

## CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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TO: U.S. Solicitor General Seth P. Waxman  
Lee Radek, Chief, Public Integrity Section/Criminal Division  
U.S. Department of Justice  
Administrative Office of the U.S. Courts  
ATT: William Burchill, General Counsel  
Jeffrey Barr, Assistant General Counsel  
House Judiciary Committee: Courts Subcommittee  
Republican Majority:  
ATT: Tom Mooney, General Counsel; Blaine Merritt, Chief Counsel  
Democratic Minority:  
ATT: Perry Apelbaum; Robert Raben, Counsel  
Commission on Structural Alternatives for the Federal Courts of Appeals  
ATT: Byron White, Chairman  
American Bar Association  
ATT: ABA President Philip S. Anderson

FROM: Elena Ruth Sassower, CJA Coordinator

RE: Your ethical and professional obligations, based on the record-supported presentation  
in *Sassower v. Mangano, et al.*, S.Ct. #98-106

DATE: September 4, 1998

Enclosed is a copy of the supplemental brief in *Sassower v. Mangano, et al.*, S.Ct. #98-108, to which you are each indicated as recipients by petitioner's certificate of service, a copy of which is also enclosed.

The supplemental brief describes the breakdown of checks on federal judicial misconduct within the Legislative and Executive Branches of government -- compounding the breakdown of checks within the Judicial Branch, as particularized by the cert petition. Such state of affairs -- destroying the constitutional balance and endangering the public -- requires response from those, like yourselves, in positions of leadership and influence. As pointed out in the supplemental brief (at p. 10), because each of you not only has the petition, but the substantiating record, it would be appropriate for the Supreme Court to invite your views with respect thereto, including your views as to your ethical and professional obligations in the face of such evidence-supported presentation.

Page Two  
September 4, 1998


Based on the substantiating record, it should not require the Court's invitation for you to confront those obligations. Nor should it require our request that you do so. Nonetheless, by this letter, we expressly make such request and solicit your *amicus* support for the Court's review of the petition -- which we ask that you expeditiously make known to the Court.

Since the Association of the Bar of the City of New York also has a copy of the petition, as well as the substantiating record, which we long ago provided it, a copy of this letter and supplemental brief is also being sent to its president, Michael A. Cooper, reiterating our long-standing request for the City Bar's *amicus* support and assistance. In the event Mr. Cooper has not seen our extensive correspondence with the City Bar, we enclose a copy of our most recent letter to its General Counsel, transmitting the petition.



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

Letter read and approved by:



DORIS L. SASSOWER, Petitioner *Pro Se*  
*Sassower v. Mangano, et al.*

Enclosures

cc: President Michael A. Cooper,  
Association of the Bar of the City of New York  
[By Hand]  
Justices of the U.S. Supreme Court

No. 98-106  
IN THE SUPREME COURT OF THE UNITED STATES  
October Term 1997

-----X  
DORIS L. SASSOWER,

Petitioner,

-against-

Hon. GUY MANGANO, PRESIDING JUSTICE  
OF THE APPELLATE DIVISION, SECOND DEPARTMENT  
OF THE SUPREME COURT OF THE STATE OF  
NEW YORK, and the ASSOCIATE JUSTICES THEREOF,  
GARY CASELLA and EDWARD SUMBER, Chief Counsel  
and Chairman, respectively, of the GRIEVANCE  
COMMITTEE FOR THE NINTH JUDICIAL DISTRICT,  
GRIEVANCE COMMITTEE FOR THE NINTH JUDICIAL  
DISTRICT, Does 1-20, being present members thereof,  
MAX GALFUNT, being a Special Referee, and G. OLIVER  
KOPPELL, Attorney General of the State of New York,  
all in their official and personal capacities,

Respondents.  
-----X

I, DORIS L. SASSOWER, hereby affirm and certify that on this 2nd day of  
September 1998, three copies of my Supplemental Brief in the above-entitled matter were mailed,  
first class postage prepaid, to counsel for Respondents:

Attorney General of the State of New York  
120 Broadway  
New York, New York 10271

I further affirm and certify that all parties required to be served have been served.

Additionally, copies of the Supplemental Brief are being mailed, first-class, certified mail/return  
receipt, to the following:

U.S. Solicitor General Seth P. Waxman  
Room 5614  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001  
[Certified Mail/RRR: Z-470-945-084]

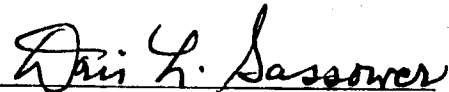
Lee Radek, Chief  
Public Integrity Section, Criminal Division  
U.S. Department of Justice  
10th and Constitution Avenue, N.W.  
Washington, D.C. 20530  
[Certified Mail/RRR: Z-470-945-085]

Administrative Office of the U.S. Courts  
ATT: William Burchill, General Counsel  
Jeffrey Barr, Assistant General Counsel  
One Columbus Circle, N.E.  
Washington, D.C. 20544  
[Certified Mail/RRR: Z-470-945-086]

House Judiciary Committee: Subcommittee on Courts and Intellectual Property  
Republican Majority: ATT: Tom Mooney, Mitch Glazier, Counsel  
B-351-A Rayburn Building  
Washington, D.C. 20515  
[Certified Mail/RRR: Z-470-945-087]  
Democratic Minority: ATT: Perry Apelbaum, Robert Raben, Counsel  
B-351-C Rayburn Building  
Washington, D.C. 20515  
[Certified Mail/RRR: Z-470-945-088]

Commission on Structural Alternatives for the Federal Courts of Appeals  
ATT: Byron White, Chairman  
One Columbus Circle, N.E.  
Washington, D.C. 20544  
[Certified Mail/RRR: Z-470-945-089]

American Bar Association  
c/o President Philip S. Anderson  
Williams & Anderson  
111 Center Street, Suite 2200  
Little Rock, Arkansas 72201  
[Certified Mail/RRR: Z-470-945-090]

  
DORIS L. SASSOWER  
Plaintiff-Appellant *Pro Se*  
283 Soundview Avenue  
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Elena Ruth Sassower, Coordinator

### BY HAND

August 12, 1998

Alan Rothstein, General Counsel  
Association of the Bar of the City of New York  
42 West 44th Street  
New York, New York 10036-6689

RE: The City Bar's Responsibilities under the Professional and Ethical Codes of Conduct

Dear Mr. Rothstein:

Following up our yesterday's telephone conversation, enclosed are: (1) the cert petition in *Sassower v. Mangano, et al.*; (2) our July 20, 1998 letter to the U.S. Solicitor General; (3) our July 27, 1998 letter to the Public Integrity Section of the U.S. Justice Department; (4) the Attorney General's notification, dated August 4, 1998, that respondents are waiving their right of opposition.

In view of the serious corruption issues particularized by the cert petition and further highlighted in our correspondence with the Solicitor General and Justice Department, we request the City Bar's *amicus* support in obtaining Supreme Court review. Due to the shortness of time for the City Bar to participate in this all-important cert stage -- where an *amicus* brief would need to be submitted by the August 19th date on which respondents -- had they not waived a response -- were due to have submitted their reply brief, we request that the City Bar take emergency action to communicate with the Solicitor General its endorsement of our request for his *amicus* support and that it reinforce his obligations under Rule 8.3 of the ABA's Model Code of Professional Conduct<sup>1</sup> to make disciplinary and criminal referrals consistent with the record.

The City Bar is already familiar with the record in *Sassower v. Mangano*. Over a year ago, on August 5, 1997, I hand-delivered to the City Bar the record on appeal and appellate briefs. On October 14,

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<sup>1</sup> Rule 8.3, "Reporting Professional Misconduct", and Rule 8.4, "Misconduct" are reprinted in the cert petition at A-20.

1997, I hand-delivered our petition for rehearing with suggestion for rehearing *en banc* and, on November 8, 1997 hand-delivered copies of our §372(c) judicial misconduct complaints against the district judge and appellate panel.

Of course, it is not just the Solicitor General which has obligations to make disciplinary and criminal referrals under Rules 8.3 and 8.4. Those obligations apply also to the City Bar and we request that it meet its obligations thereunder, based on the record in *Sassower v. Mangano*, long in its possession. Plainly, such ethical obligations will be all the more essential should the Supreme Court not grant review.

On a different subject, I reiterate my request for the date on which the City Bar rendered its evaluation approving Alvin Hellerstein for a federal judgeship in the Southern District of New York. If you deem such information as "confidential", please explain the reason therefor so that we may incorporate it in our formal statement to the Senate Judiciary Committee in opposition to Mr. Hellerstein's confirmation.

As discussed, the basis for CJA's opposition to Mr. Hellerstein rests on his performance as Chairman of the City Bar's Judiciary Committee when our 1992 critique of the federal judicial screening process and Andrew O'Rourke's City Bar rating was directed to him by then President Feerick. This was discussed with you in mid-December of last year, when I called you about the City Bar's responsibilities in the face of Governor Pataki's nomination of Mr. O'Rourke to the State Court of Claims and discussed, as well with Daniel Kolb, successor Chairman of the City Bar's Judiciary Committee, in our frequent conversations throughout December and January when, to no avail, I sought to get the City Bar to retract its insupportable approval rating of Mr. O'Rourke, consistent with its obligations under New York's DR 8-102(a) of the New York's Code of Professional Responsibility and Rule 8.3(a) of the ABA's Model Code of Professional Conduct.

For your information, a copy of CJA's July 30, 1998 and August 3, 1998 letters to the Senate Judiciary Committee, protesting its sham confirmations procedures, are enclosed. Since the Senate is in recess until September 1st, there is still time for the City Bar to meet its ethical duty and address the evidence of Mr. Hellerstein's self-interested protectionism, as reflected by his February 3, 1993 letter to us.

Finally, in the event you are unaware of CJA's April 24, 1998 testimony before the Commission on Structural Alternatives for the Federal Courts of Appeals -- which highlighted (at p. 3) the City Bar's faulty procedures for screening federal judicial candidates, including its "screening out" of adverse information -- as to which it took no corrective steps, enclosed is a copy.

Yours for a quality judiciary,



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

Enclosures