

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, May 28, 2024 10:12 AM
To: 'William Bradley Wendel'
Subject: **Building EVIDENCE-BASED scholarship -- RE: Your May 24th guest blog: "Judicial Ethics First Principles -- Appearance of Impropriety"**

Dear Professor,

Kindly clarify your response to my e-mail to you – both of which are below.

I did NOT ask you to become “involved” in litigation. NOR did I ask you to become an “advocate”.

Rather, in response to your guest blog, in which you advocated that:

“The regulation of judges...would be better off focusing on actual impropriety and ignoring appearances...it would be better if judges, lawyers, and informed observers would focus on actual impropriety...”

and wherein you stated you would “probably write” more, I offered, expressly for your examination and scholarship, a 30-year archive of primary-source, documentary EVIDENCE about “actual” judicial bias, not its “appearance” – including two LIVE cases of far-reaching public import, involving vast sums of taxpayer money, whose threshold issues are judicial disqualification and disclosure.

Are you saying you are NOT interested in primary-source, documentary EVIDENCE about a subject on which you have just written – and have indicated you will “probably” write?

Via the links my e-mail supplied, what EVIDENCE did you review? And did you not feel that it was directly germane to the subjects of professional responsibility and ethics about which you write and teach. From your impressive cv, it would certainly seem so.

Please advise – and, also, as to why, based on the EVIDENCE you reviewed from my e-mail, you did not believe it your professional, ethical, and civic responsibility to furnish it to fellow scholars – and to recommend it to students for research projects in fulfilment of course requirements and for law review articles.

I look forward to a constructive and candid dialogue about building EVIDENCE-based scholarship – and the conflicts of interest that impede same.

Thank you.

Elena Sassower, Director
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From: William Bradley Wendel <wbw9@cornell.edu>
Sent: Sunday, May 26, 2024 3:56 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Subject: RE: Your May 24th guest blog: "Judicial Ethics First Principles -- Appearance of Impropriety"

Hi Elena,

I'm taking Prof. Dorf and my administrative assistants off this response.

I'm not looking to get involved in litigation over the regulation of the judiciary in New York State. I'm writing as a scholar, not an advocate, and have plenty on my plate as it stands.

Best,
Brad

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Sunday, May 26, 2024 1:37 PM
To: William Bradley Wendel <wbw9@cornell.edu>
Cc: Melissa Marie Littlejohn <mml255@cornell.edu>; Michael Dorf <michaeldorf@cornell.edu>;
gi13@cornell.edu

Subject: Your May 24th guest blog: "Judicial Ethics First Principles -- Appearance of Impropriety"

Dear [Professor Wendel](#),

I write in response to your May 24, 2024 guest blog, [Judicial Ethics First Principles – Appearance of Impropriety](#), posted on Professor Dorf's blog on the law, in which you state:

“The regulation of judges...would be better off focusing on actual impropriety and ignoring appearances...it would be better if judges, lawyers, and informed observers would focus on actual impropriety...”.

I agree. I am director and co-founder of the non-partisan, non-profit citizens' organization, [Center for Judicial Accountability, Inc. \(CJA\)](#), which, for more than 30 years, has documented the actuality, not the appearance, of judicial bias – and, specifically, how judges “throw” cases by fraudulent judicial decisions that upend all adjudicative, evidentiary, and ethical standards – and get away with it.

Would you be interested in examining this – and the complete worthlessness of New York’s sole statutory disqualification statute, [Judiciary Law §14](#), which not only disqualifies a judge for interest, but divests him of jurisdiction, and of [§100.3F of the Chief Administrator’s Rules Governing Judicial Conduct](#) mandating disclosure?

Both Judiciary Law §14 and §100.3F are the threshold issues in two major lawsuits that CJA has brought on behalf of the People of the State of New York and the public interest – each involving the “false instrument” commission reports by which New York’s judges have procured pay raises that have boosted their yearly salaries by about \$100,000 a year. The first, [CJA v. NYS Joint Commission on Public Ethics, et al.](#), is at the Appellate Division, Third Department and the [15-minute VIDEO of the April 22, 2024 oral argument](#) will give you a quick overview of those threshold issues, the actuality of judicial bias, and of the monumental case in which they arise. Also, the [appellants’ brief](#). The second lawsuit, [CJA v. NYS Commission on Legislative, Judicial and Executive Compensation, et al.](#), based on [CJA’s January 18, 2024 Opposition Report](#) from which the judiciary’s huge financial and other interests is IMMEDIATELY obvious, is in Albany Supreme Court, commenced by a [March 18, 2024 order to show cause to determine threshold issues](#) that have STILL not been determined – the first being, as in *CJA v. JCOPE, et al.* –

“transferring this hybrid Article 78 proceeding/citizen-taxpayer action/declaratory judgment action to federal court, inasmuch as Judiciary Law §14 divests every New York State justice and acting justice of jurisdiction because of their direct financial and other interests and ‘rule of necessity’ cannot be invoked by reason thereof”.

Your blog states you will “probably write about” the “separate problem, arising from the habit of referring to principles of legal and judicial *ethics*, instead of the law governing lawyers or codes of judicial conduct”. While I am unsure precisely what you mean, CJA has a gold-mine of primary-source, documentary evidence, spanning decades and posted on CJA’s website, www.judgewatch.org, bearing upon the reality of “legal and judicial *ethics*” and “law governing lawyers or codes of conduct”, including at the U.S. Supreme Court.

I look forward to speaking with you – and to [Professor Dorf](#), here cc’d – about building evidence-based scholarship in these important areas.

Thank you.

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