

CENTER for
JUDICIAL
ACCOUNTABILITY



Box 69, Gedney Station • White Plains, New York 10605-0069
TEL: 914/997-8105 • FAX: 914/684-6554

August 2, 1994

Professor Monroe Freedman
Hofstra University School of Law
121 Hofstra University
Hempstead, New York 11550-1090

Dear Professor Freedman:

Thank you again for returning my call and confirming for me that Judge Breyer did not disclose his Lloyds of London investments to the parties in the environmental pollution cases before him.

As I mentioned, I had previously spent a substantial amount of time trying to obtain such information from the Senate Judiciary Committee. In the end, the staff was unable to provide me with direct confirmation, sending me--as a substitute--pertinent pages from the Judiciary Committee's report to the Senate. I enclose those pages so that you can see how your position on the conflict of interest question was summarized.

I also enclose a copy of my Letter to the Editor which, thanks to your assistance, I was able to send off to The New York Times immediately after we spoke.

As you can see from the identifying note at the end of the letter, the Center for Judicial Accountability is developing an archive of case studies documenting judicial misconduct. It is our goal to collect just the kind of cases that you described in your remarks in 1989 to the Seventh Annual Judicial Conference of the U.S. Court of Appeals for the Federal Circuit (128 F.R.D. 409) and which Professor D'Amato elaborated on in "The Ultimate Injustice: When A Court Misstates the Facts" (Cardozo Law Review, Vol. 11: 1313). We intend to make such cases publicly available and accessible--particularly to the press. In that way, we hope to bring the problem of judicial misconduct--including fraudulent and dishonest decision-making--"out of the closet" and to create a consciousness of the need for reform.

As you may--or may not be aware--the Report of the National Commission on Judicial Discipline and Removal, issued last August, totally ignored the problem of judges who falsify the factual record and disregard controlling law--and that appellate courts do not necessarily correct the problem and, moreover, may repeat, if not compound, it. This is notwithstanding that we

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brought this critical omission to the attention of the National Commission--on more than one occasion--when it was circulating its draft report and purportedly soliciting comments. Indeed, I personally travelled to Washington and appeared for such purpose at the Commission's last meeting, only to be treated with complete indifference and disinterest.

Consequently, the Center for Judicial Accountability is undertaking a critique of the Report of the National Commission which will demonstrate that its flawed findings are the result of a skewed methodology, predicated on a bias against complainants of judicial conduct, designed to minimize and reduce the possibility of documenting such misconduct and the lack of adequate mechanisms to deal with it.

We would most appreciate the opportunity to speak with you directly about the Center's goals and development--with an eye to your direct involvement with us. We have amassed an impressive portfolio of activities and achievements in the five years in which our citizens' group has been working and have acquired significant resources to become a meaningful and effective national organization.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosures