

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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By Priority Mail

September 6, 1995

Paul D. Kamenar, Executive Legal Director
Washington Legal Foundation
2009 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Kamenar:

Following up our conversation earlier today and your interest in our litigation against the New York State Commission on Judicial Conduct, I enclose a copy of the papers that were before the New York Supreme Court when it dumped the case.

The Supreme Court's decision was cited on the front-page of the July 31st New York Law Journal under "Decisions of Interest"--and published in full. A copy is enclosed, as is my Letter to the Editor, which appeared in the August 14th Law Journal, summarizing how the Supreme Court torpedoed the case.

We believe your review of the papers will convince you that our case against the New York State Commission is the kind of meritorious, high impact litigation worthy of support by the Washington Legal Foundation. Involvement by Washington Legal Foundation is particularly critical because the public interest--which we are single-handedly representing--is otherwise unprotected. None of the government agencies upon which we served a notice of right to seek intervention, have intervened. Worse still, as the papers show, the public interest has been sabotaged by New York's highest law enforcement officer and a complicitous, self-interested court.

Also enclosed is our informational brochure about the Center for Judicial Accountability, Inc, as well as a copy of my 1994 testimony before the Long Range Planning Committee of the Judicial Conference, describing the "methodologically flawed" and dishonest report of the National Commission on Judicial Discipline and Removal.

Your statement to me that no one from the National Commission contacted you following your powerful and damning presentation before it in 1992 is consistent with what we have been saying about the Commission for the past two years: it deliberately did not pursue obvious and available sources of important information about how ineffectual the mechanisms for discipline and removal of federal judges actually are.

I notice from your testimony that, in addition to litigation, the Washington Legal Foundation publishes monographs and working papers. We would be most interested in working in collaboration with the Washington Legal Foundation on a critique of the National Commission's Report¹. In our view, the National Commission's Report has put back the cause of essential and meaningful reform of judicial discipline on the federal level by at least a generation.

In any event, we are most interested in obtaining from the Washington Legal Foundation copies of the complaints it has filed against both federal and state judges--as well as the subsequent correspondence relative thereto. As discussed, and as reflected by my August 14th Letter to the Editor, we have been developing an archive of duplicate copies of filed complaints. By such archive, we are able to "shadow" and documentarily establish that facially meritorious and documented complaints are being summarily dismissed by federal circuits and state commissions.

Finally--and because I am sure you must have been somewhat shocked when I identified my mother, the Center's co-founder and Director, as a lawyer of 40 years who had been "run out of the profession"--I enclose a copy of her recent cert. petition to the U.S. Supreme Court, together with the opposing and reply papers. We have a pending \$1983 federal action--which, because of the profoundly significant public interest issues, as reflected in the cert. petition, we would hope the Washington Legal Foundation would also have an interest.

¹ Parenthetically, one of the consultant's reports to the National Commission examined disciplinary commissions in seven states, including New York. It described the New York State Commission as "widely regarded as enlightened, conscientious, thorough, and well run. This high esteem appears to be well earned and well deserved." One wonders from what source such praise comes. As reflected by the documentary evidence annexed to the petition and supporting papers, the Commission is summarily dismissing facially-meritorious, documented complaints of serious judicial misconduct by high-ranking judges.

We look forward to hearing from you.

Yours for a quality judiciary,



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

Enclosures:

- A. Doris L. Sassower v. Commission on Judicial Conduct of the State of New York:
1. DLS' Article 78 Petition, with Notice of Petition and Notice of Right to Seek Intervention
 2. DLS' Order to Show Cause for Preliminary Injunction, Default
 3. A.G. Affidavit in Opposition to Preliminary Injunction
 4. A.G. Dismissal Motion
 5. DLS' Affidavit in Opposition to Dismissal Motion and in Further Support of Verified Petition, Motion for Injunction and Default, and for Sanctions
 6. DLS' Memorandum of Law in Opposition to Dismissal Motion and in Further Support of Verified Petition, Motion for Injunction and Default, and for Sanctions
 7. DLS' Notice to Furnish Record to the Court Pursuant to CPLR §§409, 7804(e), and 2214(c)
 8. DLS' Affidavit in Support of Proposed Intervenors
 9. NYLJ reprint of Supreme Court Memorandum Decision, per Herman Cahn
- B. "Commission Abandons Investigative Mandate", Letter to the Editor, NYLJ, 8/14/95
- C. CJA informational brochure
- D. 12/9/94 testimony before the Long-Range Planning Committee of the Judicial Conference
- E. Doris L. Sassower v. Hon. Guy Mangano, et al.
cert petition, opposition, reply