

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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

Tel. (914) 421-1200
Fax (914) 684-6554

E-Mail: judgewatch@aol.com
Web site: <http://www.judgewatch.org>

BY FAX AND BY HAND

212-698-7825

June 25, 1997

Matthew T. Lifflander, Esq.
Rubin, Baum, Levin, Constant & Friedman
30 Rockefeller Plaza
New York, New York 10112

RE: Restraining "Liars...in the Courtroom" and on the Public Payroll

Dear Mr. Lifflander:

Our non-partisan citizens' organization belatedly thanks you for your powerful perspective column, "Lawyers Go Free in the Courtroom", published in the February 24, 1997 New York Law Journal. It was a clarion call for leadership to take decisive action to preserve our judicial process from pervasive perjury (Exhibit "A-1"). Among those specifically named by your column was our highest state law enforcement officer, the State Attorney General.

We are unaware of *any* published response from the leadership ranks -- other than two letters to the editor from private lawyers, published in the Law Journal on March 13th and April 2nd (Exhibits "A-2" and "A-3"). This includes the State Attorney General, whose office, did, however, publicly proclaim its own honor and high-professional standards in a Law Journal May 16th letter to the editor (Exhibit "A-5").

Because of your obvious concern with the integrity of the judicial process, you will doubtless be greatly disturbed by the content of our response to that May 16th letter, describing the modus operandi of lying and fraud used by the Attorney General's office in defending state defendants -- and the cover-up complicity of our courts (Exhibit "B"). It incorporates your powerful column, while, at the same time, addressing your misplaced hopes about those from whom you expected leadership.

As you can see, our response was in the form of a proposed perspective column/letter to the editor, which we submitted to the Law Journal's Editor-in-Chief, Ruth Hochberger, on May 22nd

Since you are a member of the Law Journal's Board of Editors, we can't imagine you would approve of the unprofessional and discourteous manner in which Ms. Hochberger has treated us. So as not to impose unduly on your time -- inasmuch as we do ask that you officially review this matter, in your capacity as Board member -- we refer you to our June 17th letter to Ms. Hochberger (Exhibit "C-1"), which annexed our prior written communications on the subject. That letter, to which we have received *no* response from Ms. Hochberger, "says it all".

June 25, 1997

As it now stands, Ms. Hochberger has completely *refused* to respond to our repeated inquiries as to whether the Law Journal will publish our submission as a perspective column/letter to the editor. Likewise, she has *refused* to provide us any reason why the Law Journal will not publish it in either format. During this period, however, she accepted for publication on June 17th an extraordinary letter to the editor from a former Assistant State Attorney General (Exhibit "A-7"), whose opening sentence is:

"Attorney General Dennis Vacco's worst enemy would not suggest that he tolerates unprofessional or irresponsible conduct by his assistants after the fact."

Let there be no doubt but that what our proposed perspective column/letter describes is that Attorney General Vacco not only tolerates his staff's brazen lying and fraud, after the fact, but before and during the fact. Assuredly, this is all vital information the public needs to know.

Ms. Hochberger is aware that we have in the past -- and are ready now -- to take out a paid ad in the Law Journal, so that the important information presented by our submission, affecting the public welfare, is known to the public. Still, she has refused to give us a timely response. Our present arrangements are for a July 10th ad, on page 3.

Please, if you really serious about liars not going "free in the courtroom" and about your call for reform to guard the integrity of the judicial process, we ask that you do all in your power to ensure that the Law Journal respects its obligation to the legal community, as well as the wider public -- *without* our being put to the expense and effort of an ad. We would be more than pleased to supply you with all the documentary proof which we offered to Ms. Hochberger, but which she has not asked for. For immediate purposes, we enclose a copy of CJA's May 14th testimony before the City Bar and our incorporated-by-reference May 5th letter to our state leadership, referred to in our proposed perspective column/letter -- and which we provided Ms. Hochberger under a May 21st coverletter (Exhibit "C").

Finally, we believe you should see CJA's most recent June 12th letter to our state leadership, enclosing our June 2nd letter to Governor Pataki on the subject of his judicial appointments process (Exhibit "D-3" and "D-4"). As reflected by our June 5th and June 18th coverletters to Ms. Hochberger, both were provided to her (Exhibits "D-1" and "D-2"). As yet, no response.

Please let us here from you by July 2nd since after that we will have to proceed with the lay-out of our ad, a costly and time-consuming process. Thank you.

Yours for a quality judiciary,

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

Enclosures

cc: Ruth Hochberger, Editor-in-Chief/ Peter Hano, Account Executive