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BY FAX: 518-426-6036 (19 pages)

November 30, 2000

New York Law Journal
29 Elk Street
Albany, New York 12207

ATT: John Caher

RE: What "Merit Selection"?

Dear John:

As discussed, enclosed are the Summons and Complaint (without exhibits) in Bob's lawsuit against the NYS Commission on Judicial Nomination, et al. Paragraph 21 of the Complaint reflects your powerful and important contribution by your November 2nd story, "*Semi-Secret Court of Appeals Nominations Draw Criticism*".

Also enclosed are my two letters to Mr. Zeidman, transmitting CJA's October 16th and November 13th reports to the Fund for Modern Courts. The last two paragraphs of each letter are most relevant to Mr. Zeidman's ("talk is cheap") statement, appearing in your yesterday's article:

"Modern Court stands for opening all aspects of the court system, certainly including the confirmation of judges to the Court of Appeals."

That self-promoting statement starts on the front page of the newspaper layout of your article, which is not entitled, "*Court of Appeals Nomination Hearings: Confirmation or Coronation?*" – as in the internet version – but, rather, "*Support Grows for Open Confirmation Hearings*". What a bitter laugh for me when I saw it yesterday upon my return from Albany.

Elena