

## CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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*Elena Ruth Sassower, Coordinator*

### BY PRIORITY MAIL

CERTIFIED/RRR: 7099-3400-0001-2733-3593

November 13, 2000

President Paul Michael Hassett  
New York State Bar Association  
One Elk Street  
Albany, New York 12207

ATT: Kathleen R. Mulligan Baxter, Counsel

RE: CJA's November 13, 2000 report, "The Complicitous Role of the Bar Associations in the Corruption of 'Merit Selection' Appointment to the New York Court of Appeals"

Dear Ms. Baxter:

Enclosed is CJA's above-entitled November 13, 2000 report, which is being filed with the First Department Disciplinary Committee as a formal complaint of professional misconduct against the New York State Bar Association and its culpable officers, members, and staff. Please bring it to the *immediate* attention of President Hassett, the members of the Committee on Judicial Selection, and State Bar staff who participated in the rigged and fraudulent bar ratings of the candidates recommended by the Commission on Judicial Nomination's October 4, 2000 report.


As set forth at page 3 of CJA's November 13, 2000 report, the State Bar can mitigate the disciplinary consequences of the officers, members and staff acting in its name. However, for this to be most meaningful, it must be done as soon as possible, preferably in advance of the Senate Judiciary Committee hearing on Justice Graffeo's confirmation or, at latest, at the confirmation hearing. At such time, the State Bar must publicly address the serious issues presented by CJA's October 16, 2000 report as to the Commission on Judicial Nomination's subversion of "merit selection" principles. The first of these issues is whether the Commission's October 4, 2000 report conforms with the requirement of Judiciary Law §63.3 that it contain "*findings* relating to the character, temperament, professional aptitude, experience, qualifications and fitness for office of

November 13, 2000

*each candidate* who is recommended to the governor"<sup>1</sup> and, if not, whether the Senate may lawfully proceed with confirmation, over public objection as presented by CJA's October 16, 2000 report.

As the State Bar has committees on professional ethics and professional responsibility, as well as a Committee on Public Trust and Confidence in the Legal System, CJA requests that you provide those committees with copies of this report, as well as with CJA's October 16, 2000 report. For your convenience, a copy of CJA's superseding October 16, 2000 report<sup>2</sup> is enclosed – albeit without the appended exhibits and free-standing File Folders "A" and "B".

Yours for a quality judiciary,



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

Enclosures

cc: First Department Disciplinary Committee  
Institute on Professionalism in the Law  
Chief Judge Kaye's Committee to Promote Public Trust and Confidence  
in the Legal System

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<sup>1</sup> Emphasis added.

<sup>2</sup> See CJA's October 18<sup>th</sup> fax to Mr. Horan, et al., advising of superseding October 16, 2000 report.

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*Mulligan*  
*NYS Bar Assoc 1001-2000*  
Street, Apt. No., or PO Box No. *Box 2000*  
*The Elk Street*  
City, State, ZIP+4  
*Albany, NY 12207*

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*President Paul Michael Hasset*  
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*The Elk Street*  
*Albany, NY 12207*  
*Att: Kathleen Mulligan*  
*Box 2000, Cancel*

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