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Tallahassee, FL 32308-2007  
February 1, 2001

Congressman Alan Boyd  
301 S. Monroe St., Suite 108  
Tallahassee, FL 32301

Dear Congressman Boyd:

I am writing to obtain your support for 1) legislative changes to develop a more responsive procedure to review case-related judicial misconduct performance complaints and 2) initiate impeachment proceedings against 11<sup>th</sup> United States Court of Appeals judges Gerald Bard Tjoflat, Joel F. Dubina and Frank M. Hull. The current procedure, found in Title 28 Section 372(c) (hereinafter will be referred to as 372(c)), is totally ineffective. To support my conclusions I will "tell you my story" and include some exhibits to provide an overview of my conclusions.

I was a plaintiff in a Federal Court civil matter and was subject to judicial conduct that must be considered abhorrent. The case was a civil defamation case which dealt with the defamatory publication and distribution of a list of "scab" pilots who worked during the Eastern Air Lines strike of 1989. My name is on the pilot "scab" list but I have never flown an airplane for Eastern Air Lines in my life. I was never disciplined by the union for strike breaking and have always been a union member in good standing. I was never considered to have "worked" during the strike as defined by both the Southern District Court of Florida and the 11<sup>th</sup> Circuit Court of Appeals case law. No Judge has commented on 11<sup>th</sup> Circuit case law which was repeatedly made known in various briefs and no court has furnished any case law to support the courts conclusions.

The Federal District Court and the 11<sup>th</sup> Circuit Court of Appeals established a totally new standard of the administration of due process when it addressed my complaint and both courts contradicted its own case law on the issue. I will outline my treatment below and provide some exhibits. The number of exhibits will be limited to keep the document size down, however, should your office need further support of my allegations I will provide the documentation.

- United States District Court Judge Edward B. Davis stated on February 14, 1997 at the HEARING RE SUMMARY JUDGMENT "Secondly, I don't find an affidavit of Joseph Norman anywhere in our records" (ex 1). The affidavit was number 430 on the docket sheet.
- On July 28, 1997 Judge Davis granted Summary Judgment to the Defendants. There were no facts applicable to this Plaintiff in the 28 page Summary Judgment Order. It is evident Judge Davis did not consider any evidence as required by FRCP 56 of Joseph Norman

prior to Summary Judgment. Case law on FRCP 56 Summary Judgment is found in Peckham v. Ronrico, C.A. 1<sup>st</sup> 171 F2d 653 at 657, Arnstein v. Porter C.A. 2<sup>nd</sup>. 154 F2d 464 at 468, Shafer v. Reo Motors, C.A. 3<sup>rd</sup>. 205 F2d 685, Tippens v. Hoest Celanese, 815 F2d 66 (11<sup>th</sup> Circuit 1987), Samples v. Atlanta, 846 F2d 1328 (11<sup>th</sup> Circuit 1988). This case law was also referred to in the appeal to the 11<sup>th</sup> Circuit Court of Appeals, however the 11<sup>th</sup> Circuit Court of Appeals failed to consider its own requirements or comment on why they would not consider the applicable case law and evidence.

- With his Summary Judgment Order of July 28, 1997 as applied to Joseph Norman, Judge Edward Davis totally contradicted case law he wrote on the identical situation.
- The case was appealed to the 11<sup>th</sup> Circuit Court of Appeals with Briefs filed on May 26, 1998 and was assigned case Number 97-5587.
- On October 25, 1999 the 11<sup>th</sup> Circuit Court of Appeals upheld the District Court findings and did not provide any case law to support its position, did not address why it contradicted its own case law on the identical issue and did not comment on any of the overwhelming evidence of Joseph Norman. The 11<sup>th</sup> Circuit Court of Appeals simply established a new criteria for Joseph Norman that was never before in established case law.
- On November 10, 1999 Joseph Norman filed a SUGGESTION OF REHEARING EN BANC with the 11<sup>th</sup> Circuit Court of Appeals but the rehearing was denied.
- The 11<sup>th</sup> Circuit Court of Appeals findings were appealed to the United States Supreme Court but Certiorari was denied.
- Section 372(c) complaints against judges Edward B. Davis, Gerald Bard Tjoflat, Frank M. Hull and Joel F. Dubina were filed on August 7, 2000. The complaints were not directly related to the merits of a decision or procedural ruling; rather the complaints were about the methodology in deriving at the conclusion. The methodology questioned was the judicial failure to consider relevant case law and evidence relevant to Joseph S. Norman or furnish any case law to support the courts conclusions. The Complaint against Judge Edward Davis was dismissed because he ceased being a judge and joined private practice. The identical complaint was filed against 11<sup>th</sup> Circuit Court of Appeals Judges Hull and Dubina; a copy of the complaint against Judge's Dubina and Tjoflat are attached as ex. 2. The complaints were denied by Chief Judge Anderson because he perceived the complaints were "merits related" .
- On September 20, 2000 Petitions for Review of Section 372 ( c) complaints against 11<sup>th</sup> Circuit Court of Appeal Judges Joel F. Dubina, Frank M. Hull and Gerald Bard Tjoflat were filed (ex 3). The complaints against Judges Hull, Dubina and Tjoflat were returned because they were interpreted to be against the "chief judge". I am attaching a copy of one of the returned complaints, along with the accompanying letter from the Court of Appeals. It is evident the complaint was not against the "chief judge" alluded to in the

removal of Chief Judge R. Lanier Anderson from the position of Chief Judge of the 11<sup>th</sup> Federal Circuit due to his inability to properly supervise judges under his leadership.

Attention to this matter is requested prior to further citizen abuse. Certainly the hard working citizens of Georgia, Florida and Alabama deserve more for their tax dollars than the 11<sup>th</sup> Circuit Court of Appeals has provided. If my requests are not worthy of the requested actions please tell me why.

Respectfully,

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Joseph S. Norman II