

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 8101
White Plains, New York 10602

Tel. (914)455-4373

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

By Fax: 212-227-2919 (6 pages)

February 11, 2013

TO: Sherry Klein Heitler, Administrative Judge for Civil Matters, First Judicial District

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Your Mandatory Supervisory and Disciplinary Responsibilities: Center for Judicial Accountability, Inc., et al. v. Cuomo, et al. (NY Co. #401988/2012)

Enclosed is my self-explanatory complaint of today's date to Inspector General Sherrill Spatz against New York County Clerk Norman Goodman for obstructing justice and collusion in record tampering in *Center for Judicial Accountability, Inc., et al. v. Cuomo, et al.* (NY Co. #401988/2012) – a case challenging the constitutionality and lawfulness of the judicial pay raises, of which you are a direct beneficiary.

Please advise, by week's end, as to what steps you will be taking, consistent with your mandatory supervisory and disciplinary responsibilities, and whether you believe the two-sentence November 9, 2012 letter of your law clerk, Steven Helfont, was an appropriate response to my October 26, 2012 letter-complaint to Clerk Goodman.

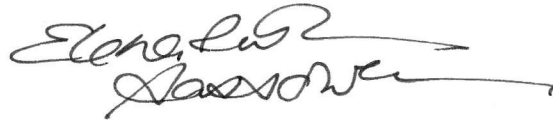
Strangely, the first sentence of Mr. Helfont's letter purports: "we...looked into the above-referenced matter", yet then states, in its second sentence: "If you believe that documents are missing from the County Clerk's file for this case..." (underlining added). Surely, having "looked into the above referenced matter", you know what documents are missing, as I itemized them in my October 26, 2012 complaint and its accompanying sworn affidavit, based on my inspection of the file on two occasions. What documents do you "believe" are missing, based on your inspection of the file? Or did you do no inspection of it?

Inasmuch as the continuation of Mr. Helfont's second sentence is that I could "bring copies of such documents to the County Clerk's office so that they may be filed", please furnish legal authority for the proposition that copies could be filed, without any investigation by you or anyone else into the

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

whereabouts of the missing originals and with no certification by Clerk Goodman pursuant to Judiciary Law §255.

Thank you.

A handwritten signature in black ink, appearing to read "Norman Goodman", with a long horizontal flourish extending to the right.

Enclosures

cc: Norman Goodman, County Clerk, New York County
Phyllis M. Mingione, Counsel, County Clerk, New York County
James A. Rossetti, Chief Deputy County Clerk, New York County
Joseph F. Antonelli, Chief Clerk, New York County
Sherrill Spatz, Inspector General for the Unified Court System
Cyrus Vance, Jr., New York County District Attorney/
Public Integrity Unit: Dan Cort, Chief
Andrew Meier, Assistant Attorney General

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February 11, 2013

TO: Sherrill Spatz, Inspector General for the Unified Court System (UCS)

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Complaint against New York County Clerk Norman Goodman for obstructing justice and collusion in record tampering: *Center for Judicial Accountability, Inc., et al. v. Cuomo, et al.* (NY Co. #401988/2012)

This follows up my phone calls to your office on November 15, 2012, twice on November 20, 2012, and then, again, on November 21, 2012, requesting to speak with you about my October 26, 2012 letter-complaint to New York County Clerk Norman Goodman. I received no return call from you.

As your office is “responsible for the investigation and elimination of infractions of disciplinary standards, criminal activities, conflicts of interest, misconduct, misfeasance and incompetence on the part of nonjudicial employees of the UCS...”¹ – and such misbehavior is particularized by my October 26, 2012 letter-complaint to Clerk Goodman and by my follow-up January 10, 2013 letter-complaint to him – this is to initiate a formal complaint with you against Clerk Goodman for obstructing justice and collusion with the “nonjudicial employees of the UCS” under his supervision in record tampering in the case *Center for Judicial Accountability, Inc., et al. v. Cuomo, et al.* (NY Co. #401988/2012), as I have received no response from Clerk Goodman to either letter-complaint. This includes with respect to his mandatory duty, pursuant to Judiciary Law §255, “Clerk must search files upon request and certify as to result”.

Both the October 26, 2012 and January 10, 2013 letter-complaints should be in your possession. Each was e-mailed to you simultaneous to being e-mailed to Clerk Goodman. They are additionally posted on the Center for Judicial Accountability’s website, www.judgwatch.org, on the same webpage as the record of *Center for Judicial Accountability, Inc. v. Cuomo*, accessible via the top panel “Latest News”.

¹ Website of the Unified Court System’s Office of the Inspector General: <http://www.nycourts.gov/admin/ig/index.shtml>.

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To further initiate this complaint, attached is the completed form that you request for complaints.

My rights – and the rights of the People of the State of New York, as represented by the plaintiffs in *Center for Judicial Accountability, Inc. v. Cuomo* – have already been severely prejudiced by Clerk Goodman and subordinate UCS employees. As the second phase of the judicial salary increases recommended by the Commission on Judicial Compensation will be taking effect on April 1, 2013 – less than seven weeks from now – your immediate investigation and corrective action is mandated.

Please confirm, by week's end, that you or your staff have gone to the New York County Clerk's Office, have verified the documents missing from its file of *Center for Judicial Accountability, Inc. v. Cuomo*, and that you will be taking prompt steps to compel Clerk Goodman's compliance with his certification duty under Judiciary Law §255.

Thank you.

A handwritten signature in black ink, appearing to read "Donald R. Spatz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Enclosure

cc: Norman Goodman, County Clerk, New York County
Phyllis M. Mingione, Counsel, County Clerk, New York County
James A. Rossetti, Chief Deputy County Clerk, New York County
Joseph F. Antonelli, Chief Clerk, New York County
Sherry Klein Heitler, Administrative Judge for Civil Matters, First Judicial District
Cyrus Vance, Jr., New York County District Attorney/
Public Integrity Unit: Dan Cort, Chief
Andrew Meier, Assistant Attorney General

New York State Unified Court System Office of the Inspector General

Complaint Form

Please complete this form to file a general complaint with the Inspector General's Office. Following the receipt of your complaint, you will be contacted by a member of our staff responsible for investigating your complaint.

Name: Elena Ruth Sassower - Accountability, Inc *Center for Judicial*
Mailing Address: Box 8101
City: White Plains State: NY Zip code: 10603
Home Phone: call Work Phone: 914-455-4373 E-mail: elena@judgewatch.org

Information about the complaint:

Name of subject of complaint: New York County Clerk Norman Goodman
Address: 60 Centre Street Room 1161
City: New York State: New York Zip code: 10007
Home Phone No.: _____ Work Phone No.: _____

Is subject of complaint a court employee?: Yes No: _____
If yes, where are they assigned?: _____ Title of employee: NY Co Clerk

Location of Complaint: Clerk's office Court: Supreme Court - New York
County: New York

Please briefly summarize your complaint:

See attached February 11, 2013
letter-complaint
+ referred to letter complaints to
NY Co Clerk Goodman dated
October 26, 2012 and January 10, 2013

I authorize the New York State Unified Court System's Office of the Inspector General to use my name in investigating this claim.

Signature: Elena R. Sassower Date: February 11, 2013

Please attach any additional information you may have about the claim and mail or fax this form or copy to:

Office of the Inspector General
Office of Court Administration
25 Beaver Street
New York, New York 10004
Phone No: 646-386-3500
Fax No: 212-514-7158



STATE OF NEW YORK
UNIFIED COURT SYSTEM
FIRST JUDICIAL DISTRICT
SUPREME COURT, CIVIL BRANCH
60 CENTRE STREET
NEW YORK, NY 10007-1474
(646) 386-3211
FAX (212) 227-2919

A. GAIL PRUDENTI
Chief Administrative Judge

FERN A. FISHER
Deputy Chief Administrative Judge
New York City Courts

SHERRY KLEIN HEITLER
Administrative Judge for Civil Matters
First Judicial District

November 9, 2012

Elena Ruth Sassower
P.O. Box 8101
White Plains, New York 10602

Re: Center for Judicial Accountability, Inc., et al. v. Cuomo, et al.,
Index No. 401988/2012

Dear Ms. Sassower:

We are in receipt of your facsimile transmission of November 4, 2012 and have looked into the above-referenced matter. If you believe that documents are missing from the County Clerk's file for this case, we would ask that you please bring copies of such documents to the County Clerk's office so that they may be filed as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Helfont'.

Steven Helfont, Esq.
Law Clerk to Justice
Sherry Klein Heitler

CC w/ enclosures:

Hon. Sherrill Spatz
Inspector General
26 Broadway
New York, NY 10004