

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: judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 212-416-8139 (10 pages)

January 23, 2002

New York State Attorney General Eliot Spitzer
120 Broadway
New York, New York 10271

RE: Your Duty to Protect the People of this State from the Possible Elevation of Milton L. Williams, John T. Buckley, or Richard T. Andrias, each Appellate Division, First Department Associate Justices, to the position of Presiding Justice of the Appellate Division, First Department

Dear Attorney General Spitzer:

This puts you on notice of your duty, as New York's highest legal officer and "The People's Lawyer", to promptly notify the First Department Judicial Screening Committee¹ of the unfitness of Appellate Division, First Department Associate Justices Milton L. Williams, John T. Buckley, and Richard T. Andrias for the position of Presiding Justice of the Appellate Division, First Department by reason of their serious on-the-bench misconduct, causing lasting, if not irreparable, injury to the People of this State.

Such duty arises from your knowledge that Justice Williams, presiding over an appellate panel on which Justice Buckley sat, "threw" the appeal of *Michael Mantell v. New York State Commission on Judicial Conduct* (S.Ct./NY Co. #108655/99) by a fraudulent *per curiam* decision and that Justice Andrias sat on the appellate panel that "threw" the subsequent appeal of *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico*

¹ Pursuant to Governor Pataki's Executive Order #10.1, the Attorney General selects two of the 13 members of each of the four Department Judicial Screening Committees. Please advise as to the names of your eight appointees to the four Department Judicial Screening Committees and the dates on which you appointed them.

EX "C-1"

against Commission on Judicial Conduct of the State of New York (S.Ct/NY Co. #108551/99), likewise by a fraudulent *per curiam* decision².

As you know from my voluminous correspondence with you and your office, the fraudulent November 16, 2000 appellate decision in *Mantell* was the subject of a one-page analysis, embodied in CJA's December 1, 2000 notice to you and the Commission. The accuracy of this analysis of the *Mantell* appellate decision has never been denied or disputed. This includes when I made the analysis part of my threshold August 17, 2001 motion in my appeal, *inter alia*, to strike your Respondent's Brief as "a fraud on the court" and for sanctions against you *personally*, including disciplinary and criminal referral³.

As to the fraudulent December 18, 2001 appellate decision in my lawsuit, I gave you, *in hand*, my 19-page analysis thereof, embodied in CJA's January 7, 2002 notice to you and the Commission, and reinforced by a January 14, 2002 transmittal letter addressed to you⁴. Such 19-page analysis is now the centerpiece of my

² Justice Williams also engaged in misconduct in connection with this appeal. He was presiding justice of the October 15, 2001 panel -- on which Justice Andrias also sat -- that *sua sponte* and *without* notice, "adjourned" my fully-submitted threshold August 17, 2001 motion so that it would not be adjudicated, let alone even received, by the panel then already assigned to the appeal until the November 21, 2001 date of oral argument. [See pages 3-4 of my November 13, 2001 letter to the Appellate Division, First Department, thereafter annexed as Exhibit "C" to my November 16, 2001 interim relief application].

³ The 1-page analysis, which is Exhibit "R" to my August 17, 2001 motion, is appended following a recitation at ¶¶3-4, 49-67 of my moving affidavit recounting my threshold September 21, 2000 motion in the *Mantell* appeal. The accuracy of this recitation is uncontroverted. [See, pages 8, 42-45 of my 58-page Critique of your opposition to my August 17, 2001 motion -- annexed as Exhibit "AA" to my October 15, 2001 reply affidavit].

⁴ This *in-hand* transmittal was at the Association of the Bar of the City of New York, where, on January 14th, you moderated a program "*Election Law Reform Forum: What's Wrong with New York's Election Process and How Do We Fix It?*" -- at which, sitting in the audience, was your personal Election Law attorney, Henry T. Berger, the Commission's Chairman. Mr. Berger refused to accept from me a copy of the January 14th letter -- to which he was an indicated recipient and to which the 19-page January 7th notice was affixed. Indeed, Mr. Berger told me that he would not even read them and that he would "let the Court rule". This was not altered by my assertion to him as to his duty as the Commission's Chairman and that his conduct was "criminal" -- the Courts' rulings being fraudulent and the by-product of the fraudulent defense tactics of your office on the Commission's behalf. [Cf. Mr. Berger's response to me on March 20, 2001, also at the City Bar, as recounted at footnote 3 of my September 21, 2001 letter to the Commission's Administrator & Counsel, Gerald Stern -- annexed as Exhibit "HH" to my October 15, 2001 reply affidavit in further support of my August 17, 2001 motion].

pending reargument motion to recall and vacate the appellate decision. On January 17, 2002, I hand-delivered to your office an *extra* copy of the motion for you.

Based on these two analyses, substantiated by the record of the lawsuits in your possession, it is incumbent upon you to meet the public responsibilities that are supposed to guide lawyers under EC 8-6 of the American Bar Association's Code of Professional Responsibility, adopted by the New York State Bar Association. Clearly and unambiguously, EC 8-6 commands:

"It is the duty of lawyers to endeavor to prevent political considerations from outweighing judicial fitness in the selection of judges. Lawyers should protest earnestly against the appointment or election of those who are unsuited for the bench..."

As your Solicitor General, Caitlin J. Halligan, should, by now, be fully familiar with the record of both lawsuits, a copy of this letter is being separately faxed to her. This, because she, like her predecessor Solicitor General, Preeta D. Bansal, has public responsibilities *independent* of yours under EC 8-6.

For your information and that of Solicitor General Halligan, enclosed is a copy of CJA's own January 22, 2002 letter to James F. Gill, Chairman of the First Department Judicial Screening Committee, giving notice of the serious misconduct of Justices Williams, Buckley, and Andrias, covering up the systemic judicial and governmental corruption presented by the appeals of the two important lawsuits against the Commission brought by Mr. Mantel and myself.

Yours for a quality judiciary,



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

Enclosure

cc: New York State Solicitor General Caitlin J. Halligan
[By Fax: 212-416-6350]
New York State Commission on Judicial Conduct [By Fax: 212-949-8864]
ATT: Chairman Berger and Commissioners
Gerald Stern, Administrator & Counsel

Attorney General Spitzer

TRANSMISSION VERIFICATION REPORT

TIME : 01/23/2002 13:30
NAME : CJA
FAX : 9144284994
TEL : 9144211200

DATE, TIME	01/23 13:24
FAX NO./NAME	12124168139
DURATION	00:05:39
PAGE(S)	10
RESULT	OK
MODE	STANDARD ECM

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

2529 6199 2000 0960 1002

OFFICIAL USE

NEW YORK, NY 10271

Postage	\$ 1.49	UNIT ID: 0137
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.09	

Sent To
Attorney General Eliot Spitzer

Street, Apt. No., or PO Box No. *120 Broadway*

City, State, ZIP+4 *NY NY 10271*

PS Form 3800, January 2001 See Reverse for Instructions

THIS SECTION

and 3. Also complete delivery is desired. address on the reverse the card to you. back of the mailpiece, permits.

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *J. Williams* B. Date of Delivery *FEB 1 2002*

C. Signature *J. Williams* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

1. Article Addressed to:
*Attorney General
Eliot Spitzer
120 Broadway
NY NY 10271
ATT: Nocenti,
Patricia
Carey*

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label) **7001 0360 0002 6819 6252**