

J4Justice (J4J)

Los Angeles, CA

June 3, 2009

A Public Service Announcement to America

History of the Confinement of Att. Richard Fine

Back in the early days of JAIL4Judges prior to becoming known as J4J. when we were meeting in the rear of Denny's Restaurant at Ventura Blvd., and Sepulveda in the San Fernando Valley (CA.) I first met Dave Silva. He became very good friend and an associate. I met his father and mother, and also his brother John. I remember them telling me about the predicament of John Silva in which, while his child was in their custody, nonetheless, John was ordered to pay child support through the Los Angeles County District Attorney's Office even though John was already supporting his child directly.

Now this fact is certainly strange, but this matter gets even stranger. None of the money in which John was paying to District Attorney Garcetti was coming back to support his child. What was happening as explained to me was that Gil Garcetti was depositing the money and collecting the interest on the deposits for himself. I think this is called "embezzlement" by a public official.

John, with the help and aid and advisement of his brother, Dave, retained the services of Attorney Richard Fine, of which Fine addresses below in citing to the 1999 case of "John Silva vs. Garcetti."

About that time, Barbie and myself, Ron Branson, appeared in the studio of Leslie Dutton on her program Full Disclosure in which we addressed our known information regarding inside the Los Angeles District Attorney's Office.

Below is a report on these days as posted on Dr. Carl Bernofsky's website, http://www.tulanelink.com/tulanelink/fine2_box.htm, who is a long time Louisiana J4Jer, in which he refers over to Leslie Dutton, whom I then came to know through the Granada Forum. I will let the below pick up the story from there. While is is long, I recommend you stay with it.

- Ron Branson
VictoryUSA@jail4judges.org

Leslie Dutton's website is found at <http://www.fulldisclosure.net>. Leslie also includes a video regarding this.

“ [T]hey violated ... what is called the implied or intangible right to [honest services](#), and that's 18 United States Code, Section 1346, because ... when a judge takes money from an individual – or even a government – and then does not disclose it, he violates that particular code section.”

-- Attorney Richard I. Fine

Attorney Richard I. Fine Speaks Out on Judges, Corruption, Circumstances

Excerpts from a Full Disclosure Network Interview

LESLIE DUTTON

March 3, 2009

LESLIE: You've been up against some formidable challenges. But none quite like the one that's facing you today. Would you say that tomorrow's (contempt hearing before Judge David Yaffe) is — how would you compare that to all of the challenges you've had before this?

RICHARD FINE: Well, tomorrow's hearing is interesting because the challenges that I've had before are basically challenges that we can say work within a functioning system. And when I was getting all of this money back and so forth, I was dealing with a system that was functional. I mean, you have a case, you go into a court; it either gets settled, you win it or you lose it, and you're dealing with a system that has integrity. Tomorrow's case, or the case that we have now, is dealing with a dysfunctional system because of the fact that this is now pure politics and retaliation. We are dealing now with a judge who took money from the County of Los Angeles, who then made an order that I should pay money to the County of Los Angeles, holds me in contempt for refusing to answer questions about my personal assets to force me to pay that money, and now wants to send me to jail because I'm in contempt for not obeying his illegal order, which was illegal because he took illegal money from the County. We're dealing with a dysfunctional system and a judge that is dealing with political retaliation. So we're not dealing in a justice

system anymore. We're dealing with what some people would call a third-world country; we're dealing with all the things that America condemns about other countries. That is what we have in this courtroom tomorrow. So I wouldn't say that it's really a comparison. We aren't dealing in a system that this country was set up to operate.

LESLIE: Tomorrow when you go into court, Judge Yaffe is going to make a — he's going to give you a sentence; is that it? He's already found you in contempt?

RICHARD FINE: Yes. He's — he's found me in contempt for refusing to answer questions from a commissioner about an illegal order that he has made. And he wants to sentence me to jail until I answer those questions. Now, I have gone to the Court of Appeal with what is known as a writ of habeas corpus, which means "bring in the body," and I have asked the Court of Appeal to enter a stay stopping Judge Yaffe from doing anything. I haven't heard yet, as of today, whether they've entered that stay or not. If they enter the stay, Judge Yaffe is dead in his tracks. If they don't enter the stay, then I'll go into the California Supreme Court, and if the California Supreme Court doesn't enter the stay, then I'll go into the United States District Court. Sooner or later, I will win. Whether I win before he sends me to jail, I don't know. But that — that is what we are dealing with.

LESLIE: Tell us how this all started.

RICHARD FINE: Well, this — this all started in a very innocent type of way. It started back in 1999, and in 1999, I brought a lawsuit called *John Silva vs. Garcetti* — Gil Garcetti, Los Angeles District Attorney. And that lawsuit was based upon the fact that John Silva had paid money as part of his divorce — child support money. And child support money was being paid into the County of Los Angeles because the County of Los Angeles, as you know, collects child support money. Now, what we found out is that he had paid his child support money in, but the child support money wasn't going to his wife. The County was not distributing it. And the County wasn't distributing about \$14 million of child support money. What the County was doing is, the County was taking this money in and it was holding it. Now, there's a law that says that the County must distribute the child support money within six months or give it back to the father. And they will only give it back to the father if they can't find the wife or the children. Now, in John's case, he knew where his wife was, and he knew where the children were, because his wife was friendly. You know, he was giving the money to the County support system; the County wasn't giving it to his wife. His wife knew that the money was going in, so she was cooperating with us, and we found out that all these other women and children were not getting their money.

So I sued the County to have this money distributed. The County answered and told me how much money was there, where the accounts were. All they had to do was distribute it. They were refusing to do it. I went into court, and we got to the end of the trial. The County moved to dismiss, and the judge dismissed the case. And I was astounded. And I went up into the appeal, and after the trial was over and before I filed my first brief, I found out that the judge, Judge James C. Chalfant, had received money from the County of Los Angeles. That's how it started. That was one case.

The second case that it started out with was the case that I mentioned earlier about the County of Los Angeles taking money from the environmental fees, and in that case — that was a case called *Amjadi and Lacaoehs vs. the Board of Supervisors of County of Los Angeles*. And I was brought into that case to get that money out of the general fund of the County of Los Angeles and into a special fund. And I won that. I got the case, you know, got the special fund established. I got \$11 million that they still had in the general fund put into the special fund. I got the fees frozen for three years until that \$11 million was used up, and then when it came time to get the attorneys fees, Judge Kurt Lewin, who was the judge in the case, refused to award the attorneys fees, saying that I was representing a County union, and unions shouldn't sue the County. And in addition to that, that unions were always in negotiations with the County for wages. And therefore what the union was really doing, had really brought the case, not to help the public, but really for its own benefit. Well, I also found out that Judge Lewin was getting money from the County. And to pay the attorneys fees, the attorneys fees would be coming out of these funds, which was County funds.

LESLIE: When you talk about these judges getting money from the County, how is it that money is coming to them? For what purpose? Under what..?

RICHARD FINE: Okay. What — the — to answer your question, the way that the money comes from the County to the judges is that every year, the County, as part of its budget, under what is known as Trial Court Funding — if you look in the budget, you'll actually see this under Trial Court Funding, you will see money going to the judges, and that money in this particular year is approximately \$20 million, or \$46,370-some-odd per judge. Now, how it started was, back in 1988, the County of Los Angeles, decided, through its Board of Supervisors, that they wanted to pay judges — and these are their — somewhat their exact words — to attract and retain qualified judges and qualified candidates to sit as judges in this — meaning L.A. — County. And that was their reason. Now, they knew — and we actually — I actually have a copy of the document — they knew at that point in time that they couldn't do this. They knew that to do this was illegal because under the California Constitution, under what is known as Article 6, Section 19 of the California

Constitution, only the State legislature could prescribe the compensation of the judges.

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RICHARD FINE: There's a document in November of 1988 which was written by the — at that point, the County Counsel to Frank Zolin who was the Clerk of the Courts, and it actually went from the County Counsel to the Clerk of the Courts, explaining these things. So the L.A. Superior Court actually got this document. In that document, it said that the Attorney General had given the opinion that this could not be done, and so what the County Counsel tried to rationalize is, he said, "Well, this part of the Constitution really only meant salaries and it didn't mean compensation," so they're gonna try and get around it in that way. They knew they were doing wrong. They also knew that the Attorney General had given opinions that you couldn't pay this money as part of a statute as compensation for judges. So they knew right then and there that what they were doing was wrong. The other thing that they knew is that if you're giving the money to attract people as candidates for judges, judges are elected officials — they're State elected officials under the California Constitution. We vote for a Superior Court judge every six years. So if you're going to be giving money to a judge to attract him to be a candidate, you'd be giving money to his political campaign, and that would be a gift of public money to a private individual, and that would be a violation of Article 16, Section 6 of the California Constitution.

LESLIE: How much was this money that they were giving them?

RICHARD FINE: It turns out that at that point in time they were giving them about 27 percent of their salary, and back in '88 I'm not sure what the salary was, but it was probably, maybe around \$20,000-some a year. Now it's doubled to \$46,000 a year.

LESLIE: So would they be able to give that kind of money as a campaign contribution?

RICHARD FINE: As a campaign contribution in 1988, they wouldn't have been able to give that amount of money to a judge because the campaign contribution limits the State to \$1,000 per candidate.

LESLIE: So would you say, then, that basically the County was buying judges?

RICHARD FINE: The bottom line of it is yes, because the only reason that the County could be giving this money — the only underlying reason — is that the County had — had cases in front of these judges. The County is a major

litigant in the California courts, and it's the same thing as if Tony — the fictional Tony Soprano had been giving money to the judges. In fact, the County has an average, as far as normal cases are concerned — when I say "normal," that's excluding child custody cases, that's excluding criminal cases — just taking your regular cases. The County has about 700-800 new cases a year in the Superior Court. So when the County is giving this money, the underlying thought, in my opinion, is that the County wanted to influence the judges to decide the cases in the County's favor. Now, this thought of mine actually came true because we have documents from the County Counsel to the Board of Supervisors that show that in the year 2005 and in the year 2006 and 2007, not one case that was decided by an L.A. Superior Court judge was decided against the County of Los Angeles. So basically nobody won in that period of time. And for the year 2008 — 2007, 2008, in that fiscal year, the documents are a little bit more vague, and possibly two cases were decided by a judge against the County of Los Angeles. But that was about the most. So that gives you the effect of the monies.

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LESLIE: Now, you made that statement, "That gives you from the beginning of the payments with respect to the payments," but you've only cited 2005, 2006, 2007. You don't know what the win/loss ratio was from 1988 to 2005?

RICHARD FINE: There — there are no documents that I know of that tells me the win and loss ratio from the years in between, because the only documents that I have been able to pick up are the ones that started in 2005. Now, the County may have internal documents that were not published or that have not been made public that might have — might tell us what's happened in the previous years. And I don't know if the court is keeping internal documents as to what has happened on the various cases. Somebody actually — if somebody wanted to go in and do the survey, you could go into the court system and take every case where the County of Los Angeles is named as a defendant and then go in and look to see what happened in the cases and whether it was a judge decision or a jury decision. That would be a fairly large project, but one could do that. And because you're looking at from 1988 to, say, 2005, you're looking at approximately 17 years of cases, and 700, you know, cases per year. So you're looking at maybe 13,000-some-odd cases. It would take a little bit of time for someone to do the survey and dig up the records. But you could actually find out the exact number.

LESLIE: Now, you have given us the background of why you're coming into this hearing tomorrow. It's basically because of the predicament that the judges are in. What happened, legislatively, at the State level to change the future for the judges?

RICHARD FINE: Well, what happened at the State level is very interesting, and this is somewhat involved with the State Bar proceeding against me also. On February 1st — and it actually was e-mailed in on February 2nd — I filed a Federal complaint against the L.A. Superior Court judges, in particular Judge Yaffe, who is involved in tomorrow's hearing, uh, Judge Bruguera, who is the judge that dismissed the cases regarding Marina del Rey where we, the people in the County of Los Angeles have lost approximately \$1 billion of income from the developers in Marina del Rey that should have come to the County, and against Supervisors Antonovich, Knabe and Molina, who voted in favor of the development of the Del Rey Shores project here in Marina del Rey, while receiving contributions from the developer, Jerry Epstein, within a 12-month period of time. And then also against the State Bar judge, Richard A. Hahn, who made the decision recommending that I be disbarred, while in fact he sat on the Board of Governors of the Special Olympics of Southern California that had received \$30,000 in contributions from L.A. County. So that was — and I filed this complaint with the Justice Department on February 2nd of 2009. I gave a copy of that complaint, as part of my State Bar case, to the California Supreme Court, on February 2nd.

On February 11th, the Judicial Council — Senator Stein — President Pro Tem of the State Senate, Darryl Steinberg, introduced a bill called Senate Bill [SBX2 11](#) into the State Senate, which stated that all the judges and all the government officials and all the governments that were involved with any activity of judges receiving money from counties received immunity from civil liability, criminal prosecution, and disciplinary action.

LESLIE: Now, why haven't we heard anything about this?

RICHARD FINE: Well, let me just trace it — before we get to that, let me just trace how this came about so you understand the whole story. The next thing that happened is that the — this — my complaint — it is my belief, and I think I'm correct in this — went from the California Supreme Court to the California Judicial Council, because the Chief Justice of the California Supreme Court is the Chairman of the Judicial Council. The bill that I just mentioned, according to its legislative history, came from the California Courts Administrative Office. The Court Administrative Office is located in the Judicial Council. So it was written in the Judicial Council. It went from the Judicial Council to Darryl Steinberg's office. It was voted on by the State Senate three days later — February 14th — and passed. It was passed by the State Assembly one day after that, February 15th, and it was signed by Governor Schwarzenegger as part of the budget package on February 20th. And that answers your question as to why you didn't hear about it, because it came up as part of the budget package, and as part of the budget package, every — all the news media and everything else were basically looking on the fact that there's a budget that

was passed, and nobody looked at the fact that they had sneaked through this bill that gives these judges immunity. And also the bill says that even though the previous payments are illegal because there was a case called the case of [Sturgeon vs. the County of Los Angeles](#), that held that the payments to the judges are unconstitutional, and the bill recognizes this, and then the bill says, "Well, future payments can be made from the County." So what happened is that the bill admits that the payments were illegal, gives the judges and these other people immunity for their actions of having received the payments, the supervisors the immunity for having given the payments, and immunity for everything that occurred with respect to these payments.

Now, to take this a step further, the effect of this is that every Superior Court Judge in every county in Los Angeles, with the exception of San Francisco County, Yono County, and Mendocino County, has received these payments. So all of these judges are tainted. Every Court of Appeal Justice who had previously been a Superior Court Judge has now been given immunity for all of their actions as being Superior Court Judges, so they are tainted. On the California Supreme Court, you have the Justice Corrigan, who was a former Alameda Superior Court Judge, Justice Chin, who was a former Alameda Superior Court Judge, and one other justice whose name slips my mind, who is a former — Moreno, I believe it is — who is a former Los Angeles Superior Court judge. All of them are tainted because of these payments.

LESLIE: Are we talking about Moreno on the Supreme Court?

RICHARD FINE: Yes. The last three men — people that I mentioned are justices — Associate Justices of the California Supreme Court. So three of the seven Associate Justices of the California Supreme Court are tainted. You then had the tainting going to the Chief Justice of the California Supreme Court, Justice George, who's the Chairman of the Judicial Council, who wrote the bill, and Justice Baxter, who is the — the Chairman of the Committee of the Judicial Council that wrote the bill. So we end up with five of the justices of the California Supreme Court who are tainted. Now, you ask why are these people tainted? Because another thing that happened is that this bill is personal to the judges. This bill is not helping the judicial system of California. This bill says that all of these judges can continue getting the money which is personal to them because the money goes from the County to the judge. It doesn't pass through the State of California. It's personal money going from the County to the judge, and it gives immunity, personal immunity, to all of these people. So what the Judicial Council did is, the Judicial Council took our public money and wrote a bill for the personal benefit of these individuals. Then the Judicial Council spent public money on its lobbyist to go in and lobby for this bill. So you have the tainting of these two supreme court justices. So effective five out of the seven supreme court justices at this point in time are

tainted by this action. And the result of this is that by legislation — and I repeat, by legislation, the California Judicial System has been legislated to have been corrupt and to have committed illegal acts and to have been given immunity for the commission of those illegal acts.

LESLIE: Wow! So the legislature itself has basically condemned them as guilty?

RICHARD FINE: Absolutely. They condemned them as being guilty by one, say, that the payments were unconstitutional, and by affirming the decision of — the *Sturgeon (vs. L.A. County Board of Supervisors)* decision. And then by going through and taking the second step and giving them immunity.

LESLIE: Now, when you say "immunity," are we talking about retroactive?

RICHARD FINE: Retroactive immunity. The immunity is retroactive all the way up to the — as it says in the bill, the effective date of the bill. And the effective date of the passage of the bill was February 20, 2009. However, that brings us to a new problem: And that means that these judges who are sitting in office today are still biased, because the money that they got up to February 20th from these counties is biasing them for any decision that they make on February 21st. So basically every judge that is dealing with a decision of a county, on February 21st, is being influenced by the money that he got or she got on February 19th. So we do not have an unbiased judiciary in the State of California at the present time, with the exception of the judges who did not receive the money, which you —

LESLIE: Are there any?

RICHARD FINE: Yes. Once again, that's Yolo County, Mendocino County, and San Francisco County, and any judge that might be sitting on the California Supreme Court or on the Court of Appeal that did not receive this money. That is what — that is what is left in the California judicial system at the present time.

LESLIE: Let me ask you: Do you believe that the individual judges are aware of what they've been doing is illegal?

RICHARD FINE: Absolutely. There's no question that they knew that it was illegal. These people aren't like you or I, you know, that are unaware of the law. These are judges. These are people that are supposed to uphold the law. They have a code of judicial ethics that makes them liable and makes them aware that they have to uphold the integrity of the court. They have to obey the laws of the California. They have taken an oath to obey the law of the

State of California. They have taken an oath to obey the law — the Constitution of the United States of America and the laws of the United States of America. And under Article 6, Clause 2 of the United States Constitution, they are bound to obey the law, the Constitution of the United States and the laws of the United States. There is no question whatsoever that they knew that they were taking illegal money. None whatsoever. They knew the California Constitution; they knew that the Constitution said that only the State could prescribe their compensation; they knew that they're State-elected officials; they knew that they're State employees; they knew that they weren't working for the County; and they knew that this money was illegal. And they took it. No way that they can get around that. And that's why I filed the complaint with the U.S. Department of Justice, because they violated the Federal law of what is called the implied or intangible right to [honest services](#), and that's 18 United States Code, Section 1346, because the case law that holds is that when a judge takes money from an individual — or even a government — and then does not disclose it, he violates that particular code section. And he violates it by the fact that he is not giving honest services to his employer, which is We the People, or the State of California. And he's not giving those honest services because we're paying him a salary to go in and do his job as a judge. And what the judge is doing is, the judge is taking money from another source to do the job, and the judge is not disclosing it, because none of these judges have disclosed this money on what is called their Form 700, Statement of Economic Interest, which requires them to disclose any income from another source. And they — they wouldn't have to disclose the income if it came from the County for expenses to go to a convention or something else. But because this is compensation that they're getting, they had to disclose it. They didn't disclose it. And I had called the Political Reform Commission — the Fair Commission on Political Reform, and I asked them about this and they said, "No, nobody's disclosing it." And then I checked on these judges. I checked on Yaffe. He didn't disclose it. And I checked on — you look on the Form 700 on any Supreme — and of the three Supreme Court judges — justices. They didn't disclose it.

So none of these judges are disclosing this income. So consequently, they're violating the Political Reform Act, they're violating the Federal law of the implied or intangible right to honest services. And by doing that, they are sitting in another position. They're violators. They're violating a criminal law. Now, that is a reason why the legislature gave them immunity. It's the reason why the Judicial Council wrote that immunity in — because the Judicial Council knew that they couldn't save them from the Federal law violations, but at least they could save them from the State law violations.

LESLIE: Well, let me ask you — I mean, this is just astounding. It's — it's just astounding. How can our government possibly deal with this when it's so widespread?

RICHARD FINE: Oh, it's very simple. I mean, it's just like dealing with a single judge that took a bribe. Back in — and I'll give you the precedent for it. Back in the 1970s, you had a number of judges getting involved in doing illegal activities in Illinois, and it was called the [Greylord](#) Cases. I think it might have been 30 or 40 judges. I don't remember the exact number. Government came in, they prosecuted the judges, got the judges out. So here we're dealing with maybe 1,600 or 1,700 judges. You know, the number doesn't really make that much difference, you know. It's the same violation. The legislature has already said that the violation occurs, so you go in and just prosecute the people.

LESLIE: Now let me ask you: You mentioned the Greylord Case, I guess. Tell me, what type of bribery were those judges getting? Were they getting being bribed by government officials?

RICHARD FINE: The bribery there, I think, was — I think it was private, you know, private individuals. But here the analogy exists because the County of Los Angeles, as far as being a party to a lawsuit, is the same as you or I. You know, just because they're the County of Los Angeles, it doesn't make them any different from you or I, because the employer of the judges is the State of California. And this is where a lot of people seem to get confused. They seem to think that because it is the County, that the County seems to have some sort of a right to be able to pay the judges. The County doesn't have any more right to pay the judges than you or I, because when you look at the government of California, the government of California is the State. It is not the County. The State of California has three parts to it: It has the executive, which is the governor and the governor's office; it has the legislative, which is the State Senate and the State Assembly; and it has the judicial branch, which are the courts, or is the courts, depending upon how you want to look at it, as one thing or lots of courts. Those are the three branches of the State government.

The County of Los Angeles is a subdivision. It is an independent entity, and it is not a governing branch of the State. So consequently, when the County comes into court, it comes in the same way that you or I come into court. When you sue the State of California, you are suing the State of California with its permission to be sued because it's part of the government that you're suing. When you're suing the County of Los Angeles, you're suing it with its permission as a county, but you're suing it in a court that is run by the State, because the County of Los Angeles doesn't have any courts. We don't have

any county courts anymore. There isn't the county judicial system that is existing.

LESLIE: Didn't we have at one time?

RICHARD FINE: At one time we had a municipal court system that was existing, but all that has been unified into a State court system at the present time. So everything now is under the State, and so the County does not have any rights with respect to anything in the State system. And in fact as a litigant, the County never did have any rights greater than you or I.

LESLIE: Let me ask you: You've described the judges and their illegal actions — their knowingly illegal actions. What about the County? Who instructs the County? Are the supervisors liable?

RICHARD FINE: The immunity— the answer to that question is yes. According to — interestingly enough, according to the immunity that was given, the immunity goes to the government entity, which the immunity goes to the County, and the immunity goes to the government employees and government officials. So the immunity actually went to the County and it went to the Supervisors.

LESLIE: Is that possible that they could get away with this?

RICHARD FINE: Well, the — the answer is yes. They — they have gotten away with it. Now, there might be some questions as to whether, under the United States Constitution, you can grant immunity, you know, for past — whether a State can grant immunity for past acts. But the State is only granting immunity under the State's powers. Remember, this immunity is not going to the — any United States law. It is only dealing within the State. So what we still have — and I'm gonna jump a subject here with you — is that you as a litigant still have your rights, your First Amendment rights to petition the government to redress grievances is still existing, and in fact that right has been infringed upon. And your 14th Amendment right to due process has been infringed upon.

So if I can take you one step further in saying what can be done? Every case in which one of these judges has ruled against you, as an individual, or you had a problem with the County, can now actually be overturned, because of the fact that they've legislated this immunity and they've given them the immunity for this bad act or for this illegal act. We have what is known as a writ of quorum nobis. And the writ of quorum nobis says that if there's a new fact that has come in to show that what's happened with the case, you can now come in and say, "Look, I want my case overruled and I want my case redone." So that is a side effect of this legislation. For every person that had a

case that went bad under one of these judges, come in on the writ of quorum nobis and ask to have the case re-heard. That's one of the things that can take place.

LESLIE: And that's a case that involved the County?

RICHARD FINE: That is a case that involved the County. Now, to give you an idea of how wide that can be, that can deal with eminent domain, that could deal with any kind of a homeowner case, that could deal with child custody cases. If a county was involved in any type of a custody case or any type of a case with children or children's services, and the County paid the Children's Services Department or if the County gets involved with support payments, or if the County gets involved in a divorce case and suddenly the County's brought in as part of the child custody with respect to an evaluation or something and the judge is following that, you can get that case overturned because the judge could be biased in looking at what the County did in deciding the custody situation. So you have all of these cases that can go in and get overturned at this particular point in time.

LESLIE: Let me ask you: You've been dealing with this for some time now, and I know you're always thinking ahead of what could happen. You're prepared for the hearing tomorrow. You've taken action here to try to head it off — your being incarcerated, if you possibly can. But what if — what if you're successful with your Federal complaint? How does this situation get reconciled? You said 1600 judges could be prosecuted. What would that mean?

RICHARD FINE: It's very simple because when you get down to the bottom line of things, solutions are very, very simple. Let's assume that 1,600 judges are prosecuted. These 1,600 judges either resign or they get impeached. Now, let's assume that they don't resign and they try and stay in office, and let's assume that the state legislature doesn't impeach them. So you now have 1,600 judges who are under indictment who stay in office. Every one of these judges is going to come up for re-election because the judges come up for re-election every six years. So they are rotating into re-election as of now. One thing that the public does: The public looks at the judge who's sitting in office, the public sees the judge is sitting in office — votes him out. So what would happen is that the only thing that would keep an illegal judge in is public apathy. Real simple. If the public is so lazy that they're going to let a judge who they know has taken bribes stay in office, then that judge is gonna stay in office. If the public decides, "Look, we don't want someone that's taken illegal money to be in office," they'll vote 'em out. That would take from now until six years from now dealing with any judge that got elected during the last election. So that would take you six years.

A more pro-active thing that could happen is that the legislature could go in and pass a bill saying that we want to have an emergency election, and every judge that has received money across the entire California system — Superior Court judges, Appellate Court judges who are elected every 12 years, and California Supreme Court judges, who are elected every 12 years — are now up for re-election. We could do that within 30 days. Because you have Superior Court judges. Anyone can run for office. On California's Appellate Court judges, you vote 'em "Yes" or "No." There's only one person on the ballot. So the guy's name is on the ballot. You either vote "Yes" to keep him or you vote "No" to get rid of him. California Supreme Court judge, exactly the same thing. "Yes" to keep 'em, "No" to get rid of 'em.

That would clean up the system. It would actually clean up that system within a 30-day period of time. Then what would take place as far as all the Superior Court judges are concerned, the 1,600, you would have new Superior Court judges that would be elected, and the only thing that you have left is, you would have the Court of Appeal justices and the Supreme Court justices where new appointments would have to be made. And those appointments would be sitting until the next election, normal election for that office. Now, the appointments would be made by the governor. The governor now has a problem because the governor isn't going to be able to appoint anyone who had received this money. They wouldn't be able to pass the scrutiny. So we would end up getting new Supreme Court justices who did not receive the money, and we would be getting Court of Appeal justices who did not receive the money. And we'd have a clean system.

LESLIE: Well, you are definitely doing what it takes to bring this to a head, but even almost — what — two, three weeks after this momentous bill passed giving the judges immunity, admitting that they're criminals and giving them immunity, nobody knows about it. Is the news media complicit in this?

RICHARD FINE: I think it's beginning to get to the news media now. I think what happened is that, number one, the news media first of all probably didn't understand it. That's probably the first thing. And second of all, by not understanding it, they didn't pick up on it. Now that it is beginning to get out, the media will start picking up on it and I have a very firm belief in the American news media. It's like — it's the pack method. Once it begins to get out, then the media will pick up on it because once one person starts publishing it, then the rest will publish it because they don't want to be behind it. Whether they were complicit or not, I don't know. I personally do not believe in conspiracy theories. And I don't believe in conspiracy theories because of the fact, first of all, it is very difficult to maintain a good conspiracy over a long period of time. Self-interest will destroy any conspiracy over any extensive period of time. And second of all, I believe in the "stupid theory," and that is

that most people are just too dumb to be able to maintain a conspiracy. I mean, what you really have is, you have mistakes more than you have conspiracies. To put together a good conspiracy really takes a lot of effort, and I'll give you the example of OPEC.

There's no question OPEC is a conspiracy. None whatsoever. But the OPEC members cheat on each other every day of the week, so the only thing that keeps the OPEC crisis going is not the OPEC members. They go out and set their prices in Vienna all the time. They then cheat on their prices, and the only people that are keeping their prices going is the buyers. It's the fact that the buyers are willing to pay their prices that's keeping OPEC going. It's not the fact that the OPEC people are setting the prices and adhering to them. They're cheating on themselves. It's the fact that you've got Mobil and Exxon and these other people that are going in there, that are willing to pay the prices, that will keep the conspiracy going. And so it takes two types of people in order to keep a conspiracy going. It takes one, the people to be able to put the thing together; and second of all, it takes the second group of people to be able to go along with it. And so therefore, I don't think there is a, you know, a, quote "media conspiracy." There might — you know, you might have a certain amount of perceived fear, and I think that this exists in a lot of places. I think people perceive a fear and therefore are unwilling to do things. You'll — you can call it self-restraint, which is a nice way of putting it.

[Edit]

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Following the March 4, 2009 [hearing](#), Judge Yaffe sentenced Fine to prison, and he was ordered to L.A. County Central Men's Jail, Twin Tower #1. With the help of supporters, Fine filed a Writ of Habeas Corpus and Request for Immediate Release. In response, he was informed on May 1, 2009 that his incarceration for contempt was indefinite though application of the doctrine of "coercive confinement."

"The use of coercive confinement resulting from civil contempt has been approved and found appropriate by the United States Supreme Court, federal district and appellate courts and California state courts, regarding the right of a civil judgment creditor to pursue and of a trial court to impose for purposes of an individual's compliance with a valid court order."

From the court's response, prepared by the Ventura law firm of Benton, Orr, Duval & Buckingham on behalf of the Los Angeles County Superior Court and Judge David P. Yaffe.

Source: *Full Disclosure Network*, May 5, 2009, <http://www.fulldisclosure.net/Programs/539.php>, accessed 05/22/09.

From a March 3, 2009 interview of attorney Richard I. Fine by Leslie Dutton of *Full Disclosure Network*, posted March 8, 2009, <http://www.fulldisclosure.net/news/2009/03/jailed-attorney-speaks-out-on-judges.html>, accessed 05/10/09. Video adapted from "Coercive Confinement; Judicial Benefits and Court Corruption," *Full Disclosure Network*, May 5, 2009, <http://www.fulldisclosure.net/Programs/539.php>, accessed 05/22/09. Reprinted in accordance with the "fair use" provision of Title 17 U.S.C. § 107 for a non-profit educational purpose.

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* * *

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation. - Declaration of Independence

"..it does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds.." - Samuel Adams

"There are a thousand hacking at the branches of evil to one who is striking at the root." -- Henry David Thoreau ><)))>