From:	Jonathan Zell
To:	AO Code and Conduct Rules
Cc:	Brian Vukadinovich
Subject:	Comments submitted by Jonathan R. Zell on the JC&D Rules
Date:	Tuesday, November 13, 2018 11:38:43 PM
Attachments:	Zell Public Comment.docx Zell Public Comment.pdf

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November 13, 2018

To the Committees on Codes of Conduct and Judicial Conduct and Disability:

Please find attached (as both a PDF and as a Microsoft Word document) the comments submitted by Jonathan R. Zell (an individual on behalf of himself only) on the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Sincerely yours.

/s/ Jonathan R. Zell
Jonathan R. Zell
Enclosures as noted

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Comments on the Rules for Judicial-Conduct and Judicial-Disability Proceedings

I. INTRODUCTION

The following constitutes the comments to the Rules for Judicial-Conduct and Judicial-Disability Proceedings of Jonathan R. Zell, a licensed Ohio attorney (at least, so far!).

Specifically, these comments address the proposed ***new*** Subsection (1) ("Allegations related to the merits of a decision or procedural ruling") of Section (b) ("Conduct Not Constituting Cognizable Misconduct") of Rule 4 ("Misconduct and Disability Definitions") of Article II ("MISCONDUCT AND DISABILITY") of § 320 Rules for Judicial-Conduct and Judicial-Disability Proceedings. The new Rule 4(b)(1) is designed to replace the current (or old) Rule 3(h)(3)(A).

II. ALLEGATIONS RELATED (OR NOT RELATED) TO THE MERITS OF A DECISION

A. The New Rule 4(b)(1) and the Old Rule 3(h)(3)(A)

The new Rule 4(b)(1) states as follows:

> 4. Misconduct and Disability Definitions
>
> * * *
>
> (b) Conduct Not Constituting Cognizable Misconduct
>
> (1) Allegations related to the merits of a decision or procedural ruling. Cognizable misconduct does not include: an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse, ***without more***, is merits-related. If the decision or ruling is alleged to be the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias, or improper conduct in rendering a decision or ruling, such as personally derogatory remarks irrelevant to the issues, the complaint is not cognizable to the extent that it calls into question the merits of the decision. (Emphasis added.)

The new Rule 4(b)(1) is essentially the same as the old Rule 3(h)(3)(A). Both versions seek to exclude from the complaint process any decision or ruling "alleged to be the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias" by appearing to claim that such an allegation "calls into question the merits of the decision."

However, ***all*** allegations of judicial bias will call into question the correctness of the judge's ruling. So what needs to be stated is that (using the words of the rule itself), "without more," an allegation that merely calls into question the correctness of the judge's ruling is not sufficient to create a cognizable complaint. But, together with an allegation that the judge's motive in making the erroneous ruling was bias, it is sufficient.

B. The New "Commentary on Rule 4" and the Old "Commentary on Rule 3"

The proposed ***new*** "Commentary on Rule 4" is also essentially the same as the current (or old) "Commentary on Rule 3."

The new "Commentary on Rule 4" states in pertinent part:

> [A]n allegation that a judge ruled against the complainant because the complainant is a member of a particular racial or ethnic group, or because the judge dislikes the complainant personally, is . . . not merits-related. Such an allegation attacks the propriety of arriving at rulings with an illicit or improper motive.

Rule 4(b)(1) and the above-quoted paragraph from the "Commentary on Rule 4" are supposedly distinguishable because the former pertains to attacks on "the correctness of an official decision or procedural ruling of a judge," while the latter pertains to attacks on the manner at which that decision or ruling was "arriv[ed at."

In this sense, the "Commentary on Rule 4" carves out an exception to Rule 4(b)(1) — which, as stated above, needed to be made — by stating that, where "an allegation attacks the propriety of arriving at rulings with an illicit or improper motive," the complaint is cognizable. However, this exception ***should be stated in the rule itself***. Otherwise, the rule does not appear to include this exception and thus, as will be shown below, the "Commentary on Rule 4" appears to be mere window dressing (i.e., it corrects the obvious deficiency in the rule, but then it is not put into effect).

III. MY COMMENTS

Together, what Rule 4(b)(1) and the "Commentary on Rule 4" seem to be doing is trying to dictate the ***kind of evidence*** that may be used to make a cognizable complaint of bias against a judge, and trying to do so for the ***improper*** purpose of preventing valid complaints of misconduct against judges from being made. For the rule and the commentary appear to require that a cognizable complaint must be based on evidence showing that the judge is a biased or prejudiced person, and may ***not*** be based on evidence merely showing that the judge's decision or ruling was biased, i.e., corruptly (meaning illegally) "fixed" to favor one of the litigants.

If so, then what Harvard Law Professor Alan Dershowitz has said about judicial-conduct bodies in general is also true of the Rules for Judicial-Conduct and Judicial-Disability

Proceedings in particular: Their very purpose is to ***protect*** judges rather than to hold them accountable for their misconduct. Accordingly, what follows below will first explain how Rule 4(b)(1) should be revised to prohibit judicial case-fixing and, second, will then show that otherwise the effect of Rule 4(b)(1) appears to be to cover up such case-fixing.

A. <u>The Conflict Between Rule 4(b)(1) and the Commentary on Rule 4</u>

As noted above, Rule 4(b)(1) states in pertinent part: "If the decision or ruling is alleged to be the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias, . . . the complaint is not cognizable to the extent that it calls into question the merits of the decision."

In contrast, the "Commentary on Rule 4" states: "[A]n allegation that a judge ruled against the complainant because the complainant is a member of a particular racial or ethnic group, or because the judge dislikes the complainant personally, is . . . not merits-related. Such an allegation attacks the propriety of arriving at rulings with an illicit or improper motive."

Thus, the rule and the commentary appear to conflict with each other. On the one hand, the commentary states that an allegation that a judge arrived at a ruling due to an "improper motive" is "not merits-related" and, thus, constitutes cognizable misconduct. On the other hand, the rule states: "If the decision or ruling is alleged to be the result of an improper motive . . . the complaint is not cognizable to the extent that it calls into question the merits of the decision." As previously stated, the only way that the rule and the commentary can be reconciled with each other is to recognize that:

> **[*A*]*ll*** allegations of judicial bias will call into question the correctness of the judge's ruling. So what needs to be stated is that (using the words of the rule itself), "without more," an allegation that merely calls into question the correctness of the judge's ruling is not sufficient to create a cognizable complaint. But, together with an allegation that the judge's motive in making the erroneous ruling was bias, it is sufficient.

To resolve the conflict (or, at least, the ambiguity) between Rule 4(b)(1) and the "Commentary on Rule 4" — and to make it clear that judicial decisions or rulings based on bias or favoritism towards one of the litigants most certainly ***does*** constitute misconduct — Rule 4(b)(1) ***should be revised*** to read as follows below:

> (b) Additional Conduct Constituting and Not Constituting Cognizable Misconduct
>
> (1) Allegations related and unrelated to the merits of a decision or procedural ruling.
>
> (A) <u>Cognizable misconduct does not include</u>: An

allegation that calls into question the correctness of a judge's decision or ruling, including a failure to recuse, ***without more***, is merits-related and, thus, does not constitute a cognizable complaint.

(B) Cognizable misconduct does include: An allegation that a judge's decision or ruling was the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias, favoritism, or improper conduct in rendering a decision or ruling, such as personally derogatory remarks irrelevant to the issues, is ***not*** merits-related. Instead, such an allegation attacks the propriety of arriving at rulings with an illicit or improper motive and, thus, does constitute a cognizable complaint.

As revised above, Rule 4(b)(1) now clearly states that making a judicial decision or ruling based on bias or favoritism towards one of the litigants — i.e., corruptly "fixing" a court case — constitutes cognizable misconduct. Furthermore, the rule now avoids the non-issue of whether or not the merits of the decision have also been called into question (because of course they have been called into question, too).

B. Judicial Bias (i.e., Case-Fixing) Should Constitute Cognizable Misconduct

Many scholars have concluded that, while it might be difficult to prove judicial bias in a particular case, such bias is nonetheless widespread. For example, as a major study of election cases has shown, judges often rule in favor of the political party responsible for putting them in office. *See generally* Michael S. Kang and Joanna M. Shepherd, *The Long Shadow of* Bush v. Gore*: Judicial Partisanship in Election Cases*, 68 STANFORD LAW REV. 1411 (2016). And, as the authors of that study have stated:

> There is little reason to believe that partisanship influences judges ***only*** in election cases. It could be that our work here exposes just the tip of the proverbial iceberg. If judges are influenced, consciously or not, by loyalty to their party in election cases, they are likely tempted to do so in other types of cases as well, even if it is methodologically difficult to isolate partisanship as cleanly there.

See id. at 1452 (original emphasis).

Even though they have lifetime tenure, federal judges are not immune to partisanship. For, "while judicial independence may sometimes free a judge from unwanted political pressure, those structures do nothing to prevent an insulated judge from indulging her or his own political preferences or private agendas." *See* Howard Gillman, *Judicial Independence Through the Lens of* Bush v. Gore*: Four Lessons from Political Science*, 64 OHIO ST. L.J. 249, 264 (2003).

Indeed, as a study of eleven U.S. courts of appeal has shown, federal judges are every bit as partisan as their state-court counterparts, who have to stand for re-election. *See generally* Corey Rayburn Yung, *Beyond Ideology: An Empirical Study of Partisanship and Independence in the Federal Courts*, 80 GEO. WASH. L. REV. 505, 508 (2012). Criticizing both judges who came to the bench after private-law practice and those who came after government service, this study found that ***only*** formerly full-time law professors displayed a relative lack of partisanship because their personal interests more often dovetailed with rendering a legally-correct decision. *See id*. at 509.

So, once a judge decides to corruptly "fix" a case, how does the judge do it? As then-Northwestern University Law School Professor Anthony D'Amato explained, the most egregious method that judges use to "fix" a case is to misstate the facts of the case so as to arrive at the desired conclusion:

> If the ***facts*** of a case conclusively prove that a certain thing did not happen . . . , then the facts have to be changed in order to achieve a judge's desired results.

Anthony D'Amato, *The Ultimate Injustice: When a Court Misstates the Facts*, 11 CARDOZO L. REV. 1313, 1347 (1990) (original emphasis).

Moreover, as nationally-renown legal scholar and law professor Monroe Freedman pointed out in a 1989 speech to the Federal Circuit Judicial Conference, this dishonest practice of judicial decision-making is very widespread:

> Frankly, I have had more than enough of judicial opinions that bear no relationship whatsoever to the cases that have been filed and argued before the judges. I am talking about judicial opinions that falsify the facts of the cases that have been argued, judicial opinions that make disingenuous use or omission of material authorities. . . .

Id. at 1345.

Immediately following Professor Freedman's speech, a judge sitting next to him said (apropos of the passage above quoted), "You don't know the half of it!" *Id*. at 1346.

No one can deny that it should constitute misconduct for a judge to ***lie about the facts of a case*** in order to arrive at a pre-determined conclusion — especially where (as often occurs) the judge's purpose is to favor a politically-powerful litigant. Indeed, judges who purposefully misstate the facts of a case and then base their decision on that misstatement are engaged in quintessential case-fixing because their decision was determined by something ***other*** than the merits of the case. Accordingly, Rule 4(b)(1) should be revised so that it is clear that judicial case-fixing constitutes cognizable misconduct.

C. The Relationship Between Judicial Bias and Erroneous Decisions

As written, Rule 4(b)(1) is correct to the extent that — for the purpose of determining cognizable judicial misconduct — there should be a distinction drawn between erroneous decisions made with proper or innocent motives (such as an honest mistake) and erroneous decisions made with improper motives (such as bias or favoritism for a politically-powerful litigant). Moreover, only the latter should represent cognizable misconduct.

This then raises the question of how a complainant is supposed to prove case-fixing — i.e., that an erroneous decision was made with an improper rather than a proper motive. As previously noted, Rule 4(b)(1) states in pertinent part:

> Cognizable misconduct does not include: an allegation that calls into question the correctness of a judge's ruling. . . . If the decision or ruling is alleged to be the result of an improper motive, . . . the complaint is not cognizable to the extent that it calls into question the merits of the decision.

What this seems to mean is that the evidence used in a cognizable complaint may ***not*** be the merits of (i.e., the errors in) the judge's decision or ruling itself; instead, the only evidence that a complainant may use is the judge's out-of-court conduct. Furthermore, nothing in the "Commentary on Rule 4" seems to change this.

Accordingly, it appears that the purpose of Rule 4(b)(1) and the "Commentary on Rule 4" was ***improperly*** to exclude allegations of case-fixing from what constitutes cognizable misconduct by forcing complainants to prove, from the out-of-court conduct of the judge in question, that the judge was biased against the complainant. But that is not even how prejudice and bias work. A person is not 100% biased against Blacks or against whites, for example. Instead, race might just be one of many biased factors that go into the calculus of how someone is going to act.

Also, a judge is much more likely to be influenced by a litigant's class or social standing than by a litigant's race. Thus, in many cases, one sees the legislative and executive branches' allegiance to the principle of "Too Big to Fail" continued in the judicial arena with an allegiance to the principle of "Too Big to Lose." Yet, how could complainants obtain convincing evidence of a judge's favoritism towards politically-powerful litigants from the judge's out-of-court conduct? They couldn't. Thus, requiring such evidence seems to be the way that Rule 4(b)(1) achieves its ***improper*** aim of excluding complaints that a judge has corruptly "fixed" a case to favor one of the litigants.

If (in some imaginary world) complainants were given the opportunity to cross-examine judges on why the judges made their erroneous decisions, then the complainants might be able to prove when those erroneous decisions were purposefully made based on bias and when they were simply due to innocent mistakes. For example, judges would be hard-pressed to explain away as innocent mistakes decisions that studiously ignored key

legal issues, key legal arguments, or controlling legal precedents or that grossly misrepresented or even fabricated key facts.

In other words, some errors in judicial decisions are so obvious — such as calling up, "down"; calling black, "white"; just making stuff up — that even the judges' incompetence or stupidity could not explain these errors (assuming the judges would even claim those as their excuses). However, our legal system would ***never*** permit complainants to cross-examine judges on their decisions for fear that, in all too many cases, this would be like pulling the curtain back on the Wizard of Oz.

So, absent the opportunity to cross-examine a judge, the ***only*** way for a complainant to prove that the judge's erroneous decision was made with an improper motive is to demonstrate that the decision was so obviously erroneous that the judge had to have known this and/or that the reasons the judge gave for the decision were also so obviously erroneous that those reasons could not have been the true reasons for the decision. (This would be especially true where, as is so often the case, the judges have made certain that the their errors would not be corrected in advance by denying the litigant's request for oral argument in the knowledge that the judges' favored side would lose if the issues were aired publicly.)

Yet, what do you think happens whenever a complainant tries to prove that a given judicial decision was based on bias or favoritism by focusing on the obviousness of the judge's errors or the vacuousness of the reasons given by the judge for the decision? I will tell you what I think happens: At the federal level, the current Rule 3(h)(3)(A) — and the proposed new Rule 4(b)(1) — of the Rules for Judicial-Conduct and Judicial-Disability Proceedings will typically be used to rule the complainant's complaint out of order on the grounds that the complaint supposedly calls into question the correctness of the judge's decision rather than the propriety of the judge's motive in arriving at that decision. Clearly, this is itself a ***biased*** ruling by judges protecting their fellow judges, and covering up what is often very blatant and obvious case-fixing.

D. <u>The Entire Legal System is Designed to Protect Judges</u>

I am certain that my proposed revision of Rule 4(b)(1) will be summarily rejected without any serious consideration and, thus, that judges who corruptly fix cases (without taking bribes) will continue to do so with impunity. For, as Harvard Law Professor Alan Dershowitz has said, the very purpose of judicial-conduct bodies is to ***protect*** judges rather than to hold them accountable for their misconduct. *See* Jerrold K. Footlick and Phyllis Malamud, *A Man For All Cases*, NEWSWEEK (Feb. 20, 1978).

Yet, it is precisely the absence of any enforcement mechanism against judicial case-fixing (except where bribery is involved) that causes such case-fixing to be so widespread — and even to be joked about by the federal judges themselves. For recall what Professor Monroe Freedman told the Federal Circuit Judicial Conference:

> Frankly, I have had more than enough of judicial opinions that bear no relationship whatsoever to the cases that have been filed and argued before the judges. I am talking about judicial opinions that falsify the facts of the cases that have been argued, judicial opinions that make disingenuous use or omission of material authorities. . . .

And then recall how one of the federal judges at the conference responded: "You don't know the half of it!"

What makes the ***corrupt*** system of judicial protection so effective is that the official protection given to case-fixing judges extends well beyond excluding case-fixing as a form of cognizable misconduct in, for example, the Rules for Judicial-Conduct and Judicial-Disability Proceedings. For despite its obvious purpose to cover up instances of judicial case-fixing, there is also a prohibition in every state's attorney-disciplinary rules against attorneys even making an allegation of judicial case-fixing. This is very ironic given that the rationale for the prohibition against making allegations of case-fixing is (according to my own state's highest court) that "bias . . . . [by a judge on behalf of one of the parties to a court case is a form] of criminal or unethical activity[.]" *See Disciplinary Counsel v. Gardner*, 99 Ohio St.3d 416, 421, 793 N.E.2d 425, 430, 2003-Ohio-4048 (2003). Since attorneys are the ones best able to know when judicial case-fixing has occurred, the obvious purpose of this prohibition is to cover up the judges' "criminal or unethical activity."

To justify their punishment of an attorney whistleblower who exposes judicial case-fixing, the state courts engage in the ***fiction*** that the attorney's allegation of case-fixing was false so that, technically, the courts are charging the attorney with making a false accusation against a judge. However, in so doing, the courts take the position that, absent the judge's confession or conviction, there will never be enough evidence to prove the truth of the attorney's allegation. Take, for example, what the Board of Commissioners on Grievances & Discipline of the Supreme Court of Ohio has, in personal correspondence with me back in 2012, called the "seminal case" of *Disciplinary Counsel v. Gardner*, 99 Ohio St.3d 416, 793 N.E.2d 425, 2003-Ohio-4048 (2003).

According to that case, attorney Mark J. Gardner had a client who, due to an error by the arresting law-enforcement officer, was charged with the "wrong" driving offense. In a misguided attempt to correct the officer's error, a court then convicted the client of the proper offense even though the client had not been charged with that offense. So, in a motion for reconsideration, attorney Gardner correctly pointed out that, since his client was never charged with the crime of which he was convicted, the client did not receive sufficient notice of that crime as required by due process of law. In other words, in its rush to get a conviction no matter what, the court had trampled on his client's constitutional rights. *See e.g.,* Frank Lewis, *He Didn't Play Nice: Criticize a judge in Ohio, and revenge comes swiftly*, CLEVELAND SCENE (Feb. 11, 2004), found at https://www.clevescene.com/cleveland/he-didnt-play-nice/Content?oid=1485421. Accordingly, Attorney Gardner then aptly characterized the court's decision as having been "result driven." *See Disciplinary Counsel v. Gardner*, 99 Ohio St.3d at 416-417, 793 N.E.2d at 426-427.

In a decision that ***itself*** seemed result-driven, the Ohio Supreme Court suspended attorney Gardner's law license, asserting — ***without any evidence*** — that "a reasonable attorney would believe that respondent's [attorney Gardner's] accusations [of 'result driven' judicial decision-making] were false." *See Disciplinary Counsel v. Gardner*, 99 Ohio St.3d at 421, 793 N.E.2d at 432. However, my colleagues and I are reasonable attorneys, and we believed attorney Gardner's allegations to be ***true***. Moreover, our feelings are borne out by academic studies on judicial whistleblowers, such as attorney Gardner. Those studies have found that, generally speaking: "[B]ecause the higher court learns the facts upon review, . . . the whistleblower is always truthful." *See* Beim, D., Hirsch, A. V., & Kastellec, J. P., *Whistleblowing and compliance in the judicial hierarchy*, AMERICAN JOURNAL OF POLITICAL SCIENCE, 58(4), 904, 907 (2014). Considering that these whistleblowing attorneys are risking their law licenses by complaining, the charge that their complaints have been fabricated is itself the real lie.

Thus, the Ohio Supreme Court's *Gardner* decision shows not only the courts' disingenuousness, but also the ***impossible*** standard that is applied to attorney criticism of judicial decisions. In this sense, the standard required of attorneys who accuse judges of result-driven decision-making is the same as that required by the Holocaust denier whom, it has been said, confronts Holocaust survivors with:

> the absurd challenge to produce incontrovertible eyewitness evidence of their experience. . . . Not only was such evidence unavailable, but it also challenged the Jewish survivors to produce evidence of their own legitimacy[.]

Ulrich Baer, What "Snowflakes" Get Right About Free Speech, THE NEW YORK TIMES (The Stone, April 24, 2017), found at https://www.nytimes.com/2017/04/24/opinion/what-liberal-snowflakes-get-rightabout-free-speech.html?src=me).

More importantly, attorney Gardner's complaint — that the appellate court had ignored the law in order to convict his client — was 100% accurate. The law in question states that, when writing up the charges for a traffic ticket, the police must cite the correct statute or else the charges will be dismissed. For example, a recent news story reported that another judge had dismissed speeding charges against former NFL football star Plaxico Burress because "the statute [that] was written on the citation did not match the charge." *See* Brittney M. Walker, *Plaxico Burress Gets $1000 Speeding Ticket Dismissed*, EUR/ELECTRONIC URBAN REPORT (Nov. 7, 2012), found at http://archive.eurweb.com/2012/11/plaxico-burress-gets-1000-speeding-ticket-dismissed/. The only difference between the football player's case and the one complained about by attorney Gardner is that the former involved a VIP and the latter involved an ordinary citizen.

Thus, this is just one of countless examples demonstrating that many judges apply one law for the rich and powerful, and another law for everyone else. However, by attempting to expose this truth, attorney Gardner had his law license suspended — and countless other attorneys tempted to do the same in their own clients' cases are now muzzled.

Apparently, attorneys are required to espouse the party line that all judges decide cases by blindly following wherever the facts of the case and the law lead rather than based on the particular results that the judges want to achieve — or else the attorneys risk the loss of their law licenses. Yet, if a judge's misstatements of the facts or the law are material, then by definition they will affect the results of the case. Moreover, the only logical reason that a judge would make such material misstatements is that the judge wanted to reach a particular result in the case. Hence, lawyers are put in the same position as was described in the story "The Emperor's New Clothes." There, as you will remember, the citizens were supposed to compliment the Emperor on his "new clothes" instead of proclaiming what they knew to be his nakedness.

E. Conclusion

As demonstrated above, the fact that judges routinely get away with blatant and obvious case-fixing (typically, to favor politically-powerful litigants), while attorneys who try to point this out lose their law licenses, suggests that (1) the rule of law doesn't exist; (2) the courts are corrupt; and (3) our entire system of justice is a fraud.

Coincidentally, the above three issues are the subject of an upcoming *cert.* petition that I will soon be filing before the U.S. Supreme Court in a case on appeal from the U.S. Court of Appeals for the Sixth Circuit titled *Eileen L. Zell v. Katherine Klingelhafer, et al.* (Like the other defendants, Ms. Klingelhafer is a lawyer at the "Am Law 200" law firm of Frost Brown Todd LLC). In that case, as demonstrated in the pleadings posted online at http://occupythefranklincountycourts.com, the lower federal courts blatantly and ***obviously*** "fixed" the case to favor a politically-powerful law firm and, in the process, purposefully ***framed*** me — the son of the law firm's client — for the law firm's own legal malpractice.

Indeed, the district and appellate courts' case-fixing in that case was so ***obvious*** that — as is also posted at http://occupythefranklincountycourts.com — I am offering $100,000.00 to anyone who can prove otherwise to three law professors ***of their own choosing***!

So, if anyone does not believe that federal district and appellate court judges routinely get away with blatant and ***obvious*** case-fixing on behalf of politically-powerful litigants, I urge them to read my posted court pleadings and to take me up on my $100,000.00 offer.

Finally, I demand that my state's (Ohio's) attorney-disciplinary officials institute disbarment proceedings against me so that I will ***finally get a hearing*** on my charges of case-fixing against the district and appellate court judges in *Eileen L. Zell v. Katherine Klingelhafer, et al.,* inasmuch as the both the district and appellate courts denied my requests for oral argument in the case. This is especially important because, unless and until the proposed Rule 4(b)(1) — or the current Rule 3(h)(3)(A) — of the Rules for Judicial-Conduct and Judicial-Disability Proceedings is revised to allow complaints alleging biased decision-making, the illegal actions of those judges will not even be reviewable.

Respectfully submitted by:

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