

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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By Priority Mail
Certified Mail/RRR: 571-752-168

January 17, 1997

N. Lee Cooper, President
American Bar Association
750 North Lake Shore Drive
Chicago, Illinois 60611

Dear Mr. Cooper:

This letter follows up our brief conversation on September 17, 1996, when you were in New York City for the taping of "Inside the Law". I was the sole member of the audience, unconnected with the show's invited guests or with the ABA.

I informed you of the dysfunction of the ABA committees involved in ethics, professional responsibility, and attorney discipline and told you that we had had no response from your predecessor, Roberta Cooper Ramo, to whom we had sent correspondence on the subject. You stated that I should send a copy to you.

Unfortunately, in the overly-optimistic belief that I would have the time to write you a personal coverletter, I put aside mailing you our March 19, 1996 coverletter to then President Ramo, enclosing a copy of our February 8, 1996 letter to the ABA Center for Professional Responsibility and its constituent committees. For the same reason, I put aside mailing you a copy of our September 18, 1996 letter addressed to Timothy Burke, President of the Association of Professional Responsibility Lawyers (APRL), an ABA-affiliated organization.

The February 8, 1996 and September 18, 1996 letters chronicle flagrantly unprofessional and unethical conduct by the very organizations and committees whose responsibility it is to promulgate and implement ABA standards of professional and ethical conduct for individual attorneys. Indeed, although these organizations and committees specialize in attorney discipline issues, they have failed to even comment upon our cert petition to the U.S. Supreme Court, demonstrating the unconstitutionality of New York's attorney disciplinary law and its retaliatory use against a judicial whistle-blowing attorney. A copy of that cert petition is enclosed, as is a copy of our 1994 ad, "Where Do You Go When Judges Break the Law?", published in both The New York Times and New York Law Journal (Exhibit "A").

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Notwithstanding the issues presented by our cert petition affect every New York lawyer -- of which there are many tens of thousands within the ABA -- and the public served by those lawyers, the staff of the Center for Professional Responsibility and the chairs and counsel of its assorted committees have, without explanation, failed to present them to the committee membership.

Simultaneously, these so-called leaders of the professional responsibility/ethics community within the ABA have refused to take any steps to implement and advance the recommendation of the 1993 Report of the National Commission on Judicial Discipline and Removal that the bar protect lawyers from "vindictive judges" so as to encourage them to report judicial misconduct. As may be seen from our February 8, 1996 and September 18, 1996 letters, they have turned a deaf ear to our express request that the ABA develop "implementing structures" to enable lawyers to meet their ethical and professional duty to protect their clients and the public from unfit judges.

We note that this month's ABA Journal includes your praise of "Main Street Lawyers" as "the real 'hero(s)' of our profession and the justice system" and closes with a rhapsodic description of the ABA's mission in helping them:

"Our job is to make the ABA more meaningful in the deeds of our members. We can be proud of their work. We can be proud of the ABA's role in helping the Main Street Lawyer. But most of all, we must be proud of the Main Street Lawyers.... Helping the Main Street Lawyer in this work is an important part of the ABA mission." (Exhibit "B").

These wonderful words are totally belied by the reality of the within correspondence, which shows that when one "Main Street Lawyer" turned to the ABA for assistance -- not only for herself, but on behalf of the legal community and the public at large-- the ABA Center for Professional Responsibility and its constituent committees shamelessly spurned and abused her.

We, therefore, respectfully request that you, as ABA President, undertake necessary examination of how this important component of the ABA has abandoned all cognizable standards of appropriate behavior. As may be seen from the enclosed copy of our January 17, 1997 memorandum to the Center for Professional Responsibility and its committees, we have explicitly requested that the important issues set forth in our February 8, 1996 and September 18, 1996 letters be placed on their agenda for discussion at the upcoming San Antonio Mid-Year Convention. We have also requested that the Fellows of the American Bar

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Foundation include such issues on their agenda, since the "Main Street Lawyer" spurned and abused by the ABA's Center for Professional Responsibility is a Fellow. Indeed, among the impressive credentials of this "Main Street Lawyer" is that she was the first woman to address the National Association of Bar Presidents at its Mid-Year Meeting in 1969 and, in 1976, was the first woman to be invited to address that body a second time. A copy of her 1989 Martindale-Hubbell law listing appears at A-26-28 of the cert petition, as well as on the reverse side of our New York Times ad (Exhibit "A").

Finally, we note that this month's ABA Journal also includes an article about the ABA's recently completed report on professionalism -- the culmination of a three-year effort by the Professionalism Committee of the Section on Legal Education and Admissions to the Bar (Exhibit "C"). Under the heading "Call for Leadership", the article states:

"in the practice of law itself, the report calls on bar associations to assume a leading role in enacting professionalism programs. ABA President-elect Jerome J. Shestack of Philadelphia says emphasis on professionalism will be a cornerstone of his tenure, which begins in August. He wants to implement a comprehensive three-year plan on improving professionalism in every section and committee. 'I'm going to go beyond the report,' Shestack says. He expects the plan to be ready by February. 'It will be an entire mosaic.'"

Under the circumstances, copies of the enclosed are also being sent to President-Elect Shestack so that they can be incorporated into his soon-to-be unveiled "plan". It is our hope that President-Elect Shestack will participate with you -- and give you all necessary support -- in what should be a complete overhauling of the staff of the Center for Professional Responsibility and the counsel and chairs of its constituent committees based upon their demonstrated dishonest, unethical, and self-serving conduct.

Yours for a quality judiciary,



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

Enclosures
cc: on next page

cc: ABA President-Elect Shestack

Certified Mail/RRR: P 571-752-169

Herbert Sledd, Chair

Fellows of the American Bar Foundation

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J. Scott Parrott, Staff Director

ABA Lawyers Conference

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Corydon, Kentucky 40507

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James Rastack Esq.
1202 Floor
Packard Building
1500 Chestnut Street
Philadelphia PA
19102

5. Received By: (Print Name)

X [Signature]

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