

CENTER *for*
JUDICIAL
ACCOUNTABILITY



Box 69, Gedney Station • White Plains, New York 10605-0069
TEL: 914/997-8105 • FAX: 914/684-6554

FAX COVER SHEET

10/19/94

1:00 p.m.

DATE

TIME

WARREN ST. JOHN
THE NEW YORK OBSERVER

TO:

FAX NUMBER: 212-688-4889 (tele: 212-755-2400)

This fax consists of a total of 20 pages, including this cover-sheet. If you do not receive the indicated number of pages, or if there is a question as to the transmittal, please call (914) 997-8105.

FROM: Elena Ruth Sassower, Coordinator

Dear Warren:

Enclosed are:

- (a) Our public service message that judicial corruption is an issue in New York
- (b) Fredman's April 20, 1990 Decision¹, which you requested (see ¶¶43-46 of Chronology)
- (c) Special Award from N.O.W. (part of the background to Fredman animus)

¹ Said Decision, as well as Justice Fredman's final--and truly pathological Decision, are pending on appeal before the Appellate Division, Second Department. Notwithstanding that my mother filed her appeal on August 11, 1992--and the Appellate Division, Second Department is now calendaring 1993 appeals--the Appellate Division, Second Department has skipped over the Breslaw appeal. (See fn. 1 to Chronology)

(d) December 4, 1992 complaint to the Commission on
Judicial Conduct (with pp. 126-9 from Record on Appeal)

(e) Commission's January 20, 1993 peremptory dismissal

(f) January 22, 1993 follow-up letter--to which the
Commission has failed and refused to respond.

Elena

Where Do You Go When Judges Break the Law?

From the way the current electoral races are shaping up, you'd think judicial corruption wasn't an issue in New York. Oh, really?

On June 14, 1991, a New York State court suspended an attorney's license to practice law — immediately, unconditionally and indefinitely. The attorney was suspended with no notice of charges, no hearing, no findings of professional misconduct and no reasons. All this violates the law and the court's own explicit rules. Today, more than three years later, the suspension remains in effect, and the court still refuses to provide a hearing. No appellate review has been allowed.

Can this really have happened here in America? It not only can, it did.

The attorney is Doris L. Sassower, renowned nationally as a pioneer of equal rights and family law reform, with a distinguished 35-year career at the bar. When the court suspended her, Sassower was *pro bono* counsel in a landmark Election Law case challenging a political deal involving the "cross-endorsement" of judicial candidates.

Cross-endorsement is a bartering scheme by which opposing political parties nominate the same candidates for public office, virtually guaranteeing their election. These "no contest" deals frequently involve powerful judgeships and turn the voters into rubber stamps, short-circuiting the democratic process. In New York and other states, judicial cross endorsement is a way of life.

One such deal was actually put into writing in 1989. Seven judgeships were dealt out between Republican and Democratic party bosses over a three year period. "The Deal" also included a provision that one cross-endorsed candidate would be "elected" to a 14-year judicial term, then resign eight months after taking the bench in order to be "elected" to a different, more powerful judgeship. This created a progression of new vacancies for other cross-endorsed judicial candidates. This game of judicial musical chairs was played out at judicial nominating conventions that violated the state Election Law.

Doris Sassower filed a suit to stop this scam, but paid a heavy price for her role as a judicial whistle-blower. Judges who themselves were the products of cross-

endorsement threw out the case. Then they viciously retaliated against her by suspending her law license, putting her out of business overnight.

Our state law provides citizens a remedy designed to ensure independent review of governmental misconduct. Sassower pursued this remedy by a separate lawsuit against the judges who suspended her law license.

Once again, those judges disobeyed the law — this time, the law prohibiting judges from deciding their own case. Predictably, they dismissed the case against themselves.

This state's attorney general, whose job includes defending judges sued for wrongdoing, permitted such dangerous perversion of our law by his judicial clients — further arguing to our state's highest court that there should be no appellate review of the judges' self-interested decision in their own favor.

Last month, our state's highest court denied any right of appeal, turning its back on the most fundamental rule of law that "no man can be the judge of his own cause." In the process, it gave its latest demonstration that judges and high-ranking state officials are above the law.

Three years ago this week, Sassower asked Gov. Mario Cuomo to appoint a special prosecutor to investigate the evidence of lawless conduct by judges and the retaliatory suspension of her license. He refused. Now, all state remedies have been exhausted.

There is still time in the closing days before the election to demand that our candidates for governor and attorney general address the issue of judicial corruption, which is real and rampant in this state.

Where do you go when judges break the law? You go public. For more information, contact:

CENTER *for* JUDICIAL ACCOUNTABILITY

(914) 997-8105 • Fax (914) 684-6554

E-Mail: cja@del.com

Box 69, Gedney Station • White Plains, NY 10605

The Center for Judicial Accountability is a non-profit, non-partisan citizens' organization raising public consciousness about how judges break the law and get away with it.