

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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December 2, 1997

Patricia M. Hynes, Second Circuit Representative  
ABA Standing Committee on Federal Judiciary  
c/o Milberg, Weiss, Bernshad, Hynes & Lerach  
One Pennsylvania Plaza, 49th Floor  
New York, New York 10119-0165

RE: Investigative Outreach  
ABA Standing Committee on Federal Judiciary

Dear Ms. Hynes:

According to an item appearing in the August 5, 1997 New York Law Journal (Exhibit "A"), Senator Moynihan's judicial screening committee forwarded the names of "at least five candidates for Southern District judgeships" to the Senator. Among the five candidates whose names were listed in the Law Journal are two about whom the Center for Judicial Accountability, Inc. (CJA) has documentation establishing their unfitness for judicial office: Judge Stephen Crane and Alvin K. Hellerstein, Esq.

In the ensuing months, we have seen no subsequent notice in the Law Journal that either of these unworthy individuals have been recommended by Senator Moynihan for Second Circuit judgeships. Yet, plainly, if any such recommendations were made, the ABA's Standing Committee on Federal Judiciary has been reviewing their qualifications.

As the Standing Committee's Second Circuit representative, you have had primary responsibility for conducting the investigation. According to the ABA's published booklet, The ABA Standing Committee on Federal Judiciary: What It Is and How It Works, your investigative role encompasses

"personally conduct[ing] extensive confidential interviews with those likely to have information regarding the integrity, professional competence and judicial temperament of the prospective nominee... and others who are in a position to evaluate the prospective nominee's integrity, professional competence and judicial temperament".  
(at p. 5)

In the event the ABA Standing Committee has, in fact, been reviewing the qualifications of either Judge Crane or Mr. Hellerstein, we request to be immediately contacted so that we may provide the Standing Committee with documentary proof of their unfitness for judicial office. Likewise, we

request to be immediately contacted should either be recommended at some later point, with the ABA then reviewing their qualifications<sup>1</sup>.

By this letter, we formally request what should have been obvious to you two years ago, to wit, that you consider the Center for Judicial Accountability, Inc. as a resource for information regarding *all* recommendees whose qualifications the ABA Standing Committee reviews, particularly recommendees for Second Circuit judgeships.

That you have *never* contacted CJA for information as to *any* of the recommendees whose credentials you have purported to "investigate" for the Standing Committee since October 31, 1995, when we provided you with documentary proof of the politically-motivated, on-the-bench misconduct of New York State Supreme Court Justice Lawrence Kahn -- thereafter nominated by the President and confirmed by the Senate -- is a further reflection of your nonfeasance and misfeasance, as set forth by us in our May 27, 1996 letter to the Senate Judiciary Committee. We sent you a copy of that letter and sent copies, as well, to those in the ABA charged with ensuring the integrity of ABA judicial screening. Neither you nor the ABA ever denied or disputed any of the serious matters set forth therein. For your convenience, we enclose a copy of that letter, as reprinted in the Appendix to the Senate Judiciary Committee's transcript of its May 21, 1996 hearing on "The Role of the American Bar Association in the Judicial Selection Process" (Exhibit "B").

To reinforce the absolute importance of thorough judicial screening, CJA's most recent ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*", published in the August 27, 1997 New York Law Journal (Exhibit "C") is also enclosed. From the ad may be seen the disastrous consequences to governmental integrity and the public weal of elevating individuals to the federal bench who -- like Judge Crane and Mr. Hellerstein -- disregard their professional and ethical obligations so as to advance ulterior personal and political goals.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc.

Enclosures

cc: Irene Emsellem, Staff Liaison to ABA Standing Committee on Federal Judiciary

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<sup>1</sup> It goes without saying that if the ABA Standing Committee has already "reviewed" the qualifications of Judge Crane or Mr. Hellerstein and provided ratings to the Justice Department and White House, it is ethically obligated -- at very least -- to alert them that CJA has come forward with information bearing adversely upon the fitness of these individuals so that they may conduct the necessary interviews and follow-up.