

Ctr for Judicial Accountability

From: Ctr for Judicial Accountability [cja@judgewidth.org]
Sent: Thursday, September 06, 2007 3:40 PM
To: 'JudicialConductRules@ao.uscourts.gov'
Subject: Responding to your e-mail: September 27, 2007 hearing on the Draft Rules Governing Judicial Conduct and Disability Proceedings

Responding to the e-mail I received, bearing no person's name,

PLEASE ADVISE:

(1) WHETHER THE AUGUST 27th DEADLINE FOR REQUESTING TO TESTIFY IS INEXORABLE FOR EVERYONE WHOSE REQUEST IS MADE AFTER THAT DATE; and (2) YOU ARE REPRESENTING THAT THERE ARE NO AVAILABLE TIME SLOTS FOR TESTIMONY.

Meantime, I herewith e-mail – now for the third time – the e-mail I sent to you on Tuesday, September 4th and earlier today.

Thank you.

Elena Sassower

Following up my voice mail message for Mr. Deyling earlier this morning, the below e-mail was sent to you two days ago, but came back. The return message stated: "451 Temporary failure, please try again later."

Hopefully, it will now reach you.

Thank you.

Elena Sassower

From: Ctr for Judicial Accountability [mailto:cja@judgewidth.org]
Sent: Tuesday, September 04, 2007 12:56 PM
To: 'JudicialConductRules@ao.uscourts.gov'
Subject: Request to Testify: September 27, 2007 hearing

TO WHOM IT MAY CONCERN:

Following up my telephone conversation a short time ago with Robert Deyling, Assistant General Counsel of the Administrative Office of the U.S. Courts, I request permission to testify at the September 27, 2007 hearing on the Draft Rules Governing Judicial Conduct and Disability Proceedings.

Such testimony will address the "lack of authoritative interpretive standards" pertaining, in particular, to the "merits-related" grounds for dismissal of judicial misconduct complaints – Draft Rule 11(c)(2) – the most frequently invoked ground for dismissal.

My extensive background with respect to this issue is reflected by my extensive prior correspondence with the Administrative Office – in particular, with former Assistant General Counsel Jeffrey Barr and Associate Director &

9/6/2007

Exhibit 5-5

General Counsel William Burchill -- which should have been retained in your files for responsive action. If such correspondence is not immediately available to you, you can review it from www.judgewatch.org, the website of our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), where it is accessible *via* the sidebar panel "Searching for Champions-Federal", which links to a webpage for the Administrative Office of the U.S. Courts.

For starters, you might like to begin with my article "*Without Merit: The Empty Promise of Judicial Discipline*", The Long Term View, (Massachusetts School of Law), Vol. 1, No. 4 (summer 1997), which discusses the federal judiciary's dismissal of judicial misconduct complaints for "merits-relatedness" and its wilful and deliberate disregard of a 1986 Judicial Conference recommendation to develop interpretive standards.

Thank you.

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From: JudicialConductRules@ao.uscourts.gov [mailto:JudicialConductRules@ao.uscourts.gov]
Sent: Thursday, September 06, 2007 2:06 PM
To: cja@judgewatch.org
Cc: judgewatchers@aol.com
Subject: e-mail regarding draft Rules Governing Judicial Conduct and Disability Proceedings

This responds to Elena Sassower's recent inquiry to staff of the Administrative Office of the United States Courts regarding the e-mail address to which members of the public may make submissions concerning the draft Rules Governing Judicial Conduct and Disability Proceedings, as described on the U.S. Courts website, www.uscourts.gov. The proper address is the one from which this message is issued. That is also the address to which submissions are automatically directed when the website's instructions and link are used.

As explained in the text that accompanies the draft rules on www.uscourts.gov, the deadline for asking to testify at the September 27 public hearing on this matter was August 27. It is now too late to submit such a request. Comments on the draft rules may, however, be submitted to this address until October 15.