

**CENTER for JUDICIAL ACCOUNTABILITY, INC.**

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*Elena Ruth Sassower, Coordinator*

BY FAX: 212-416-8139 (11 pages)

February 12, 2002

New York State Attorney General Eliot Spitzer  
120 Broadway  
New York, New York 10271

- RE:           (1) Supplement to CJA's January 23, 2002 Letter-Notice:  
Your Duty to Protect the People of this State from the Possible  
Appointment of Eugene L. Nardelli, Acting Presiding Justice of the  
Appellate Division, First Department, to the Position of Presiding  
Justice;
- (2) Your Mandatory Supervisory Duty to Withdraw Assistant  
Solicitor General Carol Fischer's fraudulent opposition to the  
January 17, 2002 Motion for Reargument 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* (App. Div. 1<sup>st</sup> Dept. #5638)

Dear Attorney General Spitzer:

This letter-notice supplements CJA's January 23, 2002 letter-notice to you. Once, again, CJA alerts you to your duty to promptly notify the First Department Judicial Screening Committee of the unfitness of a judicial candidate for the position of the Presiding Justice. This time that candidate is Eugene L. Nardelli, the Appellate Division, First Department's Acting Presiding Justice.

As you know from CJA's January 7, 2002 memorandum-notice and my January 17, 2002 reargument motion, Justice Nardelli was presiding justice of the appellate panel in the appeal of my above-entitled public lawsuit against the New York State Commission on Judicial Conduct. In that capacity, Justice Nardelli, individually and with the panel, committed serious misconduct, warranting his criminal prosecution and removal from the bench.

20 2-1 "

Highlighting this misconduct is CJA's February 7, 2002 letter to James F. Gill, Chairman of the First Department Judicial Screening Committee, supplementing our January 22, 2002 letter to him. A copy of that February 7, 2002 letter is enclosed.

Please be further advised that the accuracy of the fact-specific, law-supported recitations in CJA's January 7, 2002 memorandum-notice and my January 17, 2002 reargument motion as to the misconduct of the appellate justices in my lawsuit is wholly *uncontroverted* by the non-probative and knowingly false and deceitful opposition to the motion which I received in yesterday's mail from Assistant Solicitor General Carol Fischer. Once again, I call upon you, Solicitor General Caitlin Halligan, and your conspiring client, to each meet your mandatory supervisory duties under the clear and unambiguous provisions of 22 NYCRR §1200.5 and 22 NYCRR §130-1.1, and to withdraw this fraudulent opposition, *without delay*. Absent this, I will be required to burden the Court with otherwise unnecessary reply papers, including a request for maximum sanctions against all of you, *personally*<sup>1</sup>.

As Ms. Fischer's instant litigation misconduct reinforces that there is NO LEGITIMATE OPPOSITION to my January 17, 2002 reargument motion, I reiterate what I set forth in my January 14, 2002 letter to you, which I gave you *in hand* on that date, *to wit*, that your duty, pursuant to Executive Law §63.1, is to repudiate your representation of the Commission and to join with me in support of reargument and, ultimately, in my efforts to secure fair and impartial review by the Court of Appeals.

Yours for a quality judiciary,

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

Enclosure

cc: New York State Solicitor General Caitlin J. Halligan  
[By Fax: 212-416-6350]  
New York State Commission on Judicial Conduct [By Fax: 212-949-8864]  
ATT: Chairman Berger and Commissioners  
Gerald Stern, Administrator & Counsel

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<sup>1</sup> My position as to the independent responsibility and liability of the Commission's attorney-members and culpable attorney-staff is set forth, *inter alia*, at ¶12 of my October 15, 2001 reply affidavit in support of my August 17, 2001 motion.

**ACCOUNTABILITY, INC.**

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