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TESTIMONY OF ELENA RUTH SASSOWER, DIRECTOR CENTER FOR JUDICIAL ACCOUNTABILITY, INC. (CJA)

In Opposition to Senate Confirmation of Appellate Division, First Department Presiding Justice Jonathan Lippman to the New York Court of Appeals. Presented at the Public Hearing of the New York State Senate Judiciary Committee, Wednesday, February 11, 2009, Albany, New York

My name is Elena Ruth Sassower and I am the director and cofounder of the Center for Judicial Accountability, Inc. (CJA), a non-partisan, non-profit citizens' organization, dedicated to safeguarding the public interest in judicial selection and discipline.

I appear today in strong opposition to Senate confirmation of Governor Paterson's appointment of Appellate Division, First Department Presiding Justice Jonathan Lippman to the New York Court of Appeals. CJA's opposition is on multiple grounds: (1) Justice Lippman's appointment is the product of a corrupted "merit selection" process; (2) Justice Lippman's official misconduct as Chief Administrative Judge; (3) Justice Lippman's official misconduct as Appellate Division, First Department Justice; and (4) Justice Lippman's disregard of the public's welfare by his deal-making to become a Supreme Court Justice – his stepping stone to becoming the Appellate Division, First Department's Presiding Justice.

This Committee purported to look into the "merit selection" process that produced Justice Lippman's nomination by two hearings, held on January 27, 2009 and February 3, 2009. I testified at the first of those hearings. However, none of this Committee's members, except for Chairman Sampson, was present for my testimony – or for the testimony of another good-government, judicial activist, Kevin McKeon. According to Senate Judiciary Committee counsel, the hearing transcripts are not yet available, at least not to the public. Nor is there a committee report identifying, let alone evaluating, the information and evidence that I and Mr. McKeon presented and proffered with our testimony, or that had been presented and proffered to the Senate Judiciary Committee by other members of the public, most notably, William Galison, who was given no notice of either hearing. That evidence establishes the corruption of the constitutionally-ordained "merit selection" process that has produced Judge Lippman's nomination. Such renders his nomination unconstitutional and a nullity, *as a matter of law*. His confirmation cannot lawfully take place until this Committee releases its findings with respect to that evidence which, to date, it has not even investigated.

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