determination of its lack of facial merit.

EIGHTH: In April 1995, CJA spearheaded an Article 78 proceeding, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (NY Co. #95-109141) [hereinafter "the prior Article 78 proceeding"], challenging the constitutionality of 22 NYCRR §7000.3, *as written* and *as applied* to Respondent's dismissals, without investigation, of eight facially-meritorious judicial misconduct complaints against powerful, politically-connected judges -- including five complaints against Respondent's then highest-ranking judicial member, Appellate Division, Second Department Justice William C. Thompson. None of the aforesaid eight judicial misconduct complaints had been determined to be facially lacking in merit by Respondent, which also never identified the legal authority for dismissing the complaints, then or thereafter. Based on the evidence presented by those summary dismissals that Respondent was complicitously covering up high-level judicial corruption, the prior Article 78 proceeding sought a judicial request to the Governor for appointment of a special prosecutor and referral of Respondent, both its members and staff, to the State Attorney General, the United States Attorney, the District Attorney in New York County, and the State Ethics Commission for disciplinary and criminal investigation.

NINTH: In July 1995, the prior Article 78 proceeding was dismissed by a Supreme Court decision (per Herman Cahn, J.) which upheld the constitutionality of §7000.3, *as written*, by falsely attributing to Respondent the Court's own *sua sponte* argument which did not reconcile the facial discrepancy between §7000.3 and Judiciary Law §44.1. As to the constitutionality of §7000.3, *as applied* to Respondent's dismissals of the aforesaid eight facially-meritorious judicial misconduct complaints, the decision falsely stated that the

Ex "H"

Petitioner therein had contended that Respondent had "wrongfully determined" that her complaints lacked facial merit -- which she had not -- and then falsely held that the "issue is not before the court". All other relief was dismissed.

TENTH: Since shortly after the July 1995 decision, Petitioner, as CJA coordinator, has repeatedly called upon Respondent to take corrective steps to vacate it for fraud.

ELEVENTH: On the same subject, Petitioner has also directed extensive correspondence to public leaders, in and out of government, calling upon them to take corrective steps on the public's behalf, based on the record of the prior Article 78 proceeding showing that Respondent is the beneficiary of a fraudulent decision, without which it could not have survived. Among these are the public agencies and officers served with the within Notice of Right to Seek Intervention on behalf of the public, all of whom were served with Notice of Right to Seek Intervention in the prior Article 78 proceeding on behalf of the public.

TWELFTH: Reflecting Petitioner's extensive communications with Respondent, the public agencies and officers served with the Intervention Notice, and others is her May 5, 1997 memorandum to them (Exhibit "A"). Annexed thereto, in addition to Petitioner's published Letter to the Editor, "*Commission Abandons Investigative Mandate*" (New York Law Journal, 8/14/95, p. 2), and CJA's $1,650 public interest ad, "*A Call for Concerted Action*" (New York Law Journal, 11/20/96, p. 3), was an analysis of the factually and legally unfounded and insupportable Supreme Court decision in the prior Article 78 proceeding.

THIRTEENTH: Neither Respondent nor the other recipients of the May

5, 1997 memorandum ever controverted said analysis, presented then or previously to them. This non-response was highlighted in CJA's public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (New York Law Journal, 8/27/97, pp. 3-4) (Exhibit "B")[1].

FOURTEENTH: The facts and legal argument set forth in that analysis as to the false and fraudulent nature of the decision in the prior Article 78 proceeding were, and are, accurate and correct.

FIFTEENTH: Due to Respondent's continuing failure and refusal to meet its ethical and professional responsibilities, and the inaction of those in leadership positions to whom Petitioner turned, the public has been wholly unprotected from Respondent's pattern and practice of disregarding its aforesaid mandatory statutory and constitutional duties to cover up for law-breaking, but powerful, politically-connected judges.

SIXTEENTH: As to the powerful, politically-connected judges who were the subject of the eight facially-meritorious complaints presented, but not adjudicated, in the prior Article 78 proceeding, they have continued their corrupt and lawless conduct, unrestrained by Respondent -- to the profound detriment of Petitioner therein, Petitioner herein, and the People of the State of New York. This corrupt conduct includes, most particularly, that of justices of the Appellate Division, Second Department, among them Justice Albert Rosenblatt, who was also emboldened to seek appointment as an associate judge on the New York Court of Appeals -- a position he was able to obtain in December 1998 by virtue of Respondent's unabated protectionism of politically-connected judges, as hereinafter set forth.

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[1] Petitioner paid the $3,077.22 cost of that ad personally.