

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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*Elena Ruth Sassower, Coordinator*

BY HAND

January 7, 2002

A. Rene Hollyer, Chairman  
Special Committee on Procedures for Judicial Discipline  
New York State Bar Association  
c/o Hollyer, Brady, Smith & Hines, LLP  
551 Fifth Avenue, 27<sup>th</sup> Floor  
New York, New York 10176

  
HOLLYER BRADY SMITH & HINES LLP  
551 FIFTH AVENUE  
NEW YORK, N.Y. 10176-2701

RE: Request for *amicus* and other support in the appeal of *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. 108551/99) and advocacy to obtain an official investigation of the Commission on Judicial Conduct, based on the *readily-verifiable* proof of its corruption

Dear Mr. Hollyer:

I have received *no response* to my hand-delivered November 13, 2001 letter to you, transmitting a complete copy of the appellate papers before the Appellate Division, First Department in my above-entitled public interest Article 78 proceeding – current as of that date. For that matter, I have also received *no response* from New York State Bar President Steven Krane to my hand-delivered November 13<sup>th</sup> letter to him, requesting his endorsement of the requests in my letter to you that the Special Committee on Procedures for Judicial Discipline “make findings as to the accuracy of the *uncontroverted* analyses in [my] appellate papers... showing that the New York State Commission on Judicial Conduct has been the beneficiary of FOUR fraudulent judicial decisions, without which it could *not* have survived and, upon verification of same, that the Special Committee provide *amicus* and other support [in the appeal] and join in CJA’s long-standing efforts to obtain an official investigation of the Commission’s demonstrated corruption”.

Please advise as to whether, as requested by my November 13<sup>th</sup> letter to you, the Committee has made such findings – and, based thereon, whether it will be providing *amicus* and other assistance and advocating for an official investigation.

The imperative for such assistance and advocacy is now greater than ever. On December 18, 2001, the Appellate Division "threw" my appeal by a fraudulent judicial decision, without which the Commission could *not* have survived. In the event neither you nor the Committee's 23 other members saw the decision, published in the December 18, 2001 New York Law Journal, a copy is annexed as Exhibit "A" to my enclosed memorandum of today's date to the Attorney General and Commission. Such memorandum, setting forth a 19-page record-supported, fact-specific analysis of the decision, puts the Attorney General and Commission on notice of their duty to take steps to vacate it for fraud.

Of course, the Committee does not need such 19-page analysis to know, based on the appellate papers already in its possession and from verification of my *uncontroverted* analyses, that the December 18<sup>th</sup> decision is a fraud<sup>1</sup>. However, I hereby expressly request that the Committee confirm the accuracy of this 19-page analysis. All documents necessary for the Committee to do so are already in its possession, except for my November 16<sup>th</sup> and 19<sup>th</sup> interim relief applications to adjourn the November 21<sup>st</sup> oral argument and my November 30<sup>th</sup> letter to the Appellate Division, containing a reconstruction of the November 21<sup>st</sup> oral argument. These are enclosed herewith<sup>2</sup>.

Based on the Committee's confirmation of the accuracy of this enclosed 19-page analysis, I formally request the Committee's *amicus* and other assistance on my upcoming reargument motion in the Appellate Division, which, pursuant to §600.13 of its rules must be filed by January 17th -- the 30th day after the Appellate Division's December 18<sup>th</sup> decision -- and, in particular, in framing the important constitutional questions for which I will be requesting that the Appellate Division grant me permission to appeal to the Court of Appeals. These constitutional questions will be embodied in my appeal, as of right, to the Court of Appeals and, if that is denied, in my motion to the Court of Appeals for leave to appeal. Such submissions to the Court of Appeals must be expeditiously presented within tight time parameters. As part thereof, I will have no choice but to also present the Court of Appeals with a threshold motion addressed to the clear disqualification of most, if not all, of its judges for interest and bias. The Committee's help would be invaluable as I formulate the thorny question as to how this transcendingly important appeal can be heard by a fair and impartial tribunal.

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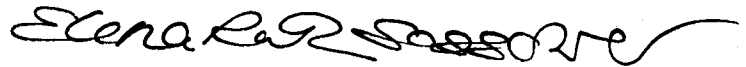
<sup>1</sup> The Committee would also know this had one of its 24 members attended the November 21<sup>st</sup> oral argument on the appeal, as specifically requested in the first paragraph of my November 13<sup>th</sup> letter to you.

<sup>2</sup> The reconstructed November 21<sup>st</sup> oral argument and my November 30<sup>th</sup> letter are annexed to my enclosed 19-page analysis as Exhibits "B" and "C", respectively.

In the event the State Bar's Special Committee on Procedures for Judicial Discipline declines my request for *amicus* and other assistance on this appeal, I ask that it set forth its reasons, most importantly, whether it denies or disputes the accuracy of my 19-page analysis of the Appellate Division's December 18<sup>th</sup> decision – and, if so, in what specific respects. In view of the incontrovertible proof presented by that 19-page analysis as to the Appellate Division's obliteration of ALL judicial standards and anything resembling the rule of law to protect a demonstrably corrupt Commission, I do not think this is too much to ask.

Thank you.

Yours for a quality judiciary,



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

cc: President Steven C. Krane, New York State Bar Association [w/o enclosures]  
New York State Bar Association Albany Office: [w/o enclosures]  
Kathleen Mulligan Baxter/Counsel  
Patricia K. Bucklin, Executive Director  
James R. Silkenat, Chair [w/o enclosures]  
New York Fellows of the American Bar Foundation

Enclosures: (1) My November 16, 2001 interim relief application, with November 19<sup>th</sup> denial  
(2) My November 19, 2001 interim relief application, with November 20<sup>th</sup> denial  
(3) My 19-page January 7, 2002 memorandum to the Attorney General and Commission