

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

BY FAX: 212-556-3717 [7 pages]

December 15, 2000

The New York Times
New York, New York

ATT: Anthony Ramirez/Metro Section

RE: Including the public hearings for Mayor Guiliani's judicial appointees in the Times Metro Calendar: SEVEN JUDICIAL APPOINTEES SLATED FOR HEARING:

DECEMBER 18, 2000, 9:00 a.m.

Dear Mr. Ramirez:


This follows up my phone message for you on Tuesday, December 12th (10:23 a.m.) and today (12:45 p.m.). Please advise whether – as requested back in June – you have made arrangements with the Mayor's Advisory Committee on the Judiciary (212-944-6225) to receive notices of its public hearings on the Mayor's judicial appointees for inclusion in the Metro Calendar.

As indicated by my Tuesday's voice message, there is going to be a public hearing on judicial appointees on December 18th – and a notice to that effect appeared in the December 12th Law Journal. A copy is enclosed.

For your convenience, I also enclose CJA's June 30th letter to you – and the Calendar that appeared in the July 3rd Times reflecting the July 6th "Hearing on Judges" by the Mayor's Advisory Committee on the Judiciary.

Thank you.

Yours for a quality judiciary,


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

Enclosures

cc: Mayor's Advisory Committee on the Judiciary [Fax: 212-768-4115]

ATT: Paul D. Siegfried, Executive Secretary

New York Law J

SERVING THE BENCH AND BAR SINCE 1888

24—NO. 112

NEW YORK, TUESDAY, DECEMBER 12, 2000

TODAY'S NEWS

Update

A public hearing to discuss the fitness of Mayor Giuliani's latest nominees for judges of the Civil Court will be held on Dec. 18, at 9 a.m. at the Association of the Bar of the City of New York, 42 West 44th Street. Any information or testimony intended for presentation at the hearing must be sent in a concise, signed statement to the Mayor's Advisory Committee on the Judiciary, Room 1408, 36 West 44th Street, New York, N.Y., 10036. Statements must be received no later than Dec. 13. The nominees are Richard N. Allman, Ellen M. Coin, Jerome M. Kay, Susan K. Knipps, Jeffrey D. Lebowitz, Judith Lieb and Robert M. Stolz.

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Elena Ruth Sassower, Coordinator

BY HAND

June 30, 2000

The New York Times
New York, New York

ATT: Anthony Ramirez/Metro Section

RE: Including the "public hearings" for Mayor Giuliani's judicial appointees in The Times' Metro calendar

Dear Mr. Ramirez:

Congratulations to The Times for publishing a Metro calendar. It's a real public service.

Following up my phone message for you on Tuesday and our brief phone conversation yesterday, this is to memorialize my request that The Times include the "public hearings" for Mayor Giuliani's judicial appointees in its Metro calendar, beginning with the July 6th "hearing" for four judicial appointees.

As discussed, please call the Mayor's Advisory Committee on the Judiciary (212-944-6225) and make arrangements for it to send The Times its hearing notices, whenever "hearings" are scheduled.

On the subject of these "public hearings", enclosed, FYI, is a copy of CJA's Letter to the Editor, "No Justification for Process's Secrecy", published in the January 24, 1996 New York Law Journal. It identifies that because the Advisory Committee's "public hearings" are "not even publicized in a manner designed to reach the general public", "the public-at-large knows nothing about the 'public' hearing – and misses out on what is literally its one and only opportunity to have a say as to who will be its judges."

Hopefully, that will change once information about these "hearings" is published in The Times Metro calendar.

Thank you.

Yours for a quality judiciary,



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

Enclosures

cc: Mayor's Advisory Committee on the Judiciary
ATT: Paul D. Siegfried, Executive Secretary

York Law Tour

NEW YORK, TUESDAY, JUNE 27, 2000

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The Mayor's Advisory Committee on the Judiciary will hold a public hearing July 6 to consider Mayor Giuliani's four nominations for Criminal and Civil Court judges: John W. Carter, Gerald Harris and Seth L. Marvin for the Criminal bench, and Susan K. Knipps for the Civil bench. Details on the hearings are published on page 2.

Judiciary Committee To Examine Nominees

THE MAYOR'S Advisory Committee on the Judiciary will hold a public hearing July 6 to consider Mayor Giuliani's four nominations for Criminal and Civil Court judges: John W. Carter, Gerald Harris and Seth L. Marvin for the Criminal bench and Susan K. Knipps for the Civil bench.

The committee will meet at 9 a.m. at the Association of the Bar of the City of New York. Concise, signed written statements or testimony must be received by Monday by the committee, Room 1408, 35 W. 44th St., New York, N.Y. 10036.

Mr. Carter, 52, is with the Manhattan District Attorney's office, assigned to the career criminal program. Mr. Harris, 64, is deputy commissioner and general counsel with the Administration for Children's Services. Ms. Knipps, 45, is deputy counsel to Chief Judge Judith S. Kaye. Mr. Marvin, 43, is with the U.S. Attorney's office, Eastern District, assigned to the criminal division.



New York Law Journal®

The Official Law Paper for the First and Second
Judicial Departments

To the Editor

WEDNESDAY, JANUARY 24, 1996

No Justification For Process's Secrecy

Without detracting from Thomas Hoffman's excellent suggestion (*NYLJ*, Jan. 5) that the Mayor's Advisory Committee on the Judiciary hold public hearings on "the judicial selection process in general," I wish to make known that on Dec. 27 the Advisory Committee held a so-called "public" hearing on the Mayor's 15 appointees to the civil and criminal courts which became, de facto, a hearing on the judicial selection process.

As the only person to give testimony at that "public" hearing — I protested the exclusion of the public from the screening process, pointing out that the secrecy of the Committee's procedures makes it impossible for the public to verify whether — and to what extent — "merit selection" principles are being respected.

Most people — readers of the *Law Journal* included — have no idea how completely closed the judicial selection process is to public participation, let alone scrutiny, and how skewed the results are because of that. The public is entirely shut out — except at the very end of the process, after the Mayor's judicial appointments have been announced. At that point, the Mayor's Advisory Committee holds a so-called "public" hearing on the Mayor's new appointees — a hearing not even publicized in a manner designed to reach the general public. The consequence is that the public-at-large knows nothing about the "public" hearing — and misses out on what is literally its one and only opportunity to have a say as to who will be its judges.

The earlier stages of the process foreclose that right: The Mayor's Committee receives applications from candidates applying to be judges, but keeps their identities secret from the public. This effectively prevents the public from giving the Committee information about the applicants that would be useful to its evaluation and selection of the required three nominees for each judicial vacancy. As to those nominees selected by the Committee and passed on to the Mayor, their identities are also kept secret from the public — thus preventing the public from coming forward with information even at that late stage.

From the outcome of this defective process, the Mayor selects our soon-to-be-judges. Yet his announcement of their names is not accompanied by release of the applications they filed with the Mayor's Advisory Committee at the beginning of the process, setting forth their qualifications. Those applications remain secret to the end.

Consequently, the public is unable to verify the qualifications of the Mayor's judicial appointees — and whether they are, in fact, the "most qualified." It is precisely because the public has no access to the applications of the Mayor's appointees — or to those of the other Committee nominees and of the entire applicant pool — that we have been battered for the last three weeks by wildly divergent claims about the absolute and relative qualifications of the Mayor's promoted and demoted judges, which even press investigation has been unable to resolve.

As I testified before the Mayor's Advisory Committee, there is no justification for the secrecy that shrouds the judicial screening process. Judges are public officers, paid for by the taxpayers, and wield near absolute powers over our lives. By filing applications with the Mayor's Advisory Committee, those applying to be judges represent themselves as possessing requisite superior qualifications. As such, they must be willing, like other contenders for public office, to accept public scrutiny as the price.

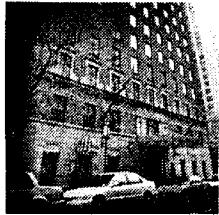
Although some writers to this column of the *Law Journal* have despaired that "politics" can ever be divorced from judicial selection — the most powerful beginning is to remove the self-imposed secrecy of the judicial screening process. Until then, "merit selection" can only remain the charade that it is.

Elena Ruth Sassower
White Plains, N.Y.

Metro Briefing

NEW YORK

MANHATTAN: HOTEL BOUGHT



Leonard Litwin, a developer whose company owns 18 apartment towers on the East Side, recently bought his first hotel, the Sutton. Mr. Litwin paid about \$35 million for the Sutton, an extended-stay hotel with 84 suites on East 56th Street, near

First Avenue. Built in 1928, the hotel fell on hard times after World War II and was vacant in the 1980's. In 1991, Hong Kong and Shanghai Hotels Ltd. bought the property for \$7.2 million and had it renovated. *Charles V. Bagli (NYT)*

MANHATTAN: ROBBERY IN PARK Three men were robbed at gunpoint in Central Park yesterday afternoon, the police said. The men, ages 16 to 26, were in Conservatory Garden at 106th Street and East Drive when a man showed them a .25-caliber pistol and demanded money, the police said. Two of the men gave \$100. The third man said he had no money, and the robber punched him in the eye, then fled, the police said. No arrests have been made. *Eun Lee Koh (NYT)*

BROOKLYN: POWER PLANT STALLED Citing high costs and community opposition, Consolidated Edison and KeySpan Energy said Thursday that they would suspend a plan to build a 500-megawatt power plant on the Brooklyn waterfront at the Greenpoint Terminal Market. The 14-acre property, a former manufacturing site, became a rallying point for residents and elected officials, who cited environmental problems in Greenpoint and Williamsburg. *Tara Bahrapour (NYT)*

WHITEHALL: BOX OF BONES Forensics specialists for the state police will examine bones found in a 5-foot-long box that had been hidden in a building in Whitehall, 65 miles north of Albany. The 133-

year-old building was the meeting place of a chapter of the Independent Order of Odd Fellows, a fraternal organization, until the 1960's. Workers renovating the building found the box of bones, topped with a metal plaque that read "Brother," under a trap door in the meeting room, where the floor had been framed to fit the box. The state police want to determine if the bones — a skull, ribs, and arm and leg bones — were placed there after someone was killed. *(NYT)*

DELAWARE COUNTY: EAGLE COMEBACK



Officials expect this to be a record year in New York for eagle nesting as a result of the birds' comeback from near extinction. But wildlife officials warn spectators not to approach the birds. "A lot of people are gawking and walking up to eagle nests, which endangers the eaglets," said Scott Van Arsdale, State Department of Environmental Conservation wildlife biologist. Residents in two villages have contacted Mr. Van Arsdale about people disturbing nesting eagles. *(AP)*

NEW JERSEY

NEWARK: MAN SHOT TO DEATH A Newark man was shot and killed on Saturday when a bicycle rider opened fire at the man's house. The victim, Jewell David Newton, 38, was struck in the head by a bullet that went through a first-floor window, the police said. The gunman turned around and fired again as he passed the house on South Eighth Street a second time. The gunman then rode away, the police said. *(NYT)*

ISLAND BEACH STATE PARK: RESCUE DEATH A man died Saturday after trying to save two girls caught in a riptide off Island Beach State Park in southern New Jersey, the authorities said. The man, Kevin House, 47, of Plainsboro, N.J., suf-

fered what appeared to be a heart attack when he and another man tried to help the girls, the chief ranger, James Hanebury, said. The girls, whose ages Mr. Hanebury estimated at 7 or 8, were about 100 yards from shore when strong currents swept them into deeper waters around 3 p.m., Mr. Hanebury said. Other swimmers rescued the girls. *Eun Lee Koh (NYT)*

CONNECTICUT

NEW HAVEN: PLEA IN ABUSE CASE A New Haven woman charged with murder in the 1998 beating death of her 6-year-old nephew pleaded guilty to a lesser charge of manslaughter on Thursday. The woman, Lynne Friend, is to be sentenced Sept. 8 and faces up to 30 years in prison. A state panel found that officials had known that David Ryan Keeley, the nephew, might have been at risk from Ms. Friend but had not intervened. The case prompted extensive changes at the State Department of Children and Families. *Theresa Rose Crapanzano (NYT)*

CALENDAR

Thursday

SCHOOL CONSTRUCTION BOARD Board of trustees, City School Construction Authority, public meeting, 8:30 a.m., fourth-floor boardroom, IDCNY Center One, 30-30 Thomson Ave., Long Island City, Queens. Information: 718-472-8216.

HEARING ON JUDGES Public hearing on judicial nominees, held by the Mayor's Advisory Committee on the Judiciary, 9 a.m., New York City Bar Association, 42 West 44th Street. Mayor Rudolph W. Giuliani has nominated John W. Carter, Gerald Harris and Seth L. Marvin for the criminal bench and Susan K. Knipps for the civil bench. Information: 212-944-6225.

Compiled by Anthony Ramirez

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