

**CENTER for JUDICIAL ACCOUNTABILITY, INC.\***

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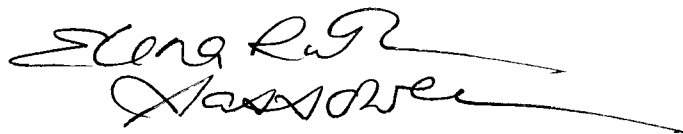
September 16, 2009

TO: Senate Judiciary Committee Counsel Tim Spotts

RE: September 24, 2009 Hearing on the New York State Commission on Judicial Conduct  
& Court-Run Attorney Disciplinary System

In preparation for my testimony next Thursday, September 24, 2009, I enclose my self-explanatory letter of today's date to the Commission on Judicial Conduct's Administrator, Robert Tembeckjian, to which Chairman Sampson is an indicated recipient.

Thank you.



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\* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working, since 1989, to ensure that the processes of judicial selection and discipline are effective and meaningful.

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September 16, 2009

Robert H. Tembeckjian, Administrator  
New York State Commission on Judicial Conduct  
61 Broadway, Suite 1200  
New York, New York 10006

RE: Litigation challenges to the Commission on Judicial Conduct—  
particularly by complainants whose complaints the Commission  
had dismissed

Dear Mr. Tembeckjian:

Thank you for providing me with a copy of the Commission's June 8, 2009 written statement, submitted to the Senate Judiciary Committee in conjunction with its hearings on the Commission.

On page 8 of the written statement, under a title heading "Litigation Challenging the Commission", appears the following:

"Since its creation, the Commission has been challenged on more than a hundred occasions – in federal as well as state courts – by judges and complainants attacking the constitutionality, authority, procedures and decisions of the Commission. In no instance has a Commission procedure or rule been overturned. In 88 appeals of Commission disciplinary determinations heard by the Court of Appeals, only once did the Court dismiss the case. In sum, the courts over the years have underscored the Legislature's enactment of the public will that there be a strong Commission to enforce ethics standards on the judges of the (sic) New York State."

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Do you have a list of these referred-to litigation challenges? I am specifically interested in challenges brought by complainants whose complaints the Commission had dismissed.

Back in April 1995, your predecessor, Gerald Stern, provided me with the enclosed list of challenges brought by complainants, in response to my request for same.

As Mr. Stern's list is now over fourteen years old, I would appreciate an updated list from you, at your earliest convenience, so that I may furnish it to the Senate Judiciary Committee in conjunction with my testimony next Thursday, September 24, 2009.

Thank you.

Yours for a quality judiciary,



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

Enclosure

cc: Senate Judiciary Committee John L. Sampson  
ATT: Tim Spotts, Counsel