

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

Box 69, Gedney Station
White Plains, New York 10605

By Fax: 312-988-5491
By Priority Mail/Certified-RRR P-571-752-166

DATE: January 17, 1997

TO: ABA Center for Professional Responsibility
ABA Standing Committee on Professional Discipline
ABA Standing Committee on Ethics and Professional
Responsibility
ABA Standing Committee on Professionalism
ABA Standing Committee on Lawyer Competence

FROM: Elena Ruth Sassower, CJA Coordinator

RE: Agenda Inclusion: Presentation to Committee Membership

Our records reflect that we have had no response to our September 20, 1996 memorandum (Exhibit "A"), requesting that the issues presented by our September 18, 1996 letter to Timothy Burke, President of the Association for Professional Responsibility Lawyers (APRL):

"be placed on the agenda of the next meeting of the Center for Professional Responsibility and on the agendas of the next meetings of its constituent committees, for presentment to their membership."

Inasmuch as our September 20th memorandum also specifically requested confirmation of "such agenda inclusion and the dates of the next meeting", we can only infer that you did not place the issues on the agenda. This is consistent with your prior failure to do so, as recounted in our February 8, 1996 letter to each of you, annexed as Exhibit "B" to our September 18th letter to President Burke.

You have never explained why the issues involved are not properly the subject of consideration by the Center and the membership of your committees. These issues include the unconstitutionality of New York's attorney disciplinary law -- and the retaliatory use to which it has been employed against a judicial whistleblowing New York attorney -- as succinctly demonstrated in our cert petition to the U.S. Supreme Court. Beyond that, there is the transcending issue, recognized by the 1993 Report of the National Commission on Judicial Discipline and Removal, as to the "widespread reluctance" of lawyers to meet their ethical duty to report judicial misconduct for fear they will suffer adverse consequences at the hands of "vindictive judges".

ABA Professional Responsibility/Ethics/Discipline Committees
January 17, 1997
Page Two

Our February 8, 1996 letter (pp. 2-3) specifically called upon the Center and your committees to develop the "implementing structures" to encourage and enable lawyers to meet that fundamental ethical duty of judicial "whistleblowing" -- upon which the protection of their clients and the public at large depends. Yet, as highlighted by our September 18th letter, the very associations and committees of professional/ethical responsibility and attorney discipline which should be rallying to develop the "culture" and structures to protect judicial "whistle-blowing" attorneys from judicial retaliation are doing the opposite. More than that, they are engaging in falsehoods and unethical conduct to avoid the issues. So that the record presented by the above two letter is complete, a copy of President Burke's non-response to our September 18th letter is annexed (Exhibit "B"), as well as our September 30, 1996 reply (Exhibit "C") -- to which neither President Burke nor anyone else at APRL responded. By copy of this memorandum to President Burke, we reiterate our reasonable request for access to APRL's By-Laws, Articles of Incorporation, and informational literature as to APRL's function and purpose.

The ABA Mid-Year convention in San Antonio Texas is less than two weeks away. We hereby expressly request that the issues presented by our September 18, 1996 letter, reinforcing those presented by our February 8, 1996 letter, be included on your committee agendas -- and that each of those letters, together with the cert petition, be distributed to the committee members. We will be at the San Antonio convention and are available to answer any questions members may have -- of which there should be a great many. Indeed, we request the opportunity to make a personal presentation at the committee meetings to update members as to the status of our §1983 federal action and the profound professional, ethical, and attorney discipline issues there involved, directly impacting upon the profession and the public.

Should these issues of professional responsibility and attorney discipline not be included for presentment to the committees in San Antonio, we request an explanation in writing as to why the Center and its committee chairs are continuing to withhold them from the membership. Please furnish copies to the President of the American Bar Association, N. Lee Cooper, and to the Chairman of the Fellows of the American Bar Foundation, Herbert Sledd-- each of whom is being sent this memorandum.

Finally, our September 18th letter recites the wholly unprofessional and unethical treatment to which you subjected us at the August 1996 Annual Meeting in Orlando. If it is your intention to repeat such unwarranted and despicable conduct in San Antonio, please let us know immediately so that we may be guided accordingly.

Elena Ruff
SASSORJE

P 571 752 166

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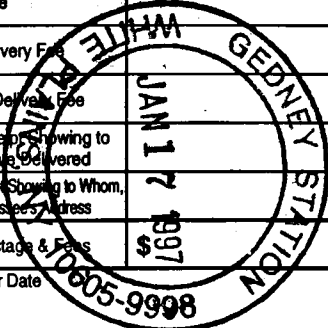
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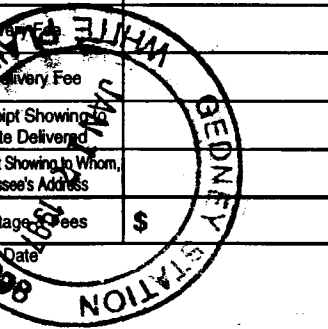
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Sent to *Timothy Burke Esq.*
Tennemore Craig
 Street & Number *2 North Central Ave*
Phoenix Arizona 85004
 Post Office, State, & ZIP Code *Phoenix Arizona 85004*

Postage	\$
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Timothy Burke Esq.
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Tel. (914) 421-1200
Fax (914) 684-6554

E-Mail: judgwatch@aol.com
On the Web: <http://www.judgwatch.org>

FAX COVER SHEET

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DATE: 1/17/97 TIME: 12¹⁵ NY time
TO: Jeanne Gray, Director TITLE: A. B. A.
Center for Profess. Respons. S.I.C.
312
FAX #: 988-5491 RE: upcoming San Antonio meeting
FROM: Elena Ruff Sassone, Coordinator

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MESSAGE:

Please distribute to

Chair + Chairs of the
indicated committees

operating under the
umbrella of the ABA's

Center for Professional Responsibility

Prompt attention required.

CENTER for JUDICIAL ACCOUNTABILITY, INC. is a national, non-partisan, not-for-profit citizens' organization documenting how judges break the law and get away with it.

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