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Elena Ruth Sassower, Coordinator

BY FAX: 518-454-5628 (15 pages)

September 13, 2002

Robert Brill, City Desk Editor
Albany Times Union

RE: An Investigative Expose of the NYS Commission on
Judicial Conduct – based on the *readily-verifiable*
evidence of its corruption presented by the public interest
lawsuit pending before the NYS Court of Appeals

Dear Mr. Brill:

Thank you for your prompt return call earlier this afternoon.

So that your follow-up with Andrew Tilghman may be properly informed, enclosed is a copy of his July 26, 2002 article “*Gavel Falls on Judges*” – for which he solicited my comment – and in which he quoted me criticizing the New York State Commission on Judicial Conduct as protecting “the more powerful and politically connected downstate judges”.

It was my expectation that Andrew would want to provide Albany Times Union readers with the information substantiating that “sound bite”. To that end, I met with him in Albany on August 1st. For at least an hour and a half, we discussed the *readily-verifiable* evidence of the Commission’s corruption, including its protectionism of high-level judges. This evidence consists of (1) the law pertaining to the Commission’s mandatory duty to investigate facially-meritorious complaints; (2) CJA’s archive of duplicate copies of dismissed complaints; and (3) the files of lawsuits against the Commission.

Andrew saw this his *own* eyes, that the Commission has rewritten its mandatory duty to investigate facially-meritorious complaints (Judiciary Law §44.1) by converting it into a discretionary option unbounded by any standard (22 NYCRR §7000.3)– and that in three separate lawsuits in which the Commission was sued for its unlawful dismissals of facially-meritorious judicial misconduct complaints, the Commission has been the beneficiary of *five* fraudulent judicial

decisions without which it would not have survived. These explosive issues are now before the Court of Appeals, presented by my public interest lawsuit against the Commission

Andrew was supposed to get back to me, after he had reviewed the documentary materials I provided him. These included a copy of the law pertaining to the Commission and the five fraudulent decisions of which the Commission has been the beneficiary, as well as the appellate brief and appendix that was before the Appellate Division, First Department in the current lawsuit against the Commission – now before the Court of Appeals.

Andrew understood the timeliness of this story – first and foremost because of the lawsuit before the Court of Appeals, but also because this month marks 15 years since the Legislature last held an oversight hearing of the Commission. Hearings were held in 1981, in 1987, but not since – even though, in 1989, the State Comptroller came out with a devastating report about the Commission, entitled “*Not Accountable to the Public: Resolving Charges Against Judges is Cloaked in Secrecy*”, calling for legislative action. This, based on the Comptroller’s conclusion that the Commission was “operating without appropriate oversight”.

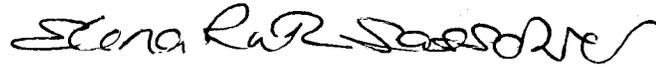
In the six weeks since my August 1st meeting with Andrew, I have left six voice mail messages for him – all unreturned. These were on August 12th, August 13th, August 15th, August 27th, August 29th, and September 10th. On September 10th, I indicated that if I did not hear from him by today, I would contact his superiors. This morning, before calling you, I telephoned Andrew yet a seventh time, leaving a final message on his voice mail.

In view of Andrew’s unprofessional conduct, I request that you secure from him the materials that I provided him on August 1st and that you permit me to make a personal presentation directly to you as to their evidentiary significance in establishing the Commission’s corruption. As indicated, I am tentatively planning to be in Albany on Thursday of next week and would appreciate the opportunity to meet with you at that time.

Meantime, enclosed is an article about my important lawsuit against the Commission, “*An Appeal for Justice*”, which appeared in the April 25th-May 1st issue of Metroland, along with the 1989 Comptroller’s report about the Commission.

Thank you.

Yours for a quality judiciary,

A handwritten signature in cursive script, appearing to read "Elena Ruth Sassower".

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

Enclosures

cc: Andrew Tilghman

TRANSMISSION VERIFICATION REPORT

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