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SUPREME COURT OF THE STATE OF NEW YORK
1st JUDICIAL DISTRICT

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HEARING RE:

COMMISSION ON STATEWIDE ATTORNEY DISCIPLINE

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New York County Lawyers Association
14 Vesey Street
New York, New York 10007

August 11, 2015

BEFORE:

COMMISSION MEMBERS:
HONORABLE BARRY A. COZIER, Chair
HONORABLE PETER SKELOS
MARK C. ZAUDERER, ESQ.
ROBERT P. GUIDO, ESQ.
DEVIKA KEWALRAMANI, ESQ.
SEAN MORTON, ESQ.

Claudette Gumbs, Official Court Reporter
Monica Horvath, Official Court Reporter
60 Centre Street
New York, New York 10007
646.386.3693

Claudette Gumbs

3 filing complaints against the same attorneys over and
4 over. So, maybe as pro se clients, we may not be the
5 best people filing complaints, but, then, you know,
6 where there is smoke there is fire. It is the same
7 attorneys that are constantly complained against. You
8 have to wonder. Because I kept an Excel spread sheet
9 and I can tell you the pattern of five attorneys in the
10 matrimonial part. It is the same issues over and over.
11 And then the question is why isn't the Committee doing
12 anything?

13 JUDGE COZIER: Thank you very much.

14 VOICE: Yes. Yes.

15 VOICE: A benevolent dictator, would do a better
16 job. We must look in the mirror.

17 JUDGE COZIER: Sir, I will ask you to refrain or
18 you must step out.

19 * MS. OXMAN: I am giving you this because I
20 believe you asked for some statistics.

21 (Whereupon, witness hands to the panel.)

22 MR. ZAUDERER: Give it to Mr. Caher in the back.

23 MS. OXMAN: No problem. Thank you. Thank you
24 very much.

25 My name is Ellen Oxman.

26 Ladies and gentlemen, kindly allow me to read

Monica S. Horvath - Senior Court Reporter

1 Proceedings
2 the pivotal sentence from ^{both} this Commission's
3 March 30, 2015, press release in it's official mission

4 statement:

5 "Among the issues to be studied by the
6 Commission on statewide attorney discipline are whether
7 New York's departmental-based system leads to regional
8 disparities in the implementation of discipline; if
9 conversion to a statewide system is desirable; and how
10 to achieve dispositions more quickly in an effort to
11 provide much-needed closure to both clients and
12 attorneys."

13 Ladies and gentlemen, ^{this} ~~there~~ is an elephant in
14 the room today. And that elephant, is this, you can
15 make the rules uniform across the state, you can dispose
16 of complaints quicker, you can tweak the rules all you
17 want, but if the rules are not followed it won't solve
18 the problem.

19 VOICE: Here, here.

20 MS. OXMAN: The problem, and let's state it
21 clearly, is that there is no oversight of the Attorney
22 Disciplinary Committees, nor, of the Commission on
23 Judicial Conduct. And this has led to well documented
24 corruption. In fact, overwhelming evidence of
25 corruption. They simply don't follow the rules when they
26 don't want to and there is nothing to be done about it.

Monica S. Horvath - Senior Court Reporter

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141

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Proceedings

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It is an open secret that these offices have
been run in a rogue manner to target or protect select

4 attorneys. The documentation starts at least as early
5 as the Murphy Report in 1989 when Judge Murphy, the
6 Chief Judge of the First Department at that time fired
7 two top Disciplinary Committee executives for among
8 other charges falsifying timesheet^s, whitewashing well
9 substantiated claims against favored attorneys,
10 targeting out of attorneys, warehousing complaints
11 instead of addressing them and using quota systems to
12 arbitrarily close cases to the detriment of
13 complainants, and justice. This kind of corruption
14 continues today and is much worse.

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Monica S. Horvath - Senior Court Reporter

142

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Proceedings

MS. OXMAN: ~~And as much worse.~~ Twenty years
later we heard the same types of stories at Senator
Samson's 2009 hearings. Although consumers, attorneys

5 and judges traveled from near and far to testify about
6 corruption in these offices, I being one at that time,
7 the hearings were halted without explanation. The
8 verbal testimony relegated to You Tube, the submitted
9 documentation warehoused or simply discarded. No
10 report was ever generated by the Senate Judiciary
11 Committee who heard ^{this} the testimony. The judiciary
12 committee's 2009 annual report makes no mention of the
13 hearings having even taken place. Dead silence in
14 response to overwhelming evidence of corruption.

15 These two offices, the attorney disciplinary
16 committees, the subject of today's hearings, and its
17 counterpart the Committee on Judicial Conduct are
18 quietly the two most powerful offices in the entire
19 court system. If they are honest and function
20 correctly, they are powerful guiding forces to keep the
21 court system fair, above board and respected by the
22 public. But if they are corrupted and are used to
23 target or protect attorneys and judges, the court
24 system then and is now a tool of criminals. Let's
25 face it. You can make all of the laws you want, just
26 you know, against looting, you can make them -- laws

Claudette Gumbs

143

1 Proceedings
2 uniform across the state, but if the police, and that
3 is you, turn the lights off and lock the precinct
4 doors, there will be looting on the streets and that is

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what you're seeing.

The time is now, because what you have is probably the most corrupt court system in the United States --

(Applause.)

-- with the most corrupt attorneys in the history of this country who go ^{gleefully} ~~bravely~~ unpunished and are fully protected by those who are charged with exposing them.

We now know what Senator Sampson knew in 2009 as he sat listening to our testimony; that he was a criminal who was facing substantial jail time if caught. Now he is a convicted criminal and yet to my knowledge he has not been disbarred or suspended from practicing law in New York by the disciplinary committee.

Judge Gonzales, the current chief judge of the First Department, admitted to substantial untruths on a mortgage application and to engaging in nepotism, hiring family members to do court related jobs that in some cases they weren't qualified to even do. The report exonerating the judge conspicuously neglected to

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Proceedings

mention his background was as a housing court judge and therefore, someone who should be conversant with mortgage fraud.

To my knowledge, he, too, has received no

6 discipline whatsoever. Yet Judge Gonzales has been
7 left at the helm of the First Department overseeing its
8 disciplinary committee and even as the head of the
9 Appellate Division, determining which lawyers should
10 escape discipline and which should be punished. This
11 in a word -- that is outrageous. Judge Lippman knew
12 about Sampson's hearings on allegations of corruption.
13 He knew that the hearings were abruptly dropped, the
14 testimony orphaned. He received countless pleas from
15 me, being one of them -- from legal consumers,
16 professional organizations. Judge Lippman was in a
17 position to do something about it as the Chief Judge of
18 the First Department and now as the Chief Judge of New
19 York State, but instead, your mission statement
20 entirely sidesteps the question of corruption *within these very offices.*

21 So here we are again today, pretending there
22 is no corruption. That we need to improve the rules.

23 I personally over the course of eight long
24 years have submitted clear and convincing evidence
25 uncovering more and more in my own case alone, on how
26 this office is run to target and protect, to enable

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145

1 Proceedings
2 misconduct and in my case, to enable crimes across
3 state lines and worse. You owe it to the American
4 public to squarely address the elephant in the room.
5 You owe it to the public to address the corruption

6 within these offices, a corruption that I have been
7 forced to endure at deep expense to my children and
8 myself. It crosses state lines, ^{it} involves forgery,
9 fake documents, fraud upon the court, a cornucopia of
10 corruption that is flourishing and not being stopped at
11 all. The standard is so low that forum shopping for
12 the easily available corrupt lawyers ^{+ judges} in Manhattan
13 Supreme Court alone is now a known attraction for big
14 law from other states and countries, where we even see
15 what was once the most prestigious law firm Dewey
16 Ballantine corrupted and bankrupted because there is
17 zero accountability by these lawyers and these judges.

18 where is the Attorney Disciplinary Committee
19 and its counterpart, the Committee on Judicial Conduct?
20 where are they? The lights are out. They are not in
21 their offices. The looting of the courts by corrupt
22 attorneys and corrupt judges is on their watch. ^{as right now} As we
23 speak, it continues apace, legally destroying our court
24 system. Right now, that is your terrible legacy and
25 instead of addressing it, you mock the public. we
26 don't want to be mocked any longer in the public realm.

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146

1 Proceedings

2 In my response --

3 JUDGE COZIER: Ms. Oxman, you have about a
4 minute.

5 MS. OXMAN: I will just state then that I am
6 a victim of domestic violence. I have many documents

7 going back to 2007 about the lawyers in my case who
8 were never let out of my case. Her name is Pamela
9 Sloan ~~from Sloan, Robarge and Herman.~~ ^{Herman, Sullivan} Never let out of
10 my case. I am a musician, I am not a lawyer. I had
11 no idea that a lawyer has to make a motion to be let
12 out of the case. They are still the attorney of record
13 for my litigation.

14 My husband is a famous lawyer. His brothers
15 went to law school with Bill and Hillary Clinton.
16 These are people who are powerful, who understand the
17 system and they are connected. I am not.

18 When my husband threw me against the wall in
19 my building, Chris Wasserstein, who is Bruce
20 Wasserstein and Wendy Wasserstein's relative wrote an
21 affidavit on behalf of getting me a temporary order of
22 protection which Judge Evans turned down. I had to go
23 to Family Court to find out I was divorced in front of
24 Robert Stolz because the NYPD sent me to Family Court
25 to get an order of protection for myself. At that
26 Family Court hearing I found out I was divorced. What

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147

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Proceedings

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country am I in?

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JUDGE COZIER: Ms. Oxman, thank you.

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JUDGE COZIER: The next witness is Alton Maddox.

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MR. MADDOX: Thank you very much. At the

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outset I want to assure any and everybody on this panel