

DORIS L. SASSOWER

283 SOUNDVIEW AVENUE • WHITE PLAINS, N.Y. 10606 • 914/997-1677 • FAX: 914/684-6554

BY HAND

February 3, 1994⁵

*Received
by 2/3/95*

Professor J. Carlisle, II
New York State Bar Association
Committee on Professional Discipline
c/o Pace University Law School
78 North Broadway
Preston Hall, #201
White Plains, New York 10603

Dear Professor Carlisle:

In our recent telephone conversation you acknowledged that as part of the "comprehensive study" conducted by the New York State Bar Association's Committee on Professional Discipline--of which you and Gary Casella are members--you had not reviewed any of the disciplinary files relating to my mother. However, you were good enough to agree to review those files if I provided them to you.

Accordingly, I have requested that materials from my mother's disciplinary files, hand-delivered on October 19, 1994 to Professor Janet Johnson, Chair of the Grievance Committee for the Ninth Judicial District, be turned over to you for your review. You should, therefore, shortly be receiving from her the following documents:

- (a) my mother's November 19, 1993 motion for dismissal/summary judgment directed to the three disciplinary petitions pending against her, as well as to the Appellate Division, Second Department's June 14, 1991 interim order of suspension, which was unsupported by any petition and unrelated to any pending disciplinary proceeding; Mr. Casella's December 7, 1993 affirmation in opposition, my mother's December 10, 1993 letter to the Appellate Division, Second Department, and its January 28, 1994 order.
- (b) the testimony of then Chairman Edward Sumber, as well as of former Chairman William Daly at the hearings on the February 6, 1990 petition (pp. 484, 490-552, 579-684; 685, 731-783). The testimony of Mr. Sumber is referred to at ¶7 of my

mother's dismissal/summary judgment motion¹, wherein she describes Referee Galfunt's refusal to address her jurisdictional objections and his allowing Mr. Casella to without establishing jurisdiction, notwithstanding same had been placed in issue by my mother's March 7, 1990 Verified Answer to the February 6, 1990 Petition.

- (c) pertinent exhibits introduced by my mother during Chairman Sumber's aforesaid testimony (Resps. Exhs. "KK", "MM", "NN", "LL", "OO")--relative to her right to immediate vacatur of her interim suspension, in all respects a fortiori to that of attorney Russakoff, whose interim suspension order was vacated in In Re Russakoff, 72 NY2d 520, 583 NYS2d 949 (1992).

The aforesaid documents are illustrative of what the rest of the underlying disciplinary files under A.D. #90-00315 show: utter lawlessness by the Appellate Division, Second Department, its appointed Referee, and its appointed Chief Counsel of the Grievance Committee for the Ninth Judicial District, Mr. Casella, (who, ironically, teaches "ethics" at Pace Law School), as well as the professional irresponsibility of its appointed Chairmen and Committee Members, who have aided and abetted in the wrongful suspension of my mother's license--now in its fourth year--and in the succession of factually and legally groundless disciplinary proceedings that have been generated against her.

I note that the State Bar Association's 1993 Annual Report on Lawyer Discipline in New York State describes its "comprehensive study" of the discipline system as having included:

"on site inspections of all eight district offices, and a review of 480 closed files selected at random". (at p. 3)

I would be most interested in knowing how such "random selection" was made and who participated in making that "random selection". I recall my mother telling me that she had spoken to you in the summer of 1993 about the possibility of your reviewing her disciplinary files--at which time she said you mentioned that you had been assigned to review disciplinary files throughout the state. Although you agreed to review her files, you thereafter informed her that you could not do so and suggested that she

¹ Mr. Daly's shocking testimony did not occur until nearly two months after my mother made her dismissal/summary judgment motion.

speak to Frank Rosiny, Chairman of the New York State Bar Association's Committee on Professional Discipline.

My mother subsequently spoke to Mr. Rosiny about Mr. Casella's misconduct in connection with the fraudulent suspension of her license and his violation of the Second Department's own disciplinary rules. My mother told me she offered him her disciplinary files to demonstrate how exigent and extreme the situation was. However, according to my mother, Mr. Rosiny, albeit chairman of a bar association committee purportedly reviewing disciplinary files to determine the need for revision of the disciplinary process, rejected her offer of files, unless she paid him \$3,000 to review same.

Obviously between a chairman, who rebuffed the opportunity to gain needed information about how the process really works and the various chief counsels--including Mr. Casella--who sit on the Committee on Professional Discipline and, presumably, did not "select" for review disciplinary files reflecting their misconduct or that of the Appellate Division which appointed them, the reviewing subcommittee--on which you served--did not have the "raw materials" on which to base a recommendation for radical change of the present disciplinary system. Nor did the subcommittee have the basic information necessary to make essential incremental changes.

After you have completed your review of the materials transmitted to you, at my request, by Professor Johnson, I will be happy to transmit the entire disciplinary file under A.D. #90-00315 so you can verify what a monstrous perversion of constitutional rights the present disciplinary system allows and meet your ethical duty to recommend the major and structural changes that must be made without delay.

You should be aware that we are preparing a petition for certiorari to the U.S. Supreme Court, based, inter alia, on the unconstitutionality of New York's attorney disciplinary law. I trust you are familiar with the case of Mildner v. Gulotta, 405 F. Supp. 182 (1975),--wherein, twenty years ago, Judge Jack Weinstein found Judiciary Law §90 unconstitutional in his scholarly dissent to the two-judge majority of the district court which heard the consolidated three cases involved. I personally gave Professor Johnson a copy of the decision in that case, which perhaps she will include in her transmittal of materials to you.

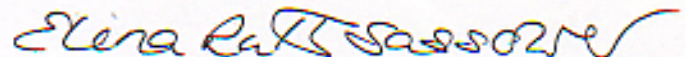
Finally, I must observe that there has been no reaction from anyone connected with the New York State Committee on Professional Discipline to the paid ad which appeared on the Op-Ed page of The New York Times on October 26, 1994. In case you missed it, a copy is enclosed. In view of what is there set forth--that an attorney in this State "was suspended with no

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notice of charges, no hearing, no findings of professional misconduct and no reasons", that, "more than three years later, the suspension remains in effect, and the court refuses to even provide a hearing as to the bias of the suspension" and that "[n]o appellate review has been allowed", I would have expected an immediate call from someone from the Committee on Professional Discipline--to verify the facts. Indeed, in light of the Committee's solicitation of comments on its draft rules on attorney discipline, appearing on the frontispiece to its 1993 Annual Report, the Committee should have been eager for the empiric evidence to back up the shocking statements made in that ad. However, no one from the Committee on Professional Discipline--or from the New York State Bar Association--ever contacted us.

I would certainly hope that with the materials which you will be receiving from Professor Johnson, you will bring some responsible leadership to bear--both on the Committee on Professional Discipline, as well as upon the Grievance Committee for the Ninth Judicial District.

Very truly yours,



ELENA RUTH SASSOWER

Enclosure: 10/26/94 New York Times Op-Ed ad,
"Where Do You Go When Judges Break the Law"

cc: Professor Janet Johnson
Chair, Grievance Committee for the Ninth Judicial District
Frank R. Rosiny
Chair, NYSBA, Committee on Professional Discipline

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

Box 69, Gadney 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.

DORIS L. SASSOWER, P.C.

WESTCHESTER FINANCIAL CENTER
50 MAIN STREET
WHITE PLAINS, NEW YORK 10606
Telephone: 914-682-2001

Other White Plains Office: 283 Soundview Avenue, Telephone:
914-997-1677.

Matrimonial, Real Estate, Commercial, Corporate, Trusts and
Estates, Civil Rights.

DORIS L. SASSOWER, born New York, N.Y., September 25, 1932; admitted to bar, 1955, New York; 1961, U.S. Supreme Court, U.S. Claims Court, U.S. Court of Military Appeals and U.S. Court of International Trade. Education: Brooklyn College (B.A., summa cum laude, 1954); New York University (J.D., cum laude, 1955). Phi Beta Kappa. Florence Allen Scholar. Law Assistant: U.S. Attorney's Office, Southern District of New York, 1954-1955; Chief Justice Arthur T. Vanderbilt, Supreme Court of New Jersey, 1956-1957, President, Phi Beta Kappa Alumnae in New York, 1970-71, President, New York Women's Bar Association, 1968-69, President, Lawyers' Group of Brooklyn College Alumni Association, 1963-65. Recipient: Distinguished Woman Award, Northwood Institute, Midland, Michigan, 1976. Special Award for outstanding achievements on behalf of women and children, National Organization for Women—NYS, 1981; New York Women's Sports Association Award "as champion of equal rights," 1981. Distinguished Alumna Award, Brooklyn College, 1973. Named Outstanding Young Woman of America, State of New York, 1969. Nominated as candidate for New York Court of Appeals, 1972. Columnist: ("Feminism and the Law") and Member, Editorial Board, Woman's Life Magazine, 1981. Author: Book Review, Separation Agreements and Marital Contracts, Trial Magazine, October, 1987; Support Handbook, ABA Journal, October, 1985; Anatomy of a Settlement Agreement Divorce Law Education Institute 1982 "Climax of a Custody Case," Litigation, Summer, 1982; "Finding a Divorce Lawyer you can Trust," Scarsdale Inquirer, May 20, 1982. "Is This Any Way To Run An Election?" American Bar Association Journal, August, 1980; "The Disposable Parent: The Case for Joint Custody," Trial Magazine, April, 1980. "Marriages in Turmoil: The Lawyer as Doctor," Journal of Psychiatry and Law, Fall, 1979. "Custody's Last Stand," Trial Magazine, September, 1979; "Sex Discrimination—How to Know It When You See It," American Bar Association Section of Individual Rights and Responsibilities Newsletter, Summer, 1976; "Sex Discrimination and the Law," NY Women's Week, November 8, 1976; "Women, Power and the Law," American Bar Association Journal, May, 1976; "The Chief Justice Wore a Red Dress," Woman In the Year 2000, Arbor House, 1974; "Women and the Judiciary: Undoing the Law of the Creator," Juridature, February, 1974; "Prostitution Review," Juris Doctor, February, 1974; "No-Fault Divorce and Women's Property Rights," New York State Bar Journal, November, 1973; "Marital Bliss: Till Divorce Do Us Part," Juris Doctor, April, 1973; "Women's Rights in Higher Education," Current, November, 1972; "Women and the Law: The Unfinished Revolution," Human Rights, Fall, 1972; "Matrimonial Law Reform: Equal Property Rights for Women," New York State Bar Journal, October, 1972; "Judicial Selection Panels: An Exercise in Futility?" New York Law Journal, October 22, 1971; "Women in the Law: The Second Hundred Years," American Bar Association Journal, April, 1971; "The Role of Lawyers in Women's Liberation," New York Law Journal, December 30, 1970; "The Legal Rights of Professional Women," Contemporary Education, February, 1972; "Women and the Legal Profession," Student Lawyer Journal, November, 1970; "Women in the Professions," Women's Role in Contemporary Society, 1972; "The Legal Profession and Women's Rights," Rutgers Law Review, Fall, 1970; "What's Wrong With Women Lawyers?" Trial Magazine, October-November, 1968. Address to: The National Conference of Bar Presidents, Congressional Record, Vol. 115, No. 24 E 815-6, February 5, 1969; The New York Women's Bar Association, Congressional Record, Vol. 114, No. E5267-8, June 11, 1968. Director: New York University Law Alumni Association, 1974; International Institute of Women Studies, 1971; Institute on Women's Wrongs, 1973; Executive Woman, 1973. Co-organizer, National Conference of Professional and Academic Women, 1970. Founder and Special Consultant, Professional Women's Caucus, 1970. Trustee, Supreme Court Library, White Plains, New York, by appointment of Governor Carey, 1971-1986 (Chair, 1982-1986). Elected Delegate, White House Conference on Small Business, 1985. Member, Panel of Arbitrators, American Arbitration Association. Member: The Association of Trial Lawyers of America; The Association of the Bar of the City of New York; Westchester County, New York State (Member: Judicial Selection Committee, Legislative Committee, Family Law Section), Federal and American (ABA Chair, National Conference of Lawyers and Social Workers, 1973-1974; Member, Sections on: Family Law; Individual Rights and Responsibilities Committee on Rights of Women, 1982; Litigation) Bar Associations; New York State Trial Lawyers Association; American Juridature Society; National Association of Women Lawyers (Official Observer to the U.N., 1969-1970); Consular Law Society; Roscoe Pound-American Trial Lawyers' Foundation; American Association for the International Commission of Jurists; Association of Feminist Consultants; Westchester Association of Women Business Owners; American Women's Economic Development Corp.; Women's Forum. Fellow: American Academy of Matrimonial Lawyers; New York Bar Foundation.

"AV" rating

1989 edition