

CENTER for
JUDICIAL
ACCOUNTABILITY



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April 13, 1994

Mr. Jack Newfield
The New York Post
210 South Street
New York, New York 10002

RE: LAW DAY 1994

Dear Mr. Newfield:

This letter follows up our brief conversation earlier today in which I proposed, for "LAW DAY" (May 1st) this year, a follow-up to your "Ten Worst Judges" series that appeared on April 26th, 27th, and 28th last year.

In last year's April 28th issue, the Post's editors referred to judges as "the most powerful--and unaccountable--employees of our crippled court system", and identified your excellent three-part series as "just the beginning....the starting-off point for the Post's push for reform in the state judiciary".

Indeed, your expose--focusing on the eccentricities, inappropriate behavior, and incompetence of judges--expressly informed readers that you were "seeking to hold [the individual judges] accountable" (4/26/93), noting that:

"Currently, it is almost impossible to remove a judge for incompetence or prejudice. We're stuck with the dead wood on the bench." (4/26/93)

The Center for Judicial Accountability--an organization whose name was inspired by your fine series--is the successor to a grass-roots citizens' group formed in 1989 under the name the "Ninth Judicial Committee". Perhaps you are familiar with our efforts. Last April 28th, we contacted Jim Nolan, with whom you shared a byline on the "Worst Judge" series, faxing him copies of two letters we had written to Governor Cuomo in 1991. Those letters not only complained about the "dead wood on the bench"--to which we directly attributed the court crisis, as represented by growing backlogs, particularly in the appellate courts--but called upon the Governor to appoint a Special Prosecutor to

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investigate the contamination of judicial elections in the Ninth Judicial District by party bosses and the wholesale "cover-up" by the courts of criminal conduct by lawyers and sitting judges. Such "cover-up" was meticulously documented by us in two lawsuits, Castracan v. Colavita (3rd Dept.) and Sady v. Murphy (2nd Dept).

In the event that Mr. Nolan did not show you our faxed material, I am transmitting it again--since it is as relevant today as it was then. Indeed, in the past year the content of the October 24, 1991 letter to Governor Cuomo became the explosive subject of our testimony at the Senate Judiciary Committee public hearings in Albany on September 7, 1993 in opposition to the Governor's nomination of Howard Levine to the Court of Appeals and, again, on December 15, 1993 when we testified in opposition to the Governor's nomination of Carmine Ciparick to our highest court. Each of those individuals was a participant in the politicization of the judiciary which the October 24, 1991 letter described: Howard Levine sitting on the Appellate Division, Third Department panel that decided Castracan v. Colavita and Carmine Ciparick, sitting as a member of the Commission on Judicial Conduct, in which capacity she received--but dismissed without investigation--the complaint set forth, inter alia, in the October 24, 1991 letter.

We believe you would be performing a great service to the public this year by spotlighting a group, such as ours, which has been working--relentless and at great personal sacrifice--to redress the horrendous situation outlined by your "Ten Worst Judges" series. To date, the only publicity the Center for Judicial Accountability has received was in a December 11, 1993 New York Times' piece--a copy of which I enclose. (May I point out that the three letters to the Governor referred to therein include the two letters faxed to Mr. Nolan last year and refaxed now.)

We would be most pleased to provide you copies of our forthright testimony before the Senate Judiciary Committee in Albany on the subject of judicial corruption and "merit" selection, as well as our correspondence with a host of government agencies and offices--which, notwithstanding their oversight obligations, fail to take any action whatever--even in the face of documentary evidence of the most repulsive corruption imaginable.

In that connection, I particularly refer you to the post-script (at pp. 9-10) of the October 24, 1991 letter to Governor Cuomo in which my mother refers to the fact that, as a result of her legal challenge to the trading of judgeships in the Ninth Judicial District, she had been retaliated against by the Appellate Division, Second Department which, on June 14, 1991,

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suspended her license to practice law "immediately, indefinitely, and unconditionally". Such suspension order--now in force for almost three years--was accomplished without a plenary proceeding, with no notice of written charges, no hearing, no evidentiary findings, and without even a statement of reasons in the suspension order itself--all contrary to the explicit requirements of the Appellate Division's own Rules. Notwithstanding controlling black-letter law of the Court of Appeals mandating vacatur, the Appellate Division has, without reasons, refused to vacate the suspension order and, likewise, without reasons, has refused to direct a post-suspension hearing.

As a result, there is now pending before the Court of Appeals, on a motion for appeal as of right, a most extraordinary case in which the Appellate Division, Second Department is being sued in an Article 78 proceeding. Entitled Doris L. Sassower v. Hon. Guy Mangano, et al., my mother's fully-documented court submissions charge the Appellate Division, Second Department with using its judicial power for ulterior and retaliatory purposes to silence "whistle-blowing" lawyers for speaking out against the politicization of the judiciary. So as to enable you to recognize the seriousness of what is being alleged, I enclose pages 5-8 of her attorney's March 14, 1994 submission to the Court of Appeals.

We hope you'll agree that a story about the Center for Judicial Accountability and the fate of "judicial whistle-blowers" in this State would be an especially important contribution to "LAW DAY".

We look forward to hearing from you soon and sharing with you our wealth of documentary material.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosures:

- (a) Fax sent last year to Jim Nolan
- (b) NYT, 12/11/93, "A Meeting With Cuomo Brings Out the Critics"
- (c) pp. 5-8 of 3/14/94 submission to Court of Appeals, Doris L. Sassower v. Hon. Guy Mangano, et al.