

CENTER for
JUDICIAL
ACCOUNTABILITY



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

June 10, 1994

Lee Kiklier, Administrative Assistant
State of New York Commission on Judicial Conduct
801 Second Avenue
New York, New York 10017

RE: November 3, 1989 Complaint of
Eli Vigliano, Esq.

Dear Mr. Kiklier:

This letter follows up our telephone conversation earlier this week in which I inquired as to the disposition of a November 3, 1989 complaint filed with the Commission on Judicial Conduct by Eli Vigliano, Esq. Our file reflects no letter of dismissal or indication of other action by the Commission.

Mr. Vigliano's November 3, 1989 complaint, entitled "Election Fraud in the Ninth Judicial District", enclosed, among its exhibits, a copy of the 1989 three-year cross-endorsements Deal, binding judicial candidates to terms and conditions, including resignation and patronage.

By letter dated November 10, 1989, you stated that Mr. Vigliano's complaint:

"will be presented to the Commission, which will decide whether or not to inquire into it. We will be in touch with you after the Commission has had the opportunity to review the matter".

As I mentioned to you, your file on this complaint, should reflect a lengthy interview of Mr. Vigliano, who, accompanied by Doris L. Sassower, visited your offices on May 7, 1991, upon invitation of the Commission's Deputy Administrator, Robert H. Tembeckjian. Each of them provided additional information for the Commission, in further support of that complaint.

I again note that Justice William B. Thompson, a member of the Commission on Judicial Conduct since April 1, 1990, had an opportunity to review the Three-Year Deal on August 20, 1991, when the Election Law case, Sady v. Murphy, was argued by Mr. Vigliano before the Appellate Division, Second Department. At

Mr. Kiklier

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that time, Justice Thompson unequivocally stated that the resignation of Albert Emanuelli, a sitting Supreme Court justice, contracted for by the Deal and performed by him, "would not be approved by the Commission on Judicial Conduct".

A copy of the Deal, as annexed to Mr. Vigliano's November 3, 1989 complaint, is enclosed herewith for your convenience.

In view of the foregoing, we request you advise us whether Mr. November 3, 1989 complaint was ever presented to the members of the Commission on Judicial Conduct, the date thereof, and the disposition of same.

Per your request, Mr. Vigliano's authorization of this inquiry by the Center for Judicial Accountability is reflected by his signature hereunder.

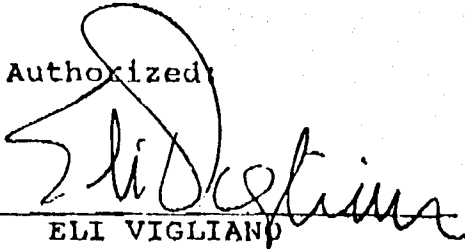
Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosure

So Authorized



ELI VIGLIANO

In furtherance of a mutual interest to promote a non-partisan judiciary populated by lawyers with universally acclaimed litigation skills, unblemished reputations for character and judicial temperament and distinguished civic careers, and to enable sitting judges of universally acclaimed merit to attain re-election to their judicial office without the need to participate in a partisan contest, the Westchester County (Republican) (Democratic) Committee joins with the Westchester County (Republican) (Democratic) Committee to Resolve:

That for the General Election of 1989, we hereby pledge our support, endorse and nominate Supreme Court Justice Joseph Giudice, Supreme Court Justice Samuel G. Fredman and Albert J. Emanuelli, Esq. of White Plains, New York for election to the Supreme Court of the State of New York, Ninth Judicial District, and to call upon and obtain from our counterparts in Rockland, Orange, Dutchess and Putnam Counties similar resolutions; and

For the general election of 1990, assuming that the then Justice Albert J. Emanuelli will resign from the Supreme Court Bench to run for Surrogate of Westchester County and thereby create a vacancy in the Supreme Court, Ninth Judicial District to be filled in the 1990 general election, we hereby pledge our support, endorse and nominate County Court Judge Francis A. Nicolai as our candidate for the Supreme Court vacancy created by Judge Emanuelli's resignation, and to call upon and obtain from our counterparts in Rockland, Orange, Dutchess and Putnam counties resolutions and commitments to support Judge Francis A. Nicolai as their candidate to fill the vacancy created by the resignation of Judge Emanuelli; and we hereby pledge our support, endorse and nominate Albert J. Emanuelli as our candidate for Westchester County Surrogate in the 1990 general election.

For the general election of 1991, we hereby pledge our support, endorse and nominate Judge J. Emmett Murphy, Administrative Judge of the City Court of Yonkers, for election to the County Court of Westchester County to fill the vacancy anticipated to be created by the election of Judge Francis A. Nicolai to the Supreme Court and Judge Adrienne Hofmann Scancarelli, Administrative Judge of the Family Court, Westchester County, for re-election to the Family Court, Westchester County; and

To require each of the above-named persons to pledge that, once nominated for the stated judicial office by both of the major political parties, he or she will refrain from partisan political endorsements during the ensuing election campaign and, thereafter, will provide equal access and consideration, if any, to the recommendations of the leaders of each major political party in connection with proposed judicial appointments.

We are resolved and agreed that the foregoing Resolution and pledges are intended to and shall be binding upon the respective Committees of the two major political parties during the years 1989, 1990, and 1991 and shall not be affected by any action or proposed action or court merger or court unification.

EXHIBIT 1



STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT
801 SECOND AVENUE
NEW YORK, NEW YORK 10017
(212) 949-8860

MEMBERS

HENRY T. BERGER, CHAIR
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CLERK
ALBERT B. LAWRENCE

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ADMINISTRATOR
ROBERT H. TEMPECKJIAN
DEPUTY ADMINISTRATOR

June 29, 1994

FACSIMILE: (212)949-8864

Eli Vigliano, Esq.
C/O Center for Judicial Accountability
Box 69
Gedney Station
White Plains, New York 10605

Dear Mr. Vigliano:

In response to your request in a letter which we received June 21, 1994, I enclose a copy of a letter mailed to you January 30, 1990 by the Clerk of the Commission, Albert Lawrence, Esq. There is no indication in our files that you had not received this letter.

This is the extent of the information we can provide pursuant to Article 2A, Section 45 of the Judiciary Law.

Very truly yours,

Lee Kiklier
Administrative Assistant

LK:ew

Enclosure

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT
AGENCY BUILDING I
11TH FLOOR
THE NELSON A. ROCKEFELLER EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223
(518) 474-5617



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DOLORES DELBELLO

HON. ISAAC RUBIN
HON. EUGENE W. SALISBURY
JOHN J. SHEEHY
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January 30, 1990

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ADMINISTRATOR
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DEPUTY ADMINISTRATOR
STEPHEN F. DOWNS
CHIEF ATTORNEY

CONFIDENTIAL

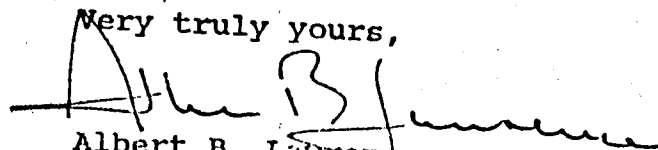
Eli Vigliano, Esq.
Westchester Financial Center
50 Main Street
10th Floor
White Plains, New York 10606

Dear Mr. Vigliano:

The State Commission on Judicial Conduct has reviewed your letter of complaint dated November 3, 1989. 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 of the judges.

Very truly yours,


Albert B. Lawrence
Clerk of the Commission

ABL:slc