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The Committee has asked for public comments on the proposed changes. I do not believe that the changes suggested will affect the .05% (.0005) rate of "actions taken" by the Committee on complaints filed.

While I am sure that you have heard of the "Blue Wall of Silence,",the "Black Robe of Silence" also exists. Below is a chart of the complaints and actions taken as well of complaints filed by attorneys. Of the 9,416 complaints through September 30, 2013, 5 actions were taken by the Judiciary Council of which 2 were in 2002 and 1 in 2003. In view of the fact that the Center for Public Integrity discovered that 10% of the judges rendered decisions in which they had a financial interest in one of the parties, this plus 5 actions out of 9,416 shows that the current enforcement of judicial conduct is a total failure. As a taxpayer, I either want this fixed so that a meaningful hearing results in a meaningful decision or the entire law should be scrapped in order to avoid waste. As this law is currently enforced, filing a complaint only leads to false hope especially in light of the 103 complaints filed by attorneys. These attorneys are courageous because they are risking their careers in order to right a wrong. Below are statistics from Table S-22.

Year	Complaints Terminated	Dismissed	Action Taken	Filed by Attorney
2013	1167	1167	0	33
2012	1352	1352	0	29
2011	1454	1453	1	22
2010	1159	1159	0	19
2009	N/A	N/A		N/A

2008	N/A	N/A		N/A
2007	752	752	0	N/A
2006	619	618	1	N/A
2005	667	667	0	N/A
2004	784	784	0	N/A
2003	682	681	1	N/A
2002	780	778	2	N/A
			0	
TOTAL	**9416**	**9411**	**5**	**103**

N/A is not available

As an example of the shenanigans or highly questionable practices of the Committee, Chief Judge Garland and Judge Henderson and Griffith heard a case Cohen v Commissioner in which oral arguments were ordered by the group that vets arguments, cancelled and a summary judgment given on issues not involving oral arguments. I could have filed an ethics complaint against all 3; however, I arbitrarily chose Chief Judge Garland. Judge Henderson heard the case and found no wrong doing. Had she found wrong doing by Chief Judge Garland, she would have also found wrong doing against herself. It is incomprehensible to me how Judge Henderson was not conflicted out. 28 U.S.C. 47 states that "no judge shall hear or determine an appeal from the decision of a case or issue tried by him." The same reasoning does apply to ethics complaint assuming that a meaningful hearing is desired as opposed to a whitewash. All it takes to show the conflict is 4 orders totaling 5 pages. Apparently, the abuse was so great that Rule 26 was presented by the Breyer Committee Report, 239 F.R.D. at 214-15. Rule 26 states that "Such transfers may be appropriate ... in the case of a serious complaint where there are multiple disqualifications among the original council, (There was an en blanc review and about ½ of the judges of the DC Circuit sat on the appeals panel as well as the 3rd judge involved, Judge Griffith), where the issues are highly visible and a local disposition may weaken public confidence in the process ... or where a complaint calls into question policies or governance of the home court of appeals."

An interesting question arises as to why would an experience judge like Judge Henderson and Griffith (who heard it on appeal from Judge Henderson's decision) do this? The only reason I can think of is that they mistakenly thought that once the appeal panel disposed of the complaint, nothing further would happen (as described by Mr. Saxe.) Apparently these judges know that Rules 11(g) (2), 11(g)(1), 18(c)(3), 19c) and 20(f) are not being followed because either the chief judge's order and supporting memorandum are not provided to the Conduct Committee or that the culture (which will be discussed later) in the Administrative Office and Conduct Committee causes the personnel to overlook any transgressions such as the one that occurred here. Judge Henderson did not realize that I strongly believe in Calvin Coolidge's motto that "Persistence and determination alone are omnipotent."

At the bottom of the Administrative Office's letter is a saying which is "A tradition of service to the Federal Judiciary." A more apt description would be "Advocate for the Federal Judiciary." Mr. Saxe's letters (including the unsigned one from August 19, 2014) attempt to obfuscate the issues involved by not providing a complete answer. When Mr. Saxe stated that no further appeal was possible, Mr. Saxe omitted the statement in Rule 21 "The Judicial Conference of the United States may, in its sole discretion, review any such Committee decision, but a complainant or subject judge does not have a right to this review." Mr. Saxe makes no mention of the Committee's consideration. Therefore, I wanted to know if the Committee denied the request since the responsibility should be properly assigned to the individual.

Had the Administrative Office had its administrative controls in place, problem cases like mine should have been caught and corrected. At this point, the Judges in the various courts know that nothing will be done. Unfortunately, not everybody does the right thing and the Federal judges are no different. Transparency and tight control will improve the situation so that the Administrative Office does not need to be embarrassed by the Center for Public Integrity discovery that 10% of the judges rendered decisions in which they had a financial interest in one of the parties. Other areas of investigation might include counseling judges who have backlogs in their rulings such as Judge George B. Daniels in 2003 in which he had 289 motions in civil cases pending over 6 months, and Judge Daniels rendered a decision 3 years after the case began and after the HIV patient died. If he was that insensitive to the situation, I am confident that the backlog still exists as shown by the number of ethics complaints in Table S-22 although I do not know to what extent.These are examples of how the culture of not making waves affects the performance of the Administrative Office.

With regard to your informal counseling discussed by Arthur Hellman, it might work for future situation but what happens to the current party? They are stuck with the decision.

Rule 26 does suggest that a course of action for me--I should make "the issues ... highly visible " and try to "weaken public confidence in the process." It is a pity that doing the right thing is insufficient; however, I guess I am just naïve. To keep it simple, the 4 orders mentioned previously will be used to make my complaint highly visible. My avocation will be to make this case go viral and the chart above will certainly help. My goal is to reform the process and to have a meaningful hearing on the issues.

The Committee should institute reforms as opposed to Congress because the Congressional reforms will be much more controlling and hopefully more effective. Based upon the .05% "action taken" rate, I was optimistic that the Committee will make no changes.

Very truly yours,

Raymond Cohen