

York Law Tour

NEW YORK, TUESDAY, JUNE 27, 2000

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The Mayor's Advisory Committee on the Judiciary will hold a public hearing July 6 to consider Mayor Giuliani's four nominations for Criminal and Civil Court judges: John W. Carter, Gerald Harris and Seth L. Marvin for the Criminal bench, and Susan K. Knipps for the Civil bench. Details on the hearings are published on page 2.

Judiciary Committee To Examine Nominees

THE MAYOR'S Advisory Committee on the Judiciary will hold a public hearing July 6 to consider Mayor Giuliani's four nominations for Criminal and Civil Court judges: John W. Carter, Gerald Harris and Seth L. Marvin for the Criminal bench and Susan K. Knipps for the Civil bench.

The committee will meet at 9 a.m. at the Association of the Bar of the City of New York. Concise, signed written statements or testimony must be received by Monday by the committee, Room 1408, 35 W. 44th St., New York, N.Y. 10036.

Mr. Carter, 52, is with the Manhattan District Attorney's office, assigned to the career criminal program. Mr. Harris, 64, is deputy commissioner and general counsel with the Administration for Children's Services. Ms. Knipps, 45, is deputy counsel to Chief Judge Judith S. Kaye. Mr. Marvin, 43, is with the U.S. Attorney's office, Eastern District, assigned to the criminal division.

EX "A-1"

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BY FAX: 212-768-4115 (4 pages)

June 27, 2000

Mayor's Advisory Committee on the Judiciary
26 West 44th Street
New York, New York 10038

ATT: Paul D. Siegfried, Executive Director

RE: July 6, 2000 "Public Hearing"

Dear Mr. Siegfried:

In response to today's front-page notice in the New York Law Journal, the Center for Judicial Accountability, Inc. (CJA) requests the opportunity to testify at the July 6, 2000 "public hearing" in opposition to the Mayor's appointment of Susan K. Knipps for the Civil Court. Such opposition is based, *inter alia*, on Ms. Knipps' nonfeasance and malfeasance as Deputy Counsel to Chief Judge Judith Kaye.

As you know, CJA testified on two prior occasions before the Mayor's Advisory Committee on the Judiciary: on December 27, 1995 and February 23, 1996. On January 24, 1996, the New York Law Journal published our Letter to the Editor about the Advisory Committee's procedures, which it entitled: "*No Justification for Process's Secrecy*". A copy is enclosed for your convenience.

In preparation of our July 6th testimony, CJA requests the following:

(1) any publicly-available information as to Ms. Knipps' qualifications, such as her resume. If all or parts of Ms. Knipps' answers to the questionnaire she was required to complete for the Mayor's Advisory Committee on the Judiciary are publicly-available, this is especially requested;

(2) any publicly-available information as to the qualifications of the other three judicial appointees, who will be considered with Ms. Knipps at the July 6th hearing;

EX "A-2"

(3) a copy of the blank questionnaire used by the Mayor's Advisory Committee on the Judiciary, along with any instruction sheet to the candidates -- if it has been amended since 1996;

(4) the Mayor's Executive Order pertaining to his Advisory Committee on the Judiciary -- unless the relevant Order is Executive Order No. 10, dated July 20, 1994;

(5) current procedures and policies of the Mayor's Advisory Committee on the Judiciary, adopted pursuant to Section 7 of the Mayor's Executive Order No. 10, including "standards for evaluating the best qualified candidates for nomination, and criteria for recommending the reappointment of incumbent judges" -- if they have been amended since 1996;

(6) the names of the current members of the Mayor's Advisory Committee on the Judiciary.

Finally, CJA requests that now that The New York Times' Metro Section has begun publishing a calendar containing "public hearings", the Mayor's Advisory on the Judiciary send notice of its "public hearings" of the Mayor's judicial appointees to The Times for inclusion in its calendar. This would increase the likelihood that the general public, which does NOT read the publications to which the Mayor's Advisory Committee currently sends its notices, *to wit*, the New York Law Journal and The City Record, would be informed of these important "public hearings". For your convenience, a copy of the calendar from yesterday's Times, compiled by Anthony Ramirez, is enclosed. Mr. Ramirez can be reached through The Times' general phone number: 212-556-1234.

Thanking you in advance for your anticipated prompt attention to the foregoing requests,

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)



New York Law Journal®

The Official Law Paper for the First and Second
Judicial Departments

To the Editor

WEDNESDAY, JANUARY 24, 1996

No Justification For Process's Secrecy

Without detracting from Thomas Hoffman's excellent suggestion (*NYLJ*, Jan. 5) that the Mayor's Advisory Committee on the Judiciary hold public hearings on "the judicial selection process in general," I wish to make known that on Dec. 27 the Advisory Committee held a so-called "public" hearing on the Mayor's 15 appointees to the civil and criminal courts which became, de facto, a hearing on the judicial selection process.

As the only person to give testimony at that "public" hearing — I protested the exclusion of the public from the screening process, pointing out that the secrecy of the Committee's procedures makes it impossible for the public to verify whether — and to what extent — "merit selection" principles are being respected.

Most people — readers of the *Law Journal* included — have no idea how completely closed the judicial selection process is to public participation, let alone scrutiny, and how skewed the results are because of that. The public is entirely shut out — except at the very end of the process, after the Mayor's judicial appointments have been announced. At that point, the Mayor's Advisory Committee holds a so-called "public" hearing on the Mayor's new appointees — a hearing not even publicized in a manner designed to reach the general public. The consequence is that the public-at-large knows nothing about the "public" hearing — and misses out on what is literally its one and only opportunity to have a say as to who will be its judges.

The earlier stages of the process foreclose that right: The Mayor's Committee receives applications from candidates applying to be judges, but keeps their identities secret from the public. This effectively prevents the public from giving the Committee information about the applicants that would be useful to its evaluation and selection of the required three nominees for each judicial vacancy. As to those nominees selected by the Committee and passed on to the Mayor, their identities are also kept secret from the public — thus preventing the public from coming forward with information even at that late stage.

From the outcome of this defective process, the Mayor selects our soon-to-be-judges. Yet his announcement of their names is not accompanied by release of the applications they filed with the Mayor's Advisory Committee at the beginning of the process, setting forth their qualifications. Those applications remain secret to the end.

Consequently, the public is unable to verify the qualifications of the Mayor's judicial appointees — and whether they are, in fact, the "most qualified." It is precisely because the public has no access to the applications of the Mayor's appointees — or to those of the other Committee nominees and of the entire applicant pool — that we have been battered for the last three weeks by wildly divergent claims about the absolute and relative qualifications of the Mayor's promoted and demoted judges, which even press investigation has been unable to resolve.

As I testified before the Mayor's Advisory Committee, there is no justification for the secrecy that shrouds the judicial screening process. Judges are public officers, paid for by the taxpayers, and wield near absolute powers over our lives. By filing applications with the Mayor's Advisory Committee, those applying to be judges represent themselves as possessing requisite superior qualifications. As such, they must be willing, like other contenders for public office, to accept public scrutiny as the price.

Although some writers to this column of the *Law Journal* have despaired that "politics" can ever be divorced from judicial selection — the most powerful beginning is to remove the self-imposed secrecy of the judicial screening process. Until then, "merit selection" can only remain the charade that it is.

Elena Ruth Sassower
White Plains, N.Y.

Metro Briefing

NEW YORK

BROOKLYN: STATE JUDGE ARRESTED A judge was charged with domestic assault yesterday after a woman called the police from 335 Park Place in Brooklyn, just north of Prospect Park, and said Justice M. Randolph Jackson, 56, of State Supreme Court had hit her in the face. A police spokesman would not give further details. A call to the judge's home was not returned. (NYT)

QUEENS: GIRL KILLED IN ACCIDENT A father backed his car into his two children playing on the driveway of his Queens house yesterday afternoon, killing one and critically injuring the other, the police said. Lorraine Williams, 3, was dead on arrival at Mary Immaculate Hospital. Her 7-year-old sister, whose name the police did not release, had a broken leg and hip and was in critical condition. The incident is under investigation, but no charges were filed against the father, Burton J. Williams, 50, of 102-31 183rd Place, Hollis, a police spokeswoman said. Shaila K. Dewan (NYT)

NEW HYDE PARK: L.I.R.R. TRAIN ACCIDENT A man was killed yesterday afternoon when his car was struck by an eastbound Long Island Rail Road train arriving at the New Hyde Park station in Nassau County. The man had apparently driven around a lowered gate on Covert Avenue. No one on the train was injured, according to Jerry Sonnenburg, assistant chief train dispatcher for the railroad, but there was some damage to the tracks. Officials expected that service would be restored by today's rush hour, he said. Shaila K. Dewan (NYT)

QUEENS: MISSING TRAVEL WRITER The Federal Bureau of Investigation plans to send additional agents to Jamaica to help in a search for a missing New York travel editor. The editor, Claudia Kirschhoch, 29, of Astoria, Queens, disappeared around May 28. Two agents from the F.B.I.'s Miami office have already gone to Jamaica, but last Friday, the Jamaican government asked for more help, allowing the F.B.I. to send forensics experts, as well as a lie-detector machine and operator today. Edward Wong (NYT)



QUEENS: SUBWAY INJURY A 20-year-old man was severely injured after leaping in front of a No. 7 train at the 46th Street station in Sunnyside, Queens, on Saturday night, transit officials said. The man, whose name was not released, was taken to Elmhurst Hospital Center, where he was in critical but stable condition. Two police officers from the Emergency Service Unit going to the scene were injured when their truck was hit by a car in Jackson Heights, the police said. Three of the car's passengers were injured. Two other passengers from the second car fled. Edward Wong (NYT)

BROOKLYN: STROLLER CAUGHT IN SUBWAY DOORS A subway train started to pull out of the Borough Hall station in Brooklyn yesterday morning with a baby stroller stuck between two doors, the police said. A passenger pulled the emergency brake to stop the No. 2 train, said Officer Valerie St. Rose, a police spokeswoman. The 2-year-old boy in the stroller and his mother were not seriously injured. Newer subway cars are equipped with sensors to prevent a train from moving unless all the doors are closed, but Albert O'Leary, a New York City Transit spokesman, said the incident involved an older car. Shaila K. Dewan (NYT)

MANHATTAN: SENATOR CALLS GOVERNMENT UNPREPARED



A new study of the governmental response to the West Nile virus outbreak last year shows that federal agencies are woefully unprepared to respond to bioterrorist attacks, Senator Charles E. Schumer said yesterday. Mr. Schumer said he commissioned the study by the General Account-

ing Office to learn from the way federal, state and local agencies reacted to last summer's outbreak. "When the West Nile virus came here, it could have been a prototype for a man-designed attack," he said.

Sherrri Day (NYT)

NEW JERSEY

WEST ORANGE: CAVALCADE OF COWS As in New York and Chicago, local artists and town officials staged a parade of 28 life-size fiberglass cows last week that will be displayed around this suburb until the fall. The architects Robert A. M. Stern and Michael Graves and more than a dozen New Jersey artists decorated the hollow-cast animals, which will be auctioned for charity. Andrew Jacobs (NYT)

CONNECTICUT

HARTFORD: LIFEGUARD SHORTAGE The state and many towns are having trouble hiring lifeguards for ponds and pools. Many teenagers who worked as lifeguards in previous years have taken better-paying jobs elsewhere, state officials say. Bill Mattioli, the water safety program coordinator for the State Department of Environmental Protection, said the agency had yet to fill 30 of its 99 lifeguard positions. (AP)

CALENDAR

Today

NEW JERSEY VOTE ON BEAR HUNT The New Jersey Senate is scheduled to vote on a bill that would ban bear hunting and provide \$95,000 to develop nonlethal ways to thin the bear population. A similar measure in the Assembly is still in committee.

Tomorrow

MURDER SENTENCING Kenneth and Sante Kimes are scheduled to be sentenced in the Irene Silverman murder case.

SENTENCING IN LOUIMA CASE Three police officers — Charles Schwarz, Thomas Bruder and Thomas Wiese — convicted in March of covering up the assault on Abner Louima are scheduled to be sentenced.

Thursday

MISSING PERSONS AND POLICE City Council's Committee on Public Safety plans a public hearing on how the police handle missing persons' cases. Committee Room, City Hall, 10 a.m. For more information: (212) 788-6850.

J.F.K. AND LA GUARDIA EXPANSION City Council's Committee on Transportation to hold public hearing on building expansion and more flights at La Guardia and Kennedy airports and the impact on traffic and noise. Committee Room, City Hall, 1 p.m. For more information: (718) 633-9400, extension 24.

Compiled by Anthony Ramirez