

# 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](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

**BY HAND**

December 24, 1998

Attorney General-Elect Eliot Spitzer  
477 Madison Avenue  
11th Floor  
New York, New York 10022

ATT: Lloyd Constantine, Chairman, Transition Team

RE: Rescinding the appointments of Michelle Hirshman and Richard Rifkin

Dear Mr. Constantine:

Following up my telephone conversation yesterday with Bill Estes, staff counsel to the transition team, enclosed are documentary materials establishing the unfitness of Michelle Hirshman and Richard Rifkin for the top positions to which Attorney General-Elect Spitzer has appointed them. According to yesterday's New York Times, Ms. Hirshman is to be "first deputy Attorney General". Mr. Rifkin will be "a Deputy Attorney General for state counsel. His major responsibility will be to defend the state and its agencies against lawsuits."

The enclosed materials consist of our correspondence with and about Ms. Hirshman, as Chief of the Public Corruption Unit of the Office of U.S. Attorney for the Southern District of New York, and with and about Mr. Rifkin, as Executive Director of the New York State Ethics Commission. The correspondence makes manifest their dishonesty and betrayal of the public trust when presented with FULLY-DOCUMENTED, READILY-VERIFIABLE PROOF -- in the form of case file evidence -- of the State Attorney General's corruption of the Article 78 remedy in two politically-sensitive Article 78 proceedings: in *Doris L. Sassower v. Hon. Guy Mangano, et al.*, where the justices of the Appellate Division, Second Department were sued for corruption, and in *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York*, where that vital state agency was, likewise, sued for corruption. In each case, the Attorney General engaged in a fraudulent defense -- and was rewarded with fraudulent judicial decisions by state judges. This is more fully detailed in CJA's public interest ad, "Restraining 'Liars in the Courtroom' and on the Public Payroll" (Exhibit "A-1") -- which, additionally describes the Attorney General's corruption of the federal remedy provided by 42 U.S.C. §1983 in the federal civil rights action, *Doris L. Sassower v. Hon. Guy Mangano, et al.*, likewise rewarded by fraudulent judicial decisions, this time by federal judges.

For immediate purposes, only a copy of the file of the Article 78 proceeding against the Commission on Judicial Conduct is transmitted herewith. Yet that case alone -- being the focus of CJA's correspondence with both Ms. Hirshman and Mr. Rifkin, who received copies of the file, as well as CJA's analysis of the judicial decision in the case, showing it be a fraud<sup>1</sup> -- should suffice to establish, **DISPOSITIVELY**, that Mr. Spitzer must rescind their appointments. Indeed, nothing could be more obscenely incongruous and dangerous to the People of this State than for Mr. Rifkin to be given the responsibility "to defend the state and its agencies against lawsuits" when, as Executive Director of the Ethics Commission, he has demonstrably protected and covered up for the Attorney General's fraudulent defense to our lawsuits against the State Commission on Judicial Conduct and Appellate Division, Second Department justices -- the subject of filed ethics complaints.

The consequence of the flagrant official misconduct of Ms. Hirshman and Mr. Rifkin has been profound and far-reaching -- not only for Doris Sassower, the petitioner in the three cases featured in "*Restraining Liars in the Courtroom*" and on the Public Payroll" (Exhibit "A-1") -- but for the People of this State. Indeed, its most recent consequence is that Albert Rosenblatt, whose criminal conduct as an Appellate Division, Second Department justice was particularized by a series of *facially-meritorious* judicial misconduct complaints annexed to the petition in the Article 78 proceeding against the Commission<sup>2</sup> -- each complaint summarily dismissed *without* investigation -- now sits on our State's highest court.

In the event Mr. Spitzer did not receive the mailed copy of our November 18th letter on the State Commission on Judicial Nomination's fraudulent recommendation of Justice Rosenblatt for that higher judicial office, a copy is annexed (Exhibit "B"). Its concluding paragraph reads as follows:

"Finally, in the hope that when all the paper ballots have been counted Eliot Spitzer will be New York's next Attorney General -- and that he will make good on his campaign promise that the Office of the Attorney General "should be the greatest public interest law firm that the state has ever seen" -- a copy of this letter is also being transmitted to him. According to a New York Times article, appearing four days before the November 3rd election, Mr. Spitzer has proposed "an office of public integrity under the attorney general to monitor state government..." (NYT, 10/30/98, B7). Setting up such office should be among Mr. Spitzer's first priorities -- with investigation of the State Commission on Judicial Conduct and the State Commission on Judicial Nomination among its top assignments."

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<sup>1</sup> See CJA's 5/5/97 memorandum [in file folder of correspondence with Ms. Hirshman, as well as in file folder of correspondence with Mr. Rifkin: Exhibit "C" to CJA's 6/9/97 ltr to Ethics Commissioners]

<sup>2</sup> See, Exhibits "G", "I", "J" and Exhibits "L-5" and "L-6".

Lloyd Constantine, Esq.

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I look forward to speaking with you *personally* about the enclosed materials -- which reflect only a fraction of the critical work that awaits a public integrity unit.

Yours for a quality judiciary,

A handwritten signature in cursive script, reading "Elena Ruth Sassower". The signature is written in black ink and is positioned above the typed name.

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

Enclosures

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## INVENTORY OF TRANSMITTAL

**CJAs correspondence with and about RICHARD RIFKIN, Executive Director, NYS Ethics Commission, concerning CJA'S ethics complaint against the NYS Attorney General, filed on September 14, 1995 and supplemented on December 16, 1997 by CJA's public interest ad, "Restraining 'Liars in the Courtroom' and on the Public Payroll" (NYLJ, 8/27/97, pp. 3-4)**

- (1) CJA's 9/14/95 ltr to Richard Rifkin, transmitting, *inter alia*, copy of the case file in the Article 78 proceeding, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York*, (NY Co. #95-109141)
- (2) Richard Rifkin's 10/3/95 ltr to CJA
- (3) CJA's 1/24/96 ltr to Richard Rifkin
- (4) Richard Rifkin's 2/29/98 letter to CJA
- (5) CJA's 4/24/96 ltr to Richard Rifkin
- (6) Joseph Bress' 4/28/96 ltr to CJA
- (7) CJA's 4/15/97 ltr to Walter Ayres, enclosing CJA's 4/11/97 ltr to Reverend Robert Eggenschiller and CJA's 4/15/97 ltr to Governor George Pataki
- (8) CJA's 6/10/97 ltr to Walter Ayres, enclosing CJA's 6/9/97 ltr to the Ethics Commissioners
- (9) CJA's 12/16/97 ltr to the Ethics Commissioners

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## INVENTORY OF TRANSMITTAL

**CJAs correspondence with and about MICHELLE HIRSHMAN, Chief, Public Corruption Unit, Office of the U.S. Attorney, Southern District of New York concerning the NYS Attorney General's corruption of the Article 78 remedy in the politically/judicially-sensitve Article 78 proceedings, *Sassower v. Mangano, et al.* and *Sassower v. Commission on Judicial Conduct of the State of New York* – and the fraudulent state judicial decisions in each case**

- (1) CJA's 5/6/97 ltr to Michelle Hirshman, annexing CJA's 8/1/95 ltr to Jonathan Rosenberg, Deputy Chief, Criminal Division of the Office of the U.S. Attorney and enclosing CJA's 5/5/97 memorandum-challenge
- (2) Michelle Hirshman's 5/19/97 ltr to CJA
- (3) Michelle Hirshman's 6/27/97 ltr to CJA, returning [in uncreased, "untouched by human hands condition"] the materials transmitted by CJA under its 8/1/95 ltr, including the case file in the Article 78 proceeding, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York*
- (4) CJA's 7/27/98 ltr to Lee Radek, Chief, Public Integrity Section, U.S. Justice Department, Criminal Division -- See pp. 4-5