

2nd ARTICLE 78 PROCEEDING AGAINST THE NYS COMMISSION ON JUDICIAL CONDUCT:

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. #99-108551

1. Petitioner's Notice of Right to Seek Intervention, Notice of Petition, and Verified Petition (April 22, 1999)
2. Attorney General's Affirmation (Carolyn Cairnes Olson) in Support of Respondent's Application Pursuant to CPLR 3012(d) (May 17, 1999)
3. Attorney General's Dismissal Motion (May 24, 1999), consisting of:
 - (a) Notice of Motion, with Affirmation of Assistant Attorney General Michael Kennedy and Affidavit of Albert Lawrence, Clerk of the Commission on Judicial Conduct;
 - (b) Memorandum of Law in Support of Motion to Dismiss, signed by Assistant Attorney General Carolyn Cairns Olson
4. Petitioner's Omnibus Motion (July 28, 1999), consisting of:
 - (a) Notice of Motion, with Affidavit of Petitioner and Affidavit of Doris L. Sassower, CJA's Director;
 - (b) Memorandum of Law in Opposition to Respondent's Dismissal Motion & in Support of Petitioner's Motion for Disqualification of the Attorney General, Sanctions, a Default Judgment, and Other Relief
[filed with substantiating documentation in File Folders "I-III", inventoried on accompanying sheets]
5. Attorney General's Reply Memorandum in Further Support of a Motion to Dismiss and in Opposition to Petitioner's Motion for "Omnibus Relief" (August 13, 1999)
6. Petitioner's letter to the Court (August 17, 1999)

Ex "B-2"

2nd ARTICLE 78 PROCEEDING AGAINST THE NYS COMMISSION ON JUDICIAL CONDUCT: Documentation filed with the Court in support of Petitioner's July 28, 1999 Omnibus Motion for the Attorney General's disqualification

FILE FOLDER I: PRIOR ARTICLE 78 PROCEEDING AGAINST RESPONDENT:

Case File of Doris L. Sassower v. Commission on Judicial Conduct of the State of New York Index # 95-109141, hand-delivered to the law office of Attorney General-Elect Spitzer on December 24, 1998, in substantiation of CJA's letter to him of that date to rescind his appointments of Richard Rifkin to be Deputy Attorney General for State Counsel and Michele Hirshman to be First Deputy Attorney General

1. Doris L. Sassower's Article 78 Petition, with Notice of Petition and Notice of Right to Seek Intervention (April 10, 1995)
2. Doris L. Sassower's Order to Show Cause for Preliminary Injunction, Default (May 11, 1995)
3. Attorney General's Affidavit in Opposition to Preliminary Injunction (May 22, 1995)
4. Attorney General's Dismissal Motion (May 30, 1995)
5. Doris L. Sassower's Affidavit in Opposition to Dismissal Motion and in Further Support of Verified Petition, Motion for Injunction and Default, and for Sanctions (June 8, 1995)
6. Doris L. Sassower's Memorandum of Law in Opposition to Dismissal Motion and in Further Support of Verified Petition, Motion for Injunction and Default, and for Sanctions (June 8, 1995)
7. Doris L. Sassower's Notice to Furnish Record to the Court Pursuant to CPLR §§409, 7804(e), and 2214(c) (June 9, 1995)
8. Doris L. Sassower's Affidavit in Support of Proposed Intervenors (June 9, 1995)
9. Supreme Court Memorandum Decision, per Herman Cahn (July 13, 1995)

2nd ARTICLE 78 PROCEEDING AGAINST THE NYS COMMISSION ON JUDICIAL CONDUCT: Documentation filed with the Court in support of Petitioner's July 28, 1999 Omnibus Motion for the Attorney General's disqualification

FILE FOLDER I: RIFKIN DOCUMENTS

CJA's correspondence with and about RICHARD RIFKIN, Executive Director of the New York State Ethics Commission, involving his official misconduct in that position, hand-delivered to the law office of Attorney General-Elect Spitzer in substantiation of CJA's December 24, 1998 letter for the rescinding of his appointment as Deputy Attorney General for State Counsel

- (1) CJA's September 14, 1995 letter to Richard Rifkin, constituting a supplemental ethics complaint against Respondent and initiating an ethics complaint against the Attorney General and, in substantiation, transmitting a copy of the case file of the prior Article 78 proceeding against Respondent, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (NY Co. #95-109141)
- (2) Richard Rifkin's October 3, 1995 letter to CJA
- (3) CJA's January 24, 1996 letter to Richard Rifkin
- (4) Richard Rifkin's February 29, 1998 letter to CJA
- (5) CJA's April 24, 1996 letter to Richard Rifkin
- (6) Joseph Bress' May 28, 1996 letter to CJA
- (7) CJA's April 15, 1997 letter to Walter Ayres, enclosing CJA's April 11, 1997 letter to Reverend Robert Eggenchiller and CJA's April 15, 1997 letter to Governor George Pataki
- (8) CJA's June 10, 1997 letter to Walter Ayres, enclosing CJA's June 9, 1997 letter to the Ethics Commissioners
- (9) CJA's December 16, 1997 letter to the Ethics Commissioners, constituting a supplemental ethics complaint against the Attorney General, including against Attorney General Vacco, *personally*

2nd ARTICLE 78 PROCEEDING AGAINST THE NYS COMMISSION ON JUDICIAL CONDUCT: Documentation filed with the Court in support of Petitioner's July 28, 1999 Omnibus Motion for the Attorney General's disqualification

FILE FOLDER I: HIRSHMAN DOCUMENTS

CJA's correspondence with and about MICHELE HIRSHMAN, Chief of the Public Corruption Unit of the U.S. Attorney for the Southern District of New York, involving her official misconduct in that position, hand-delivered to the law office of Attorney General-Elect Spitzer in substantiation of CJA's December 24, 1998 letter for the rescinding of her appointment as First Deputy Attorney General

[See blue Folder I for CJA's July 27, 1998 letter (#4), whose Exhibit "G" annexes letters #1-3]

- (1) CJA's May 6, 1997 letter to Michele Hirshman, annexing CJA's August 1, 1995 letter to Jonathan Rosenberg, Deputy Chief, Criminal Division of the Office of the U.S. Attorney and enclosing CJA's May 5, 1997 memorandum-challenge
- (2) Michele Hirshman's May 19, 1997 letter to CJA
- (3) Michele Hirshman's June 27, 1997 letter to CJA, returning [in unincreased, "untouched by human hands condition"] the materials transmitted by CJA under its August 1, 1995 letter, including the case file in the prior Article 78 proceeding against Respondent, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York*
- (4) CJA's July 27, 1998 letter to Lee Radek, Chief, Public Integrity Section, U.S. Justice Department, Criminal Division -- See pp. 4-5

2nd ARTICLE 78 PROCEEDING AGAINST THE NYS COMMISSION ON JUDICIAL CONDUCT: Documentation filed with the Court in support of Petitioner's July 28, 1999 Omnibus Motion for the Attorney General's disqualification

FILE FOLDER II:

Documents presented to Attorney General Spitzer, *in hand*, on January 27, 1999, to substantiate CJA's letter to him of that date for an investigation of the fraudulent nomination and confirmation of Appellate Division, Second Department Justice Albert Rosenblatt to the NY Court of Appeals

- (1) Documents substantiating CJA's November 18, 1998 letter -- to which Attorney General Spitzer was an indicated recipient:
 - A. CJA's three judicial misconduct complaints against Appellate Division, Second Department Justice Rosenblatt: September 19, 1994, October 26, 1994, and December 5, 1994, with Respondent's letters of acknowledgment and dismissal
 - B. *Uncontroverted* cert petition and supplemental brief in *Doris L. Sassower v. Hon. Guy Mangano, et al.* federal action (U.S. Supreme Court #98-106), filed with Respondent in substantiation of Petitioner's October 6, 1998 judicial misconduct complaint [*See blue Folder I*]

- (2) Documents substantiating CJA's Letter to the Editor: "*An Appeal to Fairness: Revisit the Court of Appeals*" (*New York Post*, 12/28/98), concerning the State Senate's fraudulent confirmation of Justice Rosenblatt to the Court of Appeals:
 - A. CJA's December 16, 1998 letter to David Gruenberg, Senior Counsel to Senate Judiciary Committee Chairman Lack [*See blue Folder V*]
 - B. December 17, 1998 transcript of the Senate confirmation of Justice Rosenblatt to the Court of Appeals (9:22 p.m.) [*See blue Folder V*]
 - C. CJA's January 13, 1999 letter to Susan Zimmer, Clerk, Judiciary Committee [*See blue Folder V*]

2nd ARTICLE 78 PROCEEDING AGAINST THE NYS COMMISSION ON JUDICIAL CONDUCT: Documentation filed with the Court in support of Petitioner's July 28, 1999 Omnibus Motion for the Attorney General's disqualification

FILE FOLDER III:

Documents provided to Attorney General Spitzer from Folder "V" of CJA's March 26, 1999 ethics complaint establishing the corruption of the "merit selection" process to the NY Court of Appeals

- (1) CJA's October 5, 1998 letter to the NYS Commission on Judicial Nomination (Stuart Summit, Counsel) [see Exhibit "C-2" to the Verified Petition]
- (2) CJA's November 18, 1998 letter to the Executive Committee of the Association of the Bar of the City of New York [see Exhibit "E" to the Verified Petition]
- (3) CJA's February 5, 1999 letter to NYS Commission on Judicial Nomination (to Mr. Summit) [see blue Folder V]
- (4) NYS Commission on Judicial Nomination's February 24, 1999 letter to CJA, enclosing "the Commission's Report to the Governor,...delivered November 12, 1998" (from Mr. Summit) [see blue Folder V]
- (5) CJA's March 12, 1999 letter to NYS Commission on Judicial Nomination (to Mr. Summit) [see blue Folder V]
- (6) Transcript of Senate Judiciary Committee "hearing" on the nomination of Albert Rosenblatt to the NY Court of Appeals, December 17, 1998 (3:30 p.m.) [see blue Folder V]