

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

TO: MICHAEL MANTELL, ESQ.
BY FAX: 212-750-4057
DATE: July 26, 2000 1:40 p.m.

MANTELL v. NYS COMMISSION ON JUDICIAL CONDUCT
(NY Co. #99-108655)

QUESTIONS PRESENTED

1. Does Judiciary Law §44.1 require the New York State Commission on Judicial Conduct to investigate facially-meritorious complaints?
2. Is the New York State Commission on Judicial Conduct's dismissal, without investigation, of a facially-meritorious complaint, judicially reviewable by way of Article 78?

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RESULT	OK
MODE	STANDARD
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TRANSMISSION VERIFICATION REPORT

TIME : 07/26/2000 13:36
NAME : CJA
FAX : 9144284994
TEL : 9144211200

MICHAEL MANTELL, ESQ.

ATTORNEY AT LAW

400 MADISON AVENUE - SUITE 1411

NEW YORK, NY 10017

TEL: (212) 750-3896

FAX: (212) 750-4057

Of Counsel:
EDMUND H. MANTELL

July 11, 2000

Elena Sassower, Coordinator
Center for Judicial Accountability
Box 69, Gedney Station
White Plains, N.Y. 10605-0069

RE: Michael Mantell v. NYS Commission on Judicial Conduct
NY CO. #99-108655

Dear Elena:

Enclosed is the second draft of my appellate brief. I want to iterate and emphasize as strongly as I can that I MUST keep this memorandum as brief as possible. I don't have the time or the inclination to make the changes, and will not do so. I send this to you only as a courtesy, and because I gave my word.

I am more than very busy; among other things, I am in the process of relocating my office.

Furthermore, the points of law are simple and obvious and not in need of elaboration. I think going into detail here would detract from the main points and not add to them.

Very truly yours,



MICHAEL MANTELL

Enclosures

Ex "E-2"

STATEMENT OF THE QUESTION INVOLVED

May the Courts of New York State require the New York State Commission on Judicial Conduct to fulfill its statutory mandate?

The answer of the Court below is "no".

NATURE AND FACTS OF THE CASE

This is an Article 78 Proceeding against the respondent (the New York State Commission on Judicial Conduct, referred to hereinafter as "the Commission") based upon the Commission's failure to conduct an investigation pursuant to a complaint made to it by Petitioner-Appellant (referred to hereinafter as "Petitioner") that is facially sufficient.

The details of the facts of the transgressions by the judge who is the subject of the complaint by Petitioner to the Commission are set forth at length in the complaint to the Commission (R20-R48). This is a detailed recitation (including a letters from Petitioner to the Commission, copies of written orders by the Judge, and a transcript of the Proceedings) that the subject of the complaint, a judge of the Criminal Court in the City of New York, County of New York County of New York, viz., the Honorable Donna Recant, committed the following violations:

- I. Changing her ruling on a matter before her on the basis of her personal reaction to the attorney representing the defendant.
- II. Engaging in a display of intemperate conduct which intimidated lawful advocacy on behalf of a criminal defendant.