

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX AND MAIL (4 pages)

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September 25, 2000

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

ATT: Jean M. Savanyu, Clerk

RE: CJA's August 3, 2000 Judicial Misconduct Complaint against
Judge Judith Kaye, Chief Judge of the State of New York

Dear Ms. Savanyu:

Reference is made to your three-sentence September 19, 2000 letter, on a letterhead indicating that you are the Commission's new Clerk¹.

You purport that the Commission has "reviewed" CJA's August 3, 2000 complaint and has asked you to advise us that the Commission has "dismissed" it. You further purport that "the Commission concluded that there was no indication of judicial misconduct to justify judicial discipline."

This is the first I am aware of the phrase "no indication of judicial misconduct to justify judicial discipline". What does it mean? Is it equivalent to the phrase "no indication of judicial misconduct upon which to base an investigation", used by Albert Lawrence during his long-time tenure as the Commission's Clerk? Such phrase was something of a "standard" in Mr. Lawrence's dismissal letters, varied by the phrase "insufficient indication of judicial misconduct to warrant an investigation".

¹ For the benefit of the indicated recipients of this letter, a copy of your September 19, 2000 letter is annexed hereto, together with the Commission's predecessor August 8, 2000 letter, on which your former position as "Senior Attorney" is reflected on the letterhead.

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In contrast to Mr. Lawrence's phraseology, which, at least, told complainants that their complaints had been dismissed without "investigation", your new phraseology conceals whether any "investigation" has been conducted. Therefore, please clarify the meaning of your ambiguous phrase and confirm that, prior to the Commission's purported "dismissal" of CJA's August 3, 2000 complaint, no "investigation" was conducted – as "investigation" is defined in 22 NYCRR §7000.1(j).

Please also identify: (1) the date on which the Commission purportedly "reviewed" and "dismissed" CJA's August 3, 2000 complaint; (2) the number of Commissioners present and voting; (3) the identities of the Commissioners present and voting; and (4) the legal authority for the Commission's purported "dismissal".

Additionally, since your September 19th letter makes no reference to the Commission having made any determination on the threshold issue of its self-interest in CJA's August 3rd complaint, *expressly* raised at p. 7 therein, please identify the legal authority by which the Commission could purport to "dismiss" the complaint *without* addressing its undenied and undeniable self-interest.

Finally, please advise as to any and all procedures for review of the Commission's purported dismissal of CJA's August 3, 2000 judicial misconduct complaint.

Yours for a quality judiciary,



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

cc: indicated recipients of CJA's August 3, 2000 judicial misconduct complaint