

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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FAX COVER SHEET

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DATE: 10/25/96 TIME: 3:45 PM

TO: BRUCE GOLDING TITLE: POLITICAL NEWS REPORTER

FAX #: 694-5018 RE: CIA NEWS RELEASE RE JUDICIAL REFORM

FROM: B PEARSON

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MESSAGE: Any questions - please feel free to call!

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DATE: 10/28/96 TIME: 3:45 PM

TO: DAVID MCKAY WILSON TITLE: REPORTER - POLITICAL NEWS

FAX #: 694-5018 RE: CJA NEWS RELEASE RE JUDICIAL REFORM

FROM: A. PEARSON

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Fax (914) 684-6554 Web site: <http://www.judgewatch.org>*

Contact Beth Pearson, Media Liaison

## **CJA NEWS FLASH - FOR IMMEDIATE RELEASE - 10/28/96**

### **Re: Making Judicial Reform an Issue in the Remaining Days of the 1996 Presidential Campaign**

The issue of judicial reform is one of profound and transcending public importance. Yet, it has not surfaced in the Presidential and other races. This is for the simple reason that both major parties are in collusion on this issue. For years, they have been in complicity so as to perpetuate judicial nominating and discipline processes which have become corrupt and dysfunctional. As a result: (a) President Clinton, on the joint recommendation of Senator from both parties, has, for purely political reasons, nominated unqualified candidates to lifetime federal judgeships, and such nominees have been confirmed in the face of documented evidence of unfitness for the exalted life time positions for which they have been presidentially nominated, and (b) state and local judicial candidates are commonly unopposed by agreement resting on bi-partisan dealmaking.

The Center for Judicial Accountability, Inc. (CJA), a national, non-partisan, non-profit, organization with members in 23 states, has been working to improve our judiciary on national state and local levels. It has an archive of materials, including case studies and other empirical data, documenting that the processes of judicial selection and discipline have been corrupted by political influence, and that the public at large is unprotected from incompetent, dishonest, and abusive judges. Most recently, CJA provided documentation to the U.S. Senate Judiciary Committee, then considering confirmation of one of President Clinton's nominees to a federal judgeship in the northern district of New York. The documentation was offered to substantiate the unfitness of such nominee, Lawrence Kahn. In 1990, Lawrence Kahn as a New York State Supreme Court judge sitting in Albany, New York was responsible for the dismissal of the constitutional challenge to a bipartisan, three-year judicial cross-endorsement deal, resulting in the trading of seven judgeships that was implemented at judicial nominating conventions conducted in violation of New York's Election law. A copy of the deal, which was the subject of the lawsuit, *Castracan v. Colavita et al.*, brought in Albany County, New York, under Index # 6056/90, is attached.

The Senate Judiciary Committee refused to conduct any investigation, shut off CJA's effort to present oral testimony at the perfunctory public confirmation hearing, and voted to confirm the nominee before expiration of the deadline for written submissions.

President Clinton, personally and through the Justice Department, is aware of CJA's intensive work in the area of judicial selection, but has disregarded its important research and recommendations in the public interest. These include a moratorium on all further federal judicial appointments until hearings are held to investigate the evidentiary proof that essential pre and post-nomination screening of nominees for lifetime federal court judgeships is not taking place.

Contact CJA at its e-mail address - *judgewatch@aol.com* - for further information and discussion of this issue.

## 1989 THREE-YEAR JUDGE TRADING DEAL FOR SEVEN JUDGESHIPS IN THE NINTH JUDICIAL DISTRICT OF NEW YORK STATE\*

In furtherance of a mutual interest to promote a non-partisan judiciary populated by lawyers with universally acclaimed litigation skills, unblemished reputations for character and judicial temperament and distinguished civic careers, and to enable sitting judges of universally acclaimed merit to attain re-election to their judicial office without the need to participate in a partisan contest, the Westchester County (Republican) (Democratic) Committee joins with the Westchester County (Republican) (Democratic) Committee to Resolve:

That for the General Election of 1989, we hereby pledge our support, endorse and nominate Supreme Court Justice Joseph Giudice, Supreme Court Justice Samuel G. Fredman and Albert J. Emanuelli, Esq. of White Plains, New York for election to the Supreme Court of the State of New York, Ninth Judicial District, and to call upon and obtain from our counterparts in Rockland, Orange, Dutchess and Putnam Counties similar resolutions; and

For the general election of 1990, assuming that the then Justice Albert J. Emanuelli will resign from the Supreme Court Bench to run for Surrogate of Westchester County and thereby create a vacancy in the Supreme Court, Ninth Judicial District to be filled in the 1990 general election, we hereby pledge our support, endorse and nominate County Court Judge Francis A. Nicolai as our candidate for the Supreme Court vacancy created by Judge Emanuelli's resignation, and to call upon and obtain from our counterparts in Rockland, Orange, Dutchess and Putnam counties resolutions and commitments to support Judge Francis A. Nicolai as their candidate to fill the vacancy created by the resignation of Judge Emanuelli; and we hereby pledge our support, endorse and nominate Albert J. Emanuelli as our candidate for Westchester County Surrogate in the 1990 general election.

For the general election of 1991, we hereby pledge our support, endorse and nominate Judge J. Emmet Murphy, Administrative Judge of the City Court of Yorkers, for election to the County Court of Westchester County to fill the vacancy anticipated to be created by the

election of Judge Francis A. Nicolai to the Supreme Court and Judge Adrienne Hofmann Scancarelli, Administrative Judge of the Family Court, Westchester County, for re-election to the Family Court, Westchester County; and

To require each of the above-named persons to pledge that, once nominated for the stated judicial office by both of the major political parties, he or she will refrain from partisan political endorsements during the ensuing election campaign and, thereafter, will provide equal access and consideration, if any, to the recommendation of the leaders of each major political party in connection with proposed judicial appointments.

We are resolved and agreed that the foregoing Resolution and pledges are intended to and shall be binding upon the respective Committees of the two major political parties during the years 1989, 1990 and 1991 and shall not be affected by any action or proposed action or court merger or court unification.

\* This written deal was the subject of the ground-breaking lawsuit of *Castracan v. Colavita* brought *pro bono* by Doris L. Sassower (present Director of the Center for Judicial Accountability, Inc.) in the New York State Supreme Court of Albany County under Index No. 6056/90. Mr. Colavita was at that time Chairman of the Westchester County Republican Party and former Chairman of the New York State Republican Party.