



Columns & Opinions

- The Simple Life
- Comment
- Reckonings
- Opinion
- Letters
- News & Features
- Newsfront
- F.Y.I.

Features

- Profile
- Dining
- This Week's Review
- The Dining Guide
- Leftovers
- Cinema & Video
- Weekly Reviews
- Picture This
- Clips
- The Movie Schedule

Music

- Listen Here
- Live
- Recordings
- Noteworthy
- Clubs & Concerts

Arts

- Theater
- Dance
- Art
- Classical
- Books
- Art Murmur

Calendar

- Night & Day
- Event Listings
- Classifieds

View Classified Ads

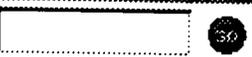
Place a Classified Ad

Personals

Online Personals

Place A Print Ad

AccuWeather



About Metroland

- Where We Are
- Who We Are
- What We Do
- Work For Us
- Place An Ad

LETTERS

Sitting in Judgment

To the Editor:

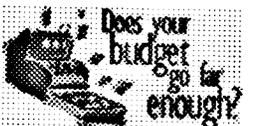
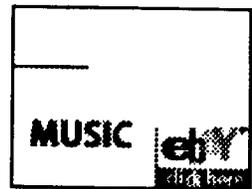
Erin Sullivan's article about the New York State Commission on Judicial Conduct ["Who's To Judge?," Feb. 28] identifies that as far back as 1989 the state comptroller was stymied as he attempted to "judge" whether the commission was "wrongfully dismissing complaints against judges without cause and justification." This, because the commission's operations are cloaked in confidentiality.

Yet Sullivan does not identify that the Center for Judicial Accountability, Inc., a nonprofit, nonpartisan citizens' organization, has pierced the confidentiality that has insulated the commission from scrutiny by collecting, *directly from complainants*, copies of their dismissed complaints. In so doing, CJA has been proving, for over a decade, what the state comptroller could not: that the commission is unlawfully dismissing, *without investigation*, serious complaints of judicial misconduct—particularly when the complained-against judges are powerful and politically connected.

Sullivan does not identify that CJA has been endeavoring, singlehandedly, to secure legislative-oversight hearings based on three categories of evidence of the commission's corruption. What are these categories of evidence—all *readily verifiable*?

Beyond copies of dismissed complaints from CJA's archive, is the law pertaining to the commission. Most important is Judiciary Law §44.1, requiring the commission to investigate *every facially-meritorious* complaints it receives. Yet, as I showed Sullivan, the commission has promulgated a rule, 22 NYCRR §7000.3, giving itself complete discretion to do anything or nothing with complaints.

The third category of evidence are files of lawsuits brought by complainants whose *facially meritorious* complaints were dismissed by the Commission, *without investigation*. I discussed with Sullivan three such lawsuits—each evidencing the identical pattern, *to wit*, the commission had NO legitimate defense; corrupted the judicial process with litigation misconduct of its attorney, the state attorney general; and was rewarded by a series of FIVE fraudulent judicial decisions—without which it would *not* have survived.



The first fraudulent decision was in a 1995 lawsuit brought by CJA's cofounder, Doris L. Sassower, to strike down §7000.3. A judge "protected" the commission by concocting an argument purporting to reconcile §7000.3 and Judiciary Law §44.1. In fact, his argument is an utter hoax, as Sullivan was able to swiftly recognize. The second fraudulent decision was in a 1999 lawsuit brought by attorney Michael Mantell, where a second judge "protected" the commission by concocting another argument, also completely bogus. The third fraudulent decision, in my 1999 lawsuit, is a "no brainer" as it rests, *exclusively* on the other two fraudulent decisions. From these, it was a small step for Sullivan to recognize that the appellate affirmances in Mantell's lawsuit and my own are necessarily fraudulent. Indeed, from these affirmances—each only a few sentences long—Sullivan could also see that the appellate court had taken a dramatic step to further "protect" the commission: adding a single sentence, unsupported by any factual findings or discussion of any legal authority, that complainants whose complaints the commission dismisses lack "standing" to sue.

Sullivan has yet to "put flesh" on my important lawsuit against the commission, now headed to the Court of Appeals. Had she done so, *Metroland* readers would understand how explosive my six claims for relief are—and that it is for this reason that she could find no one in "leadership" positions to comment. Indeed, the judicial misconduct complaint, whose dismissal by the commission triggered my lawsuit is no ordinary complaint. It involves the believed perjury of now Court of Appeals Judge Albert Rosenblatt on his *publicly inaccessible* application for appointment to that court, our state's highest. In 1998, the commission "sat" on the complaint while Gov. Pataki, who knew of it, appointed Rosenblatt. The commission then continued to "sit" on it as the Senate Judiciary Committee rammed through Rosenblatt's confirmation by an unprecedented *no-notice, by-invitation-only* confirmation "hearing"—at which *no opposition testimony was permitted*. Only then did the commission dismiss the complaint—*without investigation and without reasons*. It is this resulting lawsuit that State Bar President Steven Krane, who clerked for Chief Judge Kaye at the Court of Appeals, pretends does not involve "matters of statewide significance."

Sullivan must continue to search among "leaders", in government and out, for comment on the important evidentiary issues my lawsuit presents. Their refusal to comment is itself a mighty story. Yet, she need not be stymied in verifying the file evidence that the commission is corrupt and has been "protected" by a corrupted judicial process. Among this state's 137,994 lawyers are surely a few willing to volunteer to review the case file and provide their professional opinion. Some of these lawyers may themselves be *Metroland* readers. I invite them to come forward in answer to Sullivan's unanswered question, "Who's to Judge?"

Elena Ruth Sassower
Coordinator, Center for Judicial Accountability