CENTER for JUDICIAL ACCOUNTABILITY, INC.

By Fax: 212-514-9016
12 pages

May 13, 1997

Henry Berger, Chairman
New York State Commission on Judicial Conduct
c/o Fisher, Fisher & Berger
1 Whitehall Street, 21st Floor
New York, New York 10004

> RE: Tomorrow's public hearing
>   Association of the Bar of the City of New York
>   Special Committee on Judicial Conduct

Dear Mr. Berger:

As Chairman of the New York State Commission on Judicial Conduct -- and the first presenter at the City Bar's public hearing tomorrow -- we call upon you to respond to the enclosed, our May 5th letter to, among others, the New York State Commission on Judicial Conduct.

We specifically draw your attention to the penultimate paragraph which reads:

> "By this letter, we call upon you to defend -- if you can -- the record
> of your wilful inaction, as established by our correspondence with
> you, which we intend to fully present at the hearing. We specifically
> invite your testimony about CJA's challenge to the Commission's self-
> promulgated rule, 22 NYCRR §7000.3, *as written and as applied*,
> and your rebuttal to our analysis that the court's dismissal decision is
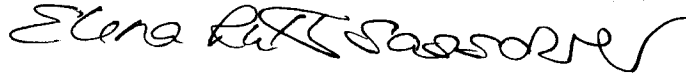> a fraud."

Likewise, we call upon Gerald Stern, the Commission's Administrator and the final presenter at the public hearing, to give his personal response thereto.

Additionally, we note that Juanita Bing Newton, a former Commission member during the critical period of our Article 78 litigation, who participated in the summary dismissal of several of the facially-meritorious complaints annexed to the Article 78 petition, will be testifying at the hearing.

As you know, last year, we vigorously opposed Judge Newton's reappointment to the New York Court of Claims, based upon her betrayal of the public trust in her tenure as a Commission member. We would greatly appreciate if you or Mr. Stern would make known to her our request herein that she, similarly, give her personal response to our May 5th letter.

Yours for a quality judiciary,

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

cc: Gerald Stern, Administrator   (fax: 212-949-8864)
          NYS Commission on Judicial Conduct
     City Bar Special Committee on Judicial Conduct
             Robert Jossen, Chairman   (fax: 212-758-9526)
             Lawrence Zweifach, Esq.   (fax: 212-626-0799)

Enclosures

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│   TRANSMISSION VERIFICATION REPORT       │
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Henry Berger,
Chairman
Commission Judicial Conduct

FAX COVER SHEET

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DATE: _2¹⁰ pm — 5/13/97_   TIME: _____

TO: _Gerald Stern, Administrator_
Commission on Judicial Conduct

FAX: _212-949-8864_

RE: _Tomorrow's Hearing_

FROM: _Elena Sassower_

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MESSAGE:
For Immediate Attention

CENTER for JUDICIAL ACCOUNTABILITY, INC., is a national, non-partisan, not-for-profit citizens' organization documenting how judges break the law and get away with it.

TRANSMISSION VERIFICATION REPORT

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Commission on Judicial Conduct