JUDICIAL DISCLOSURE AND ACCOUNTABILITY ACT

(A Proposal for Tennessee's Legislature)

The following proposals are intended to promote the fair and balanced function and perception of the Tennessee Judiciary in upholding the Rule of Law. TRANSPARENCY, ACCOUNTABILITY and DETERRENCE are the means to accomplish this end objective. Regardless of socioeconomic status, racial, ethnic or other factors that too often benefit the privileged at the expense of depriving others of justice, these suggestions have been reviewed by attorneys, pro se represented litigants and others who insist it is time for a change.

Tennessee ranks high nationally concerning *CORRUPTION* within our courts and deserves better. It is hoped that the enclosed information will stimulate discussion and result in action that will mitigate the current perversion of JUSTICE by *officers-of-the-court.*
In our quest for JUSTICE, let us not be UNJUST… because ***"IT MATTERS…"***

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"IT MATTERS…"

"*Truth will ultimately prevail where there are pains taken to bring it to light*".
George Washington

1. LIVE VIDEO STREAMING AND INTERNET ACCESS OF COURT PROCEEDINGS:

In an age of cameras and computers, smart phones, video conferencing and inexpensive memory to later access court proceedings, why would an honest court system not be open to the transparency and accountability that live streaming of court proceedings would bring. The information would also be available as evidence in future proceedings and/or to resolve any disputes which might arise. While there may be exceptions in which confidential information must be protected, it should be the exception and not the rule for secret court proceedings that seem to benefit the well-connected at the expense of the less-privileged.

- ***The overriding principal is to have an open and transparent judicial system.***

2. FULL DISCLOSURE:

All parties involved in any dispute, including Plaintiffs and their Attorneys, Defendants and their Attorneys and Judges presiding over the matter shall upon request/notice, make sworn declaration under oath and penalty of perjury, whether or not they are privy to any personal, business, organizational, ethical or other relationship with any other party that might in any way interfere with the unbiased, fair and equal administration of justice. This relationship may or may not be cause to recuse a judge from a matter; however its full disclosure must be made known upon request.

Where any suspected or potential conflict of interest might be present and upon request/notice by any party at any time, this disclosure shall be revealed and included within all orders, opinions, rulings or verdicts that shall follow.

Upon request/motion and not to be denied, this disclosure shall also be made upon cases currently in litigation or concluded within the past ten years; or longer if conflicts are revealed which might show a miscarriage of justice has occurred.

Sworn affidavits shall be made by each of the parties and their participants including judges.
Where disclosure of conflicts are revealed, or conflicting disclosure by parties are made, an opportunity shall be given to correct the record or determine why; but in either event this correction shall become a part of the record and shall be repeated within opinions or rulings which shall follow.

Parties &/or opposing counsel shall not consult with any other Party prior to their sworn affidavit except with personal counsel. At any time, a party may make an amendment to their sworn statement if during proceedings they become aware of a connection or conflict that was not previously revealed; however it may raise suspicion depending when it is revealed.

- ***The overriding principal is to prevent the miscarriage of justice as a result of relationships, pro or con, which give preferential judicial privilege.***

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3. REQUIREMENT TO DIRECTLY ADDRESS SPECIFIC MATTER(s) UPON REQUEST:

Upon the written and sequentially numbered request from any party involved in litigation, and following the issuance of an OPINION and/or RULING from the court in which a party's issues have not been acknowledged or fully addressed concerning any:

(1) Statute(s),
(2) RULE(s) OF CIVIL &/or APPELLATE PROCEDURE, and/or
(3) Material Fact(s) which may have been unjustly ignored, omitted or overlooked,

The court shall respond in the same sequential manner and address each issue &/or request directly, giving the reasons for the court's decision.
This request cannot be DENIED or DISMISSED by the court nor shall it be used by any litigant to abuse the court's authority or to delay the pending judgment; but it shall be used as a safeguard against any deceitful bias or abuse by an officer of the court and to prevent fraud upon the honorable court.
This request if made by any pro se litigant shall be included and automatically become part of the RECORD for any appeal which might follow.
Further, this request would follow any MOTION TO ALTER OR AMEND which has been DENIED or DISMISSED without the court addressing the finding of facts or the lack thereof.

This **REQUIREMENT FOR COURT TO DIRECTLY ADDRESS SPECIFIC MATTER(s) UPON REQUEST** might or could be further addressed by an **Amendment to T.C.A. 27-1-113**.

Omission of significant Material Facts from the Finding of Facts upon which Conclusions of Law are drawn and used to support the position of only one party in an Opinion or Ruling is a primary cause of judicial abuse and the resulting injustice. Its discovery could be cause for immediate disciplinary action against a presiding judge, attorney or other officer of the court up to and including criminal prosecution.
Those Judges who act in a biased manner reflect on the reputation of the entire judicial system. Until these oath-breaking judges are held accountable, they will continue to pervert Justice. Why? Because they get away with it; and currently no one is holding them accountable.
Omission of material facts by *officers-of-the-court* are **"lies of omission"** which distort the "whole truth" bringing ***"fraud upon the court"*** and thereby *deceives* the honorable courts of Tennessee; thus voiding the court's ruling without any time limitation.
"FRAUD UPON THE COURT" is currently only addressed in RULE 60.02 of the TN Rules of Civil Procedure. No mention is made in statutes T.C.A. 17-5-201 through 17-5-311 dealing with the Board of Judicial Conduct which is not a court nor can it function to reverse corrupt rulings.

- ***The overriding principal and objective is to prevent the miscarriage of justice as a result of "cherry-picking" the material facts which support the position of only one party, or omitting those statutes or facts which are biased and damaging to the other.***

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4. OPINION OF DISSENT:

Following an Opinion given by a court at the Appellate or Supreme Court level, the losing Party may file an Opinion of Dissent within 30-days to the Court Clerk, at or equal in length to the court's Opinion, but in no case limited to less than three pages in length; solely at the option of the losing Party. It does not change the Opinion of the Court, but simply gives the perspective, argument and evidence of the losing party. This would become a part of the permanent record or in the case of an Appellate or Supreme Court Opinion and decision, would become part of Case Law to be read and compared by future generations. It would help to deter and/or to expose and hold accountable those judges who:

1.) Ignore Established Law or Statute,
2.) Fabricate, Omit or Leave-Out "Material Facts" in order to justify their ruling as though those *facts-that-matter* did not occur, and
3.) Discredit the losing Party as being "Not Credible".

This "Opinion of Dissent" would expose patterns by judges of deceit or verify whether or not the losing Party is or is not credible by their response; be they represented by counsel or representing themselves *pro se*.

This right to make a part of the permanent record an "Opinion of Dissent" by the losing Party would be retroactive for a period up to and including ten years in the State of Tennessee.

- ***The overriding principal and objective is to make our court system and those officers of the court, who have sworn to uphold our laws, as accountable and transparent as possible, enforcing the Rule of Law equally and without bias.***

5. CREDIBLE OR NOT-CREDIBLE:

Judges have been given carte blanche discretion to determine the testimony of a witness during trial as being not credible. This alone is ripe for abuse by a judge to cover a multitude of sins. While no solution or suggestion is contained within this proposal, it does need further comprehensive consideration as it appears to be a common theme where judicial deception has been identified.

In the case of Reliant v Bush the Bush's testimony was determined to be not credible by the presiding Judge Martin; and yet it was Reliant Bank's testimony admitting fraudulent activity that was omitted from Judge Martin's OPINION. Reliant's testimony had shown knowledge on the part of Reliant's officers of what they solely determined to be a contract-mistake in 2010. Reliant never informed or corrected with the Bushes concerning this "*alleged-mistake*" which had been solely prepared by Reliant, discussed and approved by the Bushes. Reliant officers then decided to remain quiet and hide what they alone determined to be a mistake, knowing that this would cause the Bushes to suffer a loss... fraudulently; yet no mention of this ever made it to any OPINION or RULING.

- ***The overriding principle is for justice to be served. WHY? Because "IT MATTERS…"***

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JUDICIAL CORRUPTION REPORT

CASE NAME: _____ CASE NUMBER: _____

PLAINTIFF: _____ ATTORNEY: _____

DEFENDANT: _____ ATTORNEY: _____

JUDGE (S): _____ COURT: _____

COMPLAINT

PLEASE DESCRIBE BRIEFLY YOUR COMPLAINT, LAWS BROKEN, MATERIAL FACTS DISTORTED OR LEFT OUT AND WHERE YOU THINK THE PROBLEM LIES.

Are you unhappy because you LOST… or because you feel that the honorable court has been CORRUPTED… and if so, HOW and by WHO? _____

Do you have the FACTS to prove your complaint? _____

Was your case appealed? (Where & How & Result) _____

Any suggestions on what can be done or how to correct? _____

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