CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Box 69, Gedney Station
White Plains, New York 10605

BY FAX AND MAIL : 212-417-2013

March 13, 1996

Antonio Galvao, Assistant Deputy Counsel
Office of Court Administration
270 Broadway
New York, New York 10007

RE: Opposition to Craco Report

Dear Mr. Galvao:

As discussed yesterday, when we met at the Conference on "Legal Ethics: The Core Issues" at Hofstra University School of Law, my mother, Doris Sassower, filed letter-opposition to the Craco Report. That letter, dated November 15, 1995, enclosed a copy of her cert petition to the U.S. Supreme Court in Sassower v. Mangano, et al..

I provided you with a duplicate of that cert petition yesterday. For your convenience, enclosed herewith is a duplicate of her November 15, 1995 letter. The pertinent discussion of her opposition to the Craco Report begins in the last paragraph of page 2 through the conclusion of the letter at page 4.

Should you wish to see all or part of the disciplinary files under AD #90-00315, please let us know. What those files unequivocally demonstrate is the utter corruption of this State's attorney disciplinary mechanism by the Appellate Division, Second Department--with the knowledge and complicity of New York's highest Court.

Yours for a quality judiciary,

Elena Ruth Sassower

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosure

cc: Chairwoman Helene Weinstein, Assembly Judiciary Committee
Louis A. Craco, Esq.
Dean Burnele Venable Powell
ABA Center for Professional Responsibility
Institute for the Study of Legal Ethics
Hofstra University School of Law
Stein Institute of Law and Ethics
Fordham University School of Law

DORIS L. SASSOWER

283 SOUNDVIEW AVENUE • WHITE PLAINS, NEW YORK 10606 • 914/997-1677 • FAX 914/684-6554

BY PRIORITY MAIL

November 15, 1995

Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

Att: Donald Sheraw, Clerk

RE: Matter of Doris L. Sassower
A.D. #90-00315

Dear Mr. Sheraw:

Transmitted herewith is my Jurisdictional Statement Pursuant to 22 NYCRR §500.2 in the above-entitled matter.

So as to obviate the need for any "sua sponte jurisdictional inquiry" and to expedite the Court's verification of the facts as to the substantial constitutional questions directly involved--there being a complete absence of any "adequate and independent state ground" to sustain the orders herein appealed--I am also transmitting the record before the Appellate Division, Second Department, when it issued its subject June 23, 1995 Order and its underlying February 24, 1995 Order. For the Court's convenience, an inventory of the contents thereof is annexed.

Since this is now the fifth time that I am bringing up for the Court's review the Second Department's June 14, 1991 "interim" Order suspending my law license, the Court already has in its possession virtually the entire record of the disciplinary proceedings against me under A.D. #90-00315. That record establishes that the June 14, 1991 "interim" suspension Order is--as I have from the outset contended and showed it to be--petition-less, hearing-less, finding-less, and reasons-less, entitling me to this Court's jurisdiction as of right and to immediate vacatur relief, Matter of Nuey, 61 N.Y.2d 513 (1984); Matter of Russakoff, 79 N.Y.2d 520 (1992); and that New York's attorney disciplinary law--as written and as applied--is flagrantly unconstitutional.

It is respectfully submitted that this Court's extraordinary four-time refusal to take jurisdiction over the substantial constitutional issues directly presented by my appeals--issues the Court plainly recognized when it took jurisdiction over the

appeals of interimly-suspended attorneys Nuey and Russakoff--is so egregiously violative of my constitutional rights as to be explicable only as a reflection of this Court's bias against me and its favored treatment and protection of the Justices of the Second Department, who, as the record under A.D. #90-00315 unmistakably shows, have utilized the disciplinary machinery of our State for their own ulterior and political purposes. I, therefore, respectfully submit that the Court should recuse itself to ensure that there is the actuality and appearance of an appropriate independent and impartial tribunal to hear the sensitive issues relating to this appeal--including those relating to this Court's subject matter jurisdiction. In light of public awareness that for more than four years this Court has tolerated the Second Department's lawless suspension of my law license--permitting, as well, its heinous subversion of the Article 78 remedy in the process (cf., Colin v. Appellate Division, First Department, 3 A.D.2d 682 (2nd Dept. 1957))[1]--such recusal is essential to conform to the Court's ethical duty to establish, maintain, and enforce "high standards of conduct so that public confidence in the integrity and impartiality of the judiciary may be preserved." Code of Judicial Conduct, Canon 1.

As reflected by Exhibit "D" to my motion for reargument/renewal of the Second Department's February 24, 1995 Order, I have commenced a §1983 federal action against, inter alia, the Justices of the Second Department for their demonstrably lawless, retaliatory conduct. There can be no doubt but that it is a shameful and shocking state of affairs when--as reflected by my Verified Complaint therein--our highest state court refuses to address fundamental constitutional issues, impinging on federally-guaranteed rights--and in so doing, requires the intervention of a federal court to take necessary protective action.

I would note that this appeal, challenging the constitutionality of New York's attorney disciplinary law, is particularly relevant and timely in light of the legislative reform package now being recommended by a committee created by the Chief Judge of this Court, as reported in the New York Law Journal, November 13, 1995 (p.1, cols. 5-6T, p.6, cols. 4-5). According to the Law Journal, the Chief Judge is awaiting public comment in the next 90 days before acting on the reform proposals, which include opening attorney disciplinary proceedings as soon as formal disciplinary charges are filed. The premise is that such charges are preceded by a "probable cause" finding. However, as documented by my Article 78 proceeding, Sassower v. Mangano, et

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[1] A copy of the widely-circulated October 26, 1994 New York Times Op-Ed advertisement "Where Do You Go When Judges Break the Law" is annexed hereto.

al., filed with the Court of Appeals in 1994, this is not so: three bogus petitions having been filed against me commencing disciplinary proceedings without any probable cause finding and without any compliance with the due process prerequisites spelled out in the Second Department's own court rules, 22 NYCRR §691.4.

I, therefore, respectfully request that this letter and the enclosed separate copy of my Petition for a Writ of Certiorari to the U.S. Supreme Court in my Article 78 proceeding[2] be transmitted to the Chief Judge for her personal attention and received by her as my opposition to her Committee's proposal to open up attorney disciplinary proceedings. Such Petition highlights what the record in my Article 78 proceeding before this Court empirically documents, to wit, that this State's attorney disciplinary mechanism is corrupted and that opening them to the public would only further the injury to innocent attorneys, such as myself, who are being invidiously and maliciously prosecuted under an unconstitutional statute and court rules.

Indeed, in support of this Court's jurisdiction of my appeal, as of right, in the Article 78 proceeding, my then attorney stated in his March 14, 1994 letter:

> "...review of the subject appeal by this Court will also serve the timely purpose of providing guidance to the Legislature in its consideration of a proposed amendment to Judiciary Law §90 to open attorney disciplinary proceedings to the public. To the extent that bar groups favor such a controversial amendment--which, by and large, they do not--their support rests on the premise that initiation of disciplinary proceedings rests on a 'probable cause' finding having been made by the grievance committee. As this [Article 78] case vividly and frighteningly shows, that premise is incorrect--since there is no 'probable cause' finding for any of the underlying disciplinary proceedings brought against Appellant under A.D. #90-00315." (3/14/94 ltr of Evan Schwartz, Esq. pp. 18-19)

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[2] My Petition for a Writ of Certiorari to the Supreme Court is also annexed as Exhibit "C" to my motion to reargue/renew the Second Department's February 24, 1995 Order. My Petitioner's Reply Memorandum is annexed as Exhibit "A" to my affidavit in reply and in further support of my reargument/renewal motion.

I would note that the Assembly Judiciary Committee--which is being sent a copy of this letter so that it also can have on file my opposition to the aforesaid proposal to open attorney disciplinary proceedings--is already in possession of a full set of the papers that were before the Court of Appeals in my Article 78 proceeding, a full set of the cert papers to the U.S. Supreme Court, and my own recommendations, as Director of the Center for Judicial Accountability, Inc., for legislative action regarding the unconstitutionality of New York's attorney disciplinary law.

Finally, so that the Chief Judge's 16-member Committee on the Profession and the Courts may begin the necessary re-evaluation of its proposal, I am sending a copy of this letter, together with a copy of my cert petition, to its Chairman, Louis Craco, Esq, with an invitation that he and the Committee members inspect the full record of my aforesaid Article 78 proceeding.

Very truly yours,

DORIS L. SASSOWER

DLS/er
Enclosures

cc: Gary Casella, Chief Counsel
Grievance Committee for the Ninth Judicial District
Attorney General of the State of New York
Solictor General, Department of Law
Louis A. Craco, Chairman,
Chief Judge's Committee on the Profession and the Courts
Helene Weinstein, Chairwoman
Assembly Judiciary Committee

Reprinted from the Op-Ed Page, Oct. 26, 1994, *THE NEW YORK TIMES*

The New York Times

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.

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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.*

Martindale-Hubbell
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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 Eduction 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," *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 Womens 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, 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); 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 Womens' Economic Development Corp.; Womens' Forum. Fellow: American Academy of Matrimonial Lawyers; New York Bar Foundation.

"AV" rating
1989 edition

INVENTORY OF TRANSMITTAL

Matter of Doris L. Sassower
A.D. #90-00315

1. Casella's Notice of Motion to Confirm the Report of the Special Referee, 12/13/94

2. Ltr of Eli Vigliano, Esq., 1/4/95

3. DLS Opposing Affidavit, 1/6/95

4. Casella's ltr to Appellate Division, Second Department, 1/12/95

5. Appellate Division, Second Department's Decision & Order on Motion, 2/24/95

6. DLS Notice of Motion for Reargument, Renewal, Leave to Appeal to the Court of Appeals, Leave to Appeal on Certified Questions of Law, and Other Relief, 3/27/95

   Ex. "C": DLS Petition for Writ Certiorari to the U.S. Supreme Court in Article 78 proceeding, Sassower v. Mangano, et al.

   Ex. "D": Summons and Complaint in §1983 federal action, Sassower v. Mangano, et al.

7. Casella's Affirmation in Opposition to Respondent's Motion, 4/4/95

8. Notice of Right to Seek Intervention, 5/1/95

9. DLS Affidavit in Reply and in Further Support of Motion for Reargument, Renewal, Leave to Appeal and Other Relief, 5/1/95

   Ex. "A": DLS Reply Memorandum to the U.S. Supreme Court in Article 78 proceeding, Sassower v. Mangano, et al.

10. Appellate Division, Second Department's Decision & Order on Motion, 6/23/95