

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY CERTIFIED MAIL/RRR
7000-1670-0007-0498-0621

May 23, 2001

Burt Neuborne, Legal Director
Brennan Center for Justice
161 Avenue of the Americas, 12th Floor
New York, New York 10013

RE: Meaningfully Advancing Judicial Independence: Evidentiary materials in *further* support of CJA's request for *amicus* and other assistance in the appeal of the public interest Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against Commission on Judicial Conduct of the State of New York* (NY Co. #108551/99), Appellate Division, First Dept: September 2001 Term

Dear Professor Neuborne:

As you have not yet returned the Appellant's Brief and Appendix in the appeal of the above-entitled public interest Article 78 proceeding, perhaps you are reconsidering your refusal to arrange to discuss it with me – as to which you were so adamant on May 2nd, after receiving Cardozo Law School's "Access to Justice" Award.

In the hope that that is the case, I enclose evidentiary materials from which you will be able to *further* verify for yourself the good and sufficient basis for my January 10th letter to Attorney General Spitzer. As recited in my February 21st letter to you – a copy of which I handed you on May 2nd and which you carried under the same arm as held your Award – the Deputy Director of the Brennan Center's Democracy Program, Deborah Goldberg, who is responsible for its "Judicial Independence Project", made that January 10th letter the basis for denying my request for *amicus* and other support. These enclosed materials, buttressing my entitlement to the Brennan's Center's assistance, are the Attorney General's Respondent's Brief and my critique thereof, as well as my April 18th and May 3rd letters to Attorney General Spitzer concerning his obligations to withdraw the Respondent's Brief, disavow his representation of the Commission, and support the appeal¹.

¹

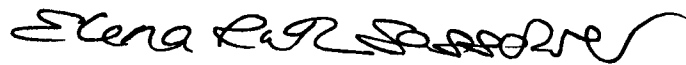
Also enclosed is my May 3rd letter to Deputy Solicitor General Belohlavek.

May 23, 2001

Also enclosed are three copies of a petition I am circulating in support of my application to the Appellate Division, First Department for a record to be made of the argument of the appeal, now scheduled for the September 2001 Term. As the issue on the petition is no more than that a "court of record" should act as a "court of record and that members of the public unable to attend the oral argument should have the opportunity to either read a stenographic transcript, hear an audio recording, or see a videotape of it, I do not think it too much to expect that you and others at the Brennan Center for Justice would sign the petition – and mail it back.

Of course, it would be more consistent with your responsibilities as the Brennan Center's Legal Director if you finally agreed to sit down with me at a meeting to discuss the transcending issues of judicial independence presented by the appeal, at which time you could just hand me the signed petition.

Yours for a quality judiciary,



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

Enclosures

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*Burt Neuborne
Legal Director
Brennan Center for Justice
161 Ave of the Americas
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NY, NY 10013*

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