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BY FAX: 518-436-7109 (9 pages)

BY E-MAIL: mckinley@nytimes.com

November 11, 2002

New York Times
Albany Bureau

ATT: James C. McKinley, Jr.

RE: The upcoming "merit selection" appointment to the New York Court of Appeals and the pending lawsuit before that Court exposing the corruption of the "merit selection" process

Dear Mr. McKinley:

This follows up my October 8th e-mail to you, to which I received *no* response. For your convenience, a copy is enclosed

As may be seen from the enclosed October 11th front-page item in the New York Law Journal, within the next three weeks the New York State Commission on Judicial Nomination will be releasing its short-list of nominees to the New York Court of Appeals – from which Governor Pataki will be making his *fourth* appointment to our state's highest court.

It is not too soon to begin exploring this behind-closed-doors process for the benefit of Times readers – including by reviewing the documents from my public interest lawsuit against the NYS Commission on Judicial Conduct, establishing the corruption of "merit selection".

By way of update, the lawsuit is STILL before the Court of Appeals and is even more explosive now than it was on June 28th when I provided you with the two cartons containing the copy of the lawsuit file.

November 11, 2002

Within the next 2-1/2 weeks, I intend to be in Albany in connection with CJA's December 19, 2001 F.O.I.L. request for documents pertaining to the Senate Judiciary Committee's confirmation of Governor Pataki's judicial appointments, including to the Court of Appeals. For your convenience, a copy of that F.O.I.L. request – first sent to you under my December 20, 2001 coverletter – is enclosed.

Unless you dispute the significance of the documentary information which this 3-page F.O.I.L. request seeks, I would hope that you would want to experience *first-hand* the Senate Judiciary Committee's response by accompanying me (unannounced) to the Committee. Please advise by this Friday, November 15th what dates and times would be most convenient for you so that I can complete the in-progress scheduling arrangements with the Senate Judiciary Committee for review of the requested documents and discussions thereon with Committee counsel, David Gruenberg.

Needless to say, I will make myself available so that you can thereafter interview me – and finally report on the two *documented* stories about which you expressed interest as far back as June 2001: Governor Pataki's judicial appointments and the State Commission on Judicial Conduct.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosures

New York Daily Journal



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NEWS

In Brief

Judge Levine's Successor to Be Named in Early 2003

The state Commission on Judicial Nomination plans to release its list of candidates to succeed retiring Court of Appeals Judge Howard A. Levine by Dec. 1, but since this is a gubernatorial election year the actual selection will not occur until early next year, according to commission chair John F. O'Mara. Normally, a governor must select a candidate from the list no sooner than 15 days after its release and no later than 30 days after. However, since the governor's term ends this year, the new judge will be chosen by the next governor. If Governor George E. Pataki is re-elected to a third term and selects Judge Levine's successor, he will have appointed four of the court's seven judges.

Man Bites Off Piece of Court Officer's Ear

A criminal defendant yesterday attacked a court officer in Queens Criminal Court in Kew Gardens, biting off a piece of the officer's ear before being wrestled to the ground. David Bookstaver, a spokesman for the Office of Court Administration, said there was a "melee" after Gaetan Remy, was appearing on an alleged probation violation. The officer, Pat Glynn, was taken to a Jamaica hospital. Two other officers sustained minor injuries and also went to the hospital. The incident comes a day after a court officer's gun discharged in Manhattan Criminal Court after a struggle with a defendant.

Contractor Indicted on Mandamimus

New Administrators In the Bronx Courts

Collins to Criminal, Esposito to Civil Division

BY DANIEL WISE

ACTING JUSTICE John P. Collins and Justice Gerald V. Esposito have been named administrative judges of the criminal and civil divisions, respectively, of the Supreme Court in the Bronx.

Named yesterday by Chief Administrative Justice Jonathan Lippman, the two judges will take over duties that had been handled by Justice Luis Gonzalez until he was appointed in March to the Appellate Division, First Department. Since then, Justice Collins has been running the court on an interim basis.

In recent years, only Manhattan has had separate administrative judges for the Criminal and Civil Terms of the Supreme Court. There has been a single administrative judge in the Bronx since 1994.

"different talents to focus the operation of both sides at the highest level."

Lawrence Pietrossi, a former president of the Bronx Bar Association, who had been a strong backer of Justice Esposito for the post, said they are both very competent jurists "who have the respect of the bench and bar" within their fields.

Justice Esposito, who had a 35-year career on both sides of personal injury cases before his election to the Supreme Court in 1994, enjoyed strong support from bar leaders and among some judges (NYLJ, Aug. 12).

Justice Collins also won praise from civil practitioners for making a number of improvements in the court since becoming acting administrative judge. Additionally, three talented but younger minority judges reportedly



Justice Esposito



Justice Collins

over the departure of Justice Esposito, the first Hispanic administrative judge to be named in the state also happened to preside over borough with the largest minority population in the city.

Bronx Bar Association President Robert A. Shaw referred to the group's concern over the delay in naming a judge to the court as "extremely pleased that OCA has made a decision." He added he looks forward to working with both.

Judge Lippman acknowledged the process had been long, but it was necessary "to insure absolute best choice for the city of Bronx County and the court from for this position."

Subj: Upcoming "merit selection" appointment to NY Ct of Appeals, etc.
Date: 11/11/02 12:17:52 PM Eastern Standard Time
From: Judgewatchers
To: mckinley@nytimes.com
File: 11-11-02-nyt-mckinley.ZIP (10757 bytes) DL Time (115200 bps): < 1 minute

TO: The New York Times
James McKinley, Jr.

FROM: Elena Ruth Sassower, Coordinator
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RE: The *upcoming* "merit selection" appointment to the New York Court of Appeals and the pending lawsuit exposing the corruption of the "merit selection" process

DATE: November 11, 2002

Enclosed is my letter to you of today's date, with attached December 19, 2001 F.O.I.L. request to the Senate Judiciary Committee.

Faxed copy has already been sent to you, with additional enclosures.

Please advise by Friday, November 15th.