

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY FAX: 212-344-3329 (11 pages)

DATE: November 14, 2003

TO: New York Civil Liberties Union
ATT: Christopher T. Dunn, Associate Legal Director

FROM: Elena Ruth Sassower, Coordinator

RE: "Weighing in" on whether the Second Department is "acting fairly and equitably" when dealing with an attorney's right to practice law" (NYLJ, 11/26/02, "Committee to Study Discipline Process")

Following up our November 12th phone conversation, enclosed is CJA's November 13th memo to Presiding Justice Prudenti, et al. – to which the New York Civil Liberties Union (NYCLU) is an indicated recipient by reason of its advocacy on behalf of Zhuyu He. Your excellent January 10, 2001 *amicus curiae* motion to the New York Court of Appeals is extensively quoted at pages 4-5.

Since NYCLU was then ready to help Mr. He not only on an *amicus* level, but to represent him (¶4), it must now seize the opportunity – for which now, unlike then, no court permission is needed -- to make the presentation to Presiding Justice Prudenti that it would have embodied in its briefs to the Court of Appeals. Such is all the more compelled in light of your ¶6.

By this memo, CJA formally requests that NYCLU make its powerful voice heard and, additionally, finally express itself as to the unconstitutionality of New York's attorney disciplinary law, *as written as applied*, demonstrated by the cert petition in the *Sassower v. Mangano, et al.* federal action. As I recollect, I provided you with a copy on April 18, 2001 when I accompanied Mr. He to his meeting with you.

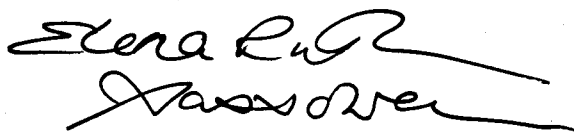
As you requested in our phone conversation, I am enclosing an inventory of the limited case file materials that CJA has concerning Mr. He's admissions application. Presumably your files contain additional documents and we would appreciate copies as soon as possible – especially, if NYCLU declines to make its own presentation on behalf

of Mr. He and lawyers similarly situated. In such circumstance, please also provide us with whatever other information and case file materials you have in substantiation of your ¶6.

Should you wish to review the key letters referred to in our enclosed November 13th memo, *to wit*, our January 27th and February 3rd letters to Barry Kamins, Esq. and our November 6th letter to Brooklyn District Attorney Hynes, they are posted on our website: www.judgewatch.org. [see, *Correspondence-NYS Officials: Appellate Division, Second Department Review Committee*].

We will, of course, provide NYCLU with "hard copies" should you so desire.

Thank you.


Elena R. G. Jansover

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INVENTORY OF TRANSMITTAL
PERTAINING TO THE APPLICATION OF ZHUYU HE
FOR ADMISSION TO THE NEW YORK BAR

Resume of Michael Z. He (Zhuyu He)

Appellate Division, Second Department's decision & order on application,
dated April 25, 2000

Appellate Division, Second Department's 2000 decision & order on application,
dated September 6, 2000

Zhuyu He's notice of motion, filed October 5, 2000

Appellate Division, Second Department's decision & order on motion,
dated November 28, 2000

New York Civil Liberties Union's *amicus curiae* motion to the New York Court of
Appeals, dated January 10, 2001

New York Court of Appeals' order denying Zhuyu He's motion for leave to appeal,
dated March 22, 2001

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