

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

P. O. Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 684-6554

E-Mail: [judgewidth@aol.com](mailto:judgewidth@aol.com)  
On the Web: <http://www.judgewidth.org>

## FAX COVER SHEET

This fax transmission consists of a total of 6 pages including this cover page. If you have not received all the pages, please call (914) 421-1200.

DATE: 10/23/96 TIME: 11 am

TO: Ruth Hochberger, Editor TITLE: NJLJ

FAX #: 696-4287 RE: 212

FROM: Elena Ruth Sasser, Coordinator

**NOTE:** The information herein contained is **PRIVILEGED AND CONFIDENTIAL**, intended for the use of the intended recipient, named above. If you are not the intended recipient or an agent or employee responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination or copying of this document or the information contained herein is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone at the above indicated telephone number and return the original facsimile to us at the above address by mail. You will be reimbursed for all costs incurred. Thank you!

MESSAGE: Herein faxed is an letter response  
to Richard Kuh's Perspective piece  
(10/17/96), "Re Importance of Being Critical"  
Should you wish to see our  
correspondence with the bar leaders,  
politicians & others ~~refer~~ referred to  
in our letter, we will readily - &  
gladly - provide it to you.  
Thank you.

CENTER for JUDICIAL ACCOUNTABILITY, INC. is a national, non-partisan, not-for-profit citizens' organization raising public consciousness about how judges break the law and get away with it.

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

Box 69, Gedney Station  
White Plains, New York 10605

BY FAX: 212-696-4287

October 23, 1996

Letter to the Editor  
New York Law Journal  
345 Park Avenue South  
New York, New York 10010

ATT: Ruth Hochberger, Editor

RE: "Call for Concerted Action"

In his candid Perspective piece "The Importance of Being Critical" (10/17/96), Richard Kuh expresses concern that the Committee to Preserve the Independence of the Judiciary, in its rush to defend judges from personal attack, will ignore legitimate criticism against judges. He therefore suggests that the now seven-month old Committee be countered by formation of "an up-front, outspoken, courageous group...to publicly attack bench shortcomings".

In fact, such "up-front, outspoken, courageous group" already exists and it has not only challenged "bench shortcomings", but the rhetorical posturing of the Committee to Preserve the Independence of the Judiciary.

The group is the Center for Judicial Accountability, Inc. (CJA), a national, non-partisan, non-profit organization of lawyers and laypeople. For the past seven years, CJA has documented the dysfunction and politicization of judicial selection and discipline processes on local, state, and national levels and has been on the front-lines in taking action to protect the public. Two years ago, we ran an ad on the Op-Ed page of The New York Times entitled, "Where Do You Go When Judges Break the Law?", about our in-the-trenches formative background in battling political manipulation of judicial elections in this State and about judicial retaliation against a judicial whistleblower. On November 1, 1994, we re-ran that ad in this newspaper.

CJA's work has received growing media attention: in an A & E Investigative Report on the American justice system, in Reader's Digest and, most recently, and in an article entitled "Playing Politics with Justice" in the November issue of Penthouse.

Both this year and last, the New York Law Journal has printed Letters to the Editor from us. In "No Justification for Process's Secrecy" (1/24/96), we recounted our testimony at the so-called "public" hearing of Mayor Giuliani's Advisory Committee on the Judiciary, protesting, on behalf of the public, its

exclusion from the Mayor's behind-closed-doors selection process and demonstrating that such secrecy makes "merit selection" impossible. In "Commission Abandons Investigative Mandate" (8/14/95), we described our ground-breaking litigation against the New York State Commission on Judicial Conduct, challenging the constitutionality of its self-promulgated rule (22 NYCRR §7000.3) by which it has unlawfully converted its statutory duty to investigate facially-meritorious complaints (Judiciary Law §44.1) into a discretionary option, unbounded by any standard. Our published Letter invited the legal community to review the New York County Clerk's file (#95-109141) so as to verify the evidentiary proof therein that the Commission protects politically-connected, powerful judges from disciplinary investigation and that it survived our legal challenge only because of a judge's fraudulent dismissal decision.

Back in February of this year, at a time when bar leaders were hemming and hawing on the sidelines as Mayor Giuliani and Governor Pataki were calling for the removal of Judge Lorin Duckman based on their selected readings of transcript excerpts from hearings at which Judge Duckman lowered bail for Benito Oliver, CJA had already obtained the full transcript. We wasted no time in publicly rising to the defense of Judge Duckman and sent a letter to the Mayor, the Governor, and the Brooklyn District Attorney, charging them with

October 23, 1996

inciting the public by deliberately misrepresenting and distorting the transcript. Indeed, because of Mayor Giuliani's professed concern in protecting New Yorkers from "unfit judges", we delivered to him a copy of the file of our case against the Commission on Judicial Conduct so that he could take action against it for endangering the public by its demonstrable cover-up of judicial misconduct and corruption.

It was against this dazzling record of pro bono civic activism by CJA, protecting the public from self-serving politicians, no less than from unfit judges, that bar leaders and law schools formed the Committee to Preserve the Independence of the Judiciary in early March. Prior to its organizational meeting at the New York County Lawyers Association, CJA requested the opportunity to be present. We made known to the Committee's organizers our public defense of Judge Duckman, as well as the significance of our case against the Commission on Judicial Conduct -- the file of which we had provided six weeks earlier to the City Bar. Nevertheless, when we arrived for the Committee meeting, with yet another copy of the file of our case against the Commission, the room was literally locked with a key to bar our entry. Meantime, Judge Duckman's attorney was ushered in to address the assembled bar leaders and law school deans and to be present while the Committee reviewed its draft "Statement". This Statement, of course, included rhetorical support for "the

October 23, 1996

independent functioning of the constitutionally created New York State Commission on Judicial Conduct".

Since then, the Committee to Preserve the Independence of the Judiciary has continued to shut us out and ignore the file evidence in its possession that the Commission is "not merely dysfunctional, but corrupt". Likewise, all the politicians to whom we have given copies of the file, including Governor Pataki, have ignored it. Indeed, we cannot find anyone in a leadership position willing to even comment on the Commission file.

Such flagrantly dishonest conduct by leaders of the bar, law school deans, and government officials only further reinforces the conclusion that if the real and pressing issues of judicial independence and accountability are to be addressed, including protection for judicial whistleblowers, it will require the participation of those outside established circles of power.

CJA invites lawyers who care about the integrity of the judicial process -- and the quality of judges around which the process pivots -- to join us for concerted action. Requests for anonymity are respected.



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc.