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BY FAX: 212-556-3717 (9 pages)

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The New York Times
Metro Section

ATT: Tony Marcano, Editor

RE: Governor Pataki's *imminent* appointment of an
associate judge to the New York Court of Appeals

Dear Mr. Marcano:

On September 25th, October 10th, and October 18th, I left telephone messages for you – each unreturned.

Any day now, Governor Pataki will announce his next appointment to our state's highest court, based on a October 4th Report of the New York State Commission on Judicial Nomination, which provided him with a short-list of recommendees.

The Center for Judicial Accountability, Inc. (CJA), a non-partisan, non-profit citizens' organization, has demonstrated that this Report flagrantly violates "merit selection" principles. We did this in a fact-specific, fully-documented October 16th Report which was hand-delivered on October 17th to the Governor, the Chief Judge, and four bar associations purporting to evaluate the Commission's short-list of recommendees. Simultaneously, a copy of our Report was hand-delivered to the Times for David Rohde, a reporter under your supervision.

In the event David has NOT shared CJA's October 16th Report with you – as I requested him to do -- please ask that he immediately do so – and that he also give you the many, many letters I sent him over the past year, imploring him to arrange a meeting with Times editors so that an expose of the "merit selection" process to the Court of Appeals could be authorized and undertaken.

Meantime, enclosed are the Cover, Introduction, Point I, and Conclusion of CJA's Report, which – together with its first Exhibit (also included) -- provide an overview of the seriousness of our allegations and presentation sufficient for you to move swiftly on this time-sensitive story.

