Human Rights Alert

PO Box 526, La Verne, CA 91750

Fax: 323.488.9697; Email: jz12345@earthlink.net Blog: http://human-rights-alert.blogspot.com/ Scribd: http://www.scribd.com/Human Rights Alert



10-10-30 Computer Fraud Opined in the Online Public Access and Case Management Systems of the US Courts in Paper Submitted for International, Peer-reviewed Law Journal

Los Angeles, October 30 – Human Rights Alert (NGO), and Joseph Zernik, PhD, submitted a scholarly paper for peer-review in an international law journal, opining large-scale fraud in the online public access and case management systems of the US district courts and US courts of appeals (PACER & CM/ECF), and likewise in the public access system of the Supreme Court of the United States. [1] Such conduct by the US courts was alleged as undermining banking regulation in the United States and permitting the routine deprivation of rights under the color of law.

Report, which was previously submitted by Human Right Alert to the Human Rights Council of the United Nations, was later incorporated in an Official United Nations staff report, with reference to "corruption of the courts and the legal profession" in California. [2]

The new paper included a unique set of records from the US District Court, Central District of California, US District Court, Washington DC, US Court of Appeals, 9th Circuit, and Supreme Court of the United States. Such records documented a chain of actions in the US courts, where all of minutes, orders, judgments were either unsigned by judges, or unattested by clerks, whereas US law required certification by a duly assigned judge and attestation/authentication by a duly authorized clerk of the court to render judicial records such that commanded "full faith and credit". [3]

The paper also included records of pretense judicial review, which were issued by unauthorized court personnel – Courtroom Deputies instead of Deputy Clerks at the US District Court, Central District of California, and Court Counsel Danny Bickell instead of the Clerk of the Court at the US Supreme Court.

Furthermore, the paper included detailed analysis of the attestation records of the US district courts (NEFs) and US Courts of Appeals (NDAs), as they are implemented today in CM/ECF, and contrasted them with the Certificates of Service, which were issued by the clerks prior to implementation of PACER and CM/ECF, and concluded that the NEFs and NDAs were void on their faces as attestation/authentication certification records.

The paper also referred to inspection of the records of large number of US district courts and US courts of appeals and found that all, without exception, failed to publish rules of courts pertaining to their novel electronic records and related court procedures, in what was opined as violation of Due Process/ Fair Hearing rights.

Through the implementation of such systems by the Administrative Office of the US Courts, the paper opined that accountability of the clerks for integrity of electronic court records was circumvented and integrity of the courts was undermined. Accordingly, the paper documented the refusal of clerks of the US district courts to certify the PACER dockets, where judicial records – minutes, orders, and judgments – were today published online, which were void, not voidable. Furthermore, the paper documented the routine denial of access to the attestation records of the US courts, in apparent violation of First Amendment and Due Process rights.

The papers proposed solutions, based on enactment of federal rules pertaining to the operation of the online public access and case management systems of the courts by the US Congress – to restore accountability of the clerks for electronic court records, through legally and publicly accountable validation of all online public access and case management systems of the courts, and through ongoing public monitoring of such systems. The paper also suggested that following restoration of public access to electronic court records, a Truth and Reconciliation Commission is likely to be call for, since the records would reveal widespread alleged misconduct of US judges. [4]

Page 2/3
October 31, 2010

Human Rights Alert previously published papers in a peer-reviewed, international computer science journal, where the Editorial Board listed scholars from six European nations and Canada, which opined computer fraud in PACER & CM/ECF – which enabled the conduct of pretense judicial reviews, [5] and likewise in the online Inmate Information Center of the Los Angeles County Sheriff's Department – which enabled the holding of prisoners under the pretense of lawfulness. [6]

Human Rights Alert is dedicated to discovering, archiving, and disseminating evidence of Human Rights violations by the justice systems of the State of California and the United States in Los Angeles County, California, and beyond. Special emphasis is given to the unique role of computerized case management systems in the precipitous deterioration of integrity of the justice system in the United States.

LINKS/ATTACHMENTS

- [1] Case Management and Online Public Access Systems of the Courts in the United States A Call for Action, by Joseph Zernik, PhD, Human Rights Alert (NGO)
- [2] 10-10-01 United Nations Human Rights Council Records for 2010 Review (UPR) of Human Rights in the United States referring to "corruption of the courts and the legal profession" in California http://www.scribd.com/doc/38566837/
- [3] List of US Judges, who were named in the paper as involved in pretense judicial review in alleged violation of the Code of Conduct of US Judges:
- a) US District Court, Central District of California: Magistrate Carla Woehrle, Judge John Walter, and Judge Virginia Phillips;
- b) US District Court, Washington DC: Judge Richard Leon:
- a) US Court of Appeals, 9th Circuit: Chief Judge Alex Kozinski, Circuit Judges Richard Paez, Richard Tallman, Stephen R Reinhardt, Marsha S Berzon And Milan D Smith, Jr, Andrew J. Kleinfeld, Mary M. Schroeder, A. Wallace Tashima, N. Randy Smith, Stephen S. Trott, and Kim Mclane Wardlaw:
- b) Supreme Court of the United States: Justice Anthony Kennedy, Justice Clarence Thomas, Justice Ruth Bader-Ginsburg, and Conference of the Supreme Court.
- [4] The Code of Conduct of US Judge, Canon 3B(3) states: "A judge should initiate appropriate action when the judge becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by a judge or lawyer." In contrast, in all cases, which were detailed above, US judges up to the Supreme Court of the United States were reliably informed of "unprofessional conduct" by judges and attorneys. All judges that were involved failed to comply with the Code of Conduct instead, they engaged in pretense review of the respective complaints.

The Code of Conduct of US Judge, Canon 3 states: "A judge should perform the duties of the office impartially and diligently", and Canon 3A(2) states: "A judge should hear and decide matters assigned, unless disqualified..." In contrast, in all cases, which were detailed above, US judges – up to the Supreme Court of the United States – failed to discharge of their of their judicial responsibilities. They never decided on matters pending before them. Instead, they issued only pretense rulings and pretense notices.

[5]10-08-18 Zernik, J: Data Mining of Online Judicial Records of the Networked US Federal Courts, International Journal on Social Media: Monitoring, Measurement, Mining, 1:69-83 (2010) http://www.scribd.com/doc/38328585/

[6] 10-08-18 Zernik, J: Data Mining as a Civic Duty – Online Public Prisoners' Registration Systems, International Journal on Social Media: Monitoring, Measurement, Mining 1: 84-96 (2010) http://www.scribd.com/doc/38328591/

● Page 3/3 October 31, 2010

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http://www.scribd.com/Human_Rights_Alert

http://human-rights-alert.blogspot.com/

http://josephzernik.blog.co.uk/

http://menchenrechte-los-angeles.blogspot.com/

http://droitsdelhommealertelosangele.blogspot.com/

http://inproperinla.com/

http://pressroom.prlog.org/Human_Rights_Alert/

http://ireport.cnn.com/people/HumanRightsA?numResults=10&view=documents

PLEASE SIGN THE PETITION CALLING UPON THE UNITED NATIONS TO ISSUE A TRUE AND EFFECTUAL 2010 REPORT ON THE US JUSTICE SYSTEM AND HUMAN RIGHTS IN THE UNITED STATES:

http://www.petitionspot.com/petitions/ushumanrights/

http://www.thepetitionsite.com/1/calling-upon-the-un-human-rights-council-to-issue-an-honest-and-effectual-2010-report-on-the-us/

WHAT DID THE EXPERTS SAY ABOUT THE JUSTICE SYSTEM IN THE UNITED STATES?

* "On July 26, 2010, Laurence Tribe, Senior Counsel for the United States Department of Justice, Access to Justice Initiative, delivered an important speech to the Conference of Chief Justices, challenging them to halt the disintegration of our state justice systems before they become indistinguishable from courts of third world nations."

Prof Laurence Tribe, Harvard Law School (2010), per National Defender Leadership Institute http://www.nlada.net/library/article/national_dojspeechto%20chiefjustice07-26-2010_gideonalert

WHAT DID THE EXPERTS SAY ABOUT THE JUSTICE SYSTEM IN LOS ANGELES COUNTY, CALIFORNIA?

- * "Innocent people remain in prison"
- * "...the LA Superior Court and the DA office, the two other parts of the justice system that the Blue Panel Report recommends must be investigated relative to the integrity of the system, have not produced any response that we know of..."

LAPD Blue Ribbon Review Panel Report (2006)

http://www.scribd.com/doc/24902306/

* "...judges tried and sentenced a staggering number of people for crimes they did not commit."

Prof David Burcham, Dean, Loyola Law School, LA (2001)

http://www.scribd.com/doc/29043589/

* "This is conduct associated with the most repressive dictators and police states... and judges must share responsibility when innocent people are convicted."

Prof Erwin Chemerinsky, Dean, Irvine Law School (2001) http://www.scribd.com/doc/274339

WHAT DID THE UNITED NATIONS HUMAN RIGHTS COUNCIL STAFF REPORT SAY ABOUT THE JUSTICE SYSTEM IN CALIFORNIA?

* "...corruption of the courts and the legal profession and discrimination by law enforcement in California." http://www.scribd.com/doc/38566837/