

From: judgewatchers@aol.com
To: ref@attglobal.net
Subject: Belated Thanks, Etc.
Date: Tue, 7 Aug 2007 4:13 am

This keeps coming back to me as undelivered.

-----Original Message-----

From: judgewatchers@aol.com
To: ref@attglobal.net
Sent: Mon, 6 Aug 2007 10:05 pm
Subject: Belated Thanks, Etc.

Dear Richard,

I thank you for your July 9th e-mail and apologize for the long delay in responding. Unfortunately, on the very day of your e-mail, I was confronted with a difficult and painful situation, yet on-going, in addition to other deadlines and commitments requiring my attention.

Only within the past week have I returned to the draft of my cert petition in the "disruption of Congress" case, due on August 17th.

I would appreciate if you would give me the benefit of your expertise with respect to the latest draft of the petition, posted on CJA's website, www.judgewatch.org; - accessible via "Latest News" and "'Disruption of Congress'-The Appeal"

Specifically, with respect to the petition's first question:

"Is it a constitutional violation, *prima facie* disqualifying, and misconduct *per se* for a court to conceal and wilfully fail to adjudicate a motion for its disqualification, disclosure, and transfer - and does it have jurisdiction to proceed further in the matter?"

I have now added a sentence to my "Statement of The Case" (at p. 2) that the Supreme Court has "never spoken on the subject". Am I correct - or are there responsive Supreme Court decisions to which I should be referring?

My very short argument pertaining to my first question is at page 33. Do you agree with my presentation - including my citation to §22.1 of your book Judicial Disqualification: Recusal and Disqualification of Judges (1996)? Can you make suggestions for improving it, including by caselaw and treatise citations?

Also, my petition's second question now specifically includes citation to *Liteky v. United States*, 510 U.S. 540 (1994), in asking whether the D.C. Court of Appeals met its standard for disqualification for pervasive actual bias. Do you know of any case, in the 13 years since *Liteky*, where its "impossibility of fair judgment" standard for judicial disqualification for pervasive actual bias was found to have been met?

I am leaving tomorrow morning for a journalism conference in Washington, D.C. - and won't be returning until Thursday. I would be most grateful if you might be able to respond by then.

With regards - and continued prayers for your wife's recovery from her recent