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To: Judy Krivit, Administrative Office

03-AP-513

This is to voice strong support for proposed Fed. R. App. P. 32.1. The issuance of unpublished opinions is part of a long-standing and broader problem, which includes per curiam decisions under the guise of judicial decision-making although they are often the product of poorly supervised law clerks. Unpublished opinions are often invoked against unrepresented, pro se litigants, and are not considered among corporate or well-financed litigants. These disfavored decisions allow courts to create a kind of stealth law to shield unpopular causes from fair and impartial consideration, so that the level of public scrutiny naturally associated with published cases is never reached. The result is that efforts to expose cases, with judicial misconduct at the trial court level, are counter-productive and buried in short, unpublished decisions. One example revolves around Joseph J. Farnan, Jr., a Federal District Court Judge presiding in the District of DE., who was on my principal adversary's payroll. He had personal knowledge of and association with the key, adversary witness, and had a vested, pecuniary interest in the outcome. DE Federal Judge Joseph J. Farnan, Jr., appointed in 1985, presided over the cases I filed against the Delaware Law School in the Delaware Federal District Court, like Martin v. DLS, et. al., 85-53 (JJF), 625 F. Supp. 1288, 884 F. 2d 1384, cert. den., 110 S. Ct. 411 (1989), reh. den., 110 S. Ct. 766 (1990), and Martin v. DLS, et. al., 88-396-A, VA Dist, trans. to DE Dist. at 88-298 (JJF), and others involving issues common the the Law School cases. Judge Farnan was the only trial court judge to issue decisions on outcome-determinative motions during the first six years.

Judges in other jurisdictions, including Judge Thomas Penfield Jackson in the District Court, viewed decisions from Delaware Judge Farnan to have res judicata effect, so that none of the related cases ever came to trial. Some illustrations are: Martin v. DLS, et. al., 88-768 DC, cert. den., 110 S. Ct. 212 (1989), reh. den., 110 S. Ct. 421 (1990), and Martin v. DLS, et. al., 88-3420, E. PA, cert. den., 91-8411,--US--. There are many others.

Judge Farnan was a professor at the same Law School I named as a defendant in my lawsuits. Judge Farnan said, as noted in a published article, "I was approached by Dean Emeritus Avins . . . [and asked to teach at defendant Delaware Law School.]" When James Turner, an examiner for the Office for Civil Rights, where a final administrative order was issued in my favor (which decision Judge Farnan claimed could be "ignored"), interviewed the Law School's Dean, Anthony Santoro, former Dean Santoro said, ". . . that he was relatively new to the deanship of DLS. The former dean, Dean Avins, was involved. Dean Avins hired liar Farnan to teach at the law school on an emergency basis, according to a frivolous statement from liar Farnan.

Liar Judge Farnan consistently issued Orders to protect his former employer, who was the Delaware Law School, and his colleagues. Because his now obvious conflict of interest resulted in clearly biased decisions against me, I sought his removal through a series of mandamus petitions. They are:

a. Martin v. Farnan, 89-8008, 3rd Cir.; IN RE: James Lee Martin, 89-6594, man./proh. den., 3-19-90; reh. den., 4-30-90;

b. Martin v. Farnan, 90-8035, 3rd Cir.;

(1) 89-7446, cert. den., 6-28-90, reh. den;
(2) 89-7700, cert. den., 10-1-90, reh. den;

c. Martin v. Farnan, 89-8088, 3rd Cir.; Martin v. Farnan, 89-7817,--US-- pet. for writ of cert. den., 10-1-90, reh. den;

d. Martin v. Farnan, 90-8102, 3rd Cir., reh. en banc den., cert. den., 90-7012, on 3-25-91, reh. den., 4-29-91; and

e. Martin v. Farnan, 90-8043, 3rd Cir., pet. for writ of mandamus den., pet. for writ of cert. den., US, No. 91-5246, captioned Martin v. Smith.

Liar Judge Farnan, through his belligerent, prolonged, and mendacious position, refused to grant a series of Motions to Recuse and to Disqualify that I filed in a series of cases, where I set forth in detail his extreme bias against me. The five (5) mandamus petitions against liar Judge Farnan in the Third Circuit were all to compel his recusal. Eventually, the liar was involuntarily removed; and it was appropriate at that time to reopen all the decisions the liar entered against me, because the liar clearly wrote that there was no "bias or prejudice" rooted in an "extrajudicial source." Here is one illustration of his denial of any extrajudicial nexus, from liar Judge Farnan's 6-3-91 Op. in Martin v. Smith [Professor at Delaware Law School], et. al., No. 91-75, D. DE:

"Both the United States Supreme Court and the Court of Appeals for the Third Circuit has stated unequivocally that a recusal motion based on bias or prejudice must point to a bias or prejudice that stems from an extrajudicial source."

The fact that liar Farnan was ousted while facing multiple Motions to Recuse, which were not ruled on, and that a filing clerk sought to "moot" these motions through the issuance of a "Notice of Reassignment" is a fact that never emerges in any published opinions. What does emerge is a lengthy published opinion, authored by liar Farnan, to fabricate excuses about why his employer and colleagues should be protected from the final administrative decision previously issued against them.

The corruption in the PA judicial system, which has been well-documented in view of the demise of the PA Supreme Court during the Larsen impeachment, was also the subject of many unpublished opinions at that time. The corrupt PA Supreme Court and its cronies purported to sua sponte remove my name from the list of attorneys admitted to practice before the state court, and, years later, induced the US Court of Appeals for the Federal Circuit to likewise remove my name from the list of licensed attorneys, without notice, hearing, or cause.

The malicious and frivolous attempt to summarily remove my name from the list of attorneys admitted to practice before the court--a removal without notice, hearing, or cause--was effected amidst a flurry of unpublished opinions.

Former PA Board of Law Examiners' Secretary Susuan Anderson, with the scandalously corrupt PA Supreme Court, its notorious member judges,

their association with the Delaware Law School faculty, and others associated with them, were all the beneficiaries of various unpublished opinions. Despite this protection, the state legislature successfully brought to public attention some of the outrages that were buried in litigation during the years preceding the Larsen impeachment and conviction. Any legal process or decision open to public scrutiny is more difficult to distort than one that is systematically concealed and shielded, so the issuing court does not want to ever consider its own rulings on the subject again.

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