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ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

December 1, 2011

Ms. Elena Sassower  
Center for Judicial Accountability  
P.O. Box 3002  
Southampton, New York 11969

Re: File No. 2011/N-0526, 2011/N-0527

Dear Ms. Sassower:

In response to your letter dated November 23, 2011, please be advised as follows.

Every complaint is reviewed by the entire Commission. The Commission reviewed your complaint on September 15, 2011. The entire Commission was present.

The Commission's authority derives from the New York State Constitution, Article 6, section 22, and the Judiciary Law, sections 40-48. The Commission dismissed your complaint pursuant to its authority under Judiciary Law Section 44, subd. 1, which states in pertinent part: "Upon receipt of a complaint (a) the commission shall conduct an investigation of the complaint; or (b) the commission may dismiss the complaint if it determines that the complaint on its face lacks merit." As you are aware, the Commission's exercise of discretion to determine whether a complaint lacks merit has been upheld by the courts. *See Matter of Mantell v. Comm on Jud Conduct*, 277 AD2d 96 (1<sup>st</sup> Dept 2000); *Matter of Sassower v. Comm on Jud Conduct*, 289 AD2d 119 (1<sup>st</sup> Dept 2001).

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The Judiciary Law does not provide for appeal of a decision by the Commission dismissing a complaint. Any additional information you submit concerning the substance of your complaint will be reviewed by the Commission. No referral of your complaint was authorized.

Under Judiciary Law Section 45, the Commission's files and records are confidential except as otherwise provided by law. Accordingly, no other information or records may be provided concerning the Commission's consideration of your complaint.

Very truly yours,

A handwritten signature in black ink that reads "Jean M. Savanyu". The signature is written in a cursive style with a large, stylized initial "J".

Jean M. Savanyu