CENTER for JUDICIAL ACCOUNTABILITY, INC.

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FAX COVER SHEET

This fax transmission consists of a total of 3 page(s) including this cover page. If you have not received all the pages, please call (914) 421-1200.

DATE: 5/19/99 TIME: 12 40 pm FAX #: 212-398-6634

TO: Alan Rothstein, General Counsel
City Bar

RE: newly-commenced Article 78 proceeding vs Commission on Judicial Conduct

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE: Enclosed is my letter of today's date to Lawrence Zweifach — who remains a member of the City Bar's special committee on Judicial Conduct

CENTER for JUDICIAL ACCOUNTABILITY, INC. *is a national, non-partisan, non-profit citizens' organization documenting how judges break the law and get away with it.*

Ex "D-2"

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Elena Ruth Sassower, Coordinator

BY FAX AND MAIL: 212-626-0799 (3 pages)

May 19, 1999

Special Committee on Judicial Conduct
Association of the Bar of the City of New York
42 West 44th Street
New York, New York 10036-6689

ATT: Lawrence Zweifach, Esq.

RE: REVIEW BY THE CITY BAR'S COMMITTEE ON JUDICIAL CONDUCT *AMICUS* AND OTHER LEGAL ASSISTANCE

Dear Mr. Zweifach:

Enclosed is a copy of my May 18, 1999 letter to City Bar President Michael Cooper, hand-delivered to the City Bar's General Counsel, Alan Rothstein, yesterday. In pertinent part, the letter requests that the Notice of Right to Seek Intervention, Notice of Petition and Verified Petition in the newly-commenced Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551) be forwarded to the City Bar's Special Committee on Judicial Conduct for review.

I have notified Mr. Rothstein of my request that you, as a Committee member, personally review the papers, and he has stated that he would make them available to whoever wishes to see them. I would greatly appreciate if you would call Mr. Rothstein (212-382-6623) and make the necessary arrangements to review the papers at your earliest convenience.

As you know, I have NO faith and confidence in the Committee's Chair, Robert Jossen, whose *refusal* to disseminate to Committee members the copy of the file of our prior Article 78 proceeding against the Commission on Judicial Conduct was publicly criticized in my May 14, 1997 testimony (pp. 10-11), as well as in CJA's $3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (NYLJ, 8/27/97, pp. 3-4)[1]. The Committee's failure to produce *any* report of its findings,

[1] Although both my May 14, 1997 testimony before the Committee and CJA's aforesaid ad are posted on CJA's website: *www.judgewatch.org*, hard copies are enclosed for your convenience.

conclusions, and recommendations about the Commission on Judicial Conduct only confirms the legitimacy and prescience of the criticisms therein expressed.

Finally, I would also greatly appreciate if you would do what you can to ensure that the papers in the new Article 78 proceeding are also reviewed, as soon as possible, by other attorneys in whose integrity you have confidence -- whether or not on the Committee. Perhaps these attorneys would, additionally, be willing to provide *pro bono* legal assistance in this important public interest case. Such assistance is all the more important because the Commission on Judicial Conduct is here -- as in the prior Article 78 proceeding -- being represented, at taxpayers' expense, by the State Attorney General who, having NO legitimate defense, is engaging in the same kind of litigation misconduct and fraud as it did previously [*cf.* "*Restraining 'Liars in the Courtroom' and on the Public Payroll*".]

Among the powerful issues this case presents:

(1) the Attorney General's duty under Executive Law §63.1 NOT to provide a knee-jerk, automatic defense to the Commission, but to evaluate the People's right to his intervention on their behalf and, pursuant to Public Officers Law §72, to substantiate the Commission's entitlement to his representation, at taxpayers' expense;

(2) the Commission's pattern and practice of dismissing, *without* investigation and *without* reasons, *facially-meritorious* complaints of judicial misconduct, in violation of its mandatory investigative duty under Judiciary Law §44.1;

(3) the Commission's overbroad interpretation of the confidentiality provision of Judiciary Law §45 to deny complainants *all* information substantiating the lawfulness and propriety of its dismissals of their complaints, including the legal authority for the dismissals and the reasons therefor;

(4) the Commission's use of three-member panels to summarily dismiss judicial misconduct complaints -- the identity of whose members the Commission withholds from complainants.

With sincerest thanks.

Yours for a quality judiciary,

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

Enclosure
cc: Alan Rothstein, General Counsel
Association of the Bar of the City of New York