

Other relevant information could have been provided to support the motion -- such as the practices of other state commissions in the handling of judicial misconduct complaints. Here, too, Mr. Stern had the requisite expertise, as reflected by his testimony at the September 27, 1987 hearing of the Assembly Judiciary Committee:

[Testimony of Administrator Stern, p. 17]

“And I also have some knowledge of what exists throughout the country. I’m on various boards, and I won’t bore you with the details of how I have information on what’s happening throughout the country.”

Indeed, Mr. Stern actively participates in the American Judicature Society’s Center for Judicial Conduct Organizations, and has been on the Board of Directors of the Association of Judicial Disciplinary Counsel, where he served on an advisory committee developing a 1990 publication entitled, “Practices and Procedures of State Judicial Conduct Organizations”<sup>31</sup>.

Of course, had Mr. Stern come forward with an affidavit, he would have been expected to respond to the critical unanswered questions and issues presented by Petitioner’s March 11, 1999 letter to him (Exhibit “G”), identified at ¶¶ FORTY-FIRST, FORTY-SECOND, FORTY-FOURTH, and FORTY-FIFTH of the Verified Petition. These include the definition of “not valid on [its] face...Assumedly...equivalent to ‘the complaint on its face lacks merit’-- the

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<sup>31</sup> Because of Mr. Stern’s substantial role in that publication, it contains pertinent information about Respondent, supplied by Mr. Stern himself. As set forth in Chapter 4, p. 19: “...there is only one class of investigation in Florida, New York, and Illinois. In fact, in New York, the commission administrator emphasized that once the commission authorizes an investigation, there is a full formal investigation. There are no gradations, such as initial inquiry or preliminary investigation.” Such statement further reinforces Respondent’s knowledge of the fraudulence of Justice Cahn’s dismissal of the prior Article 78 proceeding against Respondent, in which he upheld the constitutionality of 22 NYCRR §7000.3, *as written*, in a false argument that, *sua sponte*, advanced the claim that “initial review and inquiry” is part of “investigation”.

Ex '2-1"