

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 212-608-1240 (2 pages)

February 28, 2000

Mr. David Rohde/The New York Times

RE: "RANDOM ASSIGNMENT", etc.

Dear David:

Thank you for meeting with me on Friday.

Enclosed is a copy of the front-page of last Thursday's Law Journal (2/24/00), with its "layout" intact. It juxtaposes citation of *Sassower v. Commission* as a "decision of interest" NEXT TO AND PARALLEL to Daniel Wise's article about the five appellate term judges to whom "the most politically sensitive cases" will be "RANDOMLY-REFERRED" – a change from the former system in which "big policy cases were RANDOMLY ASSIGNED to any one of 31 Supreme Court and Appellate Term justices".

This is ironic since, as you know, *Sassower v. Commission* – a "politically sensitive" and "big policy" case under the former system -- was NOT RANDOMLY-ASSIGNED, but "steered" to Justice Wetzel by Administrative Judge Crane. This is detailed at pages 6-7 of CJA's February 23rd letter to Governor Pataki – and documentarily established by Exhibits "C-1" and "C-6" thereto.

Please TELL YOUR EDITOR that this "angle" is a natural follow-up to your own January 4th article, "*Program to Assign Lawsuits to 5 Judges*" (1/4/00) – a fact I highlighted in my January 5th story proposal to you.

As discussed, I WOULD VERY MUCH LIKE TO MEET WITH YOUR EDITOR so as to resolve whatever issues are preventing him/her from assigning you – or other *Times* reporters – from pursuing this important story. In one fell swoop, it provides an unprecedented "window" into: (1) the closed-door operations of the Commission on Judicial Conduct; (2) the closed-door operations of the Commission on Judicial Nomination; and (3) the litigation practices of the Attorney General in defending state agencies and judges, sued for corruption and abuse of power; and (4) the hoax of Attorney General Spitzer's so-called public integrity unit. This, apart from the misconduct of Administrative Judge Crane and Justice Wetzel, detailed by CJA's February 23rd letter to the Governor, as warranting their removal from office and criminal prosecution.

Elena

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Forecast of Appellate Term Judges' Views Not Clear

BY DANIEL WISE

THE NEWEST judge on the five-member panel that will hear the most politically sensitive cases filed in Manhattan will make an adept appellate judge, though he has had faults as a trial judge, according to lawyers who have practiced before him.

Justice Lucindo Suarez, who was named to the Appellate Term of the First Department at the end of last

month, is considered well-versed on the law, but rigid in his conduct of his courtroom.

It is uncertain what approach Justice Suarez, who had been assigned to a Supreme Court civil trial part during his three years in Bronx Supreme Court, will adopt with respect to the high-profile cases that will now be before him under the new policy that went into effect on Dec. 6. Under this policy, major cases filed against City and State officials in Manhattan will be randomly referred to one of the five Appellate Term justices. Before the change in the assignment process, the big public policy cases were randomly assigned to any one of 31 Supreme Court and Appellate Term justices.

One attorney in the Bronx described Justice Suarez as a "social liberal," and

said that his signing of a letter published in the *Law Journal*, which criticized Mayor Giuliani's decision to redistribute some of the criminal defense work done by the Legal Aid Society to other organizations, was not out of character. That letter was signed by 46 other judges.

That attorney also said that more than most judges, Justice Suarez made every effort to determine the correct legal result to a case, rather than attempting to fit it into a political agenda.

One plaintiffs' lawyer described the lengths to which Justice Suarez had gone to reach the legally correct result in a recent ruling. Justice Suarez had initially decided that the lawyer's case was legally insufficient at a settlement con-

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IN BRIEF

Decisions of Interest

The following decisions of special interest are published today under the court indicated in the text.

SUPREME COURT

■ **Judges:** *Sassower v. Commission on Judicial Conduct of State of New York, New York* (p. 30, col. 5).

not randomly assigned