

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, October 30, 2023 10:04 AM

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Subject: **EVIDENCE & the Nov 3rd Case Western Reserve Law Review Symposium "Judicial Conduct, Ethics and Reform"**

TO: Case Western Reserve Law Review Executive Symposium Editor Kelsey Moore, Faculty Advisory Elizabeth Rosenblatt, Law Review Members, & Symposium Panelists:

Panel #2:

Rakesh K. Anand, Professor/Syracuse University College of Law
Dawn Chutkow, Visiting Professor of Law/Cornell University &
Executive Director of the Journal of Empirical Legal Studies
Tim Schnabel, Executive Director/Uniform Law Commission
Jonathan Entin, Professor/Case Western Reserve School of Law
Margaret McKeown, Senior Judge/Ninth Circuit Court of Appeals

Panel #1:

Douglas Keith, Senior Counsel/Brennan Center-Judiciary Program
Sarah Cravens, Visiting Professor/Washington & Lee University School of Law
Steven Chien, Professor/Cleveland State University College of Law
Adam Sopko, Staff Attorney/State Democracy Research Institute-
University of Wisconsin Law School
Stephen Dillard, Judge/Georgia Court of Appeals

RE: [November 3, 2023 Symposium "Judicial Conduct, Ethics and Reform"](#)

I am director and co-founder of the New York-based non-partisan, non-profit citizens' organization Center for Judicial Accountability, Inc. (CJA). Our website, www.judgewatch.org, posts, for independent verification, a gold-mine of primary-source, documentary EVIDENCE establishing the corruption of judicial selection and discipline on federal, state, and local levels. This includes, on the federal level:

- [CJA's Critique of the 1993 Report of the National Commission on Judicial Discipline and Removal, by my article "Without Merit: the Empty Promise of Judicial Discipline" \(The Long Term View/Massachusetts School of Law - Vol 4, No. 1 \[summer 1997\]\)](#), identifying that we would be making a formal presentation to the House Judiciary Committee to remove federal judicial discipline from the federal judiciary; and

- [CJA's Critique of the 2006 Breyer Committee "Report to the Chief Justice on the Implementation of the Judicial Conduct and Disability Act of 1980"](#), in support of "congressional hearings, disciplinary and criminal investigations, and radical overhaul of the façade of federal judicial discipline that currently exists".

These two Critiques, whose substantiating EVIDENTIARY webpages are [here](#) and [here](#), blast to smithereens the symposium's first two [CLE Reading Materials](#): "[Administrative Oversight and Accountability](#)", which is a download from the Administrative Office of the United States Courts website, and "[An Unfinished Dialogue: Congress, the Judiciary, and the Rules for Federal Judicial Misconduct Proceedings](#)", which is a 2019 law review article by Pittsburgh Law School Professor Arthur Hellman, falsely portraying the 1993 National Commission Report and 2006 Breyer Committee Report as reputable studies, falsely portraying the House Judiciary Committee as discharging its duties to oversee the 1980 Act, and concealing the federal judiciary's subversion of the 1980 Act by its rule requiring dismissal of "merits-related" complaints. Indeed, these two CLE Reading Materials are fraudulent – and the proof of this, with respect to Professor Hellman's purported "scholarship", is my correspondence with him:

- (1) my [August 13, 2002 letter to Professor Hellman](#), e-mailed/faxed/& mailed certified/return receipt, furnishing my "*Without Merit*" article and my correspondence with the House Judiciary Committee pertaining thereto – a letter that would be Exhibit P-3 to CJA's March 6, 2008 Critique of the Breyer Committee Report; and
- (2) my [March 17, 2008 letter to Professor Hellman](#), e-mailed/faxed/& mailed certified/return receipt, furnishing CJA's March 6, 2008 Critique and accompanying [March 6, 2008 letter to Chief Justice Roberts](#) – and enclosing, additionally, the August 13, 2002 letter

CJA's webpage of my correspondence with Professor Hellman is [here](#) – and it includes the two e-mails I sent him this past July entitled: "Setting the Record Straight", attaching and linking [my July 18, 2023 letter to Senate Judiciary Committee Chair Durbin and Senate Courts Subcommittee Chair Whitehouse](#) titled:

- "(1) Setting the Record Straight: 'Supreme Court Ethics, Recusal, and Transparency Act' – & the mirage of ethics codes & enforcement in the lower federal judiciary – & elsewhere;
- (2) Request for your responses & 'the most elementary fact-finding', distribution to ALL senators, inclusion on the agenda of the Senate Judiciary Committee's July 20, 2023 meeting, & for the published record of proceedings."

Prefaced by a chronology of the EVIDENCE that are exhibits to CJA's March 6, 2008 Critique of the Breyer Committee Report, the July 18, 2023 letter recites (at pp. 5-7) my hand-delivery of the Critique to Congress, with an accompanying [May 13, 2008 memo](#) and [Executive Summary](#) and my subsequent communications to Congress in May and June 2008, to which there had been no response. It thereupon asked (at p. 7):

"As you, Senator Durbin, were then, as you are now, the Senate majority 'whip' – in other words, second in command to the Senate majority leader – and were then, as you have been since 2002, a member of the Senate Judiciary Committee – you were presumably knowledgeable of CJA's March 6, 2008 Critique and my communications about it to Senate Majority Leader Reid and the Senate Judiciary Committee in May and June 2008.

Likewise, you, Senator Whitehouse, were a member of the Senate Judiciary Committee in 2008 – and presumably knowledgeable of the Critique and my communications thereon.

Please each confirm that this is the case – and explain why you and your Democratic Senate brethren did not believe that Congress was mandated to IMMEDIATELY request, if not demand, answers from Chief Justice Roberts, from Associate Justice Breyer, and from the Judicial Conference to the Critique – and to promptly hold hearings thereon.”

I received no response from Chairs Dubin or Whitehouse to these questions or to the many further questions my July 18, 2023 letter asked before concluding (at p. 17):

“So that the witnesses who testified at the hearings [on judicial ethics and the Supreme Court] and other advocates and scholars may furnish their expert opinions as to the significance of the foregoing, I will forward them this letter with a request that they do so.”

From these “other advocates and scholars” – Professor Hellman, among them – I also received no response. CJA’s webpage of the advocates, scholars, and organizations to whom I sent the July 18, 2023 letter is [here](#).

As Professor Hellman is NOT a symposium panelist, I am cc’ing him on this e-mail so that he can defend his fraudulent 2019 law review article – and counter why the Case Western Reserve Law Review symposium organizers should not add this rebutting e-mail, with its substantiating EVIDENTIARY links, to their list of “CLE Reading Materials”, **as I am here requesting be done**. This, prefatory to discussing, at the symposium, the EVIDENCE that has been covered up, for decades and to the present, by Professor Hellman and a HUGE swathe of this nation’s most prominent scholars of judicial ethics and discipline, by the American Bar Association, by the New York City Bar Association, by legal and judicial research and advocacy institutes, such as the Brennan Center for Justice at NYU School of Law and American Judicature Society, and by the press, including The New York Times and Pro Publica, as, for instance, [here](#), and [here](#). As to these many, many accomplices in the corruption infesting the federal judiciary, up to including the Supreme Court and involving the Administrative Office of the U.S. Courts and the Judicial Conference, CJA’s website contains scores of substantiating webpages, accessible *via* left side panels, such as “[Searching for Champions-Academia](#)”, “[Searching for Champions-Bar Associations](#)”, “[Searching for Champions-Organizations](#)”, “[Press Suppression](#)”, in addition to the links accessible from “[Judicial Discipline-Federal](#)”.

Suffice to add that the Brennan Center, by its counsel for its Judiciary Program, Douglas Keith, is a symposium panelist. CJA’s webpage of my correspondence with the Brennan Center, spanning a full 25 years, is [here](#) – enabling you to verify from my first [September 8, 1998 letter to its executive director](#) to my last two e-mails this past July to its executive director and others, including Mr. Keith, the first of which is below – essentially the same as I sent to Professor Hellman – the Brennan Center’s unethical and fraudulent scholarship and advocacy, covering up the worthlessness of judicial ethics codes and enforcement in the federal judiciary, in New York State, in the District of Columbia, at trial and appellate levels, of which it has had the open-and-shut, *prima facie* EVIDENCE for decades, and about which it has REFUSED to comment, let alone furnish any assistance or take any corrective action.

I close by noting that upon reviewing [my 25-year correspondence with the Brennan Center](#), I discovered my [August 15, 2018 e-mail to Mr. Keith](#), reflecting a lengthy conversation I had with him about the

threshold judicial disqualification/disclosure issues in [CJA's public interest lawsuit, suing the chief judge of New York's highest state court, the New York Court of Appeals, who heads the state's Unified Court System, for fraud involving constitutional and statutory violations and grand larceny of huge sums of taxpayer dollars, including by "false instrument" judicial pay raises and a "slush-fund" Judiciary budget](#). The flagrant violation of judicial codes of conduct, mandatory statutory disqualification, and ALL due process and adjudicative standards by the Court's six associate judges, who, in 2019-2020, "threw" the case by five fraudulent decision/orders – replicating what had taken place at the trial and intermediate appellate levels – is certainly germane to Mr. Keith's symposium topic "*Political Realities of State Supreme Courts*". Indeed, discussion of that lawsuit record – and of [the record of CJA's February 7, 2021 complaint to the New York State Commission on Judicial Conduct](#) based thereon – should be front-and-center of his symposium presentation. Likewise, [the record of CJA's public interest lawsuit against the Commission on Judicial Conduct, sued for corruption, including its corrupting of "merit selection" to the Court of Appeals, "thrown", in 2002, by four fraudulent decision/orders of five of the Court's associate judges and its chief judge – replicating what had taken place at the trial and intermediate appellate levels](#). CJA's EVIDENTIARY webpage for the Commission on Judicial Conduct – and featuring the New York State Comptroller's 1989 Report "[Not Accountable to the Public: Resolving Charges Against Judges is Cloaked in Secrecy](#)" and press release "[Commission on judicial Conduct Needs Oversight](#)", summing up the situation then, and unchanged today, is [here](#).

I am available to answer questions – and to assist you, to the max, in preparing your EVIDENCE-based presentations for this Friday's symposium. Call me, no matter how early or late. CJA's webpage for this e-mail and the symposium is [here](#).

Lastly, please forward this e-mail to Federal Judge McKeown and Georgia State Judge Dillard, whose e-mails addresses I do not have and to Uniform Law Commission Executive Director Schnabel, for whom I have only a generic e-mail address. Also, please forward to [ALL members of the Case Western Reserve Law Review](#), with my request that individually and collectively they forward it to the law school's professors who teach ethics and professional responsibility, for their scholarship and role-model example.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, July 19, 2023 4:42 PM
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Cc: 'brennancenter@nyu.edu' <brennancenter@nyu.edu>; 'julian.brookes@nyu.edu' <julian.brookes@nyu.edu>; 'derek.rosenfeld@nyu.edu' <derek.rosenfeld@nyu.edu>

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Subject: Setting the Record Straight: "Supreme Court Ethics, Recusal, and Transparency Act" -- Request for your Expert Opinion, Scholarship, & Advocacy

To: Brennan Center for Justice

Michael Waldman, ESQ., President & CEO
John Kowel, ESQ., Vice President-Program Initiatives
Wendy Weiser, ESQ., Vice President-Democracy Program
Douglas Keith, ESQ., Counsel-Democracy Program
Alicia Bannon, ESQ., Director-Judiciary Program/Democracy Program

Above attached – and here [linked](#) – is my yesterday’s letter to Senate Judiciary Committee Chair Durbin and Courts Subcommittee Chair Whitehouse entitled “Setting the Record Straight: ‘Supreme Court Ethics, Recusal, and Transparency Act’ – & the mirage of ethics codes & enforcement in the lower federal judiciary – & elsewhere”, which I have requested be distributed to ALL senators and placed on the agenda of the Committee’s July 20th meeting so that discussion of the Act may be informed by the relevant facts, rather than, as it has been, infused with falsehoods and partisanship on both sides.

The last sentence identifies that I would be forwarding the letter to the witnesses who testified at the hearings and other advocates and scholars with a request that they furnish their expert opinions as to its significance. It is this that I now do by this e-mail.

I look forward to speaking with you, directly, about the letter and answering your questions about the mountain of primary-source, documentary evidence it furnishes germane to your scholarship and advocacy “as a nonpartisan law and policy institute” – and to your ethical, professional, and civic responsibilities under applicable codes of conduct.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Tuesday, July 18, 2023 4:43 PM

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Cc: 'info@judiciary-rep.senate.gov' <info@judiciary-rep.senate.gov>

Subject: Distribution -- Setting the Record Straight: "Supreme Court Ethics, Recusal, and Transparency Act" -- Letter for Distribution & Inclusion on the Agenda of SJC's July 20th meeting, etc.

TO: Senate Judiciary Committee Chair/Majority Whip Dick Durbin, ESQ.
Senate Judiciary Committee/Courts Subcommittee Chair Sheldon Whitehouse, ESQ.

Following up my below e-mail pertaining to my above-attached letter.

The senators' webpage messaging systems, which are for "comment", allowing for NO attachments, are TOO time-consuming and cumbersome for me to use – and it makes no sense for me to do so when you can so speedily forward this e-mail to the Senate Judiciary Committee's other 19 members and Senate Majority Leader Schumer and Senate Minority Leader McConnell.

I request that you forward my e-mail to them – and will assume that you have done so, unless I hear from you to the contrary.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Tuesday, July 18, 2023 4:00 PM

To: 'info@judiciary-dem.senate.gov' <info@judiciary-dem.senate.gov>; 'josh_sorbe@judiciary-dem.senate.gov' <josh_sorbe@judiciary-dem.senate.gov>; 'scheduling@whitehouse.senate.gov' <scheduling@whitehouse.senate.gov>

Cc: 'info@judiciary-rep.senate.gov' <info@judiciary-rep.senate.gov>

Subject: Setting the Record Straight: "Supreme Court Ethics, Recusal, and Transparency Act" -- Letter for Distribution & Inclusion on the Agenda of SJC's July 20th meeting, etc.

TO: Senate Judiciary Committee Chair/Majority Whip Dick Durbin, ESQ.
Senate Judiciary Committee/Courts Subcommittee Chair Sheldon Whitehouse, ESQ.

Above attached – and here [linked](#) – is my letter of today's date entitled: Setting the Record Straight: "Supreme Court Ethics, Recusal, and Transparency Act" – & the mirage of ethics codes & enforcement in the lower federal judiciary – & elsewhere".

I request that it be distributed to ALL senators and placed on the agenda of the Senate Judiciary Committee's July 20th meeting so that discussion of the important "Supreme Court Ethics, Recusal, and Transparency Act" may be informed by the relevant facts, rather than, as it has been, infused with falsehoods and partisanship on both sides.

To assist you in doing this, I am cc'ing Senate Majority Leader Schumer and Senate Minority Leader McConnell and will alert the other 19 Senate Judiciary Committee members *via* their webpage messaging systems and provide the link to CJA's webpage posting this letter, which is: <https://www.judgewatch.org/web-pages/judicial-discipline/federal/2023-menu.htm>.

I am available to answer questions.

Thank you.

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