

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

Elena Ruth Sassower, Coordinator

BY FAX AND BY MAIL

518-486-1850

4:25 p.m.

December 29, 1998

Albert B. Lawrence, Clerk
New York State Commission on Judicial Conduct
34-40 State Street
New York, New York 12207

RE: CJA's October 6, 1998 Judicial Misconduct Complaint against Appellate Division,
Second Department Justice Albert M. Rosenblatt, et al.

Dear Mr. Lawrence:

Reference is made to your three-sentence December 23, 1998 letter. Curiously, you address me individually and not in my capacity as coordinator of the Center for Judicial Accountability, Inc. (CJA), which is the capacity in which I filed the October 6, 1998 judicial misconduct complaint with the Commission and engaged in the subsequent communications reflected by my November 3, 1998 and December 10, 1998 letters.

In the first two sentences of your letter you purport that the Commission has reviewed the October 6, 1998 complaint and has asked you to advise me that the Commission has "dismissed" it. You do not provide any information to substantiate your bald claim that the Commission reviewed and dismissed the complaint. Specifically, you do NOT claim that the Commission determined that the complaint "on its face lacks merit" -- the ONLY ground on which the Commission may dismiss a complaint under Judiciary Law §44.1(a), *without* investigating it. Nor do you purport that the complaint's *facially-meritorious* allegations were investigated by the Commission -- as investigation is clearly defined under 22 NYCRR §7000.1(j). Indeed, although CJA's October 6, 1998 complaint expressly proffered the lower court record in the §1983 federal action *Sassower v. Mangano, et al.* (S.D.N.Y. 94 Civ. 4515; 2nd Cir. #96-7805) to substantiate the second branch of the complaint relating to the litigation fraud of the defendant Appellate Division, Second Department justices in that case, neither the Commission -- nor its staff -- requested the substantiating record. I would further point out that newly-appointed Commissioner Appellate Division, Second Department Justice Daniel Joy is a defendant in *Sassower v. Mangano, et al.* -- much as Appellate Division, Second Department Justice William Thompson, who

EX "F-4"

he replaced on the Commission¹. In contrast to various previous dismissal letters, your instant letter makes no claim that any of the Commissioners "did not participate in the consideration of [the] complaint".

Consequently, request is hereby made for information as to: (1) the date on which the Commission purported to review and dismiss CJA's October 6, 1998 complaint; (2) the number of Commissioners present and voting; (3) the identities of the Commissioners present and voting; (4) the basis for the purported dismissal; and (5) the legal authority for the purported dismissal.

As to your third sentence, acknowledging receipt of my December 10, 1998 letter, you conspicuously fail to provide the information therein requested, to wit, the reason for the Commission's month-long delay in acknowledging the October 6, 1998 complaint. As CJA's December 10, 1998 letter reflects, such informational request was first made by CJA's November 3, 1998 letter -- and ignored.

Finally, please advise as to any and all procedures for review of the Commission's purported dismissal of CJA's *facially-meritorious* October 6, 1998 judicial misconduct complaint.

Yours for a quality judiciary,



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

cc: Gerald Stern, Administrator, NYS Commission on Judicial Conduct
NYS Attorney General-Elect Eliot Spitzer
NYS Ethics Commission

¹ An October 17, 1994 letter signed by Appellate Division, Second Department Clerk Martin Brownstein acknowledges service of the summons and verified complaint in the *Sassower v. Mangano, et al.* federal action upon the justices of the Appellate Division, Second Department. That letter, with it appended list of justices for whom service was acknowledged -- Justices Joy and Thompson, among them -- is Exhibit "3" to CJA's December 5, 1994 complaint against Justice Rosenblatt, *et al.*