

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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BY FAX: 312-988-5709 (10 pages)

BY MAIL

September 26, 2001

Luke Bierman, Director
American Bar Association's Justice Center
541 North Fairbanks Court
Chicago, Illinois 60611

RE: Your Non-Action on and Non-Response to CJA's May 30th letter

Dear Mr. Bierman:

This follows up your shocking admission to me yesterday that CJA's May 30th letter seeking reconsideration by the ABA Standing Committee on Judicial Independence's purported denial of our request for *amicus* and other assistance in the appeal of my public interest lawsuit against the New York State Commission on Judicial Conduct has NOT yet been presented to the Committee

In view of the plainly time-sensitive nature of the May 30th letter, I believe you owe CJA – and certainly the members of the ABA's Standing Committee – an explanation for your four-month delay in presenting it to the Committee – and in responding to the further requests therein relating to CJA's desire to attend and participate in the Justice Center's programming at the ABA annual meeting in August and at its upcoming annual meeting in October.

I, therefore, request your explanation for such excessive delay and ask that you *immediately* distribute copies of CJA's May 30th letter to the Committee members so that they can glean for themselves the serious issues of judicial independence and accountability, as well as of professional responsibility, that you have withheld from them.

Frankly, I have my doubts that Committee members themselves reviewed my Appellant's Brief and Appendix before purportedly denying CJA's March 2nd letter

request for *amicus* and other assistance. Therefore, please advise which, if any, of the Committee's members actually reviewed my Appellant's Brief and Appendix so that I can discuss with them the serious issues established therein, which you REFUSED to discuss with me on the pretext that without their being adjudicated by a court, you could NOT form an independent judgement.

These issues, set forth by pages 1-2 of CJA's May 30th letter, as having been established by my Appellant's Brief and Appendix, are that the New York State Commission on Judicial Conduct:

- (1) is unlawfully dismissing *facially-meritorious* judicial misconduct complaints, *without* investigation, in violation of Judiciary Law §44.1;
- (2) has survived three separate legal challenges by subverting the judicial process with fraudulent defense tactics of its attorney, the New York State Attorney General; and
- (3) has been rewarded by New York judges with fraudulent judicial decisions, without which it would not have survived any of these three legal challenges.

Certainly, to the extent you or the members of the ABA Standing Committee were the least bit uncertain as to the documentary proof, excerpted in the Appendix, I would have expected a request for a copy of the substantiating lower court record – which was offered in CJA's initial March 2nd letter.

Frankly, I do not believe that *any* Committee member reviewing my Appellant's Brief and Appendix would share your view as to the propriety of your May 3rd letter, which, *without reasons or other elaboration*, purported that the Committee had denied CJA's request for *amicus* and other assistance. As highlighted by CJA's May 30th letter, the issues presented by the appeal go to the very heart of the Standing Committee's stated mission and purpose.

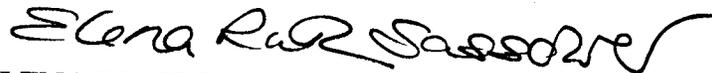
As CJA's May 30th letter reflects, further appellate papers were transmitted to you in support of CJA's reconsideration request. These included the Attorney General's Respondent's Brief and my Critique thereof, establishing the Attorney General's obligation to withdraw his Respondent's Brief as a "fraud on the court".

September 26, 2001

Faxed herewith is my subsequently-filed Reply Brief. Should you and the Committee wish to see my simultaneously-filed motion, *inter alia*, to strike the Attorney General's fraudulent Respondent's Brief – which my Reply Brief incorporates by reference – I will transmit it to you. As discussed, oral argument of the appeal is now scheduled for the November Term of New York's Appellate Division, First Department in Manhattan.

Finally, inasmuch as the ABA's Justice Center purports to be seeking to reform the justice system "by encouraging bench/bar/public collaboration" – and by drawing on "the expertise of...involved citizens" -- please advise as to why the Justice Center, under your directorship, has taken NO steps to bring CJA into its collaboration and has failed to show ANY acknowledgment of, let alone appreciation for, CJA's expertise on judicial selection and judicial discipline – the breathtaking evidence of which includes the appellate papers in my lawsuit against the New York State Commission on Judicial Conduct.

Yours for a quality judiciary,



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

P.S. I note that the Justice Center's Office for Justice Initiatives offers a "Roadmap" on the "Independence of the Judiciary" which "focuses on how the bench, bar, and public can work together to ensure cases are decided on facts and law alone". As I definitely want to "ensure" that my appeal against the New York State Commission on Judicial Conduct is "decided on the facts and law alone", I would appreciate if you would send me a copy. At the same time, perhaps you will also send me a copy of the "Roadmap" on "Judicial Selection".

Enclosure

cc: Dean Paul R. Verkuil, Chair
ABA Advisory Council
[By Fax: 212-446-2375]