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TELEPHONE FACSIMILE

February 5, 1999

Ms. Elena Ruth Sassower,  
Coordinator  
Center for Judicial Accountability  
PO Box 69, Gedney Station  
White Plains, NY 10605-0069

Dear Ms. Sassower:

In response to your letter of February 3, 1999, all of the Commission's records and proceedings are confidential pursuant to Judiciary Law, Section 45. Not only does that law preclude the Commission from providing the information you request, but since many of your points are based on your interpretation of the law, which is at variance with my interpretation of the law, it would be useless to debate with you. It would also be unnecessarily time-consuming; and whereas I once thought it appropriate to respond to every point you raised in your letters, I no longer believe that it is either necessary or prudent to do so.

I will reiterate one point I have repeatedly made in conversations and correspondence over the past few years: The Commission dismisses complaints that are not valid on their face. Every complaint dismissed by the Commission without an investigation was based on the Commission's judgment that the complaint was not valid on its face. The Commission determined that your October 1998 complaint against a judge who was being considered for the Court of Appeals was not valid on its face. No further explanation is warranted or expedient.

If you wish to make a complaint against any judge who is a member of the Commission, you may of course do so, and it will be presented to the Commission. I am confident that any Commission member who is the subject of a complaint will not participate in the consideration of your complaint.

I recognize that I am not responding to every one of the many questions posed in your letter of February 3, 1999. You are

EX "F-7"

February 5, 1999  
Page 2

probably as aware as I am of the limitations of Freedom of Information laws, and what your rights are under those laws and the Commission's rules. No court or administrative body has ever held that an agency of government has to respond to every question presented or justify its decisions. The minutes of the Commission are confidential and will remain so.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gerald Stern".

Gerald Stern