

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
Web site: www.judgewatch.org

BY FAX: 6 pages

TO: Attorney General Eliot Spitzer [Fax: 212-416-8139]
Solicitor General Preeti D. Bansal [Fax: 212-416-6350]

FROM: Elena Ruth Sassower, Petitioner-Appellant *Pro Se*
*Elena Ruth Sassower, Coordinator of the Center for Judicial
Accountability, Inc., acting pro bono publico, against
Commission on Judicial Conduct of the State of New York
(NY Co. #108551/99: Appellate Division, First Department:
October 2001 Term)*

RE: Your Mandatory Supervisory Responsibilities under 22 NYCRR
§§1200.5 [DR 1-104 of New York's Disciplinary Rules of the Code
of Professional Responsibility] and under NYCRR §130-1.1

RE: September 4, 2001

ONCE AGAIN, this is to put you on notice of your mandatory supervisory responsibilities under the clear and unambiguous provisions of 22 NYCRR §§1200.5 [DR 1-104 of New York's Disciplinary Rules of the Code of Professional Responsibility], as well as under NYCRR §130-1.1, to investigate and take "reasonable remedial action" to remedy the flagrant litigation misconduct committed by Assistant Solicitor General Carol Fischer – this time, by her legally insufficient and factually false and fraudulent August 30, 2001 Affirmation and so-called Memorandum of Law in opposition to my August 17, 2001 motion in the above-entitled appeal.

In the *unlikely* event you are unfamiliar with my August 17, 2001 motion, whose second branch of relief is addressed to Ms. Fischer's prior litigation misconduct in my appeal by her fraudulent Respondent's Brief – and your failure to discharge your mandatory supervisory duty in connection therewith, as to which I expressly seek sanctions and costs against you, *personally*, as well as disciplinary and criminal referral – faxed herewith is the Notice of Motion. I hereby request that you immediately obtain the full motion from Ms. Fischer. This will enable you to verify

Ex "BB"

Attorney General Spitzer/Solicitor General Bansal
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September 4, 2001

for yourselves – as is your duty upon notice – that just as Ms. Fischer’s Respondent’s Brief was, “*from beginning to end*, [] based on knowing and deliberate falsification, distortion, and concealment of the material facts and law” so, likewise, her August 30, 2001 Affirmation and Memorandum of Law opposing my motion. Now – as then – your duty is to take corrective steps by withdrawing her violative court submission.

Much as I previously provided you with a fact-specific, fully-documented 66-page Critique of Ms. Fischer’s Brief to assist you in discharging your supervisory responsibilities over Ms. Fischer, so I am prepared to provide you with a similarly meticulous critique of Ms. Fischer’s Affirmation and Memorandum of Law, *should that be necessary*. Therefore, please advise whether you would like such additional critique, setting forth the specific respects in which Ms. Fischer’s Affirmation and Memorandum of Law are violative of NYCRR §130-1.1, 22 NYCRR §§1200.3(a)(4), (5), 1200.33(a), and Judiciary Law §487 – the same provisions relied on in my August 17, 2001 Notice of Motion – or whether you are ready to withdraw these facially-repugnant documents without so burdening me.

Should you not withdraw Ms. Fischer’s opposition to my motion – which I hereby expressly call upon you to do -- I will have no choice but to burden the Court with otherwise unnecessary reply papers, including an application for further relief against you, *personally*, for failure to discharge your mandatory supervisory responsibilities.

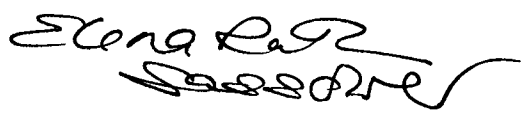
To allow sufficient time for you to evaluate your clear and unequivocal responsibilities under 22 NYCRR §§1200.5 and NYCRR §130-1.1, and, *if you so desire*, for me to supply you with a critique of Ms. Fischer’s August 30, 2001 Affirmation and Memorandum of Law, I request your consent to adjourning the return date of my motion from this coming Monday, September 10, 2001, to the following Monday, September 17, 2001.

In any event, I am busy this week with other matters, including preparations in connection with teaching responsibilities that resume this week, following the summer break. Unlike the Attorney General’s office, with its ample legal and other resources, I am *pro se* and unassisted by legal or other personnel.

Please advise whether you will consent to such first-time adjournment of my motion, or whether you will burden me with having to apply to the Court. If the latter, please

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advise whether 3:00 p.m. this Thursday, September 6, 2001, would be convenient for your representative to meet with me at the Appellate Division, First Department for such purpose.



Enclosure

cc: Deputy Solicitor General Michael S. Belohlavek [By Fax: 212-416-8962]
New York State Commission on Judicial Conduct [By Fax: 212-949-8864]
ATT: Gerald Stern, Administrator & Counsel
Chairman Henry T. Berger & Commission members

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

----- x
ELENA RUTH SASSOWER, Coordinator
of the Center for Judicial Accountability, Inc.,
acting *pro bono publico*,

Petitioner-Appellant,

NOTICE OF MOTION

S.Ct/NY Co. #108551/99

-against-

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF NEW YORK,

Respondent-Respondent.
----- x

PLEASE TAKE NOTICE that upon the annexed Affidavit of Petitioner-Appellant *Pro Se* ELENA RUTH SASSOWER, sworn to on August 17, 2001, the exhibits annexed thereto, and upon all the papers and proceedings heretofore had, ELENA RUTH SASSOWER will move this Court at 27 Madison Avenue, New York, New York 10010 on Monday, September 10, 2001 at 10:00 a.m., or as soon thereafter as Respondent-Respondent and its counsel can be heard for an order:

1. Specially assigning this appeal to a panel of "retired or retiring judge[s], willing to disavow future political and/or judicial appointment" in light of the disqualification of this Court's justices, pursuant to Judiciary Law §14 and §100.3E of the Chief Administrator's Rules Governing Judicial Conduct, for self-interest and bias, both actual and apparent, and, if that is denied, for transfer of this appeal to the Appellate Division, Fourth Department. In either event, or if neither is granted, for the justices assigned to this appeal to make disclosure, pursuant to §100.3F of the

Chief Administrator's Rules, of the facts pertaining to their personal and professional relationships with, and dependencies on, the persons and entities whose misconduct is the subject of this lawsuit or exposed thereby, as well as permission for a record to be made of the oral argument of this appeal, either by a court stenographer, and/or by audio or video recording.

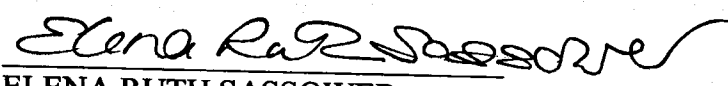
2. Striking Respondent's Brief, filed by the New York State Attorney General, on behalf of Respondent-Respondent, New York State Commission on Judicial Conduct, based on a finding that it is a "fraud on the court", violative of 22 NYCRR §130-1.1 and 22 NYCRR §1200 *et seq.*, specifically, §§1200.3(a)(4), (5); and §1200.33(a)(5), with a further finding that the Attorney General and Commission are "guilty" of "deceit or collusion" "with intent to deceive the court or any party" under Judiciary Law §487, and, based thereon, for an order: (a) imposing maximum monetary sanctions and costs on the Attorney General's office and Commission, pursuant to 22 NYCRR §130-1.1, including against Attorney General Eliot Spitzer and Solicitor General Preeta D. Bansal, *personally*; (b) referring the Attorney General and Commission for disciplinary and criminal investigation and prosecution, along with culpable staff members, consistent with this Court's mandatory "Disciplinary Responsibilities" under §100.3D(2) of the Chief Administrator's Rules Governing Judicial Conduct; and (c) disqualifying the Attorney General from representing the Commission for violation of Executive Law §63.1 and conflict of interest rules.

3. Granting such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served on or before August 27, 2001.

August 17, 2001

Yours, etc.



ELENA RUTH SASSOWER
Petitioner-Appellant *Pro Se*
Box 69, Gedney Station
White Plains, New York 10605-0069
(914) 421-1200

TO: ATTORNEY GENERAL OF THE STATE OF NEW YORK
Attorney for Respondent-Respondent
New York State Commission on Judicial Conduct
120 Broadway
New York, New York 10271
(212) 416-8020

NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT
Respondent-Respondent
801 Second Avenue
New York, New York 10017
(212) 949-8860

TIME : 09/04/2001 16:53
NAME : CJA
FAX : 9144284994
TEL : 9144211200

DATE, TIME	09/04 16:50
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FAX : 9144284994
TEL : 9144211200

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DURATION	00:02:50
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FAX : 9144284994
TEL : 9144211200

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MODE	STANDARD

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FAX COVER SHEET

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DATE: 9/4/01 TIME: 4⁵⁵ pm FAX #: 212-416-8962

TO: Michael S. Belohlavek

Deputy Solicitor General

RE: Sassower v. Commission

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE: Enclosed is my 9/4/01
memo to your superiors -
to which you are an
indicated recipient

TIME : 09/04/2001 17:07
NAME : CJA
FAX : 9144284994
TEL : 9144211200

DATE, TIME	09/04 17:03
FAX NO./NAME	12124168962
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