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Elena Ruth Sassower, Coordinator

BY FAX: 212-210-1542 (4 pages)

February 28, 2000

Mr. Juan Gonzalez
Daily News

RE: STORY PROPOSALS: (1) Political manipulation of appointive Court of Claims and other judgeships; (2) Subversion of the judicial Process in the politically-explosive case against the NYS Commission on Judicial Conduct by *Would-Be* Appellate Division Judge – now NY Supreme Court Administrative Judge -- Stephen Crane – *and* by Court of Claims Holdover, Acting Supreme Court Justice William Wetzel

Dear Mr. Gonzalez:

Following up our telephone conversation on Thursday, I delivered to the Daily News on Friday a “gold mine” of *primary-source* materials relating to the above-story proposals. This, so that you can expand your important 3-part series on Acting Supreme Court Justices that ran in January.

Firstly, on the subject of Governor Pataki’s political manipulation and corruption of the judicial appointments process to the lower state courts, as well as to the Court of Appeals – I enclosed copies of *two* of CJA’s ethics and criminal complaints against the Governor, based thereon.

(1) CJA’s March 26, 1999 ethics complaint, filed with the NYS Ethics Commission¹ – pages 15-22 chronicle the Governor’s corruption of the judicial appointments process – and the complicity of his former criminal justice coordinator, Paul Sheckman, who the Governor appointed Chairman of BOTH his State Judicial Screening Committee and the NYS Ethics Commission.

(2) CJA’s September 7, 1999 criminal complaint, filed with the US Attorney for the Eastern District of New York – based on the March 26, 1999 ethics complaint.

¹ A Table of Contents to the ethics complaint appears at page 3.

These ethics and criminal complaints also relate to the Governor's complicity in the corruption of the NYS Commission on Judicial Conduct – corruption which was the subject of the Article 78 proceeding just “thrown” by a fraudulent judicial decision of Acting Supreme Court Justice William Wetzel. Justice Wetzel, whose appointive Court of Claims term expired *nearly eight months ago* and who is daily dependent on the Governor to remain on the bench, got the Article 78 proceeding NOT by “random assignment”, but because it was “steered” to him by Administrative Judge Crane, who has long sought a gubernatorial appointment to the Appellate Division².

The official misconduct of Justice Wetzel and Administrative Judge Crane in the Article 78 proceeding is detailed in CJA's February 23, 2000 letter to Governor Pataki. The letter refers to your January 18, 2000 column, “*Pols Rule Courtrooms: Acting Judges Owe Their Jobs to Pataki, Rudy*” at page 11 (fn. 22) – and annexes a copy as Exhibit “T”.

To enable you to judge for yourself the serious and substantive nature of the Article 78 proceeding – which, in addition to providing an *unprecedented window* into the closed-door operations of the NYS Commission on Judicial Conduct, provides an *unprecedented window* into the closed-door operations of the “merit selection” process to the Court of Appeals (NYS Commission on Judicial Nomination), I also enclosed a copy of the Verified Petition, prefaced by a Notice of Right to Seek Intervention addressed to public agencies and officers.

Finally, I enclosed CJA's February 25, 2000 notice to the proposed intervenor – public agencies and officers -- as well as CJA's February 7, 2000 notice to the Commission on Judicial Conduct and its counsel, the NYS Attorney General – regarding their duty to take corrective steps to protect the public from the perversion of the judicial process that has occurred in this important Article 78 proceeding – as, likewise, in two other

² I believe I enclosed for you a copy of the New York Law Journal's citation to – and publication of -- Justice Wetzel's decision as one “of interest”. Enclosed is a copy of the front-page of the Law Journal (2/24/00), with its “layout” intact. It juxtaposes citation of *Sassower v. Commission* as a “decision of interest” NEXT TO AND PARALLEL TO Daniel Wise's article about the five appellate term judges to whom “the most politically sensitive cases” are now “RANDOMLY-REFERRED” – a change from the former system in which “big policy cases were RANDOMLY ASSIGNED to any one of 31 Supreme Court and Appellate Term justices”.

This juxtaposition is ironic inasmuch as *Sassower v. Commission* – a “politically sensitive” and “big policy” case under the former system -- was NOT RANDOMLY-ASSIGNED, but “steered” by Administrative Judge Crane – as detailed at pages 6-7 of CJA's February 23rd letter to the Governor – and documentarily established by Exhibits “C-1” and “C-6” thereto.

Article 78 proceedings against the Commission on Judicial Conduct.

Yours for a quality judiciary,



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

Enclosure

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Forecast of Appellate Term Judges' Views Not Clear

BY DANIEL WISE

THE NEWEST judge on the five-member panel that will hear the most politically sensitive cases filed in Manhattan will make an adept appellate judge, though he has had faults as a trial judge, according to lawyers who have practiced before him.

Justice Lucindo Suarez, who was named to the Appellate Term of the First Department at the end of last

month, is considered well-versed on the law, but rigid in his conduct of his courtroom.

It is uncertain what approach Justice Suarez, who had been assigned to a Supreme Court civil trial part during his three years in Bronx Supreme Court, will adopt with respect to the high-profile cases that will now be before him under the new policy that went into effect on Dec. 6. Under this policy, major cases filed against City and State officials in Manhattan will be randomly referred to one of the five Appellate Term justices. Before the change in the assignment process, the big public policy cases were randomly assigned to any one of 31 Supreme Court and Appellate Term justices.

One attorney in the Bronx described Justice Suarez as a "social liberal," and

said that his signing of a letter published in the *Law Journal*, which criticized Mayor Giuliani's decision to redistribute some of the criminal defense work done by the Legal Aid Society to other organizations, was not out of character. That letter was signed by 46 other judges.

That attorney also said that more than most judges, Justice Suarez made every effort to determine the correct legal result to a case, rather than attempting to fit it into a political agenda.

One plaintiffs' lawyer described the lengths to which Justice Suarez had gone to reach the legally correct result in a recent ruling. Justice Suarez had initially decided that the lawyer's case was legally insufficient at a settlement con-

Continued on page 7, column 4

IN BRIEF

Decisions of Interest

The following decisions of special interest are published today under the court indicated in the text.

SUPREME COURT

■ **Judges:** *Sassower v. Commission on Judicial Conduct of State of New York, New York* (p. 30, col. 5).

not randomly assigned