

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

*“Judging the Judges: The New York State Commission on Judicial Conduct”*  
Sponsored by the New York State Bar Association and Fund for Modern Courts  
Wednesday, December 11, 2002  
NYSBA headquarters, Albany, New York  
Moderated by NYSBA President Lorraine Power Tharp

[Transcribed by Elena Sassower from an audiotape]

“My name is Elena Sassower and I am the coordinator and cofounder of the Center for Judicial Accountability, which is a non-partisan, non-profit citizens organization which for the past ten years has been collecting evidence to document the corruption of the New York State Commission on Judicial Conduct.

In 1989, State Comptroller Ed Regan came out with a report on the Commission on Judicial Conduct, entitled “*Not Accountable to the Public*”, and said that the Commission on Judicial Conduct was operating without appropriate oversight. The reason was State Comptroller Regan recognized at that time that unless he could examine how the Commission on Judicial Conduct was handling complaints that it received, whether its dismissals of complaints were proper, whether it was being documented with reasons, he could not verify that the Commission on Judicial Conduct was acting in conformity with the law and so he suggested, he recommended, in 1989, that there be legislative change made so that the Commission could be held accountable to the public.

Now there has not been a legislative oversight hearing of the Commission on Judicial Conduct in over 15 years. There was a routine oversight hearing in 1981. There was a routine oversight hearing in 1987. And there has been no oversight hearing of the Commission on Judicial Conduct since that time, notwithstanding the 1989 report of Comptroller Regan.

Now, our non-profit, non-partisan citizens organization has been doing what Ed Regan couldn't do. We have been collecting duplicate copies of judicial misconduct complaints filed with the Commission. We have been shadowing the Commission, as well as ourselves filing complaints with the Commission on Judicial Conduct. And we have been able to verify and document the Commission's corrupt, unlawful dismissal of judicial misconduct complaints, which is now the subject of a lawsuit pending in the Court of Appeals as we speak.

My question is two-fold:

One, whether the Commission on Judicial Conduct, and the Fund for Modern Courts, and the New York State Bar Association would endorse, would lobby, would press for a legislative oversight hearing of the Commission at which evidence can be presented as to what has been going on over all these years.

And number two, whether, independent of that effort to obtain legislative oversight hearings, the New York State Bar Association and the Fund for Modern Courts would address the evidence of the Commission on Judicial Conduct's corruption, which is embodied in this lawsuit, such as they have refused to do over these many, many years. The Commission's corruption is not 'he said-she said', it is not a matter of opinion, it is verifiable from court documents and I would like to know whether, over and apart from legislative oversight hearings, the Fund for Modern Courts and the New York State Bar Association will review these files and deny and dispute what they show: that the Commission is corrupt, that it has corrupted the judicial process, and it has been the beneficiary of a series of fraudulent judicial decisions without which it would not have survived several court challenges.

...

By the way, here is all the correspondence with the State Bar Association in the past year to get them to act, and with the Fund for Modern Courts trying to get them to act – to discharge their duties to the public in some meaningful way, rather than a sham forum at which all insiders, other than Mr. Racanelli, have been presenting. Sure, you have the Deputy Administrator, you have a former Commissioner, you have a present Commissioner. What else are they going to say, but that the Commission “walks on water”?

[inaudible comment by Robert Tembeckjian, Deputy Administrator of the New York State Commission on Judicial Conduct]

Yes because the [Commission] is protected by judges under its disciplinary jurisdiction. Those decisions are frauds as readily verifiable from comparison of the decisions with the record and with fundamental law and legal principles.

...

Will the State Bar and the Fund examine this court file, encompassing two other legal challenges to the Commission, establishing its corruption and its corrupting of the judicial process? Will you do it?”

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Upon conclusion of the program, Elena Sassower left two cartons containing a copy of the file of *Elena Ruth Sassower, Coordinator of the Center for*

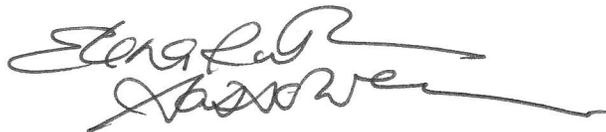
*Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* – physically incorporating the files of two other lawsuits against the Commission, *Doris L. Sassower v. Commission* and *Michael Mantell v. Commission* – at NYSBA headquarters. This, in addition to a copy of CJA's past correspondence requesting the State Bar Association's *amicus* and other assistance in the lawsuit.

Six weeks later, Elena Sassower picked up these two cartons – leaving only a copy of her two final motions in the lawsuit – her October 15, 2002 motion for reargument, vacatur for fraud, lack of jurisdiction, disclosure & other relief and her October 24, 2002 motion for leave to appeal – and the Court of Appeals' decisions denying them, without reasons.

These two motions suffice to establish that the Commission has been the beneficiary of five fraudulent lower court decisions in three separate cases – to which the Court of Appeals put its *imprimatur* by its own fraudulent decisions.

Elena Sassower also provided copies of these two motions to the Fund for Modern Court's Executive Director, upon the conclusion of the December 11, 2002 "Judging the Judges" forum, together with duplicate copies of her prior correspondence with the Fund, requesting its *amicus* and other assistance in the case.

Neither the State Bar nor the Fund ever commented upon these dispositive motions. Nor did they return them to CJA.

A handwritten signature in black ink, appearing to read "Elena Sassower". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.