

CENTER *for*
JUDICIAL
ACCOUNTABILITY, INC.



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FAX COVER SHEET

This fax transmission consists of a total of 7 pages including this cover page. If you have not received all the pages, please call (914) 997-8105.

Justice Dept: Voting Section
TO: Chris Herren, Esq FAX NUMBER: 202-307-3961
FROM: Elena Sasserker DATE: 12/12/94

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MESSAGE: Dear Chris
Keep up the good work!
The people of NY need protection
against their elected officials
including their NYS Attorney General
+ Supreme Ct judges!
Will prepare materials for mail to you
Regards -
Elena

The Center for Judicial Accountability, Inc. is a national, non-partisan, not-for-profit citizens' organization raising public consciousness about how judges break the law and get away with it.

Where Do You Go When Judges Break the Law?

FROM THE WAY the current electoral races are shaping up, you'd think judicial corruption isn't an issue in New York. Oh, really?

On June 14, 1991, a New York State court suspended an attorney's license to practice law—immediately, indefinitely and unconditionally. The attorney was suspended with no notice of charges, no hearing, no findings of professional misconduct and no reasons. All this violates the law and the court's own explicit rules.

Today, more than three years later, the suspension remains in effect, and the court refuses even to provide a hearing as to the basis of the suspension. No appellate review has been allowed.

Can this really happen here in America? It not only can, it did.

The attorney is Doris L. Sassower, renowned nationally as a pioneer of equal rights and family law reform, with a distinguished 35-year career at the bar. When the court suspended her, Sassower was *pro bono* counsel in a landmark voting rights case. The case challenged a political deal involving the "cross-endorsement" of judicial candidates that was implemented at illegally conducted nominating conventions.

Cross-endorsement is a bartering scheme by which opposing political parties nominate the same candidates for public office, virtually guaranteeing their election. These "no contest" deals frequently involve powerful judgeships and turn voters into a rubber stamp, subverting the democratic process. In New York and other states, judicial cross endorsement is a way of life.

One such deal was actually put into writing in 1989. Democratic and Republican party bosses dealt out seven judgeships over a three-year period. "The Deal" also included a provision that one cross-endorsed candidate would be "elected" to a 14-year judicial term, then resign eight months after taking the bench in order to be "elected" to a different, more patronage-rich judgeship. The result was a musical-chairs succession of new judicial vacancies for other cross-endorsed candidates to fill.

Doris Sassower filed a suit to stop this scam, but paid a heavy price for her role as a judicial whistle-blower. Judges who were themselves the products of cross-endorsement dumped the case.

Other cross-endorsed brethren on the bench then viciously retaliated against her by suspending her law license, putting her out of business overnight.

Our state law provides citizens a remedy to ensure independent review of governmental misconduct. Sassower pursued this remedy by a separate lawsuit against the judges who suspended her license.

That remedy was destroyed by those judges who, once again, disobeyed the law—this time, the law prohibiting a judge from deciding a case to which he is a party and in which he has an interest. Predictably, the judges dismissed the case against themselves.

New York's Attorney General, whose job includes defending state judges sued for wrongdoing, argued to our state's highest court that there should be no appellate review of the judges' self-interested decision in their own favor.

Last month, our state's highest court — on which cross-endorsed judges sit — denied Sassower any right of appeal, turning its back on the most basic legal principle that "no man shall be the judge of his own cause." In the process, that court gave its latest demonstration that judges and high-ranking state officials are above the law.

Three years ago this week, Doris Sassower wrote to Governor Cuomo asking him to appoint a special prosecutor to investigate the documented evidence of lawless conduct by judges and the retaliatory suspension of her license. He refused. Now, all state remedies have been exhausted.

There is still time in the closing days before the election to demand that candidates for Governor and Attorney General address the issue of judicial corruption, which is real and rampant in this state.

Where do you go when judges break the law? You go public.

Contact us with horror stories of your own.

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9/17/94 NYT

After the Primaries *New York's Mystery General*

What, exactly, does the New York State Attorney General do? What should the job be?

In the end, Karen Burstein's victory in Tuesday's Democratic primary probably turned less on her answers to these questions than on her appealing manner and the usual political demographics of geography, sex and ethnicity. Money, for a change, was not the deciding factor. Ms. Burstein, a former state legislator, commissioner and judge, lagged far behind her opponents in campaign spending and fund-raising.

The general election race now pits Ms. Burstein against Dennis Vacco, a former U.S. Attorney in Buffalo. Voters can only hope that the campaign will go beyond the posturing on crime-fighting that dominated much of the primary, to discuss some of the fundamentals of the office.

Like two of Ms. Burstein's primary opponents — Charles Hynes, the Brooklyn District Attorney, and Elliot Spitzer, a former Manhattan prosecutor — Mr. Vacco argues that the office should be more concerned with criminal law enforcement. He is

trying to cast the election as a choice between a Republican concerned with citizens' safety and a Democratic "social engineer."

Ms. Burstein, meanwhile, promises a "crusade" against domestic violence and raises questions about Mr. Vacco's law-and-order credentials on the issues of gun control and protecting abortion clinics from violent protesters.

All well and good. But some of the more basic aspects of the job warrant at least as much attention. The Attorney General, as Ms. Burstein has pointed out, is not a district attorney. Who can run a huge legal shop responsibly and who would do the best job of recruiting talented professionals?

Beyond any proposed new dimensions in crime-fighting, the voters need to know how the candidates intend to handle the job's meat-and-potatoes work of defending the state against legal actions, and how they would use the Attorney General's considerable authority to bring lawsuits in the areas of consumer fraud, antitrust violations, price-fixing, civil rights, labor law, and the environment.

NYT 9/27/94

No Way to Pick a Judge

Talk about cozy. As a member of the New York State Assembly, George Friedman sponsored a bill this summer creating a new state Supreme Court judgeship in the Bronx. Wearing a second hat as chairman of the regular Bronx Democratic Party organization, Mr. Friedman helped orchestrate the party's judicial convention, which met last week to nominate candidates for that new judgeship and two others at stake in the Bronx this November.

Now, guess who is going to be a judge? None other than Mr. Friedman. The convention, controlled by party leaders, chose him for one of the three coveted openings, virtually insuring his election in the overwhelmingly Democratic borough.

In terms of experience, temperament and political independence, there might well be better choices for the state's highest trial court than Mr. Friedman. As is often the case under New York's system of judicial elections, however, his ascension

to the bench is part of a larger political deal. This one cleared the way for Bronx Borough President Fernando Ferrer to install his own hand-picked candidate, Assemblyman Roberto Ramirez, as the new party chairman, succeeding Mr. Friedman.

Mr. Friedman, not incidentally, conveniently kept his judicial ambitions in check until after his name was already on the ballot for re-election to the Assembly. The timing means that party insiders — not voters — will now get to choose his replacement, in effect choosing the next assemblyman.

Like Representative José Serrano, who waged a losing race for the party chairmanship, Mr. Ferrer and Mr. Ramirez now pledge to democratize the party and introduce a merit screening process that would, presumably, place a higher value on important judgeships, which are too often treated as golden parachutes for party loyalists. Too bad they did not think of that sooner.

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October 5, 1994

Letter to the Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Editor:

There is an important, but scarcely recognized, connection between the Times' September 27th editorial "No Way to Pick a Judge" and its September 17th editorial "New York's Mystery General". What the September 27th editorial describes is a reprehensible and cynical horse-trade in judgeships. However, in 1990 and 1991 when a similarly noxious manipulation of judgeships was challenged in the Election Law case of Castracan v. Colavita, judges of our state courts--themselves beneficiaries of judge-trading deals--dumped that case by disregarding the law and falsifying the factual record. They then used their judicial office to go after the lawyer who, pro bono, had brought such precedent-setting challenge to judge-trading. That lawyer, Doris L. Sassower, was suspended by the Appellate Division, Second Department in an order stating no reasons, making no findings, and not preceded by any hearing.

The Appellate Division knew such order was unlawful at the time it was issued. Yet, in the more than three years that have since elapsed, it has, without reasons, refused to vacate such findingless suspension order and refused to direct an immediate hearing as to the basis of that suspension.

This brings us to your September 17th editorial which asks about the function of the New York State Attorney General. When Ms. Sassower thereafter sued the Appellate Division, Second Department for retaliating against her by a fraudulent suspension of her license, it was the Attorney General, our state's highest law officer, who defended the judges. And how did the Attorney General defend his judicial clients in Sassower v. Hon. Guy Mangano, et al.? By disregarding unequivocal law and rules regarding judicial disqualification and arguing, without any legal authority, that his judicial clients were not disqualified from deciding their own case. And who did the Attorney General argue this to? None other than to his own judicial clients, the Appellate Division, Second Department, who were only too happy not to allow allegations that they had engaged in criminal conduct to be decided by an independent and impartial tribunal--as the law required.

Last week, the New York State Court of Appeals denied review of the Appellate Division, Second Department's self-interested dismissal of Sassower v. Hon. Guy Mangano, et al. much as it had, three years earlier, denied review of Castracan

v. Colavita. It did so in both cases by falsely ruling that there was "no substantial constitutional question".

And so, with the blessings of our state's highest court and our state's highest law officer, judgeships will continue to be traded--and few lawyers will be willing to challenge the "business as usual" politicking in judgeships, when to do so means putting their licenses and livelihoods on the line.



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

The Center for Judicial Accountability is a non-partisan citizens' group working to improve the quality of the judiciary.

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