

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY HAND

May 3, 2002<sup>1</sup>

New York State Attorney General Eliot Spitzer  
120 Broadway  
New York, New York 10271-0332

MANAGING ATTORNEY'S OFFICE  
NYSJDIG - RECEIVED  
02 MAY - 3 PM 3:05

RE: Setting the Record Straight as to "The Crisis of Accountability":  
*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 (AD 1<sup>st</sup> Dept. #5638/01;  
S.Ct./NY Co. #108551/99)*

Dear Mr. Spitzer:

Did you exit from a back door following the conclusion of the "Law Day" celebration at the New York Court of Appeals? In vain, I and a member of the Center for Judicial Accountability, Inc. (CJA) waited for you to emerge from the courtroom so as to provide you, *in hand*, with CJA's own "Law Day" contribution – a copy of my Jurisdictional Statement in support of my appeal of right in my important above-entitled public interest lawsuit against the NYS Commission on Judicial Conduct, as well as a copy of my motion to disqualify all the Court's judges from the appeal.

As you are *personally* familiar with the record of my lawsuit and its massive documentary showing of your wilful refusal to discharge your supervisory duties over your Law Department for its annihilation of the most basic standards of litigation conduct in defending a demonstrably corrupt Commission, in violation of

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<sup>1</sup> This day marks exactly a year since my May 3, 2001 letter to you, transmitting my 66-page line-by-line Critique of your Law Department's fraudulent Respondent's Brief. The letter and Critique are, respectively, Exhibits "T-3" and "U" to my August 17, 2001 motion to support its second branch of relief, *inter alia*, to strike your Respondent's Brief as a "fraud on the court" and for sanctions against you *personally*, including disciplinary and criminal referral.

Executive Law §63.1, in addition to your knowledge that in my lawsuit, as in others, judges have rewarded you with fraudulent decisions covering up your Law Department's litigation misconduct and the Commission's corruption, wouldn't you agree that it was the rankest hypocrisy for you to take as the theme of your "Law Day" speech "The Crisis of Accountability" caused by the failure of "society's leading institutions" to adhere to proper standards of conduct— and your espousal of the legal system as an effective solution to that crisis because of its "insistence on accountability"?

No doubt the recollection of your extraordinary "Law Day" speech, presented before the Court's seven judges, will be fresh in their memories when they review the record on my lawsuit. As reflected by my enclosed Jurisdictional Statement (at p. 7), I have provided the Court with a full copy of the record to support my appeal of right on due process grounds.

Please note that my Jurisdictional Statement highlights (at pp. 8-9) the significance of my 19-page analysis of the Appellate Division, First Department's fraudulent 7-sentence December 18, 2001 decision & order, annexed as Exhibit "B-1" to my reargument motion. This, of course, is the same 19-page analysis I gave you *in hand* on January 14, 2002 under a coverletter<sup>2</sup> which reiterated the RE: clause of the analysis in calling upon you to meet:

"[y]our ethical and professional duty to take steps to vacate for fraud the Appellate Division, First Department's December 18, 2001 decision...and to secure the criminal prosecution of the five-judge appellate panel, in addition to initiation of disciplinary proceedings to remove them from the bench" (at p. 1, RE: clause)

In view of the transcending importance of my *pro bono* appeal to the People of this State, who you plainly sought to mislead by your "Law Day" speech, your duty is to provide the Court with your *own* statement, *under penalties of perjury*, as to the state of the record – beginning with the accuracy of this 19-page analysis – whose accuracy you did NOT deny or dispute before the Appellate Division in opposing my reargument motion and motion for leave to appeal.

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<sup>2</sup> As you know, because I provided you with a copy of my February 20, 2002 reply affidavit in further support of my reargument motion, it annexed my January 14, 2002 coverletter to you as Exhibit "B-1".

May 3, 2002

Likewise, since you are publicly posturing yourself as an advocate of accountability, standards of conduct, and restoring public trust and confidence, your duty is to put before the Court your *own sworn statement* responding to my enclosed motion to disqualify the Court's judges -- particularly insofar as my moving affidavit relates to the Law Department's fraudulent defense tactics in the three cases described in CJA's \$3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (*New York Law Journal*, 8/27/27, pp. 3-4: Exhibit "C-1" to the motion)<sup>3</sup> -- the accuracy of which description you have had more than ample time to fully investigate. This, in addition to supplying the Court with an affidavit from your client -- the state agency with the foremost expertise in matters of judicial disqualification and disclosure.

Yours for a quality judiciary,



ELENA RUTH SASSOWER

Petitioner-Appellant *Pro Se*

cc: New York State Commission on Judicial Conduct  
ATT: Chairman Henry T. Berger *and* Commissioners  
Gerald Stern, Administrator & Counsel

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<sup>3</sup> Your long-time knowledge of this ad -- and your obligation to take investigative and curative steps with respect thereto -- is particularized at ¶¶ 40-53 of my moving affidavit on my July 28, 1999 omnibus motion to support that branch as sought your disqualification from representing the Commission on grounds of multiple conflicts of interest. As you know, a copy of that motion was transmitted to your office on August 6, 1999 to substantiate my letter of that date to your counsel, David Nocenti. (The letter is Exhibit "A" to my September 24, 1999 reply affidavit in further support of my omnibus motion).