

**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: [www.judgewatch.org](http://www.judgewatch.org)*

**REPORT OF THE CENTER FOR JUDICIAL ACCOUNTABILITY, INC. (CJA)**

**TO: NEW YORK STATE BAR ASSOCIATION  
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK  
WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK  
NEW YORK STATE TRIAL LAWYERS ASSOCIATION**

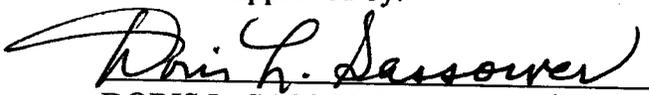
**RE: EVALUATION OF THE NEW YORK STATE COMMISSION ON  
JUDICIAL NOMINATION'S OCTOBER 4, 2000 REPORT OF  
RECOMMENDEES FOR THE NEW YORK COURT OF APPEALS**

**DATE: OCTOBER 16, 2000**

Submitted by:

  
ELENA RUTH SASSOWER, Coordinator

Read and approved by:

  
DORIS L. SASSOWER, Director\*

\* First woman practitioner nominated for the New York Court of Appeals at statewide Judicial Nominating Convention (1972); First woman appointed to the Judicial Selection Committee of the New York State Bar Association (1972-1980); Authored first published article on the newly-introduced use of judicial selection panels in New York, "Judicial Selection Panels: An Exercise in Futility?", New York Law Journal (10/22/71, p. 1).

Ex "A-1"

submissive and complicitous organized bar.

In light of that portion of Question #30(a) inquiring whether there had been "any question raised or inquiry conducted of any kind by any agency or official of the judicial system" and Question #30(b) as to "the nature of the question or inquiry, the outcome and relevant dates"<sup>14</sup>, it is critical to know what Justice Crane responded – *assuming*, of course, he did not perjure himself by answering "No" to Question #30(a). CJA did not inform Justice Crane of any response it had received to these complaints. Nor did CJA provide him copies of any of the subsequent voluminous correspondence based thereon. Consequently, if Justice Crane was able to furnish the Commission on Judicial Nomination with information as to the Commission on Judicial Conduct's dismissal of CJA's March 3, 2000 judicial misconduct, that information did not come from CJA. Since the Commission on Judicial Conduct purports not to notify judges when it dismisses complaints against them, *without* investigation, that information would likely have come from some other source. The most likely of these sources would have been Chief Judge Kaye or those in the upper echelons of the Office of Court Administration, such as Chief Administrative Judge Jonathan Lippman – in other words, the most prestigious of references which Justice Crane could reasonably have been expected to give the Commission on Judicial Nomination in response to its Question #34<sup>15</sup> – and which the Commission on Judicial Nomination might reasonably have been expected to contact, in any event inasmuch as he is Administrative Judge of the Civil Branch of the Supreme Court, First Judicial District.

Chief Judge Kaye received a mountain of correspondence from CJA, as a follow up to its March 3, 2000 letter. As with the March 3<sup>rd</sup> letter, this correspondence sought Justice Crane's demotion as Administrative Judge and action by her to secure an official investigation of the Commission on Judicial Conduct – whose then most recent outrage was its April 6, 2000 dismissal, *without* investigation and *without* reasons of the *facially-meritorious* and fully-documented March 3<sup>rd</sup> judicial misconduct complaint<sup>16</sup>. To appreciate how absolutely extraordinary it would be had she and Chief Administrative Judge Lippman, who also received this correspondence, each failed to raise any "question" or "inquiry" with Administrative Judge Crane, copies of CJA's letters to Chief Judge Kaye, dated April 18, 2000<sup>17</sup> and June 30, 2000, are enclosed in File Folder A, along with the culmination of that correspondence, a copy of CJA's August 3, 2000 *facially-meritorious*

<sup>14</sup> Cf. Question #22 on the Uniform Judicial Questionnaire.

<sup>15</sup> The comparable question on the Uniform Judicial Questionnaire is Question #46.

<sup>16</sup> The Commission on Judicial Conduct's April 6, 2000 dismissal letter is Exhibit "C-3" to CJA's April 18, 2000 letter to Chief Judge Kaye.

<sup>17</sup> See, in particular, pp. 4-7 as to the Chief Judge's undisputed and indisputable duty under §100.3(C) and (D) of the Chief Administrator's Rules Governing Judicial Conduct to take steps to demote Administrative Judge Crane and to secure his removal from the bench and criminal prosecution.

judicial misconduct complaint against Chief Judge Kaye, filed with the Commission on Judicial Conduct<sup>18</sup>. Such correspondence also demonstrates how equally extraordinary it would be if neither Chief Judge Kaye nor Chief Administrative Judge Lippman had *independently* alerted the Commission on Judicial Nomination to the irrefutable and unrefuted evidence before them of Administrative Judge Crane's misconduct – *assuming*, of course, that the Commission on Judicial Nomination contacted them either as persons raising some “question or inquiry”, pursuant to Question #30, or as indicated references, pursuant to Question #34.

As it is fairly obvious that pursuant to Judiciary Law §64.3, the Commission on Judicial Nomination would have been in contact with the Commission on Judicial Conduct as part of its required “merit selection” evaluation of applicants, it must be pointed out that the Commission on Judicial Conduct received copies of ALL of CJA's above correspondence with Chief Judge Kaye pertaining to Justice Crane's indisputable and undisputed administrative misconduct. It also received copies of other correspondence with public officers and agencies. All of this is in addition to a May 17, 2000 letter, particularizing (at pp. 6-7) the unlawfulness of the dismissal, *without* investigation and *without* reasons, of CJA's March 3, 2000 complaint against Administrative Judge Crane. This May 17, 2000 letter, followed by CJA's June 28, 2000 letter, are also included in File Folder A, along with the shameful July 19, 2000 letter of Commission on Judicial Conduct Chairman Eugene W. Salisbury, failing and refusing to respond. Consequently, if, because of the limitation on disclosure imposed by the 1983 amendment to Judiciary Law §§45 and 64.3, the Commission on Judicial Conduct gave NO intimation to the Commission on Judicial Nomination of the existence of CJA's March 3, 2000 *facially-meritorious*, fully documented judicial misconduct complaint – and the other complaints against Administrative Judge Crane, filed with public officers and agencies, copies of which were in its possession -- this is yet a further demonstration of how such amendment undermines the very slightest possibility of true and legitimate “merit selection”.

Finally, because of the confidentiality imposed by Judiciary Law §45, the Commission on Judicial Conduct presumably never informed the Commission on Judicial Nomination as to whether there had been any other judicial misconduct complaints filed against Justice Crane. However, as CJA's February 23, 2000 letter points out (at pp. 7-8), his flagrant administrative misconduct in *Elena Ruth Sassower v. Commission* -- and his no less brazen judicial misconduct in the case of *Doris L. Sassower v. Kelly, Rode & Kelly, et al.* (NY. Co. #93-120917) -- leads to the reasonable assumption that other judicial misconduct complaints would have been filed against him.

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<sup>18</sup> CJA's August 3, 2000 judicial misconduct complaint against Chief Judge Kaye was dismissed by the Commission on Judicial Conduct in a September 19, 2000 letter which purported that “the Commission concluded that there was no indication of judicial misconduct to justify judicial discipline”. The pretense that the complaint presents “no indication of judicial misconduct to justify judicial discipline”, *when it is fully documented as to its allegations of misconduct so serious as to entitle the People of this State to Chief Judge Kaye's removal from office*, is further evidence of the Commission's on-going, unabated corruption.