment of a special counsel;

3) distribute the *I accuse!* manifesto and the petition widely through their websites, by email and social media to all their contacts and to the websites and Yahoo- and Googlegroups that deal with judicial corruption and wrongdoing;

4) ask their political representatives to take a public stand on the *I accuse!*

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[168] Title 28 of the Code of Federal Regulations, Part 600 (28 CFR Part 600); http://Judicial-Discipline-Reform.org/docs/28cfr600_Independent_Counsel.pdf

manifesto and the petition and hold town halls on coordinated judicial wrongdoing and judicial reform;

5) blog about those issues;

6) ask for Justice Sotomayor to resign, just as U.S. Supreme Court Justice Abe Fortas was asked to resign for his failure to "avoid even the appearance of impropriety", and did resign on May 14, 1969(juj:37¶91);

7) search for the modern day Senator Howard Baker[169a], who became nationally known for asking of every witness at the nationally televised Senate Watergate Committee hearings a question that today would be rephrased thus:

> "What did the President and the senators that recommended, endorsed, and confirmed Judge Sotomayor know about her concealment of assets of her own and of the bankruptcy fraud scheme and its cover-up and when did they know it?"

b. The brochure on judicial wrongdoing: conceptual framework, illustrative stories, and local versions

119. The *DeLano*-J. Sotomayor national story can lead right into the Supreme Court and throughout the Federal Judiciary. Hence, it can attract the attention of the public at all levels and of media outlets of all sizes. Its presentation can afford the opportunity to compare it with other stories of wrongdoing in state and local[170] judiciaries. This can be done by inviting the public to call in[1] and by having local professionals comment on the incidence of wrongdoing in their respective judiciary.

120. Local professionals, the public, and the media can be provided with a brochure on coordinated judicial wrongdoing. It can be short, written for laypeople,[171a-d] and explain[171e-f] the

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[169] **a)** fn.65>HR:257/ent.38; **b)** Similarly, the proposed investigation can inquire into what Justice Kagan knew when she was Solicitor General about J. Sotomayor's concealment of assets, tax evasion, and cover-up of the bankruptcy fraud scheme; and whether her answers during her own confirmation for a justiceship were truthful and complete; id. >GC:61§A

[170] Not all states have unified court systems. Although New York does, http://www.courts.state.ny.us/, it has village and town courts, city courts, district courts, county courts, NY City Civil Court, NY City Criminal Court, Court of Claims, Family Court, Surrogate's Court, Appellate Term, Supreme Court, Appellate Division, and the Court of Appeals, which is the highest in the NY court system. See, in particular, NY Practice, 4th edition, David Siegel, Thomson West (2005); and, in general http://west.thomson.com/jurisdictions/default.aspx?promcode=600004P25963SJ&contid=73163469999999&RMID=20110927-CYBER-V9_REACT_DOTS_L369567&RRID=73163469999999&PromType=external and choose the jurisdiction of interest. Even a citizen journalist with limited resources can investigate judicial wrongdoing in his or her local court and elicit consider-able public response, for whatever judges do affects people's property, liberty, and lives.

[171] Cf. **a)** http://Judicial-Discipline-Reform.org/docs/strategy_expose_judicial_wrongdoing.pdf;
b) http://Judicial-Discipline-Reform.org/docs/judicial_wrongdoing_investigation_proposal.pdf
c) http://Judicial-Discipline-Reform.org/docs/graph_fraudulent_coordination.pdf
d) http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf
e) ""[T]he genre of "The Explainer," [is] a form of journalism that provides essential background

conceptual and statistical framework for understanding such wrongdoing(cf. juj:9§A). It can contain real-life stories illustrating categories of wrongdoing in the federal and state judiciaries. It can be widely distributed by digital means as well as in print at the presentation. Given its availability in digital format, which allows its content to be easily recomposed, the brochure can gradually have a version for each of different judiciaries[172] so that the stories in each version can be about ascertained wrongdoing that occurred or is occurring in the respective judiciary. This can heighten the brochure"s impact on those currently or potentially most directly affected by the featured stories. Hence, the brochure can be conceived of as the serialization of the *I accuse!* manifesto. A flier about the brochure and with the link to it can also be distributed at the presentation and similar events.

c. Templates for facilitating people's judicial wrongdoing storytelling and enhancing the stories' comparative analysis

121. The brochure can have templates to facilitate readers" application to their own stories of the brochure"s conceptual framework and the storytelling techniques that make its sample stories impactful, relevant, and in compliance with applicable legal requirements of substance and form.

(1) Template on detection and investigative method and its application to all those on the ring of wrongdoers

122. A template can set forth a method for non-journalists to detect and investigate several categories of judicial wrongdoing and impropriety[173] anywhere or in certain specialized courts or at certain levels of a judicial hierarchy. It can have recommendations on how to expand their investigation to include all the members of the local ring of wrongdoers, that is, from judges to clerks, circuit executive officers, members of the legislature and insiders of the legal system who recommended, endorsed, supported, appointed, nominated, and confirmed those judges,

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knowledge to follow events and trends in the news….The Explainer project aims to improve the art of explanation at ProPublica"s site and to share what is learned with the journalism community. New York University"s contributions will stem from [its] Carter Journalism Institute"s Studio 20 concentration for graduate students, which runs projects on Web innovation. "An explainer is a work of journalism, but it doesn"t provide the latest news or update you on a story," said NYU Professor Jay Rosen, detailing the concept. "It addresses a gap in your understanding: the lack of essential background knowledge. We wanted to work with the journalists at ProPublica on this problem because they investigate complicated stories and share what they"ve learned with other journalists. It seemed like a perfect match." "Orienting readers and giving them context has long been a key component of good journalism," said Eric Umansky, a senior editor at ProPublica….Bringing clarity to complex systems so that non-specialists can understand them is the "art" of the explainer." NYU Carter Journalism Institute, ProPublica Team Up - "The Explainer"; 1dec10; http://journalism.nyu.edu/news/2010/fall/nyu-carter-journalism-institute-propublica-team-up-the-explainer/;
f) http://Judicial-Discipline-Reform.org/teams/NYU/11-10-24DrRCordero-ProfJCalderone.pdf

[172] Cf. Table of Judicial Ethics Advisory Committees by State; American Judicature Society; http://Judicial-Discipline-Reform.org/docs/state_ethics_committee.pdf

[173] Conference of Chief Justices: "Appearance of Impropriety" Must Remain Enforceable in the Model Code of Judicial Conduct [applicable to state judicial officers]; http://Judicial-Discipline-Reform.org/docs/state_appearance_impropriety.pdf

and bankruptcy system insiders. Ring members establish and tighten relationships among themselves as they capture the power of the courts. They help judges with or for whom they work to turn the money motive into both cash and other benefits in kind. Meanwhile, they keep outsiders from accessing what the courts are supposed to dispense: equal justice by application of the rule of law.

123. Expanding the investigation to encompass all those on the ring of wrongdoers is intended to accomplish two objectives. On the one hand, it puts pressure on incumbent politicians to heed the public‟s outrage at judicial wrongdoing that holds them responsible for putting in office judges accused of wrongdoing. On the other hand, it alerts their challengers to recognize such wrongdoing as an issue on which incumbents can be fatally vulnerable. This is specially so if challengers can show that the incumbents covered for wrongdoing judges through agreement, knowing indifference, willful blindness, or improprieties.(juj:34§§a-d)

(2) Template to facilitate writing brief stories susceptible of comparative analysis

124. Many victims of judicial wrongdoing are pro se or have little or no writing experience or skill. Accordingly, another template can have prescriptive content on how to tell their real life stories of judicial wrongdoing in writing and orally in a meaningful, concise, responsible and verifiable way.[174] The template can persuade readers to follow its prescriptions by illustrating them with well told stories and describing the audiences‟ reaction to their telling.[1] So it can list the key elements that should be included in their stories and the class of documents useful to support them.[175] Likewise, it can identify the kind of comments that should be left out as irrelevant, speculative, potentially defamatory, or not within the scope of judicial wrongdoing. This should lead to stories that are concise. They would also be brief enough[176] for their authors to post on blogs in order to call readers‟ attention to ongoing forms of judicial wrongdoing and bring together those that have had similar experiences.[177] The brevity of stories enhances their submittal by increasing their likelihood of compliance with technical MB size limits and editorial length restrictions. It also favors their odds of getting read at all, for recipients are unlikely to read hundreds of pages of rambling text and court documents in hopes of finding nuggets of useful information or making sense out of them all.

125. The standardization of key story elements improves the feasibility of a comparative analysis that can yield an invaluable result: detection of patterns of wrongdoing. Such patterns may concern the same wrongdoers, types of victims, courts, issues, amount in controversy, timing of events, modus operandi, etc. Pattern detection facilitates the understanding of likely underlying wrongful causes and effects shared by stories; of the intentional nature of improbably coincidental acts; and of coordination among story characters. Patterns can allow people to recognize themselves and others as similarly situated judicial wrongdoing victims

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[174] Cf. http://Judicial-Discipline-Reform.org/docs/how_to_follow_money.pdf

[175] http://Judicial-Discipline-Reform.org/docs/building_record&fact_statement.pdf

[176] Cf. **a)** http://Judicial-Discipline-Reform.org/docs/Summary_&_synoptic_paragraph.pdf; **b)** http://Judicial-Discipline-Reform.org/docs/summarize_complaint_350words.pdf; and **c)** http://Judicial-Discipline-Reform.org/Follow_money/case_summary.pdf

[177] Cf. http://Judicial-Discipline-Reform.org/docs/disseminate_criticism_misconduct_rules.pdf

and prompt them as well as local professionals, blog owners, and citizen and professional journalists to undertake their own investigations of those stories.[178] By so doing, they all contribute to further provoking the public's action-stirring outrage that should energize its demand for judicial accountability and discipline reform while simultaneously supporting the academic and business venture.

(3) Templates to request media coverage and file judicial wrongdoing complaints

126. Another template can describe how to request the media to cover in newscasts, talk shows, and print articles local judicial wrongdoing stories as well as the latest developments in the *DeLano*-J. Sotomayor national story. Thereby it can help story authors and their audience to make the most effective use of the media to impart to the stories an ever greater echo effect that intensifies the outrage that they provoke. That outrage is the indispensable reaction that will stir the public into action to demand that incumbents and challengers undertake judicial accountability and discipline reform.

127. Yet another template can illustrate the steps for filing a judicial misconduct complaint that complies with the form and substance requirements of the Federal Judiciary[179] and, as local versions of the brochure and templates are produced, of the local authority competent for processing such complaints.[180]

128. As offspring of the *I accuse!* manifesto, the brochure and its templates can in turn be conceived of as prototypes of, and advertisement for, the writing seminars and classes that in due time the proposed venture can offer[167] as it pursues its business mission both to prepare a class of professional advocates of judicial accountability and discipline reform and to educate the public on how to defend our democratic life by subjecting judges' to the control of *"We the People"*.

d. Collection of stories for the Annual Report on Judicial Unaccountability and Wrongdoing in America

129. Another incentive(cf. juj:55¶124) can prompt judicial wrongdoing victims as well as the rest of the public to follow the templates. It can be furnished by announcing that the most representative stories whose reliability has been ascertained to the satisfaction of the journalists or whose exemplary or informative value makes them outstanding will be included in the latest version of the constantly updated brochure. The most outrageous stories can be developed into books by either the victims themselves or the journalists and published under

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[178] Cf. http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

[179] **a)** Rules For Judicial Conduct and Disability Proceedings [on complaints against federal judges], Judicial Conference of the U.S.; 11mar08; http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf; But see **b)** http://Judicial-Discipline-Reform.org/docs/new_rules_no_change.pdf and **c)** http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf

[180] Cf. **a)** http://Judicial-Discipline-Reform.org/Follow_money/complaint_advice.pdf and **b)** http://Judicial-Discipline-Reform.org/docs/complaint_steps.pdf; **c)** For a list of state judicial conduct authorities see http://www.ajs.org/ethics/eth_conduct-orgs.asp

the imprint of the joint venture.[167] In addition, victims‟ summaries of their stories can provide the basis for the more formal and ambitious *Annual Report on Judicial Unaccountability and Wrongdoing in America:*[181a] *How an outraged public turned into a movement*[181b] *for Equal Justice Under Law*.

e. Legislative proposal to ensure judicial accountability and discipline

130. The judicial unaccountability investigators can use the presentation to explain to the public the content and nature of judicial accountability and discipline reform. To that end, they can identify what needs to be eliminated from the system governing the Federal Judiciary and outline what needs to be introduced therein:

a. The law[18a] that established the current system of self-policing in the Federal Judiciary must be repealed, for it is an inherently self-serving buddy system of biased judges judging judges who are their friends and colleagues. It has the pernicious effect of allowing judges, in expectation of reciprocal treatment, to dismiss systematically all complaints against their peers for wrongdoing, even such that has become gross, habitual, and widespread through coordination. Hence, it provides motive for judges to prejudge their peers‟ wrongdoing as harmless, which gives rise to the pervert assurance of risklessness that renders wrongdoing so irresistible as to make it inevitable.

b. In keeping with Justice Lewis D. Brandeis‟s dictum “Sunshine is the best disinfectant” [182], the judicial councils and all sessions of the judicial conferences of the circuits as well as the Judicial Conference of the U.S. must be open to the public.[183] Making the Federal Judiciary‟s internal functioning and its administration of justice open and transparent will substantially reduce the darkness of secrecy under which its judges engage in coordinated wrongdoing and cover-ups. Would anyone consider even for a nanosecond that it would be democratic to allow Congress to hold all its sessions behind closed doors, never to allow the media at cabinet meetings or the Oval Office, and to close down the White House press room because neither the president nor his aides would ever again hold press conferences or meet with journalists? Why is the Federal Judiciary allowed to engage in the equivalent conduct?

c. All procedural and internal operating rules proposed for national application or for local courts must be widely announced; comment must be requested; all comments submitted by judges and the public must be made easily available to the public on all court websites and in the clerk of court offices and other official websites(juj:59§f); and a rule

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[181] **a)** fn.156 >7§f; and **b)** juj:66§4; **c)** cf. fn.76c >CA:1749§2

[182] http://Judicial-Discipline-Reform.org/docs/DrRCordero_proposal_synopsis.pdf

[183] **a)** On a failed attempt to do so see bill S.1873, passed on October 30, 1979, and HR 7974, passed on September 15, 1980, entitled The Judicial Councils Reform and Judicial Conduct and Disability Act of 1980; Congressional Record, September 30, 1980; 28086; http://Judicial-Discipline-Reform.org/docs/Jud_Councils_Reform_bill_30sep80.pdf. **b)** The Reform part of the bill included a provision for opening the councils, but was excluded from the version that was adopted; http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf >§332(d)(1). **c)** The Conduct and Disability part of it as adopted is at fn.18a.

must not be adopted which receives a majority of negative comments from the public.

d. The use of summary orders, which makes possible unaccountable, arbitrary, and lazy disposition of cases even without reading[181c] their briefs and motions, must be prohibited. Judges must be required to provide their reasons in writing for their decisions, orders, and rulings, which must be precedential and citable in any other case. This is intended to prevent judges from issuing ad hoc fiats of abusive power that put an end to what in effect is a star chamber proceeding.[39]

e. The sealing of court records by judges must be prohibited because justice abhors secrecy and the abuse that it breeds so that it requires that its administration be public. However, all the parties to a case may jointly apply to a judge other than the judge presiding over the case for specific language, numbers, and certain personally and commercially sensitive information to be redacted in accordance with a set of national rules adopted for that purpose. The fundamental principle underlying those rules should be that the judge deciding on the application must take into account not only the interest of the parties, but also any sign of undue pressure by one party on the other to agree to the redaction as well as the right of the public to know all the facts of the case at bar so as to determine whether "Equal Justice Under Law" is being or was administered.

f. All members of the Federal Judiciary, including judges, clerks, other administrative personnel, and all other employees, must be duty-bound to report to both the citizen board of judicial accountability and discipline (juj:59§f) and the Oversight and Government Reform Committee of the U.S. House of Representatives[184] any reasonable belief that:

    1) any member of the Judiciary or other third party related to the business of the courts or to any Judiciary member may have violated or may be violating or preparing to violate any constitutional, statutory, or ethical provision or may have engaged or may be engaging or preparing to engage in any impropriety; or

    2) an investigation should be undertaken to determine whether such may be the case.[83] (While the devil is in the detail, the intent of the whole is divinely lucid: to replace reciprocal cover-ups with individual and collective accountability.)

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[184] **a)** http://oversight.house.gov/; **b)** The members of the Senate Judiciary Committee, in particular, and those of the Senate, in general, who voted for or against the confirmation of a presidential nominee for a judgeship are unlikely to review with sufficient impartiality any materials that subsequently may be submitted to them and lead to disciplinary action, let alone the impeachment and removal, of the nominee-turned-judge, lest they impugn their own good judgment for confirming, or strive to justify their opposition by finding at fault, him or her. Hence, the discipline of federal judges should be a constitutional 'check and balance' exercise performed by the U.S. House of Representatives, but not by its Committee on the Judiciary for similar reasons of partiality due to previous dealings with the Judiciary and its judges. Consequently, judicial discipline should be entrusted to another House committee, such as its Oversight and Government Reform Committee.

f. Creation of a citizen board of judicial accountability and discipline

131. A citizen board of judicial accountability and discipline must be created through legislation.

a. To ensure its independence and avoid conflict of interests, its members must not be or have been members of any federal or state judiciary or otherwise related to it; not be appointed by any judge or justice; not be practicing lawyers or members of a law firm, law school or law enforcement agency or justice department; not be affiliated to any political party; not be appointed to any position in, or be hired by, any judiciary within nine years of termination of employment on the board. They may be recommended by public interest entities, for nomination by the House of Representatives Oversight and Government Reform Committee and confirmation by the whole House.[184]

b. The board must operate openly and transparently. Consequently, it must hold all its meetings in public, hold at least once a month a press conference open to the public, publish a public report of its activities every six months, and present it at a public conference where the presenters answer questions from the public.

c. The citizen board must be empowered to:

1) receive for the public record complaints against justices, judges[185], magistrates, law clerks, clerks of court[186], court reporters[187], circuit executives[188], and administrative employees;

2) proceed also on the basis of information received other than through a complaint;[189a]

3) exercise full subpoena power for the appearance before it of any member of the Federal Judiciary and any other third party, and the production of documents and other things by any of them;[190]

4) hold hearings, which must be public after adequate public notice, and take sworn testimony;

5) provide in writing reasons for each of its decisions, which must be entered in the public record to be effective;

6) develop a constantly updatable code of conduct for members of the judiciary by codifying the controlling principles of its decisions as prescriptive rules that can provide guidance and prevent a repeat of complainable conduct and the need for complaining; before incorporation in the code, these rules must be published for

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185 **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf and fn.77; **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero-4recuse_CJWalker_04.pdf

186 Cf. **a)** http://Judicial-Discipline-Reform.org/docs/complaint_to_Admin_Office_28jul4.pdf; **b)** http://Judicial-Discipline-Reform.org/docs/DrCordero-CA2_clerks_wrongdoing_15may4.pdf

187 http://Judicial-Discipline-Reform.org/docs/DrCordero_to_JConf_CtReporter_28jul5.pdf;

188 http://Judicial-Discipline-Reform.org/docs/DrRCordero-2CirExecKGMilton_mar4.pdf

189 Cf. **a)** fn.18a >§§351(a) and 354(b)(2); **b)** fn.162

190 **a)** fn:18a >§356; **b)** fn.183b >§331 4th ¶, and §332(d)(1).

public comment and all comments, whether by members of the Judiciary or anybody else, must be made public;

7) impose disciplinary measures on judges, such as the transfer to another type of court, e.g., from surrogate to traffic court; the limitation to hearing only certain types of cases, e.g., no longer criminal cases or divorce cases; the non-assignment of new cases until pending cases have been disposed of through reasoned opinions;

8) order the payment of compensatory, consequential, and punitive damages by judges and/or the Judiciary for the loss or injury caused or allowed to be caused to victims of judicial wrongdoing;

9) recommend on the basis of information that it has obtained from any source that any judge or justice be criminally or civilly prosecuted by a federal or state law enforcement authority; be disbarred by the competent state authority and/or impeached and removed by Congress;

10) have its decisions appealed only to a panel of the House Oversight and Government Reform Committee, whose decision may be appealed to the Committee; and

11) receive originals of comments from both members of the public and of the Judiciary and copies from the Judiciary on any rule, appointment, or other matter on which the Judiciary has requested comments and make them public through its means of giving notice, including posting them on the citizen board‟s website.

g. The establishment of an inspector general for the Federal Judiciary

132. An inspector general of the Federal Judiciary must be established:[191]

a. as independent as the members of the citizen board, which board must have the exclusive right to nominate a candidate to the House Oversight and Government Reform Committee for confirmation by the whole House;

b. charged with the duty to investigate the administration of the Federal Judiciary by its courts; the councils and conferences of the circuits; the Judicial Conference of the U.S.; the Administrative Office of the U.S. Courts; any other similar body or officer appointed by any such body; and their utilization of the funds that they manage from whichever source they may come, whether it be congressional appropriations, court fees, or wrongdoing;

c. empowered to exercise full subpoena power for the appearance before it of any member of the Federal Judiciary and any other third party, and the production of documents and other things by any of them; and to enter without notice upon any premise of the Judiciary, any third party under its control or warehousing, archiving or otherwise holding any documents or other things produced or obtained by or entrusted to the Judiciary or by it to any third party; and with notice upon any premise of any other third party for inspection and discovery;

d. empowered to recommend on the basis of information that it has obtained from any

[191] Cf. **a)** http://Judicial-Discipline-Reform.org/docs/Sen_Sensenbrenner_on_Judicial_IG.pdf; **b)** http://Judicial-Discipline-Reform.org/Follow_money/S2678_HR5219.pdf

source that any judge be criminally or civilly prosecuted by a federal or state law enforcement authority;

e. empowered to hold hearings, which must be public after adequate public notice, and take sworn testimony;

f. required to make a public report of its findings, present it at a public conference where the presenters answer questions from the public, and publish on the website of the inspector general for the Federal Judiciary all documents received.

h. Creation of an institute of judicial unaccountability journalism in the public interest

133. The academic and business venture[167] includes the creation of a for-profit institute[166].

(1) Purpose

134. The purpose of the institute of judicial unaccountability journalism in the public interest would be to act as:

a. an investigative journalist that detects, investigates, and exposes concrete cases of judges" unaccountability and their participation in, or toleration of, wrongdoing engaged in individually or in coordination among themselves and with third parties, such as law and court clerks, lawyers, bankruptcy professionals[60], litigants, politicians, and other enablers and beneficiaries of judicial wrongdoing;

b. clearinghouse of complaints about judicial wrongdoing by any person who wants to exercise his or her constitutional right to "freedom of speech[,] of the press[, and] the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"[192] by sending to the clearinghouse a copy of the complaint that the person filed with the competent federal or state authority or sending the complaint original only to the clearinghouse for analysis, comparison with other complaints and information about judicial wrongdoing that may allow the detection of patterns, trends, and coordination, and possible publication and investigation by the institute;

c. prototype of a citizen board of judicial accountability and discipline(juj:59§f) that through its journalistic investigation of both complaints against judges received from the public and information about judicial wrongdoing otherwise obtained as well as the exposure of its findings of judges" wrongdoing, impropriety, appearance of impropriety, or criminal activity can justify its call for their resignation or official investigation by the U.S. Department of Justice and the FBI, and Congress, or their state counterparts ; and

d. public advocate, lobbyist, consultant, and litigator for both effective legislation on judicial accountability and discipline reform, and the establishment of a citizen board of judicial accountability and discipline as a key instrument for enforcing such legislation.

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[192] First Amendment to the U.S. Constitution; http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf

(2) As researcher

135. As researcher, the institute would conduct research such as:[193]

a. computer-based literary forensics applied to judges‟ orders, opinions, letters, articles, books, court reports, etc., to find out whether they were authored by a judge or a clerk, determine the nature and amount of judicial authority delegated to clerks, and discover the author‟s patterns of thinking and decision-making;

b. statistical correlation to determine whether:

1) the higher a judge‟s number of articles and books published as a private person and the amount of time dedicated to researching and writing them, and participating in judicial committees and non-judicial committees and activities, such as teaching courses, moot court judging, speech making, attendance at seminars, conferences, and meetings of boards of charities, universities, law schools, and other entities, etc.,

2) the higher the number of the judge‟s summary orders and "not for publication" and "not precedential" decisions, and

3) the lower the judge‟s statistical *factor of administered justice*, expressing the number and quality of reasoned decisions satisfying the need for "Justice…manifestly and undoubtedly [to] be seen to be done"[41], and the *factor of judicial service rendered*, expressing the time dedicated to the judicial activities for which the judge is compensated by the taxpayer with a salary in the top 2% of income earners in our country[118];

c. comparison of a judge‟s number, amount of time, and factors of administered justice and of judicial service rendered with the corresponding averages for all judges;[194]

d. correlation of databases, such as dockets, statistical reports, judges‟ calendars; judicial financial disclosure reports[119a]; property registries[135]; registries of time share of property such as condominiums and water vessels; department of vehicles registration; registries of water vessels and aircraft; rosters of marinas, airports and landing strips; membership in clubs, charity boards, and law school committees; high school yearbooks, alma matter law school, school where an adjunct professorship is or was held; previous private or public sector positions; honorary titles and memberships; etc., to find statistically significant patterns in judicial events, e.g.:

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193 Cf. http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_proposal_synopsis.pdf

194 A similar statistical exercise is performed by the Administrative Office of the U.S. Courts in determining "weighted filings" "Under this system [of weighted filings], average civil cases or criminal defendants each receive a weight of approximately 1.0; for more time-consuming cases, higher weights are assessed (e.g., a death penalty habeas corpus case is assigned a weight of 12.89); and cases demanding relatively little time from district judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.10)." 2008 Annual Report of the Director of the Administrative Office of the U.S. Courts; http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness2008.aspx >PDF version and also Judicial Business >pp. 23 and 38; and http://Judicial-Discipline-Reform.org/docs/AO_Dir_Report_08.pdf >23 and 38.

1) the signing of summary orders just before or after a judge goes on holiday, receives medical treatment, attends a seminar or a judicial conference, etc.;

2) the winning or losing of parties and:

(a) their wealth as well as the deciding judge‟s or panel judges‟;

(b) their pro se or counseled status, and if the latter, whether representation was provided by a solo practitioner or a small, medium, or large law firm;

(c) their race, sexual or political orientations, religion, area of residence, occupation, nationality, etc.;

3) similarities between the investment portfolios of the judges of a court;

4) attendance at seminars, conferences, and meetings and relation to their organizers‟ political leanings or economic status;

5) attendance at political events and participation in fundraising;[195]

e. legal analysis to determine judicial writings and events‟ consonance with, or disregard of, the rule of law or bias, whether shown by one judge or reflective of the attitude of the judges of a court or the class of judges;

f. interviews with people for inside information about judges, clerks, their relation to insiders, etc., initially concerning the Federal Judiciary and progressively state judiciaries too;

g. opinion polls and surveys;

h. computer and field search for evidentiary documents concerning wrongdoing, including:

1) unreported attendance to seminars;

2) non-disclosed receipt of gifts;[195]

3) refusal to recuse so as to prevent discovery of wrongdoing or advance an improper interest;

4) hidden assets and money laundering;

5) other forms of illegal activity, whether civil or criminal;

i. establishment and operation of an 800 hotline number for reporting judicial wrongdoing and receiving other investigative tips.

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[195] In light of mounting reports of improper conduct by U.S. Supreme Court justices, such as JJ. Scalia, Thomas, and Alito, Congressman Chris Murphy and 42 other members of the US HR call on the House Judiciary Committee to hold hearings on HR 862, the Supreme Court Transparency and Disclosure Act, which aims to subject the justices to the Code of Conduct for U.S. Judges[76a]; to require that justices state their reasons for granting and denying motions that they recuse themselves from hearing certain cases; and to require the Judicial Conference of the U.S. to draw up a procedure for reviewing such denials; http://Judicial-Discipline-Reform.org/docs/HR_SCt_ethics_reform_9sep11.pdf

(3) As educator

136. As educator**,** the institute would journalistically explain[171e] to the public, in general, and *common-purpose entities*(juj:65¶138a), in particular:

   a. the means, motive, and opportunity for judges to do wrong; the forms that their unaccountability and wrongdoing take; and the ways in which they manifest themselves;

   b. their harmful impact on litigants, the public, and government by the rule of law;

   c. the *conceptual and practical resources* to bring about judicial accountability and discipline reform, such as:

      1) democratic and ethical values, policies, and strategies, and

      2) their implementing interactive multimedia and live educational, advertising, coalition-building, and lobbying activities and campaigns,

      3) methods for evaluating practices, identifying the best, training in their application, and applying them;

      4) development and training in the use of software applications; interactive multimedia and social networking tools and techniques; and equipment;

      5) organization and teaching of seminars and courses on investigative[196] and „explainer"[171e] journalism methodology and practices;

      6) organization of meetings and conferences to develop, share, and integrate conceptual and practical resources.

(4) As publisher

137. As publisher, the institute would engage in the:

   a. development and web publishing of an electronically accessible knowledge database of judicial unaccountability and wrongdoing that contains:

      1) descriptions of their manifestations;

      2) complaints about judicial wrongdoing;

      3) cases on point that have been decided or are pending;

      4) the record and position of incumbent politicians, candidates for political office, and law enforcement officers on investigating, exposing, and disciplining wrongdoing judges;

   b. production and sale of news, newsletters, tipsheets, articles, books, programs, and documentaries;

   c. their publication on its own and third-party websites, newspapers, magazines, TV and radio programs, movie theaters, and other digital and electronic media;

   d. research, writing, and publication of the Annual Report on Judicial Unaccountability and Wrongdoing in America: How an outraged public turned into a movement for Equal Justice Under Law(juj:56¶129).

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[196] http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf

(5) As leading advocate

138. As leading advocate of judicial accountability and discipline reform, the institute would endeavor to:

a. unite in a coalition and then develop into a national movement, victims of judicial wrongdoing and *common-purpose organizations*, that is:

1) entities that complain about judicial wrongdoing;

2) those that act as watchdog of the whole government or only the judiciary;

3) those that can offer legal aid to complaining individuals and entities; and

4) those willing to contribute funding, technological, journalistic, and investigative know-how, logistics, advertising, and means to lobby incumbents and candidates for political office;

b. lead:

1) the development with them of conceptual and practical resources(juj:64¶136c);

2) the organization of implementing activities and campaigns, such as advertising, public advocacy, lobbying, and litigation, to achieve the common purpose (juj:61§(1)); and

c. compile and maintain rosters of:

1) common-purpose organizations;

2) people likely to have experienced or witness judicial unaccountability and wrongdoing; and

3) attorneys willing to assist pro bono or for a fee victims of judicial wrongdoing.

(6) As for-profit venture

139. As a for-profit venture, the institute would finance its activities or those of others through:

a. sale of its statistical and investigative research, reports, publications, and documentaries;

b. joint ventures and partnerships with media outlets, educational entities, investigative and publishing companies, government agencies, and nonprofit organizations;

c. fees for enrollment in its seminars and courses, and attendance to its conferences;

d. fees for its advocacy, consulting, and litigation services for individual or class clients;

e. subscriptions to its database of judicial unaccountability and wrongdoing;

f. donations received in response to the likes of passive "donate" web button requests on its website and the active request to the public in live programs and one-on-one contacts made during donation drives;

g. support in cash and in kind from its alumni;

h. grantseeking from and grantmaking to common-purpose organizations(juj:65¶138a).

140. Before the end of the presentation, the presenters can announce the next event on judicial unaccountability journalism and the formation of the academic and business venture, thus

signaling a planned and sustained effort to promote its launch.

4. The precedent for considering realistic that those who expose judges' wrongdoing and call for their accountability and discipline may develop into of a broadly based civic movement that demands "Equal Justice Under Law"

141. It is realistic to conceive that public interest and common purpose(juj:61§(1)) entities, judicial unaccountability journalists, journalism schools and their students and alumni, judicial accountability and discipline reform advocates, and judicial wrongdoing victims who promote, participate in, and support the proposed judicial unaccountability journalism and the academic and business venture intended to extend its impact and efficacy can develop into a broadly based civic movement capable of compelling politicians to reform their respective judiciaries. The precedent for it is the Tea Party. While Dr. Cordero is an Independent and does not necessarily agree with Tea Party tenets, he points to that Party as current evidence of what people can achieve when they are galvanized into action by deep resentment about a perceived injustice: People who deemed that they were „**t**axed **e**nough **a**lready", bandied together to protest. Their protest resonated with ever more people as it reverberated across the country. In a remarkably short time, less than four years, they became a nationwide civic movement and even elected representatives to Congress.

142. Recently they forced the debt ceiling debate to be resolved on their terms. They even forced Republican Speaker John Boehner, a 21-year congressional veteran, to back down from even his overture to raising some taxes albeit modestly. Yet more revealing and precedential, their expected voting power caused all nine Republican presidential candidates to raise their hand at one of their debates this summer to promise that they would not raise taxes regardless of how much the budget was cut. The Tea Party has become kingmaker, at least among Republicans; the next presidential elections will show whether that is the case also in the country as a whole.

143. In the same vein, the Occupy Wall Street protesters have been able to extend their following from New York City to the rest of our country with surprising speed, not to mention the demonstrations that have taken place simultaneously and under their name in several European countries and other parts of the world. The sentiment of discontent due to perceived economic injustice was already widespread; it found a means of expression in the action taken by the Occupy Wall Street protesters. The latter did not have to convince others of the soundness of a new idea; they only had to give others a voice that articulated their deep-seated frustration and resentment. Thereby they turned a widely shared sense of impotence into concrete action of protest.

144. This phenomenon of protest by a few that provides the aperture for eruption of a common cause for and willingness to protest by the many is illustrated by a third occurrence: The call of Kristen Christian on Facebook to protest against the announcement by the biggest American banks of their plan to impose a $5 monthly fee for the use of debit cards by closing accounts with them and transferring the funds to credit unions and other small institutions that do not charge that or similar fees.[197] This protest call spread like wild fire and forced one big

[197] Kristen Christian, Who Created 'Bank Transfer Day,' the November 5 Bank Boycott,

bank after another to back down and cancel it. As reported by the national TV networks, more than 700,000 bank accounts were transferred on Saturday, November 5. All this shows people‟s willingness to get involved in public activity to defend their interests and how the new ways and agents of mass communication, that is, blogging and social networking on Facebook, Twitter, and YouTube, as well as citizen journalists, are helping them to be extremely effective.

145. These current developments provide precedent for reasonably expecting that those exposing judges‟ wrongdoing and calling for them to be held accountable and disciplined can set in motion a process that ultimately forces state and national politicians to take a position on judicial accountability and on introducing reforms to force judges to honor the trust placed in them to administer justice according to the rule of law. The pioneers of judicial unaccountability journalism and those presenting the findings of the *DeLano*-J. Sotomayor investigation can provide the spark and rallying point around whom the rest of the public can gather. They can develop into a civic movement for breaking up the ring of wrongdoers in order to ensure that the courts become part of honest and transparent government, not of coordinated men and women, but of *We the People*.

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Tells Us Why, Jen Doll, Running Scared, The Village Voice Blogs; 7oct11; http://Judicial-Discipline-Reform.org/docs/Bank_Transfer_Day_Kristen_Christian.pdf

F. Offer to present the proposal to advance United Republic's mission by informing the citizens about wrongdoing judges and conniving politicians

146. It would not be reasonable to expect politicians to do what they have failed to do since the creation of the Federal Judiciary: to exercise constitutional checks and balances on judges so that they too are held to the foundational principle of government, not of men, but of laws: Nobody Is Above The Law.(juj:9§a) Even though politicians adopted the Judicial Conduct and Disability Act in 1980 to establish a mechanism for any person to file a complaint against federal judges, for over the 30 years since then they have dismissed with knowing indifference the annual report that Congress required the Judiciary to file with it, which has shown the judges' systematic dismissal without investigation of complaints against their peers: 99.82% of the complaints filed in the 1oct96-30sep08 12 year period reported online were dismissed.(juj:11§b) The media too, prioritizing their corporate interest in not antagonizing life-tenured judges over their professional duty to inform the people, have failed to hold those judges accountable as what they are: public servants in the people's government and answerable to them.(juj:29§§1-2)

147. The result of such unaccountability is that judges participate in, or tolerate, wrongdoing that has become riskless, irresistible, and inevitable. It consists of intentional disregard of due process for expediency's sake that leads to arbitrariness; and making rulings for their personal benefit and that of other insiders to the detriment of litigants, the rest of the public, and the rule of law. Through coordination among themselves and with others their wrongdoing has been structured in schemes, e.g., the bankruptcy fraud scheme[59], and so routine that it has become the Judiciary's institutionalized modus operandi. Federal judges will not voluntarily constrain their absolute power: the power to abuse power and get away with it. Nor will they expose their peers, lest they be ostracized by the other judges and self-incriminate by acknowledging the wrongfulness or impropriety of conduct that individually or in coordination with others they engaged in or enabled through their knowing indifference and willful ignorance and blindness(juj:32§4), thus becoming accessories before and after the fact. It follows that judges have a vested interest in maintaining their unique, privileged status: Judges Above the Law.

148. Thus, the duty to expose them now falls to journalists and public interest entities, like United Republic, that have committed themselves to 'informing the citizens about their leaders'[105], and schools of journalism that want to join them in a learning-by-doing investigative project to instill in their students the highest value of journalism: to keep the people informed so that they may know why and how to assert their rights and together defend democracy itself.

149. Dr. Cordero respectfully requests UR to invite him to present[157a] to its team and coalition members his proposal for them –alone or with other public interest entities, journalists, and journalism schools– to discharge that duty of exposing wrongdoing that reaches into the Supreme Court by conducting a narrowly targeted journalistic investigation(juj:39§D) of the *DeLano*-J. Sotomayor story(juj:21§B). The public presentation of the findings can provoke national outrage that stirs the people to throw their weight –heavier during a presidential election- behind the demand that politicians investigate the judges and undertake judicial accountability and discipline reform. (juj:31§3) This can set off a Watergate-like generalized and first-ever media investigation of judicial wrongdoing.(juj:48§E) It can support a multidisciplinary academic and business venture to advocate such reform.(juj:51§E3) By showing integrity, courage, and imagination in pursuing this proposal, UR can mobilize the people to hold judges to their legal and ethical requirements and their duty to give them, not the motion of process, but rather Equal Justice Under Law. Thereby UR can lead the way as Champion of Justice[92] in "creat[ing] a new America that is truly of, by and for the people"[juj:iii/ent.iv]. Indeed, *it can trigger history!*

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