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Elena Ruth Sassower, Coordinator

**INVENTORY OF CJA's TRANSMITTAL
TO THE NEW YORK POST**

**To Support an Investigative Expose
of the New York State Commission on Judicial Conduct
As Contemplated by the Post's Own Editorials,
"Who Judges the Judges?" (3/7/95) and "The Duckman Tragedy" (4/24/96)**

**To: Brad Hamilton
Date: January 7, 2003**

TUESDAY, MARCH 7, 1995

NEW YORK POST

Founded by Alexander Hamilton in 1801

RUPERT MURDOCH Editor-in-Chief

KEN CHANDLER
Editor

MARTIN SINGERMAN
Publisher

JOHN CASSIDY
Deputy Editor

ERIC BREINDEL
Editorial Page Editor

America's oldest continuously published daily newspaper

Who judges the judges?

In the recently concluded — and eye-opening — series entitled “New York’s 10 worst judges,” Post reporters Jack Newfield and William Neuman demonstrated in distressing detail that the judiciary in this town is sadly lacking in oversight.

By its nature, compiling such a list focuses attention on the bad actors — and thus can disguise the fact that New York, by and large, has a competent corps of judges.

And while it’s possible that any one individual named to the list may have been judged too harshly, it’s equally possible that a lot of judges who didn’t make the list deserved to be at or near the top of it.

The fact of the matter is that — apart from courthouse insiders — nobody really knows which judges measure up to the responsibilities vested in them, and which do not.

And nobody’s looking — at least nobody in a position to do anything about bad judges. One of the jurists examined by Newfield and Neuman is a perjurer; another appears to have a very serious drinking problem — yet both remain on the bench and likely will stay there indefinitely. Partisan politics of the

rankest sort routinely elevates spectacular incompetents to positions where — as the series demonstrated — they can do real damage.

It would be impossible, of course, totally to divorce politics from the judicial selection process — and to do so is probably not an altogether good idea to begin with. The so-called merit selection process is no more free of politicking than is the outright election of judges — it just takes a different form.

What’s needed is meaningful oversight of judges once they’re on the bench, irrespective of how they got there. The judiciary itself can’t — or simply won’t — police itself. That leaves the state Commission on Judicial Conduct — created for precisely that purpose but at present a distressingly toothless tiger.

To be sure, the commission is hell on wheels when it comes to disciplining rural justices of the peace and other small-town magistrates, many of whom are not lawyers. The next time it comes to New York City to do serious business, however, will be the *first* time it does so.

Newfield and Neuman established that there’s a real need in this realm; the next move is the commission’s.

NEW YORK POST

America's oldest continuously published daily newspaper

The Duckman travesty

Gov. Pataki Monday cut right through the fog surrounding the state Commission on Judicial Conduct's review of Criminal Court Judge Lorin Duckman's tenure on the bench. The governor called on the commission to remove Duckman immediately. Indeed, Pataki suggested that the judge might do well simply to resign, thereby rendering the issue moot.

Alas, the governor's arguments have not been heeded. Not by the commission, which determined that Duckman's handling of the Galina Komar case doesn't justify his removal. And not by the judge himself, who seems inclined to hang tough.

This shouldn't surprise.

Duckman, who's on leave while the commission considers various decidedly ancillary charges, will likely get his regular paycheck for nine months to a year — maybe longer. Why *shouldn't* he stand pat?

As for the commission itself, it's well to remember that some 17,000 complaints have been filed against sitting judges since the panel was created in 1978. Yet it has ordered the removal of only 112 jurists, the overwhelming majority of whom have been part-time upstate justices of the peace. Many weren't even lawyers in the first place.

Rare, indeed, is the full-fledged New York City judge who falls afoul of the commission — so rare, in fact, that the scandal behind the scandal here may well be the panel itself.

Certainly its handling of this matter betrays a stunning insensitivity to simple justice. Ex-boyfriend Benito Oliver had been accused of beating Galina Komar; Duckman ordered Oliver freed without bail because — we kid you not — he'd

never broken any of Komar's bones.

Once released, however, Oliver did more than break a few bones; he murdered his former girlfriend. Galina Komar's plea for a court order of protection was pending before Duckman when she was killed.

Other Duckman rulings indicate that this is a judge who is, among other things, strikingly insensitive to domestic violence. The commission, however — fearful of establishing any sort of relevant precedent — held that Duckman's decisions fall well within his "wide [statutory] discretion."

The panel, to be sure, didn't want to draw upon itself further obloquy by failing in any way to act against Duckman. As a consequence, the members agreed to consider allegations that the judge is routinely hostile to prosecutors and that he once insulted a female court officer by tendering an inappropriate "compliment."

The former charge certainly merits scrutiny: Anti-prosecution judges are an insidious component of the city's criminal justice system. As for the alleged insult, even though the accusation carries the odor of Political Correctness, it seems altogether plausible.

Neither charge, however, speaks to the primary issue: Lorin Duckman came under scrutiny — and drew criticism from Pataki, Mayor Giuliani and many others — because his ruling led directly to a foreseeable crime against an innocent woman, Galina Komar. The commission may have managed to find a way to punish this misguided jurist — it's even possible that he'll be removed from the bench. But this doesn't mitigate the fact that it dodged the key issue.

Poor show.

MISCELLANEOUS

NY POST EDITORIALS

- "Who judges the judges?", editorial, NY Post, 3/7/95
"The Duckman travesty", editorial, NY Post, 4/24/96
"New York's 10 Worst Judges", editorial, NY Post, 4/28/93

Battle-Scarred BIO

1. "True Believers", 3/19/98, The Westchester Weekly
2. "Where Do You Go When Judges Break the Law?", public interest ad, Op-Ed page, NYT, 10/26/94
3. Martindale-Hubbell Law Directory (1989 ed.), Doris L. Sassower
4. "The Man Who Sued Too Much -- To the Gulag: Courthouse Leper George Sassower Takes on Every Judge in Town", The Village Voice, 6/6/89

MY NOMINATION IS... The Judges Who Have Betrayed the People of this State by Obliterating the Rule of Law and their Professional Responsibilities to Cover-Up for a Corrupt Commission on Judicial Conduct

1. "Observers say judge doomed defense", Ann Bollinger, NY Post, 4/17/98
 2. "Wacko Wetzel left Oliver's lawyer defenseless", Steve Dunleavy, NY Post, 5/30/98
 3. "Justice takes a holiday for real cyber-sex victim", Steve Dunleavy, NY Post, 11/26/99
 4. "The elevators don't go to his courtroom", Steve Dunleavy, NY Post, 9/21/00
- "HERE ARE THE GOOD ONES", NY Post, 3/195: "Ten Worst Judges"
"THE DILIGENT 21": Herman Cahn, NY Post, 4/22/96: "New York's 6 Laziest Judges"

COMMISSION'S 2002 ANNUAL REPORT: Recant, Huttner, Teresi

MICHAEL MANTELL, ESQ.

1. Michael Mantell's 5/28/97 letter to CJA with membership
2. Michael Mantell's published letter to the editor, NYLJ, 2/6/97
(and Ravi Batra's responding letter to the editor, NYLJ 2/11/97)

DAILY NEWS: "Judging the Judges" Editorial Series/CJA Letters

1. CJA's 11/30/01 letter to Michael Aronson, Editorial Board
2. "Lax discipline lacks effectiveness", Daily News, 2/25/02 editorial – CJA's responding 2/25/02 letter to Michael Aronson
3. "Get this watchdog some teeth", Daily News, 3/7/02 editorial – CJA's responding 3/7/02 letter to Michael Aronson
4. "New York's best supporting actors", Daily News, 12/30/02 editorial – CJA's responding 12/30/02 letters to Editor Russ Hoyle and Editorial Page Editor Richard Schwartz – with CJA's 12/16/02 letter to Senate leadership

**COMPTROLLER REGAN'S 1989 REPORT ON THE NYS COMMISSION ON
JUDICIAL CONDUCT, "NOT ACCOUNTABLE TO THE PUBLIC"**

"Not Accountable to the Public", November 15, 1989 Report on the NYS Commission on
Judicial Conduct by NYS Comptroller Edward Regan

Comptroller Regan's December 7, 1989 Press Release "*Commission on Judicial Conduct
Needs Oversight*"

Commission's responding January 31, 1990 Report to Governor, Comptroller, & Legislature

LAW PERTAINING TO THE NYS COMMISSION ON JUDICIAL CONDUCT

Compendium with Statutory, Constitutional, and Rule Authorities:

Judiciary Law; NYS Constitution; 22 NYCRR §7000 *et seq.*; Chief Administrator's Rules Governing Judicial Conduct

Decisional Law:

Justice Cahn's July 13, 1995 decision in *Doris L. Sassower v. Commission* (S.Ct/NY Co. #95-109141) [A-189] [see Ex. "D" to Elena Sassower's 10/24/02 motion for leave]

Justice Lehner's September 30, 1999 decision in *Michael Mantell v. Commission* (S.Ct/NY Co. #99-108655) [A-299] [see Ex. "E" to Elena Sassower's 10/24/02 motion for leave]

Justice Wetzel's January 31, 2002 decision in *Elena Ruth Sassower v. Commission* (S.Ct/NY Co. #99-108551) [A-9] [see Ex. "C" to Elena Sassower's 10/24/02 motion for leave]

Appellate Division's November 16, 2000 decision in *Michael Mantell v. Commission* [see Ex. "F" to Elena Sassower's 10/24/02 motion for leave]

Appellate Division's December 18, 2001 decision in *Elena Ruth Sassower v. Commission* [see Ex. "A" to Elena Sassower's 10/24/02 motion for leave]

Nicholson v. Commission, 50 NY2d 597 (1980)

Commission v. Doe, 61 NY2d 56 (1984)

Doe v. Commission, 124 AD2d 1067 (4th Dept. 1986)

* * *

3-page analysis of Justice Cahn's decision in *Doris L. Sassower v. Commission* [first 3 pages of December 15, 1995 letter to Assembly Judiciary Committee] [A-52-4] [see Ex. "H" to Elena Sassower's 10/24/02 motion for leave]

13-page analysis of Justice Lehner's decision in *Mantell v. Commission* [A-321] [see Ex. "I" to Elena Sassower's 10/24/02 motion for leave]

Washington Post v. NYS Insurance Dept., 61 NY2d 557 (1984)

**BACKGROUND MATERIALS TO JUDICIAL MISCONDUCT AND THE
TYPES OF COMPLAINTS WITHIN THE COMMISSION'S
JURISDICTION**

Commission's informational brochure

"Disciplining Judges for On-Bench Conduct: Can 'Legal Error' Constitute Misconduct?", pages 303-305 of *"Is Judicial Discipline in New York State a Threat to Judicial Independence?"* by Gerald Stern, Pace Law Review, Winter 1987

Pages 14-21 of Commission's 1989 Post-Hearing Memorandum in *Matter of Slavin*

Page 3 of Appellant's Brief in *Elena Ruth Sassower v. Commission*, citing *Matter of Capshaw*, 258 AD 470, 485 (1st Dept 1940), quoting from *Matter of Droege*, 129 AD 866 (1st Dept. 1909); Also, *Matter of Bolte*, 97 AD 551 (1st Dept. 1904)

"The Nature of Judicial Misconduct and Incapacity", Page 60-61 of Part II of ...And Justice For All, Report of the Temporary Commission on the State Court System (January 1973) [pages 57-64 enclosed]

* * *

"Without Merit: The Empty Promise of Judicial Discipline", by Elena Ruth Sassower, The Long Term View (Massachusetts School of Law), Vol 4, No. 1, Summer 1997,

**CORRESPONDENCE PERTAINING TO FACIALLY-MERITORIOUS
COMPLAINTS**

CJA's March 10, 1995 letter to the Commission

CJA's March 11, 1999 letter to the Commission

CJA's April 24, 2000 letter to the Commission

Commission's August 8, 2000 letter

CJA's September 25, 2000 letter to the Commission

Commission's October 5, 2000 letter

CJA's March 11, 2002 letter to the Commission

Commission's March 25, 2002 letter

CJA's June 30, 2000 letter to Chief Judge Kaye --
Exhibits "H-1" - "H-13"

* * *

Commission's June 1, 1999 letter to Clay Tiffany

Commission's June 16, 1999 letter to Clay Tiffany

Commission's October 1, 1998 letter to Michael Mantell

* * *

"Commission's Ruling on Conduct Decried", Michael Letwin, NYLJ, 2/19/92

"Judges Like Duckman Should Be Illegal", Jack Newfield, NY Post, 4/25/96

"Judge's 'Secret' Wife: No Budge Luv Judge", Al Guart, NY Post, 5/19/96

**CJA's REQUEST FOR LEGISLATIVE HEARING/INVESTIGATION
OF THE NYS COMMISSION ON JUDICIAL CONDUCT**

1. CJA October 26, 2001 letter to Senator David Paterson, with enclosures including:

Illustrative materials pertaining to previous Legislative Oversight Hearings of the NYS Commission on Judicial Conduct:

- (a) December 18, 1981 Senate Judiciary Committee & Assembly Judiciary Committee Hearing -- pages 1-11 of the Stenographic Record;
- (b) September 22, 1987 Assembly Judiciary Committee Hearing -- Notice of Public Hearing and pages 1-14 of Stenographic Record

Illustrative materials pertaining to City Bar's May 14, 1997 Public Hearing on the NYS Commission on Judicial Conduct:

- (a) Statement of Bertram R. Gelfand;
- (b) Statement of Elena Ruth Sassower, annexing CJA's published Letter to the Editor, "*Commission Abandons Investigative Mandate* (NYLJ, 8/14/95, p. 2) and CJA's public interest ad, "*A Call for Concerted Action*", (NYLJ, 11/20/96, p. 3);
- (c) CJA's public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (NYLJ, 8/27/97, p. 3)

CJA's requests to Executive and Judicial Branches for official investigation of the NYS Commission on Judicial Conduct:

- (a) CJA's February 23, 2000 letter to Governor George Pataki, pages 1-5, 29-35 and exhibits "J" and "K" (note: request for special prosecutor or investigative commission appears at page 33-35);
- (b) CJA's March 3, 2000 letter to Chief Judge Judith Kaye, with responding March 27, 2000 letter of Michael Colodner, Counsel, Unified Court System

"*State Politicians to Scrutinize Judicial Conduct Panel*", NY Post, 3/1/96

2. City Bar's September/October Report of the Ad Hoc Committee on Judicial Conduct: *See* pages 607-8 "Results of Hearing Submissions"; pp. 613-5 "Other Recommendations"

THE COMMISSION'S DESTRUCTION OF UNINVESTIGATED COMPLAINTS

- (1) George Sassower's April 12, 2000 letter to Commission Administrator and Counsel Gerald Stern

[For background to George Sassower, see CJA's enclosed April 27, 2000 letter to Special Inspector General Sherrill Spatz (pages 3-4 and attached June 6, 1989 Village Voice article, "To the Gulag: Courthouse Leper George Sassower Takes on Every Judge in Town")]

- (2) Gerald Stern's April 18, 2000 letter to George Sassower
- (3) CJA's April 24, 2000 letter to Gerald Stern
- (4) CJA's April 24, 2000 letter to Albert Lawrence
- (5) Gerald Stern's April 27, 2000 letter to CJA (page 2, last paragraph)

* * *

May 4, 2000 letter to CJA from State Archives and Records Administration, enclosing:
(a) Commission's 1994 destruction request; and (b) approval forms from Comptroller & Attorney General;

LAW: §57.05 of the Arts & Cultural Affairs Law; 8 NYCRR §188 *et seq.*

* * *

- (6) CJA's May 17, 2000 letter to Gerald Stern (pages 8-11)
- (7) CJA's June 26, 2000 letter to Chairman Eugene Salisbury
- (8) Chairman Salisbury's July 19, 2000 letter to CJA

HOUSING COURT DISCIPLINARY COMMITTEE

Published items:

- (1) "*New Procedure Adopted for Discipline, Dismissal of Housing Court Judges*", NYLJ, 4/11/94
- (2) "*7 Named to Committee on Judicial Discipline*", NYLJ, 6/24/94
- (3) "*Housing Court Discipline Plan Created to Restore Credibility*", NYLJ, 9/16/94
- (4) Today's News Update, NYLJ, 2/13/96
- (5) Today's News Update, NYLJ, 5/28/96

CJA's Correspondence with the OCA:

- (a) CJA's 4/8/02 FOIL request (*see* #2)
- (b) CJA's 1/06/03 follow-up

CJA's Correspondence with the Commission:

- (a) CJA's 4/12/02 FOIL request (*see* #3 and #4)
- (b) Commission's 4/12/02 response

COMMISSION'S ANNUAL REPORTS

Commission's 2002 Annual Report, pp. 1-3, 25

Commission's 2001 Annual Report, pp. 1-3

Commission's 2000 Annual Report, pp. 1-3

Commission's 1999 Annual Report, pp. 1-3

* * *

CJA's February 28, 2002 letter to the Commission

Commission's March 6, 2002 letter

* * *

Page 19 of Practices and Procedures of State Judicial Conduct Organizations, American
Judicature Society (1990)

ELENA RUTH SASSOWER v. COMMISSION

Proceedings in Supreme Court/New York County (#108551/99)

1. Attorney General's May 17, 1999 Affirmation (Carolyn Cairnes Olson) in Support of Respondent's Application Pursuant to CPLR §3012(d)
2. Attorney General's May 24, 1999 Dismissal Motion consisting of:
 - (a) Notice of Motion, with Affirmation of Assistant Attorney General Michael Kennedy and Affidavit of Albert Lawrence, Clerk of the Commission on Judicial Conduct;
 - (b) Memorandum of Law in Support of Motion to Dismiss, signed by Assistant Attorney General Carolyn Cairns Olson

Proceedings in Supreme Court/New York County (#108551/99)

1. Elena Sassower's July 28, 1999 Omnibus Motion consisting of:
 - (a) Notice of Motion, with Affidavit of Petitioner and Affidavit of Doris L. Sassower, CJA Director;
 - (b) Memorandum of Law in Opposition to Respondent's Dismissal Motion & in Support of Petitioner's Motion for Disqualification of the Attorney General, Sanctions, a Default Judgment, and Other Relief
2. Attorney General's August 13, 1999 Reply Memorandum in Further Support of a Motion to Dismiss and in Opposition to Petitioner's Motion for "Omnibus Relief", signed by Assistant Attorney General Carolyn Cairns Olson
3. Elena Sassower's September 24, 1999 Papers in Reply and in Further Support of her Omnibus Motion, consisting of:
 - (a) Petitioner's Reply Affidavit
 - (b) Petitioner's Reply Memorandum of Law

Physically-Incorporated Record: Doris L. Sassower v. Commission on Judicial Conduct of the State of New York (N.Y. Co. #95-109141) Filed with Petitioner-Appellant's July 28, 1999 omnibus motion

1. Doris L. Sassower's April 10, 1995 Article 78 Petition, with Notice of Petition and Notice of Right to Seek Intervention
2. Doris L. Sassower's May 11, 1995 Order to Show Cause for Preliminary Injunction, Default
3. Attorney General's May 22, 1995 Affidavit in Opposition to Preliminary Injunction
4. Attorney General's May 30, 1995 Dismissal Motion
5. Doris L. Sassower's June 8, 1995 Affidavit in Opposition to Dismissal Motion and in Further Support of Verified Petition, Motion for Injunction and Default, and for Sanctions
6. Doris L. Sassower's June 8, 1995 Memorandum of Law in Opposition to Dismissal Motion and in Further Support of Verified Petition, Motion for Injunction and Default, and for Sanctions
7. Doris L. Sassower's June 9, 1995 Notice to Furnish Record to the Court Pursuant to CPLR §§409, 7804(e), and 2214(c)
8. Doris L. Sassower's June 9, 1995 Affidavit in Support of Proposed Intervenors
9. Justice Herman Cahn's July 13, 1995 Decision

Physically-Incorporated Lower Court Record: Michael Mantell v. Commission (S.Ct/NY Co. #108655/99) Filed in Substantiation of Elena Sassower's December 9, 1999 letter to Justice Wetzel [A-308-334]

1. Michael Mantell's Notice of Petition and Verified Petition, dated April 22, 1999
2. Attorney General's May 14, 1999 letter
3. Signed stipulation extending time, dated May 14, 1999
4. Attorney General's Notice of Cross-Motion to Dismiss the Petition, dated June 3, 1999
5. Attorney General's Memorandum of Law in Support of the Cross-Motion to Dismiss the Petition, dated June 3, 1999
6. Michael Mantell's June 15, 1999 letter
7. Signed stipulation extending time, dated June 15, 1999
8. Michael Mantell's Amended Petition, dated June 15, 1999
9. Attorney General's Notice of Cross-Motion to Dismiss the Amended Petition, dated June 23, 1999
10. Attorney General's Memorandum of Law in Support of the Cross-Motion to Dismiss the Amended Petition, dated June 23, 1999
11. Michael Mantell's Reply Affidavit, dated July 14, 1999
12. Michael Mantell's Memorandum of Law, served July 14, 1999
13. Decision & Judgment of Supreme Court Justice Edward H. Lehner, dated September 30, 1999
14. Short-Form Order of Justice Lehner, dated September 30, 1999

Proceedings in Appellate Division, First Department (AD 1st Dept. 5638/01):

Appellate Briefs

1. Elena Sassower's December 22, 2000 Appellant's Brief
(with Appendix)
2. Attorney General's March 22, 2001 Respondent's Brief by Assistant Solicitor General Carol Fischer
3. Elena Sassower's August 17, 2001 Reply Brief
(see also Elena Sassower's incorporated-by-reference August 17, 2001 motion)

Petitioner-Appellant's August 17, 2001 Disqualification/Disclosure Motion (M-4755)

1. Elena Sassower's August 17, 2001 motion (2 volumes)
2. Attorney General's opposition, consisting of:
 - (a) Assistant Solicitor General Carol Fischer's August 30, 2001 "Affirmation"
 - (b) Assistant Solicitor General Carol Fischer's August 30, 2001 Memorandum of Law
3. Elena Sassower's October 15, 2001 Reply Affidavit

Petitioner-Appellant's November 16, 2001 Interim Relief Application

1. Elena Sassower's November 16, 2001 Interim Relief Application, with completed coversheet form – containing a November 19, 2001 denial by Appellate Division, First Department Justice Eugene L. Nardelli, Presiding Justice of the assigned appellate panel
2. Elena Sassower's typewritten November 19, 2001 letter to Appellate Division, First Department Presiding Justice Joseph Sullivan – which was before Justice Nardelli when he denied the Interim Relief Application

Petitioner-Appellant's November 19, 2001 Interim Relief Application

1. Elena Sassower's hand-written November 19, 2001 Interim Relief Application to Appellate Division, First Department Presiding Justice Joseph Sullivan, with completed form containing Presiding Justice Sullivan's November 20, 2001 disposition

Petitioner-Appellant's January 17, 2002 Motion for Reargument (M-323)

1. Elena Sassower's January 17, 2001 Motion for Reargument
2. Assistant Solicitor General Carol Fischer's February 7, 2002 Affirmation in Opposition
3. Elena Sassower's February 20, 2002 Reply Affidavit
4. Appellate Division, First Department's March 26, 2002 Decision/Order

Petitioner-Appellant's February 20, 2002 Motion for Leave to Appeal (M-938)

1. Elena Sassower's February 20, 2002 Motion for Leave to Appeal to the Court of Appeals
2. Assistant Solicitor General Carol Fischer's February 27, 2002 Affirmation in Opposition
3. Elena Sassower's March 7, 2002 Reply Affidavit
4. Appellate Division, First Department's Decision/Order, entered March 26, 2002

Physically-Incorporated appellate record: *Michael Mantell v. New York State Commission on Judicial Conduct* (NY Co. #108655/99) Appellate Division, First Department

1. Appellant's Brief, dated July 31, 2000
2. Appellant's Record on Appeal:
Table of Contents, Pre-Argument Statement, Notice of Appeal
3. Attorney General's Brief for Respondent, dated September 6, 2000
4. Appellant's Reply Brief, dated September 15, 2000
5. Elena Ruth Sassower's Notice of Motion and Supporting Affidavit, sworn to September 21, 2000
6. Attorney General's Affirmation in Opposition to Motion, dated September 27, 2000
7. Elena Ruth Sassower's Reply Affidavit, sworn to October 5, 2000
8. Elena Ruth Sassower's Memorandum of Law, dated October 5, 2000
9. Elena Ruth Sassower's October 23, 2000 letter to Appellate Division, First Department
10. Appellate Division, First Department's Decision & Order, dated November 16, 2000 -- Williams, J.P., Mazzarelli, Lerner, Buckley, Friedman, JJ.

Proceedings in the New York Court of Appeals

**Petitioner-Appellant's May 1, 2002 Disqualification/Disclosure Motion
(Docket #02-581)**

1. Petitioner-Appellant's May 1, 2002 Notice of Motion for Disqualification/Disclosure with Moving Affidavit and Table of Exhibits
2. Attorney General's May 17, 2002 Opposing Memorandum of Law (by Assistant Solicitor General Carol Fischer)
3. Petitioner-Appellant's June 7, 2002 Reply Affidavit
4. September 12, 2002 Decision/Order

Petitioner-Appellant's May 1, 2002 Appeal of Right

1. Petitioner-Appellant's May 1, 2002 Jurisdictional Statement pursuant to 22 NYCRR §500.2
2. Court of Appeals' May 17, 2002 letter
3. Attorney General's May 28, 2002 letter in opposition (by Assistant Solicitor General Carol Fischer)
4. Petitioner-Appellant's June 7, 2002 Affidavit in response to *Sua Sponte* Jurisdictional Inquiry
5. September 12, 2002 Decision/Order

**Petitioner-Appellant's June 17, 2002 Motion to Strike, for Costs, Sanctions, Disciplinary & Criminal Referrals, Disqualification of Attorney General
(Docket #02-719)**

1. Petitioner-Appellant's June 17, 2002 Notice of Motion to Strike, for Costs, Sanctions, Disciplinary & Criminal Referrals, Disqualification of Attorney General, etc.
2. Attorney General's June 28, 2002 Opposing Affirmation (by Assistant Solicitor General Carol Fischer)

3. Petitioner-Appellant's July 13, 2002 Reply Affidavit
4. Petitioner-Appellant's July 20, 2002 letter to Chief Motion Clerk Suzanne Aiardo, enclosing Deputy Solicitor General Michael Belohlavek's July 15, 2002 letter as addendum to reply
5. September 12, 2002 Decision/Order

Petitioner-Appellant's October 15, 2002 Reargument Motion, Vacatur for Fraud, Lack of Jurisdiction, Disclosure & Other Relief (Docket #02-1212)

1. Petitioner-Appellant's October 15, 2002 Notice of Motion for Reargument, Vacatur for Fraud, Lack of Jurisdiction, Disclosure & Other Relief, with Moving Affidavit
2. Attorney General's November 8, 2002 Opposing Affirmation (by Assistant Solicitor General Carol Fischer)
3. Petitioner-Appellant's December 3, 2002 Reply Affidavit
4. December 17, 2002 Decision/Order

Petitioner-Appellant's October 24, 2002 Motion for Leave to Appeal (Docket #02-1213)

1. Petitioner-Appellant's October 24, 2002 Notice of Motion for Leave to Appeal, with Statement Pursuant to §500.11(d)(1)
2. Attorney General's November 8, 2002 Opposing Memorandum of Law (by Assistant Solicitor General Carol Fischer)
3. Petitioner-Appellant's December 3, 2002 Reply Affidavit
4. December 17, 2002 Decision/Order

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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**INVENTORY of *Facially-Meritorious* Judicial Misconduct Complaints,
which are part of the record in *Elena Ruth Sassower, Coordinator of the
Center for Judicial Accountability, Inc., acting pro bono publico v.
Commission on Judicial Conduct of the State of New York***

RECORD BEFORE SUPREME COURT/NEW YORK COUNTY

A. Annexed to Elena Sassower's 4/22/99 Verified Petition:

1. **CJA's 10/6/98 judicial misconduct complaint** against Appellate Division,
Second Department Justice Rosenblatt and fellow Second Department justices
..... A-57¹

CJA's faxed 11/3/98 inquiry letter to Commission A-84

Commission's 11/3/98 acknowledgment letter A-85

Commission's 12/2/98 letter A-91

CJA's 12/10/98 inquiry letter A-92

Commission's 12/23/98 dismissal letter A-93

CJA's 12/29/98 inquiry letter A-94

Commission's 1/25/99 letter A-96

2. **CJA's 2/3/99 letter, combined with a judicial misconduct complaint**
against Commissioner-Appellate Division, Second Department Justice Daniel
Joy A-97

Commission's 2/5/99 letter A-102

¹ This judicial misconduct complaint and the correspondence related thereto are detailed at paragraphs "SEVENTEENTH" through "FORTY-SIXTH" of the Verified Complaint [A-28-37] and summarized by pages of Elena Sassower's appellant's Brief (at pp. 5-10).

CJA's 3/11/99 letter A-104
[SEE Lavender FILE FOLDER for full letter *with* exhibits [A-111-115]]

B. Physically-incorporated by Elena Sassower's 7/28/99 omnibus motion: judicial misconduct complaints from *Doris L. Sassower v. Commission* (S.Ct/NY Co. #95-109141) [A-346]

3. Doris Sassower's 10/5/89 judicial misconduct complaint against Supreme Court Justice Samuel Fredman Exhibit "C" to DLS' Verified Petition

Commission's 10/17/89 acknowledgment letter Exhibit "K-1" to DLS' Verified Petition

Commission's 11/28/89 dismissal letter Exhibit "L-1" to DLS' Verified Petition

CJA's 3/10/95 inquiry letter (p. 3).... SEE lavender FILE FOLDER

4. Doris Sassower's 10/24/91 judicial misconduct complaint against judges involved in Election Law cases of *Castracan v. Colavita/Sady v. Murphy* Exhibit "D" to DLS' Verified Petition

Commission's 10/31/91 acknowledgement letter Exhibit "K-2" to DLS' Verified Petition

Commission's 1/7/92 dismissal letter Exhibit "L-2" to DLS' Verified Petition

CJA's 3/10/95 inquiry letter (p. 3)SEE lavender FILE FOLDER

5. Doris Sassower's 1/2/92 judicial misconduct complaint against Supreme Court Justice Lawrence Kahn Exhibit "E" to DLS' Verified Petition

Commission's 1/13/92 acknowledgment letter Exhibit "K-3" to DLS' Verified Petition

Commission's 4/22/92 dismissal letter Exhibit "L-3" to DLS' Verified Petition

CJA's 3/10/95 inquiry letter (p. 3) SEE lavender FILE FOLDER

6. Doris Sassower's 12/4/92 judicial misconduct complaint against Supreme Court Justice Samuel Fredman Exhibit "F" to DLS' Verified Petition

Commission's 1/15/93 acknowledgment letter Exhibit "K-4" to DLS' Verified Petition

Commission's 1/20/93 dismissal letter Exhibit "L-4" to DLS' Verified Petition

CJA's 1/22/93 inquiry letter Exhibit "M" to DLS' Verified Petition (*SEE also* Exhibit "B-1" to CJA's 3/10/95 letter in lavender FILE FOLDER)

CJA's 3/10/95 inquiry letter (p. 3) *SEE* lavender FILE FOLDER

7. Doris Sassower's 9/19/94 judicial misconduct complaint against Appellate Divisions, Second Department justices, including, specifically, Justice Rosenblatt Exhibit "G" to DLS' Verified Petition

Commission's 9/28/94 acknowledgment letter Exhibit "K-5" to DLS' Verified Petition

Commission's 12/13/94 dismissal letter Exhibit "L-5" to DLS' Verified Petition

CJA's 12/15/94 inquiry letter *SEE* lavender FILE FOLDER (Exhibit "D" to CJA's 3/10/95 letter)

Commission's 1/13/95 letter *SEE* lavender FILE FOLDER (Exhibit "E" to CJA's 3/10/95 letter)

CJA's 1/19/95 letter *SEE* lavender FILE FOLDER (Exhibit "F" to CJA's 3/10/95 letter)

CJA's 3/10/95 inquiry letter *SEE* lavender FILE FOLDER

8. Doris Sassower's 10/5/94 judicial misconduct complaint against Appellate Division, Second Department justices, including, specifically, Justice Rosenblatt Exhibit "H" to DLS' Verified Petition

Commission's 10/18/94 acknowledgment letter Exhibit "K-6"
to DLS' Verified Petition

Commission's 12/13/94 dismissal letter Exhibit "L-5"
to DLS' Verified Petition

CJA's 12/15/94 inquiry letter *SEE* lavender FILE FOLDER
(Exhibit "D" to CJA's 3/10/95 letter)

Commission's 1/13/95 letter..... *SEE* lavender FILE FOLDER
(Exhibit "E" to CJA's 3/10/95 letter)

CJA's 1/19/95 letter *SEE* lavender FILE FOLDER
(Exhibit "F" to CJA's 3/10/95 letter)

CJA's 3/10/95 inquiry letter *SEE* lavender FILE FOLDER

**9. Doris Sassower's 10/26/94 judicial misconduct complaint against Appellate
Division, Second Department justices, including, specifically, Justice Rosenblatt
..... Exhibit "I" to DLS' Verified Petition**

Commission's acknowledgment letter Exhibit "K-7" to
DLS' Verified Petition

Commission's 12/13/94 dismissal letter Exhibit "L-5" to
DLS' Verified Petition

CJA's 12/15/94 inquiry letter *SEE* lavender FILE FOLDER
(Exhibit "D" to CJA's 3/10/95 letter)

Commission's 1/13/95 letter..... *SEE* lavender FILE FOLDER
(Exhibit "E" to CJA's 3/10/95 letter)

CJA's 1/19/95 letter*SEE* lavender FILE FOLDER
(Exhibit "F" to CJA's 3/10/95 letter)

CJA's 3/10/95 inquiry letter*SEE* lavender FILE FOLDER

**10. Doris Sassower's 12/5/94 judicial misconduct complaint against
Appellate Division, Second Department justices, including, specifically, Justice
Rosenblatt Exhibit "J" to DLS' Verified Petition**

Commission's 12/14/94 acknowledgment letter Exhibit "K-8"
to DLS' Verified Petition

Commission's 1/24/95 dismissal letter Exhibit "L-6"
to DLS' Verified Petition

CJA's 3/10/95 letter *SEE lavender FILE FOLDER*

11. Doris Sassower's 5/20/86 judicial misconduct complaint against White Plains City Court Judges Reap and Holden Exhibit "N-1"
to DLS' Verified Petition

Commission's 5/27/86 acknowledgment letter Exhibit "N-2"
to DLS' Verified Petition

Commission's 2/27/87 dismissal letter Exhibit "N-3" to
DLS' Verified Petition

C. Annexed to Elena Sassower's 12/2/99 letter application to Justice Wetzel for disqualification/disclosure

12. Clay Tiffany's 5/21/99 judicial misconduct complaint against Acting Supreme Court Justice William Wetzel A-266

Commission's 6/1/99 acknowledgment letter .. *SEE lavender FILE FOLDER*

Commission's 6/16/99 letter *SEE lavender FILE FOLDER*

Commission's 9/14/99 dismissal letter A-278

D. Physically-incorporated by Elena Sassower's 12/9/99 letter to Justice Wetzel: judicial misconduct complaint from *Michael Mantell v. Commission* (S.Ct/NY Co. #99-108655) [A-316; A-350]

13. Michael Mantell's 9/28/98 judicial misconduct complaint against Criminal Court Judge Donna Recant Exhibit "A" to Mantell's Amended Petition

Commission's 10/1/98 acknowledgment letter ... *SEE lavender FILE FOLDER*

Commission's 1/4/99 dismissal letter Exhibit "B" to
Mantell's Amended Petition

RECORD BEFORE APPELLATE DIVISION, FIRST DEPARTMENT

E. Annexed to Elena Sassower's 8/17/01 disqualification/disclosure motion

14. *CJA's 3/3/00 judicial misconduct complaint against Judge Wetzel and
Manhattan Supreme Court Administrative Judge Stephen Crane Exhibit
"M-1" to Elena Sassower's 8/17/01 disqualification/disclosure motion
*Substantiating particulars set forth in CJA's 2/23/00 letter to
Governor Pataki* Exhibit "F" to Elena Sassower's 8/17/01
disqualification/disclosure motion²

Commission's 8/8/00 acknowledgment letter ... *SEE* lavender FILE
FOLDER

Commission's 4/6/00 dismissal letter Exhibit "M-2" to
Elena Sassower's 8/17/01 disqualification/disclosure motion

CJA's 4/24/00 inquiry letter *SEE* lavender FILE FOLDER

Commission's 4/27/00 letter *SEE* Red FILE FOLDER

CJA's 5/17/00 letter *SEE* Red FILE FOLDER

CJA's 6/26/00 letter to Chairman Salisbury ... *SEE* Red FILE
FOLDER

Chairman Salisbury's 7/19/00 letter*SEE* Red FILE
FOLDER

² The recitation of judicial misconduct by Judge Wetzel and Administrative Judge Crane in CJA's 2/23/00 letter to the Governor foreshadows the recitation in Elena Sassower's appellate brief.

15. ***CJA's 8/3/00 judicial misconduct complaint** against Chief Judge Judith Kaye..... Exhibit "O-1" to Elena Sassower's 8/17/01 disqualification/disclosure motion³ [See underlying documents: Exhibits "K", "L-1", "L-2", "N")]

Commission's 8/8/00 acknowledgment letter SEE lavender FILE FOLDER

Commission's 9/19/00 dismissal letter Exhibit "O-2" to Elena Sassower's 8/17/01 disqualification/disclosure motion

CJA's 9/25/00 inquiry letter SEE lavender FILE FOLDER

Commission's 10/5/00 letter SEE lavender FILE FOLDER

16. **George Sassower's 7/7/86 judicial misconduct complaint** against then Appellate Division, First Department Presiding Justice Murphy, etc. Exhibit "E-1a" to Elena Sassower's 8/17/01 disqualification/disclosure motion

Commission's 9/18/86 dismissal letter ... Exhibit "E-1b" to Elena Sassower's 8/17/01 disqualification/disclosure motion

17. **George Sassower's 9/30/88 judicial misconduct complaint** against then Supreme Court Justice David Saxe ... Exhibit "E-2a to Elena Sassower's 8/17/01 disqualification/disclosure motion

18. **George Sassower's 10/30/88 judicial misconduct complaint** against Justice Saxe Exhibit "E-2b" to Elena Sassower's 8/17/01 disqualification/disclosure motion

Commission's 9/18/88 dismissal letter Exhibit "E-2C to Elena Sassower's 8/17/01 disqualification/disclosure motion

19. **George Sassower's 2/10/89 judicial misconduct complaint** against then Appellate Division, First Department Presiding Justice Murphy Exhibit "E-3a" to Elena Sassower's 8/17/01 disqualification/disclosure motion

Commission's 2/22/89 acknowledgment letter Exhibit "E-3b" to Elena Sassower's 8/1701 disqualification/disclosure motion

³ The events leading up to the filing of CJA's 8/3/00 complaint against Chief Judge Kaye are particularized at paragraphs 35-44 of Elena Sassower's 8/17/01 disqualification/disclosure motion.

20. **George Sassower's 2/27/89 judicial misconduct complaint** against then Appellate Division, First Department Justice Murphy Exhibit "E-4" to Elena Sassower's 8/17/01 disqualification/disclosure motion

21. **George Sassower's 3/22/94 judicial misconduct complaint** against then Appellate Division, First Department Justice Murphy Exhibit "E-5" to Elena Sassower's 8/17/01 disqualification/disclosure motion

22. **George Sassower's 4/13/94 judicial misconduct complaint** against Appellate Division Justice Joseph Sullivan Exhibit "E-6a" to Elena Sassower's 8/17/01 disqualification/disclosure motion

23. **George Sassower's 5/23/94 judicial misconduct complaint** against Appellate Division Justice Sullivan Exhibit "E-6b" to Elena Sassower's 8/17/01 disqualification/disclosure motion

F. Annexed to Elena Sassower's 1/17/02 reargument motion

24. ***CJA's 1/7/01 judicial misconduct complaint** against Appellate Division, First Department panel Exhibit "B-1" to Elena Sassower's 1/17/02 reargument motion⁴

Commission's 1/11/02 acknowledgment letter Exhibit "B-2" to Elena Sassower's 1/17/02 reargument motion

Commission's 2/27/02 dismissal letter Exhibit "L-2" to Elena Sassower's October 24, 2002 motion for leave to appeal

CJA's 3/11/02 inquiry letter *SEE lavender FILE FOLDER*

Commission's 3/25/02 letter *SEE lavender FILE FOLDER*

⁴ Annexed also to Elena Sassower's October 24, 2002 motion for leave to appeal to the Court of Appeals as Exhibit "L-1".

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G. Annexed to Elena Sassower's May 1, 2002 Disqualification/Disclosure Motion

25. George Sassower's 3/29/94 judicial misconduct complaint against Chief Judge Kaye Exhibit "D-2" to Elena Sassower's May 1, 2002 disqualification/disclosure motion

26. George Sassower's 10/20/93 judicial misconduct complaint against Chief Judge Kaye Exhibit "D-3" to Elena Sassower's May 1, 2002 disqualification/disclosure motion

H. Substantiating Documents Transmitted in Support of Elena Sassower's May 1, 2002 Disqualification/Disclosure Motion

27. Kamau Bey's 5/27/99 judicial misconduct complaint against Acting Supreme Court Justice William Wetzel ... Exhibit "J-1" to CJA's 2/23/00 letter to Governor Pataki in blue FILE FOLDER⁵

Commission's 6/2/99 acknowledgment letter ... Exhibit "J-2" to CJA's 2/23/00 letter to Governor in blue FILE FOLDER

Commission's 5/27/99 dismissal letter Exhibit "J-7" to CJA's 2/23/00 letter to Governor in blue FILE FOLDER

28. Kamou Bey's 6/25/99 judicial misconduct complaint against Justice Wetzel Exhibit "J-3" to CJA's 2/23/00 letter to Governor Pataki in blue FILE FOLDER

Commission's 6/30/99 acknowledgment letter ... Exhibit "J-4" to CJA's 2/23/00 letter to Governor in blue FILE FOLDER

Mr. Bey's 7/23/99 letter Exhibit "J-5" to CJA's 2/23/00 letter to Governor in blue FILE FOLDER

Commission's 7/23/99 letter Exhibit "J-6" to CJA's 2/23/00 letter to Governor in blue FILE FOLDER

⁵ The entire 35-page letter to Governor Pataki is annexed to Elena Sassower's 8/17/01 disqualification/disclosure motion as Exhibit "F".

Commission's 9/28/99 dismissal letter Exhibit "J-8" to CJA's 2/23/00 letter to Governor in blue FILE FOLDER

29. Thomas Thornton's 1/18/98 judicial misconduct complaint against Supreme Court Justice Phyllis Gangel-JacobExhibit "H-1" to CJA's 6/30/00 letter to Chief Judge Kaye in lavender FILE FOLDER)

Commission's 1/30/98 acknowledgment letter Exhibit "H-2" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Mr. Thornton's 3/29/98 letter..... Exhibit "H-3" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Commission's 7/1/98 dismissal letter Exhibit "H-5" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Mr. Thornton's 7/9/98 inquiry letter Exhibit "H-7" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Commission's 7/29/98 letter Exhibit "H-9" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

30. Mr. Thornton's 6/19/98 judicial misconduct complaint against Judge Gangel-Jacob.....Exhibit "H-4" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Commission's 7/7/98 acknowledgment letter Exhibit "H-6" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Commission's 10/7/98 dismissal letter Exhibit "H-11" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Mr. Thornton's 10/15/98 inquiry letter Exhibit "H-12" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Commission's 11/10/98 letter Exhibit "H-13" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

31. Mr. Thornton's 7/25/98 judicial misconduct complaint against Judge Gangel-Jacob Exhibit "H-8" to CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Commission's 8/3/98 acknowledgment letter ... Exhibit "H-10" to
CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Commission's 10/7/98 dismissal letter Exhibit "H-11" to
CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Mr. Thornton's 10/15/98 inquiry letter Exhibit "H-12" to
CJA's 6/30/00 letter to Chief Judge in lavender FILE FOLDER

Commission's 11/10/98 letter Exhibit "H-13" to CJA's
6/30/00 letter to Chief Judge in lavender FILE FOLDER