

Ctr for Judicial Accountability

From: Ctr for Judicial Accountability [cja@judgewatch.org]
Sent: Tuesday, July 03, 2007 2:16 PM
To: 'ref@attglobal.net'
Subject: Making Law & Advancing Scholarship on Judicial Disqualification by the "Disruption of Congress" Case

Dear Richard (if I may?),

My sincerest thanks for your e-mail.

I am unclear whether you read the draft of my cert petition, posted on CJA's website, www.judgewatch.org, accessible via the top panel "Latest News". I am greatly concerned if you feel that my draft fails to adequately summarize the bases for my motions to disqualify the trial judge and, thereafter, to disqualify the D.C. Court of Appeals judges. Is that what you think?

The disqualification motions themselves are accessible from the "Disruption of Congress" webpages: "Paper Trail to Jail", "Paper Trail from Jail" and "The Appeal". For starters, the most important are my February 23, 2004 and March 22, 2004 pretrial motions to disqualify Judge Holeman – and my April 6, 2004 mandamus/prohibition petition and accompanying motion to the D.C. Court of Appeals, for Judge Holeman's disqualification and that of the D.C. Court of Appeals. These are all on the "Paper Trail to Jail", as likewise the three unpublished orders with respect thereto.

My analysis of Judge Holeman's February 25, 2004 and April 6, 2004 orders denying my two disqualification motions is set forth at pages 4-11 of my November 6, 2005 appellant's brief ["The Appeal" webpage]. The Court of Appeals' response to this analysis was its December 20, 2006 Memorandum Opinion and Judgment – ignoring it entirely and falsely purporting, *inter alia*, that I had made my disqualification motions "At trial".

My analysis of the D.C. Court of Appeals' April 8, 2004 order denying mandamus/prohibition is set forth at paras.41-62 of my July 16/August 12, 2004 reargument/reconsideration motion ["Paper Trail from Jail" webpage]. The Court of Appeals' response to this analysis was its September 16, 2004 order – ignoring it entirely. Similarly, its subsequent orders (especially its October 27, 2005 barring order) – ignoring it entirely ["The Appeal" weboage].

From your "FYI" that your own research has heretofore "not gone beyond the published case law", I surmise that you read my yesterday's memo to Justice at Stake Campaign Partners, identifying the necessity that judicial disqualification scholarship embrace unpublished opinions, as well as the underlying casefiles. Your review of the unpublished orders, opinions, and casefile in the "disruption of Congress" case will convince you of this – and of the need for significant revision to the next edition of your treatise. This includes your assessment: "District of Columbia courts have been among the most vigilant in holding trial judges to a rigid standard of impartial appearance...", for which you cite published D.C. Court of Appeals caselaw.

Shall I try to phone you next Monday at about 2 p.m. your time?

Meantime, I again thank you and wish you a happy, meaningful, July 4th holiday.

Elena
914-421-1200