

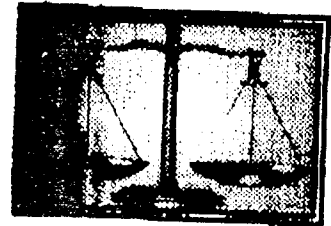
**CENTER for JUDICIAL ACCOUNTABILITY, INC.**

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February 9, 2000

Governor George Pataki  
The Capitol  
Albany, New York 12224

ATT: Nan Weiner, Executive Director  
New York State Judicial Screening Committees

RE: **Opposition to Designation of Supreme Court Justice Kenneth Rudolph to the Appellate Division**

Dear Ms. Weiner:

This letter presents our strenuous opposition to the Governor's consideration of Supreme Court Justice Kenneth Rudolph for designation to the Appellate Division.

Judge Rudolph acted with knowing disregard of the facts and the law in connection with a case before him when he sat on the City Court in New Rochelle, as readily verifiable from the court record in *Baer v. Lipson* (L&T 1117/87).

It was in that period that, in what started out as a simple landlord-tenant dispute, Judge Rudolph willfully disregarded the most basic rights of the tenant, a 67 year old, mentally-disabled, honorably discharged World War II veteran, David Lipson. Acting out of incompetence, malice, or bias (or all three), Judge Rudolph, fully cognizant of the fact that the tenant was a person incapable of adequately protecting his rights, failed and refused to appoint a special guardian for the tenant who was unrepresented by counsel in the proceeding.

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The Center for Judicial Accountability, Inc. is a national, nonpartisan, nonprofit citizens' organization documenting the dysfunction, politicization and corruption of the closed-door processes of judicial selection and discipline on federal, state and local levels. Its mission is to ensure that only the most qualified lawyers become, and remain, judges

Instead of giving rigorous protection to such disabled person, Judge Rudolph granted a judgment of eviction by default based on alleged non-appearance against him and, thereafter refused to vacate such default judgment and warrant of eviction, even after appointment of a conservator for him based on an adjudicated finding of his mental disability.

Indeed, it was suspect that Judge Rudolph took jurisdiction of the non-payment proceeding at all, in light of the fact that another judge of the City Court was already familiar with the parties and the issues involving mental status and had put a prior pending holdover proceeding on hold.

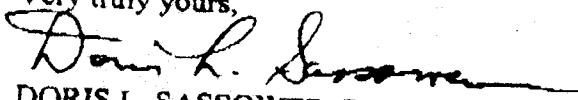
Judge Rudolph's unconscionable conduct in the case demonstrates that he is unfit to preside in a judicial capacity. It is a fundamental precept of the law that the state must not deprive an individual of property rights without due process. This becomes exceptionally important when the affected litigant has an adjudicated psychiatric disability known to the court and the adverse party. In this instance, the tenant's disability was 100% connected to his more than four years service to the United States in the Philippines during World War II and, as Judge Rudolph was informed, David lived on a veteran's pension recognizing that fact.

On request, a more extensive presentation of the case of *Baer v. Lipson* will be separately transmitted, along with pertinent documents from the record. Examination of the record shows three reversals of Judge Rudolph's rulings by the Appellate Term on the most basic aspects of notice, jurisdiction, and hearing - all constitutionally guaranteed due process rights.

Judge Rudolph turned an honorable, independently functioning veteran, residing in his own apartment, into a humiliated, homeless man. David never recovered from the trauma of Judge Rudolph's unfair and unjustified on-the-bench conduct, which robbed him of his home of more than 15 years and the entire contents of that apartment left there by him. David died at age 80, in the Bronx VA Hospital, on January 27, 2000 - after 13 years of exile, incalculable pain, suffering, and family-deprived living, resulting from, thanks to Judge Rudolph, the undeserved loss of his New Rochelle home and worldly possessions he left behind in it.

Speaking for the family of my brother, David Lipson, for whom it is too late to be of benefit, but for the benefit of our society, Judge Rudolph must not be elevated to a higher court. This case makes plain that Judge Rudolph is a menace on the bench, who should be removed, not raised up. Surely, there are many judges in this state more qualified to be elevated than those who ride roughshod over the rights of our most vulnerable, venerable wartime patriots.

Very truly yours,



DORIS L. SASSOWER, Director  
Center for Judicial Accountability, Inc. (CJA)