

CENTER FOR JUDICIAL ACCOUNTABILITY, INC.

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FAX COVER SHEET

This fax transmission consists of a total of 5 pages including this cover page. If you have not received all the pages, please call (914) 421-1200.

DATE: 7/3/97 TIME: 11 am

TO: Letters to the Editor NY Times TITLE:

FAX #: 556-3622 RE: "Part 2"

FROM: Elona Sassever, Coordinator

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MESSAGE: Enclosed is our proposed letter
responding to yesterday's front-page
Metro article on judges.
It criticizes the odyssey described
in our 11/16/96 published letter
"On Choosing Judges, Padak, Creates Problems"
- a copy of which is also enclosed.

Center for Judicial Accountability, Inc. is a national, non-partisan, not-for-profit citizens' organization documenting how judges break the law and get away with it.

Should you wish to see the documentation to which our proposed letter refers - including our letter to the Gov. - we'll whisk it to you!

P.S. we're having phone problems. Please contact me by fax. Over the holidays I can be reached at home 914-949-2169

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BY FAX: 212-556-3622

July 3, 1997

Letters to the Editor
The New York Times
229 West 43rd Street
New York, New York 10036

RE: "On Choosing Judges": Part 2

Dear Editor:

Your article, "*In a Candid Book, Lawyers Judge the Judges*" (front-page Metro, July 2), spotlights the negative lawyers' comments about Nicholas Colabella, appearing in New York Judge Reviews. Phrases like "very high strung", "hot tempered", "a screamer", "very explosive" appear beneath your caption which identifies him as a Supreme Court justice in Westchester County. However, two months ago, Justice Colabella was promoted to the Appellate Division, First Department, in Manhattan. How'd that happen? Governor Pataki pulled "a fast one". He gave no prior notice so that the public could protest the intended appointment and used a temporary judicial screening committee that was supposed to be defunct. There is, by the way, no Senate confirmation for Appellate Division appointments.

Times readers are already familiar with the Governor's temporary judicial screening committee. Our published letter ("*On Choosing Judges, Pataki Creates Problems*", 11/16/96) described how the temporary committee had no phone number and how all inquiries about it had to be made through the Governor's office, which refused to provide any information about its screening

procedures or about the qualifications of judicial candidates the Governor was appointing based on its recommendation to him that they were "highly qualified". It also described that although a year and a half earlier the Governor had issued an Executive Order establishing permanent judicial screening committees, he had never set them up.

In March, the Governor belatedly set them up -- including the permanent judicial screening committee for the First Judicial Department, which was supposed to screen candidates for the Appellate Division, First Department. Yet, in May, when Justice Colabella was appointed to that court, it had not screened him. Instead, Justice Colabella was, purportedly, found "highly qualified" by the temporary committee.

More than a month ago, our citizens organization wrote to the Governor, reiterating the public's right to *basic* information about his judicial appointments process and providing proof that if his temporary committee did rate Justice Colabella as "highly qualified", it did not do so based on any "thorough inquiry" as to his qualifications, as required by the Executive Order which had created it. To illustrate that any "thorough inquiry" of those having direct, first-hand knowledge of Justice Colabella would have exposed profoundly disqualifying information, beyond the fully-documented specific case example we provided the Governor, we enclosed the entry on Justice Colabella from New York Judge Reviews. We also pointed out to the Governor that his Executive Orders *expressly* gave the public the right to inspect the written committee reports as to his appointees' qualifications -- and asserted that right as to the reports on Justice Colabella's

qualifications, as well as the qualifications of the Governor's 100 or so other judicial appointees.

The Governor's response? Identical to his response to our request over a year ago to present him with the petition signatures of 1,500 New Yorkers for an investigation and public hearings on "the political manipulation of judgeships in the State of New York", which we recounted in our Times letter last November. We're still waiting.

A handwritten signature in cursive script that reads "Elena Ruth Sassower". The signature is written in black ink and is positioned above the typed name.

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.