

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 212-416-6350 (7 pages)

October 9, 2001

Solicitor General Caitlin J. Halligan
Office of New York State Attorney General Eliot Spitzer
120 Broadway
New York, New York 10271

RE: My August 17th Motion in the Appeal of *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 (S. Ct/NY Co. #108551/99; Appellate Division, First Department, November 2001 Term)*

Dear Ms. Halligan:

Following up my October 2nd and October 4th letters to you, this is to remind you that I am expecting your response by the end of the day to whether you will be withdrawing Assistant Solicitor General Carol Fischer's opposition to my August 17th motion – and, if not, a statement signed by you and Attorney General Spitzer, setting forth the reasons, with specific reference to the three dispositive "highlights" identified by my September 17th Critique (at p. 11). Additionally, this is to remind you that I am expecting your response to whether the abrupt resignation of your predecessor, Solicitor General Bansal, was related to my motion and, specifically, to any disagreement between her and Attorney General Spitzer as to the appropriate response thereto – as well as confirmation that the dispositive documents on my motion – including my May 3rd Critique of Ms. Fischer's Respondent's Brief-annexed as Exhibit "U" to the motion – and my September 17th Critique of Ms. Fischer's opposition – have been furnished to the Commission members¹.

Meanwhile, enclosed is my letter of today's date to Gerald Stern relative to his prior

¹ I am also expecting confirmation that copies of my October 2nd letter to you and such related document as my September 17th Critique and September 21st letter to the Commission have been provided to former Solicitor General Bansal.

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employment as the Director of the Administration of the Courts for the Appellate Division, First Department. Such prior employment may further explain why Mr. Stern did not come forward with his own affidavit in opposition to my motion – notwithstanding it is he – not Ms. Fischer – who has expertise with matters of judicial disqualification and disclosure, as well as personal knowledge of relevant evidentiary facts pertinent thereto.

Also enclosed are two superseding pages to my motion: (1) a new page 3 of my Notice of Motion, correcting a typographical error in the word “NOTICE”; and (2) a new page 9 of my moving affidavit, correcting a substantive error in footnote 6 so as to delete the name of Justice Myriam J. Altman – as she is not, as originally stated, an Appellate Division, First Department justice, but, rather, an Appellate Division, Second Department justice. “Hard copies” will be transmitted for ease of replacement.

It should be noted that had Mr. Stern come forward with an affidavit in opposition to my motion, his duty of candor may have compelled him to identify that Justice Altman was a member of the Commission from 1988-1994 – and to concede that the Appellate Division, First Department justices may be presumed to have particularly close personal and professional relationships with her. This, not only because of the geographic proximity between the Appellate Division, First Department and the Appellate Division, Second Department – as identified at ¶72 of my motion -- but because for more than 14 years before Justice Altman’s elevation to the Appellate Division, Second Department, she sat in Supreme Court/New York County.

Yours for a quality judiciary,

ELENA RUTH SASSOWER
Petitioner-Appellant *Pro Se*

Enclosures (3)

cc: New York State Attorney General Eliot Spitzer

[By Fax: 212-416-8139]

Commission on Judicial Conduct of the State of New York

[By Fax: 212-949-8864]

ATT: Chairman Henry T. Berger and Commissioners
Gerald Stern, Administrator and Counsel