

Ctr for Judicial Accountability

From: Ctr for Judicial Accountability [cja@judgewidth.org]
Sent: Friday, June 29, 2007 7:22 PM
To: 'ref@attglobal.net'
Subject: "Making Law" at the U.S. Supreme Court on Judicial Disqualification/Disclosure

Dear Mr. Flamm,

How thrilled I was to receive your yesterday's voice mail message that you would be reading the draft of my cert petition in the "disruption of Congress" case. What a tremendous gift you gave me on that 3rd anniversary of my June 28, 2004 incarceration – one I will always cherish. Thank you ever so much.

My draft cert petition is very much a "work-in-progress", but I will greatly look forward to discussing it with you – and exploring the possibilities of your providing an *amicus curiae* brief to the U.S. Supreme Court on the transcending and threshold judicial disqualification/disclosure issues that are your expertise. Certainly, I believe the case to be a perfect vehicle to "make law" with respect to your powerful observations in your treatise on judicial disqualification that:

“...the theoretical underpinnings of American judicial disqualification jurisprudence remains murky and unsettled. In fact, modern American case precedents that deal with judicial disqualification issues are replete with inconsistencies, which suggest the absence of a sound theoretical base...”

and

“Because the existence of a biased tribunal is repugnant to the concept of due process, an argument may be made that this constitutional guarantee implicitly supplies litigants with an additional basis for seeking judicial disqualification. Moreover, while the United States Supreme Court has never explicitly approved this argument, it has indicated that a biased tribunal may be violative of due process in certain circumstances...”

Meantime, I wish your wife a speedy and full recovery from her hospitalization, which I pray was not serious.

With appreciation and regards,

Elena
914-421-1200

www.judgewidth.org – top panel “Latest News” & sidebar panel “Disruption of Congress’-The Appeal”

6/29/2007