



State of New York
Court of Appeals

Donald M. Sheraw
Clerk of the Court

Clerk's Office
Albany, New York 12207

November 27, 1995

Doris L. Sassower
283 Soundview Avenue
White Plains, New York 10606

Dear Ms. Sassower:

The Court has received your 500.2 jurisdictional statement. Despite your assertion that there is no need for a jurisdictional inquiry, the Court may examine its subject matter jurisdiction sua sponte with respect to whether a substantial constitutional question is directly involved to support an appeal as of right and with respect to whether the order appealed from finally determines the proceeding within the meaning of the Constitution. Your request that your submission be forwarded to the Chief Judge for her personal attention as opposition to the suggestion that attorney disciplinary proceedings be opened to the public cannot be accommodated; in this regard, it is noted that you have forwarded a copy of your submission to Mr. Craco. Your request that the Court recuse itself in this matter cannot be granted administratively, and your letter request will not be considered by the Court.

This communication is without prejudice to any motion any party may wish to make. If you conclude that the order is not appealable as of right, please arrange for the execution of a stipulation consenting to a dismissal of the appeal and transmit that paper to my office. If a stipulation is to be forthcoming, please inform me immediately.

On the other hand, if you wish to persevere in the appeal, you are invited to present to the Court in writing within ten days of this letter's date your comments justifying the retention of subject matter jurisdiction, including references to the record demonstrating that a constitutional question was raised in the court or other forum of original instance. Also please enclose a copy of each brief filed in the Appellate Division, as well as a copy of the Record on Appeal or Appendix filed in that court, to the extent that any of these required documents may be missing from your initial submission. Your adversary is likewise afforded the opportunity to comment in writing on the subject matter jurisdiction.

Doris L. Sassower

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If this sua sponte inquiry is terminated by the Court, the Clerk will notify counsel in writing and set a new schedule for normal perfecting of the appeal.

Very truly yours,

Donald M. Sheraw

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cc: Gary Casella