

Truthfulness in Decisions Act

Bill Proposal By Private Investigator Manuel Gomez

October 12, 2021

Once a judge is on the bench, there is no review process or guardrail in place to spot judicial red flags in a judge's rulings. Currently, a judge can have an unlimited number of cases overturned for improper rulings with no consequence for judicial incompetency.

Mission Statement

The Truthfulness in Decisions Act will remove the immunity given to judges. It will bring accountability to judges who have committed acts of corruption - violating the code of conduct for judges - biasness, falsifying decisions, violating a person's civil rights, and for not following the letter of the law. It will serve as a check on judicial behavior and provide protection to the public. The legitimacy of US Courts rest on the public's belief that our judicial system is fair, just, and equitable. This Act will ensure that no one is above the law.

Immunity: This act will remove the immunity currently held by state judges. Immunity prevents judges who are malicious, biased, unethical, and corrupt from being held personally accountable for judicial actions that are unlawful. It protects judges from being sued and disbarred from actions that are unlawful and corrupt in their decisions and rulings and for not following the letter of the law. Immunity violates the very tenant of democracy, and the very system of checks and balances America is founded on. By changing the immunity to qualified immunity, this affords a system of checks and balances since a judge can be removed from his position

Qualified immunity is a lesser form of immunity. NY State judges will have qualified immunity which will protect judges from meritless lawsuits and will guarantee victims of unlawful judicial conduct by a judge an opportunity to seek damages. Qualified immunity will become the standard for all NY State judges.

Responsibility: The Truthfulness in Decisions Act will promote public integrity and ensure impartiality of the Judiciary. This Act will deter judicial abuse by forcing judges to be more careful to safeguard the rights of all parties. This Act will ensure that judges are held personally accountable for judicial actions that are unlawful and for falsifying decisions, biasness in rulings, personal injury, and for not following the letter of the law. It will hold judges accountable who engage in a pattern or practice of conduct that deprives persons of rights - civil rights, privileges, or immunities secured or protected by the U.S. Constitution or laws of New York state.

Functions:

1. When a judge has 3 cases overturned by the Appellate Court, said judge will receive a warning letter with a notification that if another case is overturned, he will automatically be brought before the State Judiciary Committees for review of

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judicial competency. The NY State Assembly Standing Committee on Judiciary is responsible for sending the warning letter to the judges

2. Competency review: All state judges will be brought up on a competency review by the NY State Assembly Standing Committee on Judiciary and the New York State Senate Judiciary Committee when they reach a threshold of 4 cases overturned by the appellate court for failure to follow the letter of the law; for unethical, biased, or corrupt activities; or violation of a person's civil rights. Qualified immunity will protect the judge during the judicial review by the Judiciary, as long as the judge can demonstrate that the law was not clear on the subject in which the judge's actions occurred. If the judge is not able to demonstrate this, then consequences for potential termination can be administered
3. Judges who have had four of their cases overturned by the appellate court for not following the letter of law, biasness in their rulings and for not protecting a person's rights will be automatically on warning for termination upon the decision of the New York State Assembly Standing Committee on Judiciary and the New York State Senate Judiciary Committee. If a fifth case is overturned because the judge deprived persons of their rights, privileges, or immunities secured by the Constitution or laws of NY state, the judge will be terminated for judicial incompetence.

Obedience to judicial norms is a sign of judicial humility. Judges must be held to the highest standards of the law. When judges are not adhering to the standard, they will automatically be brought before the New York State Judiciary Committees for consideration of removal. This Act will ensure that no one is above the law.

Justification:

City Limits – Judge in Jogger Murder Trial has a History of Having Rulings Overturned –
January 18, 2019

- Judge Michael Aloise – 42 cases reversed or modified
- Justice Gregory Lasak – 17 cases reversed or modified
- Judge Kenneth Holder – 24 cases reversed or modified

The Wall Street Journal - 131 Federal Judges broke the Law by Hearing Cases where They had a Financial Interest - September 28, 2021.

- 131 judges broke numerous laws with no consequences administered to them.

Reuters – Thousands of US Judges Broke Laws or Oaths Remain on Bench – June 30, 2020

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- In the past dozen years, state and local judges have repeatedly escaped public accountability for misdeeds that victimized thousands

CP Legal Research Group (2011 data)

1. NY State Appellate Division, Second Department (covers of Queens, Kings, Richmond, and several down-state counties) reversal rate 3 year average between 7% - 8%
2. NY State Appellate Division, First Department (covers counties of NY and Bronx) – between 15% - 16% reversal date, and 11% – 13% modification rate

Example of personal injury by a judge - Stump V. Sparkman 435 U.S. 349, 98 S. Ct 1099, 55 L. Ed. 2d 331 -1978.

- Judge orders a girl to be sterilized. Appellate court found the judge acted improperly but no consequences were given to the judge for sterilizing her. Immunity protected the judge.

Queens judges threaten Jurors for bad English and order them to take Language lessons. Daily News - March 20, 2017.

- Four Queens justices – Judge Joel Blumenfeld, Judge Ira Margulis, Judge Kenneth Holder, and Judge John Latella all make the warnings to jurors who struggle with English in similar fashion.