

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 212-416-8962 (5 pages)

October 11, 2001

Deputy Solicitor General Michael S. Belohlavek
Office of New York State Attorney General Eliot Spitzer
120 Broadway
New York, New York 10271

RE: Your Palpably Bad-Faith, Insufficient October 10, 2001 Letter
*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 Department:
Oral Argument: November 21, 2001)*

Dear Mr. Belohlavek:

This responds to your one-sentence October 10th letter:

“This is to advise you that we will not be withdrawing Ms. Fischer’s
opposition to your August 17th motion.”

Such letter shows that you have abused my trust and good-faith, as reflected by my
September 7th fax to you and demonstrated by my 58-page September 17th Critique,
and proves that your September 6th fax to me that “we would be happy to review [a]
critique in considering your request that Ms. Fischer’s opposition to your motion be
withdrawn” was nothing more than a “cruel joke”.

Tellingly, your October 10th letter fails makes *no* mention of my September 17th
Critique, does *not* purport that you have reviewed it, and does *not* deny or dispute
its accuracy in any respect. Please, therefore, advise why you put me to the burden
of preparing such Critique, if you weren’t going to review or address it. I, hereby
challenge you to identify the respects in which you believe – if you do – that it fails
to demonstrate that Ms. Fisher’s opposition to my motion is “fashioned on knowing

and deliberate falsification, distortion, and concealment of the material facts and law” – requiring you to withdraw it pursuant to your mandatory supervisory responsibilities under 22 NYCRR §1200.5 [DR 1-104 of New York’s Disciplinary Rules of the Code of Professional Responsibility] and 22 NYCRR §130-1.1.

I also call upon you to identify who the “we” are who made the supervisory decision not to withdraw Ms. Fischer’s opposition to my motion so that there is no doubt as to whether you are acting independently or at the direction of Attorney General Spitzer and/or Solicitor General Halligan. Tellingly, you have not furnished me with a letter signed by them attesting to their personal review of my August 17th motion and September 17th Critique. This was expressly requested by my September 17th and September 21st coverletters to you¹ -- in the event you did not withdraw Ms. Fischer’s opposition to my motion.

Finally, please confirm that, prior to signing your one-sentence, *without* reasons, October 10th letter, you were aware of my informational requests to Solicitor General Halligan, set forth in my October 2nd and 4th letters to her. These requests were recapitulated in the first paragraph of my October 9th letter to Solicitor General Halligan as follows:

“Following up my October 2nd and October 4th letters to you, this is to remind you I am expecting a response by the end of the day to whether you will be withdrawing Assistant Solicitor General Carol Fischer’s opposition to my August 17th motion – and, if not, a statement signed by you and Attorney General Spitzer, setting forth the reasons, with specific reference to the three dispositive “highlights” identified by my September 17th Critique (at p. 11). Additionally, this is to remind you that I am expecting your response to whether the abrupt resignation of your predecessor, Solicitor General Bansal, was related to my motion and, specifically, to any disagreement between her and Attorney General Spitzer as to the appropriate response thereto – as well as confirmation that the dispositive documents on my motion – including my May 3rd Critique of Ms. Fischer’s Respondent’s Brief– annexed as Exhibit “U” to the motion – and my September 17th Critique of Ms. Fischer’s opposition – have been furnished to the Commission

¹

As the Solicitor General was then Preeta Bansal, my request was that she sign such letter.

members^{fn. 1}.”

By copy of this letter to Attorney General Spitzer and Solicitor General Halligan, I call upon them to exercise their mandatory supervisory responsibilities over you, in face of notice of your bad-faith conduct, violative of your own mandatory supervisory responsibilities. Based on my August 17th motion and September 17th Critique – which, by now, they should have already reviewed – they must *immediately* retract your October 10th letter and withdraw Ms. Fischer’s fraudulent opposition to my motion. Should they fail to take this “reasonable remedial action”, I request that they promptly furnish me with the above-requested information in a statement signed by them so that I may annex it to my reply papers for the Court’s consideration on my motion returnable on Monday, October 15th.

A copy of my coverletter to Attorney General Spitzer and Solicitor General Halligan is enclosed.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Petitioner-Appellant *Pro Se*

Enclosures

cc: Attorney General Eliot Spitzer [By Fax: 212-416-6350]
Solicitor General Caitlin J. Halligan [By Fax: 212-416-8139]
Commission on Judicial Conduct of the State of New York
[By Fax: 212-949-8864]
ATT: Chairman Henry T. Berger and Commissioners
Gerald Stern, Administrator and Counsel

^{fn. 1} “I am also expecting confirmation that copies of my October 2nd letter to you and such related documents as my September 17th Critique and September 21st letter to the Commission have been provided to former Solicitor General Bansal.”

TRANSMISSION VERIFICATION REPORT

TIME : 10/11/2001 09:53

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