

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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By Hand

November 17, 1996

Ruth Hochberger, Editor-in-Chief
New York Law Journal
345 Park Avenue South
New York, New York 10010

Dear Ms. Hochberger:

At 4:20 p.m. on Friday, November 15th--after weeks of unreturned telephone messages for you, inquiring about the status of our October 23rd Letter to the Editor--and after sending an unresponded-to November 4th letter to you explicitly requesting a response "by the end of the day" so that we could make "timely alternate arrangements" in the event the Law Journal was not going to publish our October 23rd Letter--we belatedly received a telephone call from your assistant, Ashley Kim.

Ms. Kim informed us that if we would shorten our October 23rd Letter to the Editor, it would be "considered". I told Ms. Kim that we had already spent most of the past week--and hundreds of dollars--to lay out our Letter as a paid advertisement in the November 20th issue of the Law Journal and that we could not "pull it" at the last moment when she was not even assuring us that even if we cut the Letter, it would be published.

I questioned Ms. Kim as to why, if the problem with our Letter was simply its length, the Law Journal had refused to timely inform us of that fact, ignoring our repeated inquiries over several weeks. Ms. Kim had no answer. Nor did Ms. Kim explain why the Law Journal had not itself shortened the Letter--as is done by other publications. I told her that over the weekend a major publication was going to be printing a Letter to the Editor from us--which it had shortened and then faxed to us for approval¹.

¹ In case you missed it, a copy of our published Letter to the Editor, which appeared in The New York Times on Saturday, November 16th, is enclosed.

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I stated that I did not believe that our October 23rd Letter was longer than Mr. Kuh's "Perspective" piece and expected that, if it were too long for a Letter to the Editor, the Law Journal would have recognized it as an ideal "Perspective" piece. I also told Ms. Kim that having spent so much time already on the ad, we no longer had time to spend shortening our Letter. Indeed, I told her that we had spent a great deal of time trying to shorten it for our ad--but had been unable to figure out what to cut.

So there is no misunderstanding, we are certainly willing to "pull" our ad if the Law Journal will commit itself to publishing our Letter as a "Perspective" piece.

As set forth in our November 4th letter to you,

"In view of the extremely serious matters described by our Letter [to the Editor]--profoundly affecting the public interest and the legal community -- it would be irresponsible for us to let it fall into a 'black hole' -- never to be known or seen."

A copy of our November 4th letter is enclosed for your convenience.

As discussed with Ms. Kim, I am enclosing a copy of our finalized ad--a last draft of which was faxed to Ms. Kim at 4:50 p.m. on Friday, following my lengthy telephone conversation with her.

Please let us hear from you ASAP.

Yours for a quality judiciary,



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

Enclosures

The New York Times

EDITORIALS/LETTERS SATURDAY, NOVEMBER 16, 1996

On Choosing Judges, Pataki Creates Problems

To the Editor:

Our citizens' organization shares your position that Gov. George E. Pataki should take the lead in protecting the public from processes of judicial selection that do not foster a quality and independent judiciary ("No Way to Choose Judges," editorial, Nov. 11). However, the Governor is the problem — not the solution.

A Sept. 14 news article described how Governor Pataki had politicized "merit selection" to New York's highest court by appointing his own counsel, Michael Finnegan, to the Commission on Judicial Nomination, the supposedly independent body that is to furnish him the names of "well qualified" candidates for that court.

More egregious is how Governor Pataki has handled judicial appointment to the state's lower courts. Over a year and a half ago, the Governor promulgated an executive order to establish screening commit-

tees to evaluate candidates for appointive judgeships. Not one of these committees has been established. Instead, the Governor — now almost halfway through his term — purports to use a temporary judicial screening committee. Virtually no information about that committee is publicly available.

Indeed, the Governor's temporary committee has no telephone number, and all inquiries about it must be directed to Mr. Finnegan, the Governor's counsel. Mr. Finnegan refuses to divulge any information about the temporary committee's membership, its procedures or even the qualifications of the judicial candidates Governor Pataki appoints, based on its recommendation to him that they are "highly qualified."

Six months ago we asked to meet with Governor Pataki to present him with petitions, signed by 1,500 New Yorkers, for an investigation and public hearings on "the political manipulation of judgeships in

the State of New York." Governor Pataki's response? We're still waiting.

ELENA RUTH SASSOWER
Coordinator, Center for Judicial
Accountability Inc.
White Plains, Nov. 13, 1996