



STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

801 SECOND AVENUE
NEW YORK, NY 10017

Gerald Stern
Administrator

(212) 949-8888

April 21, 1995

Elena Ruth Sassower
Center for Judicial Accountability, Inc.
Box 69 Gedney Station
White Plains, New York 10605

Dear Ms. Sassower:

This is in reply to your letter of April 20, 1995.

1. If you wish to appeal any decision I make on your requests for records, you may do so by submitting your appeal to the Commission Clerk, Albert B. Lawrence, State Commission on Judicial Conduct, 38-40 State Street, Albany, New York 12207. Thus, I am correcting my earlier statement that my decision would be final. The rules were prepared when the Commission met two days each month. I agree, however, that there should be an appeal from my decision within the Commission.

2. Although we do not retain a list of litigation files, names and index numbers, my staff has compiled for you a list of names and index numbers of persons who commenced actions against the Commission for not pursuing their complaints. The list is enclosed. I want to emphasize that this effort on our part goes beyond the requirements of the Freedom of Information Law. Our litigation files consist of attorneys' work product, and they will not be available to the public. In the majority of instances, (all except the Raysor cases), the Attorney General's office represented the Commission. For further information, you may wish to locate the applicable court files. Where we have not identified the county of origin or index number, we do not have that information.

3. As to rule-making "history", our confidential minutes would reflect votes by Commission members on rules or references to rules having been adopted. Any correspondence sent to have the rules published is probably in dead storage. We have no other records showing rule-making history.

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4. We have a detailed, 77 page list of determinations rendered on public disciplinary cases--judges admonished, censured or removed from office. I assume from your letters that you are not interested in that information. Many libraries have our Annual Reports, which cover the Commission's activities for the prior year.

5. I am pleased that you were able to locate the Commission on Open Government. Ms. Savanyu had advised you, during the telephone conversation that you complain about, of Mr. Robert Freeman and the Committee on Open Government. It would not serve a useful purpose for me to dwell on your version of that conversation.

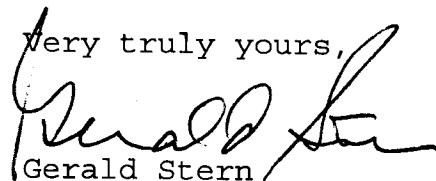
6. With respect to your belief that "the public is entitled to some explanation from [me], as Administrator of the Commission...as to how [I] reconcile the apparent discrepancy between §7000.3 and Judiciary Law §44", I have no desire to try to convince you that, with few exceptions, our records are confidential. Nor do I choose to offer any further "explanation."

7. My position as to telephone conferences remains the same; no telephone communications or meetings with my staff; I will respond to your letters.

Finally, as I indicated in #1 above, you may appeal any of the above responses to your requests by writing to the Commission Clerk at the address provided above.

By copy of this letter I am advising Robert Freeman of my responses to the specific requests you have made. If you appeal any of the above, the Commission will transmit to the Committee on Public Access to Records the appeal and the decision in response to it.

Very truly yours,


Gerald Stern

GS:sl
cc: Robert Freeman

Enclosure

ACTIONS BY COMPLAINANTS AGAINST THE COMMISSION

Raysor v. Stern, 68 AD2d 786 (4th Dept. 1979), lv. to app. denied, 48 NY2d 605 (1979), cert. denied, 446 US 942 (1980), rehearing denied, 102 Sct 2950 (1982).

Raysor v. State Comm. on Jud. Conduct, No. 17004-79 (Sup Ct NY Co., Dec. 15, 1979), aff'd, 83 AD2d 996 (1st Dept 1981).

Raysor v. State Comm. on Jud. Conduct, NYLJ, 9/25/80, p. 12, col. 6, (Sup Ct. NY Co., 9/19/80), aff'd, 83 AD2d 996 (1st Dept 1981).

Raysor v. Gabbey et al., Index No. unknown (Dist Ct., WDNY, date of disposition unknown) (argued 12/1/79).

Muka v. Temporary State Comm. on Jud. Conduct, No. 16206-75 (Sup Ct. NY Co., 10/9/75).

Muka v. State Comm. on Jud. Conduct, 77-CV-512 (Dist. Ct., NDNY, 10/30/78).

Muka v. State Comm. on Jud. Conduct, No. 132058 (Sup. Ct. Tompkins Co., 11/12/82)

Rosendale v. Stern, Dist Ct (SDNY) (Index No. unknown), summons served 3/19/91, date of disposition unknown.

Carter v. State Comm. on Jud. Conduct, Index No. unknown, Art 78 motion filed 4/91, dismissed 6/11/91.

Collins v. Carella et al., No. F-60-85 (Family Ct. Saratoga Co. 8/21/90).

Lombardi v. Sise et al., No. 84-A-2440 (Sup Ct.), aff'd, 9/1/86 (3d Dept).

Hallum v. State Comm. on Jud. Conduct, No. 16619-87 (Sup Ct NY Co.), complaint served 7/17/87, date of disposition unknown.

Hallum v. State Comm. on Jud. Conduct, No. 31826/87 (Sup Ct Kings Co.), complaint served 11/13/87, date of disposition unknown.

Harley v. Perkinson et al., No. 174143 (Sup Ct. Rensselaer Co. 6/9/91).

Schiller v. State Comm. on Jud. Conduct, No. CV 94-4861, Dist Ct. EDNY, 3/23/95)

AMA v. Hodge v. Applewhite et al., No. CV-0410-E(F), Dist Ct (WDNY) (pending).

Lagana v. Dillon et al., No. CV 94-4636-8, Dist Ct (EDNY) (pending)

Sassower v. Comm. on Jud. Conduct, No. 95-109141 (Sup Ct NY Co.) (pending)