

***** **Update** *****

Mr. Tare's continued research has uncovered additional undisclosed conflicts, in this instance he has found that the [Judge hearing his case failed to disclose her conflicted stock ownership](#) of companies in the proceedings before her. See proof of Judge Rosemary Gambardella's stockholdings [here](#)

. This mushrooming [bankruptcy misconduct scandal related to WebSci](#) now has its own download category in BankruptcyMisconduct's Documents section.

David O'Donnell sent the following Haiku he wrote after reading the [internet posting](#) by R. S. Tare (a copy of which appears at the end of this page) :

***Just because they could
conspire deceive and pillage
under false court oaths***

***tragedy's merchants
feigned fair settling as they snatched
farmer, artisan yield***

***good men dare divulge
lawyers frauds upon the court
sunlight kills all germs***

***gentlemen of sword
raise pen spread truth unyielding
inquest coming soon***

Mr. O'Donnell further states:

"No, I don't really consider myself any sort of poet. However, Tare's description of the ease with which he was able to uncover fraud on the court by lawyers really inspired me. It inspired me to say something, because the more I look and listen, the more I learn how many bankruptcy crimes are known to more people who will stand up to corruption, and how easily the government can clean things up once the public demands it.

Apparantly, Tare downloaded the electronic court docket information for some bankruptcy cases. This lists lawyer's names and the clients that they represent in each matter. This is some sort of "computer data" which the government already has. So, the government could generate a list of every firm which has represented every client, because they already have the data in this federal PACER system which taxpayers have already funded.

So now, it is all making sence how a Federal Special Prosecutor could easily look at one aspect of the pervasive bankruptcy fraud in our country. That is, lawyers filing false sworn declarations which hid their financial relationships with conflicted parties of a federal bankruptcy case. (Martha Stewart went to jail for a false statement, so did Little Kim.) As Tare describes, the Special Prosecutor can do a "join" on their data and get a quick list of all conflicts.

The technique was described in my internet research and it sounds very straightforward. Apparantly, a "query" is made to get answers from a database which links two or more lists by a common field. I got excited thinking the government's special prosecutor could use this technique. First, the prosecutor could determine if **Smith & Jones** (a made up lawfirm name) had **GE** as a client. Then the government could see every bankruptcy case where

Smith & Jones

was hired by the estate and had to submit a declaration that they had no conflict. Bankruptcy law is clear that a conflict is not waivable. The special prosecutor could have a field day just by looking at every case where

GE

(or any client) had been represented by one of the Debtor's professionals. If the lawyer wasn't removed from the case so that every possible issue concerning the conflicted creditor was handled by an un-conflicted lawyer, we have two or more crimes for each occurence. One crime being bankruptcy fraud, the other being perjury, each time the lawyers submitted a bill there is a separate count.

Some businesses call this type of data analysis "data mining". But we already know much more involved and sophisticated techniques have been used against Italian-American mafia, ordinary taxpayers, fathers who are behind in child support, parking ticket offenders, etc. Data Mining is used against every one of us every day to make sure we pay our fees, fines, taxes, car registrations, insurance, real estate taxes, report our credit, and so forth. Data Mining is also used against us to target what junk mail and cold phone calls are made to us. There is no reason why the government couldn't have been using Data Mining to keep the bankruptcy courts clean. (But we understand that lawyers tend to avoid investigating other lawyers.)

Solving the Deficit - RICO saves our economy

What's more, when there is a pattern of fraud which is committed using the mail or wire (telephone, fax, eMail, internet) then the crimes fall under the **RICO Statutes**. This law was created by one of the famous Kennedy's in order to fight organized crime in the US. RICO essentially allows the government to take

all

money that every member of an organized crime syndicate has. There is a lot of money out

there, and many many hedge funds and their corrupt lawyers have enough to fix our hurting economy as they forfeit their criminal enterprise funds to the feds. It is simple, it is easy. It is better than raising taxes on wage earners, it is better than reducing social security benefits, or cutting programs for our children. It is fair to make criminals pay for their crimes. Thank you Tare for finding out how easily this could be accomplished.

Below is the relevant text from **R. S. Tare** regarding the **WebSci** bankruptcy case and his **simple technique for discovering fraud by lawyers who hide client relationships** from the bankruptcy court:

Re: eToys Faces Class Action Lawsuit

Posted by tare on 2005-08-02 22:12:51

In reply to **laser**

Dear Mr. Laser,

First, I must congratulate you on your efforts.

It is rather interesting that what you are doing parallels, amazingly in similarity, to what I have done. One newspaper is interested in publishing it, but let me get to the core:

I have uncovered some serious conflicts in not one bankruptcy, but many!!! I thought that **Lawrence Friedman**

's resignation was caused by what I discovered. I guess there are too many of these scandals floating around.

Both **Roberta DeAngelis** and [Kelly Stapleton](#) are familiar with my cases but they have applied a double standard because the conflicts concealed by attorneys, were trustees and their counsel. These are appointed by the U. S. Trustees themselves.

What I have discovered is that Fleet National Bank I(now Bank of AMERICA) used to bribe bankruptcy trustees by giving them litigation business and have the trustees be their agents in bankruptcy proceedings.

I went through a lot of data analysis. I am a computer/software engineer by profession. I took a dump of all litigation data from the State Court, Bankruptcy Court and District Court dockets and tried to do, what in technical jargon is referred to as a "join." And low and behold... I found that the trustee assigned to my company's bankruptcy was offered litigation business by Fleet, just before he shut down my company. He did not disclose this conflict. His name is **Gary N. Marks**.

Want to know more? I was forced into personal bankruptcy (albeit I filed it voluntarily... details I can send you by email). The trustee assigned to my bankruptcy was Steven Kartzman. The bankruptcy involved primarily me and Fleet as the adverse parties. Guess what... I found, through my data analysis, that Kartzman's firm was representing Fleet in scores of litigations!!! Now, if you find that shocking... wait. I then found out that Kartzman was using a non-operating firm to be a bankruptcy trustee while Fleet was feeding business to him through another law firm in which he was a trustee.

Just so you know... I wrote to **Kelly Stapleton** about it. *She told me that because my complaint is handled by the **EOUST**, in D.C., she would not be looking into it.*

I also wrote to Roberta DeAngelis.

I think that the U. S. Trustees' Office has a serious conflict in pursuing criminal prosecution or, for that matter, even disgorging fees from attorneys who are appointed by them, especially if the conflict is discovered by a third party.

I have significant data on corruption in bankruptcy court, in New Jersey, and numerous conflicts. I have listed about 20 sworn affidavits, filed by certain trustees and their attorneys, to conceal conflicts.

I am demanding criminal proceedings to be initiated against these trustees and their counsel.

I can send you more info. If you are interested, please review **05-cv-1306-JLL** in the **New Jersey District Court**

, through

PACER

. The reference to the Bankruptcy Court was withdrawn. See... that when I wrote to the Members of the Board of BofA, the attorneys filed a complaint against me!!!

I commend your efforts. I believe that if the **Gellene** case is upheld in the Third Circuit, the trustees, whose criminal misconduct I have discovered, will be spending a lot of time in JAIL.

Hope to hear from you,

R. S. Tare

{rokintensedebate}