

**CENTER for JUDICIAL ACCOUNTABILITY, INC.**

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*Elena Ruth Sassower, Coordinator*

BY FAX: 212-416-8962 (5 pages)

October 11, 2001

Deputy Solicitor General Michael S. Belohlavek  
Office of New York State Attorney General Eliot Spitzer  
120 Broadway  
New York, New York 10271

RE: Your Palpably Bad-Faith, Insufficient October 10, 2001 Letter  
*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:  
Oral Argument: November 21, 2001)*

Dear Mr. Belohlavek:

This responds to your one-sentence October 10<sup>th</sup> letter:

“This is to advise you that we will not be withdrawing Ms. Fischer’s  
opposition to your August 17<sup>th</sup> motion.”

Such letter shows that you have abused my trust and good-faith, as reflected by my  
September 7<sup>th</sup> fax to you and demonstrated by my 58-page September 17<sup>th</sup> Critique,  
and proves that your September 6<sup>th</sup> fax to me that “we would be happy to review [a]  
critique in considering your request that Ms. Fischer’s opposition to your motion be  
withdrawn” was nothing more than a “cruel joke”.

Tellingly, your October 10<sup>th</sup> letter fails makes *no* mention of my September 17<sup>th</sup>  
Critique, does *not* purport that you have reviewed it, and does *not* deny or dispute  
its accuracy in any respect. Please, therefore, advise why you put me to the burden  
of preparing such Critique, if you weren’t going to review or address it. I, hereby  
challenge you to identify the respects in which you believe – if you do – that it fails  
to demonstrate that Ms. Fisher’s opposition to my motion is “fashioned on knowing

and deliberate falsification, distortion, and concealment of the material facts and law” – requiring you to withdraw it pursuant to 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 22 NYCRR §130-1.1.

I also call upon you to identify who the “we” are who made the supervisory decision not to withdraw Ms. Fischer’s opposition to my motion so that there is no doubt as to whether you are acting independently or at the direction of Attorney General Spitzer and/or Solicitor General Halligan. Tellingly, you have not furnished me with a letter signed by them attesting to their personal review of my August 17<sup>th</sup> motion and September 17<sup>th</sup> Critique. This was expressly requested by my September 17<sup>th</sup> and September 21<sup>st</sup> coverletters to you<sup>1</sup> -- in the event you did not withdraw Ms. Fischer’s opposition to my motion.

Finally, please confirm that, prior to signing your one-sentence, *without* reasons, October 10<sup>th</sup> letter, you were aware of my informational requests to Solicitor General Halligan, set forth in my October 2<sup>nd</sup> and 4<sup>th</sup> letters to her. These requests were recapitulated in the first paragraph of my October 9<sup>th</sup> letter to Solicitor General Halligan as follows:

“Following up my October 2<sup>nd</sup> and October 4<sup>th</sup> letters to you, this is to remind you I am expecting a response by the end of the day to whether you will be withdrawing Assistant Solicitor General Carol Fischer’s opposition to my August 17<sup>th</sup> 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 17<sup>th</sup> 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 3<sup>rd</sup> Critique of Ms. Fischer’s Respondent’s Brief– annexed as Exhibit “U” to the motion – and my September 17<sup>th</sup> Critique of Ms. Fischer’s opposition – have been furnished to the Commission

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<sup>1</sup> As the Solicitor General was then Preeta Bansal, my request was that she sign such letter.

members<sup>fn. 1</sup>.”

By copy of this letter to Attorney General Spitzer and Solicitor General Halligan, I call upon them to exercise their mandatory supervisory responsibilities over you, in face of notice of your bad-faith conduct, violative of your own mandatory supervisory responsibilities. Based on my August 17<sup>th</sup> motion and September 17<sup>th</sup> Critique – which, by now, they should have already reviewed – they must *immediately* retract your October 10<sup>th</sup> letter and withdraw Ms. Fischer’s fraudulent opposition to my motion. Should they fail to take this “reasonable remedial action”, I request that they promptly furnish me with the above-requested information in a statement signed by them so that I may annex it to my reply papers for the Court’s consideration on my motion returnable on Monday, October 15th.

A copy of my coverletter to Attorney General Spitzer and Solicitor General Halligan is enclosed.

Yours for a quality judiciary,



ELENA RUTH SASSOWER  
Petitioner-Appellant *Pro Se*

**Enclosures**

cc: Attorney General Eliot Spitzer [By Fax: 212-416-6350]  
Solicitor General Caitlin J. Halligan [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

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