

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 212-541-4630 [7 pages]

January 22, 2002

Chairman James F. Gill
First Department Judicial Screening Committee
c/o Robinson, Silverman, Pearce, Aronsohn & Berman
1290 Avenue of the Americas
New York, New York 10104

RE: (1) On-the-Bench Misconduct by Appellate Division, First Department Justices Milton L. Williams, Richard T. Andrias, and John T. Buckley, Disqualifying Them from Consideration for Appointment as Presiding Justice of the Appellate Division, First Department; and
(2) Informational Requests

Dear Chairman Gill:

A front-page item in today's New York Law Journal reports that the First Department Judicial Screening Committee will be interviewing candidates for the position of Presiding Justice of the Appellate Division, First Department this Thursday (Exhibit "A-1").

The four candidates identified include Appellate Division, First Department Associate Justice Milton L. Williams, who is described as "a likely leading contender", and Appellate Division, First Department Associate Justices Richard T. Andrias and John T. Buckley, who are categorized as "other potentially strong candidates".

As you and other members of the First Department Judicial Screening Committee know from past correspondence going back to the earliest days of Governor Pataki's permanent Judicial Screening Committees¹, our non-partisan, non-profit citizens' organization, the Center for Judicial Accountability, Inc. (CJA), is a credible source of *adverse* information concerning the fitness of

¹ See, *inter alia*, CJA's June 12, 1997 letter, enclosing our June 2, 1997 letter to Governor Pataki. Also, CJA's July 25, 1997 letter to you and follow-up faxes, transmitting documentary materials relating to the unfitness of Supreme Court Justices Herman Cahn and Stephen G. Crane for elevation to the Appellate Division.

EX "F"

judicial candidates.

Please be advised that Justices Williams, Andrias, and Buckley have each demonstrated their absolute unfitness for any judicial office by on-the-bench misconduct so serious as to warrant their removal from the bench. Their misconduct occurred in the two integrally-related appeals, *Michael Mantell v. New York State Commission on Judicial Conduct* (S. Ct./NY Co. #108655/99) and *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* (S. Ct./NY Co. #108551/99), which should have been heard together, but by reason of the misconduct of Justices Williams and Buckley were not.

Each of these appeals was of transcending importance to the People of this State. Each established, by documentary proof, the corruption of the sole state agency charged with the duty of protecting the public from misconduct by state judges, covered up by factually false, fabricated, and legally insupportable lower court decisions – the subject of the appeals. Indeed, each appeal established that the fraudulent lower court decisions were part and parcel of systemic judicial and governmental corruption in which New York's most powerful leaders are complicitous – Governor Pataki, among them.

The response of Justices Williams and Buckley, and, thereafter of Justices Williams and Andrias to these important, politically-explosive appeals, which, if adjudicated with passing respect for the documented facts and controlling, black-letter law, would have had severe criminal repercussions on Governor Pataki, was to utterly corrupt the appellate process. This included jettisoning ALL adjudicative standards and anything resembling the rule of law in connection with dispositive threshold motions in each of these appeals. These threshold motions, whose *express* purpose was to safeguard the integrity of the appellate process, were each denied, *without reasons or findings*, in the same decisions as affirmed the lower court decisions. Such affirmance decisions made *no* findings based on the record and *never* identified and discussed a single one of the appellants' appellate arguments. In fact, they went beyond "affirmance" so as to insulate the Commission from further legal challenge. This, by baldly pretending that the appellants lacked standing to sue the Commission – a pretense *not* adopted by either of the appealed-from lower court decisions.

Consistent with ¶2c of Governor Pataki's Executive Order #10.1, prohibiting the committee from "pass[ing] on the qualifications of any candidate until after a thorough inquiry has been made by the committee and its staff", and Section VIII, ¶4 of the Uniform Rules for Governor Pataki's Judicial Screening Committees, requiring "a thorough investigation of each candidate", the Committee and/or its staff are obligated to obtain further information about the official misconduct of Justices Williams, Buckley, and Andrias in *Mantell v. Commission* and *Elena Sassower v. Commission*.

January 22, 2002

I am able to provide *direct, first-hand testimony* on the subject – and to substantiate same with *readily-verifiable* documentary proof from both appeals. Upon request, I will immediately fax the Committee the pertinent excerpts from *Mantell v. Commission* and *Elena Sassower v. Commission* pertaining to the misconduct of Justices Williams, Buckley, and Andrias, as well as prepare a full copy of the record of these appeals for transmittal to the Committee's offices – including, in particular, the dispositive threshold motions. Indeed, I could be at the Committee's offices with a copy of the record by 9:00 tomorrow morning. Meantime, I enclose a copy of the two fraudulent appellate decisions, as printed in the November 20, 2000 and December 20, 2001 New York Law Journal (Exhibits "B-1" and "B-2").

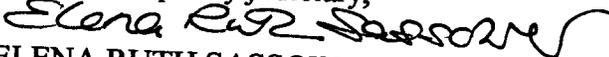
Insofar as today's item in the Law Journal speculates as to the newly-created 16th seat in the Appellate Division, First Department (Exhibit "A-1") – a judgeship first reported in the December 26, 2001 Law Journal as if it were some great secret being disclosed (Exhibit "A-2"), please advise as to whether, pursuant to Section VII of the Uniform Rules for Governor Pataki's Judicial Screening Committees, you and Nan Weiner, Executive Director of the Governor's Judicial Screening Committees, "arrange[d] for broadly disseminated public notice of the existence of the vacancy, of the procedure to be followed by prospective candidates to be considered by the Committee, and of any date... set after which questionnaires may no longer be accepted... to ensure that highly qualified candidates are drawn from a cross-section of the jurisdiction involved, reflecting a diversity of experience and background". If so, please advise as to where this public notice was disseminated, the procedures identified for applicants, and the date set for receipt of questionnaires.

As CJA has long been endeavoring, without success, to obtain a copy of the questionnaires used by Governor Pataki's Judicial Screening Committees, we also request a copy of the questionnaires.

Finally, pursuant to ¶6 of Governor Pataki's Executive Order #10.1, the members of his Judicial Screening Committees are appointed to three-year terms, subject to the provisions of §5 of the Public Officers Law. As it is now more than three years since March 1997, when appointments to the four Department Judicial Screening Committees were made, please advise as to the current membership of the First Department's Judicial Screening Committee, including the appointing authority.

Thank you.

Yours for a quality judiciary,


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

Enclosures (4)

cc: Nan Weiner, Executive Director/Governor Pataki's Judicial Screening Committees

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FAX COVER SHEET

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DATE: 1/22/02 TIME: 11³⁵ am FAX #: 212-541-4630

TO: Austin V. Campriello / Victoria Bockel
counsel to Chairman James Gill

RE: First Dept State Judicial Screening Committee

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE: Following up voice mail messages
left for each of you shortly before
11 am, enclosed is CJA's letter
to Chairman Gill regarding the
unfitness of Justices Williams,
Andrias & Buckley for appointment
as Presiding Justice of the
Appellate Division, First Dept.

CENTER for JUDICIAL ACCOUNTABILITY, INC. is a national, non-partisan, non-profit citizens' organization documenting how judges break the law and get away with it.

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1 FAX #: 212-541-4630

2 /Victoria Becker
an James Gill

icial Screening Committee
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