

Ctr for Judicial Accountability

From: Ctr for Judicial Accountability [cja@judgewatch.org]
Sent: Monday, July 02, 2007 12:58 PM
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Cc: 'info@justiceatstake.org'; 'ref@attglobal.net'; 'Dahlia.Lithwick@slate.com'; 'lylden@aol.com'; 'jturley@law.gwu.edu'; 'Andrew Horwitz'
Subject: Memo to Justice at Stake Campaign Partners -- "Working to Keep Our Courts Fair and Impartial" -- as Empirically Tested by the 'Disruption of Congress' Case
Attachments: 7-2-07-campaign-partners.pdf

TO: JUSTICE AT STAKE CAMPAIGN PARTNERS:
 American Bar Association & its Standing Committee on Judicial Independence
 American Judicature Society
 Brennan Center for Justice
 The Constitution Project
 Institute for the Advancement of the American Legal System
 League of Women Voters Judicial Independence Project
 Appleseed Foundation
 Common Cause
 The Fund for Modern Courts

Attached is my already faxed memo of today's date. It -- and the prior exchange of correspondence to which it refers -- are posted on CJA's website, www.judgewatch.org, accessible via the sidebar panel "Searching for Champions (Correspondence) -- Organizations", containing a link to the Justice at Stake Campaign.

I look forward to your responses, which I hope will be prompt.

Thank you.

Elena Sassower, Director
 Center for Judicial Accountability, Inc. (CJA)
 914-421-1200

cc: Bert Brandenburg, Executive Director/Justice at Stake Campaign
 Richard E. Flamm, Judicial Disqualification: Recusal and Disqualification of Judges
 Dahlia Lithwick/Slate
 Lyle Denniston/Scotusblog
 Professor Jonathan Turley
 Professor Andrew Horwitz

CENTER for **JUDICIAL ACCOUNTABILITY, INC.***

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BY FAX & E-MAIL (6 pages)

DATE: July 2, 2007

TO: Justice at Stake Campaign Partners
American Bar Association & its Standing Committee on Judicial Independence
American Judicature Society
Brennan Center for Justice
The Constitution Project
Institute for the Advancement of the American Legal System
League of Women Voters Judicial Independence Project
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FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: "Working to Keep Our Courts Fair and Impartial" -- As Empirically Tested by the
"Disruption of Congress" Case Elena Ruth Sassower v. United States of America

Enclosed is my June 29th letter to Bert Brandenburg, Executive Director of the Justice at Stake Campaign, already directly e-mailed to you on that date as indicated recipients.

I take the opportunity of this coverletter to highlight its concluding paragraph pertaining to you, requesting:

"...the courtesy of [your] responses as to what *amicus curiae* and other legal and media assistance [you] can provide for the cert petition in the 'disruption of Congress' case – and, if none, the reasons therefore and what steps [you] will take to bring the case into scholarship so that advocacy about judicial independence can, at long last, bear some resemblance to the on-the-ground reality." (underlining in the original).

* The Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization, documenting, by independently-verifiable empirical evidence, the dysfunction, politicization, and corruption of the processes of judicial selection and discipline on federal, state, and local levels.

Kindly also advise as to what services, if any, your organizations provide to litigants and lawyers who turn to you with direct, first-hand information about judicial misconduct and corruption. Specifically, do you ask them to supply you with the substantiating casefiles for research and advocacy based thereon? For that matter, have you ever balanced your vocal defense of judges against “unjust criticism” by acknowledging “just criticism” of judges where such was for judicial decisions and rulings that are *readily-verifiable* judicial frauds – as at issue in the “disruption of Congress” case?

By copy of this letter to Mr. Brandenburg, I ask that he identify whether, to his knowledge, any of Justice at Stake's other Campaign Partners engage in record-based research and advocacy involving fraudulent judicial decisions, or otherwise provide services to victims of judicial misconduct and corruption.

Finally, I note that American Judicature Society, whose Campaign Partner webpage on the Justice at Stake website identifies that it conducts “research” and “empirical research” on “judicial ethics, judicial selection...judicial independence, court administration, and...the justice system”, will be holding an August 10th program entitled “Ensuring an Impartial Judge: Current Disqualification Issues”. The program, part of its 2007 Annual Meeting, is described on the American Judicature Society website¹, introduced as follows:

“Judicial Disqualification is the subject of increasing attention and study nationwide. This program will examine the need for greater effectiveness and transparency in judicial disqualification practices, focusing on the nuts and bolts.”

Which scholars are engaged in this “study nationwide”? – and do their studies go beyond analysis of published judicial opinions on disqualification/disclosure motions and related appeals and mandamus/prohibition petitions to include unpublished judicial opinions?² Do any of their studies also examine the underlying casefiles so as to verify the fidelity of the published and unpublished opinions to the actual disqualification/disclosure motions, appeals, and mandamus/prohibition petitions? Assuredly, the “panel of experts” who will be presenting at the August 10th program cannot “address practical steps toward ensuring the appearance of judicial impartiality” without confronting what casefiles such as the “disruption of Congress” case documentarily prove, *to wit*, that there are NO “practical steps” for “ensuring the appearance of judicial impartiality”, let alone its actuality, because purported safeguards are demonstrably dysfunctional and corrupted.

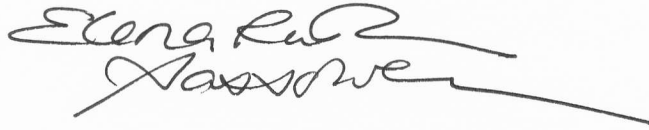
¹ www.ajs.org/ajs/Meetings/2007/ajs_meetings_07AM.asp

² Suffice to compare the published opinion in *Oscar S. Mayers v. Sheila T. Mayers*, 908 A.2d 1182 (October 12, 2006), by a three-judge D.C. Court of Appeals panel (Ruiz, Reid, Nebeker) with the unpublished opinion, 915 A.2d 964, ten weeks later – December 20, 2006 -- in the “disruption of Congress” case by two of the same three judges (Ruiz, Kramer, Nebeker). [accessible *via* www.judgwatch.org, sidebar panel “‘Disruption of Congress’-The Appeal]. NIGHT & DAY.

I expressly request that American Judicature Society and other Justice at Stake Campaign Partners having information about the “study nationwide” of judicial disqualification identify the names of the scholars involved so that I might immediately alert them to the record of the “disruption of Congress” case – and seek their guidance and assistance, including as *amicus curiae* in support of Supreme Court review. These scholars presumably include the “panel of experts” for the August 10th program. For them, the “disruption of Congress” case is not only “current”, but directly germane to “the issues to be covered”. Most notably, “What grounds for disqualification are most often invoked?”, “Who should decide motions to disqualify?”, “Disqualification issues on appellate courts”, and “What, how, and where should judges disclose relevant information”.

As time is of the essence, I would appreciate your prompt responses.

Thank you.

A handwritten signature in black ink, appearing to read "Elena Ruiz" followed by a stylized flourish.

cc: Burt Brandenburg, Executive Director/Justice at Stake Campaign
Richard E. Flamm, Judicial Disqualification: Recusal and Disqualification of Judges,
Dahlia Lithwick/Slate
Lyle Denniston/Scotusblog
Professor Jonathan Turley
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