

**JUDICIAL COUNCIL OF THE ELEVENTH CIRCUIT  
COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**

MAIL THIS FORM TO THE CLERK, UNITED STATES COURT OF APPEALS, 56 FORSYTH STREET, N.W., ATLANTA, GEORGIA, 30303-3249. MARK THE ENVELOPE "JUDICIAL MISCONDUCT COMPLAINT" OR "JUDICIAL DISABILITY COMPLAINT." DO NOT PUT THE NAME OF THE JUDGE OR MAGISTRATE ON THE ENVELOPE.

SEE RULE 3 (e) FOR THE NUMBER OF COPIES REQUIRED.

1. Complainant's name: Lester Swartz

Address: 5622 Wellesley Park Drive #102

Boca Raton, Florida 33433

Daytime telephone: (407) 392-1761

2. Judge or magistrate complained about:

Name: Judge Joseph Woodrow Hatchett

Court: Eleventh Circuit Court of Appeals for the United States

3. Does this complaint concern the behavior of the judge or magistrate in a particular lawsuit or lawsuits?

(xx) Yes ( ) No

If "yes," give the following information about each lawsuit (use the reverse side if there is more than one):

Court: United States Court of Appeals for the Eleventh Circuit

Docket number: 91-5119

Are (were) you a party or lawyer in the lawsuit?

(xx) Party (xxx) Lawyer ( ) Neither

If a party give the name, address, and telephone number of your lawyer:

Name: Pro-se

Address:

Telephone number: ( )

Docket number of any appeals to the 11th Circuit:

91-5119

4. Have you filed any lawsuits against the judge or magistrate?

( ) Yes (XX) No

If "yes," give the following information about each lawsuit (use the reverse side if there is more than one):

Court:

Docket number:

Present status of suit:

Name, address, and telephone number of your lawyer:

Court to which any appeal has been taken:

Docket number of the appeal:

Present status of appeal:

5. On separate sheets of paper, not larger than the paper this form is printed on, describe the conduct or the evidence of disability that is the subject of this complaint. See rule 2 (b) and 2 (d). Do not use more than 5 pages (5 sides). Most complaints do not require that much.

6. You should either

(1) check the first box below and sign this form in the presence of a notary public; or

(2) check the second box and sign the form. You do not need a notary public if you check the second box.

( ) I swear (affirm) that--

(X) I declare under penalty of perjury that--

(1) I have read rules 1 and 2 of the Rules of the 11th Circuit Governing Complaints of Judicial Misconduct or Disability, and

(2) The statements made in this complaint are true and correct to the best of my knowledge.

*[Handwritten Signature]*

(Signature)

Executed on November 6, 1993  
(Date)

Sworn and subscribed to before me

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Notary Public)

My commission expires:

THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

COMPLAINT OF JUDICIAL MISCONDUCT

COMPLAINANT

Lester Swartz  
5622 Wellesley Park Drive #102  
Boca Raton, Fl. 33433  
(407) 392-1761

JUDGE COMPLAINED OF:

Judge Joseph Woodrow Hatchett  
Judge In The United States  
Court of Appeals for The  
Eleventh Circuit

FACTS AND ALLEGATIONS

This complaint is brought pursuant to 28 U.S.C.S., Section 372(c) in which this complainant, based upon information and belief, alleges that the circuit judge, Joseph Woodrow Hatchett, during the course of proceedings and events in case number 91-5119, In The United States Court of Appeals For The Eleventh Circuit, while acting in concert and under color of law with Circuit Judges Joel F. Dubina and R. Lanier Anderson III, and believed others unknown at this time, has engaged in conduct prejudicial to the effective and expeditious administration of the courts, which includes, but is not limited to, the following:

1. That complainant recently discovered that Judge Hatchett not only is a member of the Florida Bar (an arm of the Florida Supreme Court), but was also a former Justice of the Florida Supreme Court and still served as a Judge on the opinion panel of this subject case.

2. That the subject records before Judge Hatchett and the members of the opinion panel contained graphic and shocking allegations of criminal and professional misconduct (See Exhibit 1) on the part of several known and unknown, alleged out of control Florida Bar staff officials including:

- A. The former President of the Florida Bar and present member of the Florida Commission on Ethics
- B. The Executive Director of the Florida Bar
- C. The Staff Counsel of the Florida Bar
- D. The Director of Lawyer Regulation of the Florida Bar
- E. The Assistant Director of Lawyer Regulation of the Florida Bar
- F. The Branch Counsel of the Florida Bar
- G. The Assistant Branch Counsel of the Florida Bar

3. That the explicit and disgraceful criminal allegations reflected by the subject records, most of which gave rise to the subject civil cause of action and remedies, include, but are not limited to, the following Florida and Federal violations:

- A. Title 18 U.S.C. Section 241 (Conspiracy against rights)
- B. Title 18 U.S.C. Section 1341 (Mail Fraud)
- C. Title 18 U.S.C. Section 1343 (Wire Fraud)

- D. Title 18 U.S.C. Section 1961 et seq. (Racketeering)
- E. Chapter 812 of the Florida Statutes (Theft)
- F. Chapter 817 of the Florida Statutes (Fraudulent Practices)
- G. Chapter 895 of the Florida Statutes (Racketeering)

4. That based upon information and belief, the undersigned alleges that Judge Hatchett, while acting in concert and under color of law, while being fully aware of the alleged nature of the action and nature of the appellees, willfully, wantonly, and with evil intent, continued to place himself in a position whereby his past and present believed "close overriding friendships and relationships" with his "family members", the Florida Supreme Court, and it's arm, The Florida Bar, could more than likely subject Judge Hatchett to believed "influential bribery" that could cause him to dangerously misuse his awesome power and influence upon the other panel members to sabotage the federal trial machinery by means of perverting and obstructing justice for the purpose of concealing the abominable acts of the said Florida Bar officials, and the inextricably intertwined, "officers of the court". Further, that his impartiality towards this most sensitive, floodgate case, could, not only reasonably, but irrefutably, be questioned, and, in which his recusal was undeniably required.

5. That the aforesaid acts and omissions are clearly in violation of Judge Hatchett's Code of Judicial Conduct, as contained in the provisions of the Code of Conduct for United States Judges, GUIDE TO JUDICIARY POLICIES AND PROCEDURES, Volume II, Chapt. I, hereinafter referred to as "Code of Judicial Conduct" and "GUIDE", which include, but are not limited to, the following:

CANON 2

A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES

- A. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- B. A judge should not allow family, social, or other relationships to influence judicial conduct or judgment.

CANON 3(C)

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) The judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

Further, that based upon the annotations found under 3(C)1 of the above said "GUIDE", Advisory Opinion No. 11, it states:

- 1. When an attorney in a case is a friend of the judge, the test

as to whether a judge should disqualify is twofold: (1) whether the judge feels capable of disregarding the friendship and (2) whether others can reasonably be expected to believe that the relationship is disregarded. (emphasis supplied)

6. That the records before Judge Hatchett and the opinion panel consisted of crystal clear grave allegations against Judge Hatchett's named close Florida Bench and Bar "family members" (See Exhibit 2). That the allegations of judicial and professional misconduct were so egregious that they destroyed all semblance of fairness and integrity, including, but not limited to, violations of an attorney's Oath to the Bar, illegal conduct involving moral turpitude, dishonesty, fraud, deceit, misrepresentation, false evidence and perjured testimony, not to mention the obvious and reasonable implications of moral coercion, undue influence, overreaching, and extrinsic fraud. That the aforesaid irrefutably should have indicated to any cautious or prudent judge, or for that matter, to any reasonable mind, that probable cause certainly existed for Judge Hatchett to initiate disciplinary action sua sponte (Upon his own responsibility).

7. Further, it is axiomatic, that it is the undisputed duty of the courts to see to it, that the canons of professional responsibility are complied with in order to insure the fundamental constitutional guarantees of honest services and due process of law. The power of disbarment is necessary for the protection of the public in order to strip a person of the implied representation by courts that a person who is allowed to hold themselves out to practice before them is in "good standing" so to do. See Theard vs. United States, 354 U.S. 278.

8. That Judge Hatchett, while acting in concert and under color of law as aforesaid, and based upon information and belief, that by his alleged flagrant acts and omissions, has knowingly, intentionally, willfully, wantonly, and maliciously failed to comply with the standards of fidelity and diligence of his office, i.e., failure to take or initiate appropriate disciplinary action sua sponte, and by so doing, has, unquestionably, wrongfully and furtively, contaminated, unleashed upon, and held out to, the American public and the rolls of each and every applicable Bar in this country in which these subject attorneys are admitted to practice, including the Bar of the highest and the most honored Court in this nation, THE UNITED STATES SUPREME COURT, that these subject alleged corrupt Florida Bar officials and "officers of the court" are in "good standing" to practice before them, when in fact the record and a zealous investigation should reflect that this is manifestly untrue. By so doing, Judge Hatchett has reprehensibly made a mockery and a sham of the obligations of a federal judge, and parallel to the Florida Bar, has also made a mockery and sham of the attorney disciplinary process and a lawyer's Oath of Admission to the Bar, in further violation of his Code of Judicial Conduct, which includes, but is not limited to:

CANON 3(C)

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

9. Further, that based upon information and belief, the undersigned also alleges that the aforesaid acts and omissions by Judge Hatchett, while acting under color of law and in concert with the opinion panel members, and with others unknown at this time, were done in concert with, and in furtherance of, The Florida Bar and the subject "officers of the court's" ongoing schemes and artifices to defraud the United States government, local courts and governments, the federal courts, the American public and all other courts in which the subject attorneys practice, by actively concealing the reasonably known fraudulent, traitorous and illegal acts by the same and as a result, Judge Hatchett, as aforesaid, has violated the following statutes, which include, but are not limited to the following, and by so doing:

A) has committed offenses against the United States and has conspired to defraud the United States in violation of Title 18, U.S.C., Section 371, and

B) has aided and abetted in the commission of an offense against The United States in violation of Title 18 U.C.S., Section 2, and

C) has given comfort to the Florida Supreme Court, via their arm, The Florida Bar, the appellees, and their counsel, thereby becoming an accessory after the fact in violation of Title 18 U.S.C., Section 3,

D) has actively participated in concealment of certain aforesaid felonious acts in violation of Title 18 U.S.C., Section 4 and

E) has caused numerous filings, letters and documents to be mailed, by repeated and systematic use of the U.S. Mails, in a scheme and artifice to defraud the United States of his honest services as defined in Title 18 U.S.C., Section 1346 in violation of Title 18 U.S.C., Section 1341, and

F) has caused many interstate telephone calls to be made in violation of Title 18 U.S.C., Section 1343, and

G) has influenced, obstructed, and impeded the due administration of justice in violation of Title 18 U.S.C., Section 1503.

10. That based upon information and belief, the aforesaid acts and omissions by Judge Hatchett, while acting in concert and under color of law, allegedly were fashioned with willful abuse of Judge Hatchett's office and power, with malice, with express intent and reckless disregard for the rights of others. By allegedly so doing, Judge Hatchett has further blatantly and miserably failed to adhere to his Code of Judicial Conduct in this subject matter, including, but not limited to:

#### CANON 1

A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing and should observe high

standards of conduct so that the integrity and the independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

CANON 3

A JUDGE SHOULD PERFORM THE DUTIES  
OF THE OFFICE IMPARTIALLY AND DILIGENTLY

A. Adjudicative Responsibilities

(1) A judge should be faithful to the law and maintain professional competence in it...

B. Administrative Responsibilities

(1) A judge should diligently discharge the judge's administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

11. That Judge Hatchett, while acting in concert and under color of law, by his alleged and believed evil intent, has willfully, wantonly, intentionally, knowingly, and blasphemously violated his Oath of Office as found in Title 28 U.S.C., Section 453, which states:

"I.....do solemnly swear that I will administer justice without respect for persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as..... agreeably to the Constitution and laws of the United States. (emphasis added)

SO HELP ME GOD

WHEREFORE, for the reasons above, the undersigned, respectfully requests that, in the national interest, this complaint, believed to constitute gross, overreaching and unconscionable conduct unbecoming a member of the judiciary by Judge Hatchett be ardently investigated by an unbiased and impartial special committee for immediate action in order to determine whether or not Judge Hatchett is fit to hold office as a United States judge.



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