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BY FAX: 694-5018 (14 pages)

TO: BRUCE GOLDLING
FROM: ELENA RUTH SASSOWER, CJA Coordinator
DATE: November 20, 2001
RE: Court records

Firstly, to once again establish my "credibility", enclosed is the pertinent page from the "Information Guide" to the Westchester Co. Clerk's Office – which was Exhibit "G" to CJA's 1992 critique on Andrew O'Rourke's appointment to the federal bench, which highlights the text, "As the law stands today, all court records are permanently retained."

Now, onto "the Commission" case... -- and my right – and that of the public – to a "record" of oral argument of the appeal.

Enclosed is a sample of the petition signed by over 600 citizens endorsing my application for permission for a "record" to be made in my public interest lawsuit against the NYS Commission on Judicial Conduct.

Such application was made by formal motion, dated August 17th, which was fully submitted on the October 15th "return date" A copy of the August 17th Notice of Motion is enclosed (see para. 1 on p. 2).

As discussed, the panel sitting on October 15th held did NOT refer the August 17th motion to the appellate panel assigned to my appeal, but "sat on" it for over three weeks before, sua sponte, without notice, and without reasons, adjourning the motion to a new "return date" of November 21st – and returning the motion papers to the Clerk's office.

On November 16th, I brought an Interim Relief Application for the Court to adjourn the November 21st oral argument of the appeal pending determination of my threshold August 17th motion. Enclosed is my November 16th Notice to the Interim Relief Application (see para. 3 on p. 3). This was denied yesterday by Justice

Nardilli – and a copy of his signed disposition is enclosed.

Immediately thereafter, I brought a second Interim Relief Application for “supervisory oversight” by Presiding Justice Sullivan – first and foremost on the issue of the denial of my right to a “record”. A copy is enclosed. I have just called the Clerk’s office and been told that Justice Sullivan denied it.

PLEASE CALL THE APPELLATE DIVISION, FIRST DEPARTMENT (212-340-0423) ABOUT ITS REFUSAL *-WITHOUT REASONS-* TO PERMIT A RECORD OF ORAL ARGUMENT – and also Chief Judge Kaye (212-661-6787), Chief Administrative Judge Lippman (212-428-2100), etc..

PLEASE NOTE THAT PART 29.2 OF THE RULES OF THE CHIEF JUDGE EXPRESSLY AUTHORIZE AUDIO-VISUAL COVERAGE IN THE APPELLATE COURTS, “subject to the approval of the respective appellate courts”

Elena