

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY EXPRESS MAIL

September 17, 2001

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

RE: Withdrawing Respondent's Opposition to Appellant's August 17, 2001 Motion in the appeal of *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* (S. Ct/NY Co. #108551/99; Appellate Division, First Department, November 2001 Term)

Dear Mr. Belohlavek:

Transmitted herewith is my 54-page Critique of Ms. Fischer's August 30, 2001 "Affirmation" and Memorandum of Law, demonstrating that both these documents, from beginning to end, are fashioned on "knowing and deliberate falsification, distortion, and concealment of the material facts and law" and that, you, Attorney General Spitzer, and Solicitor General Bansal – each having supervisory responsibilities over Ms. Fischer -- are duty-bound to withdraw them, pursuant to the clear and unambiguous provisions of 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.

Such action is preliminary to withdrawal of Ms. Fischer's March 22, 2001 Respondent's Brief –and to the Attorney General's disavowal of his representation of the Commission and to joining in support of this appeal, pursuant to Executive Law §63.1, which predicates the Attorney General's litigation advocacy on the "interest(s) of the state".

ETF-1

September 17, 2001

To permit sufficient time for you, Attorney General Spitzer, and Solicitor General Bansal to evaluate the enclosed Critique – and your obligations in connection therewith – I have requested that my August 17, 2001 motion be adjourned to Monday, October 1st. This is reflected by my letter of today's date to the Court's Motion Clerk, Ron Uzenski – a copy of which is enclosed.

Please advise as to your intentions no later than Wednesday, September 26th so that, in the event Ms. Fischer's opposing "Affirmation" and Memorandum of Law are not withdrawn, I will have time to prepare the appropriate reply papers. In that event, I request that Attorney General Spitzer and Solicitor General Bansal sign a letter attesting to their personal review of the within Critique and of my August 17th motion.

As in the past, I remain ready to meet with you, the Attorney General, and the Solicitor General to discuss the serious issues presented by this appeal and how we can work together to vindicate the transcendent public rights, including in the rule of law.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Petitioner-Appellant *Pro Se*

Enclosures

cc: Commission on Judicial Conduct of the State of New York
[By Certified Mail/RRR: 7000-1670-0007-9431-9905]
ATT: Chairman Henry T. Berger & Commissioners
Gerald Stern, Administrator & Counsel
Appellate Division, First Department
ATT: Ron Uzenski, Motion Clerk