

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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September 24, 2009

TO: New York State Bar Association
New York City Bar Association
New York County Lawyers' Association
Fund for Modern Courts
Citizens Union
League of Women Voters/New York
Common Cause/New York
Institute of Judicial Administration
Michael Cardozo, Esq.

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

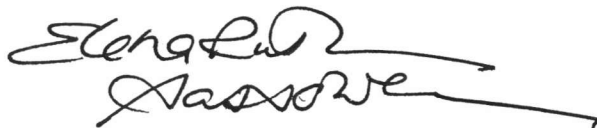
RE: Building Dialogue & Scholarship: "Merit Selection" to the New York Court of Appeals

As you were all proponents of the 1977 constitutional amendment to end judicial elections to the New York Court of Appeals and establish the Commission on Judicial Nomination, enclosed is the Center for Judicial Accountability's comment to the Commission's proposed revised rules.

We invite your response for the benefit of the Commission, the Senate Judiciary Committee – and Assembly Judiciary Committee member Rory Lancman, whose bill to repeal Judiciary Law §63.2 so as to require the Commission to furnish the Governor with all "well qualified" candidates – consistent with the constitutional amendment – we seek to have re-introduced and approved in this legislative session.

In any event, please advise as to whether you have files of historical materials germane to that 1977 constitutional amendment and the implementing Judiciary Law, including materials shedding light on the May 10, 1978 letter of then Assemblyman Charles Henderson to then Governor Hugh Carey – annexed to our comment as Exhibit D-1. If so, would you be willing to make them available to us for our further research in constructing an accurate historical record, for which we earnestly seek your collaboration.

Thank you.



Enclosure

cc: Commission on Judicial Nomination
Senate Judiciary Committee
Assemblyman Rory Lancman

* Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

Exhibit J-1