

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
Web site: www.judgewatch.org

BY FAX: 212-788-3127 [15 pages]

BY MAIL

July 13, 2000

Mayor Rudolph Giuliani
City Hall
New York, New York 10007

ATT: Larry Levy, Deputy Counsel

RE: Request that the Mayor Defer Action on Susan Knipps' Appointment to the Civil Court:

- (1) Unless and Until the Mayor's Advisory Committee on the Judiciary Responds to CJA's July 10, 2000 letter; and
- (2) Ms. Knipps Discloses her Purported Written Response to CJA's June 30, 2000 Letter and CJA has had an Opportunity to Reply Thereto

Dear Mr. Levy:

This letter formally requests that Mayor Giuliani defer action on Susan Knipps' appointment to the Civil Court.

By letter dated July 10, 2000, CJA requested Paul Curran, Chairman of the Mayor's Advisory Committee on the Judiciary, to provide information concerning the Committee's post-hearing procedures. It is now three days since that letter was faxed and two days since it was hand delivered. Yet, Chairman Curran had not responded. Nor has he responded to my phone message that preceded it, left with his secretary on Friday, July 7th. This, notwithstanding Section 10 of the Committee's "Procedure and Policy" states that "at the conclusion of each hearing the Committee will *promptly* evaluate the information received..." (emphasis added).

The inference behind Chairman Curran's failure to respond – and the refusal of Paul Siegfried to respond, as recited in the letter – is that they have something to hide. The public has a right to expect that the Mayor will not permit his Advisory Committee on the Judiciary to run rough-shod over legitimate questions as to its procedures – and will require the Committee to identify what those procedures are.

Unfortunately, four years ago, the Mayor allowed Chairman Curran and Mr. Siegfried to ignore deficiencies of the Advisory Committee's procedures to which CJA alerted him in our February 20, 1996 letter. I handed you a copy of that letter this past Tuesday, July 11th, at the same time as I handed you a "hard" copy of CJA's July 10th letter to Chairman Curran, to which you were an indicated recipient¹.

Although Ms. Knipps is not an indicated recipient of the July 10th letter, a copy was also delivered to her on July 11th under a hand-written coverletter². In pertinent part, the coverletter read:

"Transmitted herewith is a copy of CJA's 7/10/00 letter to Paul Curran, Chairman of the Mayor's Advisory Committee on the Judiciary, requesting information as to the Committee's post-hearing procedures.

Among the questions raised is one that I asked at the hearing, *to wit* – whether the Committee will provide CJA with a copy of your written response to our 6/30/00 letter.

¹ The transmittal of materials to you consisted of the following: (1) CJA's June 10, 2000 letter to Chairman Curran; (2) CJA's February 20, 1996 letter to the Mayor; (3) CJA's February 26, 1996 letter to Katherine Lapp, the Mayor's Coordinator of Criminal Justice; (4) Ms. Lapp's February 28, 1996 response; (5) copies of the materials that CJA had provided to the Mayor's Advisory Committee in advance of the July 6th hearing: CJA's June 30, 2000 letter to Chief Judge Kaye and prior two letters to her, dated March 3, 2000 and April 18, 2000, as well as CJA's February 23, 2000 letter to Governor Pataki; (6) the box containing copies of the files of the three Article 78 proceedings against the New York State Commission on Judicial Conduct – which I had brought to the July 6th hearing and which Chairman Curran declined to review.

² The July 11th coverletter to Ms. Knipps is annexed hereto, along with the two documents reflected by its postscript.

July 13, 2000

However, irrespective of the Committee's answer to that question, you are free to independently make your written response available to CJA.

Certainly, you should have no objection to doing so, if you believe that you have satisfactorily addressed the serious issues raised by the 6/30/00 letter.

Please consider this a request to provide CJA with a copy of your aforesaid written response."

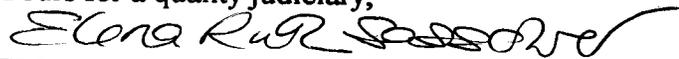
As yet, we have received no answer from Ms. Knipps either.

CJA submits that the public would strongly disapprove of the Mayor's appointing Ms. Knipps when she will not disclose her purported written response to the detailed presentation in CJA's June 30, 2000 letter that she is unfit for judicial office by reason of "her nonfeasance and malfeasance as Deputy Counsel to Chief Judge Judith Kaye" - as to which the letter had requested (at pp. 8-9) that she and/or the Chief Judge provide CJA with answers to seven specific questions in advance of the July 6th public hearing. CJA further submits that the public would not only expect that such purported written response be made available, but that CJA be given a reasonable opportunity to reply thereto.

Since Ms. Knipps' designation is for the Civil Court, where, presumably, she will be confronting cases involving violations of procedure, including quorum requirements, Ms. Knipps' fitness for that office may be gauged by calling upon her to assess whether she believes the Mayor can properly - and without damage to public confidence -- appoint her to the bench in the absence of response from the Mayor's Advisory Committee to the basic procedural information requested by CJA's July 10th letter.

As I indicated on Tuesday, I will be away for the next ten days.

Yours for a quality judiciary,



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

Enclosure

cc: See next page

Mayor's Advisory Committee on the Judiciary

ATT: Paul Curran, Chairman

Paul D. Siegfried, Executive Secretary

Patricia M. Hynes, Esq.

Susan K. Knipps, Deputy Counsel, Chief Judge Judith Kaye

Association of the Bar of the City of New York

ATT: Evan Davis, President

Barry Kamins, Chairman, Committee on the Judiciary

American Bar Association

ATT: Incoming President Martha W. Barnett

Irene Emsellem, Staff Liaison,

Standing Committee on Federal Judiciary

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:
Mayor Rudolph Giuliani

Postage	\$ <i>99</i>
Certified Fee	<i>1.40</i>
Return Receipt Fee (Endorsement Required)	<i>1.25</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>3.04</i>



7000 0600 0022 1208 5243

Name (Please Print Clearly) (to be completed by mailer)
Carly Levy Deputy Counsel

Street, Apt. No., or P.O. Box No.
City Hall

City, State, ZIP+4
NY NY 10007

COMPLETE THIS SECTION

1, 2, and 3. Also complete Restricted Delivery is desired, and address on the reverse return the card to you.

Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *T. Reid* B. Date of Delivery *7/17/00*

C. Signature *T. Reid* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

1. Article Addressed to:
*Mayor Rudolph Giuliani
Att: Carly Levy Deputy Counsel
City Hall
NY, NY 10007*

2. Article Number (Copy from service label)
7000 0600 0022 1208 5243

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes