

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL

CERTIFIED/RRR 7099-3400-0001-2733-3654

November 13, 2000

President Evan A. Davis  
The Association of the Bar of the State of New York  
42 West 44<sup>th</sup> Street  
New York, New York 10036

ATT: Alan Rothstein, Counsel

RE: CJA's November 13, 2000 report, "The Complicitous Role of the Bar Associations in the Corruption of 'Merit Selection' Appointment to the New York Court of Appeals"

Dear Mr. Rothstein:


Enclosed is CJA's above-entitled November 13, 2000 report, which is being filed with the First Department Disciplinary Committee as a formal complaint of professional misconduct against the City Bar and its culpable officers, members, and staff. Please bring it to the *immediate* attention of President Davis and the other members of the City Bar's Executive Committee, Judiciary Committee, and Committee on State Courts of Superior Jurisdiction who participated in the rigged and fraudulent City Bar ratings of the candidates recommended by the Commission on Judicial Nomination's October 4, 2000 report.

As set forth at page 3 of CJA's November 13, 2000 report, the City Bar can mitigate the disciplinary consequences of the misconduct of its culpable officers, members, and staff. However, for this to be most meaningful, it must be done as soon as possible, preferably in advance of the Senate Judiciary Committee hearing on Justice Graffeo's confirmation or, at latest, at the confirmation hearing. At such time, the City Bar must publicly address the serious issues presented by CJA's October 16, 2000 report as to the Commission on Judicial Nomination's subversion of "merit selection" principles. The first of these issues 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"<sup>1</sup> and, if not, whether the Senate may lawfully proceed with confirmation, over public objection as presented by CJA's October 16, 2000 report.

As the City Bar has committees on professional ethics and professional responsibility, CJA requests that it provide these committees with copies of this report, as well as with copies of CJA's October 16, 2000 report. As you have returned CJA's October 16, 2000 report as no longer needed, a superseding copy<sup>2</sup> is enclosed, albeit without appended exhibits and free-standing File Folders "A" and "B". These will be furnished upon request.

Yours for a quality judiciary,



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

Enclosures

cc: First Department Disciplinary Committee  
Institute on Professionalism in the Law  
Chief Judge Kaye's Committee to Promote Public Trust and Confidence  
in the Legal System

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<sup>1</sup> Emphasis added.

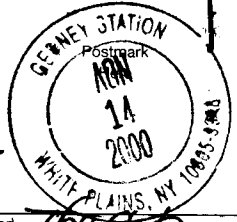
<sup>2</sup> See CJA's October 18<sup>th</sup> fax advising of superseding October 16, 2000 report.

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Alan Rothstein Counsel  
Assoc. of the Bar of the City of NY  
42 West 44th Street  
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