

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Mr. David Rohde/The New York Times

September 28, 1999

RE: Following up "*If a Judge Gets Out of Line: Seeking a Cure*", NYT, 8/28/99; AND  
"*Spitzer Sets Up Unit to Investigate Both State and Local Corruption*" NYT, 8/26/99

Dear Mr. Rohde:

The pending lawsuit against the Commission on Judicial Conduct -- by its meticulously-documented presentation -- offers a breathtaking "window" through which the public can see:

- (1) how the State Commission on Judicial Conduct ACTUALLY handles judicial misconduct complaints and its arrogant refusal to provide complainants with basic information relating thereto;
- (2) how the State Attorney General ACTUALLY litigates when he defends state judges and state agencies, sued for corruption and abuse of power; and
- (3) the reality of Attorney General Spitzer's commitment to "public integrity" and his sham "public integrity unit".

By coverage of this single case, the Times can present ALL three of these important public issues while, simultaneously, opening a "window" onto the "merit selection" process to our State's highest court -- yet another critically important public issue.

Oral argument is scheduled for Friday, 10:00 a.m., 111 Centre Street, Room 1023, before Justice Zweibel. The threshold issue before Justice Zweibel -- even before he hears argument on my motion to disqualify the Attorney General and for sanctions against Mr. Spitzer, personally, and the Commission, based on their litigation misconduct -- is whether he should disqualify himself based on the appearance and actuality of his self-interest in the proceeding. Should Justice Zweibel recuse himself, he would be the THIRD justice in the case to do so. The difficulty of securing a fair and impartial tribunal for a politically-explosive case such as this is a further important public issue, deserving of coverage.

The case name is *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico against the Commission on Judicial Conduct of the State of New York*. The index number is 99-108551. The telephone number of Justice Zweibel's chambers is 212-374-4522.

*Elena Ruth  
Sassower*