

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

Elena Ruth Sassower, Coordinator

BY CERTIFIED MAIL/RRR: 7003-1680-0001-8617-5137

December 22, 2003

Wendy Deer, Counsel  
Committee to Promote Public Trust and Confidence in the Legal System  
Office of Court Administration  
25 Beaver Street, 11<sup>th</sup> Floor  
New York, New York 10004

RE: The "Viability" of the Committee to Promote Public Trust and Confidence in the Legal System – and the empirical, evidentiary basis for its implied claim in its May 1999 report (at p. 33) that "errant attorneys and judges are accountable"

Dear Ms. Deer:

This follows up our November 10<sup>th</sup> phone conversation wherein you responded to my skeptical inquiries about Chief Judge Kaye's Committee to Promote Public Trust and Confidence in the Legal System by stating that it was a "viable committee", following which, at my request, you faxed me a current roster of the Committee's members.

Please advise as to what specifically this "viable committee" has been doing since its May 1999 report – particularly with respect to its recommendations to:

- (1) "Make the public aware that errant attorneys and judges are accountable and subject to sanctions by opening to the public disciplinary proceedings once a *prima facie* case has been established. There should be procedural protections similar to those for a criminal proceeding for the attorney or judge involved in a disciplinary proceeding. The benefits of such a procedure are that it eliminates the perception that lawyers and judges are a closed group that look to protect themselves..." (at pp. 33-34) ;

(2) "Encourage judges to exercise their authority to control and require civil behavior of attorneys. Judges should be required to report unethical attorney conduct. Judges also should be mindful that they need to set an example of how to behave in a professional manner before attorney conduct and behavior can expect to be modified." (at p. 34);

(3) "Ask judges to take time to explain, in court, a ... decision or procedure, especially for cases that are of high public concern and interest. This presents a good opportunity to show the openness of the judiciary and to educate the public." (at p. 36);

Please also advise as to why neither the May 1999 report, the Committee's subsequent activities, nor even a roster of its members, including its chairs, are posted on the Unified Court System's website, [www.courts.state.ny.us](http://www.courts.state.ny.us).

Indeed, the only information on the UCS website about the Committee [[www.nycourts.gov/communityoutreach/popup3.html](http://www.nycourts.gov/communityoutreach/popup3.html)] is a two-sentence description that:

"The Committee to Promote Public Trust and Confidence in the Legal System was established in 1998 to identify and implement initiatives to enhance public trust and confidence in the State's legal system. The Committee's goals are to ensure that there is a fair and just system by which individuals who have contact with the legal system are treated with respect and equality, as well as to help bring about a greater understanding of and respect for the legal system."

This is followed by contact information for you as Committee counsel. Frankly, it would be most surprising if you received many contacts from members of the public – especially since the UCS homepage all but hides the Committee's existence from public view. Thus, a member of the public who does not know of the Committee's existence would have to fortuitously press the category "Courts", then "Court Administration", then "Office of Public Affairs", and then "UCS Commissions and Committees" in order to find it.

The single webpage that then appears continues with a list of six<sup>1</sup> "Local Committees to Promote Public Trust and Confidence in the Legal System" – which are described as "assisting in implementation of the recommendations of the State Committee to Promote Public Trust and Confidence in the Legal System...". Please advise as to: (1) what steps these local committees have taken to implement the three above-cited recommendations from the May 1999 report; (2) whether these local committees have furnished the State Committee with their own reports or other materials, including hearing transcripts, pertaining to the reactions they have received from members of the public whose litigation experience has led them to file complaints of judicial and attorney misconduct or sanctions motions; (c) why the six listed local committees have not been expanded so that there is a local committee for each judicial district, if not each county; (d) the names of the members of the six listed local committees.<sup>2</sup>

Insofar as the Committee's May 1999 report implies (at p. 33) that "errant attorneys and judges are accountable" – and that the public would be further assured as to such accountability "by opening to the public disciplinary proceedings once a *prima facie* case has been established" -- request is hereby made for access to the empirical, evidentiary basis upon which the Committee relied, such as documentary and testimonial evidence on these two subjects from members of the public.

As discussed, CJA intends to make a submission for the agenda of the Committee's next meeting, which you indicated would be in January. Such will focus on documentary proof, including that which we transmitted to the Committee under our March 2, 2001 letter to its then counsel Patricia Bucklin -- that attorneys and judges are unaccountable for their misconduct, that attorney and judicial complaint mechanisms are corrupt, and that this necessarily corrupts judicial screening, vitiating any possibility of "merit selection".

---

<sup>1</sup> The website incorrectly states that there are "five local committees", but goes on to list six: Nassau, Queens, Suffolk, Second Judicial District, Seventh Judicial District, and Eighth Judicial District.

<sup>2</sup> The only description of their membership, aside from their chairmen – all judges -- is that these local committees include: "judges, attorneys, court personnel, and community members". Among the listed chairmen, Suffolk County Administrative Judge Alan D. Oshrin, who passed away in August, and who has since been succeeded by Judge H. Patrick Leis, III.

So as to avoid needless duplication, please advise as to whether the empirical, evidentiary proof which our March 2, 2001 letter transmitted has been retained in the Committee's files. For your convenience, a copy of that March 2, 2001 letter is enclosed -- as is a copy of the May 9, 2001 letter of Committee Co-Chair Judge Evelyn Frazee, which followed upon my leaving for Ms. Bucklin repeated phone messages requesting to speak with her in the wake of public announcement of her appointment as Executive Director of the New York State Bar Association<sup>3</sup> (*inter alia*, April 3, 2001 New York Law Journal, "Bar Meets, Plans to Lobby Lawmakers").

Conspicuously, Co-Chair Frazee's May 9, 2001 letter neither mentioned CJA's March 2, 2001 letter nor any review of the evidentiary materials it transmitted, *to wit*, the record of CJA's November 14, 2000 disciplinary complaint to the First Department Disciplinary Committee against, *inter alia*, the New York State Bar Association and the culpable lawyers acting on its behalf for complicity in the corruption of "merit selection" to the New York Court of Appeals. Please advise whether, in fact, Co-Chair Frazee AND the Committee members ever reviewed for themselves the March 2, 2001 letter, its transmitted documentation, as well as our March 7, 2001 letter to Ms. Bucklin, enclosing our letter of that date to the Institute on Professionalism in the Law -- to which the Committee was an indicated recipient. Absent such review, Co-Chair Frazee and the Committee members could not have made any informed determination as to their professional and ethical responsibilities with respect thereto.

Finally, insofar as Co-Chair Frazee's May 9, 2001 letter claims:

"At this time, the Committee had been redesignated to focus upon implementation of the strategies suggested in its May 1999 report, rather than to continue an information gathering and recommendation function",

---

<sup>3</sup> This correspondence is additionally posted on CJA's website, [www.judgewatch.org](http://www.judgewatch.org) [See "Correspondence: NYS Officials-Chief Judge Kaye and OCA": Committee to Promote Public Trust and Confidence in the Legal System]. Likewise posted are CJA's September 7, 2000 letters to Committee members Glenn Lau-Kee, Esq. and Barry Kamins, Esq., copies of which are enclosed. Our September 7, 2000 letter to Mr. Lau-Kee transmitted to him copies of CJA's correspondence with Chief Judge Kaye, culminating in our August 3, 2000 judicial misconduct complaint against her -- duplicates of which we transmitted under our March 2, 2001 letter to Ms. Bucklin.

please identify when the Committee was so "redesignated", at whose instance the "redesignation" was proposed, whether such "redesignation" was voted on by Committee members -- and any publicly-available documents reflecting same. If the Committee has since been "redesignated" back, please furnish comparable information and documents.

To the extent that the Freedom of Information Law (F.O.I.L.) [Public Officers Law, Article VI] and Part 124 of the Chief Administrator's Rules for Public Access to Records reinforce our entitlement to requested documents, CJA hereby invokes such legal authority. For such reason, a copy of this letter is also being furnished to John Eiseman, as Records Access Officer for the Unified Court System.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

Enclosures

cc: John Eiseman, Records Access Officer/OCA

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7003 1680 0001 8617 5137

NEW YORK, NY 10004

Postage	\$ 1.52	UNIT ID: 0136
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.57</b>	

Postmark Here

Clerk: KFX716

12/23/03

Sent To: *Wendy Deer Counsel*  
 Office of the Comptroller  
 Administration  
 25 Beaver Street 11th floor  
 NY NY 10004

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Wendy Deer, Counsel  
 Office of the Comptroller  
 Administration  
 25 Beaver Street  
 11th floor  
 NY, NY 10004*

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]*  Agent  Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *12/26*

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7003 1680 0001 8617 5137