

**Subj:** Fwd: Developing a Legislative/Advocacy Agenda  
**Date:** 1/29/03 1:04:37 PM Eastern Standard Time  
**From:** Judgewatchers  
**To:** kbaxter@nysba.org, HHomer106, Russhaven, lwvny@lwvny.org, bob@givemeliberty.org  
**CC:** arothstein@abcny.org, jbigelsen@abcny.org, jockers@moderncourts.org  
**File:** read-1-22-03testimony.doc (56320 bytes) DL Time (115200 bps): < 1 minute

**TO:** New York State Bar Association  
 ATT: Kathleen Mulligan Baxter, Counsel

**NYPIRG**  
 ATT: Blair Homer, Legislative Director  
 Russ Haven, Legislative Counsel

**New York League of Women Voters**  
 ATT: Barbara Bartoletti, Legislative Director

**We the People Foundation for Constitutional Education**  
 ATT: Bob Schulz, Chairman

**FROM:** Center for Judicial Accountability, Inc. (CJA)  
 Elena Ruth Sassower, Coordinator

**RE:** Developing a Legislative/Advocacy Agenda for 2003

**DATE:** January 29, 2003

Forwarded herewith is my self-explanatory January 23rd memo to the Association of the Bar of the City of New York and Fund for Modern Courts.

On January 27th, the Syracuse Post-Standard came out with a powerful editorial, "*A Flawed Process: Judicial nominees should be subject to more public scrutiny*", based on a January 23rd news story, "*DeFrancisco quiets a critic*", by its Albany reporter, Erik Kriss -- both accessible from the Post-Standard's website: [www.syracuse.com](http://www.syracuse.com). Let me know if it would be more convenient for me to fax them to you.

As evident from my attached January 22nd written statement, the situation is far, far worse than described by either the Post-Standard's editorial or the article. You may verify this for yourself by reading EXACTLY what I was saying when I was "cut off" by Chairman DeFrancisco -- which was at the beginning of the third paragraph. It took me no more than 2-1/2 to 3 minutes to reach that point.

I have already made a FOIL request for the stenographic transcript of the "hearing" from which you will additionally see that Chairman DeFrancisco refused my entreaties to at least be allowed to discuss Judge Read's official misconduct as Governor Pataki's Deputy Counsel (see pp. 7-9 of my statement), which I had already identified in my statement's second paragraph.

Please advise as to what you might be able to do to capitalize on the Post-Standard's editorial, including by getting more such editorials and stories by columnists, etc.

Thanks.

-----  
 Forwarded Message:

**Subj:** Developing a Legislative/Advocacy Agenda  
**Date:** 1/23/03 2:17:33 PM Eastern Standard Time  
**From:** Judgewatchers  
**To:** arothstein@abcny.org, jbigelsen@abcny.org, jockers@moderncourts.org

**TO: Association of the Bar of the City of New York**  
**ATT: Alan Rothstein, General Counsel**  
**Jayne Biegelsen, Legislative Director**

**Fund for Modern Courts**  
**ATT: Ken Jockers, Executive Director**  
**Lisa Crawford, Administrative Assistant**

**FROM: Center for Judicial Accountability, Inc.**  
**Elena Ruth Sassower, Coordinator**

**RE: Developing a Legislative/Advocacy Agenda for 2003**

**DATE: January 23, 2003**

As discussed, enclosed is the written statement I tried to present at yesterday's Senate Judiciary Committee "hearing" on Susan Read's confirmation to the Court of Appeals. I did not get past the beginning of the third paragraph before my presentation was halted by Senate Judiciary Committee Chairman DeFrancisco, who threatened to have the officers present physically remove me. Indeed, they came toward me.

I will mail you a copy of the appendix documents supporting my statement so that you can better appreciate yesterday's vicious assault on proper procedure and legitimate citizen opposition. Without further delay, steps must be taken to develop an agenda for legislative action. Indeed, following yesterday's "hearing", I visited the office of Chairman DeFrancisco, as well as of Helene Weinstein, Chairwoman of the Assembly Judiciary Committee, to specifically request a meeting.

I have already left a copy of my statement and appendix at the New York State Bar Association for its counsel, Kathleen Mulligan Baxter, with whom I had a productive phone conversation on tuesday. She seemed receptive to my suggestion about developing legislation that would begin to "regulate" the presently unregulated confirmation process -- which is "lawless" in that very sense of the word.

I also left a copy of my statement and appendix at NYPIRG -- and have had productive conversations with Blair Horner, its legislative director, and Russ Haven, its legal counsel, about developing a legislative strategy.

Please advise when we can meet together to discuss the serious and substantial issues relating to "merit selection" to our State's highest court and the supposedly merits-based appointments process to our lower state courts. As the evidence shows, the situation is dire.

Thanks.