

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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By Hand

May 6, 1996

James M. McGuire, Esq.
First Assistant Counsel to the Governor
Executive Chamber
Albany, New York 12224

Dear Mr. McGuire:

Thank you for your April 24th response to our request relative to Governor Pataki's February 28, 1996 complaint against Judge Lorin M. Duckman to the Commission on Judicial Conduct.

As indicated when I called last week and today, on tomorrow's 10:00 a.m. meeting agenda of the Senate Judiciary Committee will be discussion of Bill #7484 to amend--to a limited extent--the statutory confidentiality of the New York State Commission on Judicial Conduct. While we support the Bill, it is our view that it does not go far enough. The Bill does nothing to address the fact that the overwhelming majority of complaints filed with the Commission on Judicial Conduct--85% by the Commission's own statistics--never reach the investigative stage--which is the earliest point at which the present Bill would open confidentiality.

As we have documented, the Commission has been dumping facially-meritorious, fully-documented complaints in violation of its statutory mandate (Judiciary Law §44.1), which, by a self-promulgated rule (22 NYCRR §7000.3), it has subverted. In such fashion the Commission has protected powerful, politically-connected judges from disciplinary investigation. The present Bill would not prevent the Commission from continuing to cover-up for those judges--while going after the "little guy", whose conduct is minor in comparison to what more important judges are doing to corrupt the rule of law and respect for the judiciary.

On the subject of the Commission's rank protectionism, I enclose a copy of our published Letter to the Editor, "Commission Abandons Investigative Mandate", which appeared in the August 14, 1995 New York Law Journal. It describes our ground-breaking legal challenge to the Commission on Judicial Conduct.

A copy of the litigation file of that legal challenge will be transmitted to the Governor's office when we are in Albany tomorrow. It documents that the Commission is not only corrupt, but that it has corrupted the judicial process.

EX "H"

James M. McGuire, Esq.

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We would most appreciate if, while we are in Albany, you would arrange for us to receive copies of the underlying documents which the Governor transmitted to the Commission on Judicial Conduct and itemized in his February 28, 1996 coverletter. You have already provided us with the "Report to the Governor Regarding Allegations Against Judge Lorin M. Duckman"--which we previously requested. We now seek the balance. This consists of two affidavits of two Assistant District Attorneys, the November 24, 1992 letter from a Chief Assistant District Attorney, and 12 transcripts of criminal court proceedings. In the event providing such documents to us on short notice is not possible, we would appreciate if you would have them sent to us by mail.

Thank you very much.

Yours for a quality judiciary,



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

Enclosure