

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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June 6, 1996

David Gruenberg, Counsel  
Senate Judiciary Committee  
Senator James J. Lack, Chairman  
Room 413, The Capitol  
Albany, New York 112247

RE: Opposition to Senate Confirmation of Judge Newton  
Member, New York State Commission on Judicial Conduct

Dear Mr. Gruenberg:

The purpose of this letter is to confirm what you have represented to us as the Senate Judiciary Committee's procedures for confirmation of the Governor's judicial nominees--other than those to the Court of Appeals.

In our first conversation on April 17th, you stated that the public is not permitted to testify at the Senate Judiciary Committee's confirmation hearings on the Governor's judicial nominees. According to you, the public is only permitted to observe the questioning of nominees by the Senate Judiciary Committee members. You reiterated that position last week and yesterday.

As to our April 18th letter to you, setting forth our serious and substantiated opposition to Senate confirmation of Judge Juanita Bing Newton for the Court of Claims, based on her betrayal of the public trust in her capacity as a judicial member of the Commission on Judicial Conduct, you told me yesterday, for the first time, that you have not informed the members of the Senate Judiciary Committee of that letter, that you will not do so, and that it is up to us to contact each of the 18 members of the Senate Judiciary Committee individually. In short, you explicitly refused to provide them with copies of our April 18th letter or to take any steps to alert them to our opposition to Judge Newton's confirmation, fully documented as it is by the file of our Article 78 challenge to the Commission on Judicial Conduct, which we left with you on May 7th.

The consequence of such position is to prevent the members of the Senate Judiciary Committee from knowing about our opposition and from developing from it invaluable lines of questioning at the hearing--unless we undertake the extremely onerous, time-consuming, and costly burden of communicating individually with them. Such burden--which we protest as wholly inappropriate--has been made even more onerous, costly, and unfeasible by virtue of the short-notice you have given us.

June 6, 1996

In response to my question today as to what information the Senate Judiciary Committee has regarding the credentials of the Governor's 26 judicial nominees, you stated that it has resumes. You told me--in response to my inquiry--that these resumes would be publicly available at some point, but you were uncertain whether you could provide them to us now. In any event, you were unwilling to fax them because of their length--although you did say that you would see about faxing Judge Newton's resume to us.

You would not respond to my inquiry as to whether the Senate Judiciary Committee receives other information from the Governor about the judicial nominees, such as completed questionnaire forms, or whether the Senate Judiciary Committee has its own questionnaire that nominees must fill out. We hereby reiterate our reasonable request for that information.

Finally, you again stated you did not know who the members of the Governor's Temporary Judicial Screening Committee are. You told me to call the Governor's office for that information--notwithstanding our April 18th letter to you and our April 29th letter to the Governor's counsel, Michael Finnegan, of which you were sent a copy, reflect the fact that the Governor's office has been ignoring our repeated request for such basic information.

Yours for a quality judiciary,



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