

# CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

*Elena Ruth Sassower, Coordinator*

BY CERTIFIED MAIL/RRR: Z-509-073-650

January 24, 2000

Patricia Salkin, Associate Dean and Director  
Government Law Center  
Albany Law School  
80 New Scotland Avenue  
Albany, New York 12208

**RE: The Ethical Duty to Ensure (a) that an Expert Opinion is Based on Evidentiary Proof and Not Used to Mislead the Press and Public on Matters of Public Importance; and (b) that Public Officials Engaged in Serious Official Misconduct are Held Accountable**

Dear Professor Salkin:

Following up our January 10<sup>th</sup> telephone conversation and my fax to you (Exhibit "A"), enclosed are the promised *primary source* materials -- ALL part of the file of the current Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against the Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551). They establish:

- (1) that Attorney General Spitzer has engaged in an unrestrained *modus operandi* of litigation fraud rivaling, *if not surpassing*, that of his Attorney General predecessors, as described in CJA's \$3,000 public interest ad, "Restraining 'Liars in the Courtroom' and on the Public Payroll" (NYLJ, 8/27/97, pp. 3-4), and;
- (2) that Mr. Spitzer's "public integrity unit" -- *to the extent it exists* -- is a "front", covering up high-level governmental corruption in which he is an active and knowing participant.

From these *primary source* materials, you will *readily* be able to confirm that Mr. Spitzer cynically used your good name and reputation to mislead the press and public by his self-promoting January 6, 2000 press release, "Legal Experts Praise

Patricia Salkin, Director, Government Law Center  
January 24, 2000  
Page Two

*Spitzer's First Year*" (Exhibit "B-1") – and that you must take decisive corrective steps. Aside from *publicly* retracting the comments attributed to you as an "independent legal expert" that:

"Over the last year, the Attorney General has demonstrated a deep commitment to the area of government ethics. His promised Public Integrity Unit is now staffed and working... helping to earn the public trust in government",

Canons 1 and 8 of New York Bar Association's Code of Professional Responsibility, as well as the comparable provisions of the American Bar Association's Model Rules of Professional Conduct, require you to take steps to ensure that Mr. Spitzer is held accountable for his serious official misconduct and betrayal of the public trust, which this file resoundingly documents. This is critical since Mr. Spitzer, whose misconduct herein rises to a level of criminality, has been completely "above the law". Demonstrating this is not only the inaction of Mr. Spitzer's own ethics committee, but the New York State Ethics Commission, the Manhattan District Attorney, and the U.S. Attorneys for the Southern and Eastern Districts of New York to whom CJA has turned with fully-documented ethics and criminal complaints against Mr. Spitzer<sup>1</sup>, as well as with requests for intervention in the current Article

---

<sup>1</sup> CJA's March 27, 1999 ethics complaint against Mr. Spitzer, filed with the NYS Ethics Commission, is annexed as Exhibit "E" to my moving affidavit in support of my July 28, 1999 omnibus motion; CJA's September 15, 1999 supplement to that ethics complaint is annexed as Exhibit "G" to my September 24, 1999 reply affidavit; CJA's October 27, 1999 ethics complaint against Mr. Spitzer is annexed as Exhibit "J" to my November 5, 1999 letter to Justice Kapnick.

Copies of these three ethics complaints were provided to Mr. Spitzer's own Ethics Committee and his "public integrity unit" as may be seen from (1) CJA's August 6, 1999 letter to David Nocenti, counsel to Mr. Spitzer, annexed as Exhibits "A" to my September 24, 1999 reply affidavit; (2) the certified mail/return receipt for CJA's September 15, 1999 ethics complaint, annexed to Exhibit "G" to my September 24, 1999 reply affidavit; and (3) CJA's October 29, 1999 notice, annexed as Exhibit "C" to my December 9, 1999 letter to Justice Wetzel.

CJA's October 21, 1999 criminal complaint, filed with the Manhattan District Attorney against Mr. Spitzer, is annexed as Exhibit "G" to my November 5, 1999 letter to Justice Kapnick.

CJA's October 21, 1999 criminal complaint, filed with to the U.S. Attorney for the Southern District of NY against Mr. Spitzer, is annexed as Exhibit "H" to my November 5, 1999 letter to Justice Kapnick.

CJA's September 7, 1999 criminal complaint, filed with the U.S. Attorney for the Eastern District of NY against Mr. Spitzer, is annexed as Exhibit "H" to my September 24, 1999

Patricia Salkin, Director, Government Law Center  
January 24, 2000  
Page Three

78 proceeding. These oversight bodies and public officers, whose duty is to safeguard governmental integrity, have been immobilized by personal and professional relationships with Mr. Spitzer and his executive level staff<sup>2</sup>. They have not only wantonly disregarded fundamental conflict of interest rules, but procedural safeguards designed to prevent those rules from being breached<sup>3</sup>.

That essential oversight agencies and public officers flout fundamental standards and rules pertaining to conflict of interest in order to protect this state's highest law enforcement officer from disciplinary and criminal investigation and prosecution demands leadership which you are in a position to provide. You are, after all, Director of the Government Law Center of Albany Law School, co-chair of the

---

reply affidavit.

Copies of these three criminal complaints were provided to Mr. Nocenti and Mr. Spitzer's "public integrity unit", as may be seen from: (1) Exhibit "I" to my November 5, 1999 letter to Justice Kapnick; and (2) the certified mail/return receipt annexed as Exhibit "H" to my September 24, 1999 reply affidavit.

<sup>2</sup> **As for the conflict of interest of the Ethics Commissioners, see, *inter alia*, pp. 4-7 of CJA's March 26, 1999 ethics complaint [Exhibit "E" to my moving affidavit in support of my July 28, 1999 omnibus motion]; pp. 8-10 of CJA's September 15, 1999 ethics complaint [Exhibit "G" to my September 24, 1999 reply affidavit]; pp. 1-3 of CJA's September 27, 1999 ethics complaint [Exhibit "J" to my November 5, 1999 letter to Justice Kapnick.**

**As for the conflict of interest of the Manhattan District Attorney, see, *inter alia*, pp. 5-7 of CJA's October 21, 1999 criminal complaint to the Manhattan D.A. [Exhibit "G" to my November 5, 1999 letter to Justice Kapnick];**

**As for the conflict of interest of the U.S. Attorney for the Southern District of NY, see, *inter alia*, pp. 2-3, 18-20 of CJA's October 21, 1999 criminal complaint to the U.S. Attorney for the Southern District of NY [Exhibit "H" to my November 5, 1999 letter to Justice Kapnick].**

**As for the U.S. Attorney for the Eastern District of NY, who has failed to respond to CJA's September 7, 1999 complaint, see, *inter alia*, p. 5 thereof requesting referral to the Public Integrity Unit of the U.S. Justice Department's criminal division [Exhibit "H" to my September 24, 1999 reply affidavit].**

<sup>3</sup> Neither the Manhattan District Attorney nor the U.S. Attorney for the Southern District of NY has supplied us with information about applicable procedures for resolving conflicts of interests – although we expressly requested such information (See p. 6 of CJA's October 21, 1999 complaint to the Manhattan D.A. and CJA's October 29, 1999 and November 4, 1999 letters to the Manhattan D.A., annexed as Exhibits "G", "K-1", and "K-3" to my November 5, 1999 letter to Justice Kapnick; and p. 3 (fn. 2) of CJA's October 21, 1999 complaint to the U.S. Attorney for the Southern District of NY, annexed as Exhibit "H" to my November 5, 1999 letter to Justice Kapnick). Perhaps you have that information – or can obtain it for us.

Patricia Salkin, Director, Government Law Center  
January 24, 2000  
Page Four

ethics committee for the American Bar Association's Section on State and Local Government Law, delegate to the ABA's Ethics 2000 initiative, member of the Executive Committee of the New York State Bar Association's Municipal Law Section, and a "frequent lecturer and writer on topics dealing with government ethics" (Exhibit "C-2") – all such positions being identified in your published profile appearing at the outset of the recently published ABA text you edited, Ethical Standards in the Public Sector: A Guide for Government Lawyers, Clients, and Public Officials (Exhibit "C-1").

By reason of your positions of leadership, CJA hereby requests that you present these *primary source* materials to others, like yourself, involved with ethics and government issues at academic institutions, at bar associations, and in other venues *for their immediate attention and emergency action.*

Under DR 1-103 of the New York State Bar Association's Code of Professional Responsibility, embodied in 22 NYCRR §1200.4, a lawyer is duty-bound to report matters of this seriousness to "a tribunal or other authority empowered to investigate or act". Consequently, CJA requests that, individually and/or collectively, you and such other persons and entities as you can enlist, meet that duty by following up on our already-filed disciplinary and criminal complaints to the Ethics Commission, the Manhattan District Attorney, and the U.S. Attorney – in particular, by reiterating CJA's requests therein that the complaints be referred to the Public Integrity Unit of the Justice Department's Criminal Division – as well as by initiating further disciplinary and criminal complaints to other bodies "empowered to investigate or act". This would include the New York State Commission of Investigation, which you suggested as a body empowered to investigate.

Most immediately, however, CJA requests that you contact the tribunal hearing the pending Article 78 proceeding. Indeed, as the non-lawyer petitioner, acting *pro bono publico*, I urgently require intervention, *amicus curiae* assistance, or other legal help from law schools, schools of government, bar associations, and others – and, especially, "expert" opinion on the critical issues presented by my omnibus motion to disqualify the Attorney General from representing the Commission on Judicial Conduct by reason of his violation of Executive Law §63.1 and conflicts of interest – each graphically demonstrated by his flagrant litigation fraud and misconduct in the proceeding.

Patricia Salkin, Director, Government Law Center

January 24, 2000

Page Five

Hopefully, such involvement might also serve to safeguard the integrity of the judicial process. This politically-explosive case is already before its *seventh* judge, who was *not* randomly assigned and who is more disqualified than any of his five judicial predecessors, who recused themselves<sup>4</sup>. The record herein demonstrates that cases such as this are "thrown" by fraudulent judicial decisions. Such was the fate of the three cases featured in "*Restraining 'Liars'*", among them, the prior Article 78 proceeding, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (NY Co. #95-109141). Such was also the fate of the Article 78 proceeding, *Michael Mantell v. Commission on Judicial Conduct of the State of New York* (NY Co. #99-108655), commenced shortly after my own<sup>5</sup> and like it defended by Mr. Spitzer with litigation fraud.

The final sentence to the Preface of your ABA text concludes by exhorting those working in the public sector to "represent honesty and integrity in our great system of government and governance" (Exhibit "C-4"). There is very little reflecting that "great system" in the exposition of nightmarish facts set forth in CJA's disciplinary and criminal complaints. In part, this is attributable to the official misconduct of three of the eleven contributors to your ABA text. As reflected by their profiles (Exhibit "C-3"), Thea Hoeth and Richard Rifkin were formerly Executive Directors of the New York State Ethics Commission, with Mr. Rifkin having spent 15 years in the inner circle at the Attorney General's office before becoming the Ethics Commission's Executive Director. As for Barbara Smith, she has been counsel at the Ethics Commission since its inception. Not reflected by those profiles – but *readily verifiable* from CJA's eight-year correspondence with the Ethics Commission pertaining to a series of ethics complaints we filed as early as 1992 -- is that Ms. Hoeth, Mr. Rifkin, and Ms. Smith, described by your Preface as among "the best minds addressing government ethics issues today" (Exhibit "C-4"), have participated in corrupting the State Ethics Commission, whose disciplinary jurisdiction extends

---

<sup>4</sup> An additional judge was removed from the case by the Administrative Judge, for reasons unknown. See p. 1 of my November 5, 1999 letter to Justice Kapnick and p. 10 of my December 2, 1999 letter to Justice Wetzel.

<sup>5</sup> Analyses of the judicial decisions in these two Article 78 proceedings are part of the record herein. An analysis of the fraudulent decision in *Doris L. Sassower v. Commission* is annexed as part of Exhibit "A" to the Verified Petition. An analysis of the fraudulent decision in *Michael Mantell v. Commission* is annexed as Exhibit "D" to my December 9, 1999 letter to Justice Wetzel.

Patricia Salkin, Director, Government Law Center  
January 24, 2000  
Page Six

to the Attorney General.

A large portion of that eight-year correspondence is part of the file of the current Article 78 proceeding. This, because a branch of my omnibus motion to disqualify Mr. Spitzer as defense counsel is based on the conflict of interest resulting from his having appointed Mr. Rifkin to head the office responsible for defending the state in litigation in face of notice that Mr. Rifkin had used his position as the Ethics Commission's Executive Director to cover up the fraudulent defense tactics of that very office in the three cases featured in "*Restraining 'Liars'*" – all three of which are embodied in the current Article 78 proceeding<sup>6</sup>. Needless to say, upon request, CJA would be pleased to provide you with the balance of that eight-year correspondence with the Ethics Commission, which is either not part of the current Article 78 proceeding<sup>7</sup> or not herein transmitted so as not to unnecessarily burden your preliminary review<sup>8</sup>. This includes ALL the voluminous substantiating documentation which we provided to the Ethics Commission in support of our ethics complaints.

---

<sup>6</sup> ¶¶24-35, 41-45 of my July 28, 1999 omnibus motion relate to Mr. Rifkin's official misconduct as the Ethics Commission's Executive Director – and CJA's notice to Mr. Spitzer. Mr. Rifkin's misconduct is also detailed – and with greater particularity -- by CJA's March 26, 1999 ethics complaint – annexed as Exhibit "E" to my moving affidavit (See pp. 1-3, 12-14 thereof).

<sup>7</sup> Not part of this Article 78 record is CJA's correspondence with the Ethics Commission, going back to 1992, establishing Ms. Hoeth's official misconduct as the Commission's Executive Director – to which Mr. Rifkin, upon succeeding her, put his imprimatur. See pp. 6-7 of CJA's March 26, 1999 ethics complaint and footnotes 7 and 9.

<sup>8</sup> These materials consist of the following free-standing folders that we submitted to the Court in support of my July 28, 1999 omnibus motion:

- (1) File Folder I: prior Article 78 proceeding, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (NY Co. #95-109141);
- (2) File Folder I: Hirshman Documents;
- (3) File Folder II: CJA's January 27, 1999 letter; and
- (4) File Folder III: CJA's March 26, 1999 letter.

An inventory of the contents of these folders is appended to end of my July 28, 1999 moving affidavit.

Additionally, a free-standing folder containing a copy of the file of the Article 78 proceeding, *Michael Mantell v. Commission on Judicial Conduct of the State of New York* (NY Co. #99-108655) – was submitted to the Court in support of my December 9, 1999 letter to Justice Wetzel. An inventory of the contents of that folder is appended to the end of my December 9, 1999 letter.

Patricia Salkin, Director, Government Law Center  
January 24, 2000  
Page Seven

Although you rebuffed my concern that your review of these materials might be compromised by personal or professional relationships, it seems reasonable to assume that but for your relationship with Mr. Rifkin – whose participation in Mr. Spitzer's administration the January 6th press release reflects (Exhibit "B-1") – you would not have been lulled into a false sense of confidence that notwithstanding your *lack of first-hand, direct knowledge* of the staffing and operations of Mr. Spitzer's "public integrity unit", you could nonetheless favorably comment on it. As you conceded to me, your sources of information about the unit – in the order in which you recounted them to me – were newspapers, Mr. Spitzer's remarks at Albany Law School and the University of Albany, and your conversations with him.

As it happens, newspapers *also* relied on the self-serving claims of Mr. Spitzer and his staff in reporting on the operations of "public integrity unit". Indeed, since last August, when such articles first began to appear, CJA has endeavored to get their authors to recognize that their professional obligation is NOT to act as a press arm for Mr. Spitzer, but, rather, to *independently* examine the unit's operations by examining the evidentiary proof presented by this Article 78 file. As illustrative, annexed are three articles from reputable newspapers: The New York Times' August 26, 1999 article by John Sullivan, "*Spitzer Sets Up Unit to Investigate Both State and Local Corruption*" (Exhibit "D-1"), Gannett's September 8, 1999 article, "*Spitzer's Anti-Corruption Unit Gets Off to a Busy Start*" (Exhibit "E-1"), and Gannett's September 9, 1999 article by Jay Gallagher, "*Spitzer to Fight Public Corruption*" (Exhibit "E-2"), along with CJA's correspondence with their authors (Exhibits "D-2" – "D-6" and Exhibits "E-3" – "E-5").

I would appreciate if you would confirm that these three articles were among those on which you relied when you gave your expert opinion for Mr. Spitzer's January 6, 2000 press release (Exhibit "B-1"). That way CJA will be able to provide Mr. Sullivan, Mr. Hughes, and Mr. Gallagher with a concrete example of the detrimental consequence of their wilful failure to present the true facts about the "public integrity unit" based on proffered evidentiary proof. In the event you relied on other newspaper articles to form your opinion, I would appreciate if you would identify them so that CJA may similarly follow-up with their authors.

The Times article -- which, I believe, generated the Gannett coverage -- was *not* the result of any press release. In fact, there is *not* a single press release on the Attorney General's website devoted to the "public integrity unit": its establishment, its staffing, its activities, its accomplishments, or even information as to how to contact

Patricia Salkin, Director, Government Law Center  
January 24, 2000  
Page Eight

it with a complaint for investigation. **Indeed, no press release was issued by the media-conscious Mr. Spitzer following his January 27, 1999 announcement at the Association of the Bar of the City of New York that "as of today I am creating a public integrity unit" and "[t]oday I'm announcing the creation of a public integrity unit" (Tr. 7) – nor following his announcement months later at Albany Law School, which you believed was his first announcement of the creation of his "public integrity unit"-- until I read you the above quotes from the transcript of the January 27, 1999 City Bar event<sup>9</sup>.**

As discussed, apart from your *non-probative* comments in Mr. Spitzer's January 6, 2000 press release heralding his first year in office (Exhibit "B-1"), a "search" of the Attorney General's website for the "public integrity unit", produces only one entry out of more than 1,560: Mr. Spitzer's April 11, 1999 press release heralding his first 100 days (Exhibit B-2"). *Without any specificity*, that press release claimed that Mr. Spitzer was "[d]eveloping a Public Integrity Unit to investigate allegations of wrongdoing and corruption by those in public office across the state".

As the enclosed Article 78 file makes plain, to the extent Mr. Spitzer's "public integrity unit" exists, it functions much as the New York State Commission on Judicial Conduct functions, as a façade: pursuing "wrongdoing and corruption" only by those in relatively low level "public office", NOT at the higher rungs of the governmental hierarchy. This seems true, as well, of the New York State Ethics Commission.

\* \* \*

An inventory of the transmitted Article 78 file is annexed to this letter. The starting point for your review should be: (1) my July 28, 1999 omnibus motion, detailing Mr. Spitzer's *unrestrained* litigation fraud and other misconduct in this Article 78 proceeding – including his wilful violation of Executive Law §63.1 and

---

<sup>9</sup> *IF* there is a transcript or recording of Mr. Spitzer's remarks about the "public integrity unit" at Albany Law School and University of Albany – or press report about them -- we would appreciate if you would arrange to have a copy sent to us -- reciprocating the full transcript of Mr. Spitzer's January 27, 1999 remarks at the City Bar, enclosed with this transmittal [annexed to CJA's March 26, 1999 ethics complaint as Exhibit "B" thereto].

Patricia Salkin, Director, Government Law Center

January 24, 2000

Page Nine

multiple conflicts of interests; and (2) CJA's March 26, 1999 ethics complaint, particularizing the high-level, systemic governmental corruption, in which Mr. Spitzer has shown himself to be fully complicitous. The ethics complaint is Exhibit "E" to my July 28, 1999 affidavit in support of the omnibus motion.

Particularly important are ¶¶40-103 of my July 28, 1999 affidavit. These chronicle -- with appended and accompanying documentary proof -- CJA's direct, first-hand experience with Mr. Spitzer and his "public integrity unit", beginning more than a month preceding his January 27, 1999 City Bar announcement, when CJA notified him of the need to rescind Mr. Rifkin's appointment as his Deputy Attorney General for State Counsel, based on Mr. Rifkin's official misconduct as the Ethics Commission's Executive Director. As to Mr. Rifkin's misconduct in that position, ¶¶24-35 of my July 28, 1999 affidavit provide relevant particulars. Of the exhibits annexed to my July 28, 1999 affidavit, the most significant are:

**Exhibit "B":** CJA's hand-delivered December 24, 1998 letter transmitting to then Attorney General-Elect Spitzer documentary materials relating to Mr. Rifkin's tenure at the Ethics Commission. These materials are contained in the enclosed file marked: "Folder I: Rifkin Docs.", which I submitted to the Court in support of my July 28, 1999 omnibus motion.

**Exhibit "C":** CJA's faxed December 28, 1998 letter transmitting to then Attorney General-Elect Spitzer a copy of CJA's Letter to the Editor, "*An Appeal to Fairness: Revisit the Court of Appeals*", appearing in that day's New York Post;

**Exhibit "D":** CJA's January 27, 1999 letter which I publicly presented to Mr. Spitzer, *in hand*<sup>10</sup>, after he stated "ANYTHING THAT IS SUBMITTED TO US WE WILL LOOK AT" (Tr. 13) in answer to my question as to what he was going to do about the allegations of "*Restraining 'Liars'*". CJA's previous correspondence with Mr. Spitzer, annexed to the January 27, 1999 letter, makes plain why, when I responded to Mr. Spitzer's invitation by stating "I have it right here" -- referring to the January 27, 1999 letter -- Mr. Spitzer's quipped, "Why did I suspect that?" (Tr. 14).

---

<sup>10</sup> ALL the documentation handed up to Mr. Spitzer with that letter is part of the current Article 78 proceeding. It includes Exhibits "B", "C", "D", "E", "F-1"- F-4" to the Verified Petition herein, as well as materials contained in File Folders II and III supporting the July 28, 1999 omnibus motion, not herein transmitted. See fn. 8, *supra*.

Patricia Salkin, Director, Government Law Center

January 24, 2000

Page Ten

**Exhibit "E":** CJA's March 26, 1999 ethics complaint against Mr. Spitzer (pp. 5-7, 27-29) and Mr. Rifkin (pp. 12-14), among others. A Table of Contents to the complaint appears at p. 3. Annexed as Exhibit "B" to the complaint is the transcript of Mr. Spitzer's January 27, 1999 announcement at the City Bar of the establishment of his "public integrity unit" and my public exchange with him (Tr. 7-8, 13-14).

The recitation of my July 28, 1999 affidavit is entirely *uncontroverted*. This is highlighted at pages 7 and 13-20 of my September 24, 1999 Reply Memorandum of Law, which, at pages 1-12, continues the recitation of CJA's direct, first-hand experience with Mr. Spitzer and his "public integrity unit". The accuracy of this further recitation is attested to at ¶2 of my September 24, 1999 reply affidavit, with ¶6 referencing the substantiating exhibits annexed to the reply affidavit. Among the most significant exhibits annexed to my September 24, 1999 reply affidavit are:

**Exhibit "A":** my hand-delivered August 6, 1999 letter to David Nocenti, counsel to Mr. Spitzer, transmitting a copy of my July 28, 1999 omnibus motion and requesting that it be considered by Mr. Spitzer's own ethics committee as an ethics complaint against Mr. Spitzer, Mr. Rifkin, and other staff for participating and countenancing the conflict of interest and litigation fraud detailed by the motion;

**Exhibit "E":** Mr. Nocenti's September 1, 1999 letter to me, declining to undertake "a separate internal review" by reason of my pending omnibus motion and CJA's pending March 26, 1999 ethics complaint to the New York State Ethics Commission;

**Exhibit "F":** CJA's September 15, 1999 ethics complaint to the New York State Ethics Commission, *inter alia*, supplementing CJA's March 26, 1999 ethics complaint against Mr. Spitzer based on his litigation fraud in my Article 78 proceeding;

**Exhibit "G":** CJA's September 7, 1999 criminal complaint to the U.S. Attorney for the Eastern District of New York detailing (at pp. 4-6) Mr. Spitzer's complicitous cover-up of systemic governmental corruption, involving, *inter alia*, Governor Pataki and the New York State Ethics Commission.

Patricia Salkin, Director, Government Law Center

January 24, 2000

Page Eleven

My correspondence with Acting Supreme Court Justice Kapnick, the *sixth* judge assigned to my Article 78 proceeding, and with Acting Supreme Court Justice Wetzel, the *seventh* judge to whom the case was specifically directed by the Administrative Judge following Justice Kapnick's recusal, reflects my further contacts with Mr. Spitzer and his "public integrity unit" concerning the Attorney General's continued fraudulent defense tactics in my case, as well as his fraudulent defense tactics in Mr. Mantell's Article 78 proceeding;

Page 6 of my November 5, 1999 letter to Justice Kapnick identifies that Mr. Spitzer's litigation misconduct in my Article 78 proceeding served "as a template for his litigation misconduct in Mr. Mantell's concurrent proceeding" – and uses, as an example, his misrepresentation of Executive Law §63.1. Among the pertinent exhibits annexed to my November 5, 1999 letter:

**Exhibit "G":** CJA's October 21, 1999 criminal complaint to the Manhattan District Attorney against, *inter alia*, Mr. Spitzer, based on his litigation fraud;

**Exhibit "H":** CJA's October 21, 1999 criminal complaint to the U.S. Attorney for the Southern District of New York against, *inter alia*, Mr. Spitzer, based on his active complicity in systemic governmental corruption, including litigation fraud;

**Exhibit "I":** CJA's hand-delivered October 25, 1999 letter to Mr. Nocenti and to the "public integrity unit", transmitting copies of CJA's October 21, 1999 criminal complaints and calling upon them to take investigative and corrective steps;

**Exhibit "J":** CJA's October 27, 1999 ethics complaint to the New York State Ethics Commission, *inter alia*, against Mr. Spitzer, based on his litigation fraud in Mr. Mantell's Article 78 proceeding;

The entirety of my December 9, 1999 letter to Justice Wetzel, as likewise my December 17, 1999 letter to him, particularize Mr. Spitzer's unrestrained litigation fraud, entitling me to additional sanctions. Among the pertinent exhibits to my December 9, 1999 letter are:

**Exhibit "C":** CJA's hand-delivered October 29, 1999 letter transmitting to Mr. Nocenti and the "public integrity unit" a copy of CJA's October 27, 1999 ethics complaint and putting Mr. Spitzer on notice of his ethical duty to take corrective

Patricia Salkin, Director, Government Law Center  
January 24, 2000  
Page Twelve

steps to vacate the fraudulent judicial decision dismissing Mr. Mantell's Article 78 proceeding;

**Exhibit "D": Analysis of the fraudulent judicial decision dismissing Mr. Mantell's Article 78 proceeding.**

\* \* \*

Based upon your review of the foregoing, I expect you will not disagree with the assessment in CJA's proposed Letter to the Editor to the New York Post – a copy of which I sent you under my January 10<sup>th</sup> letter (Exhibit "A") -- that Mr. Spitzer has engaged "in a level of litigation misconduct which, if committed by a private attorney, would be ground for disbarment" and, further, that his "public integrity unit" has been "nowhere to be seen" – either as to that misconduct or the systemic high-level governmental corruption as to which CJA long ago gave both Mr. Spitzer and the unit notice and documentary proof.

Yours for a quality judiciary  
and adherence to the requirements of ethical  
codes of professional responsibility,



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

Enclosures

***Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting Pro Bono Publico, against Commission on Judicial Conduct of the State of New York, NY Co. #99-108551***

1. **Petitioner's Notice of Right to Seek Intervention, Notice of Petition, and Verified Petition (April 22, 1999)**
2. **Attorney General's Affirmation (Carolyn Cairnes Olson) in Support of Respondent's Application Pursuant to CPLR 3012(d) (May 17, 1999)**
3. **Attorney General's Dismissal Motion (May 24, 1999), consisting of:**
  - (a) **Notice of Motion, with Affirmation of Assistant Attorney General Michael Kennedy and Affidavit of Albert Lawrence, Clerk of the Commission on Judicial Conduct;**
  - (b) **Memorandum of Law in Support of Motion to Dismiss, signed by Assistant Attorney General Carolyn Cairns Olson**
4. **Petitioner's Omnibus Motion (July 28, 1999), consisting of:**
  - (a) **Notice of Motion, with Affidavit of Petitioner and Affidavit of Doris L. Sassower, CJA's Director;**
  - (b) **Memorandum of Law in Opposition to Respondent's Dismissal Motion & in Support of Petitioner's Motion for Disqualification of the Attorney General, Sanctions, a Default Judgment, and Other Relief**  
*[with substantiating File Folder I: Rifkin Docs.]*
5. **Attorney General's Reply Memorandum in Further Support of a Motion to Dismiss and in Opposition to Petitioner's Motion for "Omnibus Relief", signed by Assistant Attorney General Carolyn Cairns Olson (August 13, 1999)**
6. **Petitioner's Papers in Reply and in Further Support of her Omnibus Motion (September 24, 1999), consisting of:**
  - (a) **Petitioner's Reply Affidavit**
  - (b) **Petitioner's Reply Memorandum of Law**
7. **Petitioner's November 5, 1999 letter to Acting Supreme Court Justice Barbara Kapnick**
8. **Petitioner's December 2, 1999 letter to Acting Supreme Court Justice William Wetzel**
9. **Petitioner's December 9, 1999 letter to Acting Supreme Court Justice William Wetzel**
10. **Petitioner's December 17, 1999 letter to Acting Supreme Court Justice William Wetzel**

***Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting Pro Bono Publico, against Commission on Judicial Conduct of the State of New York, NY Co. #99-108551***

**PETITIONER'S "FILE FOLDER I: RIFKIN DOCS." SUBSTANTIATING HER JULY 28, 1999 OMNIBUS MOTION FOR DISQUALIFICATION OF ATTORNEY GENERAL, ETC.**

**FILE FOLDER I: RIFKIN DOCUMENTS**

**CJA's correspondence with and about RICHARD RIFKIN, Executive Director of the New York State Ethics Commission, involving his official misconduct in that position, hand-delivered to the law office of Attorney General-Elect Spitzer under CJA's December 24, 1998 letter [Exhibit "B" to Petitioner's July 28, 1999 Affidavit]**

- (1) CJA's September 14, 1995 letter to Richard Rifkin, constituting a supplemental ethics complaint against the NYS Commission on Judicial Conduct and initiating an ethics complaint against the Attorney General
- (2) Richard Rifkin's October 3, 1995 letter to CJA
- (3) CJA's January 24, 1996 letter to Richard Rifkin
- (4) Richard Rifkin's February 29, 1998 letter to CJA
- (5) CJA's April 24, 1996 letter to Richard Rifkin
- (6) Joseph Bress' May 28, 1996 letter to CJA
- (7) CJA's April 15, 1997 letter to Walter Ayres, enclosing CJA's April 11, 1997 letter to Reverend Robert Eggenschiller and CJA's April 15, 1997 letter to Governor George Pataki
- (8) CJA's June 10, 1997 letter to Walter Ayres, enclosing CJA's June 9, 1997 letter to the Ethics Commissioners
- (9) CJA's December 16, 1997 letter to the Ethics Commissioners, constituting a supplemental ethics complaint against the Attorney General, including against Attorney General Vacco, *personally*

***Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting Pro Bono Publico, against Commission on Judicial Conduct of the State of New York, NY Co. #99-108551***

1. **Petitioner's Notice of Right to Seek Intervention, Notice of Petition, and Verified Petition (April 22, 1999)**
2. **Attorney General's Affirmation (Carolyn Cairnes Olson) in Support of Respondent's Application Pursuant to CPLR 3012(d) (May 17, 1999)**
3. **Attorney General's Dismissal Motion (May 24, 1999), consisting of:**
  - (a) **Notice of Motion, with Affirmation of Assistant Attorney General Michael Kennedy and Affidavit of Albert Lawrence, Clerk of the Commission on Judicial Conduct;**
  - (b) **Memorandum of Law in Support of Motion to Dismiss, signed by Assistant Attorney General Carolyn Cairns Olson**

***Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting Pro Bono Publico, against Commission on Judicial Conduct of the State of New York, NY Co. #99-108551***

4. **Petitioner's Omnibus Motion (July 28, 1999), consisting of:**
- (a) **Notice of Motion, with Affidavit of Petitioner and Affidavit of Doris L. Sassower, CJA's Director;**
  - (b) **Memorandum of Law in Opposition to Respondent's Dismissal Motion & in Support of Petitioner's Motion for Disqualification of the Attorney General, Sanctions, a Default Judgment, and Other Relief**

***[with substantiating File Folder I: Rifkin Docs.]***

***Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting Pro Bono Publico, against Commission on Judicial Conduct of the State of New York, NY Co. #99-108551***

5. **Attorney General's Reply Memorandum in Further Support of a Motion to Dismiss and in Opposition to Petitioner's Motion for "Omnibus Relief", signed by Assistant Attorney General Carolyn Cairns Olson (August 13, 1999)**
6. **Petitioner's Papers in Reply and in Further Support of her Omnibus Motion (September 24, 1999), consisting of:**
  - (a) **Petitioner's Reply Affidavit**
  - (b) **Petitioner's Reply Memorandum of Law**
7. **Petitioner's November 5, 1999 letter to Acting Supreme Court Justice Barbara Kapnick**
8. **Petitioner's December 2, 1999 letter to Acting Supreme Court Justice William Wetzel**
9. **Petitioner's December 9, 1999 letter to Acting Supreme Court Justice William Wetzel**
10. **Petitioner's December 17, 1999 letter to Acting Supreme Court Justice William Wetzel**

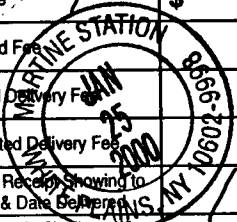
Z 509 073 650

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to *Patricia Salkin*  
*Assoc. Dean + Director*  
Street & Number *Govt Law Center*  
*Albany Law School*  
Post Office, State, & ZIP Code *80 New Scotland Ave*  
*Albany 12208*

Postage	\$ 9.60
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered (U.S. MAIL)	1-25
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$ 12.25</b>
Postmark or Date	



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
*Patricia Salkin*  
*Assoc. Dean + Director*  
*Government Law Center*  
*Albany Law School*  
*80 New Scotland Ave*  
*Albany, NY 12208*

4a. Article Number  
*Z-509-073-650*

4b. Service Type

<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured
<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD

7. Date of Delivery  
*1/25*

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
*X [Signature]*

PS Form 3800, April 1995

PS Form 3811, December 1994

102595-97-8-0179

Domestic Return Receipt

Fold at line over top of envelope to  
address