

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY FAX AND MAIL: 212-428-2155 (4 pages)

April 8, 2002

John Eiseman, Records Access Officer
Office of Court Administration
25 Beaver Street
New York, New York 10004

RE: Request to Inspect & Copy Records

Dear Mr. Eiseman:


Pursuant to the Freedom of Information Law (F.O.I.L) [Public Officers Law, Article VI] and Part 124 of the Chief Administrator's Rules for Public Access to Records, request is made to inspect and copy:

1. publicly-available records pertaining to amendments to the Chief Administrator's Rules Governing Judicial Conduct, effective January 1, 1996, upon approval of the Court of Appeals – and, in particular, §100.3(D)(1) & (2) “requir[ing] a judge to report misconduct by lawyers and judges when there is evidence of a ‘substantial likelihood’ of a ‘substantial violation’ of a rule”. To assist you, enclosed is a summary of the amendments, as published in the 1996 Annual Report of the New York State Commission on Judicial Conduct.
2. publicly-available records pertaining to the “Housing Court Disciplinary Committee”, including those relating to its history, membership, rules of procedure, and such annual reports as it may have rendered. To assist you, enclosed is a copy of the published announcement of such “Housing Court Disciplinary Committee”, as it appeared in the June 24, 1994 New York Law Journal.

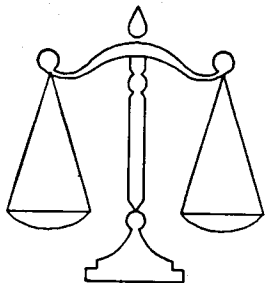
Pursuant to F.O.I.L [Public Officers Law §89.3], your response is required within five business days of receipt of this written request.

Thank you.

Yours for a quality judiciary,


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

Enclosures



**Amendments to the
Rules on Judicial Conduct**

Effective January 1, 1996, new Rules on Judicial Conduct went into effect, upon approval of the Court of Appeals. In addition to certain substantive changes, the Rules were reorganized and renumbered. The full text is appended to this Report. Among the new provisions are the following.

<u>RULE NUMBER</u>	<u>SUBSTANCE OF NEW PROVISION</u>
100.2(D)	Prohibits membership by a judge in any organization which practices invidious discrimination
100.3(B)(4)	Requires a judge to perform judicial duties without bias or prejudice
100.3(B)(5)	Requires a judge to require lawyers to refrain from manifesting bias or prejudice in the judge's court
100.3(B)(6)(a)-(e)	Authorizes certain <i>ex parte</i> communications
100.3(B)(7)	Requires a judge to dispose of all judicial matters "promptly, efficiently and fairly"
100.3(B)(8)	Prohibits a judge from making public comments about a pending or impending matter in any court within the United States
100.3(B)(9)	Prohibits a judge from criticizing or commending jurors for their verdict
100.3(B)(10)	Prohibits a judge from disclosing or using non-public information acquired in a judicial capacity
100.3(C)(1) & (2)	Require a judge and judge's staff to avoid bias or prejudice in the course of discharging administrative responsibilities
* 100.3(D)(1)&(2)	Require a judge to report misconduct by lawyers and judges when there is evidence of a "substantial likelihood" of a "substantial violation" of a rule

<u>RULE NUMBER</u>	<u>SUBSTANCE OF NEW PROVISION</u>
100.3(E)(1)(f)	Allows a judge to eliminate a personal or family financial conflict of interest that would otherwise require disqualification by disposing of the interest
100.4(C)(3)(b)	Clarifies the limitations on a judge's civic and charitable activities with respect to fund-raising; permits a judge to accept an unadvertised award at an organization's fund-raising event
100.4(D)(2)&(3)(b)	Provides that a judge may hold and manage family investments, including real estate
100.4(D)(5)	Relaxes the restrictions on gifts or loans to judges and increases the threshold on reporting such gifts or loans to \$150
100.5(A)	Revises the rules on political activity; requires a judge or candidate for judicial office to maintain certain standards of conduct; prohibits inappropriate campaign pledges; permits comment in response to personal attacks
100.5(C)	Requires a judge to prohibit his or her staff from engaging in certain political activity, such as contributing more than \$500 a year to political campaigns



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'S NEWS

date

Chief Administrative Judge E. Leo Milonas this week named the seven members of the newly created Housing Court Disciplinary Committee that will consider complaints against City Housing Court judges. The disciplinary committee will function like the State Commission on Judicial Conduct and recommend whether a judge be admonished, sanctioned or removed from office. The final decision rests with Judge Milonas. A list of panel members appears on page 2.

6/24/94

7 Named to Committee On Judicial Discipline

FIVE PRESENT and former judges were among seven members appointed this week to a newly created Housing Court Disciplinary Committee that will consider complaints against City Housing Court judges.

The members named by Chief Administrative Judge E. Leo Milonas are Manhattan Supreme Court Justice Fern Fisher-Brandveen; Appellate Division Justices Myriam J. Altman of the Second Department and David Ross of the First Department; former Supreme Court Justices Fred W. Egger and Supreme Court Justice Maurice Harbater; former Housing Court Clerk James E. Morton; and Consolidated Edison attorney Kenneth Standard.

The panel will be modeled after the State Commission on Judicial Conduct and either dismiss complaints or recommend that a Housing Court judge be admonished, sanctioned or removed from office. Judge Milonas will have to approve any disciplinary measures.

TRANSMISSION VERIFICATION REPORT

*John Eilerman
Records
Access
Officer OCA*

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