

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL

Certified/RRR: 7001-0360-0002-6819-6191 [Fax: 215-580-2146: 5 pages]

Certified/RRR: 7001-0360-0002-6819-6207 [Fax: 713-651-5246: 5 pages]

October 30, 2001

Judge Norma L. Shapiro
Chair, ABA Justice Center Coordinating Council
U.S. District Court
10614 U.S. Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106

D. Dudley Oldham, Esq.
Chair, ABA Standing Committee on Judicial Independence
Fulbright & Jaworski, LLP
1401 McKinney Street, Suite 5100
Houston, Texas 77010-3095

RE: CJA's Request for Supervisory Review of Luke Bierman, Director,
ABA Justice Center

Dear Chairwoman Shapiro and Chairman Oldham:

The Center for Judicial Accountability, Inc. (CJA) is a non-partisan, non-profit citizens' organization, documenting the dysfunction, politicization, and corruption of the closed-door processes of judicial selection and discipline on federal, state, and local levels. A copy of our informational brochure is enclosed¹.

¹ Also enclosed are pertinent published pieces, (1) CJA's article, "*Without Merit: The Empty Promise of Judicial Discipline*" (*The Long Term View* (Massachusetts School of Law), Vol 4, No. 1 (summer 1997)); (2) CJA's \$3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (*NYLJ*, 8/27/97, p. 3); and (3) CJA's Letter to the Editor, "*An Appeal to Fairness: Revisit the Court of Appeals*" (*NY Post*, 12/28/98). See Petitioner-Appellant's Appendix in *E.R. Sassower v. Commission* [A-79-80; A-101].

By this letter, CJA requests that you effect supervisory oversight over Luke Bierman, Director of the ABA Justice Center. The necessity of such oversight may be gleaned from the enclosed copy of CJA's exchange of correspondence with Mr. Bierman, spanning from our March 2nd letter and culminating in our letter of today's date which identifies that we are turning to you. The substantiating proof, which CJA requests that you *personally* review, are the appellate papers in the New York state proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* (NY Co. 108551/99) – a full copy of which are in Mr. Bierman's possession – and the U.S. Supreme Court papers in the §1983 federal action, *Doris L. Sassower v. Hon. Guy Mangano, et al.* (US S.Ct. 98-106) -- long in the ABA's possession. These case records not only demonstrate CJA's expertise in matters pertaining to judicial independence, accountability, and professional responsibility -- warranting CJA's inclusion in the activities and programs of the ABA Justice Center and its Justice Initiatives -- but, as highlighted by our October 30th letter to Mr. Bierman (at pp. 6-7), they explode myths pertaining thereto promoted by the ABA and judicial establishment.

By copy of this letter to Paul R. Verkuil, Chair of the ABA Advisory Council, CJA requests that he belatedly respond to the question posed by our June 1st letter to him, *to wit*:

“whether [the Standing Committee on Judicial Independence] is yet another ABA façade designed to mislead the public and such well-meaning benefactors as George Soros' Open Society Institute into believing that the ABA is an ‘honest broker’ on the issues [of judicial independence and professional responsibility]”.

Specifically, we request that based on the copy of the appellate papers in *E.R. Sassower v. Commission* which we hand-delivered for Mr. Verkuil on June 1st, that he respond to the question as to whether Mr. Bierman's May 3rd letter to us, purporting that the ABA Standing Committee on Judicial Independence had denied CJA's request for *amicus* and other assistance -- and setting forth *no* reasons or other elaboration and making *no* referral to other bar associations or other entities and “appropriate authorities” -- is:

“remotely consistent with ethical rules of professional responsibility and with the ABA's rhetorical claims in ‘Promoting Professionalism’ about its ‘leadership’ role in ‘tak[ing] ethics seriously’”.

Following your review, CJA requests that each of you and Mr. Verkuil advise, *by signed letters*, whether you are satisfied that Mr. Bierman's responses and *non*-responses to CJA's correspondence comport with the Justice Center's purpose and goals – as well as those for

which George Soros' Open Society Institute has provided the ABA with financial support.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosures: CJA brochure with published pieces (see fn. 1, *supra*)

CJA's correspondence with Luke Bierman:

- (1) CJA's March 2nd letter;
- (2) Mr. Bierman's March 12th letter;
- (3) CJA's April 25th letter;
- (4) Mr. Bierman's May 3rd letter;
- (5) CJA's May 30th letter, enclosing CJA's June 1st letter to Mr. Verkuil
(with accompanying letter to Professor Yaroshefsky);
- (6) CJA's September 26th letter;
- (7) Mr. Bierman's September 27th letter;
- (8) CJA's October 19th letter;
- (9) CJA's October 30th letter.

cc: Paul R. Verkuil, Chairman, ABA Advisory Council

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Fax: 212-446-2375 [3 pages]

Luke Bierman, Director, ABA Justice Center

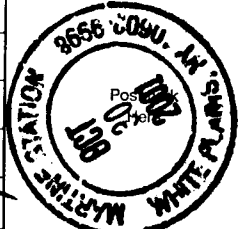
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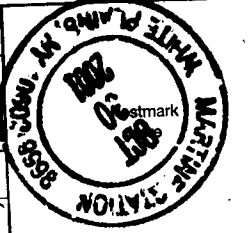
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 Street, Apt. No., or PO Box No. Fulbright & Jaworski, LLP
 1401 McKinney St Suite 5100
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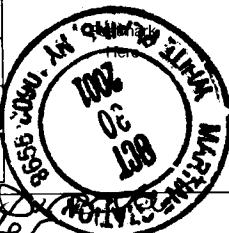
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ABA Justice Center
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16th floor LLP
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NY NY 10022

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