

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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April 29, 2008

TO: American Bar Association (ABA)
Governmental Affairs Office
ATT: Denise A. Cardman, Acting Director
Justice Center –
Standing Committee on Federal Judicial Improvements
Standing Committee on Judicial Independence
ATT: Aimee Skrzekut, Director/Justice Center
Konstantina Vagenas, Judicial Independence Initiatives Manager

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Queries on Federal Judicial Discipline

I have received no response to my April 1, 2008 memo to you, containing queries with respect to ABA action and positions pertaining to:

- (1) the federal judiciary's new rules governing judicial conduct & disability proceedings under 28 U.S.C. §§351-364;
- (2) the Breyer Committee & its Report;
- (3) the amended House and Senate bills, re-introduced in 2007, for an inspector general for the judicial branch; &
- (4) the resolution to impeach U.S. District Judge Manuel Real.

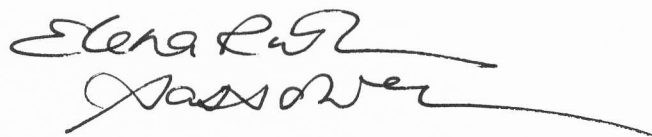
A copy of the April 1, 2008 memo is enclosed to facilitate your response.

Meantime, I take this opportunity to add a further query:

- (5) Has the American Bar Association done any analysis of the revised Code of Conduct for United States Judges, proposed by the Judicial Conference Committee on Codes of Conduct, and/or responded to its public notice inviting comment on the proposed revision?

Your prompt response, by fax and/or e-mail, would be greatly appreciated.

Thank you.



Enclosure

CENTER for JUDICIAL ACCOUNTABILITY, INC. *

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Elena Ruth Sassower, Director

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April 1, 2008

TO: American Bar Association (ABA)
Governmental Affairs Office
ATT: Denise A. Cardman, Acting Director
Justice Center –
Standing Committee on Federal Judicial Improvements
Standing Committee on Judicial Independence
ATT: Aimee Skrzekut, Director/Justice Center
Konstantina Vagenas, Judicial Independence Initiatives Manager

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Queries on Federal Judicial Discipline:
(1) the Federal Judiciary's New Rules;
(2) the Breyer Committee & its Report;
(3) Proposed Congressional Legislation
for an Inspector General for the Judicial Branch
(4) Resolution to Impeach U.S. District Judge Manuel Real

I have downloaded from the American Bar Association's website the October 15, 2007 comments the ABA submitted to the federal judiciary concerning its draft rules governing judicial conduct and disability proceedings under 28 U.S.C. §§351-364. Please advise as to whether, upon the federal judiciary's release of its draft rules for public comment on July 16, 2007, the ABA made known to its membership – through its website, by e-mail alerts,

* The **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, documenting, by independently-verifiable empirical evidence, the dysfunction, politicization, and corruption of the processes of judicial selection and discipline on federal, state, and local levels.

by its publications, at its August 2007 annual meeting, etc. – that there was a 90-day period for public comment, including a hearing, during which members could contribute their views, either directly to the federal judiciary or through the ABA?

Thereafter, when the federal judiciary released subsequent drafts of its rules for federal judicial discipline, did the ABA submit any further comments to the federal judiciary? How about concerning the final rules adopted by the Judicial Conference on March 11, 2008? Has the ABA issued any press releases or other statements?

Additionally, the ABA website posts an August 20, 2004 memorandum to ABA leadership, enclosing a “Summary of Action of the August 2004 Board of Governors Meeting”. Under the title “Matters for Direct Board Action”, the following appears:

“The Board heard a presentation from United States Supreme Court Justice Stephen G. Breyer. In his remarks, Justice Breyer...noted that Chief Justice Rehnquist has appointed him to chair a commission to examine the implementation of the Judicial Conduct and Disability Act of 1980 (Act). Justice Breyer informed the Board that he would welcome the ABA’s participation in the examination of the Act since the commission would benefit from the opinions of lawyers who practice before the federal courts...”

What “Direct Board Action” did the ABA take? Did the ABA issue press releases or other statements about the Chief Justice’s establishment of a Committee examining implementation of the 1980 Act and about Justice Breyer’s personal invitation to the ABA for “the opinions of lawyers who practice before the federal courts”?

I note that a decade and a half ago the ABA House of Delegates appointed a task force to monitor and review the work of the National Commission on Judicial Discipline and Removal. Did the ABA do the same with the Breyer Committee in 2004? If not, what entity within the ABA was responsible for monitoring and review? And after the Breyer Committee released its Report, in September 2006, did the ABA do any analysis or critique of it? I have not found any on the website. Was there any other ABA response to the Report, such as press releases or statements?

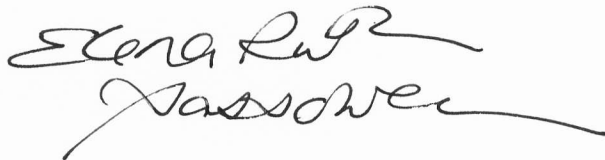
I also see from the website that in August 2006 the ABA House of Delegates adopted a resolution opposing legislation to create an Inspector General for the Judicial Branch, introduced in the House and Senate in 2006. In so doing, it adopted the recommendations that had been submitted to it by the ABA’s Standing Committee on Federal Judicial Improvements, together with its underlying report. Has the Standing Committee on Federal Judicial Improvements submitted any recommendations and report on the amended

legislation to create an Inspector General for the Judicial Branch, reintroduced in 2007? The only thing I have found on the ABA's website about this amended legislation is an undated, overview discussion from the Governmental Affairs Office Concerning "Legislative and Governmental Advocacy", referring to the August 2006 "adopted policy".

Lastly, has the ABA taken any position on the resolution to impeach U.S. District Judge Manuel Real? I find nothing on the website.

Your prompt response, by fax and/or e-mail, would be greatly appreciated.

Thank you.

A handwritten signature in black ink, appearing to read "Elena R. Jassow". The signature is written in a cursive style with a long horizontal flourish at the end.