

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: 212-398-6634

7 pages

September 15, 1997

Alan Rothstein, General Counsel
Association of the Bar of the City of New York
42 West 44th Street
New York, New York 10036-6689

RE: Amicus Support: Letter Support
Sassower v. Mangano, et al.

Dear Mr. Rothstein:

Following up our conversation last Thursday, September 11th, in which I apprised you that we had just been notified of the Second Circuit's affirmance of the district judge's decision in our §1983 federal action, *Sassower v. Mangano, et al.*, the clerk misinformed us that there was no decision. In fact, a not-for-publication, not-for-citation decision was rendered by a three-judge panel consisting of Judges Dennis Jacobs, Thomas Meskill, and Edward Korman. It was filed on September 10th and is enclosed.

We are already working on a petition for rehearing *in banc*, as well as a motion for recusal of the three-judge panel -- and of the Circuit. Suffice to say, the decision bears out PRECISELY what was said in CJA's August 29th ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*": the federal courts -- no less than the state courts -- give a "green light" to profound defense misconduct of the New York State Attorney General -- misconduct that rises to a level of fraud.

I would point out that essentially the *only* honest feature of the panel's decision is its acknowledgment that the §1983 action alleged "that the relevant New York attorney disciplinary regulations were unconstitutional, both facially and as applied..." (at p. 3). You will recall that you stated to me on Thursday that you did not believe that the case presented much more than an "as applied" challenge, which you disclaimed as being of interest to the City Bar, even under the circumstances set forth in the Verified Complaint and summarized in our 1994 ad, "*Where Do You Go When Judges Break the Law?*". This, notwithstanding you also stated that you had read the cert petition in our Article 78 proceeding, *Sassower v. Mangano, et al* [R-303-439].

September 15, 1997

A propos of our request for *amicus* support from the City Bar in this important case -- which I first discussed with you shortly before dropping off a copy of the *Sassower v. Mangano* appellate papers on August 5th -- you told me on Thursday that it was not your intention to circulate those papers among the relevant committees, but only a copy of CJA's ad "*Restraining 'Liars in the Courtroom' and on the Public Payroll*". I hope you will reconsider because unless the bar leadership reads the Briefs and sees the Record on Appeal for themselves, they will have a hard time believing how completely judges and public officials as high as our State Attorney General have subverted the integrity of the judicial process. May I specifically request that you at least forward the papers to President Cardozo -- since leadership is supposed to begin "at the top". Unfortunately, President Cardozo only scowled at me when I saw him outside the hearing room on May 14th and expressed the hope that he would be attending the Committee on Judicial Conduct's hearing about the New York State Commission on Judicial Conduct.

In any event, I trust you received the ten copies of "*Restraining 'Liars'*" that I hand-delivered to the City Bar late in the day on Thursday.

Yours for a quality judiciary,



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

P.S. When I delivered the copies of "*Restraining 'Liars'*", I picked up the October issue of the "44th Street Notes". How fortunate to see, on the front-page, President Cardozo's column about professionalism, as well as the feature article touting the City Bar's commitment to "Maintaining the Integrity of the Legal Profession" by its Committees on Professional Responsibility, Professional and Judicial Ethics, and Professional Discipline. Please be sure that those committees, which work so hard "making a difference in the profession", ALSO receive copies of "*Restraining 'Liars'*" -- and the appellate papers in *Sassower v. Mangano, et al.*

Enclosure