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May 13, 1997

Ms. Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc.
Box 69, Gedney Station
White Plains, New York 10605

Dear Ms. Sassower:

With respect to your letter of May 13, 1997, concerning the hearing at the Association of the Bar, my understanding is that Mr. Berger will cover specific subjects relating to proposed legislation.

As to my appearance, I will answer questions that the Committee may ask of me. I have no intention of responding to your claim that a court decision in favor of the Commission was a "fraud." Further, I will not try to persuade you that your opinions of the Commission and your views of the law are wrong.

The Commission has discretion in law to dismiss complaints that are not valid as allegations of misconduct. Some of the complaints that are dismissed may be valid issues for the courts to determine. The mere fact that a complaint alleges that a judge who decided a case is corrupt, biased or engaged in fraud does not make it "facially" meritorious.

The Commission in each instance makes a determination whether the complaint lacks merit on its face. A complaint that is based solely on a judge's decision generally does not give the Commission a basis to investigate the judge. Adding highly-charged words to that complaint, such as the kind you have used, does not bring that complaint within the statutory definition of being valid on its face. The Commission's rules are consistent with Article 2A of the Judiciary Law in all re-

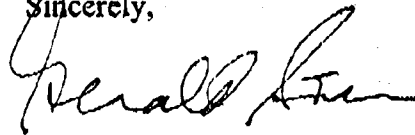
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spects. You apparently disagree with the Commission's exercise of discretion as to whether the complaints you are familiar with are valid on their face.

You and I have communicated often on these issues, and I assume I will be as successful in persuading you of the merits of my position as I have been in the past.

Sincerely,



Gerald Stern

GS:wg

cc: Lawrence Zweifach, Esq.

BY FAX