

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL

CERTIFIED MAIL/RRR: 7099-3400-0001-2734-1826

May 9, 2001

Steven M. Zeidman, Executive Director
The Fund for Modern Courts
351 West 54th Street
New York, New York 10019

RE: *Amicus* and other assistance in the appeal of the public interest Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against Commission on Judicial Conduct of the State of New York* (NY Co. #108551/99) Appellate Division, First Dept.: September 2001 Term

Dear Mr. Zeidman:

This follows up our disconcerting May 3rd phone conversation, wherein you stated that you had still *not* gotten around to reviewing my Appellant's Brief in my lawsuit against the Commission – hand-delivered to you on February 16th, with a coverletter request for *amicus* and other assistance -- and that didn't know when you could get around to reviewing it. You also stated that you had *not* transmitted the Brief to Chairman Cardozo, to former Chairman Feerick, or to any of the Fund's many officers and Board members for their review, as I had expressly requested you do when, during our previous March 14th phone conversation, you first told me you had not reviewed the Brief and didn't know when you would be able to get around to reviewing it. Additionally, you stated that you had *not* placed CJA's request for *amicus* and other assistance on the agenda of the Fund's May meeting – which I had also expressly requested when we spoke on March 14th.

Your pretense that the Fund can simply ignore my public interest lawsuit is in face of your knowledge that it not only exposes the corruption of the New York State Commission on Judicial Conduct, which important state agency the Fund was instrumental in establishing, but also of the "merit selection" process to the New York Court of Appeals, which the Fund was likewise instrumental in establishing and which it actively seeks to expand to other courts in the state.

Despite your professional malfeasance, costing the Fund valuable months in which it should have been confronting the transcending issues the lawsuit presents, there is still time for the Fund to address them. The appeal is no longer calendared for the June 2001 term – as it was when I presented my February 16th request for *amicus* and other assistance. As the enclosed stipulation reflects, the appeal is now on for the September 2001 term.

Since my February 16th request, the Commission, by its Respondent's Brief, has demonstrated that it has NO legitimate defense to the appeal. From beginning to end, its Respondent's Brief is fashioned on wilful falsification, distortion, and omission of the material facts and controlling law. This may be seen from the critique I have provided to both the Commission and the Attorney General, documenting my entitlement to severest sanctions against them, unless the Respondent's Brief is withdrawn. As discussed, I am transmitting to you copies of the critique and Respondent's Brief, as well as the relevant correspondence: my April 18th and May 3rd letters to Attorney General Spitzer, and my May 3rd letter to Deputy Solicitor General Belohlavek.

Unless I hear from you by Monday, May 28th as to who, among the Fund's eminent officers and Board members is reviewing CJA's request for *amicus* and other support on the appeal, I will initiate contacts with them directly.

Yours for a quality judiciary,

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

Enclosures: As indicated

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