

Law & Rules That Govern Chief Justice John G. Roberts, Jr.'s and the Federal Judges' Conduct and the Administration of Judicial Conduct Complaint

“The Judicial Conference of the United States is the national *policy-making* body for the federal courts,”ⁱ and “Judicial Conference committees derive their jurisdiction and legal basis for existence from the Conference itself and the Chief Justice as presiding officer.”ⁱⁱ according to the US courts’ website. However, no policy created at the Conference can protect a federal judge who violates the canons of good conduct, truth, and reason, who acts deliberately with malice, outside of their jurisdiction, or with prejudice and bias, or to manufacture a deception, or with criminal intent, or criminal indifference to rights, who acts fraudulently or dishonestly, or with prejudicial, or who has makes a rule to abridge, enlarge, or modify any substantive right in bad faith [28 US Code Chapter 131 Section 2072(b)], or that can be construed, administered, and employed to delay, obstruct, or interfere with the American people’s right to secure a just, speedy, and inexpensive determination of every action and proceeding in US courts [FRCP Section 2017 Rule 1], from being punished, prosecuted for breaking the law, reported to Congress and impeachment.

The Conference is nation’s law enforcement agency of judicial conduct. The purpose of the Conference is to regulate the federal judges’ conduct and to discipline the federal judges under complaints that any person can file including one judge against another.

- I. the “Judicial Council Reform and Judicial Conduct and Disability Act” of 1980 (US Code, Title 28 Judiciary and Judicial Procedure, Part I: Organization of Courts, Chapter 16, titled “Complaints Against Judges and Judicial Discipline” [§§ 351–364]; **Conduct Act**)

Title 28 of the US Code Chapter 16 § 359ⁱⁱⁱ

Title 28 USC Section 455(b) (iii),^{iv} Canon 3(C) (1) (d) (i) and (iii) of the Code of Conduct for U.S. Judges, and the US Judicial Conference’s Advisory Opinion No. 103

- II. Conferences and Councils of Judges Law (**Council Act**).
- III. The “**21st Century Department of Justice Appropriations Authorization Act**” was enacted under Pub. L. 107-273 and incorporates the “**Judicial Improvements Act of 2002**,” which enacts USC Title 28 Chapter 16 (Conduct Act) and amends §§ 331, 332, 372, 375, and 604. For the legislative history, see H.R. Rep. 107-459 (2002).]
- IV. the presiding officer of the US Judicial Conference control the administration and interpretation of the **Conduct and Council Acts**, the “Rules Enabling Act of 1934” (US Code [USC] Title 28 §§2071 to §2077) (**Rules Act**) and the Federal Rules of Civil Procedure (**FRCP**).

28 U.S. Code Title 28—JUDICIARY AND JUDICIAL PROCEDURE

Part V. PROCEDURE

CHAPTER 131—RULES OF COURTS

Section 2072. Rules of procedure and evidence; power to prescribe

(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals.

(b) Such rules shall not abridge, enlarge, or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

Federal Rules of Civil Procedure

§ 2071. Rule-making power generally

Rule 1. Scope and Purpose. These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties **to secure the just, speedy, and inexpensive determination of every action and proceeding.**

V. "Civil Justice Reform Act of 1990" **TITLE I—CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS**

§ 471. Requirement for a district court civil justice expense and delay reduction plan

"There shall be implemented by each United States district court, in accordance with this title, a civil justice expense and delay reduction plan. The plan may be a plan developed by such district court or a model plan developed by the Judicial Conference of the United States. The purposes of each plan are to facilitate deliberate adjudication of civil cases on the merits, monitor discovery, improve litigation management, and ensure just, speedy, and inexpensive resolutions of civil disputes.

§ 474. Review of district court action

(b) The Judicial Conference of the United States —

"(1) shall review each plan and report submitted by a district court pursuant to section 472(d) of this title; and

"(2) may request the district court to take additional action if the Judicial Conference determines that such court has not adequately responded to the conditions relevant to the civil and criminal dockets of the court or to the recommendations of the district court's advisory group.

- VI. Guide to Judiciary Policy Vol. 2: Ethics and Judicial Conduct Pt. E: Judicial Conduct and Disability Act and Related Materials Ch. 3: **Rules for Judicial-Conduct and Judicial-Disability Proceedings**. Section 320 of this chapter reproduces the Rules for Judicial-Conduct and Judicial-Disability Proceedings. They were adopted on March 11, 2008 and took effect on April 10, 2008. They were amended on September 17, 2015, and again on March 12, 2019 (**Conduct Act Rules**)
- VII. the **Federal Judicial Center (FJC)** (28 U.S.C. §§ 620–629) the Chief Justice of the United States chairs the Center’s Board, which also includes the director of the Administrative Office of the U.S. Courts and seven judges elected by the Judicial Conference. The Board appoints the Center’s director and deputy director; the director appoints the Center’s staff. Since its founding in 1967, the Center has had eleven directors.
- VIII. the chair **Federal Judicial Center Foundation Act** (28 U.S.C. §§ 629) that creates a private corporation that funnels gifts between lawyers and the Federal Judicial Center (FJC).
- IX. Guide to Judiciary Policy Vol. 2: Ethics and Judicial Conduct Pt. A: Codes of Conduct. (**Judicial Canons and Conduct Code**) “The Code of Conduct for United States Judges was initially adopted by the Judicial Conference on April 5, 1973 and was known as the "Code of Judicial Conduct for United States Judges. The Judicial Conference has authorized its Committee on Codes of Conduct to render advisory opinions about this Code only when requested by a judge to whom this Code applies.

The Canons are rules of reason. They should be applied consistently with constitutional requirements, statutes, other court rules and decisional law, and in the context of all relevant circumstances. The Code is to be construed so it does not impinge on the essential independence of judges in making judicial decisions.

The Code is designed to provide guidance to judges and nominees for judicial office. It may also provide standards of conduct for application in proceedings under the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§ 332(d)(1), 351-364).”

i. <https://www.uscourts.gov/about-federal-courts/governance-judicial-conference>

ii. The Conference operates through a network of committees created to address and advise on a wide variety of subjects such as information technology, personnel, probation and pretrial services, space and facilities, security, judicial salaries and benefits, budget, defender services, court administration, and rules of practice and procedure. The Chief Justice has sole authority to make committee appointments. The Executive Committee of the Judicial Conference serves as the senior executive arm of the Conference, acting on its behalf between sessions on matters requiring emergency action as authorized by the Chief Justice; the Executive Committee is not otherwise a policy-making committee of the Judicial Conference. Among its responsibilities, the Executive Committee reviews the jurisdiction of Conference committees, prepares proposed consent and discussion calendars for meetings of the Conference, and establishes and publishes procedures for assembling agendas and schedules of events in preparation for Conference sessions.

iii. Title 28 of the US Code Chapter 16 § 359

§ 359. Restrictions

- (a) **Restriction on Individuals Who Are Subject of Investigation.** No judge whose conduct is the subject of an investigation under this chapter shall serve upon a special committee appointed under section 353, upon a judicial council, upon the Judicial Conference, or upon the standing committee established under section 331, until all proceedings under this chapter relating to such investigation have been finally terminated.
- (b) **Amicus Curiae.** No person shall be granted the right to intervene or to appear as amicus curiae in any proceeding before a judicial council or the Judicial Conference under this chapter.

§ 353. Special committees

- (a) **Appointment.** If the chief judge does not enter an order under section 352(b), the chief judge shall promptly—
- (1) appoint himself or herself and equal numbers of circuit and district judges of the circuit to a special committee to investigate the facts and allegations contained in the complaint;
 - (2) certify the complaint and any other documents pertaining thereto to each member of such committee; and
 - (3) provide written notice to the complainant and the judge whose conduct is the subject of the complaint of the action taken under this subsection.
- (b) **Change in Status or Death of Judges.** (intentionally left blank)

Investigation by Special Committee. Each committee appointed under subsection (a) shall conduct an investigation as extensive as it considers necessary and shall expeditiously file a comprehensive written report thereon with the judicial council of the circuit. Such report shall present both the findings of the investigation and the committee's recommendations for necessary and appropriate action by the judicial council of the circuit.

iv. Roberts is the subject of Petitioner's judicial conduct complaint for his misconduct in not restricting Judge Katzmann and McMahon as mandatorily required by the Judicial Council Reform and Judicial Conduct and Disability Act of 1980 (Act) (Title 28 of the US Code Chapter 16 §§ 351-364) and for approving the actions Judge Katzmann took to protect Judge Abrams from complying with her mandatory obligations under all applicable codes and laws, and advisory opinions, to recuse herself from the Petitioner's DRE case. A person does not have to testify at trial to commit perjury. The applicable laws are:

Title 28 of the US Code Chapter 16 § 359. Restrictions

- (c) **Restriction on Individuals Who Are Subject of Investigation.** No judge whose conduct is the subject of an investigation under this chapter shall serve upon a special committee appointed under section 353, upon a judicial council, upon the Judicial Conference, or upon the standing committee established under section 331, until all proceedings under this chapter relating to such investigation have been finally terminated.

Title 28 USC Section 455(b) (iii) states that a justice, judge or magistrate judge is required to recuse him/herself in circumstances when it is “known by the judge to have an interest that could be substantially affected by the outcome of the proceeding”. As a defendant in the above captioned action Your Honor clearly has an interest that could be substantially affected by the outcome of the proceeding.

Canon 3(C) (1) (d) (i) and (iii) of the Code of Conduct for United States Judges as promulgated by the Judicial Conference of the United States’ Advisory Committee on Codes of Conduct states that a judge should disqualify him/herself in instances in which the judge is a party to the proceeding or it is “known by the judge to have an interest that could be substantially affected by the outcome of the proceeding.” Once again, as a defendant in the above captioned action Your Honor is both a party to the proceeding and clearly has an interest that could be substantially affected by the outcome of the proceeding.

Further, the Judicial Conference’s Advisory Opinion No. 103 of the Judicial Conference’s Committee on Codes of Conduct states that “a judge must recuse if he or she is named as a defendant in a proceeding that has been assigned to the judge. Canon 3C (1) (d) (i) provides that a judge shall recuse himself or herself when the judge ... is ...a party to the proceeding.”