

CENTER for JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

E-Mail: probono@delphi.com

Box 69, Gedney Station  
White Plains, New York 10605

By Fax: 212-997-7597

By Certified Mail: RRR P-021-850-182

April 22, 1996

Lawrence S. Goldman, Esq.  
500 Fifth Avenue  
New York, New York 10110

Dear Mr. Goldman:

This letter responds to yours of April 17th--acknowledging what our April 15th letter to you stated, to wit, that you had not responded to our February 1st letter.

By way of justification, you claim that "as a matter of policy" you do not respond to correspondence addressed to you "as an individual member of the Commission". In so doing you conspicuously ignore the very reason we wrote our February 1st letter to you. As detailed by that letter, the Commissioners have not responded to our previous letters addressed to them collectively, or addressed to the Commission's Chairman, Henry Berger, or directed to its Administrator, Gerald Stern, for distribution to its members. Specifically, our February 1st letter referred to our March 10, 1995 letter to the Commissioners, our September 14, 1995 letter to Chairman Berger, and our December 15, 1995 letter to the Assembly Judiciary Committee.

You were invited to distribute our February 1st letter to the other Commissioners--a fact which was expressly stated on the fax coversheet to our February 1st letter. A copy of that coversheet, reading, "Feel free to distribute [our letter] to the other members of the Commission", is annexed hereto as Exhibit "A". In view of the profoundly serious matters detailed in that letter about the demonstrated corruption of the Commission and dishonesty of Mr. Stern, we would have expected you to have made such distribution--either before or after confirming the facts recited therein by an immediate investigation.

The sole question raised by our April 15th letter to you was whether you had distributed our February 1st letter to the Commissioners--or made its contents known to them. The concluding paragraph of our April 15th letter stated:

"...please confirm that although you have not favored us with any response to the serious matters described by our February 1st letter,

April 22, 1996

you did circulate it among the Commissioners and/or make its contents known to them. Specifically, we include Helaine Barnett, liaison to the American Bar Association's Committee on Ethics and Professional Responsibility from its Board of Governors, and Juanita Bing Newton, presently seeking reappointment to the New York State Court of Claims."

We hereby reiterate that reasonable request.

In keeping with the instruction in your April 17th letter that we direct our correspondence to either Mr. Stern or to the Commission's Clerk, Albert Lawrence<sup>1</sup>, a copy of this letter is being sent to Mr. Stern, with a request that it and the underlying correspondence be distributed to the Commissioners. This, of course, includes our February 1st letter to you.

By letter to Mr. Stern dated April 17, 1996 (Exhibit "B"), we requested that he confirm distribution to the Commissioners--including Judge Juanita Bing Newton--of our aforesaid March 10, 1995, September 14, 1995, and December 15, 1995 letters. We did not ask Mr. Stern about distribution to the Commissioners of our February 1st letter because, by our April 15th letter to you, we had requested that you supply us with that information.

Should you continue to ignore our request for such information, reiterated herein, we ask that Mr. Stern, on your behalf, confirm whether and when our February 1st letter--which we trust you showed and discussed with him--was distributed to the Commissioners, including Judge Newton.

As we are sure both you and Mr. Stern were able to infer from our April 15th and April 17th letters, it is our intention to oppose reappointment of Judge Newton to the Court of Claims. Such opposition is based upon her knowledge of and complicity in the corruption of the Commission on Judicial Conduct, as reflected by our Article 78 proceeding against the Commission--and our unresponded-to correspondence based thereon.

We have already informed the Governor's office, the Senate Judiciary Committee, as well as Judge Newton herself, of our opposition. A copy of our April 18th letter to them is annexed as Exhibit "C".

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<sup>1</sup> The dishonesty of Mr. Lawrence was the subject of a January 22, 1993 letter from us. The Commission's non-response to that letter was pointed out in our March 10, 1995 letter to the Commissioners, in our September 14, 1995 letter to Chairman Berger, and in our February 1, 1996 letter to you.

April 22, 1996

When, as part of this letter, Mr. Stern distributes to the Commissioners our annexed April 18th letter, we request that the Commissioners' attention be directed to the final two paragraphs therein. Those paragraphs read as follows:

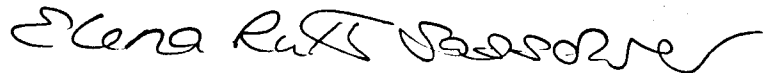
"...by copy of this letter directly to Judge Newton, we call upon her to demonstrate that the dismissal of our Article 78 proceeding against the Commission on Judicial Conduct is not a fraud--and to justify the constitutionality of the Commission's rule, 22 NYCRR §7000.3, as written and as applied--challenged in that proceeding.

To assist Judge Newton in meeting the specific legal and factual issues involved, we enclose the first three pages of our December 15, 1995 letter to the Assembly Judiciary Committee...--a copy of which was sent to the Administrator of the Commission on Judicial Conduct, with a request that it be distributed to the Commissioners." (Exhibit "C", pp. 3-4, emphasis in the original)

We expressly invite the Commissioners to assist Judge Newton in demonstrating for the Governor, for the Senate Judiciary Committee, and for the public what--as reflected by the series of our unresponded-to letters--they have steadfastly refused to demonstrate for the Assembly Judiciary Committee and the public.

The failure of Judge Newton and the Commissioners to refute our detailed legal and factual showing that the Commission is the beneficiary of a fraudulent dismissal of our Article 78 challenge and that its self-promulgated rule §7000.3 is unconstitutional, as written and as applied, will be deemed a concession of the truth thereof.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc.

Enclosures

cc: Gerald Stern, Administrator

By Certified Mail/RRR: P-021-850-183

P 021 850 182

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <i>Lawrence Goldman</i>	
Street and No. <i>Goldman + Hays Bldg</i> <i>500 Fifth Avenue</i>	
P.O., State and ZIP Code <i>NY NY 10110</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

APR 22 1996  
NEW YORK, NY

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
*Lawrence Goldman*  
*Goldman + Hays*  
*500 Fifth Avenue*  
*NY NY 10110*

4a. Article Number  
*P 021-850-182*

4b. Service Type

Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
*4/24/96*

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
*X*

8. Addressee's Address (Only if requested and fee is paid)  
*Glenn Broad*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service

P 021 850 183

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <i>Wald Stern Admin.</i>	
Street and No. <i>150 Crassie Road</i> <i>801 Second Ave</i>	
P.O., State and ZIP Code <i>NY NY 10017</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

APR 22 1996  
NEW YORK, NY

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- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
*Wald Stern*  
*Administrator*  
*NYS Commission on*  
*Judicial Conduct*  
*801 Second Avenue*  
*NY, NY 10017*

4a. Article Number  
*P-021-850-183*

4b. Service Type

Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

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*4/24/96*

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*X*

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PS Form 3811, December 1994

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White Plains, New York 10605-0069

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FAX COVER SHEET

This fax transmission consists of a total of 10 pages including this cover page. If you have not received all the pages, please call (914) 421-1200.

DATE: 4/22/96 TIME: 2:40 pm  
TO: Jerald Stern Administrator NYS Commission  
212 TITLE: Judicial Conduct  
FAX #: 949-8864 RE: Mr. Goldman's 4/17/96 ltr  
FROM: Elena Sasser

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MESSAGE: For distribution of the  
Commissioners!

CENTER for JUDICIAL ACCOUNTABILITY, INC. is a national, non-partisan, not-for-profit citizens' organization raising public consciousness about how judges break the law and get away with it.