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FAX COVER SHEET

10/7/94

1:10 p.m.

DATE

TIME

ARI GOLDMAN, COLUMBIA SCHOOL OF JOURNALISM

TO:

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FROM: Elena Ruth Sassower, Coordinator

MESSAGE:

As discussed, I transmit herewith the September 27th New York Times' editorial "No Way to Pick and Judge" and my letter to the editor.

NVT 9/27/94

No Way to Pick a Judge

Talk about cozy. As a member of the New York State Assembly, George Friedman sponsored a bill this summer creating a new state Supreme Court judgeship in the Bronx. Wearing a second hat as chairman of the regular Bronx Democratic Party organization, Mr. Friedman helped orchestrate the party's judicial convention, which met last week to nominate candidates for that new judgeship and two others at stake in the Bronx this November.

Now, guess who is going to be a judge? None other than Mr. Friedman. The convention, controlled by party leaders, chose him for one of the three coveted openings, virtually insuring his election in the overwhelmingly Democratic borough.

In terms of experience, temperament and political independence, there might well be better choices for the state's highest trial court than Mr. Friedman. As is often the case under New York's system of judicial elections, however, his ascension

to the bench is part of a larger political deal. This one cleared the way for Bronx Borough President Fernando Ferrer to install his own hand-picked candidate, Assemblyman Roberto Ramirez, as the new party chairman, succeeding Mr. Friedman.

Mr. Friedman, not incidentally, conveniently kept his judicial ambitions in check until after his name was already on the ballot for re-election to the Assembly. The timing means that party insiders — not voters — will now get to choose his replacement, in effect choosing the next assemblyman.

Like Representative José Serrano, who waged a losing race for the party chairmanship, Mr. Ferrer and Mr. Ramirez now pledge to democratize the party and introduce a merit screening process that would, presumably, place a higher value on important judgeships, which are too often treated as golden parachutes for party loyalists. Too bad they did not think of that sooner.

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October 5, 1994

Letter to the Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Editor:

There is an important, but scarcely recognized, connection between the Times' September 27th editorial "No Way to Pick a Judge" and its September 17th editorial "New York's Mystery General". What the September 27th editorial describes is a reprehensible and cynical horse-trade in judgeships. However, in 1990 and 1991 when a similarly noxious manipulation of judgeships was challenged in the Election Law case of Castracan v. Colavita, judges of our state courts--themselves beneficiaries of judge-trading deals--dumped that case by disregarding the law and falsifying the factual record. They then used their judicial office to go after the lawyer who, pro bono, had brought such precedent-setting challenge to judge-trading. That lawyer, Doris L. Sassower, was suspended by the Appellate Division, Second Department in an order stating no reasons, making no findings, and not preceded by any hearing.

The Appellate Division knew such order was unlawful at the time it was issued. Yet, in the more than three years that have since elapsed, it has, without reasons, refused to vacate such findingless suspension order and refused to direct an immediate hearing as to the basis of that suspension.

This brings us to your September 17th editorial which asks about the function of the New York State Attorney General. When Ms. Sassower thereafter sued the Appellate Division, Second Department for retaliating against her by a fraudulent suspension of her license, it was the Attorney General, our state's highest law officer, who defended the judges. And how did the Attorney General defend his judicial clients in Sassower v. Hon. Guy Mangano, et al.? By disregarding unequivocal law and rules regarding judicial disqualification and arguing, without any legal authority, that his judicial clients were not disqualified from deciding their own case. And who did the Attorney General argue this to? None other than to his own judicial clients, the Appellate Division, Second Department, who were only too happy not to allow allegations that they had engaged in criminal conduct to be decided by an independent and impartial tribunal--as the law required.

Last week, the New York State Court of Appeals denied review of the Appellate Division, Second Department's self-interested dismissal of Sassower v. Hon. Guy Mangano, et al. much as it had, three years earlier, denied review of Castracan

v. Colavita. It did so in both cases by falsely ruling that there was "no substantial constitutional question".

And so, with the blessings of our state's highest court and our state's highest law officer, judgeships will continue to be traded--and few lawyers will be willing to challenge the "business as usual" politicking in judgeships, when to do so means putting their licenses and livelihoods on the line.



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

The Center for Judicial Accountability is a non-partisan citizens' group working to improve the quality of the judiciary.