

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [judgewatch.org](http://judgewatch.org)

Elena Ruth Sassower, Coordinator

BY FAX: 212-541-4630 (2 pages)

BY MAIL

February 13, 2002

Chairman James F. Gill  
First Department Judicial Screening Committee  
c/o Robinson, Silverman, Pearce, Aronsohn & Berman  
1290 Avenue of the Americas  
New York, New York 10104

RE: The Unfitness of Appellate Division, First Department Justices Milton L. Williams, John T. Buckley, Richard T. Andrias, and Eugene L. Nardelli, Disqualifying Them from Consideration for Appointment as Presiding Justice of the Appellate Division, First Department

Dear Chairman Gill:

We have received *no* follow-up inquiries from you or anyone else on behalf of the First Department Judicial Screening Committee in response to our January 22<sup>nd</sup> and February 7<sup>th</sup> letters as to the unfitness of the four Appellate Division, First Department justices who the Screening Committee is reportedly scheduled to interview tomorrow for the position of Presiding Justice.

We, therefore, take the opportunity to reiterate the serious -- indeed, criminal -- nature of the judicial misconduct committed by Justices Williams and Buckley in the appeal of *Michael Mantell v. New York State Commission on Judicial Conduct* (NY Co. #108655/99) and of Justices Williams, Andrias, and Nardelli in the appeal of *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* (NY Co. #108551/99). Once again, I offer my *direct, first-hand* testimony and a copy of the *readily-verifiable* substantiating appellate records.

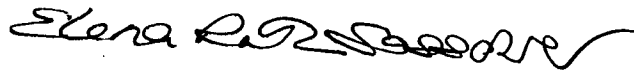
We also take the opportunity to put forward the standard for judicial removal, set forth in the Appellate Division, First Department's *own* caselaw. The First Department Judicial Screening Committee must be guided by the identical standard in determining the unfitness of judicial

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candidates coming before it:

*"A single decision or judicial action, correct or not, which is established to have been based on improper motives and not upon a desire to do justice or to properly perform the duties of his office, will justify removal..."* italics added by the Appellate Division, First Department in *Matter of Capshaw*, 258 A.D. 470, 485 (1<sup>st</sup> Dept 1940), quoting from *Matter of Droege*, 129 A.D. 866 (1<sup>st</sup> Dept. 1909).<sup>1</sup>

Yours for a quality judiciary,



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

cc: Nan Weiner, Executive Director/Governor Pataki's Judicial Screening Committees

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<sup>1</sup> See, also, *Matter of Bolte*, 97 A.D. 551 (1<sup>st</sup> Dept. 1904), wherein the Appellate Division, First Department held: "A judicial officer may not be removed for merely making an erroneous decision or ruling, but he may be removed for *willfully* making a wrong decision or an erroneous ruling, or for a reckless exercise of his judicial functions without regard to the rights of litigants, or for manifesting friendship or favoritism toward one party or his attorney to the prejudice of another..." (at 568, emphasis in original). "Favoritism in the performance of judicial duties constitutes corruption as disastrous in its consequence as if the judicial officer received and was moved by a bribe." (at 574).

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