

DORIS L. SASSOWER

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BY FAX AND MAIL

Fax No.: (312) 988-6606

January 3, 1996

Marna Tucker, Chair
The Fellows of the American Bar Foundation
2001 L Street N.W., Suite 300
Washington, D.C. 20036

Dear Marna:

This responds to the notice of a proposed By-Laws Amendment to Article III, Section 2(i), included with your recent notice of the Fellows' upcoming mid-year meeting. Without more, the proposed amendment effects, "automatically", immediate cessation of membership in the event a Fellow "ceases to be a member in good standing of the bar."

I must object for the reason that the amendment is too broadly drawn, unfairly failing to take into account two real-life situations:

1. an attorney disciplinary order, entered without due process; and
2. an attorney disciplinary order which is not final, either because appellate remedies have not yet been exhausted or because it is a so-called "interim" order of suspension.

As you may recall, at the Fellows and ABA Annual Meetings this past summer, I made known the fact that my law license had been unlawfully suspended, without charges, without a hearing, without findings, without reasons, and without any right of appellate review. I reported that I had been denied any appeal, either of right or by leave and denied, as well, any post-suspension hearing as to the alleged basis of my suspension. That remains still true today--more than four and a half years since issuance of the so-called "interim" suspension order. In this totally un-American manner, I have been thus deprived of my professional livelihood, career, and reputation in retaliation for my judicial "whistle-blowing".

January 3, 1996

I provided you and other Fellows with copies of the brochure of the Center for Judicial Accountability, Inc., the national, non-profit, non-partisan citizen's organization I founded after my illegal suspension, to work for much-needed reform in the way we choose and discipline our judges--a goal the American Bar Foundation surely supports. Included with that brochure was a copy of CJA's New York Times Op-Ed page ad "Where Do You Go When Judges Break the Law," published on October 26, 1994, providing further information concerning my retaliatory suspension. An additional copy is enclosed for your convenience.

Having heard nothing from you or any other Fellows in the interim, I was most surprised and disappointed that the only word on the subject was your recently received notice of the proposed amendment. Such amendment would terminate my Fellows membership, without regard to the aforesaid circumstances.

As you can see from the enclosed clipping from the December 27, 1995 New York Law Journal, I am presently again raising the issue of constitutionality of New York's disciplinary law, as written and as applied, before the New York Court of Appeals. I earnestly request that the Fellows of the American Bar Foundation demonstrate their commitment "to maintain the honor and integrity of the profession" by urging the New York Court of Appeals to take jurisdiction of my appeal, be it of right or by leave.

I am informed that the jurisdictional question will not be decided for eight to ten weeks. There would, therefore, be sufficient time for the Fellows to consider the matter at its February meeting.

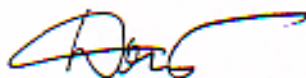
On your request, I will immediately send you a copy of the papers before the New York Court of Appeals. In the meantime, I forward herewith a copy of the cert petition I filed with the U.S. Supreme Court last year--laying out the constitutional issues.

Since I am immediately affected by adoption of the proposed amendment, I plan to attend the Baltimore meeting and to speak in opposition at the February 4th business meeting, when it is presented for a vote. I will also speak to the subject of my request for amicus curiae or other pro bono assistance in my continuing challenge to the constitutionality of New York's attorney disciplinary law, as written and applied.

Meantime, please record my opposition to the proposed amendment for the reasons stated. If possible, please convey my aforesaid views and request to the Fellows membership at large in advance of the meeting.

Thanking you in advance for your anticipated collegiality and concern, I am, with best wishes for 1996,

Cordially,

A handwritten signature in blue ink, appearing to read 'Doris', with a long, sweeping horizontal stroke extending to the right.

DORIS L. SASSOWER

DLS/er

Enclosures (4) (by mail only)

cc: Herbert Sledd, Vice-Chair
Robert Geltzer, Esq., N.Y.S. Fellows Chair

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**



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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.

The New York Times

Martindale-Hubbell
Law Directory

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Estate, 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, 1986; 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 10, 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," Judicature, 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. E5267-3, June 11, 1968; Director: New York University Law Alumni Association, 1974; International Institute of Women Studies, 1971; Institute on Women's Wrongs, 1971; 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, 1977-1986 (Chair, 1982-1986); Elected Delegate, White House Conference on Small Business, 1986; 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 Judicature Society; National Association of Women Lawyers (Official Observer to the U.N., 1969-1970); Consumer 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