

Subj: update
Date: 96-09-16 09:56:24 EDT
From: Judgewatch
To: a-darnato@nwu.edu

Dear Tony:

It's been a long while since we've been in touch. Hope all is well. CJA has been making extraordinary progress in developing issues that you have written so eloquently about. Firstly, are you aware of my published article "*Without Merit: The Empty Promise of Judicial Discipline?*" in *The Long Term View* (Massachusetts School of Law) Vol 4, No. 1, summer 1997, pp. 90-97? It describes the problem of dishonest judicial decisions, cites your terrific article, "*The Ultimate Injustice: When the Court Mistakes the Facts*", and uses that great quote from Monroe Freedman.

Secondly, last year, we ran a \$3,000 public interest ad, "*Restraining Liers in the Courtroom and on the Public Payroll*" in the *New York Law Journal*, (8/27/97, pp. 3-4), detailing how judges had written dishonest decisions to "throw" three cases in which state judges and the NYS Commission on Judicial Conduct were sued for corruption – and in which the State Attorney General, having no legitimate defense to the pleadings, had freely engaged in litigation fraud and misconduct, on behalf of the defendants – all unadjudicated.

The third case described in the ad – a Section 1983 federal action – is now before the U.S. Supreme Court on a petition for a writ of certiorari. The underlying issues are those involving the retaliatory suspension of my mother's law license – as summarized in CJA's *NYT* Op-Ed ad, "*Where Do You Go When Judges Break the Law?*" (10/28/94). I'm sure you recall the ad – which had prompted you to first e-mail us at that time. However, the threshold issues – and the ones exclusively presented by the cert petition – involve the federal judicial misconduct, rising to a level of criminality by the district judge and Second Circuit, who authored fraudulent decisions – falsifying the record in EVERY material respect and jettisoning all adjudicatory and ethical standards. Such conduct corrupted not only the judicial-appellate process, but corrupted the federal disciplinary process, as well. Indeed, incorporated in the record of the case – and included in the appendix to the cert petition – are the two 372(c) misconduct complaints we filed against the district judge and Circuit panel for their fraudulent conduct, together with the petition for review thereon by the Circuit Judicial Council.

This extraordinary case empirically explodes the "all's well" conclusions of the 1993 Report of the National Commission on Judicial Discipline and Removal – not only insofar as it demonstrates the complete breakdown of checks on judicial misconduct in the judicial branch, but those in the legislative and executive branches as well. This is highlighted in our presentation to the Court.

I would very much like to send you a copy of the cert petition, which is unopposed, as well as our supplemental brief – on the Court's conference calendar for September 28th. However, I feel I should first inquire whether you would like to receive them.

Should you wish to know more about the case and the issues presented, I gave testimony back in April before the Commission on Structural Alternatives for the Federal Courts of Appeals (chaired by Byron White), which can be accessed through our website: www.judgewatch.org. You'll also find "*Without Merit*" and "*Restraining Liers*" on our website.

Looking forward to your enthusiastic response.

Regards, Elena [Sassower], Coordinator
Center for Judicial Accountability, Inc.