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*Elena Ruth Sassower, Coordinator*

BY FAX: 518-454-5819 (6 pages)

February 6, 2002

Howard Healy, Editorial Page  
Albany Times Union

RE: Your Current Editorial Series on the NYS Commission on  
Judicial Conduct

Dear Mr. Healy:

I was surprised and disappointed to have received NO return call from you yesterday – and even more surprised and disappointed by the tenor of today's fourth editorial in your series on the New York State Commission on Judicial Conduct.

The Commission's first and foremost problem is NOT money, but that it is CORRUPT. Giving it more money will not change the *readily-verifiable*, documented facts – which I summarized for you in my yesterday's letter -- that the Commission operates in violation of its "mandate as outlined in state law"; that it corrupts the judicial process to defeat legitimate legal challenge to its lawless conduct; and that, in three separate lawsuits brought by complainants whose *facially-meritorious* complaints the Commission had dismissed *without investigation*, in violation of Judiciary Law §44.1, it has been the beneficiary of (FIVE) factually-fabricated, legally insupportable judicial decisions without which it would not have survived.

The consequence of these fraudulent judicial decisions to the People of this State is profound. Indeed, the two decisions of the Appellate Division, First Department in these three cases not only flagrantly contradict the Court of Appeals holding more than twenty years ago that:

“... the commission MUST investigate following receipt of a complaint, unless that complaint is determined to be facially inadequate (Judiciary Law 44, subd 1)” *Matter of Nicholson*, 50 NY2d 597, 610, 611 (1980) (emphasis added),

but INSULATE the Commission from future challenge by holding – unsupported by

*any* legal discussion, citation to relevant caselaw, or factual findings -- that complainants lack "standing" to sue the Commission.

Based on the documentary proof provided by the appellate papers in your possession since last May -- and the further proof and information I have been proffering you, including in three voice-mail messages I left for you since Monday morning -- the Albany Times Union should NOT be calling for an increase in Commission funding. Rather, it should be calling for an OFFICIAL INVESTIGATION of the Commission. AT VERY LEAST, it should be calling upon the Legislature to hold an "oversight hearing". Indeed, although the Legislature held hearings on the Commission for purposes of "oversight" in 1981 and 1987, no such hearing has been held in the nearly 15 years since.

Finally, enclosed is a superseding copy of my yesterday's letter, which had been written in haste as I rushed out to a scheduled meeting. The most significant correction is the statistical change appearing in the penultimate paragraph of the second page -- reflecting that the numbers in your Monday's editorial were even more erroneous than previously indicated.

Please let me hear from you ASAP so that a meeting can be arranged at which I can sit down with you and other members of the Editorial Board on the serious issues involving the Commission -- as to which, over the past decade, I have acquired an unparalleled expertise.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

Enclosure

cc: Ron Loeber