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Elena Ruth Sassower, Coordinator

BY HAND

April 18, 2000

Chief Judge Judith Kaye  
Chief Judge of the State of New York  
230 Park Avenue, Suite 826  
New York, New York 10169-0007

REC'D APR 18 2000  
for Hon. Judith S. Kaye  
A. J. [Signature]

- RE:
- (1) Formal Misconduct Complaint against Michael Colodner, Counsel of the Unified Court System
  - (2) Request for Clarification of your Supervisory Power as Chief Judge and your Administrative and Disciplinary Responsibilities under §§100.3C and D of the Chief Administrator's Rules Governing Judicial Conduct

Dear Chief Judge Kaye:

This letter constitutes a formal misconduct complaint against Michael Colodner, Counsel of the Unified Court System. It follows up our telephone conversation on March 31<sup>st</sup>, in which I asked you to *personally* review Mr. Colodner's March 27, 2000 letter to CJA (Exhibit "A"), purporting to respond to CJA's March 3, 2000 letter to you.

It also follows up my two telephone messages for Mr. Colodner, left with his secretary, Joan O'Brien, on March 31<sup>st</sup> and April 7<sup>th</sup>, requesting to speak with him about his March 27th letter and further requesting that he forward CJA's March 3<sup>rd</sup> letter and the boxload of evidentiary materials it transmitted to Sherrill Spatz, Special Inspector General for Fiduciary Appointments, with whom I had already spoken<sup>1</sup>. Mr. Colodner has not returned either call or otherwise responded.

<sup>1</sup> Such evidentiary materials are critical for Ms. Spatz to review as they establish the corruption of the New York State Commission on Judicial Conduct – with which she is supposed to "work closely". As highlighted by CJA's March 3<sup>rd</sup> letter (at p. 2), "it is precisely because the Commission is corrupt that patronage in judicial appointments – long the subject of *facially-meritorious* judicial misconduct complaints, dismissed by the Commission *without investigation*

EX-4-2

Mr. Colodner's four-sentence March 27<sup>th</sup> letter – to which you are the *only* indicated recipient<sup>2</sup> -- and his apparent unwillingness to discuss it with me, make a mockery of your January 10<sup>th</sup> State of the Judiciary message to “do everything in our power to earn the trust and confidence of the public in the integrity, reliability and efficacy of our courts”<sup>3</sup>. More than that, Mr. Colodner's letter so flagrantly disregards your important duties as the Unified Court System's “chief judicial officer” (NYS Constitution, Article VI, §28a; Judiciary Law §210.1) and his own important duties as its Counsel as to constitute official misconduct under §195 of the Penal Law. His wilful malfeasance and nonfeasance, subjecting the public to continued institutionalized corruption in the judicial branch in order to “protect” judges and public officers with whom, after 17 years as Counsel<sup>4</sup>, he has and has had personal and professional relationships<sup>5</sup>, warrants appropriate disciplinary action, if not his removal (Judiciary Law §212.1(b)).

**CJA, therefore, requests that you take immediate steps to ensure that Mr. Colodner is appropriately disciplined, if not removed, in accordance with your supervisory powers as head of the Unified Court System, your mandatory administrative and disciplinary responsibilities under §§100.3C and D of the**

– has flourished to the point where the media call it an ‘open secret’.” This, in addition to the corruption and dysfunction of “the attorney disciplinary committees of the Appellate Division and other appropriate authorities” – with which Ms. Spatz is also supposed to work.

<sup>2</sup> This, notwithstanding CJA's March 3<sup>rd</sup> letter to you identified more than a dozen indicated recipients, among them, the Governor, Attorney General Spitzer, and the NYS Commission on Judicial Conduct.

<sup>3</sup> See p. 10 of your January 10, 2000 State of the Judiciary Address, cited at p. 6 of CJA's March 3<sup>rd</sup> letter to you, with a copy annexed as Exhibit “A” thereto.

<sup>4</sup> In addition to Mr. Colodner becoming Counsel in 1983, he served in the Office of Counsel since 1976. By 1979, he had assumed the title Deputy Counsel.

<sup>5</sup> This would include his personal and professional relationship with now Court of Appeals Judge Albert Rosenblatt, who was Chief Administrative Judge of the Unified Court System from 1987-1989 and his boss. The Commission on Judicial Conduct's dismissals, *without investigation*, of four *facially-meritorious* judicial misconduct complaint against Judge Rosenblatt, then on the Appellate Division, Second Department, was highlighted in CJA's March 3<sup>rd</sup> letter (at p. 8). This included the fact that those dismissals were challenged in two Article 78 proceedings, *Doris L. Sassower v. Commission* (NY Co. #95-109141) and *Elena Ruth Sassower v. Commission* (NY Co. #99-108551). Copies of the files of those proceedings were hand-delivered to you with CJA's March 3<sup>rd</sup> letter, which (at p. 8) identified the pertinent record references.

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**Chief Administrator's Rules Governing Judicial Conduct, and such comparable provisions of New York's Disciplinary Rules of the Code of Professional Responsibility as DR 1-103 "Disclosure of Information to Authorities" (22 NYCRR §1200.4) and DR-104 "Responsibilities of a Partner or Supervisory Lawyer" (22 NYCRR §1200.5).**

Of particular relevance is §100.3C(2) of the Chief Administrator's Rules Governing Judicial Conduct pertaining to "Administrative Responsibilities":

"A judge shall require staff, court officials, and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and shall refrain from manifesting bias and prejudice in the performance of their official duties"

and §100.3D(2) of the Chief Administrator's Rules pertaining to "Disciplinary Responsibilities":

"A judge who receives information indicating a substantial likelihood that a lawyer has committed a substantial violation of the Code of Professional Responsibility shall take appropriate action."<sup>6</sup>

Ironically, among the bases for this formal complaint against Mr. Colodner is his wilful disregard for your mandatory responsibilities under §§100.3C and D, notwithstanding they were cited in CJA's March 3<sup>rd</sup> letter, including in its "RE: clause". As you know, the Chief Administrator's Rules Governing Judicial Conduct were promulgated with the approval of the Court of Appeals, pursuant to Article VI, §28c of the New York State Constitution and Judiciary Law §212.2(b).

Pursuant to §100.6 of the Chief Administrator's Rules Governing Judicial Conduct, "all judges in the unified court system" are subject to the Rules. Mr. Colodner does not deny or dispute that the Rules apply to you. Nor does he deny or dispute that your failure to discharge your responsibilities thereunder in response to the

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<sup>6</sup> §100.3D(1) of the Chief Administrator's Rules, already quoted in CJA's March 3<sup>rd</sup> letter (at p. 8), reads:

"A judge who receives information indicating a substantial likelihood that another judge has committed a substantial violation of this Part shall take appropriate action."

March 3<sup>rd</sup> letter would make you susceptible to a *facially-meritorious* complaint being filed against you with the New York State Commission on Judicial Conduct. This, in addition to giving the public "ample reason to distrust... your own fitness for the pre-eminent judicial position of Chief Judge of New York State".

Instead, Mr. Colodner's March 27<sup>th</sup> letter conceals the applicability of §§100.3C and D of the Chief Administrators Rules. He does this not only by purposefully omitting any mention of them and CJA's *express* invocation thereof, but by similarly omitting any mention of:

- (1) the relief specifically requested by CJA's March 3<sup>rd</sup> letter; and
- (2) the transcending public interest issues the March 3<sup>rd</sup> letter presented, *to wit*, evidentiary proof of the corruption of the Commission on Judicial Conduct, including its corruption of the judicial process by its attorney, the State Attorney General, and a pattern of cover-up by state judges, authoring fraudulent judicial decisions;

Thus, Mr. Colodner's March 27<sup>th</sup> letter wholly omits any mention of -- and response to -- the three specific requests for relief contained in the very *first* sentence of CJA's March 3<sup>rd</sup> letter. That first sentence asked you:

"to take steps to ensure that Supreme Court Justice Stephen G. Crane is demoted from his position as Administrative Judge of the Civil Term of the Manhattan Supreme Court and that both he and Acting Supreme Court Justice William A. Wetzel are removed from the bench and criminally prosecuted." (at p. 1).

Presumably, this omission is because Mr. Colodner well knows that this three-fold relief *cannot* be obtained by "appeal"<sup>7</sup>, which he pretends is the "proper avenue of

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<sup>7</sup> "...the right of appeal does *not* address the possible misconduct of the trial court and does *not* grant the appellate court the power to discipline the judge." (emphases added, p. 304), "Is Judicial Discipline in New York State a Threat to Judicial Independence?" by the Administrator of the Commission on Judicial Conduct, Gerald Stern, Pace Law Review, Vol. 7, No. 2 (winter 1987). Also relevant is Mr. Stern's surrounding text, including the following:

"From earliest times it has been recognized that 'errors' are subject to discipline when the conduct reflects bias, malice or an intentional disregard of the law. These standards have been refined in recent years to remove from office or

redress" "should [I] object" to the "handling" of my case against the New York State Commission on Judicial Conduct.

Even a successful appeal will *not* result in Justice Crane's demotion as Administrative Judge of the Civil Term of the Manhattan Supreme Court. His demotion, like his promotion, is the product of an administrative process that you control. At best, the Appellate Division, First Department panel assigned to *Elena Ruth Sassower v. Commission* (NY Co. #99-108551) might refer his serious administrative misconduct to you for "appropriate action". This, however, would require the panel to recognize its own mandatory "Disciplinary Responsibilities" under §100.3D(1) of the Chief Administrator's Rules. Clearly, the panel is far less likely to make such referral when it has the shameless example of Mr. Colodner, who acts on your behalf as if the Rules do not exist.

Pursuant to Article VI, §§28a and b of the New York State Constitution, Judiciary Law §210.3, and Part 80.1(a) of your Administrative Delegations, you appointed Chief Administrative Judge Lippman, "with the advice and consent of the administrative board of the courts" to "supervise the administration and operation of the unified court system". He serves on your "behalf" and at your "pleasure". In turn, Chief Administrative Judge Lippman has designated Justice Crane to be Administrative Judge (Judiciary Law §212.1(d)) – which designation is at the Chief Administrative Judge's "pleasure for a period not exceeding one year" (Part 80.2(a) of your Administrative Delegations<sup>8</sup>). Consequently, you have the "jurisdiction" and "power" to take steps to secure Administrative Judge Crane's demotion.

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otherwise discipline judges who abuse their power and disregard fundamental rights. *Clearly, no sound argument can be made that a judge should be immune from discipline for conduct demonstrating lack of fitness solely because the conduct also happens to constitute legal error.*" (emphasis added, at p. 303)

A copy of pages 303-305 of Mr. Stern's law review article, relating to "*Determining When 'Error' is Misconduct*", is annexed as part of Exhibit "G" to the Verified Petition in *Elena Ruth Sassower v. Commission* (Exhibit "B-1" thereof).

<sup>8</sup> As Counsel, Mr. Colodner should have long ago brought to your attention the necessity of amending §80.2(a)(1) of your Administrative Delegations to reflect that two – not one -- administrative judges for Supreme Court, New York County are being designated by the Chief Administrator -- one for the "Civil Branch" and one for the "Criminal Branch". Emendation might also reflect that the one-year terms of designation are extended by yearly re-designation.

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Conspicuously, Mr. Colodner does not identify the applicable procedure for securing Justice Crane's demotion as Administrative Judge. By this letter, CJA requests that you identify such procedure<sup>9</sup>. Plainly, if administrative review and disciplinary demotion are contingent on burdening an aggrieved party with the expense and effort of appealing a case he might otherwise not appeal, applicable procedure should at least require the Unified Court System to notify the appellate court -- in this case, the Appellate Division, First Department. Without such notification, the appellate panel assigned to *Elena Ruth Sassower v. Commission* might not know that you and Chief Administrative Judge Lippman are relying on it to make factual findings as to the specific administrative misconduct, summarized at page 5 of CJA's March 3<sup>rd</sup> letter to you and particularized at pages 6-14 of CJA's February 23, 2000 letter to Governor Pataki, referred to therein. Presumably, applicable procedure would also require the Unified Court System to forward copies of both these documents to the Appellate Division, First Department.

CJA submits that absent legal authority to justify Administrative Judge Crane's complained-of administrative misconduct -- which legal authority Mr. Colodner does not provide<sup>10</sup> -- his duty was to advise you of the existence of "good cause" for Judge Crane's demotion so that you could meet your "Administrative Responsibilities" under §100.3C(2) of the Chief Administrator's Rules. More than that, his duty was to advise you that the seriousness of Administrative Judge Crane's administrative misconduct, whose purpose and effect was to prevent fair and impartial adjudication of *Elena Ruth Sassower v. Commission* so as to "protect" a corrupted Commission to the detriment of the People of this State, activated your "Disciplinary Responsibilities" under §100.3D(1) of the Chief Administrator's Rules to "take appropriate action". This included referring Administrative Judge Crane and co-conspiring Acting Supreme Court Justice Wetzel to authorities empowered to effect their removal from the bench

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<sup>9</sup> CJA also requests copies of documents or other information pertaining to the yearly redesignation procedures -- as Administrative Judge Crane has been four times redesignated (1/1/97, 1/1/98, 1/1/99, and 1/1/00) -- and must be redesignated during this year if he is to continue in that position beyond January 1, 2001.

<sup>10</sup> CJA hereby requests that if legal authority exists to justify Administrative Judge Crane's complained-of administrative misconduct, Mr. Colodner provide it. This includes whether, pursuant to §202.3(a) or §202.3(c) of the Uniform Civil Rules for the Supreme Court, Chief Administrative Judge Lippman authorized, without notice or opportunity to be heard, that *Elena Ruth Sassower v. Commission* be exempted from "the method of random selection authorized by the Chief Administrator" (§202.3(b)) or whether some other rule or delegation to Administrative Judge Crane governed assignment of the case.

and criminal prosecution. Here, too, an appellate panel could *not* remove, criminally punish, or otherwise discipline Justices Crane and Wetzel. At best, it might make referrals to "appropriate" authorities -- that is, if it recognized its own "Disciplinary Responsibilities" under §100.3D(1) of the Chief Administrator's Rules.

The further specific relief requested in CJA's March 3<sup>rd</sup> letter for "designation of a Special Inspector General to investigate the corruption of the New York State Commission on Judicial Conduct", highlighted by its "RE: clause", is also omitted by Mr. Colodner. Thus, his March 27<sup>th</sup> letter deletes any reference to the words "corruption" and "Special Inspector General" in baldly asserting:

"The Chief Judge has no jurisdiction to investigate the State Commission on Judicial Conduct, which is an independent statutory body created by the Legislature." (Exhibit "A")

These deliberate deletions are intended to mask the inadequacy of Mr. Colodner's response. Mr. Colodner is presumed to know that any supposed lack of jurisdiction by you would not relieve you of the obligation to ensure that an investigation was initiated by the jurisdictionally-proper body. This, because the evidence before you of the Commission's corruption is not only "credible", but constitutes irrefutable *prima facie* proof. Mr. Colodner does not deny or dispute the probative nature of the evidence presented by CJA's March 3<sup>rd</sup> letter.

By describing the Commission as "an independent statutory body created by the Legislature", Mr. Colodner infers, without directly saying so, that only the Legislature has jurisdiction to investigate the Commission. If so, his duty was to advise you to instruct Chief Administrative Judge Lippman to submit a recommendation to the Legislature for such investigation, pursuant to Judiciary Law §212.1(f). Such statutory provision expressly authorizes the Chief Administrator to:

"make recommendations to the legislature and governor for laws and programs to improve the administration of justice and the operations of the unified court system..."

Mr. Colodner has vast experience in this regard, since his Office of Counsel is "the principal representative of the Unified Court System in the legislative process" (Exhibit "B", p. 45). Its comprehensive activities, summarized in the Unified Court System's Annual Reports, include drafting and promoting measures for legislative

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consideration. Among the bills listed in its 1998 and 1997 Annual Reports is one pertaining to the Commission on Judicial Conduct, Senate 4264, to:

“amend the Judiciary Law to provide that formal complaints and hearings of the State Commission on Judicial Conduct shall no longer be confidential and that transcripts of such hearings shall be available to the public.” (Exhibit “B”: 1998 Annual Report, p. 57).

Plainly, if the Unified Court System can introduce and endorse a bill to enhance public confidence in the relatively few formal disciplinary proceedings the Commission conducts, mostly against low level judges, it can introduce and endorse a bill to investigate evidence of the Commission’s own official misconduct and corruption. This includes its protectionism of high-ranking, politically-connected judges by its dismissals of *facially-meritorious* judicial misconduct complaints against them, *without investigation*, in violation of Judiciary Law §44.1.

Mr. Colodner does not deny or dispute the contention in CJA’s March 3<sup>rd</sup> letter (at p. 6) that an investigation of the Commission’s demonstrable corruption would fit within your State of the Judiciary message to restore public confidence by confronting the “realities” of the judiciary’s shortcomings. You should, therefore, require him to explain why he has not advised you to seek an investigation of the Commission as part of the Unified Court System’s legislative agenda. Indeed, according to the Unified Court System’s Annual Reports, the Office of Counsel has the responsibility to draft legislation “to implement recommendations made by the Chief Judge in her State of the Judiciary message” (Exhibit “B”, p. 45).

Obviously, only the Legislature, by emendation of Judiciary Law §45, can authorize an investigation of the Commission that would have access to the Commission’s confidential files. Yet, an investigation of the publicly-available evidence of the Commission’s corruption – such as that transmitted with CJA’s March 3<sup>rd</sup> letter – would not require subpoenaing the Commission nor breaching its confidentiality. Moreover, Mr. Colodner is presumed to know that Judiciary Law §212, “Functions of the Chief Administrator of the Courts”, confers extensive powers upon Chief Administrative Judge Lippman, on your behalf. Among these, to

“Hold hearings and conduct investigations. The chief administrator may issue a subpoena requiring a person to attend before him and be examined under oath with reference to any aspect of the unified court

system, and require the production of books or papers with reference thereto" (§212.1(h));

"Request and receive from any court or agency of the state or any political subdivision thereof such assistance, information and data as will enable him to execute the functions of his office" (§212.1(l));

"Undertake research, studies and analyses of the administration and operation of the unified court system including, but not limited to, the organization, budget, jurisdiction, procedure, and administrative, clerical, fiscal and personal practices thereof" (§212.1(m));

"Create advisory committees to assist him in the execution of the functions of his office" (§212.1(q)); and

"Do all things necessary and convenient to carry out his functions; powers and duties" (§212.1(t)).

Certainly, Judiciary Law §212 would appear to be the legal authority for your recent establishment of the Special Inspector General for Fiduciary Appointments, as well as for the range of blue ribbon committees and commissions you have created during your tenure. Among these is the Committee on the Profession and the Courts, whose recommendations have led to your establishment of a permanent Institute on Professionalism in the Law<sup>11</sup>.

Judiciary Law §212 would also seem to confer upon you jurisdiction to investigate publicly-available evidence of the Commission's corruption. In view of the ambiguity of Mr. Colodner's seemingly contrary statement that you have "no jurisdiction", CJA requests that you clarify your position.

<sup>11</sup> Among the Institute's "major responsibilities" are: "sponsoring Statewide public hearings and convocations on the public's experience with lawyers and the justice system"; "monitoring and commenting upon the methods of enforcing standards of professional conduct" and "recommending legislation and modifications to the Code of Professional Responsibility to improve professionalism and encourage ethical behavior". [March 2, 1999 press release of the Unified Court System]

As you know, the legislative statute makes clear that the Commission owes accountability not only to the Legislature, but to the Chief Judge and the Governor, who share in the appointment of its members (Judiciary Law §41.1) and who each receive its annual and other reports (Judiciary Law §42.4). Likewise the constitutional provision creating the Commission reflects the role of all three branches in appointing the Commission's members (NYS Constitution, Article VI, §§22b(1), (2)).

Plainly, as between the Governor, the Legislature, and the Chief Judge, it is the Chief Judge who has the greatest interest in the Commission's operations. As the Unified Court System's "chief judicial officer", you bear ultimate responsibility for ensuring the integrity of the Court's administration – the *sine qua non* of which is an effective mechanism to discipline and remove unfit judges. Indeed, the judiciary generally recognizes that it is in its interest to keep its "own house in order", lest the other branches impose upon it a mechanism of judicial discipline and removal less deferential to principles of "judicial independence". This already happened in New York, when public discontent with the Court on the Judiciary contributed to its being superseded by the Commission. Moreover, under the constitutional and statutory design, the Court of Appeals has an integral role in the Commission's functioning by its review of disciplinary determinations appealed to it (NYS Constitution, Article VI, §§22a, d-h; Judiciary Law §§44.7-9) – a role not shared with the other branches.

Consequently, CJA submits that you have as much, if not more, jurisdiction as the Legislature and Executive to examine the mountain of evidence of the Commission's corruption and can establish a Special Investigator General for that purpose. Indeed, the most recent addition to this evidentiary mountain is the Commission's April 6, 2000 notification of its dismissal of CJA's March 3, 2000 judicial misconduct complaint against Administrative Judge Crane and Justice Wetzel. Such dismissal letter contains *no* statement that the Commission made the determination required by Judiciary Law §44.1 "that the complaint on its face lacks merit". Nor does it contain any statement denying or disputing the Commission's self-interest in the dismissal, for which the March 3<sup>rd</sup> complaint had requested (at pp. 3-4) that the Commission take steps to ensure the complaint's independent evaluation, including by joining in CJA's request to you for designation of a Special Inspector General. Copies of the Commission's April 6th dismissal letter, as well as its March 7th acknowledgment letter and, for your convenience, the March 3<sup>rd</sup>

complaint<sup>12</sup> are all annexed hereto (Exhibits "C-1" - "C-3").

As to Mr. Colodner's bald claim that you do not have "power in [your] administrative capacity to review judicial determinations of the judges of the court system" (Exhibit "A"), this is belied by the fact that the Special Inspector General for Fiduciary Appointments will necessarily be reviewing "judicial determinations" regarding fiduciary appointments and fees.

However, here again, *if* Mr. Colodner believes that you have no "power in [your] administrative capacity" to verify that in three specific Article 78 proceedings against the Commission over the past five years state judges "protected" the Commission by "throwing" the cases with fraudulent judicial decisions, he is presumed know that such serious allegation -- for which CJA provided substantiating analyses of the decisions -- represents a pattern of criminal conduct by state judges, mandating your referral to prosecutorial bodies.

**In the unlikely event that you have any doubt as to your duty, as New York's Chief Judge, to either investigate or to refer for investigation *readily-verifiable proof* of the corruption of the New York State Commission on Judicial Conduct, covered up state judges whose fraudulent decisions have thwarted legitimate citizen challenge to that corruption, CJA requests that you obtain an advisory opinion from the Advisory Committee on Judicial Ethics, pursuant to Part 101 of the Chief Administrator's Rules. Such advisory opinion should include the propriety of your continuing to direct victims of judicial misconduct, who turn to you for help, to the Commission, while, simultaneously, taking no action on the *proof* of its corruption.**

The Advisory Committee, whose establishment was directed by Judiciary Law §212.2(l), is authorized:

**"to issue advisory opinions to judges and justices of the Unified Court System concerning issues related to ethical conduct, proper execution of judicial duties, and possible conflicts between private interests and official duties". (§101.1 of the Chief Administrator's Rules)**

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<sup>12</sup> A copy of CJA's March 3rd judicial misconduct complaint was delivered to your Chambers on that date, along with CJA's March 3<sup>rd</sup> letter to you.

These are precisely the issues about which Mr. Colodner has so demonstrably failed to provide you with proper advice. Indeed, Mr. Colodner's deceitful and superficial March 27<sup>th</sup> letter may reasonably be viewed as the consequence of the very "conflicts between private interests and official duties" that CJA's March 3<sup>rd</sup> letter (at pp. 7-8) indicated would taint your ability to confront your duty impartially. Since Mr. Colodner has wholly failed to address such actual and apparent conflicts of interest as they relate to you, let alone his *own* palpable conflicts of interest, the Advisory Committee should be called upon to guide you on the subject.

Pursuant to Judiciary Law §212.2(D)(ii), the Advisory Committee on Judicial Ethics:

"shall issue a written advisory opinion to the judge or justice making the request *based upon the particular facts and circumstances of the case, which shall be detailed in the request* and in any additional material supplied by the judge or justice at the instance of the panel. If the individual facts and circumstances provided are insufficient in detail to enable the panel to render an advisory opinion, the panel shall request supplemental information from the judge or justice to enable it to render such opinion. If such supplementary information is still insufficient or is not provided, the panel shall so state and shall not render an advisory opinion based upon what it considers to be insufficient detail." (emphasis added)

CJA submits that the *prima facie* proof, hand-delivered to you with CJA's March 3<sup>rd</sup> letter, is so dispositive of your ethical obligations as New York's Chief Judge that the Advisory Committee on Judicial Ethics *must* see it for itself. Likewise, it *must* see for itself the documentary materials that CJA mailed to you and which were received by your office on March 24<sup>th</sup><sup>13</sup>, three days prior to Mr. Colodner's March 27<sup>th</sup> letter. These additional materials, which include CJA's March 17, 2000 memorandum to the proposed intervenors in *Elena Ruth Sassower v. Commission*, further reinforce your duty to either investigate the Commission or refer it for investigation to an independent body, such as the Justice Department's Public Integrity Section of its Criminal Division. As detailed therein, the proposed intervenors: the New York State Attorney General, the Manhattan District Attorney, the U.S. Attorney for the Southern District of New York, and the New York State Ethics Commission -- each investigative bodies -- are compromised by disabling

Chief Judge Judith Kaye

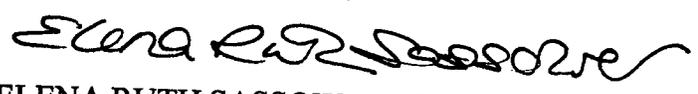
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conflicts of interest to such an extent that, like Mr. Colodner, they ignore those conflicts and disregard fundamental rules and procedures for disqualification. The result is that CJA has been unable to obtain any criminal or disciplinary investigation of its fully-documented complaints of the Commission's corruption and the judicial cover-up.

In view of the ongoing, irreparable injury to the People of this State caused by a corrupted Commission – and by the continued service of state judges such as Administrative Judge Crane and Acting Supreme Court Justice Wetzel who, for illegitimate personal and political gain, have perpetuated its corruption by corrupting the judicial process — your expeditious attention is required. Considering the speed with which you publicly announced creation of a Special Prosecutor for Fiduciary Appointments in the wake of media-publicized *allegations* of impropriety in Brooklyn, "Law Day", May 1, 2000, is not too soon to expect some public announcement responding to the irrefutable *proof* of the Commission's corruption, long in your possession. Certainly, "Law Day" would be a most appropriate occasion.

Yours for a quality judiciary,



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

**Enclosures**

- cc: Michael Colodner, Counsel, Unified Court System
- Sherrill R. Spatz, Special Inspector General for Fiduciary Appointments
- Governor George Pataki
- New York State Commission on Judicial Conduct
- New York State Attorney General Spitzer
- District Attorney, New York County
- U.S. Attorney, Southern District of New York
- New York State Ethics Commission
- U.S. Attorney, Eastern District of New York
- Association of the Bar of the City of New York
- Media