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Elena Ruth Sassower, Coordinator

BY HAND

December 9, 2000

Chief Judge Judith Kaye
c/o Association of the Bar of the City of New York
"How to Become a Judge"

**RE: Presentment of CJA's November 13, 2000 Report to Your
Committee to Promote Public Trust and Confidence in the
Legal System & Removal of Four of Its Members**

Dear Chief Judge Kaye:

In view of your participation as luncheon speaker at today's City Bar program, "How to Become a Judge", at which you are to be introduced by President Evan Davis, enclosed, for your review, is a copy of CJA's November 13, 2000 report on "The Complicitous Role of the Bar Associations in the Corruption of 'Merit Selection' Appointment to the New York Court of Appeals". Such report not only details (at pp. 12-13, 26) President Davis' participation in the City Bar's fraudulent approval ratings for judicial candidates recommended by the Commission on Judicial Nomination's October 4, 2000 report, but his cover-up of prior fraudulent City Bar ratings of judicial candidates, brought to his attention by CJA's June 20, 2000 letter to him – annexed to the report as Exhibit "G"¹.

Likewise, CJA's November 13th report details (at pp. 11-12) the direct involvement of Barry Kamins, Chairman of the City Bar's Judiciary Committee, in both the City Bar's fraudulent approval ratings for judicial candidates recommended by the Commission on Judicial Nomination's October 4th report and in covering up prior fraudulent City Bar ratings of judicial candidates. Chairman Kamins is today moderating the panel discussion on "Judicial Screening Committees", following your luncheon address.

¹ CJA's June 20th letter to President Davis is referred to at page 4 of CJA's June 30, 2000 letter to you – to which we have yet to receive a response.

Both President Davis and Chairman Kamins should be familiar with CJA's November 13th report, as it was sent to the City Bar under a November 13th letter. A copy is enclosed with the certified mail/return receipt. Also enclosed is CJA's November 14th letter to the First Department Disciplinary Committee, transmitting the report as a formal attorney misconduct complaint.

Following your review of CJA's November 13th report, CJA requests that you present it to your Committee to Promote Public Trust and Confidence in the Legal System. This request is set forth at pages 2-3, and 27-28 of the report. As highlighted therein, the report will:

“test whether there is any basis for trust and confidence in the Chief Judge's Committee to Promote Public Trust and Confidence in the Legal System, to whom, *via* the Chief Judge, it is being submitted. Based on the bar associations' demonstrated complicity in the corruption of “merit selection” appointment to the Court of Appeals, the Committee must recognize the good and sufficient reason for the public's distrust of, and contempt for, the legal establishment, which will not change unless and until the bar is held accountable -- as likewise the public officers and agencies whose corruption was the bar's duty to expose. To that end, the Committee to Promote Public Trust and Confidence in the Legal System must notify the First Department Disciplinary Committee that it endorses investigation of this professional misconduct complaint. It must also do what the bar associations were requested to do by CJA's October 16, 2000 report²: to call on the Chief Judge, the Legislature, and the Governor – “the appointing authorities who designate the members of both the Commission on Judicial Nomination and the Commission on Judicial Conduct – to launch an official investigation of these two state agencies on which so much of the judicial process and ‘Rule of Law’ in New York rest.” (at p. 22)

As highlighted by CJA's November 13th report, the membership of your Committee to Promote Public Trust and Confidence in the Legal System includes Mr. Kamins, who, in addition to being the City Bar's Judiciary Committee Chairman, is Chairman of the New York State Bar Association's Committee on Professional

² You already have a copy of CJA's October 16th report – a fact identified by pages 2 and 27 of CJA's November 13th report.

Discipline. It also includes Appellate Division Justice Victoria Graffeo – the ultimate beneficiary of the bar associations' cover-up of the Commission on Judicial Nomination's facially-deficient October 4th report -- and Senate Judiciary Committee Chairman James Lack, who – with Justice Graffeo's knowledge and consent – refused to allow presentation of opposition testimony at the November 29th Senate Judiciary Committee "hearing" on her Court of Appeals confirmation. CJA provided each of them with their own copies of CJA's November 13th report, and CJA's October 16th report on which it was based, well in advance of the confirmation "hearing". This is reflected by CJA's November 13th letter to them, a copy of which is enclosed with the certified mail/return receipts.

Based on the demonstrated misconduct of Mr. Kamins, Justice Graffeo, and Chairman Lack, request is made that you IMMEDIATELY remove them from your Committee to Promote Public Trust and Confidence in the Legal System. This, in addition to removing the Committee's Co-Chair, William Thompson, whose lawless and corrupt conduct "was the subject of four *facially-meritorious* judicial misconduct complaints filed with the Commission on Judicial Conduct, whose unlawful dismissals precipitated the Article 78 proceedings *Doris L. Sassower v. Commission* and *Elena Ruth Sassower v. Commission*". As you know, copies of the files of those two proceedings – containing those judicial misconduct complaints -- were transmitted to you under CJA's March 3, 2000 letter, requesting you to appoint a special inspector general to investigate the corruption of the Commission on Judicial Conduct.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures

cc: City Bar President Evan Davis
City Bar Judiciary Committee Chairman Barry Kamins
Justice Victoria A. Graffeo
Senate Judiciary Committee Chairman James J. Lack