



Groundbreaking Legislation Proposed to Address Judicial Corruption in California

Description

USA: A piece of legislation, revolutionary in its implications, has been drafted and is now in the process of seeking sponsorship in the California Legislature. Drafted by Richard I. Fine, a former prosecutor for the U.S. Department of Justice, founder and chief of the first municipal antitrust division in the U.S. and Special Counsel to the Governmental Efficiency Committee of the Los Angeles City Council, the legislation contains the quiet potential of massively disrupting the court corruption that is now endemic to California Superior Courts.

Fine knows about this corruption first hand. In pursuit of confronting a situation in California where state Superior Court judges were receiving “extra monies and benefits” from the counties while hearing cases in which the counties were a party, Fine was summarily jailed on a contempt of court charge in 2010 and left to rot in solitary confinement in Los Angeles County Jail.

Fine stuck to his principles and sat it out. He was jailed for a total of 18 months.

Summarizing Fine’s plight, Tulanelink wrote,

“By law, the judicial salaries of California’s Superior Court judges are set and financed by the state. Many of the counties, however, have utilized schemes for supplementing the salaries of appellate court judges. These supplements assist the judges in their reelection campaigns and help insure favorable outcomes in cases where those counties are defendants. Attorney Richard I. Fine was instrumental in uncovering these extra-legal payments, which began in 1988 and affect more than 1,600 judges. The payments, which currently amount to about \$46,000, have been routinely omitted from the financial disclosure forms required of all judges. Fine’s campaign to expose this judicial misconduct led to his disbarment, and he was subsequently tried and imprisoned for contempt by one of the judges, Judge David P. Yaffe, who was caught up in the financial scandal.”

Speaking with this reporter last week, Fine, 82, sounded robust and determined. “You don’t **** with the Fines,” he stated, while holding forth on the revolutionary potential of his proposed legislation.

The draft proposal contains what on the surface appears to be a modest but unusual addition to the plethora of agencies, commissions and committees now littering the official California landscape.

Named the “Judicial Oversight and Victim Compensation for Judicial Misconduct and Judicial Abuse of Power Commission,” it will be mandated with overseeing compensation to victims of judicial misconduct in California.

Ostensibly, there are already structures in place to do just that. The California Commission on Judicial Performance is one. However, the CJP has a dismal record of disciplining judges and is largely viewed to be a further bureaucratic level of protection provided to judges, who already enjoy legal immunity for their abusive and illegal decisions on the bench.

Of which there are legion. According to Fine, 90% of California judges receive these “extra benefits.” Research on another mechanism to add to judges’ already bursting billfolds indicate that approximately 2/3 of the judges already looked at have mortgage profiles redolent of money laundering.

In fact, there are many ways to bribe a judge. The “extra benefits” uncovered by Richard Fine were quickly addressed by the California State Legislature in “emergency legislation.” SBX-211 retroactively declared the benefits to be legal and gave all actors immunity from prior receipt of these county monies. In addition, financial disclosure laws do not require judges to disclose their home loans, which appear to be another mechanism for paying off compliant and law-breaking judges. Another mechanism is to give a public official or judge “ownership” of a nursing home bed and all the income it generates. Yet another mechanism is to hire a judge’s family member for a whoppingly lucrative job for which he may not be qualified.

The creation of a Commission to pay financial compensation to victims of judicial misconduct has several benefits, according to Fine. One, of course, is to recognize and address the fact that individuals are being regularly victimized in court proceedings, including family court, probate court and criminal court. A less obvious benefit would be that the CJP would be mandated, according to Fine’s law, to formally investigate a judge who has been deemed by his proposed Commission to have victimized a California litigant. Fine explains that there would be an impetus for judges to be appointed who were clean, rather than beholden, as the payouts on judicial crimes would potentially drastically impact the allotment for the judiciary in California.

At present, the CJP receives over a thousand complaints per year. According to its own statistics, in 2021 the CJP received 1,253 complaints. Its website states that in 2021, there was one (that’s right, one) formal proceeding pending and one (yes, you read that right) new proceeding launched. The [website goes on to state](#) that “In 2021, the commission removed one judge, imposed three public admonishments. The commission also issued four private admonishments and eleven advisory letters.”

Fine is adamant that his Commission, which will largely be made up of advocates from various concerned citizen groups, will be able to do a more thorough job than the CJP. The slots on this Commission, according to his proposed legislation, will be appointed by the Commission chair, except for slots predetermined for three public officials, including the Governor, Speaker of the California House and the President Pro Tem of the California Senate, or their designees. The legislation names Fine himself as the chair.

In ostensible efforts to address the reality of probate court victimization, which is now rampant throughout the US, several states have passed legislation which creates a new oversight board for adult guardians. These guardianships are now known to be fertile fields for theft and even murder.

According to the advocacy group aaapg.net,

“Imagine a system of justice in this country that strips its citizens of their Constitutional rights, voids their existing legal documents, gives others the right to spend their money and sell their assets, isolates them, and has the ability to limit the time they can spend with their loved ones.

“This description refers to a judicial system that preys on the elderly and is determined to deem them unable to care for themselves. It is a system that allows those in control to take full advantage of their ‘wards of the state’—legally and under the watchful eyes of judges. It is called guardianship.”

California was the first to institute an oversight board for guardians. Named the Professional Fiduciaries Board, it has fallen to the same fate as other, later such boards, in states such as Florida and has ended up serving the interests of the very group it is mandated to oversee. Technically, the terminology to describe what takes place when a regulatory agency ends up protecting the very entities it was mandated to oversee is “capture.”

Fine’s legislation goes on to delineate several motives behind judicial misconduct, including racism, anti-Semitism, gender prejudice and ageism. The legislation contains specific cases and examples of these prejudices.

According to retired attorney Ken Ditkowsky, Fine’s legislation will not accomplish its hoped-for aim. “We don’t need new legislation,” declares Ditkowsky, who has become something of a legend among those watching the playing field in adult guardianships. Ditkowsky was forcibly retired from the practice of law after over 50 years as an attorney for attempting to protect the civil rights of a woman under guardianship, Mary Sykes.

According to Ditkowsky, what is needed is enforcement of existing law, the enforcement of which is now selectively deployed in order to protect guardians and scofflaw judges.

Fine is seeking a sponsor for his proposed bill. He states he has reached out to Senate President Pro Tempore Toni Atkins and encourages all Californians to contact their state representatives about court corruption and to seek their support of of this bill. If successful in California, Fine foresees presentation of this proposed legislation in the rest of the states.

By Janet Phelan

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