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Richard I. Fine's Judicial Lynching

Richard I. Fine's Judicial Lynching - by Stephen Lendman

The Law Offices of Richard I. Fine & Associates (richardfinelaw.com) web site says he established the firm in 1974. His credentials include a Doctor of Law from the University of Chicago, a Ph.D in International Law from the London School of Economics, a Certificate from the Hague Academy of International Law, among his many other awards, including Lawyer of the Decades 1976–2006.

He's also been widely published in legal journals with regard to antitrust, comparative and international law. Fine's resume is long and impressive.

Before entering private practice, he "founded and was chief of the first municipal antitrust division in the United States, for the City of Los Angeles." He was also Special Counsel to the Government Efficiency Committee of the LA City Council, and a member of the US Department of Justice Antitrust Division.

In addition, he practiced law in London and with another firm before establishing his own. He was also Norway's Southern California Consul General.

Background on Fine's Case

Detailed information can be found on Home (Free Richard fine).... (sites.google.com/site/freerichardfine/Home), established by his friends and associates seeking justice in return for Fine's years of public service as a taxpayer-advocate attorney.

From the early 1990s until his illegal disbarment and March 4, 2009 jailing, Fine challenged and corrected state corruption, returning about "\$350 million to California taxpayers which state, county and municipal governments (unlawfully took from) 'special funds' and 'trust funds' in a series of taxpayer cases filed in federal" and state courts, specifically:

- \$6 million returned to the Tidelands Trust Fund (TTF) in *Malibu Video, et al. v. Wilson, et al.*;
- in other cases against California cities and ports, another \$350 million prevented from being unlawfully spent from TTF;
- the class action *Lido v. State of California* returned funds not paid to small and minority businesses during California's budget crises;
- in *Shinkle, et al. v. City of Los Angeles*, Fine got the city to change its "sewer service charges" calculation method, saving residents "tens of millions of dollars" annually;
- in *Amjadi and LACAOEHS v. LA Board of Supervisors, et al.*, LA County had to establish a special environmental inspection fee fund from wrongfully deposited funds in its General Fund; also freeze its environmental inspections fees until an initial \$11 million deposit was spent, as well as deposit about \$40 million annually into a "special

fund" for environmental inspection fees; and
--- many other legal victories against corrupt state officials saving California taxpayers about "\$1 billion," illegally "enrich(ing) developers, and blatantly trample(ing) the people's rights;" Fine calls it "a true story...wrapped up in one man's personal nightmare."

Overall, he stopped "Twenty-Six Years of California's Annual Budget Crisis," and was the first lawyer to "Challenge, In Court, The Unconstitutional Payments Given By Los Angeles County (Supervisors) To The Los Angeles County Superior Court Judges," over \$300 million since the late 1980s.

Over the same period, these "judges decided cases and made orders in favor of the County to the exclusion of the opposing parties in cases before them." For example, from 2005 - 2007, no one won a case against the county in courts presided over by LA Superior Court judges. Over many years, as a result, Californians were swindled out of hundreds of millions of dollars, and most troubling of all, county judges knew "taking payments from LA County was unconstitutional," in violation of the Code of Judicial Ethics and Political Reform Act for not disclosing them.

The same practice was common around the state, but not like in LA County, where state legislators exempted judges and county supervisors from prosecution.

For his many years of crime fighting, Fine was charged with "contempt of court" and "moral turpitude," disbarred by California's Supreme Court and jailed by Superior Court Judge David Yaffe "in retaliation for bringing the cases and exposing the unconstitutional payments," ones later held to be unconstitutional.

Fine's case is currently before the US Supreme Court. The California Bar waived its right to respond, meaning his appeal is unopposed. Also in his favor was a late 2009 decision in *Sturgeon v. LA County* (brought by Judicial Watch) deciding that county payments to judges are illegal.

Yet, with the help of California Supreme Court Chief Justice Ronald M. George, state-paid lobbyists got legislators to pass "a midnight bill" (SBX2-11) at the peak of last year's budget crisis, changing the law to make the payments appear legally authorized to continue, besides giving everyone involved retroactive immunity from criminal prosecution.

Note: immunity is never given when no crime was committed.

The latest on SBX2-11 immunity is that it's not in the "official Code" like the rest of the bill, Fine's friends and associates asking, "Why are they hiding this pardon of over Ten Million Felonies from the public." They further say the bill "is an ex post facto law. Its immunity provisions will ultimately be repealed," so complicit judges aren't off the hook.

As of mid-April, 2010, Fine remains in LA County Men's Central Jail, the

"worst jail in the United States," according to an ACLU investigation and report (aclu.org/prisoners-rights/aclu-releases-report) calling it "nightmarish" because of severe overcrowding (with over 20,000 detainees), violence, and overall conditions causing serious mental illness.

Fine is held in solitary confinement under horrendous conditions to punish him - with no fresh air, bright all-night overhead lighting, and no pen and paper to petition a higher court, a right even serial killers get. Also, reporters (at least until now) were denied permission to interview him. He's not allowed to post bond or get a hearing, and is ordered to stay in jail until he relents and withdraws his charges.

In a Full Disclosure.net April 7, 2010 interview, Fine states:

"This is the beginning of what happens when you lose a democracy. There is absolutely no question I'm a political prisoner," held without bail, without trial, and with every state appeal denied. The issue is "a straight out-an-out abuse of power, and I'm the person who went in and called them on it....This is the biggest judicial scandal and judicial bribery scheme in American history. My being in jail for (over a year) should show you that no one is immune from this abuse of power."

Fine's case exposes the dark underside of California politics and appalling level of official malfeasance, involving greedy developers, corrupt LA County Supervisors and judges, the state Supreme Court, its Bar Association, and the 9th Circuit Court of Appeals, co-conspiring to protect ongoing criminality and punish anyone challenging it.

On April 9, Contra Costa Times writer Troy Anderson headlined, "Supreme Court to hear Fine case," quoting Brooklyn Law School Professor Jayne Ressler, an expert in "coercive confinement" saying:

"The fact the Supreme Court is involved in any way is a big deal. It certainly speaks volumes to the importance of this case, and it's quite intriguing."

At issue is Fine's "coercive confinement," but he also hopes California corruption will be addressed. The issue of judges' pay is currently before the California Supreme Court, but given how judges and legislators conspire, it'll likely go nowhere to let illegal behavior continue.

The state Supreme Court disbarred Fine. Superior Court Judge David Yaffe jailed him for allegedly practicing law while being inactive and refusing to answer questions about his assets to pay court-ordered attorney fees in connection with a Marina del Rey case.

The US Supreme Court will hear his case on April 23. It gets thousands of applications annually, but considers about 80 or 90 at most. His appeal cites the precedent of a Los Angeles newspaper reporter jailed in 1972, in contempt, for refusing to divulge sources relating to the Charles Manson case. After six weeks in confinement, the US Supreme Court ordered him

released while his case was considered by the 9th Circuit Court of Appeals. "Lower courts later determined that lengthy confinements for contempt" are to punish in violation of "legal limits on punitive sentences for contempt."

The US Supreme Court has the final say. Meanwhile, at age 70 and in deteriorating health, Fine remains incarcerated, his freedom very much in jeopardy.

Also at issue is due process and judicial fairness, fast disappearing in America and denied anyone challenging corrupt power and privilege effectively. Fine did it courageously and expertly. He's now paying the price.

Stephen Lendman lives in Chicago & can be reached at lendmanstephen@sbcglobal.net Also visit his blog site at sjlendman.blogspot.com and listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network Thursdays at 10AM US Central time and Saturdays and Sundays at noon. All programs are archived for easy listening.

<http://www.progressiveradionetwork.com/the-progressive-news-hour/>.

SUNDAY, SEPTEMBER 19, 2010

Attorney Richard I. Fine Released

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A longtime distinguished lawyer, detailed information about him, his career, and lawless disbarment and imprisonment can be found through the following link:

<http://sites.google.com/site/freerichardfine/>

From the early 1990s until his disbarment and March 4, 2009 jailing, Fine challenged and corrected state corruption, returning about "\$350 million to California taxpayers which state, county and municipal governments (unlawfully took from) 'special funds' and 'trust funds' in a series of taxpayer cases filed in federal" and state courts.

Yet, for his many years of crime fighting, he was charged with "contempt of court" and "moral turpitude," disbarred by California's Supreme Court, and jailed by Superior Court Judge David Yaffe (retiring November 1) "in retaliation for bringing the cases and exposing the unconstitutional payments," ones later held to be unconstitutional.

Last spring, Fine appealed to the US Supreme Court for release. The California Bar waived its right to respond, meaning his appeal was unopposed. Nonetheless, on May 24, 2010, Fine's Petition for Writ of Certiorari (an order to a lower court) was denied without explanation or comment. As a result, he remained a political prisoner, one of many hundreds in America, a topic an earlier article addressed, accessed through the following link:

<http://sjlendman.blogspot.com/2010/08/political-prisoners-in-america.html>

At the time, his daughter Victoria Fine, a Huffington Post journalist and editor, said:

"We are deeply disappointed in the outcome of this. It's scary to me that the justice system at all levels doesn't see the inherent flaws in the system and is choosing not to correct them."

Richard Fine Released

With few details available, and little media coverage outside Los Angeles, the following accounts announced the news:

On September 18, Los Angeles Times writer Scott Glover headlined, "Lawyer abruptly freed from jail," saying:

After a year and a half in jail on contempt charges, "Richard Fine was released from Los Angeles County Jail in downtown Los Angeles shortly after 9 p.m. but did not wish to speak to a Times reporter."

On LA Observed, Kevin Roderick wrote:

"Fine, the 70-year old lawyer and self-styled taxpayer advocate sent to jail 'indefinitely' by a ticked-off Superior Court judge (was) released abruptly last night."

On Examiner.com Los Angeles, Laura Lynn said:

"Attorney Richard Fine was released from jail Friday, according to an LA Times article and children's rights advocate Janette Isaacs."

Isaacs suggested that Yaffe may have released him on Yom Kippur (a day of atonement for Jews) as "a symbolic act."

Los Angeles Daily News writer Troy Anderson said Fine told the paper, in a phone interview, that his release showed "right will win over might. This is really a great day for Los Angeles and for California."

He'd written Yaffe recently, requesting a new judge because of his retirement. He then speculated that Yaffe may not have wanted to hand someone else his "complicated case....I guess Friday it all came to a head and Yaffe suddenly decided he wanted out of all this and decided to release me."

Perhaps he also wished to close it ahead of his retirement, or even had second thoughts about his outrageous sentencing of a man deserving praise, not indefinite punishment for serving the people of Los Angeles County heroically and selflessly.

Until September 17, he'd spent 563 days in solitary confinement, the longest ever for an attorney (or perhaps anyone) for contempt of court. Emerging, however, his spirit was as high as last May after the Supreme Court denied his petition, saying then:

"I'm in fighting condition. They haven't broken me down, and they won't

break me down."

On September 18, he said:

"We can now look at cleaning up the judiciary and stopping (23 years of) illegal payments....that have cost taxpayers \$300 million."

While imprisoned, Fine filed dozens of motions, including a complaint several days before his release, charging local, state and federal prosecutors with a massive "judicial corruption and bribery scheme" in California courts.

Writing District Attorney Steve Cooley, state Attorney General Jerry Brown, and US Attorney Andre Birotte, he requested local, state, and federal investigations of LA County judges and supervisors for alleged corruption, a longstanding problem Fine challenged from the early 1990s until his illegal disbarment and March 4, 2009 jailing.

Now free, he may continue his work and advocacy to cleanse LA County of corruption, costing taxpayers hundreds of millions of dollars, the same problem throughout America, especially in Washington, as well as from Wall Street and other corporate predators, notorious for ripping off unsuspecting customers and clients.

A Final Comment

Those challenging entrenched power risk grave harm to themselves. Besides many others, Fine and two other courageous lawyers stand out.

Paul Bergrin is one, an earlier article addressing his case, accessed through the following link:

<http://sjlendman.blogspot.com/2009/12/targeting-lawyers-case-of-paul-bergrin.html>

A "top prosecutor" and one of New Jersey's "most prominent (and effective) defense lawyers," according to The New York Times, he ran afoul of the system by defending one of US soldiers charged with killing four Iraqis near Samarra during Operation Iron Triangle in May 2006, a case that made international headlines.

Yet as Professor Stjepan Mestrovic explained in his book titled, "The 'Good Soldier' on Trial: A Sociological Study of Misconduct by the US Military Pertaining to Operation Iron Triangle, Iraq," four charged soldiers followed their commander's (Col. Michael Steele) Rules of Engagement (ROE) to "kill all military age males." They had to obey or face Court Martial and imprisonment, their fate as it turned out anyway to absolve their commander of responsibility.

Bergrin wanted him and the entire chain of command, including Defense Secretary Donald Rumsfeld, George Bush and Dick Cheney held culpable, and therein lay his undoing.

Arrested and imprisoned since May 2009, he was accused of racketeering, racketeering conspiracy, wire fraud, wire fraud conspiracy, the murder of a federal witness, and conspiracy to commit murder plus other charges in a 14-count indictment. One or more of the charges were later dropped, but if convicted of those remaining, he faces a potential life sentence - not for any crime, but for doing his job honorably and courageously.

Six earlier articles discussed another longtime heroic lawyer, Lynne Stewart, access through the following link, the most recent article includes links to the others:

<http://sjlendman.blogspot.com/2010/07/darkness-in-america-lynne-stewarts.html>

The opening paragraph said the following:

She worked selflessly, tirelessly, and heroically for 30 years as a human rights champion, defending America's poor, underprivileged, and unwanted - people never afforded due process and judicial fairness without an advocate like her.

She knew the risks, yet took them courageously until bogusly indicted on April 9, 2002 on four counts, then convicted by outrageous government-orchestrated antics inside and outside the court. Initially sentenced to 28 months, she was re-sentenced to 10 years after losing her appeal.

Another is planned. If turned down, perhaps followed by one to the Supreme Court for justice she's been so far denied. Age 71 in October, she's been ill with cancer, now in remission, a recent biopsy confirming it. Since imprisonment, she's also had surgery, successfully done with no complications, but not by doctors or in a hospital of her choice.

West Coast Director of the Lynne Stewart Defense Committee called her "a brilliant and dedicated fighter sacrificed on the alter of an intolerant class-biased system of repression and war."

So is Paul Bergrin for confronting US barbarism and Richard I. Fine for challenging LA County corruption.

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