

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

*Elena Ruth Sassower, Coordinator*

### BY PRIORITY MAIL

CERTIFIED/RRR: 7099-3400-0001-2791-8370

CERTIFIED/RRR: 7099-3220-0010-4766-1748

November 13, 2000

Justice Victoria A. Graffeo  
Appellate Division, Third Department  
Justice Building, Room 310  
Capitol Station, P.O. Box 7288  
Albany, New York 12224

Chairman James J. Lack  
Senate Judiciary Committee  
The Capitol, Room 413  
Albany, New York 12247

RE: The Public's Right to "Hear" and "Be Heard" at the Upcoming Senate Judiciary Committee Confirmation Hearing on Justice Graffeo's Appointment to the New York Court of Appeals

Dear Justice Graffeo and Chairman Lack:

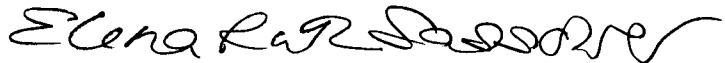
Enclosed are copies of CJA's October 16, 2000 report, detailing the Commission on Judicial Nomination's subversion of the "merit selection" process to the New York Court of Appeals and CJA's November 13, 2000 report, detailing the bar associations' complicity therein.

The Introduction and Conclusion of CJA's November 13, 2000 report identify that each of you are members of Chief Judge Kaye's Committee to Promote Public Trust and Confidence in the Legal System and that each of you can powerfully demonstrate your commitment to promoting public trust and confidence. This, at the upcoming Senate Judiciary Committee hearing on Justice Graffeo's confirmation, at which Chairman Lack will preside.

November 13, 2000

CJA calls upon Justice Graffeo, who aspires to sit on our State's highest court, to demonstrate her fitness for such public office by putting aside her substantial self-interest in favor of the public interest. To that end, she must insist that Chairman Lack not "ram through" her Senate confirmation as he "rammed through" Justice Rosenblatt's Senate confirmation in 1998: by a no-notice, by-invitation-only, confirmation hearing, at which no opposition testimony was permitted<sup>1</sup>. It is her duty – as likewise Chairman Lack's – to ensure the public of a meaningful opportunity to "hear" and "be heard" at the confirmation hearing. Likewise, it is her duty – as well as Chairman Lack's – to publicly address the serious issues particularized by CJA's reports as to the corruption of the "merit selection" process to our State's highest court. This includes the threshold issue as to whether the Commission on Judicial Nomination's October 4, 2000 report conforms with the requirement of Judiciary Law §63.3 that it contain "*findings* relating to the character, temperament, professional aptitude, experience, qualifications and fitness for office of *each candidate* who is recommended to the governor"<sup>2</sup> and, if not, whether the Senate may lawfully proceed with confirmation, over public objection as presented by CJA's October 16, 2000 report.

Yours for a quality judiciary,



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

Enclosures:

- (1) CJA's October 16, 2000 report with free-standing File Folders "A" and "B"
- (2) CJA's November 13, 2000 report
- (3) CJA's informational brochure with insert "*An Appeal to Fairness: Revisit the Court of Appeals*", Letter to the Editor, NY Post, 12/28/98

---

<sup>1</sup> This is highlighted by Exhibits "A-1" and "A-2" to CJA's October 16, 2000 report, which are, respectively, CJA's Letter to the Editor, "*An Appeal to Fairness: Revisit the Court of Appeals*" (NY Post, 12/28/98), and CJA's March 26, 1999 ethics complaint (at pp. 21-22).

<sup>2</sup> **Emphasis added.**

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

*Justice Victoria A. Raffo*

Postage	\$ 7.00	UNIT ID: 0133
Certified Fee	1.40	
Return Receipt Fee (Endorsement Required)	1.25	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 9.65</b>	



Name (Please Print Clearly) (To be completed by mailer)  
*Appellate Division, Third Dept*  
 Street, Apt. No., or PO Box No.  
*Justice Burdy Room 310*  
 City, State, ZIP+4  
*Albany, NY 12224 P.O. Box 7288*

DLER T622 T000 00HE 6602

PS Form 3800, July 1999 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:  
*Justice Victoria A. Raffo*  
*Appellate Division*  
*Justice Burdy Room 310*  
*Capitol Station P.O. Box 7288*  
*Albany, NY 12224*

Article Number (Copy from service label)  
 7099 3400 0001 2791 8330

Domestic Return Receipt

102595-00-M-0952

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *Victoria Raffo* B. Date of Delivery *11/15*

C. Signature *[Signature]* D. Is delivery address different from item 1?  Yes  No

If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

*Chairman James V. Lact*

Postage	\$ 7.00	UNIT ID: 0133
Certified Fee	1.40	
Return Receipt Fee (Endorsement Required)	1.25	
Restricted Delivery Fee (Endorsement Required)	9.65	
<b>Total Postage &amp; Fees</b>	<b>\$</b>	



Name (Please Print Clearly) (To be completed by mailer)  
*Senate Judiciary Committee*  
 Street, Apt. No., or PO Box No.  
*The Capitol, Room 413*  
 City, State, ZIP+4  
*Albany, NY 12247*

PHLT 9924 DT00 022E 6602

PS Form 3800, July 1999 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:  
*Chairman James V. Lact*  
*Senate Judiciary Committee*  
*The Capitol, Room 413*  
*Albany, NY 12247*

Article Number (Copy from service label)  
 7099 3220 0010 4766 1748

Domestic Return Receipt

102595-00-M-0952

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *Mark Adrich* B. Date of Delivery *11/15*

C. Signature *[Signature]* D. Is delivery address different from item 1?  Yes  No

If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No