

OCT 26 1994

CENTER for  
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ACCOUNTABILITY



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*Evangelina Williams*  
*State Commission on*  
*Judicial Conduct*  
BY HAND

October 26, 1994

Commission on Judicial Conduct  
801 Second Avenue  
New York, New York 10017

RE: Complaint against the Justices of the Appellate Division, Second Department and, in particular, Justices William C. Thompson, Albert M. Rosenblatt, Cornelius J. O'Brien, Anita R. Florio and Presiding Justice Guy Mangano

Dear Commission Members:

This letter supplements my September 19, 1994 formal complaint against the justices of the Appellate Division, Second Department and, in particular, against Justice William C. Thompson, a member of your Commission. My September 19, 1994 complaint was faxed to you on that date (Exhibit "A")--with receipt confirmed by your office.

This letter is also intended as a new and separate complaint, specifically against Associate Justices Albert M. Rosenblatt, Cornelius J. O'Brien, and Anita R. Florio. Those justices, as hereinafter detailed: (1) witnessed, without protest, Justice Thompson's abusive treatment of me on October 5, 1994 and his total denial of due process; and (2) deliberately failed to take any corrective action when a Clerk of the Court, acting on Justice Thompson's direction, falsified the facts as to what had taken place "in open court" on that date.

By way of background to this new complaint, on September 20, 1994, the day after I faxed my September 19th complaint to your office (Exhibit "A"), there were seven appeals in an unrelated civil action in which my law firm and I were named as defendants on the appeals calendar of the Appellate Division, Second Department for oral argument.

Justice Thompson was not one of the justices assigned to the panel scheduled to hear the appeals set down for that day. However, without explanation, he came onto the panel on that date after the sua sponte recusal of Justice David Ritter, an assigned panel member.



# Where Do You Go When Judges Break the Law?

FROM THE WAY the current electoral races are shaping up, you'd think judicial corruption isn't an issue in New York. Oh, really?

On June 14, 1991, a New York State court suspended an attorney's license to practice law—immediately, indefinitely and unconditionally. The attorney was suspended with no notice of charges, no hearing, no findings of professional misconduct and no reasons. All this violates the law and the court's own explicit rules.

Today, more than three years later, the suspension remains in effect, and the court refuses even to provide a hearing as to the basis of the suspension. No appellate review has been allowed.

Can this really happen here in America? It not only can, it did.

The attorney is Doris L. Sassower, renowned nationally as a pioneer of equal rights and family law reform, with a distinguished 35-year career at the bar. When the court suspended her, Sassower was *pro bono* counsel in a landmark voting rights case. The case challenged a political deal involving the "cross-endorsement" of judicial candidates that was implemented at illegally conducted nominating conventions.

Cross-endorsement is a bartering scheme by which opposing political parties nominate the same candidates for public office, virtually guaranteeing their election. These "no contest" deals frequently involve powerful judgeships and turn voters into a rubber stamp, subverting the democratic process. In New York and other states, judicial cross endorsement is a way of life.

One such deal was actually put into writing in 1989. Democratic and Republican party bosses dealt out seven judgeships over a three-year period. "The Deal" also included a provision that one cross-endorsed candidate would be "elected" to a 14-year judicial term, then resign eight months after taking the bench in order to be "elected" to a different, more patronage-rich judgeship. The result was a musical-chairs succession of new judicial vacancies for other cross-endorsed candidates to fill.

Doris Sassower filed a suit to stop this scam, but paid a heavy price for her role as a judicial whistle-blower. Judges who were themselves the products of cross-endorsement dumped the case.

Other cross-endorsed brethren on the bench then viciously retaliated against her by suspending her law license, putting her out of business overnight.

Our state law provides citizens a remedy to ensure independent review of governmental misconduct. Sassower pursued this remedy by a separate lawsuit against the judges who suspended her license.

That remedy was destroyed by those judges who, once again, disobeyed the law — this time, the law prohibiting a judge from deciding a case to which he is a party and in which he has an interest. Predictably, the judges dismissed the case against themselves.

New York's Attorney General, whose job includes defending state judges sued for wrongdoing, argued to our state's highest court that there should be no appellate review of the judges' self-interested decision in their own favor.

Last month, our state's highest court — on which cross-endorsed judges sit — denied Sassower any right of appeal, turning its back on the most basic legal principle that "no man shall be the judge of his own cause." In the process, that court gave its latest demonstration that judges and high-ranking state officials are above the law.

Three years ago this week, Doris Sassower wrote to Governor Cuomo asking him to appoint a special prosecutor to investigate the documented evidence of lawless conduct by judges and the retaliatory suspension of her license. He refused. Now, all state remedies have been exhausted.

There is still time in the closing days before the election to demand that candidates for Governor and Attorney General address the issue of judicial corruption, which is real and rampant in this state.

Where do you go when judges break the law? You go public.

Contact us with horror stories of your own.

**CENTER for  
JUDICIAL  
ACCOUNTABILITY**



TEL (914) 421-1200 • FAX (914) 684-6554

E-MAIL [probono@delphi.com](mailto:probono@delphi.com)

Box 69, Gedney Station • White Plains, NY 10605

*The Center for Judicial Accountability, Inc. is a national, non-partisan, not-for-profit citizens' organization raising public consciousness about how judges break the law and get away with it.*

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By Hand

October 17, 1994

Appellate Division, Second Dept.  
45 Monroe Place  
Brooklyn, New York 11201

Att: Mr. James E. Pelzer, Supervisor of Decision Dept.

Re: Blaustein v. Sassower  
Docket Nos. 92-06741, 6742, 6743,  
6744, 6745, 93-01664

Dear Mr. Pelzer:

This letter responds to yours dated October 6, 1994, which falsifies, distorts, and omits pertinent facts.

Amazingly, your letter fails to disclose that you have no personal knowledge of what took place "in open court" on October 5th since you were not present, as you yourself admitted to me.

You stated in our telephone conversation on October 6th--but not in your letter--that your information as to what took place "in open court" came to you directly from Justice Thompson and that you had reviewed it with Presiding Justice Mangano, as well. In view of your letter's serious inaccuracies, I request you to confirm that Justice Thompson was the source of the information therein contained.

Referring to my motion for vacatur, recusal, and transfer, your October 6th letter states that Justice Thompson "declined to accept [it]...on the ground that [it] had not previously been served upon the respondent who was also present in open court". You do not identify that such motion was an unsigned Order to Show, as to which there is no requirement that same be served upon the adverse party prior to the Court's entertaining of it.

Relative to that motion, you then go on to state, falsely:

"You were granted leave to make the application orally, which you did, and after hearing you and your opponent, the application was denied by the bench in open court"



Such statement is, in every respect, an outright fabrication, there being four false statements in that single quoted sentence:

- (1) I was not granted leave to orally argue the application for vacatur, recusal, and transfer;
- (2) I did not orally argue that application;
- (3) The Court did not hear me and my opponent with respect to that application; and
- (4) The Court did not deny that application after hearing argument thereon.

By copy of this letter to Presiding Justice Thompson and to Justices Rosenblatt, O'Brien, and Florio, the three Associate Justices who sat on the panel, I call upon all four Justices to confirm the truth of my aforesaid statements as to what took place "in open court".

The Associate Justices all witnessed Justice Thompson's categorical refusal to permit me to argue my aforesaid application orally, after denying me the opportunity to hand up my Order to Show Cause. Indeed, even after my adversary was served with the unsigned Order to Show Cause during the brief court recess, Presiding Justice Thompson refused to permit me to hand up same to the Court.

It may be noted that when I attempted to object to such denial of my rights, Presiding Justice Thompson silenced me with the declaration that he was "arbitrary, capricious, and unreasonable".

Additionally, your letter falsely states:

"Thereafter, the bench heard you and Mr. Blaustein argue the appeals."

In fact, although seven (7) appeals were on the calendar to be argued, the Court permitted me no more than a minute and a half to speak before interrupting me with intensely hostile questions wholly irrelevant to the issues before the Court. Presiding Justice Thompson then directed me to sit down and called upon Mr. Blaustein to be heard. Thereafter, Presiding Justice Thompson refused to permit me any right of rebuttal to correct misstatements that had been made and concluded the court session.

At that point, my daughter, who was present as my paralegal assistant, rose to state what would have been included by me in an oral application for recusal and transfer--had Justice Thompson permitted me to make one--to wit, that the panel was



disqualified and that on September 19, 1994 I had filed a formal complaint with the Commission on Judicial Conduct against the Appellate Division, Second Department and, in particular, against two members of the panel.

Justice Rosenblatt, who was seated directly in front of my daughter, then asked who those members were, to which my daughter responded that they were Justice Thompson and himself. Obviously, my daughter's statement and Justice Rosenblatt's question would have been wholly unnecessary had I been permitted to make my recusal/transfer application orally. Indeed, my September 19, 1994 complaint to the Commission on Judicial Conduct was annexed as Exhibit "C" to my Order to Show Cause.

As hereinabove set forth, copies of this letter and your October 6th letter are being sent to Justice Thompson and the three other justices of the panel so that they can correct the false record created by you and especially your statement that my motion for vacatur, recusal, and transfer was orally argued.

Consonant with the justices' obligations under §100.3(b)(1), (2), and (3) of the Rules Governing Judicial Conduct, I hereby request that they issue a corrective memorandum.

Finally, I request that you correct the only statement in your October 6th letter, as to which you do have personal knowledge. That is, your opening sentence which claims that my motion was "left...on the counter in the clerk's office". As you know, my Order to Show Cause was left in your hands, with a request by me that it be preserved as part of the court file so that there would be no question at a later time as to the nature of the serious application, which Presiding Justice Thompson had totally precluded me from presenting "in open court".

As I told you when I gave you that motion, I was planning to go directly to the Commission on Judicial Conduct to file the original of my aforesaid Order to Show Cause, in supplementation of my September 19th complaint. I informed you in our telephone conversation on October 6th that I did, in fact, immediately file the original Order to Show Cause with the Commission. A copy thereof, bearing the file-stamp of the Commission and the time notation of 2:55 p.m., is annexed hereto, together with the court's calendar and a complaint coversheet I filled out in which I stated:

"This is the original OSC presented to the Appellate Division, Second Department today. Justice Thompson who was presiding refused to allow me to present or argue it after refusing to receive it prior to oral argument of the appeals..." (emphasis added)



I wish to note that when I went to the Commission, I was told that there had been a meeting of the Commission on the previous Friday, September 29th, at which Justice Thompson had been present.

It may be inferred that Presiding Justice Thompson's refusal to allow me to present my recusal/transfer motion, either orally or in writing, is attributable to his desire to keep the three Associate Justices on the panel unaware of that complaint.

It may be further inferred that on September 20th, when Justice Thompson took over as Presiding Justice of the panel in these seven (7) appeals, he did so with knowledge that he was the subject of my complaint to the Commission on Judicial Conduct, which I had faxed to the Commission the day before. Indeed, a copy of the faxed receipt is included as part of Exhibit "C" to my Order to Show Cause.

In any event, on September 20th, Justice Thompson knew that he was disqualified from adjudicating proceedings involving me inasmuch as we were direct adversaries in my Article 78 proceeding, Sassower v. Hon. Guy Mangano, et al., then sub judice before the Court of Appeals. As Justice Thompson knew, that proceeding charged him and his fellow Appellate Division, Second Department Justices with criminal conduct, inter alia, in knowingly issuing and perpetuating a fraudulent suspension of my license to practice law.

It should be noted that Justice Thompson became a member of the panel due to Justice Ritter's sua sponte recusal. Such fact, in and of itself, should have sufficed to sensitize Justice Thompson--a member of the Commission on Judicial Conduct--to his own ethical duty to disqualify himself.

Instead, Justice Thompson availed himself of the opportunity to make the adjournment granted on September 20, 1994 a "final" one and to state that there were to be "no more applications".

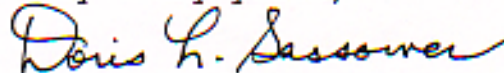
The above facts were reported to me in the memorandum of Eric Portuguese, Esq., the counsel who appeared for me in court on the September 20th date to request the adjournment by reason of the lack of substitute counsel. That memorandum was included as Exhibit "D" to my Order to Show Cause, enclosed herewith.



October 17, 1994

In view of the seriousness of the matters herein set forth, a duly notarized verification by myself, as well as by my daughter, who witnessed the events of October 5th, is annexed hereto.

Very truly yours,



DORIS L. SASSOWER

DLS/er

Enclosures: (a) 10/6/94 ltr of James E. Pelzer  
(b) Order to Show Cause, file-stamped by  
Commission on Judicial Conduct, with  
coverletter complaint and filed copy of  
10/5/94 court calendar

cc: Presiding Justice Guy Mangano  
Presiding Justice William C. Thompson  
Associate Justice Albert M. Rosenblatt  
Associate Justice Cornelius O'Brien  
Associate Justice Anita R. Florio  
New York State Commission on Judicial Conduct  
Mr. Stuart Blaustein

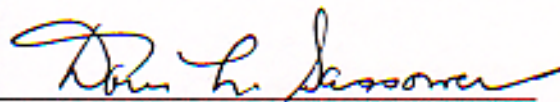


VERIFICATION

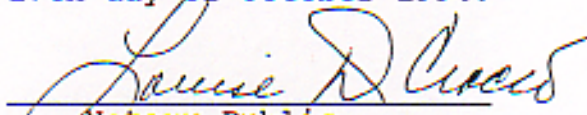
STATE OF NEW YORK           )  
COUNTY OF WESTCHESTER    ) ss.:

DORIS L. SASSOWER, being duly sworn, deposes and says:

The facts set forth in my letter to James E. Pelzer, Esq., dated October 17, 1994, are true and correct of my own personal knowledge, except as to those facts set forth on information and belief, and as to those facts, I have stated the source of my knowledge and believe them likewise to be true and correct.

  
DORIS L. SASSOWER

Sworn to before me this  
17th day of October 1994.

  
Notary Public

LOUISE DICROCCO  
Notary Public, State of New York  
No. 4718571  
Qualified in Westchester County  
Commission Expires March 30, 1992  
12-10-94

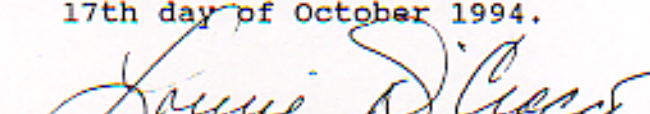
STATE OF NEW YORK           )  
COUNTY OF WESTCHESTER    ) ss.:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

I have read the letter of my mother, Doris L. Sassower, dated October 17, 1994, to James E. Pelzer, and state that I witnessed all of the events of October 5, 1994, recited therein. I attest hereby that her recitation of the facts concerning such events is true and correct in all respects.

  
ELENA RUTH SASSOWER

Sworn to before me this  
17th day of October 1994.

  
Notary Public

LOUISE DICROCCO  
Notary Public, State of New York  
No. 4718571  
Qualified in Westchester County  
Commission Expires March 30, 1992  
12-10-94