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COMMISSION ON JUDICIAL CONDUCT

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March 11, 1993

CONFIDENTIAL

Paul D. Kamenar, Esq.  
Washington Legal Foundation  
1705 N Street, N.W.  
Washington, D.C. 20036

Dear Mr. Kamenar:

The State Commission on Judicial Conduct has reviewed your letter of complaint dated December 29, 1992. The Commission has asked me to advise you that it has dismissed the complaint.

Upon careful consideration, the Commission concluded that there was no indication of judicial misconduct upon which to base an investigation.

Very truly yours,

A handwritten signature in cursive script that reads "Albert B. Lawrence".

Albert B. Lawrence, Esq.

ABL:slc

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March 23, 1993

Albert B. Lawrence, Esq.  
State of New York  
Commission on Judicial Conduct  
Agency Building 1, 11th Floor  
The Nelson Rockefeller Empire State Plaza  
Albany, New York 12223

Dear Mr. Lawrence:

I am in receipt of your recent letter notifying me that the Commission has dismissed our detailed seven-page complaint (not including exhibits) of December 29, 1992. Your letter simply states that the Commission concluded that "there was no indication of judicial misconduct upon which to base an investigation" without stating any reasons for that remarkable decision.

A reading of our complaint states a clear, prima facie case of judicial misconduct based upon the violation of Canons 1, 2, 5B, and 7 of the New York Code of Judicial Conduct. In particular, certain judges are alleged to be serving as members of the National Council of the National Emergency Civil Liberties Committee, an activist group which engages in controversial litigation in New York state and federal courts. As we noted in our complaint, New York Code of Judicial Conduct 5B(1) states that it is unethical for a judge to be on the board of groups which "will be regularly engaged in adversary proceedings in any court."

Accordingly, we are understandably puzzled by the inexplicable dismissal of our complaint, unless this Commission does not regard violations of the New York Code of Judicial Conduct as coming within the purview of judicial misconduct. We therefore request that the Commission reconsider our complaint, and conduct an appropriate inquiry into this serious matter.

We also request that should the Commission vote to deny our request for reconsideration, that we be informed of 1) the reasons for the original dismissal, and 2) the number of Commission members in attendance at the meeting dismissing our complaint, and the number of votes for the dismissal. This basic information is necessary and in the public interest to dispel the current perception that judicial misconduct complaints are routinely "swept under the rug" by the judges' colleagues.

Sincerely yours,

/s/  
Paul D. Kamenar