

BankruptcyMisconduct's Issues section has a number of articles which describe recurring themes and systemic problems related to our flawed bankruptcy system, and the immensely profitable bankruptcy industry which it shamefully protects and supports.

[RICO](search/rico.html?ordering=newest&searchphrase=all&limit=0) is a set of laws designed to give the government tremendous power, and ease, to prosecute big criminal organizations which are otherwise skilled at hiding their crimes. These criminal organizations take different names, like "Italian Americans", "NYC Seaford Markets" & "Hedge Funds". Nevertheless, astute readers of this humble site (We're talking most major Universities, Law Firms, 'Buy Side' players, as well as Legislative bodies) know from their Shakespeare studies that there is not much to "a name". We prefer the "Duck Test", rumored to have been yet another test proposed by

[Turing](https://www.youtube.com/watch?v=S5CjKEFb-sM) himself, but we digress. Fact is, the misconduct of the finance world, particularly as seen in our Bankruptcy Courts' playing fields, has crossed the line into illegality. And so, the pungent fungus of the dirty industry has ripened to the point of

[RICO Forfeiture](http://www.justice.gov/afp/types-federal-forfeiture). Average citizens may be displeased to learn how routinely and widely forfeiture is pursued against the little guys and gals, we already know how pissed they are about Wall Street and Banking escaping consequence for the financial crisis.

Beyond reasoning along the lines of a fiscal imperative, it seems like using RICO against the hedge funds is just a matter of time as a political progression.

Perhaps the future will bring us a government looking to "claw back" wealth from greedy business, and we all know that the investment world has the most money and least chance at populist sympathy. RICO is quite the powerful instrument of government wealth confiscation, so we would think that any buy side firm would want to avoid having themselves eventually thrust into a government RICO feeding frenzy as a result of association with "professionals" encumbered with clouded histories. Then again, there is no need for you to take our advice, which is certainly not legal advice. You ought to get that in writing from your own outside counsel, unaffiliated with your proposed counsel for the matter under consideration. No need for you to consider the prescient score card of BankruptcyMisconduct in predicting various trends, implosions, and even

[prosecutions](organizations/dewey-leboeuf/charges-round-1.html) resulting from disgruntled insider informants,

indeed.

[Why Hire One of these Lawyers?](issues/why-hire-these-lawyers.html) There are many [lawyers](people.html) and [firms](organizations.html) featured on the many pages of BankruptcyMisconduct. Which begs the question, why would anyone intentionally want to hire one of these guys and gals? Seriously, amidst the entertaining tales and parody there exists grains of inescapable truth, some as blatant as the Rock of Gibraltar. Why would an executive bet her next bonus, or even career, on the hopes that one of these guys wouldn't continue along their ugly track record? With so many lawyers and firms out there, is weaving your own future into any web of conflict really a prudent forward looking strategy? It seems the RICO is rearing its forfeiture flowing head. Do you really want to intertwine your fiduciary beneficiaries money with the likes of one of these [#Stigma Laden](#)

Lawyers? Assuming your ambition might #Trump your dedication, we could rephrase the Q: "Is hiring one of these lawyers worth risking your own neck on the block?"

[Conflict Of Interest](issues/conflict-of-interest.html) - the most common theme we find in bankruptcy misconduct. It is not surprising that there will be organized crime elements looking to influence the bankruptcy process for their benefit. Congress recognized the existing of such crime elements as it planned the clear and simple laws prohibiting any and all forms of conflict of interest by official counsel in bankruptcy cases, with the hope and intention that a complete prohibition of conflict would remove the incentive towards corruption by lawyers who would traffic in the tragic downfall of business. These laws include the strict requirement that bankruptcy professionals must sign a sworn declaration, under penalty of perjury and bankruptcy fraud, stating that they hold no conflicts. Sadly, when instances of false sworn declarations are found the DOJ and Federal Judges often cover up the crimes to protect their brother lawyers.

[Quid Pro Quo](issues/quid-pro-quo.html) - also known as the *Business Model For The Mega Case Debtor Counsel*. Bribes are paid to many public officials and corrupt persons in private practice. Another form of bribe is getting paid to *look the other way*. Mega Case bankruptcy law firms routinely go out of their way to cover up crimes by corporate executives, and protect them from both criminal and financial repercussions. This is because millions of dollars in legal fees flow to these lawfirms, but corrupt corporate executives hold power of the decision as to which firm gets hired. Thus the same Big Law firms get the multi-million dollar law fees and the same criminal conduct brings our nation every larger bankruptcy cases.

[Pro Hac Vice](issues/pro-hac-vice.html) - Lawyers set up their own industry, with their own rules. Their fundamental theme was to create a playing field wherein they could enjoy Self Regulation. Notwithstanding the absurdity of the "profession" regulating their own involvement in organized crime, there is a compartmentalization of law along State boundaries. That is, each lawyer is only licensed to practise law within a given state, and each state independently enforces the laws and ethics rules. Thus, when a lawyer visits another State to practise law, he must find a sponsor and both swear as to the ethical legitimacy of the lawyer, as he submits to the ethical and professional regulation in the State. This creates a very interesting circumstance and is why [BankruptcyMisconduct](#) observes that *Pro Hac Vice* is a Double Edged Sword.

[Prosecutorial Discretion](issues/prosecutorial-discretion.html) - This concept, perhaps invented by a corrupt or lazy prosecutor, holds that a person charged with the duty to enforce our laws is somehow granted the privilege, or right, to decide which persons will be subject to prosecution and which persons will not suffer any repercussion for having committed crimes. Obviously, this is a very troubling notion and even a Caveman can see how this bureaucratically self-instantiated power is by definition a potential corruption seed of [Honest Services Fraud](#).

[Honest Services Fraud](issues/honest-services-fraud.html) - If you take someone's money for delivering a good or service, but intentionally failed to deliver that good or service, you have defrauded that person. This basic notion is understood by Cavemen all over the world, and yet for ages people have inexplicably suffered the ineffective, or even corrupted, expenditures of their tax dollars upon an elite bureaucracy. Thankfully, sentient prosecutors in the U.S. have awoken to the notion that corrupt government officials who willfully accept their salaries and benefits even while they abuse their offices to aid and abet

their affiliates are in fact committing crimes. The status quo acceptance of *expensive* failed regulation and enforcement governmental operations is nearing its end, just as the criminal prosecutorial backlash against the enterprises which have been operating in the shadow of honest services fraud is beginning.

[**Color Of Law**](issues/color-of-law.html) - Our basic civil rights include more than life, liberty, and the pursuit of happiness. We are guaranteed a right to be protected from any government lawyer, prosecutor, judge, or administrator who abuses their public office to harm us. It is *a* federal crime for anyone acting under color of law willfully to deprive or conspire to deprive a person of a right protected by the Constitution or U.S. law.

WhistleBlower Retaliation - many brave persons have pointed out misconduct by bankruptcy professionals. Unfortunately, the corruption is extensive and systemic. Organized Crime has long operated in the bankruptcy courts and Congress has even referred to them as "Bankruptcy Rings". Just as we see in "banana republics" we find that whistleblowers are retaliated against. This happens in Federal Courts all across our country, and the corruption extends far into the self regulating State Bar clubs.

◆

Judicial Misconduct - While many evil persons make up a crime family, there is no more important element to the survival of the corruption than a corrupt judge. The pendulum of judicial autonomy has swung so perversely far that now, even when a judge is caught red handed, he or she will often refuse to step down amidst clear **Conflict Of Interest** or other misconduct. Worse still, such degenerate judges tend to take evil revenge under **Color Of Law** against any person who dares reveal judicial misconduct, a form of **Whistleblower Retaliation**.

[**Self Regulation**](issues/self-regulation.html) - The legal industry has constructed an absurdity known as self regulation. Lawyers have passed laws which let only themselves have control of the regulation of their profession, and the punishment of lawyers who break the rules. Further still, they have constructed rules and procedures which keep secret the allegations and misdeeds of offenders. Lawyers who stand accused are able to answer their accusations in private, in secret. The absurdity of lawyer self regulation has resulted in every greater and more bizarre misdeeds by the profession. In particular, large law firms are empowered to act as an organized crime syndicate for the benefit of themselves and certain clients, such as hedge funds. Racketeering and the RICO Act may be the focus of a Federal Special Prosecutor empowered to shed light upon the misdeeds of BigLaw.

[**Revolving Door Regulation**](issues/revolving-door-feds.html) - Government prosecutors, investigators, and regulators in various offices of the DOJ and SEC have transmogrified the once honorable duties into private practice career engines for themselves or their associates. Sadly, many government lawyers are merely "on loan" from "*BigLaw*" law firms. Such degenerate law firms form the private practice half of a revolving door between government's purported efforts at *white collar / financial organized crime fighting* on the one hand, and the private practise legal representation of *clients engaged in the very same financial crimes* which these government lawyers are supposed to be incarcerating on the other hand. It doesn't take a genius to see how simple financial ties between government lawyers and the lawyers who represent the financial Neo-Mafia, *such as in the form of indirect or postponed employment*, explains the incredible lack of prosecution against Wall Street, Banking, and Real Estate Bubble criminals. The Revolving Door thus breeds corruption as when a U.S.

government lawyers operates as a Mole for a crime family or when she seeks a **Quid Pro Quo** via highly compensated work for herself, her spouse, or other relation.