

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY HAND

October 2, 1996

Sidney Zion, Esq.
215 West 90th Street
New York, New York

Dear Mr. Zion:

This transmittal follows up my comments from the audience at yesterday's round-table discussion at the New York County Lawyers' Association, "Should the Rules be Changed to Allow Our Judges to Respond to Criticism?", and our brief conversation thereafter. It also follows my review of some of your past columns in the Daily News--leading me to believe that you would be interested in exposing the New York State Commission on Judicial Conduct for what it is: not merely dysfunctional, but corrupt. Indeed, from the Daily News' September 28th editorial "Why is Lorraine Miller Still a Judge?"¹ (Exhibit "A"), as well as its past articles critical of the Commission--including one on March 25th in which CJA was mentioned² (Exhibit "B")--the Daily News should be receptive to such expose.

By way of background, enclosed is a copy of our Letter to the Editor, "Commission Abandons Investigative Mandate", published in the August 14, 1995 New York Law Journal (Exhibit "C"). It describes the lawsuit we brought last year against the Commission on Judicial Conduct for its protectionism of politically-connected, powerful judges and how it was dumped by State Supreme Court Judge Herman Cahn. In pertinent part, the concluding paragraph reads:

"The public and legal community are encouraged to access the papers in the Article 78 proceeding from the New York County Clerk's office (Sassower v.

1 "Last year, 1,361 formal grievances were filed against judges. Only six were censured and just one full-time judge was removed. But then 87% of the grievances weren't even investigated. Unless they're found guilty, the details are kept secret."

2 "Elena Sassower, coordinator fo the Center for Judicial Accountability, said the 11-member panel 'throws out complaints which are documented and detailed in all respects.'"

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Commission, #95-109141)...What those papers unmistakably show is that the commission protects judges from the consequences of their judicial misconduct--and, in turn, is protected by them."

Since you, yourself, are a lawyer, you are in a unique position to verify--from examination of the litigation file (which we will readily provide you)--that the Commission on Judicial Conduct is the knowing beneficiary of a fraudulent decision of dismissal--without which it could not have survived our legal challenge.

Indeed, you don't even need the legal file to prove to yourself that the Commission's self-promulgated rule, 22 NYCRR §7000.3, which we challenged, is irreconcilable with Judiciary Law §44.1. Nor do you need the file to expose as false Justice Cahn's claim in his decision that "initial review and inquiry" constitutes "investigation". All you need are the first three pages of our December 15, 1995 letter to the Assembly Judiciary Committee, to which are annexed Judiciary Law §44.1 and 22 NYCRR §7000.1 et seq., as well as the relevant constitutional provisions (Exhibit "D"). The Commission received a copy of that December 15, 1995 letter--but failed and refused to respond to it. The reason should be obvious.

That Justice Cahn's decision is an easily-verifiable fraud has not restrained the Commission from reciting his false claims in its just-released 1996 Annual Report of the Commission. The pertinent pages are enclosed (Exhibit "E").

Since a demonstrably corrupt Commission on Judicial Conduct, which covers up heinous judicial misconduct, so directly threatens the public and because Mayor Giuliani and Governor Pataki have been so outspoken about protecting the public from so-called "unfit judges", we long ago provided them copies of the litigation file.

Indeed, a week before our February 27, 1996 letter to the Mayor, challenging him and the Governor with misrepresenting the Duckman transcripts--about which I publicly spoke yesterday--we had hand-delivered to City Hall a copy of the litigation file, accompanied by a February 20, 1996 letter. Consequently, the first document to which we would direct your attention is our enclosed February 20th letter--to which, to date, we have received absolutely no response.

The enclosed primary source materials--apart from demonstrating the meticulous quality of CJA's work--represent the "tip of the iceberg" of a prize-winning story about how our political and civic leaders have covered-up for a demonstrably corrupt Commission on Judicial Conduct, all the while posturing as

"protectors of the public" against "unfit judges":

1. CJA's February 20, 1996 letter to Mayor Guiliani regarding the deficiencies of judicial selection procedures utilized by New York's mayors and transmitting to him the litigation file of our case against the Commission on Judicial Conduct;
2. CJA's February 27, 1996 letter to Mayor Guiliani--challenging him, Governor Pataki, and the Brooklyn D.A. with misrepresenting the Duckman transcripts.
3. CJA's March 18, 1996 letter to Barbara Robinson, then President of the Association of the Bar of the City New York, discussing the City Bar's knowledge that the Commission on Judicial Conduct is "not merely dysfunctional, but corrupt", its complicity therewith, as well as what took place on March 5th at the closed-door meeting of the so-called "Committee to Preserve the Independence of the Judiciary", held at County Lawyers. A copy was sent to, among others, Mayor Giuliani and Governor Pataki;
4. CJA's April 12, 1996 letter to Barbara Robinson--with copies to Mayor Giuliani and Governor Pataki--about the concerted cover-up of the Commission on Judicial Conduct.
5. CJA's May 7, 1996 Press Release on the NYS Senate bill to open to the public disciplinary proceedings against judges brought by the Commission on Judicial Conduct³.
6. CJA's June 11, 1996 letter to NYS Senators, protesting, inter alia, the sham and dishonest judicial selection procedures employed by Governor Pataki--as highlighted by his reappointment to the Court of Claims of Judge Juanita Bing Newton, whose misconduct as a member of the Commission on Judicial Conduct had been documented to him and his phantom judicial screening committee;

³ Cf. Exhibit "A": Daily News' 9/28/96 editorial:

"Complaints and hearings before the commission must also be made public. A bill now before the Senate would do just that. The Legislature and Gov. Pataki should enact it and show New Yorkers they're serious about ending Junk Justice. In the open."

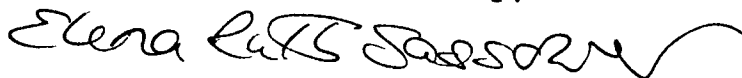
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7. CJA's June 12, 1996 letter to Michael Finnegan, Governor Pataki's counsel, reporting that--at her Senate Judiciary Committee confirmation hearing--Judge Newton had misrepresented the dates of her tenure of the Commission on Judicial Conduct.

Finally, I enclose a copy of CJA's most recent "press appearance": in an article entitled "Playing Politics with Justice", which appears in the November issue of Penthouse magazine.

We look forward to hearing from you and working together on a continuum of dynamite stories on judicial selection and discipline. Needless to say, if you are not interested or available to pursue the important stories represented by the enclosed materials, we request that you either pass them on to a worthy journalist who will or return them to us so that we may pass them on ourselves. Needless to say, replicating and assembling these materials is both costly and time-consuming for a non-profit citizens' organization such as ours.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures: with CJA brochure