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*Elena Ruth Sassower, Coordinator*

**BY FAX: 212-836-7153 (8 pages)**

12:15 p.m.

July 10, 2000

Paul J. Curran, Chairman  
Mayor's Advisory Committee on the Judiciary  
c/o Kaye, Scholer, Fierman, Hays & Handler, LLP  
425 Park Avenue  
New York, New York 10022

RE: The Post-Hearing Procedures of the Mayor's Advisory Committee on the Judiciary in Connection with CJA's Opposition to the Mayor's Prospective Appointment of Susan K. Knipps to the Civil Court

Dear Chairman Curran:

This letter follows up my telephone call to your law office on Friday afternoon, July 7<sup>th</sup>, necessitated by the arrogant and abusive conduct of the Committee's Executive Secretary, Paul D. Siegfried, in refusing to respond to CJA's legitimate inquiries as to the Committee's post-hearing procedures and by disconnecting our less than 2-minute phone conversation by hanging up the phone on me. This is not the first time CJA has complained of Mr. Siegfried's shockingly unprofessional behavior, including his refusal to provide CJA with information as to the Committee's procedures. Reflecting this is CJA's January 16, 1996 letter to Mr. Siegfried, to which you and the Mayor were indicated recipients (Exhibit "A").

The relevant background to my July 7<sup>th</sup> phone call to your law office is as follows:

At 2:30 p.m. on Thursday, July 6<sup>th</sup>, just hours after the public hearing on CJA's opposition to Susan Knipps' prospective appointment to the bench -- at which you and Patricia M. Hynes were the only two members of the 19-member Mayor's Advisory Committee on the Judiciary present -- I telephoned the Committee's office [212-944-6225] to obtain information about the Committee's post-hearing procedures. As Mr. Siegfried apparently works out of his law office, I was given his

law office phone number [212-907-7395]. Upon telephoning Mr. Siegfried's office, which I did at approximately 2:37 p.m., I was informed by a voice mail recording that Mr. Siegfried was not in. I thereupon left a recorded voice message, requesting to speak with Mr. Siegfried concerning the Committee's post-hearing procedures.

Mr. Siegfried did not return my call either that afternoon or the following morning. Consequently, at 12:35 p.m. on Friday, July 7<sup>th</sup>, I phoned him a second time, recording a further request for information as to the Committee's procedures.

Mr. Ziegfried finally called back at 3:50 p.m. In response to my question as to whether, following the July 6<sup>th</sup> public hearing, you and Ms. Hynes would be reporting back to the full Committee, Mr. Ziegfried referred me to Section 10 of the Committee's Rules and Procedures – although such section says nothing on the subject. When I brought this to Mr. Ziegfried's attention, he told me that he was "not getting into it". This was the first of a series of relevant question that Mr. Ziegfried would not "get into". He also would not "get into" whether the Committee would be transmitting to the Mayor the copy of CJA's June 30<sup>th</sup> letter to Chief Judge Judith Kaye which CJA had provided to the Committee in opposition to Ms. Knipps' prospective appointment. This, notwithstanding Mr. Ziegfried's statement to me that the Committee's function was "strictly advisory" and "reports to the Mayor".

Similarly, Mr. Ziegfried would not "get into" whether Ms. Knipps' written response to CJA's June 30<sup>th</sup> letter, which she had provided the Committee in advance of the July 6<sup>th</sup> public hearing, would be made available to us. I pointed out that access to this written response was vital inasmuch as you had not required Ms. Knipps to *orally* respond at the hearing to the seven specific questions to which the June 30<sup>th</sup> letter had *expressly* requested (at pp. 8-9) that she or Chief Judge Kaye respond, *in writing*<sup>1</sup>, and you had blocked my attempt to elicit relevant answers from Ms. Knipps when I sought to do so at the hearing.

Mr. Ziegfried, who had been present at the July 6<sup>th</sup> hearing, did not deny or dispute what had transpired. Nor did he deny or dispute that during the hearing you had NOT responded to my *explicit* questions to you as to whether Ms. Knipps' written response to CJA's June 30<sup>th</sup> letter would be provided to us and whether, by your

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<sup>1</sup> In our conversation together prior to the hearing, you yourself *explicitly* referred to the seven questions posed by CJA's June 30<sup>th</sup> letter when I told you that we had received no response from either Ms. Knipps or Chief Judge Kaye.

statement that CJA's June 30<sup>th</sup> letter and supporting materials would be part of the "record" of the hearing, you meant that it would be part of the *publicly-available* "record".

To these important questions, Mr. Ziegfried snapped at me – as he had at the outset of the phone conversation -- that he was calling from "out of town". Without offering to call me back at some more convenient time or suggesting how I might otherwise obtain response to these aforesaid questions relating to the Committee's post-hearing procedures, he told me he "ha[d] to go" and abruptly hung up the phone.

At approximately 4:05 p.m., I telephoned the Committee's office. After leaving an extensive message for you, requesting your response to the foregoing questions, I was given your law office phone number [212-836-8478] and advised to call you directly. I did so at 4:25 p.m., leaving a detailed message with your secretary.

In connection with your anticipated *prompt* return call, CJA requests a copy of any "rules" which the Committee has adopted for public hearings, pursuant to Section 10 of its Procedure and Policy. CJA also requests to know whether the other 18 members of the Mayor's Advisory Committee on the Judiciary were supplied with copies of CJA's June 30<sup>th</sup> letter and supporting materials, as well as with Ms. Knipps' purported written response.

A copy of this letter is being furnished to Ms. Hynes, who was completely silent throughout the July 6<sup>th</sup> public hearing. CJA has had significant prior experience with Ms. Hynes, reflected in correspondence detailing her misfeasance and nonfeasance in connection with her service as the American Bar Association's Second Circuit representative to its Standing Committee on Federal Judiciary. Copies of that correspondence – addressed to Ms. Hynes or to which she was an indicted recipient – are annexed (Exhibits "B" – "E")<sup>2</sup>. As a result of Ms. Hynes'

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<sup>2</sup> Due to the volume of these exhibits, they will not be faxed, but will be hand-delivered tomorrow, both to you and other indicated recipients of this letter. The exhibits are: Exhibit "B": CJA's October 31, 1995 hand-delivered letter to Patricia Hynes as Second Circuit Representative to the ABA Standing Committee on Federal Judiciary; Exhibit "C": CJA's May 27, 1996 letter to Senator Orrin Hatch, Chairman of the U.S. Senate Judiciary Committee; Exhibit "D": CJA's December 2, 1997 letter to Ms. Hynes; and Exhibit "E": CJA's January 12, 1998 fax to Ms. Hynes, enclosing CJA's January 9, 1998 letter to ABA President Jerome Shestack.

**misfeasance and nonfeasance**, reflected therein, the three individuals to whom that correspondence refers obtained public office to which they were not entitled: former Albany Supreme Court Justice Lawrence Kahn rose to higher judicial office as a federal district judge for the Northern District of New York, former Westchester County Executive Andrew O'Rourke became a New York Court of Claims Judge, and Alvin Hellerstein, Esq., former Chairman of the Association of the Bar of the City of New York's Committee on the Judiciary, became a federal district judge for the Southern District of New York. This, because Ms. Hynes wilfully ignored the documentary proof of their unfitness and betrayal of the public trust that CJA had provided and proffered.

Ms. Hynes should have recognized the appearance -- if not the actuality -- of impropriety in her participating with you as the only other member of the Mayor's Advisory Committee at the July 6<sup>th</sup> hearing, where the subject was CJA's opposition to Ms. Knipps. CJA had a publicly adversarial relationship with Ms. Hynes, having exposed her cover up of the documentary proof bearing upon the unfitness of candidates Kahn, O'Rourke, and Hellerstein. Indeed, Ms. Hynes' participation was additionally egregious because, as Ms. Hynes could see from CJA's June 30<sup>th</sup> letter (at pp. 7-8) -- a copy of which she assumedly received from the Committee so that her participation at the July 6<sup>th</sup> hearing could be meaningful -- CJA's opposition to Ms. Knipps was based, in part, on Ms. Knipps' complicity as Chief Judge Kaye's Deputy Counsel in the Chief Judge's cover-up of Mr. O'Rourke's fraudulent appointment and confirmation to the Court of Claims and in the unlawful waiver he received from the Office of Court Administration, permitting him to collect \$80,000 on top of his \$130,000 judicial salary. These events *directly* flowed from Ms. Hynes' failure to meet her duty under ethical rules of professional responsibility<sup>3</sup> to take steps to ensure that the ABA Standing Committee on Federal Judiciary retracted its insupportable 1991 rating approving Mr. O'Rourke for the federal district court -- a fact of which Ms. Hynes could not but be aware.

Incredibly, today's front-page New York Law Journal (Exhibit "F") reports that Ms. Hynes has just been named chairwoman of the ABA Standing Committee on Federal Judiciary.

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<sup>3</sup> See Rule 8.2 of the ABA Model Rules of the Code of Professional Conduct, reflected in DR 8-102(a) of New York's Disciplinary Rules of the Code of Professional Responsibility, codified as 22 NYCRR §1200.43:

"A lawyer shall not knowingly make false statements of fact concerning the qualifications of a candidate for election or appointment to a judicial office."

July 10, 2000

Yours for a quality judiciary,



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

**Enclosures**

cc: Paul D. Siegfried, Esq. [By Fax: 212-768-4115<sup>4</sup> & By Hand]  
Executive Secretary, Mayor's Advisory Committee on the Judiciary  
Patricia M. Hynes, Esq. [By Fax: 212-695-7735 & By Hand]  
Member, Mayor's Advisory Committee on the Judiciary  
Mayor Rudolph Giuliani [By Hand]  
ATT: Dennison Young, Counsel [By Fax: 212-788-0074]  
Larry Levy, Deputy Counsel [By Fax: 212-788-3127]  
Association of the Bar of the City of New York  
ATT: Evan Davis, President [By Hand]  
Barry Kamins, Chairman, Committee on the Judiciary  
[By Fax: 718-624-5626 & By Hand]  
American Bar Association [By Hand and/or By Mail]  
ATT: Incoming President Martha W. Barnett  
Irene Emsellem, Staff Liaison,  
Standing Committee on Federal Judiciary

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<sup>4</sup> In preparing this letter, I telephoned Mr. Siegfried's law office at 11:00 a.m. today to obtain his fax number. Mr. Siegfried answered the phone and insisted that his copy of the letter be faxed not to his law office, but to the office of the Mayor's Advisory Committee on the Judiciary.