

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 674-8244 (8 pages)

BY MAIL

September 7, 2000

Glenn Lau-Kee, Esq.
410 Saw Mill River Road
Ardsley, New York 10502

RE: Chief Judge Kaye's Committee to Promote Public
Trust and Confidence in the Legal System

Dear Mr. Lau-Kee:

Thank you for your return call.

As discussed, Chief Judge Kaye's Committee to Promote Public Trust and Confidence needs to confront the *readily-verifiable evidence* fully justifying the public's distrust and lack of confidence in the legal system. This *evidence* -- as it relates to the corruption of the processes of judicial selection, discipline, and attorney discipline -- has long been suppressed by those in leadership positions, in and out of government. Unfortunately, these leaders include Chief Judge Kaye herself and several of her appointees to the Committee, *inter alia*, William Thompson, Helene Weinstein, John Feerick, Gary Brown, Klaus Eppler, and Ruth Hochberger-- whose betrayal of the public trust CJA has meticulously documented¹.

ALL such "leaders" are long familiar with CJA's *readily-verifiable* allegations as to the corruption of the New York State Commission on Judicial Conduct, including its subversion of the judicial process to survive litigation challenge. Indeed, Committee Co-Chairman Thompson, an Appellate Division, Second Department justice who was formerly a Commission member, is a direct beneficiary of that corruption, without which he would long ago have been removed from the

¹ The "jury" is still out on Barry Kamins, who is Chairman of the Judiciary Committee of the Association of the Bar of the City of New York, as well as Chairman of the Committee on Professional Responsibility of the New York State Bar Association.

bench, disbarred, and put behind bars.

As discussed, I will transmit to you copies of CJA's fully-documented correspondence with Chief Judge Kaye pertaining to the Commission's corruption – culminating in CJA's *facially-meritorious* judicial misconduct complaint against her for her wilful violation of §100.3C and D of the Chief Administrator's Rules Governing Judicial Conduct relative to a judge's administrative and disciplinary responsibilities². Such correspondence should be read in the context of the Committee's May 1999 Report to the Chief Judge and Chief Administrative Judge, including its recommendations at pages 33-4, "Make the public aware that errant attorneys and judges are accountable and subject to sanctions..."; and "Encourage judges to exercise their authority to control and require civil behavior of attorneys: Judges should be required to report unethical attorney conduct."

Meantime, faxed herewith are three of CJA's published pieces about the Commission's corruption. The first of these, submitted to the New York Law Journal as a Letter to the Editor, appeared under the title, "*Commission Abandons Investigative Mandate*" (NYLJ, 8/14/95). The other two, submitted as Letters to the Editor and/or Perspective Columns, detailed the betrayal of the public trust by leaders in and out of government. Ruth Hochberger suppressed each of them. Only because CJA went to the great effort and expense to have them printed as public interest ads did they "see the light of day". The first of these public interest ads, "*A Call for Concerted Action*" (NYLJ, 11/20/96, p. 3), cost us \$1,648. The second,

² §100.3: "A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently"

(C) "Administrative responsibilities"

(1) "A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice..."

(2) "A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties."

(D) "Disciplinary responsibilities"

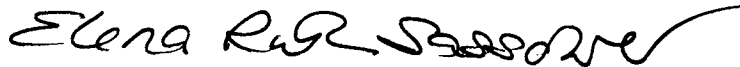
(1) "A judge who receives information indicating a substantial likelihood that another judge has committed a substantial violation of this Part shall take appropriate action.

(2) "A judge who received information indicating a substantial likelihood that a lawyer has committed a substantial violation of the Code of Professional Responsibility shall take appropriate action."

"Restraining 'Liars in the Courtroom' and on the Public Payroll" (NYLJ, 8/27/97, pp. 3-4), cost us \$3,077.

All three of these published pieces stand in stark contrast to the enclosed front-page Metro column in the August 28, 1999 New York Times, *"If a Judge Gets Out of Line: Seeking a Cure"*, which presents, without *any* rebuttal, the self-serving claim of OCA spokesman David Bookstaver that the Commission is "viable and efficient". While Chief Judge Kaye and the Committee would doubtless approve such claim as promoting "public trust and confidence", *readily-verifiable evidence* shows it to be flagrantly false and an outright deceit on the public. Perhaps the Committee's Media and Education subcommittee will address the Times' persistent refusal, and that of other newspapers, such as the Law Journal, to discharge their journalistic responsibility to examine such *readily-verifiable evidence* so as to present the public with the true facts.

Yours for a quality judiciary,
and public confidence founded on evidentiary facts,



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

Enclosures

cc: Barry Kamins, Esq.



KOO, LARRABEE & LAU-KEE, LLP
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MISSION VERIFICATION REPORT

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