

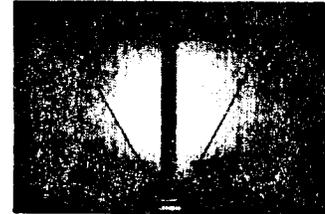
CENTER for JUDICIAL ACCOUNTABILITY, INC.

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VIA FAX AND MAIL

January 4, 1999

James C. Moore, President
New York State Bar Association
1 Elk Street
Albany, New York 12207

Re: Appointment of Justice Albert Rosenblatt to the Court of Appeals

Dear Mr. Moore:

Enclosed is a copy of my daughter's Letter to the Editor, published in the December 28th issue of the New York Post concerning the undemocratic way in which the Senate rammed the Rosenblatt nomination down the public's throat without so much as a public hearing, after it heard that CJA intended to present its opposition. CJA wishes to know what steps your organization intends to take to vindicate the People's right to know about the unfitness of judicial nominees.

Such action by the New York Bar Association is particularly in order because, had it not been for the complicity of its Judicial Selection Committee, which "rubber-stamped" this abysmal nomination, rather than preventing it, in accordance with its duty, such unworthy nomination could have been prevented.

Shockingly, the Chairman of your Judicial Selection Committee, Howard D. Stave, failed to respond to -- or even acknowledge -- the copy of CJA's November 18, 1998 transmittal to the City Bar Association¹, detailing Justice Rosenblatt's unfitness for gubernatorial appointment to the Court of

1. Including my 5-page Letter to Assn. of the Bar, Executive Committee and ten other named recipients, together with four (4) file folders, embodying correspondence with Judicial Conduct Commission, Judicial Misconduct Complaints, Cert Petition and Supplemental Brief in Sassower v. Mangano, correspondence with Justice Dept., Public Integrity Section and miscellaneous supporting articles and items.

The Center for Judicial Accountability, Inc. is a national, nonpartisan, nonprofit citizens' organization documenting the dysfunction, politicization and corruption of the closed-door processes of judicial selection and discipline on federal, state and local levels. Its mission is to ensure that only the most qualified lawyers become, and remain, judges.

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James C. Moore, President
NYSBA

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Appeals. Needless to say, such transmittal -- which you need to request from him, if you have not already seen it -- required considerable time, effort, and money on my part and other public-spirited persons to prepare and send to him by Express Mail, and I had reasonably expected a modicum of good faith in return.

However, when I contacted Mr. Stave on December 1, 1998, following news reports of the "well qualified" ratings given the Rosenblatt candidacy by your bar association as well as the City Bar, having heard nothing whatever from him in the interim following my transmittal, I was unprepared for his brusque refusal to speak to me, to return my materials, as previously requested, or to advise as to their whereabouts. Such unprofessional behavior and unmerited bar ratings only prove the complete untrustworthiness and suspect nature of the entire judicial selection process.

Mr. Stave's discourteous response showed his disdain for any information adversely impacting on judicial candidates, whose approval was obviously preordained. He forfeited all respect when, as Chairman, he permitted -- or more likely -- led his committee into outrageously collusive ratings -- which the Governor then used to justify his intended nomination of Justice Rosenblatt. This was a complicitous cover-up of the candidate's pervasively unethical and criminal behavior, as our transmittal documented.

Once again, the public interest has been sacrificed to political interest, allowing a governor who is blatantly contemptuous of his constitutional duty and oath of office to appoint his predetermined choice: the unworthy Justice Rosenblatt. With the help of a similarly "rubber-stamp" Senatorial confirmation process, accomplished behind doors closed to CJA and the public, he will go on to corrupt our state's highest court -- as he has the Appellate Division, 2nd Dept. -- through continued judicial lying, obstruction of justice, and abuse of power in which he personally participates or condones on the part of other judges.

Unlike President Clinton's case, there can be no doubt or debate as to whether such acts committed by Justice Rosenblatt in the course of his official conduct constitute impeachable offenses. Nor will there be any doubt as to the criminal nature of the bar association conspiracy that, through fraudulent, undeserved ratings, gave Governor Pataki the green light for continued corruption of our judiciary, particularly, our top state court, where now sits his good friend, Judge Rosenblatt. It's time to start on a new path in the New Year!

Very truly yours,

Doris L. Sassower, Director
Center for Judicial Accountability, Inc.

Enclosures: 12/28/98 New York Post article; 11/19/1998 Letter to Howard Stave
cc.: Howard D. Stave, Chair, NYSBA Judicial Selection Committee

NEW YORK POST

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An Appeal to Fairness: Revisit the Court of Appeals

•Your editorial "Reclaiming the Court of Appeals" (Dec. 18) asserts that Albert Rosenblatt will be judged by how well he upholds the democratic process "from those who would seek to short-circuit" it.

On that score, it is not too early to judge him. He permitted the state Senate to make a mockery of the democratic process and the public's rights when it confirmed him last Thursday.

The Senate Judiciary Committee's hearing on Justice Rosenblatt's confirmation to our state's highest court was by invitation only.

The Committee denied invitations to citizens wishing to testify in opposition and prevented them from even attending the hearing by withholding information of its date, which was never publicly announced.

Even reporters at the Capitol did not know when the confirmation hearing would be held until last Thursday, the very day of the hearing.

The result was worthy of the former Soviet Union: a rubber-

stamp confirmation "hearing," with no opposition testimony — followed by unanimous Senate approval.

In the 20 years since elections to the Court of Appeals were scrapped in favor of what was purported to be "merit selection," we do not believe the Senate Judiciary Committee ever — until last Thursday — conducted a confirmation hearing to the Court of Appeals without notice to the public and opportunity for it to be heard in opposition.

That it did so in confirming Justice Rosenblatt reflects its conscious knowledge — and that of Justice Rosenblatt — that his confirmation would not survive publicly presented opposition testimony. It certainly would not have survived the testimony of our non-partisan citizens' organization.

This is why we will be calling upon our new state attorney general as the "People's lawyer," to launch an official investigation. **Elena Ruth Sassower**
Center for Judicial Accountability
White Plains

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