

The Official Statistics of the Administrative Office of the U.S. Courts
Show the Systematic Dismissal by Federal Judges,
Including the Justices of the Supreme Court,
of Judicial Misconduct Complaints Against Them²

1. The statistics of workload of the courts contained in the “Supreme Court’s 2005 Year-end Report on the Federal Judiciary” (C:980k³) show that there were **7,496 case filings** in the 2004 Term. Only 9 justices managed to hear oral argument in 87 cases and dispose of 85 in 74 signed opinions. (C:980.q; for the 2000-2004 workload statistics see A:1965)
2. The Report goes on to state that “**Filings in the regional courts of appeals** rose 9 percent to an all-time high of **68,473**, marking the 10th consecutive record-breaking year and the 11th successive year of growth.” (emphasis added; C:980r) That steady growth started **from 40,893 cases filed in 1990**, as shown in “Table 2.1. Appeals Filed, Terminated, and Pending (Excludes Federal Circuit) Summary of 1990-2005”, (thus, 12 regional courts covered; C:980.x) contained in “Judicial Facts and Figures” published by the Administrative Office of the U.S. Courts (C:980.t⁴). That Table also shows that **38,961 cases were terminated in 1990** while **61,975** were **in 2005**.
3. The Administrative Office has also published the reports of judicial misconduct **complaints filed** under 28 U.S.C. §351 et seq. in the period beginning on October 1,

¹ The text is as of October 2006. For updated official statistical tables of judicial misconduct and disability complaints from October 1, 1996 to September 30, 2008, of the Administrative Office of the U.S. Courts, go to <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf. The tables based thereon and prepared by Dr. Cordero that aggregate the totals, on the one hand, for the 13 circuits and the two national courts, and on the other hand, for the Second Circuit, can be downloaded through http://Judicial-Discipline-Reform.org/statistics&tables/jud_complaints/13cir&2cts_aggregate_complaints.pdf and http://Judicial-Discipline-Reform.org/statistics&tables/jud_complaints/Cir2_aggregate_complaints.pdf, respectively.

For corroboration of the assertions in the text by the judges’ actual handling of a complaint, see http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf.

² Excerpt from http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits.pdf
<http://Judicial-Discipline-Reform.org/ToeC.htm> (on website)

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

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

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

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

1996 and ending on September 30, 2005. (C:973-980.j⁵) It covers not only the 13 regional courts of appeals, including the Federal Circuit, but also two national courts, that is, the Court of Claims and the Court of International Trade, for a total of 15 courts. It shows that for the administrative year ending on September 30, **1997, 679** complaints were filed. (C:980.i) However, in the year ending on September **2005, only 642** complaints were filed. (C:973) So today there are fewer complaints filed with 15 courts against judges than nine years ago. Since **68,473 cases** were filed in 12 regional courts of appeals **but only 642 judicial misconduct complaints** were filed with all the 15 courts of appeals **in 2005**, there was less than one complaint out of every 100 cases appealed to just 12 courts by “disappointed litigants”...in a society ever more litigious as ours, as shown above? That is *unbelievable!*

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

⁵ 115. **1997-2005 Reports of Complaints** Filed and Action Taken Under Authority of 28 U.S.C. §§351-364 and 372(c) During the 12-Month Period Ending September 30, [of the year reported on], in *Judicial Business of the United States Courts, Annual Reports of the Director*, by Leonidas Ralph Mecham, Director of the **Administrative Office** of the U.S. Courts,..... C:973
<http://www.uscourts.gov/judbususc/judbus.html>

sands of decisions, 74 signed opinions in 2005 alone, as shown in ¶¶1 and 2 above.

7. Actually, the chief justice of the Supreme Court is the presiding member of the Conference. Each of the justices of the Supreme Court is also a circuit justice of the judicial council to which he or she was allotted, and as such a member of the judicial council to which the dismissal of any complaint was first appealed.⁶ Also members of the Conference are all the chief judges of the courts of appeals, the very ones who first received the complaints and who systematically dismissed practically all of them.⁷ The councils denied all but a handful those appeals⁸ and decided in practice which complaints they would allow to reach the Conference.⁹
8. Hence, all the Supreme Court justices, the circuit chief judges, and the many district judges that form part of the judicial councils or the Judicial Conference have participated in, and known of, the systematic dismissal of judicial conduct complaints. By engaging in it, all of them injured those complainants whose complaints they dismissed out of hand, thereby denying them any relief and leaving them at the mercy of the biased, law-disregarding judges about whom they had complained.
9. In addition to being liable for having caused that injury, federal judges are liable for having abrogated in practice an Act of Congress and having abused their power to exempt themselves from the duty of self-discipline that it imposed upon them. They did so to provide for themselves a status of factual immunity from any control of their conduct, not to mention immunity from prosecution, that is, impeachment.
10. Consequently, they usurped a status to which no person in our country, not even the president of the United States or the speaker of the House of Representatives, has any right: Federal judges have elevated themselves to the position of the only people in

⁶ See the discussion of this issue and the references in ¶¶42 and 43 of the “Statement of Facts.” <http://Judicial-Discipline-Reform.org/StatFacts1.htm>

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

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

⁸cf. §D. Appeal to the Judicial Council, 2nd Cir., from the dismissal of the misconduct complaint against Bkr. Judge John C. Ninfo, II, WBNY ToEC:23
http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits.pdf (downloadable)
<http://Judicial-Discipline-Reform.org/ToeC.htm> (on website)

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

⁹ cf. §G. Appeal to the Judicial Conference of the U.S. from the denials by the Judicial Council of the petitions for review of the dismissals of the complaints against Judge Ninfo and Chief Judge Walker ToEC:32

our country that as a matter of fact are above the law.

11. Why would officers sworn to apply the law “without respect to persons” (28 U.S.C. §453) disregard their oath when it comes to applying the law in a disciplinary setting to their peers and themselves, thus administering for their benefit ‘unequal justice under law’? In light of the evidence and taking account of the dynamics of webs of personal relationships, two reasonable answers to that question present themselves. One is that if the judges reviewing the complaints have themselves engaged in the type of conduct complained about, then if they were to declare it unbecoming of a judge and deserving of discipline, they would be incriminating and exposing themselves to being the target of the same discipline.
12. The other answer is that judges disregard complaints against their peers in order to avoid retaliation. So if today they were to pay any attention to a complaint, not to mention set up a special committee or call in a standing committee under 28 U.S.C. §§353(a) and 356(b), respectively, to examine the complained-about judge, then if tomorrow they were the subject of a complaint, the formerly investigated judge or his friends, allies, and accomplices would take the opportunity to retaliate by investigating them and perhaps even disciplining them.
13. Such conduct involves judging ‘with’ regard to persons, contrary to their oath of office. It illustrates the axiomatic principle that due to inescapable grave conflict of interests, one cannot sit in judgment of oneself or of those in one’s web of personal relationships. Judges do act in self-interest, taking the easy, unprincipled way out in dereliction of duty and to the detriment of complainants and the integrity of judicial process. (On webs of personal relationships see Statement of Facts:4§14.)
14. ‘Big deal! Why would we judges ever indispose ourselves with our peers with whom we will spend the rest of our professional lives as Article III life-term appointees or renewable 14-year term bankruptcy judges¹⁰? Why create for ourselves an avoidable hostile work environment and the repellant reputation of an unreliable class traitor just because one Joe or Jane thought in their very impeachable judgment that a judge had misbehaved or even broken the law? Who cares! Let them deal with it for the short time they will be upset! They will get over it, trust us!, since we judges are the last resort of those complainants.’
15. Such is the mentality arising from the dynamics of a web of personal relationships whose members are endowed with unappellable judicial power. It rests on a judicial system of self-discipline inherently flawed: Federal judges have no incentive to do what is right but inimical to themselves because they do not have to fear any adverse consequences of doing what is wrong. As a result, they have taken out of service the mechanism of judicial discipline that they are supposed to operate. However, that does not mean that they are idle. Far from it, the Statement of Facts shows that they operate or tolerate the operation of a [bankruptcy fraud scheme](#).¹¹

¹⁰ §H. Comments in response to the invitation by CA2 for public comments on the [reappointment of Judge John C. Ninfo, II, to a new term as bankruptcy judge](#) T0EC:42

¹¹ http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCT_petition_3oct8.pdf >US:2442§IX