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Elena Ruth Sassower, Coordinator

BY FAX: 631-843-2953 (7 pages)
BY MAIL

December 12, 2001

Robin Topping
Newsday
235 Pinelawn Road
Melville, New York 11747-4250

RE: Investigative Expose of the New York State Commission on Judicial
Conduct - Based on Readily-Verifiable Case File Evidence

Dear Robin:

Following up our telephone conversation yesterday, enclosed is my letter to the editor, as published in the December 7th Daily News under the title, "*Judicial Reforms*".

It is incomprehensible that I should have to convince you – a seasoned journalist covering the courts – of the importance of undertaking an investigative expose of the *readily-verifiable* corruption of the sole state agency charged with the duty of receiving and investigating complaints against virtually every state judge -- when ALL that is required is examination of the files of three lawsuits against it, copies of which I am ready to provide you. Within the space of a few hours you could *verify* that the New York State Commission on Judicial Conduct has been the beneficiary of four factually-fabricated and legally insupportable judicial decisions -- without which it could not have survived these three legal challenges. Indeed, verifying the accuracy of my *uncontroverted* 3-page analysis of Justice Cahn's decision in *Doris L. Sassower v. Commission* [A-52-54; A-189-194] and of my *uncontroverted* 13-page analysis of Justice Lehner's decision in *Michael Mantell v. Commission* [A-321-334; A-299-307] suffices to expose the fraudulence not only of those two judicial decisions and of the *Mantell* appellate decision, but of Justice Wetzel's decision in my lawsuit. This, because Justice Wetzel based his dismissal of my lawsuit on the decisions of Justices Cahn and Lehner, *exclusively* [A-9-14] (Br. 54-61).

It would take even less time for you to verify that Special Inspector General Spatz and the Commission on Fiduciary Appointments have covered up for a palpably corrupted Commission. You were present during my testimony before the Commission on Fiduciary Appointments on December 7, 2000 when I testified that the Commission on Judicial Conduct has been unlawfully

dismissing, without investigation, *facially-meritorious* judicial misconduct complaints filed by victims of judicial misconduct in fiduciary matters. Indeed, following my testimony, I gave Ms. Spatz, *in-hand*, samples of such unlawfully dismissed complaints, filed by my own father, George Sassower. Yet the reports of Ms. Spatz and the Commission on Fiduciary Appointments – about which you wrote two articles last week -- not only conceal that the Commission on Judicial Conduct has been unlawfully dismissing *facially-meritorious* judicial misconduct complaints based on fiduciary abuses, but nowhere even mention the existence of the Commission on Judicial Conduct. This, notwithstanding it is a primary oversight monitor.

Ms. Spatz has a copy of the damning lower court file of my lawsuit against the Commission, physically incorporating *Doris L. Sassower v. Commission* and *Mantell v. Commission* – all three focusing on the Commission's duty to investigate *facially-meritorious* complaints under Judiciary Law §44.1. Ms. Spatz has had this 3-in-1 file since April 2000 – more than enough time for her to have verified the accuracy of my two *uncontroverted* analyses of the decisions of Justices Cahn and Lehner. Consequently, after you spend the few hours necessary to verify the accuracy of the legal argument presented by these analyses – for which you need only the analyses themselves and the cited statutory and rule provisions and case law – you should contact Ms. Spatz (Tel #: 212-428-2110 / Fax # 212-428-2199) for her comment on them, both factually and legally.

As previously discussed – and as should be obvious from your review of my Appellant's Brief and Appendix, which you have had since April 18, 2001¹ -- the ramifications of my lawsuit are explosive – and would rightfully end the electoral prospects of Attorney General Spitzer and Governor Pataki – each running for re-election in 2002². Both these public officers received

¹ Enclosed by mail are copies of: (1) my 66-page May 3, 2001 Critique of the Attorney General's Respondent's Brief; (2) my August 17, 2001 Reply Brief; and (3) my January 10, April 18, and May 3, 2001 letters to Attorney General Spitzer. [I believe you already have the January and April letters].

As my Reply Brief reflects, my 66-page Critique of the Attorney General's Respondent's Brief is Exhibit "U" to my August 17, 2001 motion to disqualify the Attorney General, sanction him and the Commission, and to refer them for disciplinary and criminal prosecution. The centrality of that as yet *unadjudicated* motion, which also seeks to disqualify the Appellate Division, First Department, was highlighted by me at the November 21st oral argument [See Exhibit "A" to my enclosed November 30th letter to the appellate panel]. [Please note: the only reason I am not sending you the August 17th motion is that it is voluminous. When you wish to see it, I will readily transmit a copy]

² The file of my lawsuit – and that of Mr. Mantell's -- demonstrates that Attorney General Spitzer has knowingly corrupted the judicial process by fraudulent defense tactics which would be grounds for disbarment if committed by a private attorney and that he has used his office to cover-up – and advance – systemic governmental corruption. It also exposes Governor Pataki's knowing complicity in the Commission's corruption, as well as his corruption of "merit selection" to the State's highest court and to the lower state courts.

from me massive correspondence about these three lawsuits – and their obligations to protect the public from the corruption of the judicial process which the case files document. Both also have copies of the lower court files: the Attorney General – because he has been the Commission's attorney – and the Governor, because I provided them to him. Consequently, the Attorney General and Governor can also comment on the factual and legal accuracy of my *uncontroverted* analyses of the decisions of Justices Cahn and Lehner. Attorney General Spitzer's phone number, c/o his counsel, David Nocenti, is 212-416-8095 [Fax #: 212-416-8139]³. The Governor's phone number, c/o his counsel, James McGuire, is 518-474-8343 [Fax #: 518-486-9652].

The proposed intervenors in my lawsuit against the Commission [A-16-17] can also comment on the factual and legal accuracy of my two *uncontroverted* analyses of the decisions of Justices Cahn and Lehner. All have copies of the underlying lower court files, which I provided them, together with massive correspondence calling for their participation and investigation. Apart from the State Attorney General, these proposed intervenors are:

(1) Manhattan District Attorney:

Leroy Frazer, Chief of the Special Prosecutions Bureau

[Tel #: 212-335-8927 / Fax #: 212-335-8914]

Dan Castleman, Chief of the Investigative Division

[Tel #: 212-335-9817 / Fax #: 212-335-8999]

(2) U.S. Attorney for the Southern District of New York:

Alan R. Kaufman, Chief/Criminal Division

[Tel. #: 718-422-5426; Fax #: 718-422-1702]

(3) New York State Ethics Commission:

Paul Shechtman, Chairman

[Tel. #: 212-223-0200 / Fax #: 212-223-1942].

The U.S. Attorney for the Eastern District of New York can, likewise, comment on the factual and legal accuracy of my two *uncontroverted* analyses of the decisions of Justices Cahn and Lehner – as a copy of the lower court files was long ago provided to Andrew Weissmann, Chief of the U.S. Attorney's Criminal Division [Tel. #: 718-254-6359; Fax #: 718-254-6324]. This, in substantiation of my criminal complaint against the Governor and against Mr. Shechtman, who also chairs the Governor's State Judicial Screening Committee, based, *inter alia*, on their manipulation of state judicial appointments. To date, more than two years after this criminal

³ Peter Pope, Chief of the Attorney General's Criminal Division – and until relatively recently head of the Attorney General's bogus Public Integrity Unit – is fully familiar with the issues herein [Tel. #: 212-416-8058 / Fax #: 212-416-8026]. The Public Integrity Unit is now headed by Mark Peters [Tel. #: 212-416-8242 / Fax #: 212-416-8026].

complaint was filed, it remains pending.

Additionally, the Association of the Bar of the City of New York can comment on the factual and legal accuracy of my two *uncontroverted* analyses – as I long ago provided it with a copy of the lower court file. [Alan Rothstein, General Counsel: Tel #212-382-6623 / Fax #: 212-398-6634].

Of course, the lower court file of my lawsuit against the Commission is not necessary for verifying the accuracy of the legal argument presented by my two *uncontroverted* analyses. There are a whole host of others, including bar leaders, public interest organizations, prominent lawyers, and academics, who have these two analyses, contained in the copies of the appellate papers I provided them. They include:

(1) New York State Assemblyman Keith Wright:

[has all the appellate papers, including my pending August 17, 2001 motion to disqualify the Appellate Division, First Department and to disqualify the Attorney General and to sanction him and the Commission and refer them for disciplinary and criminal prosecution]

[Tel. #: 212-866-5809 / Fax #: 212-864-1368]

(2) New York State Bar Association:

[has all the appellate papers, including my pending August 17, 2001 motion to disqualify the Appellate Division, First Department and to disqualify the Attorney General and to sanction him and the Commission and refer them for disciplinary and criminal prosecution]

Steven C. Krane, President:

[Tel: 212- 969-3435 / Fax: 212-969-2900]

A. Rene Hollyer, Chairman, Committee on Procedures for Judicial Discipline

[Tel: 212-818-1110 / Fax: 212-818-0494]

(3) Fund for Modern Courts:

Steven M. Zeidman, Executive Director

[Tel #: 212-541-6741 x 103/ Fax #: 212-541-7301]

(4) American Civil Liberties Union:

Arthur Eisenberg, Legal Director

[Tel: 212-344-3005 / Fax: 212-344-3318]

(5) Brennan Center for Justice:

Burt Neuborne, Legal Director

[Tel: 212-998-6172 / Fax: 212-995-4550]

(5) Center for Constitutional Rights:

William Goodman, Legal Director

[Tel: 212-614-6427 / Fax: 212-614-6499]

(6) New York Fellows of the American Bar Foundation:

James Silkenat, Chair

[Tel: 212-858-1322 / Fax: 212-858-1500]

(7) Cardozo Law School: Jacob Burns Ethics Center:

Ellen C. Yaroshefsky, Director

[Tel: 212-790-0386 / Fax: 212-790-0256]

(8) Fordham Law School: Stein Ethics Center

Bruce Green, Director

[Tel. #: 212-636-6851 / Fax #: 212-636-6899]

(9) American Bar Association:

[has all the appellate papers including my August 17, 2001 motion to disqualify the Appellate Division, First Department and to disqualify the Attorney General and to refer him and the Commission for disciplinary and criminal prosecution]

Luke Bierman, Director, Justice Center

[Tel. #: 312-988-5102 / Fax #: 312-988-5709]

(10) American Judicature Society:

Allan D. Sobel, Executive Vice President/Director

[Tel. #: 312-357-8810 / Fax #: 312-558-9175]

(11) The Constitution Project:

Barbara Reed, Counsel/Policy Director

[Tel. #: 202-299-9540 / Fax #: 201-299-9750]

(12) Professor Vincent Martin Bonventre, Albany Law School:

[has all the appellate papers including my August 17, 2001 motion to disqualify the Appellate Division, First Department and to disqualify the Attorney General and to refer him and the Commission for disciplinary and criminal prosecution]

[Tel. #: 518-472-5856 / Fax #: 518-472-5878]

(13) Ronald Kuby, Esq.:

[Tel. #: 212-529-0223 / Fax #: 212-529-0644]

(14) Professor Alan Dershowitz, Harvard Law School:

[Tel. #: 617-495-4617 / Fax #: 617-495-7855]

(15) Former Bronx Surrogate Bertram R. Gelfand:

[has the underlying lower court record only]

[Tel. #: 914-948-3900 / Fax #: 914-948-7538]

Needless to say, I have correspondence with all of the above, which I am ready to share with you so that your communications with them may be properly informed.

Yours for a quality judiciary,



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

Enclosures

DAILY NEWS

450 W. 33rd St., New York, N.Y. 10001

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Friday, December 7, 2001

IDEAS & OPINION

Judicial reforms

White Plains: Re your Dec. 4 editorial "Judges betray trust of those in need": Chief Judge Judith Kaye and Administrative Judge Jonathan Lippman deserve no credit for the probe into fiduciary appointments. The credit belongs to the media. If not for their coverage of the letter of two disgruntled lawyers complaining to party leaders that they were being denied patronage, Kaye would have done nothing. Away from the media spotlight, the Office of Court Administration hasn't lifted a finger when litigant and lawyer victims turned to them for help about violations of law by judges and lawyers regarding fiduciary appointments.

Moreover, the inspector general's report and follow up recommendations are an inside job. They cover up for the higherups in the court system, whose refusal to discharge their monitoring responsibilities has made abuses possible. It also covers up the corruption of other key governmental monitors — the Commission on Judicial Conduct, the attorney disciplinary committees and the attorney general's office. True reform will come only when their scandalous role is exposed.

Elena Ruth Sassower, Center for Judicial Accountability