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ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

CONFIDENTIAL

October 4, 2017

Ms. Elena Sassower  
Center for Judicial Accountability  
P.O. Box 8101  
White Plains, New York 10602

Re: File No. 2017/A-0167

Dear Ms. Sassower:

The Commission has asked me to respond to your correspondence dated September 11, 2017, concerning the disposition of your complaint.

Every complaint is distributed for review to the Commission members, who are listed above. The Commission dismissed your complaint at a meeting on August 3, 2017. All Commission members were present except for Mr. Harding and Ms. Grays.

By law, the decision whether to investigate or dismiss a complaint is made by the Commission, not by Mr. Tembeckjian, myself or other staff. The Commission's authority derives from the New York State Constitution, Article 6, section 22, and the Judiciary Law, sections 40-48. The Commission dismissed your complaint pursuant to its authority under Judiciary Law Section 44, subd. 1, which states in pertinent part: "Upon receipt of a complaint (a) the commission shall conduct an investigation of the complaint;

or (b) the commission may dismiss the complaint if it determines that the complaint on its face lacks merit.” As you are aware, the Commission’s exercise of discretion to determine whether a particular complaint lacks merit has been upheld by the courts. *See Matter of Mantell v. Comm on Jud Conduct*, 277 AD2d 96 (1<sup>st</sup> Dept 2000); *Matter of Sassower v. Comm on Jud Conduct*, 289 AD2d 119 (1<sup>st</sup> Dept 2001).

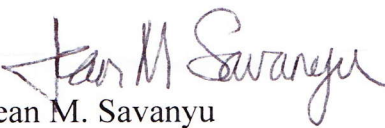
Pursuant to Judiciary Law Section 45, the Commission’s records and proceedings are confidential, with limited exceptions that do not apply to dismissed complaints. Section 45(1) states in pertinent part:

Except as hereinafter provided, all complaints, correspondence, commission proceedings and transcripts thereof, other papers and data and records of the commission shall be confidential and shall not be made available to any person except pursuant to section forty-four of this article.

Accordingly, no other information is available concerning the Commission’s consideration of your complaint.

The New York State Constitution and the Commission’s governing statute (Jud. Law §40 *et seq.*) do not provide for appeal of a decision by the Commission dismissing a complaint.

Very truly yours,

  
Jean M. Savanyu