

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 212-398-6634 (5 pages)

June 22, 2000

Alan Rothstein, General Counsel
Association of the Bar of the City of New York
42 West 44th Street
New York, New York 10036-6689

RE: CJA's June 20, 2000 letter to President Evan Davis

Dear Mr. Rothstein:

As discussed earlier today, please advise whether you ever received the enclosed June 25, 1998 letter from Doris Sassower, addressed to you and others, which may or may not have been sent, as it appears to be in draft. In any event, since the letter reflects that Ms. Sassower had a phone conversation with you as to the City Bar's approval of the recertification of Appellate Division, Second Department Justice William Thompson and the certification of Appellate Division, Second Department Justice John Copertino – notwithstanding case file evidence of their unfitness in the City Bar's possession – and, presumably, her oral request that the City Bar retract its approval based thereon, I will add a footnote relative thereto to a superseding version of CJA's June 20, 2000 letter to President Davis.

This superseding June 20, 2000 letter will also make NON-SUBSTANTIVE corrections of typos and grammatical errors, etc. A copy will be delivered for you tomorrow to the City Bar, at the front desk, as you requested.

Please do not threaten to have security stop me from dropping off the superseding original to President Davis' fourth floor office. Surely, you can appreciate my concern that CJA's June 20, 2000 letter, which reflects so critically upon you as City Bar counsel, not be short-stopped from being received by the President. Strong-arm tactics to impede its delivery to the President's secretary are unnecessary.

June 22, 2000

Finally, it is wholly unacceptable that notwithstanding the urgency of CJA's request for the City Bar's *amicus* support and legal assistance in *Elena Ruth Sassower v. Commission*, contained in CJA's June 20, 2000 letter, you want me to wait until the END OF THE SUMMER to organize the documents comprising the file of that case and CJA's related correspondence, which you have in your possession. The upcoming ABA meetings are no reason to justify a delay of two months or more in accepting my offer to arrange those materials, pursuant to the inventory annexed as Exhibits "C-1" and "C-2" to the June 20, 2000 letter. Such offer was made to facilitate their review by President Davis, which, in light of the content of the June 20, 2000 letter, should be IMMEDIATE.

Aside from the fact that you have sufficient office staff to assist you in gathering together these pertinent materials, they are all probably sitting on a shelf in your office -- if your past practice is any guide. This would explain your sudden edict, which you announced during our phone conversation, that I not come into your office. As you know, I have been coming to your office to deliver documentary materials for at least several years, without objection from you. Indeed, virtually all the materials listed in Exhibits "C-1" and "C-2" I hand-delivered to your office, mostly in your presence.

If necessary, I will write President Davis and request that he immediately requisition these dispositive materials from you himself.

Thank you.

Yours for a quality judiciary,



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

Enclosure

Doris L. Sassower

283 Soundview Avenue, White Plains, NY 10606-3821 • Tel: 914-977-1677 • Fax: 914-684-6554

PRIVILEGED AND CONFIDENTIAL

VIA FAX AND MAIL

June 25, 1998

Alan Rothstein, General Counsel
Assn. of the Bar of the City of New York
42 West 44th Street
New York, NY 10036-6690

Avery Eli Okin, Executive Director
Brooklyn Bar Association
123 Remsen Street
Brooklyn, NY 11201-4212

Re: The need for retraction of your respective associations' approval of the recertification and certification of Judges William C. Thompson, and John Copertino, respectively, for the Appellate Division, Second Department, and prior to the Governor's redesignation and designation of such candidates.

Gentlemen:

This follows up my recent telephone conversations with both of you relative to your associations' approval of the recertification and certification of Judges William C. Thompson and John Copertino respectively, as reported in the 6/8/98 New York Law Journal.

By this letter, I am confirming my request to Mr. Rothstein and his agreement to provide Mr. Okin with unrestricted access to the legal files heretofore delivered by CJA to the City Bar Association, to wit, the Article 78 proceeding entitled Doris L. Sassower v. N.Y.S. Commission on Judicial Conduct, N.Y. Co. Clerk's Index # 95-109141, as well as the federal civil rights action brought under 42 U.S.C., sec. 1983, Sassower v. Mangano, et al., Docket #96-7805.

Mr. Rothstein acknowledged that the files in those two cases have been in his possession since January 1996 and August 1997 respectively. Such files show the unfitness of both judicial candidates, warranting re-evaluation by the Brooklyn Bar Association and the City Bar Association of its approval ratings. The Article 78 Petition in the case against the Commission alleges, and Exhibit "G", thereto, chronicles that Justice Thompson violated one of the most fundamental rules of judicial disqualification known to the law, to wit, that no one must be the judge of his own cause. Even more egregious, was the fact that he did so in the context of an Article 78 proceeding, a

Messrs. Alan Rothstein, Esq.
Executive Director,
Assn. of the Bar of the City of New York

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Executive Director, Brooklyn Bar Association

remedy designed to ensure review by a superior tribunal. Exhibit G shows he did this by presiding over an Article 78 proceeding in which he was an interested party defendant by reason of his participation in each and every disciplinary order challenged in the proceeding as knowingly unlawful, retaliatory, and politically motivated. The complaint in that proceeding challenges as unconstitutional the interim suspension of my law license by order of the Appellate division, 2nd Dept dated June 14, 1991. As my complaint alleged, that order suspended my law license immediately, indefinitely, and unconditionally, without written charges, without hearing, without findings, without reasons, and without a right of appeal.

Copies of my documented complaints filed with the Commission on Judicial Conduct against Judge Thompson, annexed to the Article 78 Petition established, indisputably, his despicable and shockingly unethical and conduct in cases involving me in which he has participated in or presided over, including his decision dismissing my Article 78 proceeding against the judges of the Appellate Division, Second Department, he and his panel members, took and maintained jurisdiction over the aforesaid Article 78 proceeding -- and then adjudicated it by granting the pre-answer motion of their own counsel to dismiss it for failure to state a cause of action, which dismissal was wholly without legal or factual basis. In so doing, Judge Thompson and his judicial brethren of the Second Department knowingly corrupted the Article 78 remedy designed to provide independent review by a higher tribunal and, additionally, violated the most fundamental rule of law, going back to the 12th century, that none shall be judge of his own cause. This official misconduct was the subject of our New York Times Op-Ed ad "Where Do You Go When Judges Break the Law?", which appeared in its October 26, 1994 issue, reprinted in the New York Law Journal.

The official misconduct of both judicial candidates is also the subject of my aforesaid federal civil rights action under 42 U.S.C. sec.1983, which describes such conduct with full specificity. The files of such legal action, in Mr. Rothstein's possession since August 1997, in which all of the judges of the Appellate Division, Second Department, and their counsel, the New York state Attorney General are named and sued as defendants, in their official and personal capacities, include the record and briefs on my appeal to the Second Circuit from the wrongful dismissal of such action by federal Judge John Sprizzo (SDNY), show a pattern of judicial misconduct by state judges and cover-up by federal judges, who disregard ethical and statutory disqualification rules, fail to recuse themselves despite palpable actual and apparent bias, and knowingly fail to follow the law as to substantive and procedural matters so as to trample on basis federal and state guaranteed constitutional rights and make a mockery of our judicial process.

It would be of interest to know whether these judicial candidates even disclosed the lawsuits and judicial misconduct complaints I filed against them, and, if so, whether they identified the fact that I have a petition for certiorari based on the wrongful dismissals thereof by the state agency charged with protecting the public from such "criminals in black robes" and the federal judiciary of the Southern District and 2nd Circuit, currently pending before the U.S. Supreme Court.

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Avery Eli Okin, Esq.
Executive Director, Brooklyn Bar Association

It is disheartening and, frankly, inconceivable and shameful that this Saturday, June 14, 1998, marks seven years since the Appellate Division, 2nd Department, issued its due-processless, jurisdictionless, hearingless, findingless, reasonless order suspending my law license, invoking a court created rule, found by New York's highest state court, its Court of Appeals to be without statutory authority, and that, despite my years of *pro bono* public service as a leader of the bar, the bar associations have not only failed to investigate the appalling facts, as alleged in my aforesaid two cases, but close their eyes and keep silent about them year after year, at the same time rewarding such unethical judges for their misconduct by actually approving them for continued, if not higher, judicial offices.

It is long past time for attention to be paid to what I have contended all these years, to wit, that my judicial whistle-blowing activities have made me the target of a vendetta, which will be evident once my legal files in the above two cases are objectively reviewed. After such review, I would hope you will agree not only to do all in your power to see to it that the approval ratings of Judges Thompson and Copertino are retracted and that their redesignations by the Governor opposed, but that your associations will apply for *amicus curiae* status to support the relief requested by my cert petition: and a declaration of the unconstitutionality of the attorney discipline law of the State of New York, as written and as applied to me, including the immediate vacatur of the June 14, 1991 interim order suspending me from the practice of law.

Needless to say, I will make myself available for any personal interview you may desire, either by telephone or in person, to assist you in the difficult job you have ahead of you in leading your bar associations to undertake appropriate action to protect the integrity of our courts, not to mention the attorneys who do their ethical duty to speak out to protect the honor of the profession, where silence is tantamount to complicity.

Very truly yours,

DORIS L. SASSOWER

cc.: James McGuire, Counsel to the Governor
Nan Weiner, Executive Director,
NYS Judicial Screening Committees