

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

E-Mail: probono@delphi.com

Box 69, Gedney Station  
White Plains, New York 10605

By Fax: 518-486-1850

By Certified Mail: RRR Z-067-675-878

December 15, 1994

State of New York Commission on Judicial Conduct  
38-40 State Street  
Albany, New York 12207

ATT: Albert B. Lawrence, Clerk

RE: Your letter dated December 13, 1994

Dear Mr. Lawrence:

I called your office earlier today and was told by your secretary, Sharon, that neither you nor anyone else at the Commission would speak to us about your December 13, 1994 letter informing us, without explanation, that our complaints dated September 19, 1994 and October 26, 1994 had been dismissed, purportedly by the Commission. Sharon told us that we would have to put our informational queries in writing.

As I reminded Sharon, the last time she told us to put our inquiries about the dismissal of a complaint in writing was nearly two years ago--and we are still waiting for the Commission to respond to the January 22, 1993 letter we sent. A copy of that letter, addressed to you--and our follow-up fax four and one-half months later to Mr. Kiklier--is annexed so that you can finally respond to the specific questions raised therein, including our request for a telephone conference as to the Commission's disposition of fully-documented complaints.

As to our September 19, 1994 and October 26, 1994 complaints, filed with supporting documentation, please let us know whether the Commission members themselves reviewed them, the date of the formal meeting at which the Commission members made their dismissal disposition, and the number of Commission members present and voting.

According to the Commission's 1994 Annual Report, which it makes available to the public:

"The ethics standards that the Commission enforces are found primarily in the Rules Governing Judicial Conduct, a copy of which is annexed as Appendix D, and the Code of Judicial Conduct. The Rules are promulgated

December 15, 1994

by the Chief Administrator of the Courts with the approval of the Court of Appeals, pursuant to Article 6, Sections 20 and 28 of the New York State Constitutions. The Code was adopted in 1972 by the New York State Bar Association."

We, therefore, request an explanation as to the basis upon which the Commission purportedly dismissed our September 19, 1994 complaint which, with corroborating documentation, established that Appellate Division, Second Department justices--including Justice William Thompson, a member of this Commission--had flagrantly and deliberately violated Rule 100.3(c) of the Rules Governing Judicial Conduct and Canon 3(C) of the Code of Judicial Conduct by refusing to recuse themselves from the Article 78 proceeding Sassower v. Hon. Guy Mangano, et al.--in which they were charged with criminal conduct, were parties to the proceeding, and had a direct interest in its outcome.

We also request an explanation as to the basis upon which the Commission purportedly dismissed our October 26, 1994 complaint when the unrebutted documentary evidence presented therewith showed that Justice Thompson, as well as other justices of the Appellate Division, Second Department, were knowingly and deliberately participating in falsification of a record in a court proceeding and failing to discharge their ethical obligations under §100.3(b)(1), (2), and (3) of the Rules Governing Judicial Conduct.

Inasmuch as both the September 19, 1994 and October 26, 1994 complaints detailed not just ethical breaches, but criminal conduct by a member of this Commission, Justice Thompson, we request to know whether and on what date the Commission members voted that the "appearance of impropriety" did not require referral of these fully-documented complaints, involving, inter alia, violation of Judiciary Law §14 and §195 of the Penal Law, to the District Attorney of Kings County, if not to the Governor for investigation by a special prosecutor.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator

Enclosures: 1/22/93 ltr and 6/8/93 fax

cc: Gerald Stern, Administrator  
Lee Kiklier, Administrative Assistant

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ACCOUNTABILITY, INC.



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FAX COVER SHEET

This fax transmission consists of a total of 7 pages including this cover page. If you have not received all the pages, please call (914) 997-8105.

TO: Albert Lawrence FAX NUMBER: 518-486-1850

FROM: Elena Sassorve DATE: 12/15/94

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MESSAGE: \_\_\_\_\_  
\_\_\_\_\_ Please respond expeditiously  
\_\_\_\_\_ to the enclosed 12/15/94 letter  
\_\_\_\_\_ and belatedly to our letter of  
\_\_\_\_\_ 1/22/93.  
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The Center for Judicial Accountability, Inc. is a national, non-partisan, not-for-profit citizens' organization raising public consciousness about how judges break the law and get away with it.

TRANSMISSION VERIFICATION REPORT

TIME: 12/15/1994 15:16  
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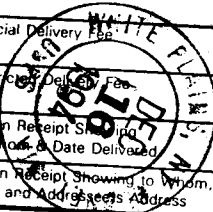


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PS Form 3800, March 1993