

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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*Elena Ruth Sassower, Coordinator*

BY FAX: 518-426-6904 (6 pages)

BY CERTIFIED MAIL/RRR: 7099-3400-0001-2791-8523

November 21, 2000

Chairman James J. Lack  
Senate Judiciary Committee  
The Capitol, Room 413  
Albany, New York 12247

RE: CJA's Requests for (1) an "Invitation" to the Senate Judiciary Committee's "By Invitation Only" Hearing on Justice Graffeo's Confirmation; (2) Publicly-Available Information on Justice Graffeo's Appointment

Dear Chairman Lack:

Today's New York Law Journal identifies that the Senate Judiciary Committee's confirmation hearing on Justice Graffeo's appointment to the New York Court of Appeals has been tentatively scheduled for 9:30 a.m. on Wednesday, November 29<sup>th</sup> and is "by invitation only". (see enclosed copy).

Please advise what the requirements are for securing such "invitation", as CJA has yet to be "invited" in response to its requests to testify in opposition.

From my telephone conversation with the Committee's Clerk, Susan Zimmer, with whom I spoke at 1:30 pm. on November 2<sup>nd</sup> – *the very day the Governor announced his appointment of Justice Graffeo* -- it was my impression that CJA was the *first* to request to testify. Thereafter, I reiterated this request in phone messages left for Ms. Zimmer on November 8<sup>th</sup>, November 9<sup>th</sup>, and November 13<sup>th</sup>. When Ms. Zimmer returned my calls on November 13<sup>th</sup>, I stated that we had heard nothing from the Committee's counsel, David Gruenberg, and would welcome a call from him to discuss our opposition. I also stated that we were preparing to send you materials relating to that opposition.

November 21, 2000

Those materials, consisting of CJA's October 16, 2000 report on the Commission on Judicial Nomination's subversion of the "merit selection" process to the New York Court of Appeals and CJA's November 13, 2000 report on the bar associations' complicity therein, were sent to you – as likewise to Justice Graffeo – certified mail/return receipt, under a November 13th coverletter. For your convenience a copy is enclosed, as likewise the certified mail/return receipts.

So that CJA may make proper arrangements, please advise as to the status of our request to testify. Please also advise as to the status of our further request for all publicly-available information on Justice Graffeo's appointment. This further request was also made on November 2<sup>nd</sup> and reiterated thereafter.

Thank you.

Yours for a quality judiciary,



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

Enclosures

# New York Law J

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VOLUME 22 —NO. 98

NEW YORK, TUESDAY, NOVEMBER 21, 2000

## TODAY'S NEWS

### *Update*

**The State Senate Judiciary Committee** has tentatively scheduled a confirmation hearing for Court of Appeals nominee Victoria A. Graffeo for 9:30 a.m. on Wednesday, Nov. 29. Justice Graffeo, now sitting in the Appellate Division, Third Department, was recently selected by Governor Pataki to succeed Judge Joseph W. Bellacosa, who left the Court to become dean of St. John's University School of Law. Testimony at the confirmation hearing is by invitation only. The full Senate is expected to vote on Justice Graffeo's nomination the afternoon of Nov. 29.

Senate Judiciary Committee

TRANSMISSION VERIFICATION REPORT

TIME : 11/21/2000 10:33  
NAME : CJA  
FAX : 9144284994  
TEL : 9144211200

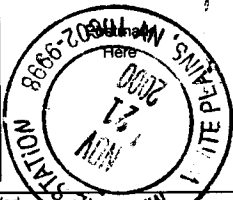
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Senate Judiciary Committee  
The Capitol Room 413  
Albany, NY 12247  
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1. Article Addressed to:  
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Senate Judiciary Committee  
The Capitol, Room 413  
Albany, NY 12247