

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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By Fax: 518-486-9652
and Certified Mail: P-801-449-999

June 12, 1996

Michael Finnegan, Counsel to the Governor
Executive Chamber, The Capitol
Room 241
Albany, New York 12224

Dear Mr. Finnegan:

Yesterday, in connection with the Senate's on-going rubber-stamp confirmation of Governor Pataki's 26 judicial nominees--among them Judge Juanita Bing Newton--we hand-delivered a June 11, 1996 letter to the Senators, urging them not to do so.

We also hand-delivered a copy of that letter to the Executive Chamber for transmittal to you.

We invite your comment--on behalf of the Governor--to the serious issues therein presented, bearing upon the public's right to basic information about how the Governor chooses our state court judges.

The information to which we believe the public is entitled is detailed in our April 18, 1996 and April 29, 1996 letters, annexed as Exhibits "A" and "B", respectively, to our June 11, 1996 letter to the Senators.

We also, specifically, draw your attention to the following paragraph of our June 11th letter:

"...following the Governor's May 30th announcement of his 26 judicial nominations--including his nomination of Judge Newton--we telephoned the Governor's office, requesting information about the Temporary [Judicial Screening] Committee's 'highly qualified' ratings, including documentation to substantiate the nominees' credentials. None of our repeated calls have been returned."
(at page 3)

We hereby reiterate our unresponded-to recent telephone requests for such documentation as would substantiate the Temporary Judicial Screening Committee's 'highly qualified' ratings of the Governor's 26 judicial nominees.

Ex "C"

For your information, both before and after the Senate Judiciary Committee's confirmation hearings, David Gruenberg, counsel to Chairman Lack, refused to provide us with the resumes of any of the nominees--including the resume of Judge Newton.

We do not know what Judge Newton's resume says about her tenure on the New York State Commission on Judicial Conduct. However, when Judge Newton presented herself to the members of the Senate Judiciary Committee, she misrepresented herself as having been appointed to the Commission by the Chief Judge "in December of last year".

By such misrepresentation, Judge Newton--to whom we gave a copy of our June 11, 1996 letter before the Senate confirmation hearing began--effectively pretended: (a) that she was not involved in the dismissals of any of the facially-meritorious, documented complaints, annexed to the petition in our Article 78 proceeding against the Commission and (b) that she was not a member of the Commission when it defended itself from our Article 78 challenge by litigation misconduct and was rewarded with a fraudulent judgement of dismissal by the Supreme Court.

This is not true. Judge Newton has been a member of the Commission on Judicial Conduct for 2-1/2 years, having begun her tenure in January 1994.

Unfortunately, the Senate Judiciary Committee would not permit us to testify and the Senators, although possessing copies of our June 11th letter, chose not to ask a single question about our serious allegations against Judge Newton, stemming from her tenure as a member as the Commission on Judicial Conduct. Instead, they congratulated the Governor for having presented them with judicial nominees, all of whom had been rated "highly qualified".

Although we asked the Senate Judiciary Committee what materials it receives from the Governor's office to support the Governor's judicial nominations, we have been told that such information is "confidential". We do not understand why this should be so.

We, therefore, request to know whether the Governor will inform us as to the nature of the materials, if any, that he provides to the Senate Judiciary Committee to support his judicial nominations. Specifically, does the Governor provide the Committee with copies of the questionnaires which his nominees completed for his Temporary Judicial Screening Committee?

Michael Finnegan, Esq.

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Of course, because of the stonewall silence on your end, as complained of in our April 18th and April 29th letters, we do not even know if the Governor's Temporary Judicial Screening Committee even requires candidates to complete questionnaires in the first place.

Yours for a quality judiciary,

Elena Ruth Sassower

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

cc: Senate Judiciary Committee
Att: David Gruenberg, counsel to Chairman Lack
Judge Juanita Bing Newton
New York State Commission on Judicial Conduct
Assembly Judiciary Committee

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