

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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TO: Richard Schwartz, Editorial Page Editor  
New York Daily News

FROM: Elena Ruth Sassower, Coordinator

RE: "Judging the Judges" editorial series

DATE: December 20, 2002

As reflected by my December 10, 2002 fax to you – to which I received no response -- I had hoped that *on or before this date* – the one-year anniversary of your two-hour meeting with a delegation of judges irate over your "Judging the Judges" editorial series – you would have invited me to sit down to a meeting, as I have repeatedly requested.

As you know, your most recent "Judging the Judges" editorial, "School for Scandal" (12/15/02), was the direct result of my bringing to your attention the City Bar's December 7<sup>th</sup> program "How to Become a Judge" – as to which your initial response to my December 6<sup>th</sup> phone call to you was "I don't want to be a judge".

Once again, I cannot emphasize enough that the Daily News editorial series would be exponentially more powerful and productive if you gave me just an hour's time to present an overview of the extraordinary documentation that CJA has been compiling on the issues of judicial selection and discipline about which you have been editorializing.

Please be advised that had you sent a representative to the December 11<sup>th</sup> forum in Albany, "Judging the Judges: the New York State Commission on Judicial Conduct", co-sponsored by the Fund for Modern Courts and the NYS Bar Association – as my December 6<sup>th</sup> and 10<sup>th</sup> faxes suggested – you would have learned, as did I, some particularly significant facts. I would be pleased to fill you in as to these – as well as on my important exchange with the panelists. A hint of this exchange, though not its most decisive aspects, is reflected by the

story, "Judicial Conduct Panelist Hear Complaint" (Legislative Gazette, 12/16/02) – a copy of which is enclosed.

There is a great deal of significant *now-happening* news to report on judicial selection and discipline issues – about which the Daily News should be both reporting and editorializing, especially if it truly wants to advance necessary reforms.

In that regard, faxed herewith is CJA's December 16<sup>th</sup> letter to the leadership of the NYS Senate – copies of which were provided to every member of the Senate – in an effort to halt the Senate's December 17<sup>th</sup> "rubber stamp" confirmation of Senate Judiciary Committee Chairman James Lack to the Court of Claims. There has been next to no coverage by the press of this spectacular letter. Indeed, I believe that yesterday's Newsday is alone in even mentioning it, tucked in the column of Rick Brand. A copy of that column is herewith faxed.

Obviously, in your crusade to scrap "fake" judicial elections, the Daily News must not blind itself to – and deprive the public of – the readily-verifiable evidence of the fraudulent and rigged process by which Governor Pataki has nominated – and the State Senate confirmed – hundreds of state judges – including interim Supreme Court justices and Court of Claims judges who function as Acting Supreme Court justices, sitting in the five boroughs.

Please let me hear from you as soon as possible so that a meeting can be scheduled before the year's end – just 11 days away.

Thank you.



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

Enclosures (4)

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page 2

## Judicial conduct panelists hear complaint

By CHARLES GREEN

*Gazette staff writer*

When four panelists met Wednesday to discuss The New York State Commission on Judicial Conduct, Elena Sassower, co-founder and coordinator of the Center for Judicial Accountability, was there to let them know she thought the commission was corrupt and unlawful.

The panelists, on the other hand, spoke about the good work of the commission.

Sassower questioned what the panel, made up of two members of the commission, one former member and one former member of California's equivalent, would have to say, except that they were doing a good job.

The commission, established in 1974, was set up to provide a forum for citizens who have complaints against judges, while assuring judges that complaints filed against them will be handled fairly. There is such a commission in each of the 50 states, California having set up the first in 1960.

In New York, the commission consists of 11 members, four judges, four attorneys and three lay people.

Since then, Stephen R. Coffey, one of the panelists and a member of the commission, said that deal making and corrupt practices by judges have seriously declined.

"Thank God for this commission," Coffey said. "You don't have the workings inside judge's chambers that we have seen and we saw historically."

Judge Juanita Bing Newton, a former member of the commission, agreed that it has done good work.

"It is one of the fairest organizations and agencies that

I've had the pleasure to deal with," Newton said.

The panelists also spoke of the tremendous workload that the commission has to deal with, saying that they receive thousands of complaints a year, each of which has to be examined.

"When I got this appointment I called Sen. Bruno and I said, 'thank you for this job with no money and a lot of work and probably a lot of agony in between,'" Coffey said.

Judge John Racanelli, former chairman of the California Commission on Judicial Performance, said that though the budget in California is about 50 percent higher than it is here, New York deals with about twice the case volume.

When the panelists moved to a question and answer period, Sassower took her chance to allege that the commission is corrupt and that it purposely ignores cases for judges. Sassower said that there has been no legislative oversight of the commission in more than 15 years and that when then-Comptroller Edward Regan had filed a report in 1989, he had found problems.

Sassower also slammed two large boxes onto her table and said the boxes contained court documents which verified the commission's corruption.

Robert Tembeckjian, deputy administrator and deputy counsel for the commission said that Regan's 1989 report on the commission dealt mostly with its finances, which he found to be satisfactory. Tembeckjian said that Regan's only problem was that he wanted to see cases that had been dismissed, but that by law the commission is allowed to withhold such information.



<http://www.newsday.com/news/local/longisland/columnists/ny-lipols193052391dec19,0,6066143.column>

## On Lack, NY Pols Vacate Judgment

Rick Brand

December 19, 2002

Lore Von Hoffen said she breathed a "big sigh of relief" when she came out of the polls last November and saw that State Sen. James Lack's name was not on the ballot for State Supreme Court justice.

Von Hoffen is a physician's assistant who last year became the highly public target of the East Northport Republican, whom some have dubbed "Senator Road Rage."

Lack erupted after von Hoffen passed Lack's car, skirting the double yellow line after both went around a stopped school bus. At the next light, an incensed Lack stormed up to her car, slammed a badge against her window, threatening to have her thrown in jail. He then followed her for a mile to her home, and ducked under her closing garage door as von Hoffen tried to escape, yelling all the way.

So von Hoffen, a Republican, was aghast last week when Gov. George Pataki nominated Lack as a \$136,700-a-year state Court of Claims judge, even though last year's outburst had killed Lack's earlier bid to create an elected judgeship for himself and made him unelectable after a 24-year Albany career.

"I was very surprised," she said. "My second reaction was dismay with the system and Gov. Pataki that he would put up a man with such an obvious personality flaw."

But with the Senate confirmation Tuesday, Lack immediately became the poster boy for the much-publicized dysfunction in Albany. Where else can a washed-up politician only days from his exit get essentially the same job from Capitol cronies that they would never dare put before the voters?

Backers cite Lack's brilliance, his chairmanship of the Senate's judiciary committee and his vast knowledge of the law. They try to sell the idea that the road rage incident was an aberration.

Don't tell that to the people at Cow Harbor car wash in Northport, where the operators barred him permanently after his verbal abuse reduced a young attendant to tears when the credit card machine couldn't read his card. Others recall similar tantrums, at the Northport movie theater, Robert Moses State Park, a Northport optician's office and a Commack toy store.

"I freaked when I heard they were making him a judge - this guy's a hothead," said Maureen Wallenstein, who witnessed a 1980 incident at the Commack Toys "R" Us, where Lack barged to the head of the line, then got into a screaming and shoving match with the store manager and security guard after being asked for identification for a check. The employees later filed a police complaint.

It's not like Lack's behavior is any secret among officials here or in Albany. In fact, some lawmakers

*Richard Schwartz*  
*editorial page*  
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*Daily News*

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