

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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By Fax and Mail:
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January 16, 1996

Paul D. Siegfried, Executive Director
Mayor's Advisory Committee on the Judiciary
Room 203
36 West 44th Street
New York, New York 10036

Dear Mr. Siegfried:

This is to memorialize our brief and unpleasant phone conversation earlier this morning. I telephoned because I had received no return call in response to the telephone message I left on your answering machine more than a week ago. That message was that I had been notified by Mayor Giuliani's office that you and Paul Curran, the Advisory Committee's Chairman, had been instructed to follow up with us. Such instruction resulted from Mayor Giuliani's on-the-air telephone exchange with me on his December 29, 1995 WABC radio show wherein he publicly stated--at least twice--his readiness to "work with [us]" on the issue of the Advisory Committee's deficient procedures. Indeed, I was told by Kim Serafin of the Mayor's office that a tape of the radio colloquy between the Mayor and myself had been forwarded to you.

So that the record is clear, I first telephoned City Hall on December 29th immediately following my on-the-air telephone exchange with the Mayor and requested that a meeting be scheduled with someone on the Mayor's staff. Thereafter, I telephoned the office of the Mayor's counsel, Dennison Young, Jr., leaving a similar message. It was my impression from Ms. Serafin that the matter had been personally reviewed by Mr. Young and that you and Mr. Curran would schedule such a meeting.

Nonetheless, you peremptorily stated that a meeting would not be arranged and took the position that you were already familiar with what we had to say. For that proposition, you specifically referred to our correspondence with former Mayor Koch--forwarded to you by Mayor Giuliani--and to our December 27, 1995 testimony at the Advisory Committee's "public" hearing.

I vigorously disputed your assumption that we had exhausted what we had to say on the subject of the Advisory Committee's procedures and noted that the Advisory Committee had not even requested from us a copy of the critique to which I referred in

my December 27th testimony. That critique demonstrates, inter alia, that judicial candidates cannot be counted upon to honestly and accurately set forth their qualifications on their applications to screening committees--and highlights the necessity of thorough investigation. As proven by our critique, such investigation was not conducted by the City Bar's Committee on the Judiciary in the context of its screening of a candidate nominated to a lifetime federal court judgeship. Indeed, what was most notable about the City Bar's screening was that it deliberately screened out information bearing adversely upon the qualifications of the judicial nominee it purported to be examining.

You responded by telling me to send you the critique and to put our further comments about the judicial screening procedures of the Advisory Committee in writing. In putting us to such burden, you expressed no appreciation whatever that we would thereby be making a welcome contribution to the Committee.

Indeed, it was quite plain from your behavior that you wished to thwart the value of our additional comments about the Committee's procedures. Thus, although I explained to you that, in order for our comments to be "informed", we require clarification of the Committee's procedures--which we expected to be discussed at a meeting--you claimed that our queries could be addressed in our telephone conversation. However, you then proceeded to demonstrate that you had no genuine desire to do so. The following is illustrative:

I asked you whether it is the Executive Director who conducts investigations of judicial applicants--rather than the Committee members--who are all volunteers. After you conceded that the primary responsibility for investigation rests with you, you rebuffed, with sarcasm and abuse, my question about the staff and resources you had for that purpose. You maintained that I knew the answer because I had visited the Advisory Committee's office. To this I told you that the only thing I had seen at the Advisory Committee's office were the desks of two or three secretaries and that I had no information at all as to whether you had legal staff to assist in the investigation of candidates. Begrudgingly, and after I several times repeated my inquiry, you conceded that you had no legal staff assisting you--but that you were a lawyer.

I also asked you why the Advisory Committee's "Questionnaire for Judicial Reappointment" fails to include a single question requiring the incumbent judge to provide information about cases he/she has handled--let alone "significant" ones. You would not explain why such question does not appear, but responded that you get that information from the judge--and from the Administrative Judge and lawyers. However, you ignored my request for

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information as to how that is accomplished--which, at least twice, I repeated to you.

You then cut short our phone conversation by telling me that you were busy or had to go to a meeting--without indicating a time when it would be more convenient for you to pursue our legitimate inquiries about the procedures of the Mayor's Advisory Committee.

By your offensive and unprofessional behavior, it is quite plain that notwithstanding Mayor Giuliani's public expression of willingness to "work with [us], you--as Executive Director of his Advisory Committee on the Judiciary--have no such desire and will undermine the Mayor's directive to you.

A copy of this letter is, therefore, being sent to Mayor Giuliani, as well as to Mr. Curran, so that alternate arrangements can be made for exploring necessary improvements in the Committee's judicial selection procedures.

Yours for a quality judiciary,



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

cc: Mayor Rudolph Giuliani (Att: Dennison Young, Jr.)
Fax and Mail: 212-788-0074
Paul Curran, Chairman
Fax and Mail: 212-836-7153

P.S. Moments before faxing this letter at 2:45 p.m.--and possibly minutes after telephoning the Advisory Committee and confirming your fax number--I received your fax letter with a time stamp of 2:27 p.m.. As hereinabove discussed, your request that we provide our additional "recommendations" "in writing for consideration" ignores what I told you, namely, that we require additional information about the Committee's procedures. Such information is not provided by the Committee's 11-page written "Procedure and Rules".

When it comes to judicial screening, we--unlike the press--are not amateurs.