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REPORT OF THE CENTER FOR JUDICIAL ACCOUNTABILITY, INC. (CJA)

THE COMPLICITOUS ROLE OF THE BAR ASSOCIATIONS IN THE CORRUPTION OF "MERIT SELECTION" APPOINTMENT TO THE NEW YORK COURT OF APPEALS

An Expose of the Rigged and Fraudulent Ratings of:

The New York State Bar Association
The Association of the Bar of the City of New York
The Women's Bar Association of the State of New York
The New York State Trial Lawyers Association

Evaluating the Qualifications of Candidates Recommended by the October 4, 2000 Report of the New York State Commission on Judicial Nomination

Submitted by:

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Read and approved by:

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* First woman practitioner nominated for the New York Court of Appeals at statewide Judicial Nominating Convention (1972); First woman appointed to the Judicial Selection Committee of the New York State Bar Association (1972-1980); Authored first published article on the newly-introduced use of judicial selection panels in New York, "*Judicial Selection Panels: An Exercise in Futility?*", New York Law Journal (10/22/71, p. 1); President, New York Women's Bar Association (1968-1969).

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I INTRODUCTION

This report, based on CJA's direct, first-hand experience with the New York State Bar Association, the Association of the Bar of the City of New York, the Women's Bar Association of the State of New York, and the New York State Trial Lawyers Association, sets forth facts showing that their approval ratings of the seven candidates recommended by the October 4, 2000 report of the New York State Commission on Judicial Nomination for appointment to the New York Court of Appeals (Exhibits "A-1", "B-1", "C-1", and "D-1") are rigged and fraudulent. Such ratings, unaccompanied by substantiating detail, have enabled Governor Pataki to bolster his appointment of Justice Victoria A. Graffeo to our State's highest court in a press release asserting:

> "Justice Graffeo was rated 'Well Qualified' by the New York State Bar Association, 'Highly Recommended' by both the Women's Bar Association and the New York State Trial Lawyers Association and 'Recommended' by the Association of the Bar of the City of New York[,] the highest ratings awarded by these organizations." (Exhibit "F-1")

As hereinafter shown, the bar associations' approval ratings are the product of flagrantly deficient evaluation processes, rife with conflict of interest. This, they conceal by withholding basic information about the processes and the identities of those responsible for the ratings, which they purport are confidential. So extreme and irrational is the bar associations' invocation of confidentiality as to make the Commission on Judicial Nomination seem open by comparison. After all, there is nothing confidential about the identities of the Commission's members. Their names appear on the Commission's letterhead, such as the letterhead on which the Commission's October 4, 2000 report was written[1]. Likewise, there is nothing confidential about the procedures that are supposed to govern the Commissioners' behind-closed-doors' investigation and evaluation. These are published at 22 NYCRR §7100.1 *et seq.* as "Rules of Procedure". Most importantly, Judiciary Law §63.3 requires that the Commission's closed-door "merit selection" process culminate in a publicly-accessible report with "findings relating to the character, temperament, professional aptitude, experience, qualifications and fitness for office of each candidate recommended to the governor" as being "well qualified".

This report is a sequel to CJA's October 16, 2000 report, addressed and delivered to the four bar associations in advance of their approval ratings. The express purpose of that report was to assist the bar associations in upholding the public's right to "merit-selection" of its Court of Appeals judges. To that end, it presented document-supported facts demonstrating the Commission's subversion of "merit selection" principles and showing that its very ability to recognize and discard unfit candidates is thwarted by the corruption of the New York State Commission on Judicial Conduct, itself readily-verifiable. CJA's report detailed the unfitness of two of the Commission on Judicial Nomination's recommendees: Supreme Court Justice Stephen Crane and Court of Claims Judge Juanita Bing Newton – each shown to have played pivotal roles in corrupting the

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[1] Exhibit C-2" to CJA's October 16, 2000 report.

Commission on Judicial Conduct.

It is without denying or disputing the accuracy of CJA's October 16, 2000 fact-specific, documented report, including its legal assertion that because the Commission on Judicial Nomination's October 4, 2000 report is non-conforming with Judiciary Law §63.3 *none* of its seven recommendees could properly be appointed by the Governor, that the bar associations issued their barebones ratings, unsupported by any report, approving all seven for appointment, including Justice Crane and Judge Newton, who were given highest ratings .

This has permitted the Governor, in announcing Justice Graffeo's appointment, to purport that the Commission on Judicial Nomination recommended to him "seven superlative candidates" and that it had done a "fine job" (Exhibit "F-1").

Such flagrant deceit upon the People of this State by the Governor, who himself received a copy of CJA's October 16, 2000 report[2], is – like his appointment of Justice Graffeo – the result of the bar associations' continuing cover-up of the Commission on Judicial Nomination's abandonment of "merit selection" principles and the corruption of the Commission on Judicial Conduct.

As herein particularized, the conduct of the bar associations profoundly violates the Code of Professional Responsibility. Consequently, this report is being filed with the First Department Disciplinary Committee[3] as a formal complaint of professional misconduct against them and the lawyers acting in their name. Additionally, it is being submitted to the Institute on Professionalism in the Law, whose "major responsibilities" include "monitoring and commenting upon the methods of enforcing standards of professional conduct" and "recommending legislation and modifications of the Code of Professional Responsibility to improve professionalism and encourage ethical behavior"[4].

As this report exposes, as pure veneer, the bar associations' participation in "Justice Initiatives" to improve public trust and confidence in the legal system, a copy is being furnished to Chief Judge Kaye, a participant in those "Initiatives," for presentment to her Committee to Promote Public

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[2] CJA's October 16, 2000 report was hand-delivered to the Governor's New York office on October 17th, with receipt by the Albany office thereafter confirmed. The substantiating documentation to the report – not already in the Governor's possession – was hand-delivered to the Governor's New York office under an October 24, 2000 coverletter. Said letter identified that copies of CJA's report had also been hand-delivered on October 17th to the New York office of Chief Judge Kaye, the New York State Commission on Judicial Conduct, and the New York State Commission on Judicial Nomination.

[3] All four bar associations interviewed the Commission on Judicial Nomination's seven recommendees in Manhattan. With the exception of the State Bar Association, each is headquartered in Manhattan, with attorneys who practice in Manhattan among their officers. As for the State Bar Association, headquarted in Albany, the Chairman of its Judicial Selection Committee has his office in Manhattan.

[4] March 2, 1999 press release of the NYS Unified Court System.

Trust and Confidence in the Legal System. Members of the Chief Judge's Committee include Justice Graffeo and Senate Judiciary Committee Chairman James J. Lack, to whom separate copies of this report and CJA's October 16, 2000 report will be furnished. This, so that Justice Graffeo, whose appointment is subject to Senate confirmation, and Chairman Lack, who will preside at the Senate Judiciary Committee's upcoming confirmation hearing, can individually demonstrate their commitment to enhancing public trust and confidence. Assuredly, this will happen only if Justice Graffeo puts aside her substantial self-interest and takes steps to ensure that Chairman Lack does not "ram through" her Senate confirmation the way he "rammed through" Justice Albert Rosenblatt's 1998 Senate confirmation: by a no-notice, by-invitation-only confirmation hearing, at which no opposition testimony was permitted[5]. Indeed, by reason of the exalted position to which Justice Graffeo aspires and which Chairman Lack already holds, each has a duty to ensure that the public has a meaningful opportunity to "hear" and "be heard" at the confirmation hearing. Likewise, each has a duty to publicly address the serious issues raised herein and in CJA's October 16, 2000 report.

To facilitate response from the bar associations, including by their testimony at the confirmation hearing, copies of this report will be provided to them. Since the State Bar and the City Bar boast committees on professional ethics and professional responsibility, with the State Bar having its own Special Committee on Public Trust and Confidence in the Legal System, CJA requests that they share their copies of this report with those committees.

By taking corrective action, the bar associations can mitigate the disciplinary consequences of the misconduct committed by the lawyers acting in their name. For this to be most meaningful, however, the bar associations must act in advance of the Senate confirmation hearing or, at latest, at the confirmation hearing, to publicly address CJA's October 16, 2000 report. The threshold issued to be addressed is whether the Commission on Judicial Nomination's October 4, 2000 report conforms with the requirement of Judiciary Law §63.3 that it contain "*findings* relating to the character, temperament, professional aptitude, experience, qualifications and fitness for office of *each candidate* who is recommended to the governor"[6] and, if not, whether the Senate may lawfully proceed with confirmation, over public objection as presented by CJA's October 16, 2000 report.

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[5] This is particularized at pages 21-22 of CJA's March 26, 1999 ethics complaint, annexed as Exhibit "A-2" to CJA's October 16, 2000 report.

[6] Emphasis added.

II The Code of Professional Responsibility, whose Disciplinary Rules have been Adopted and Expanded by New York's Appellate Divisions, Provides the Means to Protect the Public and Promote Public Confidence by Holding Accountable the Lawyers who Participated in the Rigged and Fraudulent Bar Ratings – as Likewise the Bar Associations in Whose Name They Acted

The American Bar Association's Code of Professional Responsibility, adopted by the New York State Bar Association's Executive Committee thirty years ago, contains Disciplinary Rule 8-102(a):

> "A lawyer shall not knowingly make false statements of fact concerning the qualifications of a candidate for election or appointment to a judicial office."

Disciplinary Rule 1-102(a) further defines professional misconduct to include

> " 1. Violat[ing] a Disciplinary Rule; and
> 4. Engag[ing] in conduct involving dishonesty, fraud, deceit, or misrepresentation."

Disciplinary Rule 5-101 requires a lawyer to maintain "independent professional judgement" and bars his employment where he has "financial, business, property, or personal interests", unless the client has consented "after full disclosure", with other Disciplinary Rules likewise proscribing self-interest, conflict of interest, and the appearance of impropriety [*cf.* DR 5-105; 5-109, 5-110; 9-101]

The Preamble to the Code of Professional Responsibility recognizes that "Lawyers, as guardians of the law, play a vital role in the preservation of society" and that they are, therefore, required "to maintain the highest standards of ethical conduct."

The Code of Professional Responsibility is laced with Ethical Considerations "represent[ing] the objectives toward which every member of the profession should strive". Among these,

> "... By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system..." (EC-8-1)

> "... Generally lawyers are qualified, by personal observation or investigation, to evaluate the qualifications of persons seeking or being considered for such public offices, and for this reason they have a special responsibility to aid in the selection of only those who are qualified. It is the duty of lawyers to endeavor to prevent political considerations from outweighing judicial fitness in the selection of judges. Lawyers should protest earnestly against the appointment or election of those who

are unsuited for the bench..." (EC-8-9)

and

> "Every lawyer owes a solemn duty...to observe the Code of Professional Responsibility; to act as a member of a learned profession, one dedicated to public service; ...to conduct himself so as to reflect credit on the legal profession and to inspire the confidence, respect, and trust...of the public; and to strive to avoid not only professional impropriety but also the appearance of impropriety." (EC-9-6)

The Code's Preliminary Statement identifies that whereas the Ethical Considerations are aspirational,

> "The Disciplinary Rules...are mandatory in character. The Disciplinary Rules state the minimum level of conduct below which no lawyer can fall without being subjected to disciplinary action. Within the framework of fair trial, the Disciplinary Rules should be uniformly applied to all lawyers, regardless of the nature of their professional activities...The severity of judgment against one found guilty of violating a Disciplinary Rule should be determined by the character of the offense and the attendant circumstances."

New York State's four Appellate Divisions have embodied the Disciplinary Rules as joint rules, which are Part 1200 of Title 22 of New York Codes, Rules and Regulations. The Appellate Divisions have also extended the disciplinary rules to law firms. They have specifically amended DR-1-102(a) to proscribe "Misconduct" by either a "lawyer or law firm" [22 NYCRR §1200.3] and amended DR-1-104 to confer upon law firms supervisory responsibilities and make them liable for failure thereof [22 NYCRR §1200.5]. Under 22 NYCRR §1200.1 entitled "Definitions" – which adopts the Code of Professional Responsibility's "Definitions" -- a "*Law firm* includes, <u>but is not limited to</u>, a professional legal corporation, the legal department of a corporation or other organization, and a legal services organization." (underlining added for emphasis).

Consequently, it is CJA's position that not only are "all lawyers" who participated in the bar associations' ratings culpable, but also the bar associations in whose names the lawyers acted and over whom they have supervisory responsibility. This is surely appropriate, as it would be incongruous to exempt the bar associations from the salutary exhortations and mandatory provisions of the Code of Professional Responsibility which they have promoted for individual lawyers. As collectives of thousands and thousands of lawyers, it is the bar associations that have the resources and expertise to "recognize deficiencies in the legal system and initiate corrective measures" far surpassing anything that individual lawyers could do to improve the system. Moreover, it is their "statements of fact concerning the qualifications" of judicial candidates, not those of private attorneys or other individuals, which carry the most weight with appointing authorities and voters. It is these which are reported by a gullible press as worthy of deference

(Exhibits "A-2", "B-3", C-2", "D-3"), and then utilized by unscrupulous politicians, like the Governor, to lull the public into believing that their rights are being respected and protected.

As herein detailed, the bar associations' wilful disregard of CJA's October 16, 2000 report establishes that that their bare-bones approval ratings are not only wholly unworthy of weight and deference, but are a serious and substantial violation of disciplinary rules warranting disciplinary investigation and prosecution.

III The Bar Associations' Disregard of CJA's Fact-Specific, Document-Supported October 16, 2000 Report as to the Commission on Judicial Nomination's Subversion of "Merit Selection" Principles Was a *Per Se* Violation of the Code of Professional Responsibility

The premise for the bar associations' "semi-official" role in the "merit selection" process is that, consistent with the Code of Professional Responsibility, they are "guardians of the law", performing a public service in ensuring the integrity of a process as to which they have specific expertise.

As such, it was a *per se* violation of the Code of Professional Responsibility for the bar associations to have ignored CJA's fact-specific, document-supported October 16, 2000 report, especially because it showed (at p. 1) that without action by the organized bar, the Governor and State Senate could be expected to "run over" the public's right to "merit selection" and be protected from the disciplinary and criminal consequences of their violative conduct by governmental agencies and public officers having investigative and prosecutorial functions.

Consequently, unless the bar associations were able to deny or dispute CJA's document-supported facts -- or the legal significance of those facts – their duty was to protect the public by taking appropriate steps, consistent with CJA's request:

> "to publicly reject the violative October 4, 2000 report and to call upon the Governor, the Legislature, and Chief Judge – the appointing authorities who designate the members of both the Commission on Judicial Nomination and the Commission on Judicial Conduct – to launch an official investigation of these two state agencies on which so much of the integrity of the judicial process and "Rule of Law" in New York rest." (CJA's October 16, 2000 report, p. 22, last paragraph)

Certainly as to the threshold objection in CJA's October 16, 2000 report -- presented in its Introduction, Point I, and Conclusion (at pp. 1, 3-5, 22) -- that the Commission's October 4, 2000 report is facially violative of Judiciary Law §63.3 and, therefore, that *none* of the seven recommendees could be lawfully appointed by the Governor and confirmed by the Senate, bar associations well understand the importance of procedural objections in protecting substantive

rights. Lawyers assert them all the time on behalf of their private clients. Yet, conspicuously, even as to this first and very narrow issue – questions of law squarely within their expertise -- the bar associations did not respond.

Nor did they respond to the subsequent Points of CJA's October 16, 2000 report:

Point II (pp. 6-7): that adherence to "merit selection" principles required the Commission on Judicial Nomination to thoroughly investigate candidates by reaching out to credible sources of adverse information, which it had not done;

Point III (pp. 7-10): that the Commission on Judicial Conduct's unlawful dismissals, without investigation, of *facially-meritorious* judicial misconduct complaints thwarts the very possibility of "merit selection" – because the Commission on Judicial Nomination relies on the Commission on Judicial Conduct for information as to its mostly-judicial candidates;

Point IV (pp. 10-16): that the Commission on Judicial Nomination's recommendation of Justice Crane illustrated its inclusion of recommendees against whom uninvestigated *facially-meritorious* judicial misconduct complaints had been filed and who had possibly perjured themselves as to their lack of knowledge of these complaints; and

Point V (pp. 16-21): that the Commission on Judicial Nomination's recommendation of Judge Newton, a former member of the Commission on Judicial Conduct, was in face of evidentiary proof in its possession of her active complicity in the Commission on Judicial Conduct's corruption.

Indeed, notwithstanding CJA's October 16, 2000 report provided illustrative documentary proof of the unfitness of Justice Crane and Judge Newton, transmitted in free-standing File Folders A and B" and annexed as Exhibits "J-2" and "J-3, not a single bar association contacted CJA for additional information and documentation before rendering their approval ratings, particularly as to Justice Crane and Judge Newton.

As the transmitted documentary proof was sufficient, *prima facie*, to have required the bar associations to have rated both Justice Crane and Judge Newton "unqualified", this alone establishes how utterly sham and fraudulent their ratings are – and their violations of DR 8-102(a) and 1-102(a) [22 NYCRR §§1200.43(a) and 1200.3(a)]. Such proof was even more overwhelming when examined with the copies of the substantiating files of the Article 78 proceedings against the Commission on Judicial Conduct which CJA's October 16, 2000 report *expressly* requested (at pp. 13, 20) that the City Bar make available to the other bar associations. As to these files, the bar associations were obligated to examine them if they deemed the contents of File Folders "A" and "B" and Exhibits "J-2" and J-3" insufficient. Likewise – and especially as to Justice Crane -- they were obligated to contact CJA for further information and documentation. This, because the recitation of Justice Crane's misconduct in CJA's October 16,

2000 report (at pp. 10-16) was confined to his actions as Administrative Judge in unlawfully interfering with "random" assignment of the *Elena Ruth Sassower v. Commission* Article 78 proceeding to steer it to a self-interested and biased judge who would "throw" it by a fraudulent judicial decision. Not detailed were the particulars of Justice Crane's misconduct as a Supreme Court Justice in *Kelly, Rode & Kelly* where he rendered and adhered to a fraudulent judicial decision to "throw" the case, possibly for political and retaliatory reasons. As to this, CJA's report *expressly* stated (at p. 16) that CJA should be "immediately contacted for the appalling details". Plainly, if the bar associations did not view Justice Crane's documentarily-established administrative misconduct in *Elena Ruth Sassower v. Commission* sufficient to establish his corruption[7], they could not ethically give him their highest rating without inquiring as to his judicial misconduct in *Kelly, Rode & Kelly*. Yet this is precisely what each of them did.

IV The Bar Associations' Demonstrably Fraudulent Ratings for Justice Crane and Judge Newton Destroys the Credibility of their Other Ratings, Which May Reasonably be Viewed as Rigged, if not Also Fraudulent

As Disciplinary Rule 8-102(a) – 22 NYCRR §1200.43(a) -- proscribes a lawyer from "*knowingly*" making "false statements" concerning candidates' qualifications, it appears the bar associations each sought to circumscribe their "*knowledge*" of adverse information concerning candidates' fitness. Thus, upon information and belief, none of them took steps to solicit information from the general public or the general legal community to ensure the accuracy of their evaluations of the Commission on Judicial Nomination's October 4, 2000 report of recommendees. This might have included placing notices or advertisements in newspapers inviting those having information to contribute to come forward. Not doing so drastically reduced the likelihood of their receiving negative information, which would most likely come from outside sources, rather than the circle of bar association "insiders" aware of the evaluations to be rendered.

Obviously, there is never a shortage of "insiders" eager to curry favor by offering favorable information about recommendees who already occupy powerful positions and whose elevation to the highest state court could inure to their benefit. Assuredly, too, recommendees apprise their professional and personal acquaintances of the bar associations' prospective evaluations and let them know of how appreciative they would be of testimonial endorsements.

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[7] That Justice Crane's interference with "random" assignment in *Elena Ruth Sassower v. Commission* so as to "steer" it to a judge he knew – or subsequently came to know -- to be disqualified for bias and self-interest constitutes serious judicial misconduct is reflected by CJA's May 17, 2000 letter to the Commission on Judicial Conduct, a copy of which was in File Folder "A". That letter highlighted (at pp. 6-7) that U.S. District Judge Norma Holloway Johnson was the subject of a federal disciplinary investigation and congressional inquiry for overriding "random" assignment procedures to "steer" cases involving friends of President Clinton to judges appointed by him.

Just as the Commission on Judicial Nomination could not meaningfully evaluate candidates' qualifications without reaching out to credible sources having potentially negative information – a fact highlighted by Point II of CJA's October 16, 2000 report (at pp. 6-7) -- so, likewise, the bar associations, in purporting to evaluate recommendees' qualifications, could make no meaningful assessment without reaching out to such credible information sources.

Yet, there is NO evidence that the bar associations, absent any public notice enabling those in the general public and legal community with negative information to come forward on their own, made any effort to contact credible sources of potentially negative information, let alone to appropriately examine such information[8]. Rather, the evidence is to the contrary. Based on the bar associations' disregard of CJA's October 16, 2000 report, including their failure to contact CJA for further information and/or documentation, there is NO basis to believe that they were more receptive – or honest – as to other presentations of negative information they may have received. Certainly, it is hard to imagine that the bar associations received any other presentations more breathtaking in scope, specificity, and documentation than that presented by CJA's October 16, 2000 report, which they spurned.

In view of the demonstrated fraudulence of the bar ratings for Justice Crane and Judge Newton, there in no reason to believe that the other ratings are not also fraudulent. It is certainly clear that these other ratings can be accorded no credibility and weight, being products of a rigged process.

V The Seriousness of the Bar Associations' Violations of DR 8-102(a) and DR 1-102(a) [22 NYCRR §§1200.43(a) and 1200.3(a)] by their Fraudulent Approval Ratings is Established by "the Character of the Offense and the Attendant Circumstances"

As "the character of the offense and the attendant circumstances" determine "[t]he severity of judgment against one found guilty of violating a Disciplinary Rule", the strongest penalties possible should be imposed on the culpable bar association members. This should include the disbarment of those directly responsible. At issue are fraudulent bar endorsements of the Commission on Judicial Nomination's recommendees to our State's highest court, constituting an imprimatur of its deviation from "merit selection" principles and a go-ahead for gubernatorial appointment based on its violative October 4, 2000 report.

Obviously, the bar associations expected that their ratings would impact upon the nomination and confirmation process. Thus, three of the bar associations – the City Bar, the State Bar, and the State Trial Lawyers -- transmitted letters to the Governor with their approval ratings, issuing press releases as well. As to the Women's Bar, it issued its approval ratings by a press release alone. With the exception of the State Trial Lawyers, these letters and releases promote the ratings as the

[8] According to John Caher, the Law Journal reporter whose front-page story, "*Court of Appeals Nominees Grilled by Bar Groups*" appeared on October 17th (Exhibit "E"), such story was not prompted by any solicitation of the bar associations, but resulted from his own past knowledge of bar association screening.

culmination of rigorous investigation. The result is that such ratings were not only reported by the New York Law Journal (Exhibits "A-2", "B-3", "C-2", and "D-3"), but were incorporated in the Governor's own press announcement of his appointment of Justice Graffeo (Exhibit "F-1") and echoed in the ensuing press coverage (Exhibits "F-2" and "F-3"). Additionally, the State Bar has sent a letter to Judiciary Committee Chairman Lack to make sure he not only knows of its "well qualified" rating of Justice Graffeo, purportedly pursuant to State Bar "Guidelines for Evaluating Qualifications of Judicial Candidates", but that such rating had been "communicated to the Governor in advance of the appointment" (Exhibit "B-6").

Herein contrasted are the bar associations' self-serving letters and press releases about the evaluative processes that culminated in their ratings and the direct, first-hand experience of CJA's Coordinator, Elena Ruth Sassower, interacting with those processes. Such interaction provides a "window" into how repugnant these processes are to any legitimate concept of "merit" evaluation.

A. The Association of the Bar of the City of New York

The City Bar was the first of the bar associations to render its ratings – giving all seven recommendees its highest rating of "qualified", its only alternative to a "not qualified" rating.

The City Bar's October 18, 2000 letter to the Governor, signed by its President Evan Davis (Exhibit "A-1"), identifies its ratings as having issued from no less than the City Bar's "full Executive Committee", following "a report" from a subcommittee appointed to investigate each candidate, consisting of "three Association members, one each from the Executive Committee, the Judiciary Committee, and the Committee on State Courts of Superior Jurisdiction". President Davis' letter characterizes the subcommittee investigation as "a comprehensive review of a candidate's qualifications, including interviews with those familiar with the candidate...". Likewise, the press release enclosed with the letter reiterates that the evaluations of the "full Executive Committee" followed interviews with "judges and lawyers familiar with the candidate".

Yet, no one from the City Bar or any subcommittee interviewed either CJA's Coordinator, Elena Sassower, or its lawyer-Director Doris L. Sassower, whose familiarity with Justice Crane and Judge Newton is reflected by CJA's October 16, 2000 report. This report was faxed to City Bar Counsel Alan Rothstein at 12:45 p.m. on October 16th (Exhibit "A-3") – with copies purportedly then distributed by Mr. Rothstein to the appropriate parties. The following day, a "hard copy" of the report with its appended exhibits and substantiating File Folders "A" and "B" were delivered to Mr. Rothstein, in hand, at 12:30 p.m. On both occasions, Mr. Rothstein was specifically alerted to the report's requests that the City Bar share with the other bar associations the substantiating copy of the Article 78 files against the Commission on Judicial Conduct in its possession[9].

[9] At the time of hand-delivery, minor changes from the faxed report were also pointed out to Mr. Rothstein, including the addition of a "Conclusion".

Receipt of CJA's October 16, 2000 report was not the first the City Bar knew of CJA's opposition to the candidacies of Justice Crane and Judge Newton. Ten days earlier, on Friday, October 6th, I had left two urgent messages for Judiciary Chairman Barry Kamins, one at 1:45 p.m. at his law office (718-237-1900) and one at 1:50 p.m. with Megan, the clerk of the City Bar's Judiciary Committee (212-382-6772). Megan stated that she could not give me any information about the process, which was being handled by Chairman Kamins. These two messages were followed by a third message for Chairman Kamins, which I left at his law office at 9:15 a.m. on Monday, October 10th. His response, after this third message, was to have his secretary return the call (at 10:00 a.m.) and tell me to contact the City Bar's Executive Committee. I thereupon telephoned Mr. Rothstein (212-382-6623). Mr. Rothstein refused to identify the Executive Committee's members or anything about its evaluation procedures, other than that it was setting up panels. Mr. Rothstein's words were that he was "not answering questions about the process", "not giving information about the process", and "not getting into details. Among the "details" that Mr. Rothstein refused to "get into" was whether the City Bar requires recommendees to complete the uniform judicial questionnaire that candidates for other judicial vacancies, including federal judgeships, are required to complete when the City Bar evaluates them. Two days later, at 10:50 a.m. on Thursday, October 12th, I left a fourth message for Mr. Kamins at his law office. I urgently requested that he return the call as Mr. Rothstein was refusing to provide basic information about the City Bar's evaluation procedures for the Commission on Judicial Nomination's recommendees. Mr. Kamins did not return the call.

Mr. Rothstein's refusal to supply reasonably-requested information that is available when the City Bar screens other judicial candidates, and Chairman Kamins' refusal to speak with me was in face of their actual knowledge that CJA was a credible information source and had already provided the City Bar with documentation establishing the unfitness of Justice Crane and Judge Newton. Thus, in addition to the substantiating Article78 files against the Commission on Judicial Conduct, the City Bar already had *every* document in File Folders "A" and "B" to CJA's October 16, 2000 report, and Exhibits "J-2" and "J-3" thereto[10].

Mr. Rothstein's knowledge of CJA and the high-standards of its public interest advocacy is reflected by CJA's fully-documented June 20, 2000 letter to President Davis (Exhibit "G"). This letter, which had itself annexed and transmitted documents detailing the serious misconduct of both Justice Crane and Judge Newton[11], was part of a comprehensive presentation to support

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[10] Nonetheless, CJA provided the City Bar with an additional set of those documents with the October 16, 2000 report.

[11] Justice Crane's administrative misconduct in *Elena Ruth Sassower v. Commission* was particularized by two exhibits annexed to CJA's June 20, 2000 letter: Exhibits "D-3" and "E"; Judge Newton's misconduct as a member of the Commission on Judicial Conduct was particularized in Exhibit "S" of Compendium II, supporting CJA's June 20 letter (Judge Newton is referred to by name at p. 19 of CJA's June 20, 2000 letter.)

CJA's request for the City Bar's *amicus* support and legal assistance in ***Elena Sassower v. Commission***, as well as help in securing an official investigation of the systemic corruption established by that case file (pp. 1, 5-8). As part thereof, CJA's June 20, 2000 letter recited (at p. 7) that Mr. Rothstein had in his possession a copy of the case file and CJA's voluminous correspondence relating thereto. The letter additionally set forth facts showing that over a ten-year period Mr. Rothstein had received a mountain of documentary proof from CJA establishing systemic governmental corruption involving the processes of judicial selection, discipline, and attorney discipline (pp. 9-10, 16, 17-18, 25).

Chairman Kamins was physically present in Mr. Rothstein's office when I hand-delivered a copy of CJA's June 20, 2000 letter for Mr. Rothstein on that date. Chairman Kamins subsequently received his own copy of that letter, which I gave him, in hand, on September 12, 2000. By then, he had already received his own mountain of CJA's document-supported correspondence[12], not only by reason of his chairmanship of the City Bar's Judiciary Committee, but his chairmanship of the State Bar's Committee on Professional Responsibility, his membership on the Chief Judge's Committee to Improve Public Trust and Confidence in the Legal System, and his participation in the City Bar's nascent committee to review complaints of judicial misconduct against federal judges in the Eastern and Southern Districts of New York (Exhibit "H-1": p. 3, fn. 4, p. 5; H-2")[13].

CJA's June 20, 2000 letter to President Davis (Exhibit "G") is particularly valuable in that it exposes the deceit in President Davis' reference to the City Bar's "long and respected history of performing evaluations in an independent, non-partisan manner" in his October 18th letter to the Governor (Exhibit "A-1"). Similarly it exposes the specious rhetoric in the claim that the City Bar is "dedicated to maintaining the high ethical standards of the profession, promoting reform of the law, and providing service to the profession and the public" – such as appears in the City Bar's accompanying press release (Exhibit "A-1"). This, because CJA's June 20, 2000 letter – which President Davis acknowledged having read, but to which he refused to respond[14] – particularized numerous instances where the City Bar "issued *knowingly false and misleading* public statements

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[12] Among this correspondence was CJA's June 30, 2000 letter to Chief Judge Kaye – referred to in CJA's October 16, 2000 report (at pp. 14-15) and contained in free-standing File Folder "A". That June 30, 2000 letter – a copy of which President Davis also received -- highlighted the Chief Judge's administrative and disciplinary responsibilities to address the corruption of the Commission on Judicial Conduct, readily-verifiable from the *Elena Ruth Sassower v. Commission* case file, and to take steps to demote Justice Crane from his administrative position based on his lawless interference with random assignment in that case (pp. 2-4).

[13] A front-page item in the November 3rd Law Journal reports Chairman Kamins' membership on this newly-announced committee (Exhibit "H-2"), in which Guy Miller Struve, himself twice recommended by the Commission on Judicial Nomination, is also a member.

[14] This is recited in CJA's September 18, 2000 letter to Messrs. Struve and Castel (Exhibit "H", pp. 3-4) – to which President Davis and Chairman Kamins were each indicated recipients. Hard copies were delivered for them to the City Bar on September 21, 2000.

and reports about the processes of judicial selection, discipline, as well as attorney discipline, and issued and adhered to *knowingly false* judicial ratings." (pp. 4, 15-24) Among the City Bar's knowingly false judicial ratings which the letter particularizes (at pp. 13-14) is its approval of the Commission on Judicial Nomination's recommendation of Justice Albert Rosenblatt – in the face of CJA's November 18, 1998 document-supported letter to its Executive Committee of his unfitness, covered up by the Commission on Judicial Nomination[15].

I obtained a copy of President Davis' October 18th letter and the press release from Mr. Rothstein, after reading the Law Journal's front-page item about the ratings on Thursday, October 19th (Exhibit "A-2"). Mr. Rothstein sent these under an October 19th fax stating "This is all that was sent to the Governor and all that is being released" (Exhibit "A-5") – thereby ignoring my further request for "a list of those at the City Bar responsible for the ratings and the procedures they employed" (Exhibit "A-4"). On Wednesday, October 25th, I had another conversation with Mr. Rothstein on the subject. He continued to refuse to provide information about the City Bar's screening procedures. He stated that I was "not entitled to the procedures"; "not entitled to a window" into the process, and that the City Bar is "a private organization". When I asked if there were written procedures, he varyingly stated "no", and that they were "not published", and that it was "too complicated" and so he was "not going to answer". Mr. Rothstein also would not provide me with the names of the committee members until I pointed out to him that they, assuredly, were listed in the City Bar's published yearbook. Initially, he refused to photocopy the pertinent pages and fax them to me. He stated that I would have "to buy the yearbook". Only after I asked him for permission to go to the City Bar's library so that I could photocopy the pages from the copy of the yearbook which I assumed was available there did Mr. Rothstein relent and agree that he would fax me the pages (Exhibit "A-6")[16].

Thereafter, pursuant to my request to Mr. Rothstein for the return CJA's October 16, 2000 report and substantiating File Folders "A" and "B", if they were not needed after the evaluation, Mr. Rothstein mailed them back. They appeared to be in "untouched by human hands" condition – without any creases indicating that pages had been folded back. While this may be because duplicated copies of the report, without exhibits, had been distributed to the Executive Committee and the three-member panels – and, indeed, a stapled copy of the report, without exhibits, was enclosed – it would also mean that no member thereafter saw fit to examine the exhibits appended to the original report and the documents in File Folders "A" and "B". Indeed, but for the fact that the rubberbanded bundle containing my December 2, 1999 letter to Administrative Judge Crane and its accompanying December 2, 1999 letter to Justice Wetzel were not in File Folder "A", but on top of it – albeit in "untouched by human hands" and uncreased condition -- it seemed as if the

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[15] CJA's November 18, 1998 letter to the City Bar's Executive Committee is Exhibit "I" to CJA's October 16, 2000 report.

[16] By contrast, two years ago, prior to CJA's November 18, 1998 letter to the City Bar's Executive Committee, Mr. Rothstein had supplied CJA with a list of its members, which he faxed (Exhibit "A-7").

contents of the File Folders had never even been disturbed[17].

B. The New York State Bar Association

The State Bar was the last of the four bar associations to issue its ratings. It did so on October 24, 2000 by a letter to the Governor (Exhibit "B-1") and a simultaneous "News Release" (Exhibit "B-2"), announcing its highest "Well-Qualified" rating on all seven recommendees.

The State Bar's October 24th letter, signed by its President, Paul Michael Hassett, purports that its Committee on Judicial Selection, chaired by John Horan, appointed subcommittees to review candidates' qualifications, which "interviewed those who knew the candidates" and that the information gathered by the subcommittees was "then considered at length by the full Committee...". The letter enclosed a copy of the State Bar's "Guidelines for Evaluating the Qualifications of Judicial Candidates". This identifies that each subcommittee is to have "the assistance of Association staff" so as to "make a complete and thorough investigation of the candidate's qualifications".

Yet, no subcommittee or staff contacted CJA following delivery of its October 16, 2000 report to Chairman Horan's office at 1:15 p.m. on October 17th – even where the coverpage to that report identified that CJA's Director, Doris Sassower, had been the first woman on the State Bar's Committee on Judicial Selection, had served as a member for eight years (1980-88), and, prior thereto, had been the first woman practitioner nominated to the Court of Appeals at a statewide judicial nominating convention (1972).

Likewise no subcommittee or staff contacted CJA in the week prior thereto – a period in which the State Bar's "Staff Liaison" to the Committee on Judicial Selection, Kathleen Mulligan Baxter, and Chairman Horan himself were on notice that CJA had adverse information to impart. Thus, on Tuesday, October 10th, I telephoned Ms. Baxter (518-463-3200), who expressly told me she would "advise" the specific subcommittees reviewing the qualifications of Justice Crane and Judge Newton that we had adverse information. As to Chairman Horan, I telephoned his law office repeatedly (212-480-4800), leaving urgent messages on his voice mail as to CJA's opposition and attempting to verify whether I should deliver CJA's report to him or to some other committee member. These calls were once on October 12 (at 2:30 p.m.), twice on October at 13th (at 10:10 a.m. and at 2:07 p.m.), once on October 16th (at 1:30 p.m.), and once on October 17th (at 10:40 a.m.). NONE of these calls were returned.

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[17] As hereinabove set forth, the City Bar already had in its possession copies of the contents of File Folders "A" and "B", as well as appended Exhibits "J-2" and "J-3". While it is not impossible that Executive Committee and panel members would have reviewed those copies — rather than the ones transmitted with the hand-delivered report – it is far less likely that Mr. Rothstein would have waded through the mountain of documents in his possession to find the ones needed for the review, rather than provide the members with the meticulously organized and inventories copies transmitted with the hand-delivered report.

Likewise unreturned were my several urgent phone messages for Howard Stave (718-261-2121), a committee member who was Chairman Horan's immediate predecessor as Chairman of the Committee on Judicial Selection. I left two messages for Mr. Stave on October 10th (9:30 a.m. and 1:35 p.m.), one on October 13th (3 p.m.), and one on October 27th (10:20 a.m.).

Actually, I did not realize that Mr. Stave was a committee member until October 25th. My initial calls to his office were before my October 10th call to Ms. Baxter (1:48 p.m.), when I thought he was still the Chairman of the Committee on Judicial Selection. However, I continued to call him thereafter in an effort to confirm his receipt of a January 4, 1999 letter from CJA Director Doris Sassower, to which he was an indicated recipient (Exhibit "I-2"). That letter, addressed to then State Bar President James Moore, complained that Mr. Stave, as Chairman of the Committee on Judicial Selection, had received a copy of CJA's November 18, 1998 letter to the City Bar showing Justice Rosenblatt's unfitness, covered up by the Commission on Judicial Nomination[18], and without any follow-up contact with CJA, had given Justice Rosenblatt a "well qualified" rating. Also recited was then Chairman Stave's further unprofessional conduct: that he had brusquely refused to speak with Doris Sassower, when she thereafter called him, and refused to return the documentation supporting CJA's November 18, 1998 letter, as previously requested, or to even advise as to its whereabouts.

Ms. Baxter herself was no less unprofessional and discourteous to me when I called her on October 10th to apprise her that CJA had information to impart to the State Bar's Committee on Judicial Selection in connection with its evaluation of the Commission on Judicial Nomination's recommendees. She began by peremptorily announcing that the State Bar was not interested in – and would not accept – any information from CJA for consideration by its Judicial Selection Committee. According to Ms. Baxter, this was because CJA was on a "witch hunt" – a characterization she said was based on her "dealings" with us. The only specific she gave of these "dealings" had nothing to do with CJA's contacts with the State Bar. Rather it was based on CJA's 1993 opposition to Justice Howard Levine's confirmation to the Court of Appeals. Apparently, she found blameworthy that CJA had objected when the Senate Judiciary Committee cut off, after ten minutes, CJA's testimony about Justice Levine's appellate misconduct in an important public interest case, although there was no other opposition testimony, and then refused to call Justice Levine to respond to the fact-specific, fully-documented allegations of CJA's truncated presentation. Curiously, Ms. Baxter claimed to know nothing about CJA's 1998 opposition to Justice Rosenblatt's Court of Appeals candidacy, presented to then Chairman Stave for consideration by the Judicial Selection Committee (Exhibit "I-1"), or about CJA's January 4, 1999 letter to President Moore on the subject (Exhibit "I-2").

That Ms. Baxter relented during our October 10th conversation and stated she would "advise" the subcommittees reviewing Justice Crane and Judge Newton that CJA had adverse information to

[18] CJA transmitted the November 18, 1998 letter to then Chairman Stave under a November 19, 1998 coverletter addressed to him (Exhibit "I-1").

impart may be due to the fact that she knew her "witch-hunt" claim was utterly bogus[19]. Perhaps, too, it was because she recognized that information adverse to Justice Crane and Judge Newton would inure to the benefit of Mr. Moore, one of the seven recommendees and, presumably, the State Bar's favorite. Indeed, I stated as much to Ms. Baxter, who had no response.

In any event, Ms. Baxter refused to provide me with the names of the Judicial Selection Committee's members or any information about its procedures, except that separate subcommittees would be investigating each of the seven recommendees. She would not identify whether, as part of the Committee's evaluation, candidates were required to complete a questionnaire such as the uniform judicial questionnaire. Nor would she identify the timetable for the Committee's work, such as when it would be interviewing the candidates. Indeed, when I stated I would get that information from Mr. Horan, Ms. Baxter responded that she would tell him *not* to tell me.

In that October 10th conversation, Ms. Baxter did not identify that the State Bar's "Guidelines for Evaluating Qualifications of Judicial Candidates" is a publicly-accessible document (Exhibit "B-1"). Nor did she mention that she had sent me a copy two years earlier. At that time, I had written a February 17, 1999 letter to the office of President Moore (Exhibit "I-3"), to which Ms. Baxter had responded. By letter dated February 18, 1999 (Exhibit "I-4"), Ms. Baxter supplied the requested "Guidelines", whose existence I had learned of from the transcript of the Senate

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[19] In our subsequent October 25th conversation, I asked Ms. Baxter if she had any other basis for her claim that CJA was on a "witch-hunt", apart from CJA's opposition to the Senate Judiciary Committee's rubber-stamp 1993 "hearing" on Justice Levine's confirmation. She answered by saying that she had "seen" CJA's "activities". The two "activities" she then identified, without any specificity as to why they were objectionable, were: (1) a 1996 A & E investigative report on judicial misconduct, which had featured CJA's work as a critic of the New York State Commission on Judicial Conduct for protecting powerful, politically-connected judges; and (2) CJA's public interest ad, "*Where Do You Go When Judges Break the Law?*" (New York Times, 10/26/94; Op-Ed page, New York Law Journal, 11/1/94, p. 9), which described the lawless and retaliatory suspension of Doris Sassower's law license, as well as the perversion of the Article 78 remedy in *Doris L. Sassower v. Mangano* (Exhibit "J-1").

It should be noted that even before CJA had provided Mr. Stave with its document-supported November 18, 1998 letter, establishing the Commission on Judicial Conduct's protectionism of Justice Rosenblatt by its dismissals, without investigation of facially-meritorious, fully documented complaints against him, including one based on his role in perverting the Article 78 remedy in *Sassower v. Mangano*, the State Bar had copies of the substantiating court file in *Doris L. Sassower v. Commission* and the cert papers in the *Sassower v. Mangano* Article 78 proceeding.

Ms. Baxter is personally knowledgeable that CJA provided the State Bar with copies of the *Sassower v. Mangano* cert papers as she received CJA's June 1, 1995 letter to Frank Rosiny, then Chairman of the State Bar's Committee on Professional Discipline on the subject (Exhibit "J-2"). Her response, by letter dated June 5, 1995 letter (Exhibit "J-3"), put her own imprimatur on the grotesquely unethical and unprofessional conduct of Mr. Rosiny and his committee members, in ignoring, without reason, CJA's document-supported presentation as to the unconstitutionality of New York's attorney disciplinary law and empirical proof showing that the committee's proposal to amend Judiciary Law §90 to open up attorney disciplinary process, after court authorization of disciplinary proceedings, was the product of a "rigged" committee study, concealing that disciplinary proceedings were being authorized without the requisite "probable cause" finding and where, additionally, NO "probable cause" finding was even possible.

Judiciary Committee's confirmation "hearing" of Justice Rosenblatt[20]. However, her February 18, 1999 letter refused, on confidentiality grounds, my request for a blank copy of any questionnaire that Justice Rosenblatt had been required to complete as part of the evaluation process, as, likewise, information as to the members of the Committee on Judicial Selection who had participated in Justice Rosenblatt's evaluation. This latter request Ms. Baxter had rejected by claiming "under a policy established by our House of Delegates, we are not permitted to release rosters of committees or sections to entities outside the Association for purposes unrelated to Association business." (Exhibit "I-4").

Nevertheless, on Wednesday, October 25th, following a front-page item in the Law Journal that the State Bar had found all recommendees to be "well qualified" (Exhibit "B-3"), Ms. Baxter – perhaps forgetting the supposed "policy" she had asserted in her February 18, 1999 letter (Exhibit "I-4") -- faxed me a copy of the roster of members of the Committee on Judicial Selection, as well as the roster of the Executive Committee (Exhibit "B-5"). This followed my October 25th phone call to her requesting that information. In that conversation, I asked Ms. Baxter to elucidate upon the Guidelines, as they do not state how many members are on each investigative subcommittee. Ms. Baxter claimed she did not know the number -- notwithstanding the Guidelines expressly reflect the involvement of "Association staff" in the work of the subcommittees. She also would not answer whether the candidates had been required to complete a questionnaire, pursuant to the Guidelines providing that "the form" for securing "written biographical and other data from the candidate" be determined by the Committee.

Additionally, Ms. Baxter stated she had not seen CJA's October 16, 2000 report. However, she told me that Mr. Horan had informed her that Justice Crane had "independently" brought with him a copy of the judicial misconduct complaint that CJA had filed against him. This was presumably CJA's March 3, 2000 complaint to the Commission on Judicial Conduct resting on the detailed recitation of Justice Crane's misconduct in *Elena Ruth Sassower v. Commission*, appearing at pages 6-14 of CJA's February 23, 2000 letter to the Governor, with copies of the court records showing he had "steered" the case, appended at Exhibit "C-1" and "C-6" thereto.

Thereafter, I faxed to Chairman Horan a written request that he forward to Ms. Baxter CJA's document-supported October 16, 2000 report under a coversheet that asked that he "Please do so IMMEDIATELY" (Exhibit "B-4"). As of November 13, 2000, it appears Chairman Horan had not done so, as Ms. Baxter stated to me she had still not received it when I telephoned her on that date.

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[20] The Senate Judiciary Committee transcript contained a December 10,1998 letter from then State Bar President Moore to Judiciary Committee Chairman James Lack, advising that the State Bar's Judicial Selection Committee had found Justice Rosenblatt to be "well qualified" pursuant to the attached "Guidelines". However, the "Guidelines" were not part of the transcript, which referred to the letter at pages 7 and 33.

C. The Women's Bar Association of the State of New York

On October 20, 2000, the Women's Bar Association (WBASNY) issued a "Media Advisory" (Exhibit "C-1"), stating that its President, Deborah Kaplan, had released ratings for "the seven candidates proffered by the Commission on Judicial Vacancies" – presumably meaning the Commission on Judicial Nomination. This press release stated that all seven had been found "well qualified" – without indicating what other ratings were available. No letter was sent to the Governor.

According to the press release, the Women's Bar Association's Judiciary Committee, co-chaired by its immediate past president, Marjorie Lesch, and its current vice-president, Ginger Schroeder, "conducted an extensive review of the qualifications of the nominees". In the words of President Kaplan, "WBASNY takes its responsibility as participants in this process very seriously, and is confident that it has rendered fair and accurate judgments about the qualifications of each recommendee for appointment to the highest court of our State."

However, no one from its Judiciary Committee contacted CJA about the October 16, 2000 report, which was hand-delivered to the home of co-Chair Lesch at approximately 2:15 p.m. on October 17th.

Delivery of the report followed my contacting the Women's Bar Association on Tuesday, October 10th, when I left a phone message on its answering machine (212-362-4445). With no response, I called again, on Thursday, October 12th, at which time I spoke to its Executive Director, Linda Chiaverini. Ms. Chiaverini told me that she had given my phone message to Ms. Lesch, who she stated should be calling me shortly. Meantime, she gave me both a postal and office address for delivery of CJA's report, which I told her was then being drafted.

Shortly thereafter, Ms. Lesch called and we had an amiable conversation[21], limited by the fact that she did not have great deal of time. Ms. Lesch expressed interest and appreciation that CJA would be making a written presentation, whose content I briefly described to her. My impression was that she was largely responsible for the investigation, that she did not have a great deal of experience with judicial evaluations, and that she conceived it as being about reading the written opinions of the mostly judicial candidates, which she had not as yet secured. So that there would be no delay in her receiving CJA's report, I offered to deliver it to her Bronx law office. However, as she told me she either does not work there full time or would be working out of her home on the judicial evaluations, she provided me with her apartment address so that I could leave the report with the concierge.

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[21] This conversation included my mentioning that CJA Director Doris Sassower had been president of the New York Women's Bar Association.

Ms. Lesch also requested that I include some information about CJA with the report, as she stated she knew nothing about the organization. This ignorance --I believe genuine – seemed to indicate that she had not been a member of the *ad hoc* Judiciary Committee when it evaluated the Commission on Judicial Nomination's prior recommendees or that her predecessor co-chairwomen, Marianne Sussman and Lenore Kramer, and her predecessor Women's Bar president, Melinda Bass, had withheld from the Committee members CJA's November 18, 1998 letter to the City Bar's Executive Committee. Each had been faxed copies under a November 19, 1998 coverletter to Ms. Sussman (Exhibit "K"), identifying Ms. Sussman's unwillingness to speak with CJA's Director Doris Sassower and to receive documents from CJA for consideration by the Women's Bar Association in evaluating Court of Appeals candidates.

On Monday afternoon, October 16th, I telephoned Ms. Lesch's law office, but she was not there. I left a message that I would be delivering the report the next day to her apartment building, as had been discussed.

The next day, I took a cab to her apartment building, telephoning her from the lobby at approximately 2:00 p.m. She stated she was busy working but that I should leave it with the concierge. Before doing so, I affixed a "post-it" note to the report stating that the report was extremely time-consuming and costly to reproduce and assemble and if, following the evaluation, it was not needed, it should be returned to us.

On Monday, October 23rd, the Law Journal published a front-page item that the Women's Bar Association had "highly recommended" all seven candidates (Exhibit "C-2"). I thereupon telephoned its office and left a voice mail message for information about the ratings and for the return of CJA's report, if it were no longer needed. Thereafter, I sent a fax setting forth these requests, faxing a copy, as well, to Ms. Lesch (Exhibit "C-3").

By Wednesday, October 25th, in the absence of any response, I again phoned the office of the Women's Bar. Ms. Chiaverini answered and immediately stated that CJA's report had been "shredded on site at The Princeton Club". My shocked response was to question whether the Committee did not have procedures to preserve evidentiary materials it had considered in reaching its ratings and did not maintain them as part of its records, where they would be available for future reference for subsequent evaluations for Court of Appeals' recommendees.

Ms. Chiaverini told me that the Judiciary Committee's ratings were issued only by a press release, without any report or letter to the Governor. In response to my request that she fax me a copy, she asked for CJA's fax number. I told her that there would have been no need to ask me for such information had the Women's Bar Association retained our materials and opened a file on us. I also requested that she send a hard copy – and provided a mailing address.

Ms. Chiaverini was not able to respond to my inquiries as to Judiciary Committee's procedures and the identities of its members, advising me to call Ms. Lesch. I did so shortly thereafter. In

this, our first and only conversation since her receipt of CJA's October 16, 2000 report, Ms. Lesch expressed not the slightest appreciation for having been provided with such substantial and substantiated presentation, which she received without so much as setting foot out the door. Rather, she began by "tak[ing] issue" with my October 23rd fax (Exhibit "C-3"). Taking umbrage that my fax had italicized that I had hand-delivered CJA's report to her home at her request, she claimed that this was "misleading", but refused to set that forth in writing, which I invited her to do.

Ms. Lesch also stated that she was shocked at "the tenor" of my fax, objecting that I had asked for the names of the Judiciary Committee members. She contended that I should know that this was "confidential". She told me that it was an *ad hoc* committee, screening only for the Court of Appeals, and that each of the 15 state chapters can send a representative. However, when I asked her if there was a quorum requirement for the Committee, her response was that she was sure there was something about that in the by-laws. As to whether there were written procedures, it seemed from Ms. Lesch's response that there might not be any. In any event, she stated that neither such procedures – nor the bylaws -- were publicly available. Her position was that if I joined the Women's Bar Association, I would have access to this information, but not as a member of the public, which she viewed as the "beneficiary" of the ratings, having no entitlement to information as to how they are arrived at or who is involved. As to whether the candidates are required to complete the uniform judicial questionnaire – which was the impression I had gotten when I asked her that question in our initial October 12th conversation – Ms. Lesch now stated that the recommendees could supply "any materials they had completed for the process". To this, I responded that the recommendees do not complete the uniform judicial questionnaire as part of the Commission on Judicial Nomination's process.

Ms. Lesch also confirmed, I believe without apology, that CJA's report had been "shredded on site" – but that the site was not, as Ms. Chiaverini had told me, "The Princeton Club", but "The Harvard Club", which is where the interviews with the seven Court of Appeals recommendees had been held. She also stated that the Women's Bar Association's Judiciary Committee keeps no records.

D. The New York State Trial Lawyers Association

The New York State Trial Lawyers Association's October 20, 2000 letter to the Governor's counsel, James McGuire, is signed by its president, Lenore Kramer (Exhibit "D-1"). In no-frills fashion, it advises of the State Trial Lawyers' ratings of the Commission on Judicial Nomination's recommendees. It makes no claims about the thoroughness or excellence of any investigation, which it does not purport to have even undertaken. Instead, it claims only that a "panel of 16 members" interviewed the seven recommendees. As to this "panel", no collective name is given. Nor are any of its 16 participants identified or the basis for their participation -- whether, for example, they are current officers or former officers, occupy a certain rank, or represent a geographic distribution.

The same is true of its "News Release" (Exhibit "D-2"), except for the implication of credibility from its self-description as "the largest specialty bar association in New York State... devoted to strengthening and preserving the civil justice system."

Ironically, of all four bar associations ratings, those of the State Trial Lawyers have the superficial aura of greatest credibility. This because only its ratings are not uniform for all seven candidates, being split in two categories: four candidates being "Highly Recommended" – Justice Crane and Judge Newton, among them – and three candidates being "Recommended".

Then, too, the quote from State Trial Lawyers immediate past president, David Golumb, on the front page of the Law Journal's October 17th above-the-fold article, "*Court of Appeals Nominees Grilled by Bar Groups*" (Exhibit "E"),

> "we are looking for judges who have shown independence, objectivity, a willingness to uphold the traditions of an independent judiciary and an independent civil justice system and protections of litigants' rights to a fair trial and a fair lawsuit."

gives the impression that State Trial Lawyers is going to aggressively insist that candidates meet these important standards. Nothing could be further from the truth.

It was only because of the October 17th Law Journal article (Exhibit "E") that I learned that State Trial Lawyers was evaluating the seven recommendees. Previously, I had asked City Bar counsel Alan Rothstein and counsel's office at the State Bar[22] as to which bar associations were screening. Neither identified the State Trial Lawyers.

I phoned State Trial Lawyers (212-349-5890) shortly after 9:00 a.m. on October 17th and was directed to Corinne Locke, its Director of Finance and Administration. I told her about CJA's report, which I was preparing to deliver to the other bar associations, and asked her to whom at Trial Lawyers it should be delivered. She recommended I call President Kramer's law office (212-226-6662), which I did, arranging with a secretary that I would deliver the report there so that President Kramer could begin reviewing it. However, the secretary then called back to say that Ms. Kramer was not going to be in and that, therefore, I should deliver the report to the office of State Trial Lawyers. So as not to delay getting the report into the hands of someone who was going to be participating in the evaluation, I called Ms. Locke back, asking whether there was a member to whom I could directly bring the report. I called back several times over the next hours, Ms. Locke told me she hadn't been able to find anyone to whom I could deliver it and that I should bring it to the office. I arrived at there at approximately 4:40 p.m. After speaking with Nathan,

[22] I believe I obtained this information from Kit McNary, with whom I spoke on October 12th, when I called to inquire as to the middle initial of John Horan -- there being more than one listed in the phone book.

who introduced himself as the one who was going to photocopy the report for the members, I gave the report in hand, to Ms. Locke.

The next day, I telephoned the State Trial Lawyers' office and learned that Nathan had not come in that day. My voice mail message for Ms. Locke was not returned.

On Tuesday, October 24th, the Law Journal printed a front-page item announcing the State Trial Lawyers' ratings (Exhibit "D-3"). After leaving a voice mail message for Ms. Locke at 9:15 a.m., asking, *inter alia*, that a copy of any letter or press release about the Trial Lawyers' ratings be faxed and, additionally, requesting the return of CJA's report, if it was no longer needed, I sent a fax to that effect (Exhibit "D-4"). I left another voice mail message at 10:10 a.m. the next day, October 25th, as I received no response. Two hours later, I called again, speaking to Nathan, who told me that he believed the report may have been destroyed at The Harvard Club.

The following day, Thursday, October 26th (at 10:18 a.m.), I called Ms. Locke and was finally able to reach her. She said the report had not been destroyed and that she would return it to us. She also stated she would fax the press release and check if there was an accompanying letter. However, as to my request for information about the State Trial Lawyers' procedures and the identities of those who participated in the ratings, Ms. Locke told me to call President Kramer. I promptly did this – and not long after Ms. Kramer returned my call.

In our brief phone conversation, Ms. Kramer refused to disclose anything about either the procedures of the State Trial Lawyers' evaluating panel or the identity of its membership – even after I told her that the State Bar encloses its Guidelines with its report to the Governor and that the State Bar, along with the City Bar, had provided me a copy of the membership of their committee involved in their evaluations. When I asked if the State Bar had sent a letter to the Governor in addition to the press release – neither of which had then been faxed to me – Ms. Kramer stated she "presume[d]" there was a letter. Incredibly, somewhere in the middle of the conversation, she asked me who I was exactly. She stated that she recollected having previously seen something from me. However, when I asked her whether she was familiar with CJA's October 16, 2000 report she claimed not to be. I'm sure I expressed shock and amazement, as surely I was shocked and amazed. The conversation ended with her hanging up on me. This was shortly after her signed October 24th letter to the Governor's counsel – the same as she had told me she "presume[d]" existed -- came over the fax that sits on my desk. This was while we were still speaking.

In an attempt to verify whether others at State Trial Lawyers had seen CJA's October 16, 2000 report, I telephoned its Executive Director, Jay Halfon (212-349-5890) at 1:00 p.m. on Thursday, October 26th, leaving a message for him. I called him again at 11:35 a.m. the next day, Friday, October 27th, at which time we had a reasonably pleasant conversation. He, too, stated that he did not know of CJA's report, but explained that this was because he was busy with something else. I recounted my disturbing conversation with Ms. Kramer. Mr. Halfon seemed not to give any great

weight to the State Trial Lawyer's screening process and told me that it was "a waste of time" to try to pursue the matter, as "whatever they did, they did".

Nevertheless, I decided to telephone Mr. Golumb (212-661-9000), who, from his quote in the October 17th Law Journal article (Exhibit "E"), I presumed to have been involved in the evaluation of the recommendees – or, as State Trial Lawyers' immediate past president, could at least tell me whether Ms. Kramer's refusal to provide any information about the evaluation process and the identities of those involved was in keeping with some policy. I left two telephone messages for him at 11:50 a.m. and 4:20 p.m. on Friday, October 27th. I then followed this up by a third call at 1:30 p.m. on Monday, October 30th, at which time Mr. Golumb spoke to me. Mr. Golumb had no idea who I was or what CJA was and had not seen the October 16, 2000 report. Nor was he disturbed by this – even when I told him that I had hand-delivered the report to the Trial Lawyers' office on October 17th and that it established the unfitness of two of the candidates that Trial Lawyers had rated as "highly recommended". Mr. Golumb asked me which candidates, and upon my telling him, he was not concerned that the panel had not seen the report. He expressed no interest in my furnishing him a copy to him in taking any corrective steps. Nor did he deviate from Ms. Kramer's position as to the confidentiality of the State Trial Lawyers' evaluation procedures and the identities of those involved. He also rejected my suggestion that he take up the confidentiality issue with other officers and former officers of the State Trial Lawyers.

Thereafter, pursuant to my request to Ms. Locke that State Trial Lawyers return CJA's October 16, 2000 report and substantiating File Folders "A" and "B", if they were not needed after its evaluation, those materials were returned by mail. They were in even more "untouched by human hands" condition than the identical documents which the City Bar returned. Like the returned City Bar documents, there were no crease marks indicating that pages had been folded back. While the pristine condition of the report may be due to the fact that the 16-member State Trial Lawyers' evaluating team had been distributed copies of the report, without exhibits, it also would mean that no one thereafter saw fit to examine the exhibits appended to the original report and the documents in File Folders "A" and "B", which, indeed, seemed as if they had never been disturbed. Certainly, no one ever opened CJA's accompanying folded brochure, with insert, which was also returned.

VI The Bar Associations' Ratings are the Product of Undisclosed Conflicts Of Interest

In purporting to evaluate the qualifications of the seven candidates recommended by the Commission on Judicial Nomination, none of the bar associations have disclosed their conflicts of interests. Indeed, the only discernible reason for the bar associations' refusals to disclose the identities of those participating in the evaluations is to hide their innumerable personal and professional relationships with the candidates being evaluated, most of whom may be presumed to be current or past members of one or more of the various bar associations or invited speakers and participants in their programming[23].

This would explain the unwillingness of all four bar associations to confront even the "neutral" issue of the facially insufficiency of the Commission on Judicial Nomination's October 4, 2000 report – as a determination by them that the report failed to make the "findings" required by Judiciary Law §63.3 would mean that the Governor could not properly appoint any of these recommendees – including those with whom they have the closest relationships.

Most obvious is James Moore, recommended by the Commission on Judicial Nomination's October 4, 2000 report, and identified in its appended "summary of careers" as State Bar President in 1998-1999. As a recent past president, Mr. Moore plainly has large numbers of close relationships with those on the State Bar's Committee on Judicial Selection, many of whom he may have appointed to the Committee, possibly including Joshua Pruzansky (Exhibit "B-5"), who, in any event was his immediate predecessor as State Bar President.

As for the City Bar, its "full Executive Committee", which determines the ratings of the Commission on Judicial Nomination's recommendees based on reports from three-member panels to which it supplies a member (Exhibit "A-1"), includes one of the recommendees, Richard T. Andrias (Exhibit "A-6"). It also includes a member of the Commission on Judicial Nomination, E. Leo Milonas, whose name appears on the letterhead on which the facially-violative October 4, 2000 report is written. Even assuming that Judges Andrias and Milonas did not themselves participate in the evaluation – which the public has no way of knowing -- their personal and professional friends surely remained.

Neither the State Bar nor the City Bar enclose their pertinent committee membership lists with their ratings (Exhibits "A-1" and "B-1"). Nor do they specify -- when, belatedly and with reluctance, they disgorge such lists -- which committee members, if any, disqualified themselves from participation. Both also refuse to disclose the composition of the appointed subcommittees and panels responsible for the purported "investigation" of the individual candidates.

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[23] The "summary of careers" portion of the Commission on Judicial Nomination's October 4, 2000 report includes generic descriptions that they are "Active in professional...affairs."

As for the State Trial Lawyers Association, whose ratings are the most significant because they are not all uniform, it wholly refuses to identify anything about the 16 participants in its screening, including the basis for their participation – whether as current or past presidents, officers, committee heads, committee members, whether they represent a geographic diversity, or a diversity of sex, religion, ethnicity (Exhibit "D-1").

Only slightly more is disclosed by the Women's Bar Association. Its screening entity, called its "Judiciary Committee", is "comprised of State Officers and representatives of each of the associations' fifteen chapters across the State" (Exhibit "C-1"). However, the Women's Bar refuses to clarify the identities of these "State Officers" and geographic representatives or how many actually participated in the evaluation. Only the identities of the Committee's co-chairs are known: its immediate past president and its current vice-president. Thus, it is undisclosed whether its current president, Deborah Kaplan, whose name appears on the "Media Advisory" announcing the ratings and making complimentary comments about the "Governor's Screening Panel" and the Association's role in the process – is herself a participant (Exhibit "C-1"). President Kaplan is employed by Judge Newton – a fact evident from the list of officers on its website (Exhibit "C-4"), but, significantly, not disclosed in the "Media Advisory".

That President Kaplan issued the "Media Advisory" shows not only her insensitivity to the "appearance of impropriety" obvious to those in the legal community and public aware of her employment by Judge Newton, but the insensitivity of those active at the Women's Bar and on the Committee, who can be presumed aware of their President's employment and of their own conflicts of interest resulting therefrom, both actual and apparent.

Such actual conflicts would surely account for the Committee's failure to pursue evidence relating to Judge Newton's unfitness – such as presented by CJA's October 16, 2000 report -- as well as the related evidence as to Justice Crane's unfitness. This, in addition to accounting for its failure to confront the facial deficiency of the Commission on Judicial Nomination's October 4, 2000 report. It would also explain why, rather than return CJA's report as requested, the Women's Bar would have it and its substantiating proof "shredded on site".

Then, too, there is the profound conflict of interest shared by the City Bar, State Bar, and the Women's Bar. It results from their complicitous cover-up of the Commission on Judicial Nomination's subversion of "merit selection" – and the corruption of the Commission on Judicial Conduct – evidentiarily-presented to them two years ago by CJA's November 18, 1998 letter in the context of their evaluation of Justice Rosenblatt's candidacy. Such complicity, which included their fraudulent approval ratings for Justice Rosenblatt, would have been exposed had they addressed CJA's October 16, 2000 report, with its appended November 18, 1998 letter.

Some of the same people involved in this year's evaluations by the City Bar, State Bar, and Women's Bar were involved in the evaluations two years ago. As hereinabove recited, Mr. Stave is such an example, two years ago as chairman of the State Bar's Judicial Selection Committee and

this year as a member. State Trial Lawyers President Lenore Kramer, who may have been involved this year in the State Trial Lawyers' evaluation, was, two years ago, co-chair of the Women's Bar Judiciary Committee (Exhibit "K"). At the City Bar, Daniel Kolb, a member of its Executive Committee two years ago is still a member of its Executive Committee[24] (Exhibits "A-6", "A-7").

Having "kept the lid" on the corruption exposed by CJA's November 18, 1998 letter, each had an obvious self-interest in "keeping the lid" on the continued corruption demonstrated by the October 16, 2000 report, for which they were responsible by their inaction and cover-up two years ago. Plainly, too, they could count on the help of their fellow bar evaluators, who doubtlessly are also friends with other bar members involved in the 1998 cover-up. As illustrative, members of the City Bar's current Executive Committee (Exhibit "A-6") may be presumed to have personal and professional relationships with former City Bar President Michael Cooper, who was on the Executive Committee during his presidency (Exhibit "A-7"). There is no indication that Mr. Cooper disqualified himself from evaluation of Justice Rosenblatt. As pointed out by CJA's June 20, 2000 letter to President Davis (Exhibit "G", p. 14), following the Executive Committee's fraudulent approval rating for Justice Rosenblatt, President Cooper conceded that he and Justice Rosenblatt had been classmates.

President Davis serves on the City Bar's current Executive Committee. CJA's June 20, 2000 letter establishes that in the four months before the Executive Committee's approval ratings of the Commission on Judicial Nomination's recommendees, he became fully knowledgeable of its fraudulent approval rating for Justice Rosenblatt, covering up for the corruption of the Commission on Judicial Nomination and Commission on Judicial Conduct (Exhibit "G", pp. 13-15). The fact that in those four months he chose to take NO action to ensure that there would be NO repeat – or to otherwise address CJA's fully-documented showing of the City Bar's complicity, over and again, in systemic governmental corruption – is inexplicable but for his own personal and professional ties with those responsible and complicitous in the systemic judicial corruption therein detailed. To no avail CJA's June 20, 2000 letter expressly referred to these ties, reminding President Davis of his "duty under ethical codes of professional responsibility... to rise above [them so as to act] on behalf of the public and City Bar's rank and file" (Exhibit "G", p. 24).

Finally, it should be obvious that adding to the personal and professional relationships among those in the inner circles of bar leadership are their personal and professional relationships with governmental officers who have been aided and abetted the corruption of the Commission on Judicial Nomination and Commission on Judicial Conduct presented by CJA's October 16, 2000 report. This includes this State's most powerful public officers, such as Governor Pataki and State

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[24] As may be seen from CJA's June 20th letter to President Evans, Mr. Kolb was Mr. Kamins' predecessor as Chairman of the City Bar's Judiciary Committee. In that capacity, he became personally familiar with the professionalism and strength of CJA's advocacy and with the City Bar's record of inaction and false statement in face of documentary proof of the corruption of judicial selection and discipline processes (Exhibit "G", pp. 21-23).

Attorney General Spitzer, whose complicity and cover-up is detailed by CJA's March 26, 1999 ethics complaint – and September 15, 1999 supplement, annexed as Exhibits "A-2" and "B" to CJA's October 16, 2000 report, as well as in CJA's February 23, 2000 letter to the Governor, enclosed in File Folder "A". It also includes Chief Judge Kaye, whose complicity, is summarized by CJA's October 16, 2000 report (at pp. 14-15) and substantiated by CJA's March 3, 2000, April 18, 2000 and June 30, 2000 letters to her, culminating in CJA's August 3, 2000 judicial misconduct complaint against her, filed with the Commission on Judicial Conduct – enclosed in File Folder "A"[25].

Obviously, the culpability of individual lawyers involved in the bar evaluations is predicated on their having been provided with CJA's October 16, 2000 report, either original or copies. In fact, bar association "gatekeepers", with their own institutional and personal self-interests to protect, may have withheld it from bar members involved in the evaluations. Similarly, two years ago, bar "gatekeepers" may have withheld CJA's November 18, 1998 letter, also for reasons of institutional and personal self-interest.

VII Conclusion

This report, filed with the First Department Disciplinary Committee, will test whether New York's Code of Professional Responsibility and Disciplinary Rules adopted by this State's four Appellate Divisions are to be applied to this State's most powerful bar associations and the prominent and preeminent lawyers who, in the name of those associations, purported to evaluate the qualifications of candidates for our State's highest court. If the Code and Rules are not to be applied here, based on the above-recited facts, attested to by the accompanying Verification, it is hard to conceive of any circumstances where they would – or should – be applied to lesser bar associations and lawyers evaluating lesser judicial candidates. Indeed, if not here applied, the Institute on Professionalism in the Law should recommend that DR 8-102(a) [22 NYCRR §1200.43(a)] be scrapped as a deceit on the public so that the public can understand that bar associations and their politically-connected lawyers are free to render rigged and fraudulent judicial ratings, with impunity.

This report will also test whether there is any basis for trust and confidence in the Chief Judge's Committee to Promote Public Trust and Confidence in the Legal System, to whom, *via* the Chief

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[25] The Chief Judge's complicity has become steadily more active and shameless. This may be seen by her endorsement of Justice Graffeo's appointment, quoted in the Governor's own press release of the appointment (Exhibit "F-1") – which was in face of the Chief Judge's receipt of CJA's October 16, 2000 report and knowledge that the Governor had likewise received it.

Even apart from CJA's October 16, 2000 report, such endorsement violates §100.5A(e) of the Chief Administrator's Rules Governing Judicial Conduct, proscribing a judge from "publicly endorsing...another candidate for public office." Certainly, it can only have an inhibiting effect on citizens, particularly lawyers, who might be contemplating opposing Justice Graffeo's confirmation.

Judge, it is being submitted. Based on the bar associations' demonstrated complicity in the corruption of "merit selection" appointment to the Court of Appeals, the Committee must recognize the good and sufficient reason for the public's distrust of, and contempt for, the legal establishment, which will not change unless and until the bar is held accountable – as likewise the public officers and agencies whose corruption was the bar's duty to expose. To that end, the Committee to Promote Public Trust and Confidence in the Legal System must notify the First Department Disciplinary Committee that it endorses investigation of this professional misconduct complaint. It must also do what the bar associations were requested to do by CJA's October 16, 2000 report: to call on the Chief Judge, the Legislature, and the Governor – "the appointing authorities who designate the members of both the Commission on Judicial Nomination and the Commission on Judicial Conduct – to launch an official investigation of these two state agencies on which so much of the judicial process and 'Rule of Law' in New York rest." (at p. 22)[26]

Two members of the Committee to Promote Public Trust and Confidence in the Legal System will be especially tested by this report: Justice Graffeo, aspiring to sit on our State's highest court, and Senate Judiciary Committee Chairman Lack, who will preside over her confirmation hearing. Their obligation at the hearing is to confront the evidence presented herein and by CJA's October 16, 2000 report and ensure that the public has a meaningful opportunity to "hear" and "be heard" with respect thereto.

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[26] Obviously, for this to happen, members of the Committee to Promote Public Trust and Confidence in the Legal System having a bias and self-interest must recuse themselves. Apart from Mr. Kamins, this should include, *inter alia*, the Committee's co-chair William Thompson, formerly the highest-ranking judicial member of the Commission on Judicial Conduct. His lawless conduct with Justice Rosenblatt on appellate panels of the Appellate Division, Second Department and as a defendant in the §1983 federal action, *Doris L. Sassower v. Hon. Guy Mangano, et al,* was the subject of four *facially-meritorious* judicial misconduct complaints filed with the Commission on Judicial Conduct, whose unlawful dismissals precipitated the Article 78 proceedings *Doris L. Sassower v. Commission* and *Elena Ruth Sassower v. Commission.*

VERIFICATION

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

The facts set forth in the Center for Judicial Accountability's November 13, 2000 report on "The Complicitous Role of the Bar Associations in the Corruption of 'Merit Selection' Appointment to the New York Court of Appeals", pertaining to my interaction with the New York State Bar Association, the Association of the Bar of the City of New York, the Women's Bar Association of the State of New York, and the New York Trial Lawyers Association are, to the best of my knowledge and recollection, true and correct.

Similarly, the report's other recited facts are, to the best of my knowledge and belief, true and correct.

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

Sworn to before me this
13th day of November 2000

Notary Public

BETH AVERY
Notary Public - State of New York
NO. 02AVA5056824
Qualified in Westchester County
My Commission Expires 3/11/01

TABLE OF EXHIBITS

"B-5":	State Bar membership list of its Executive Committee and Judicial Selection Committee
"B-6":	State Bar President Hassett's November 2, 2000 letter to Senate Judiciary Committee Chairman James J. Lack
Exhibit "C":	Women's Bar Association of the State of New York [Women's Bar]
"C-1":	Women's Bar's October 20, 2000 "Media Advisory"
"C-2":	October 23, 2000 New York Law Journal front-page item on Women's Bar's ratings
"C-3":	CJA's October 23, 2000 fax letter to Women's Bar
"C-4":	Website of Women's Bar listing its Officers and Past Presidents
Exhibit "D":	New York State Trial Lawyers Association [Trial Lawyers]
"D-1":	Trial Lawyers President Lenore Kramer's October 20, 2000 letter to James McGuire, Counsel to Governor Pataki
"D-2":	Trial Lawyers' October 20, 2000 "News Release"
"D-3":	October 24, 2000 New York Law Journal front-page item on Trial Lawyers' ratings
"D-4":	CJA's October 24, 2000 letter fax to Trial Lawyers
Exhibit "E":	October 17, 2000 front-page article in the New York Law Journal, "*Court of Appeals Nominees Grilled by Bar Groups*"
Exhibit "F-1":	Governor Pataki's November 2, 2000 press release: "Governor Pataki Nominates Graffeo to Court of Appeals"

"F-2": *"Pataki Selects Judge for Appeals Court He Sees as Leniant"*, New York Times, November 3, 2000

"F-3": *"Pataki Names Graffeo to Court of Appeals"*, New York Law Journal, November 3, 2000

Exhibit "G": CJA's June 20, 2000 letter to City Bar President Evan Davis

Exhibit "H-1": CJA's September 18, 2000 letter to Guy Miller Struve and P. Kevin Castel

"H-2": November 3, 2000 front-page item in New York Law Journal

Exhibit "I-1": CJA's November 19, 1998 letter to Howard D. Strave, Chairman, State Bar's Judicial Selection Committee

"I-2": CJA's January 4, 1999 letter to State Bar President James C. Moore

"I-3": CJA's February 17, 1999 letter to State Bar President Moore

"I-4": February 18, 1999 letter from Kathleen Baxter to CJA

Exhibit "J-1": *"Where Do You Go When Judges Break the Law?*, public interest ad, New York Times, 10/26/94, Op-Ed page; New York Law Journal, 11/1/94, p. 9

"J-2": CJA's June 1, 1995 letter to Frank Rosiny, Chairman of the State Bar's Committee on Professional Discipline

"J-3": Ms. Baxter's June 5, 1995 letter to CJA

Exhibit "K": CJA's November 19, 1998 letter to Marianne Sussman, Co-Chair, Women's Bar Association's Judiciary Committee, with fax coversheets to her, Co-Chair Lenore Kramer, and President Melinda Bass