

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 518-426-6036 (8 pages)

October 16, 2001

New York Law Journal
29 Elk Street
Albany, New York 12207

ATT: John Caher

RE: "Judicial Election Reform Sought: State Joins National Push for Greater Civility in Campaigns for Bench", front-page, NYLJ, 10/16/01

Dear John:

Following up our telephone conversation in which I inquired as to citizen participation in yesterday's symposium in Albany and in the proposed establishment of "bar-operated judicial election campaign committees to monitor compliance with the Code of Professional Responsibility and the Code of Judicial Conduct", enclosed are:

- (1) CJA's ad, "Time for a New Westchester Surrogate" (11/6/00, Journal News), reprinting Doris Sassower's published letter to the editor
- (2) the ABA's brochure on its "Justice Initiative Program", which is run out of its Justice Center under the directorship of Luke Bierman;
- (3) NYLJ's notice of the Appellate Division, First Department's calendar for November 21st, 10 a.m. [the day before Thanksgiving] listing my appeal "*Sassower v. Comm. On Judicial Conduct*";
- (4) Luke Bierman's September 27th letter to me – reflecting, *inter alia*, my request for the ABA's assistance in my *Sassower v. Commission* appeal [heretofore rejected, *without* reasons] and the Justice Center's rejection, also *without reasons*, of CJA's request to participate in Justice Initiative programs.

As should be obvious from review of my November 13, 2000 Report on the bar associations' complicitious role in "merit selection" to the NY Court of Appeals – including that of the NYS

October 16, 2001

Bar Association – the bar associations' leadership has its own self-interested agenda, which is indifferent to the public interest, as well as to the interest of its own rank and file, plainly affected by the fitness of our judges.

That the State Bar failed to contact me for information pertaining to judicial selection – despite your helpful suggestion that it do so – is only further reflective of its dishonest refusal to confront the kind of evidence that CJA has long been providing it as to the manipulation of judicial selection.

Thanks.

Yours for a quality judiciary,



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

Enclosures

HAVE YOU VISITED US ON THE WEB?

www.abanet.org/justice

...fact sheets on key justice improvement topics

...a Survey Report with state-by-state activity summaries

...justice improvement resource guide with books, articles and organizations of interest

...publication ordering

...information on OJI activities

...links to other organizations

...reports, including proceedings from the Forum on Justice Improvements

— in short, a wealth of information

www.abanet.org/justice

*helping bar associations, courts –
and the public – improve our justice
system*

ABA Justice Initiatives Program

Coalition for Justice

John J. Curtin, Jr., Chair

Committee on State Justice Initiatives

Burnham H. (Hod) Greeley, Chair

Staff

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AMERICAN BAR ASSOCIATION

JUSTICE INITIATIVES PROGRAM

*helping bar associations, courts –
and the public – improve our justice
system*

WHAT IS A JUSTICE INITIATIVE?

* A "justice initiative" is any effort to improve justice that partners the courts, the bar and the public. It can be as broad as a multi-year state effort to revamp the court system or as narrow as an effort to set up an information booth in a local courthouse.

* The ABA Justice Initiatives program's ongoing focus is encouraging bars and courts at the state and local levels to reach out and involve the non-lawyer community in this effort. Community involvement brings fresh ideas and generates broad support for resulting recommendations and improvements. It builds public confidence in justice by demonstrating that judges and lawyers will work with the public to build a better system.

* The justice initiatives effort is content neutral, with the ABA supporting the process of community involvement, not any particular policy.

* The ABA Coalition for Justice, which has both lawyer and non-lawyer members, oversees the justice initiatives program. It works closely with the Committee on State Justice Initiatives, which encourages cooperative bench/bar/public efforts at the state and local levels. The program is staffed by the Office of Justice Initiatives (OJI) in Chicago.

HOW CAN WE HELP?

Clearinghouse...

Disseminating information on more than 1,000 justice improvement activities, such as..

- ...user-friendly courts
- ...judicial selection
- ...jury reform
- ...citizen's conferences
- ...improving public trust and confidence
- ...and many more.

Don't reinvent the wheel!

Prompting house...

Background materials on topics your bar/court is looking at

Providing descriptions of state determined best practices

Annual state-by-state survey on bar/court justice improvement activity

Services...

Technical assistance in developing your justice initiative projects

Model/Demonstration Project- modest start-up grants to implement recommendations arising from justice initiatives

Workshops, Seminars, Videos

Publications...

Roadmaps - a topical series of "how to" booklets for use by the bar, the bench and the public to implement meaningful change. They contain discussion points, questions for public forums, speakers, websites and more. **Topics include:** judicial selection, community involvement, justice system funding, judicial independence, jury reform, access to justice, user-friendly courts and ADR.

Summary Report 2000 - an annual compilation of justice improvement activities and justice initiative projects across the country

Funding Your Justice Initiative Project (Coming Soon!)- a how-to-guide

Small Group Design and Implementation Workbook- includes discussion guides, sample letters and more

Forum Summary of Proceedings - a valuable resource on substantive topics

Conferences...

* **ABA Forum on Justice Improvements** - this long running conference series for bar leaders, court personnel, ABA leadership and the public provides an intensive treatment of selected justice improvement topics with an emphasis on community involvement.



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 Coordinating Council**
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September 27, 2001

Elena Ruth Sassower, Coordinator
 Center for Judicial Accountability
 PO Box 69, Gedney Station
 White Plains, NY 10605-0069

Dear Ms. Sassower:

I have your letter dated September 26, 2001, with attachments. It is unfortunate that you have misinterpreted several aspects of our telephone conversation on September 26, 2001. Let me recap:

- 1 Your request for amicus and other assistance in the appeal of Sassower v. Commission on Judicial Conduct was considered by the ABA Standing Committee on Judicial Independence and rejected. The Committee's decision was communicated to you by letter dated May 3, 2001.
- 2 Your request for reconsideration and an invitation to the ABA Annual Meeting and the October Justice Initiatives program as communicated by your May 30, 2001 letter to me is on my desk for action but you misunderstand that no attention has been given to those requests. Suffice it to say that the request for reconsideration remains pending and a determination will be communicated to you when made. Obviously, you were not invited to participate in the ABA Annual Meeting program and have not been invited to participate in the Justice Initiatives program in October.
- 3 During our phone conversation on September 26, 2001, and again in your letter of that date, you make several accusations about how your requests and communications have been handled. Suffice it to say that they have been dealt with by the entities to whom your requests are directed and replies are forwarded when appropriate. You should keep in mind that the ABA and its entities have limited resources and make difficult decisions about how to use those resources.

Elena Ruth Sassower
September 27, 2001
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- 4 You indicated that you were contacting Paul Verkuil about these matters. Please be advised that he has asked me to inform you that any communications with him should be forwarded to my attention.

When the appropriate entities have made determinations regarding your requests, you will be advised in due course. Regarding your request for copies of the Road Map publications, please order them through the ABA Service Center.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Luke Bierman".

Luke Bierman

cc: Paul Verkuil

TRANSMISSION VERIFICATION REPORT

TIME : 10/16/2001 13:10

NAME : OJA

FAX : 9144264334

TEL : 9144211200

DATE, TIME

10/16 13:04

FAX NO. NAME

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DURATION

00:05:49

PAGE(S)

08

RESULT

OK

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STANDARD

ECM

01-2245 Credit Suisse v. Crisanti
00-784 People v. Forrest Whitaker
01-2670 Pagliaccio v. Holborn Corp.
01-2249 Pallot v. Peltz
01-1386 Mavica v. NYCTA
01-81N Hamilton v. Fab Industries

WEDNESDAY, NOV. 21

10 A.M.

99-4202 People v. Crystal Garner a/k/a Danielle Harver, Danielle Harner
01-1929 Schultz v. 400 Cooperative
97-4348 People v. Franklin Navarez
00-3981 People v. David Snipes a/k/a David Swipes
99-6320 People v. Irwin White
99-4553 People v. Paul Bowman a/k/a Devon Jones
99-4688 People v. James Williams
01-2703 Zuckerwise v. Sorcerer
00-5434 Sassower v. Comm. On Judicial Conduct
01-2627(02) Cio Europa, Inc. v. Silver Autumn Hotel
01-2543 Krulwich v. Posner
01-1958 Perez v. NYCTA
97-3332 People v. Francisco Ramirez
01-2658 Prenty v. Cava Construction
01-2304 Bongiasca v. Bongiasca
01-2167 Kent v. Kent
01-1906 Coughlan v. Turner
00-5151 Edinboro v. NYDHR
01-1973 Bivins v. Zeckendorf
01-2690(02) N Chait v. Chait

FRIDAY, NOV. 23

10 A.M.

01-1598 Perez v. NYCHA
01-1925 Lunan v. Mormile
01-2036 Regaldo v. Independent Welding
01-1320 Tucker v. Loriero
1996-7034 People v. Paul Martinez
01-2500 Fredericks v. North General
99-5157 People v. Marcell Ross
01-1863 Manrique v. Warshaw
98-10201 People v. Robert Braun a/k/a Robert Brown
01-2017 Kent v. Papert Companies
99-3147 People v. Tangeria Stradford
01-1587 Igarashi v. Higashi
00-2878 People v. Daisy Contes a/k/a Daisy Cortes
01-1964(02) Sumner v. Sumner
01-1512 Coleman v. Norton
01-1826 Chrisomalides v. Ekow
01-1089 Lamot v. City Of New York
01-1187 Harwood v. Chaliha
01-2667N Robert v. Straus Productions v. Pollard
01-2410N Wise v. Blue

Sullivan, P.J.; Rosenberger, Nardelli, Williams and Tom, JJ.

The following cases have been scheduled for pre-argument conference on the dates and at the times indicated:

MONDAY, OCT. 15

9:30 A.M.

602532/99 HRH Construction Corp. v. Forest Electric Coop.

10:30 A.M.

601253/00 ICS Yarn Corp. v. Incomex, Inc.

11:30 A.M.

603145/97 Wien & Malkin LLP v.

12 Noon

601963/01 Montrose Investments v. Fidelity Holdings Inc.

2 P.M.

600207/00 Kassiss v. Mosallem

FRIDAY, OCT. 26

9:30 A.M.

16855/93 Graske v. McHugh

10:30 A.M.

23366/93 Flores v. Dearborne Management, Inc.

11 A.M.

603347/00 Vinder v. Showbran Leasing & Mgt. Inc.

11:30 A.M.

602568/99 Vermont Teddy Bear Co. v. 538 Madison Rlty Co.
600572/00 Kensington House co. v. Oram

MONDAY, OCT. 29

10:30 A.M.

22849/93 Gonzalez v. Our Lady of Mercy Medical Center

11 A.M.

120963/98 Bonds v. NYCHA

12 Noon

24338/99 Zeides v. Hebrew Home for the Aged at Riverdale

TUESDAY, OCT. 30

1 P.M.

121636/97 Azzu v. Reardon

2 P.M.

5631/99 Roman v. Roman

WEDNESDAY, OCT. 31

9:30 A.M.

601922/96 Liddle, Robinson & Shoemaker v. Shoemaker

10 A.M.

16640/96 Santiago v. Allied Outdoor Advertising, Inc.

WEDNESDAY, NOV. 14

9:30 A.M.

350602/97 McManus v. McManus

10 A.M.

16988/91 V.A.L. Floors, Inc. v. Aetna Casualty and Surety Co.

WEDNESDAY, NOV. 21

9:30 A.M.

600821/01 L-3 Communications Corp. v. Channel Technologies, Inc.

APPELLATE TERM

60 Centre Street
Room 408, 10 A.M.

New York County

**NOTICE:**

Please call 800-COURT-NY or 888-COURTNY for updated information con-

C O U R T

Continued from page 10

A law guardian shall ask the Court to assign additional counsel if the law guardian discovers a potential or actual conflict in his/her representation of multiple children in the same family.

A law guardian shall act in a manner consistent with the Lawyer's Code of Professional Responsibility.

A law guardian shall not assume the role of social worker or mental health professional, but shall seek the assistance of such professionals on behalf of the child when appropriate.

A law guardian shall not engage in *ex parte* communications with the Court absent waiver by all parties.

A law guardian shall not communicate with the parties in the absence of their counsel or without counsel's written permission.

A law guardian, so long as she/he is the legal representative, advisor and advocate for a child in a custody and/or visitation matter, shall not act as a witness or submit any written reports to the court at any point during the proceedings or in any subsequent proceedings.

A lawyer who has met the necessary training and certification requirements established by the Committee to Certify Law Guardians for Appointment in Domestic Relations Matters may apply for and be accepted as law guardians in the First Judicial Department. Agencies or private law firms may not be qualified as a whole to represent children in the First Judicial Department, but individual attorneys employed by such agencies or private law firms may do so if they meet the necessary training and certification requirements.

A law guardian shall receive continuing education pertinent to the role of the law guardian, including relevant areas such as child growth and development, domestic violence, substance abuse, family dynamics, and childhood and adult mental health issues.

A law guardian shall not participate in contested monetary issues raised in a matrimonial proceeding such as equitable distribution, maintenance and child support, except where relevant to custody and visitation determinations.

The Justices of the Appellate Division of the Supreme Court, First Judicial Department, by virtue of the authority vested in them, effective immediately, amend Part 614 of the Rules of the Court (22 NYCRR, Part 614) to add Appendix A as follows:

PART 614. COMMITTEE TO CERTIFY LAW GUARDIANS FOR APPOINTMENT IN DOMESTIC RELATIONS MATTERS

* * *

APPENDIX A. COMMITTEE TO CERTIFY LAW GUARDIANS FOR APPOINTMENT IN DOMESTIC RELATIONS MATTERS

The Appellate Division, First Judicial Department, in furtherance of its obligation to provide for the appointment of competent law guardians approves the bylaws contained herein. Certification for appointment as a law guardian is a privilege granted to qualified attorneys by the Appellate Division, First Judicial Department.

BYLAWS**1. Quorum and Voting**

- 1.1 A quorum of a majority of the Committee is required for the conduct of business.
- 1.2 Final action on proposed guidelines requires a majority vote of the quorum.

2. Application for Certification

- 2.1 All applications for certification as a law guardian shall be addressed to the Coordinator.
- 2.2 The Coordinator shall examine each application for facial sufficiency. If the application is found to be insufficient, the Coordinator shall return it to the applicant.
- 2.3 The Coordinator shall promptly assign every application not returned pursuant to 2.2 to a Committee member for review.
- 2.4 The Coordinator shall interview the applicant prior to the Chair or Committee taking action on the application. The Coordinator shall report the results of the meeting to the Chair.
- 2.5 Within sixty days of receiving the application, the assigned Committee member shall: review at least one of the required references in each category listed on the application, confirm that the applicant is registered as an attorney in good standing with the Office of Court Administration, and recommend in writing to the Chair the action to be taken on the application. A copy of the

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