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BY HAND

November 6, 2003

Brooklyn District Attorney Charles J. Hynes
Renaissance Plaza
350 Jay Street
Brooklyn, New York 11201-2908

Re: Investigation of CJA's April 27, 1994 FULLY-DOCUMENTED criminal complaint against the justices of the Appellate Division, Second Department, consistent with: (a) your duty as Brooklyn District Attorney; (b) your rhetoric about investigating the corruption of judicial elections; AND (c) your membership on the committee formed by Appellate Division, Second Department Presiding Justice Gail Prudenti to study whether the Second Department is "'acting fairly and equitably' when dealing with an attorney's right to practice law"[1]

Dear District Attorney Hynes:

In the half-year that you have been garnering widespread and favorable publicity for your investigation into the corruption of judicial elections in Brooklyn, portraying yourself as a reformer[2], we have been patiently waiting for you to contact us. This, in response to our April 27, 1994 criminal complaint against the justices of the Brooklyn-based Appellate Division, Second Department for their role in corrupting judicial elections. These justices – the highest in your jurisdiction -- "threw" the 1991 Election Law case, *Sady v.*

[1] "*Committee to Study Discipline Process*", New York Law Journal, Cerisse Anderson, 11/26/02.

[2] "One of the things I really hope to accomplish is that the process by which the Supreme Court justices are selected in this state – in all 12 judicial districts – changes", "*Hynes hopes his judicial investigation leads to reform*", Newsday, June 23, 2003; "The current system of electing justices to the supreme court is a sham and should be replaced...", "*A Call for Reform*", New York Sun, June 24, 2003, column by Charles Hynes.

Murphy, by a fraudulent one-sentence appellate decision[3] and viciously retaliated against an earlier reformer, Doris L. Sassower, Esq., for bringing the predecessor 1990 Election Law case, *Castracan v. Colavita*, by

> (1) issuing and perpetuating a completely lawless so-called "interim" suspension of her law license on June 14, 1991, *without* a petition of charges, *without* findings, *without* reasons, *without* a hearing, *without* a right of appeal, and *without* granting leave to appeal;
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> (2) harassing her by a succession of lawless, completely bogus disciplinary proceedings which, notwithstanding her suspension, they authorized and directed to be prosecuted against her;
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> (3) corrupting her state remedy for independent judicial review, in collusion with their attorney, the New York State Attorney General, by refusing to disqualify themselves from the Article 78 proceeding she brought against them to challenge their politically-motivated hijacking of the attorney disciplinary mechanism – which they control -- and then actualizing their self-interest by dismissing the proceeding based on "an outright lie";
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> (4) countenancing and facilitating lawless, retaliatory conduct in the lower courts under their jurisdiction – including by utilizing fraudulent lower court decisions as the basis for bogus disciplinary proceedings.

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[3] The fraudulence of the *Sady* appellate decision was highlighted by Doris Sassower's October 24, 1991 letter to Governor Cuomo for the appointment of a special prosecutor – enclosed with our April 27, 1994 criminal complaint. After describing what took place at the oral argument of the *Sady* appeal, the letter stated:

> "Yet, overnight these candid views of the Appellate Division, Second Department were submerged into a one-line decision that there was 'insufficient proof' to invalidate the nominations. This ruling was made by an appellate court which knew that there had been no hearing afforded by the lower court at which to present 'proof', and notwithstanding that, as a matter of elementary law, 'proof' is irrelevant on a motion to dismiss, which assumes the truth of the allegations and all reasonable inferences therefrom." (at p. 5, emphasis in the original).

As you know, judicial corruption may be discerned from independent review of relevant case files – such as is reportedly being done in connection with your prosecution of Justice Gerald Garson, with the assistance of "more than two dozen" lawyer-volunteers[4].

So, too, our April 27, 1994 criminal complaint, which *expressly* stated that the files of the Appellate Division, Second Department's disciplinary proceedings against Ms. Sassower (AD2d #90-00315) were "'prima facie, if not conclusive, evidence' of 'an on-going criminal conspiracy' by the justices involved".

In substantiation, we transmitted to your Corruption Investigation Division – in response to a June 9, 1994 letter from its Chief, Dennis Hawkins – a copy of those disciplinary files, meticulously organized with an annotated inventory. We also transmitted a copy of the file of Ms. Sassower's Article 78 proceeding against the Appellate Division, Second Department –*Doris L. Sassower v. Hon. Guy Mangano, et al.* (AD2d #93-02925) -- then before the New York Court of Appeals. This included a 56-page chronology annotated with cross-references to both the disciplinary and Article 78 files. So valuable was the chronology as a road-map of these transmitted case files that we separated it out from Ms. Sassower's July 19, 1994 motion to the Court of Appeals, to which it was annexed as Exhibit "J", and sent it to the Corruption Investigation Division as a free-standing document[5]. Our July 22, 1994 coverletter asserted that it would enable reviewing staff to

> "completely verify the accuracy of our profoundly serious allegations: to wit, a criminal conspiracy between justices of the Appellate Division, Second Department and their at-will appointees for ulterior, political purposes – aided and abetted by their counsel, the Attorney General." (emphasis in the original).

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[4] "*Arrest of Judge May Reopen Divorce Cases*", New York Times, Andy Newman, 8/30/03 (metro front-page).

[5] This chronology essentially replicated and continued an initial chronology, entitled "Part I: to the June 14, 1991 'interim' suspension Order", which we had transmitted under our July 11, 1994 coverletter.

The chronology, spanning from 1989 to mid-June 1994, also provided the political background to the Appellate Division, Second Department's lawless, retaliation against Ms. Sassower. It chronicled the events relating to the 1989 written judicial cross-endorsement deal between Republican and Democratic party leaders of the Ninth Judicial District, trading seven judgeships over a three-year period —whose principal architect was former Westchester County Democratic Chairman Samuel Fredman, a beneficiary of its first phase. Both in 1989 and 1990, the deal was implemented at judicial nominating conventions which violated the Election Law. The *Castracan v. Colavita* Election Law case, brought by Ms. Sassower in the Third Department, challenged the deal's 1990 second phase and was "thrown" by fraudulent judicial decisions in both Supreme Court/Albany County and in the Appellate Division, Third Department. On June 14, 1991, within days of publication in The New York Times of Ms. Sassower's Letter to the Editor describing *Castracan* and her intention to take it to the New York Court of Appeals, the Appellate Division, Second Department suspended her law license, immediately, indefinitely, and unconditionally. At that point, Eli Vigliano, Esq. took over and, simultaneously, brought *Sady v. Murphy* in the Second Department to challenge the deal's 1991 third phase. As to what the Appellate Division, Second Department did in *Sady*, the chronology described its appellate decision as follows:

> "...on August 21, 1991, the Second Department dismissed Sady v. Murphy in a one-line decision that 'petitioner failed to adduce evidence sufficient' to invalidate the challenged nomination – when it knew, as reflected from its comment from the bench, that the written Deal was illegal, as a matter of law and, further that the petitioners in Sady had been denied their right to a hearing to present proof, if such were deemed necessary." (annotated chronology: ¶97; verified complaint in *Sassower v. Mangano* federal action: ¶114)

In substantiation, our July 22, 1994 letter *expressly* proffered copies of the *Castracan* and *Sady* files.

As for the innumerable paragraphs of the chronology summarizing Justice Fredman's vicious on-the-bench conduct toward Ms. Sassower in *Breslaw v. Breslaw*, forming the background to the Appellate Division, Second Department's retaliatory suspension of her law license and bogus disciplinary

proceedings against her[6], the July 22, 1994 letter enclosed Ms. Sassower's appellant's brief and record on appeal in *Breslaw*, stating "it is otherwise impossible to appreciate" this "repulsive background" and Justice Fredman's "thoroughly abusive, pathological and criminal behavior". As for the "no less grotesque and reprehensible" on-the-bench misconduct of Westchester Supreme Court Justice Nicholas Colabella toward Ms. Sassower in *Wolstencroft v. Sassower*, also particularized by the chronology as the basis for malicious Second Department disciplinary proceedings against her[7], the July 22, 1994 letter stated we would also be "happy to send" the appellate brief and record on appeal because "It too 'must be seen to be believed'". Preliminarily, however, pertinent pages from the *Wolstencroft* record on appeal were enclosed in substantiation of ¶¶104-106 of the chronology. As therein set forth, Ms. Sassower had made a motion to transfer *Wolstencroft* out of the Ninth Judicial District based, *inter alia*, on the bias against her arising from *Castracan.* The Administrative Judge for the Ninth Judicial District denied the motion and then personally assigned *Wolstencroft* to Justice Colabella, who failed to disclose what subsequently he admitted on the record, *to wit*, that he had been

> "a childhood friend and former law partner of Anthony Colavita, the first named respondent in Castracan v. Colavita, and had himself been offered the Westchester Surrogate judgeship under the three-year Deal challenged by that case" and "his relationship with Mr. Colavita [was] on-going". (annotated chronology: ¶¶105-106; verified complaint in *Sassower v. Mangano* federal action: ¶¶121(b)-122).

Unless it was routine and customary for your Corruption Investigation Division to receive such *readily-verifiable, fully-documented* criminal complaints against the top judges in your jurisdiction, involving, as well, the State Attorney General, it may be presumed that Mr. Hawkins, one of your "most trusted aides"[8], discussed the April 27, 1994 criminal complaint with you. This was all

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[6] Annotated chronology: *inter alia*, ¶¶1-14, 22-24, 33, 43-46, 81-83, 109-116; verified complaint in *Sassower v. Mangano* federal action: *inter alia*, ¶¶28-39, 43-45, 54, 64-66, 100-102, 125-129.

[7] Annotated chronology: *inter alia*, ¶¶104-116, 118-119, 141-142; verified complaint in *Sassower v. Mangano* federal action: *inter alia*, ¶¶121-129, 131-132, 151-153.

[8] "*Cops Hang Easily*", Newsday, column by Dennis Duggan, 4/26/94.

the more likely because of its potential to boost your 1994 bid to win the Democratic primary for Attorney General against incumbent G. Oliver Koppell, whose misconduct the chronology particularized[9]. In any event, we separately brought our April 27, 1994 criminal complaint to your attention by a September 6, 1994 fax. Six months later, we sent you, certified mail/return receipt, a March 14, 1995 complaint against Mr. Hawkins for official misconduct, particularizing his "demonstrated malfeasance and non-feasance" with respect to the April 27, 1994 criminal complaint. Reiterating that the disciplinary files were "'prima facie, if not conclusive, evidence' of 'an on-going criminal conspiracy' by the justices involved.", our March 14, 1995 complaint enclosed a copy of Ms. Sassower's cert petition in the *Sassower v. Mangano* Article 78 proceeding[10], by then before the U.S. Supreme Court, summarizing the record of corruption documentarily established by the case files we had provided and proffered to Mr. Hawkins.

You did not respond,[11] enabling the Appellate Division, Second Department to lawlessly maintain the June 14, 1991 "interim" suspension order and continue, uninterrupted, its vendetta of retaliation against Ms. Sassower over the next eight years to date, aided and abetted by its attorney-disciplinary appointees and by the State Attorney General.

Finally, on August 26, 2003, after months of publicity and hype about your grand jury investigation into judicial corruption and the manipulation of judicial elections, there appeared a front-page New York Law Journal article about Michael Vecchione, to whom you entrusted such investigation. Entitled, "*Tough Prosecutor Leads Brooklyn Corruption Probe*", its first sentence read:

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[9] Annotated chronology: *inter alia*, ¶¶102, 186, 189-204; verified complaint in *Sassower v. Mangano* federal action: *inter alia*, ¶¶119, 196, 200-209.

[10] This cert petition is Exhibit "2a" to Ms. Sassower's June 26, 1995 motion for summary judgment in the District Court in her §1983 federal action, *Sassower v. Mangano, et al.* [Record on Appeal: 303-439].

[11] By a February 27, 1996 letter to Mayor Giuliani – a copy of which we sent you – we contrasted your failure to respond to our March 14, 1995 complaint, thereby covering up fully-documented corruption of high-ranking Brooklyn judges, to your flurry of activity to compile a "dossier" on Criminal Court Judge Lorin Duckman to speed his removal from the bench. [*See*: "*Correspondence-NYS Officials: New York City Mayor Rudolph Giuliani*].

> "If there are any corrupt judges in Brooklyn, they should be shaking in their boots"

and described how Mr. Vecchione – who is Mr. Hawkins' direct successor [12]-- is "working 12 hours and more a day...deploying 12 prosecutors and 24 investigators to ferret out wrongdoing". According to the article, "more than 100 witnesses have been interviewed so far and about 45 cartons of documents, including court and election finance records, collected under subpoena."

With that, we decided to wait no longer. On August 27, 2003, I telephoned Mr. Vecchione's office (718-250-2239), leaving an extensive message with his secretary Frances Mercurio, requesting his return call to set up an interview and to arrange for transmittal of the case file evidence of the Appellate Division, Second Department's role in corrupting judicial elections, presented by our April 27, 1994 criminal complaint. Mr. Vecchione did not return the call. Nor did he return my subsequent calls on September 2nd and September 18th, although I also left messages for him with Ms. Mercurio. These messages alerted him to the fact that not only was the criminal complaint posted on our website, www.judgewatch.org[13], but that also posted were such particularizing documents as Ms. Sassower's October 24, 1991 letter to Governor Cuomo (which was part of the April 27, 1994 complaint) – and, most importantly, her §1983 federal action against the Appellate Division, Second Department's justices, *Doris L. Sassower v. Hon. Guy Mangano, et al.*, beginning with the verified complaint. Indeed, upon calling Ms. Mercurio on September 2nd, her comment to me was "that's quite a website" – presumably echoing what she had heard from Mr. Vecchione or other attorneys in the office

Mr. Vecchione would not have had to do more than read the June 20, 1994 verified complaint in the federal action to recognize the magnitude of the

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[12] *"Hynes Faces Shift Among Top Brass"*, New York Law Journal, 6/25/01.

[13] I explained to Ms. Mercurio that the April 27, 1994 criminal complaint, as well as our March 14, 1994 misconduct complaint against Mr. Hawkins, were posted under *"Correspondence-NYS Officials: Brooklyn District Attorney Charles Hynes"*. Also posted at that time was our November 29, 1994 letter to the Corruption Investigation Division. We have since posted all correspondence relative to that complaint, including Mr. Hawkins' June 9, 1994 and August 12, 1994 letters to us. For your convenience, copies of this past correspondence are transmitted with this letter.

Appellate Division, Second Department's corruption, therein particularized, and that such was plainly verifiable from the referred-to case files. Indeed, Mr. Vecchione had only to look at the next posted document in the federal action, Ms. Sassower's June 23, 1995 motion for summary judgment and sanctions, to see that the Appellate Division, Second Department, jointly-pleading with its co-defendant attorney-disciplinary appointees and co-defendant State Attorney General, had been unable to defend against the verified complaint, except by an answer which was demonstrated to be false and perjurious in response to over 150 allegations. Among the documents which Ms. Sassower's motion annexed to substantiate such fact was the same annotated chronology as we had provided the Corruption Investigation Division – such chronology, without annotations, being largely identical to the "factual allegations" portion of the verified complaint (¶¶ 28-209).

It was six and a half weeks after my initial August 27th call to Mr. Vecchione that we finally received a return call – not from him, but from Assistant District Attorney Josh Hanshaft. It was then the early evening of October 8th – and, unbeknownst to us, The New York Times and New York Law Journal were getting ready to report in the next day's paper that your office had requested Brooklyn Democratic Party Chairman Clarence Norman to present himself for arrest[14].

The purpose of Mr. Hanshaft's call was not at all clear, as he had little interest in what should have interested him most: the 1989 three-year seven-judge cross-endorsement deal between the Republican and Democratic leaders of the Ninth Judicial District, the illegally-conducted judicial nominating conventions, and the *Castracan* and *Sady* Election Law cases. Nor was Mr. Hanshaft particularly interested in the retaliation that the Appellate Division, Second Department had unleashed against Ms. Sassower – causing her to commence her Article 78 proceeding against it and, thereafter, her §1983 federal action. I informed Mr. Hanshaft that the files of *Castracan* and *Sady*, as likewise of the Appellate Division, Second Department's disciplinary proceedings against Ms. Sassower and of her responding Article 78 proceeding and §1983 federal action ALL showed the identical pattern: that the courts, at every level, had obliterated fundamental adjudicative and ethical standards by legally insupportable

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[14] "*Charges Believed Imminent Against Brooklyn Leader*", New York Times, Kevin Flynn, 10/9/03; "*Norman and Feldman May Surrender Tonight*", New York Law Journal, newsbrief, 10/9/03.

and/or factually fabricated decisions that covered up the violative judge-trading deal, illegal judicial nominating conventions, and the retaliation to which Ms. Sassower had been subjected. Nonetheless, Mr. Hanshaft's attitude was that these cases had been decided. His interest, he said, was whether I had anything recent to report – possibly believing that I would have nothing supplementary to the April 27, 1994 criminal complaint. I quickly disabused Mr. Hanshaft of such notion.

On October 15th , I initiated a second conversation with Mr. Hanshaft to make certain I had understood his position correctly. Mr. Hanshaft thereupon reiterated that he was not particularly interested in what happened "back then", even purporting that there might be a statute of limitations barring prosecution. I immediately objected to this deceit -- whose transparent purpose was to avoid confronting that "back then", you not only had a golden opportunity to be a reformer, but a duty as Brooklyn District Attorney to present the "paper trail" of case file proof substantiating our April 27, 1994 criminal complaint to a grand jury. Certainly, this "paper trail" contradicts your explanation last April as to why you had not previously championed reform of judicial elections, *to wit*, "I have much more specific information today"[15]. As the most cursory examination of our annotated chronology shows, the "information" you had nine years ago was not only specific, documented, and readily-verifiable, but represented the kind of MAJOR political and governmental scandal necessary to propel statutory and constitutional reform of judicial elections – and other sweeping beneficial change.

Although I believe I "scored points" with Mr. Hanshaft by my rebuttal to him on October 15th, as hereinbelow recited, I concluded, after consultation with Ms. Sassower, that the letter she had previously drafted should be scrapped and that an altogether different letter should be sent directly to you so that no further time is wasted. On October 17th, I telephoned Mr. Hanshaft to candidly tell him as much. Our phone conversations since that date have been much improved.

Apart from the direct relevance of *Castracan* and *Sady* to your newly-discovered concern with the disenfranchisement of the voters – such as you expressed in your September 16th written testimony before Chief Judge Kaye's

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[15] New York Times, "*Investigation of Judge Touched Off Wider Inquiry*", Andy Newman, 4/25/03.

Commission to Promote Public Confidence in Judicial Elections – the files of these Election Law cases establish that Appellate Division, Second Department justices acted directly in *Sady* to corrupt judicial elections and disenfranchise the voters and indirectly in *Castracan* by their retaliatory suspension of Ms. Sassower's law license. Moreover, there is no "statute of limitations" on prosecution of lawless, retaliatory conduct by judges still in office – especially where, as here, such is on-going. Indeed, the Appellate Division, Second Department's lawless June 14, 1991 "interim" suspension order remains in effect, each day stigmatizing Ms. Sassower and robbing her of her professional livelihood. Nor has the Appellate Division, Second Department otherwise ceased from retaliating against her – which it has done by a continuum of lawless decisions in a multitude of civil appeals to which she has been a party over the years and to the present.

In the wake of the strong criticism your office has received for bringing forth an indictment of Mr. Norman having nothing to do with the corruption of judicial elections and the selling of judgeships -- the ostensible purpose for which the grand jury was convened[16] – your duty is to acknowledge – and present to the grand jury – the reality of where the REAL PAYOFF is. It is not in dollars paid up-front by would-be judicial candidates. Rather, as you surely know, the payoff is on the other side, where seated judges "give back" to the political parties *via* favorable decisions and rulings that obliterate fundamental adjudicative standards, black-letter law, and the factual record. It is this payoff to the political parties that is manifested by the Appellate Division, Second Department's one-sentence decision in the *Sady* appeal, by its slew of decisions in its disciplinary proceedings against Ms. Sassower – virtually all *without* reasons, findings, or law – by its decision in the *Sassower v. Mangano* Article 78 proceeding against it, and by its decisions on the countless applications and appeals that have come before it involving Ms. Sassower over more than a dozen years. These decisions, when compared with the case files, are the "hard evidence" of how brazenly judges who come up through the political parties will corrupt their judicial office to protect the parties and their patrons from

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[16] "*Hynes bungles his corruption case*", Daily News, column by Richard Schwartz, 10/20/03; "*Top Pol Boosts Norman*", New York Post, Frederic Dicker, 10/13/03; "*Brooklyn DA Must Press Probe for Corrupt Judges*", Newsday, editorial, 10/13/03; "*Shut the lights when you leave, Clarence*", Daily News, editorial, 10/12/03; "*Koch Denounces Indictment of Brooklyn Democratic Leader*", New York Times, Robert McFadden, 10/12/03; "*Judgeship Selection Yet to be Addressed*", Newsday, Anthony DeStefano, 10/10/03.

challenge, including by destroying formidable challengers, reputationally and financially.

I have already discussed with Mr. Hanshaft one of the most corrupt of these Appellate Division, Second Department justices – as he is none other than former Justice William Thompson, whose remarks at the September 16th hearing of Chief Judge Kaye's Commission to Promote Public Confidence in Judicial Elections – the same hearing at which you testified – were reported to have caused a stir. According to the New York Post[17], former Justice Thompson was "asked what could be done to stem the tide of misconduct and bad publicity surrounding the courts, specifically in Brooklyn, where several judges have been arrested", to which he "didn't skip and beat" in replying: "Indict Clarence Norman. Indict Clarence Norman."

It is Justice Thompson who should be indicted. He is a direct, fully-knowledgeable participant in the corruption of judicial elections: (1) participating in the four-judge panel which "threw" the *Sady* appeal; (2) participating in the five-judge panel which issued and perpetuated the completely lawless June 14, 1991 "interim" order suspending Ms. Sassower's law license; (3) participating in each of the five-judge panels which authorized and maintained a plethora of lawless, totally bogus disciplinary proceedings against Ms. Sassower, including those based on *Breslaw* and *Wolstencroft*; (4) participating as presiding justice in the five-judge panel which corrupted Ms. Sassower's Article 78 remedy by refusing to disqualify itself and thereupon manifested its disqualification by a fraudulent decision; (5) inserting himself as presiding justice of the four-judge panel hearing an appeal involving the consolidation of seven appeals in a civil action to which Ms. Sassower was a party, refusing to even allow Ms. Sassower to present her application for his disqualification at oral argument and, thereafter, rendering a fraudulent decision against her.

The fact that, throughout most of these years, Justice Thompson was not only a member of the New York State Commission on Judicial Conduct, but its highest ranking judicial member, only underscores the brazenness of his criminal conduct on the Appellate Division, Second Department.

As the Commission on Judicial Conduct is based in Manhattan – and, consequently, outside your criminal jurisdiction – I will skip the details of its

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17 "*Thompson dad: Indict Dem big*", New York Post, Murray Weiss, 9/23/03.

documented corruption, of which Justice Thompson has been a direct beneficiary, when not himself a participant. Suffice to say that at the oral argument of the *Sady* appeal, as recounted at page 4 of Ms. Sassower's October 24, 1991 letter to Governor Cuomo, enclosed with our April 27, 1994 criminal complaint, Justice Thompson stated, with regard to the contracted-for resignations required by the three-year deal, challenged in *Sady*, as also in *Castracan*:

> "these resignations are violations of ethical rules and would not be approved by the Commission on Judicial Conduct"

and,

> "a judge can be censured for that",

Nevertheless, when that October 24, 1991 letter was sent to the Commission, with its attached copy of the three-year deal, the Commission, which received the letter as a complaint, dismissed it, *without* reasons. In such fashion, the Commission protected the appellate panel on which Justice Thompson sat from investigation into its fraudulent decision on the *Sady* appeal. Additionally, it protected him and his fellow justices from investigation of Ms. Sassower's further assertion, also part of that *facially-meritorious* October 24, 1991 complaint, that the Appellate Division, Second Department had retaliated against her for bringing *Castracan* by its unlawful June 14, 1991 "interim" suspension order.

Similarly, the Commission dismissed, *without* reasons and *without* investigation, Ms. Sassower's *facially-meritorious* September 19, 1994 judicial misconduct complaint against Justice Thompson, presiding over the four-judge Appellate Division, Second Department panel which corrupted her *Sassower v. Mangano* Article 78 challenge – a complaint substantiated by transmittal to the Commission of a copy of the file of the Article 78 proceeding before the Appellate Division, Second Department.

Likewise, the Commission dismissed, *without* reasons and *without* investigation, Ms. Sassower's *facially-meritorious* October 26, 1994 and December 5, 1994 judicial misconduct complaints against the four-judge appellate panel to which Justice Thompson inserted himself as presiding justice in the seven consolidated appeals involving her.

The Commission's corrupt dismissals, *without* investigation, of these *facially-meritorious* judicial misconduct complaints – as likewise of Ms. Sassower's judicial misconduct complaints against Justice Fredman and against Albany Supreme Court Justice Lawrence Kahn for his legally-insupportable, factually fabricated decision in *Castracan* – resulted in her bringing an Article 78 proceeding against the Commission in April 1995[18]. Singled out by the verified petition was the Commission's protectionism of the Appellate Division, Second Department and Justice Thompson (¶¶"FOURTH", "FIFTH", "NINETEENTH")[19]. As Justice Thompson is well aware[20], the Commission survived that legal challenge because – as is a *modus operandi* in cases involving judicial self-interest -- the case was "thrown" by a legally-insupportable, factually-fabricated judicial decision.

Justice Thompson served two four-year terms on the Commission, with his second term ending on March 31, 1998. In November 1998, Chief Judge Kaye appointed him co-chair of her Committee to Promote Public Trust and Confidence in the Legal System. Six months later, in May 1999, the Committee issued a report that was materially misleading as to attorney and judicial discipline, as Justice Thompson – more than anyone else on the Committee – knew. Thus, the report urged that the public be made "aware that errant

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[18] There were numerous motions by would-be intervenors in *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York*. George Alessio, Esq., who testified at the September 30, 2003 Albany hearing of the Commission to Promote Public Confidence in Judicial Elections as incoming president of the Onondaga County Bar Association was one such would-be intervenor. His June 15, 1995 motion to intervene rested on the Commission on Judicial Conduct's dismissal, *without* investigation, of his *facially-meritorious* November 11, 1993 complaint detailing, by his own eye-witness account and by an annexed grand jury report, the gross violations of the Election Law that had taken place at the Salina Democratic Committee caucus to nominate the town justice. Justice Thompson, as a member of the Commission, presumably participated in that dismissal.

[19] The verified petition in *Doris L. Sassower v. Commission on Judicial Conduct* is posted on our website – including its annexed judicial misconduct complaints against Appellate Division, Second Department justices. *See, inter alia*, "*Test Cases-State (Commission)*" [July 28, 1999 omnibus motion].

[20] This awareness may be presumed both from CJA's very public advocacy, including a published letter to the editor, "*Commission Abandons Investigative Mandate*" (NYLJ, 8/14/95), as well as two public interest ads, "*A Call for Concerted Action*" (NYLJ, 11/20/96, p. 3); "*Restraining 'Liars in the Courtroom' and on the Public Payroll*", (NYLJ, 8/27/97, pp. 3-4) AND CJA's voluminous correspondence with the Commission during his tenure.

attorneys and judges are accountable" (at p. 33), thereby implying, though without saying so, that such accountability exists[21].

The case file evidence involving Justice Thompson and his Appellate Division, Second Department colleagues, presented and proffered to Mr. Hawkins in support of our April 27, 1994 criminal complaint conclusively belies any claims of "accountability". Nearly a decade later, the case file evidence – which includes the record of the *Sassower v. Mangano* federal action against the Appellate Division, Second Department and three separate Article 78 proceedings against the Commission – is even more resounding.

Last year, the highest judge in your jurisdiction, Appellate Division, Second Department Presiding Justice Gail Prudenti – successor to Presiding Justice Guy Mangano – set up a Second Department committee whose purpose is to "'make sure we are acting fairly and equitably' when dealing with an attorney's right to practice." (see fn.1). She appointed you to be one of its 29 members. Indeed, she appointed you as co-chair of one of its three subcommittees – the Admissions Subcommittee – pairing you with Appellate Division, Second Department Justice Barry Cozier. She also appointed Barry Kamins, chair of the New York State Bar Association's Committee on Professional Discipline, to be one of your fellow committee members, making him co-chair of the Attorney Discipline Subcommittee, pairing him with Appellate Division, Second Department Justice Nancy Smith.

As you know, Mr. Kamins was a member of the Brooklyn democratic judicial screening committee until he resigned last May[22], following commencement of your grand jury probe. I do not know whether your current investigations into the corruption of judicial elections and the Brooklyn judiciary includes Mr. Kamins. However, CJA can provide documentary proof that Mr. Kamins is perfectly willing to discard cognizable evaluative criteria in the screening of judicial candidates and jettison respect for procedural requirements and the

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[21] This false inference was then accentuated by the immediately-following recommendation, "There should be procedural protections similar to those for a criminal proceeding for the attorney or judge involved in a disciplinary proceeding", as it might be reasonably assumed that mechanisms of accountability are so vigorous as to need restraint.

[22] "*More Brooklyn Officials Calling For Changes in Selecting Judges*", New York Times, Jonathan Hicks, 5/7/03.

public's rights, *when doing otherwise would require him to expose judicial corruption*. This is what he did on two separate occasions in 2000 during his chairmanship of the City Bar's Judiciary Committee -- the second and more important occasion being in October 2000 when the City Bar was evaluating the Commission on Judicial Nomination's "short-list" of nominees to the New York Court of Appeals[23]. On both occasions, the issues of nominee unfitness required him to examine the documentary proof of the corruption of the Commission on Judicial Conduct, as established by the files of three Article 78 proceedings against it – copies of which were readily accessible to him at the City Bar. These were:

(1) *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (NY Co. #95-109141) – hereinabove described – whose precipitant was the Commission's dismissal, *without* investigation and *without* reasons, of Ms. Sassower's *facially-meritorious* September 19, 1994 judicial misconduct complaint against the Appellate Division, Second Department panel that corrupted her Article 78 remedy, and its dismissals, *without* investigation and *without* reasons, of her *facially-meritorious* October 26, 1994, and December 5, 1994 judicial misconduct complaints against the Appellate Division, Second Department panel involved in her seven consolidated appeals. These judicial misconduct complaints were each specifically against Justice Thompson, as presiding justice of each panel, and against Justice Albert Rosenblatt, a member of each.

(2) *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551)[24], precipitated by the Commission's dismissal, *without* investigation and *without* reasons, of my *facially-meritorious* October 6, 1998 judicial misconduct complaint against Justice Rosenblatt, based on his believed perjury on his publicly-inaccessible application to the New York Court of Appeals in failing to disclose, as he was required to, Ms. Sassower's judicial misconduct complaints of which he had knowledge – at very least the September 19,

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[23] Mr. Kamins' misconduct at that time is set forth at pages 10-14 of CJA's November 13, 2000 report on the bar associations' complicitous role in the corruption of "merit selection" to the Court of Appeals, posted on our website. [*See* "*Judicial Selection- 'Merit' Selection*]

[24] A substantial portion of the record of this proceeding is posted on CJA's website under "*Test Cases-State (Commission)*".

1994 complaint -- as well as the *Sassower v. Mangano* federal action, to which he was a party-defendant. It was also based on his collusion and complicity, along with his co-defendant Appellate Division, Second Department judicial brethren, in the litigation fraud committed by co-defendant counsel, the State Attorney General, in the *Sassower v. Mangano* federal action. This litigation fraud was summarized by the cert petition therein, a copy of which was transmitted to the Commission with the complaint, together with the supplemental brief. In this regard, the October 6, 1998 judicial misconduct complaint was not only against Justice Rosenblatt, but also expressly against "his co-defendant Appellate Division, Second Department justices in the *Sassower v. Mangano, et al.* federal action";

(3) *Michael Mantell v. New York State Commission on Judicial Conduct* (NY Co. #99-108655), precipitated by the Commission's dismissal, *without* investigation, of Mr. Mantell's *facially-meritorious* September 28, 1998 judicial misconduct complaint against Brooklyn Civil Court judge Donna Recant.

Mr. Kamins was directly on notice from me, since June and July 2000, that each of the lawsuit files showed an identical pattern: the Commission had no legitimate defense; had corrupted the judicial process by litigation fraud committed by its attorney, the State Attorney General; and had been rewarded by fraudulent judicial decisions without which it could not have survived.

Such verification was Mr. Kamins' absolute duty as chair of the City Bar's Judiciary Committee, further reinforced by the other leadership positions he held: as chair of the State Bar's Committee on Professional Discipline AND as a member of Chief Judge Kaye's Committee to Promote Public Trust and Confidence in the Legal System – the same committee which under Justice Thompson's co-chairmanship had produced the 1999 report implying that "errant attorneys and judges are accountable".

It is in his current position, however, as co-chair of the Second Department's Attorney Discipline Subcommittee that Mr. Kamins has provided the most relevant demonstration that his betrayal of his multiple leadership positions rises to a level of collusion in judicial corruption, for which he should rightfully be indicted.

On January 20, 2003, I had an extensive, *face-to-face* conversation with Mr. Kamins about his participation in the Second Department Committee. Reflecting this is my January 27, 2003 letter to him. Although a copy of the original letter is enclosed, it is here quoted in full, as it concisely sets forth what I expressly requested Mr. Kamins to present to the Attorney Discipline Subcommittee – and to the full Committee – and what CJA now expressly requests that you present to the full Committee:

"Dear Mr. Kamins:

This follows up our conversation together last Monday at the dinner honoring Chief Judge Kaye for her 'Pursuit of Justice', in which I stated that the Second Department Committee studying attorney discipline, admissions, and reinstatement should examine the files of lawsuits brought against the Appellate Division, Second Department and its grievance and admissions committees arising from their handling of these matters. This would not only be relatively easy for the Second Department Committee to do, but would be a *methodologically-sound* way for it to have the kind of critical 'real life' information which, assuredly, will not be brought to its attention by those of its members whose unconstitutional and lawless conduct has generated the lawsuits.

So that you may be convinced of the extraordinary probative value of these lawsuits – as well as the depraved and criminal conduct of such Committee members as Gary Casella, Chief Counsel of the Ninth Judicial District Grievance Committee -- enclosed is a copy of the cert petition in the §1983 federal action, *Doris L. Sassower v. Hon. Guy Mangano, et al.* (No. 98-106), to which Mr. Casella was a named defendant, and whose significance I discussed with you. The facts and law therein presented are entirely *undenied and undisputed* – as may be seen from Doris Sassower's supplemental brief (pp. 3-7) – a copy of which is also enclosed.

Among the key documents in the appendix to the 30-page cert petition: a full copy of Doris Sassower's verified complaint in the

federal action [A-49-100][fn.1] and the 'Questions Presented' and 'Reasons for Granting the Writ' from her cert petition in her predecessor Article 78 proceeding, *Doris L. Sassower v. Hon. Guy Mangano* (No. 94-1546) [A-117-131]. These graphically chronicle the unconstitutionality of New York's attorney disciplinary law, *as written and as applied*[fn.2].

As I now see that you are not only Chairman of the New York State Bar Association's Committee on Professional Discipline and, by reason thereof, involved in the Second Department Committee's work, but actually Co-Chair of its Attorney Discipline Subcommittee, your review of the enclosed cert papers is even more compelled.

A copy of this letter and enclosed cert papers, along with copies of the relevant published items I gave you, *in hand*, last week, '*Where Do You Go When Judges Break the Law?*' (NYT, 10/26/94, ltr to editor) and '*Restraining 'Liars in the Courtroom' and on the Public Payroll*' (NYLJ, 8/27/97, ad, pp. 3-4), is being sent to your Subcommittee Co-Chair, Second Department Justice

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fn.1 "In addition to Mr. Casella, who was served with the verified complaint in the federal action in October 1994, 20 copies were served on the Appellate Division, Second Department for distribution to its 20 justices. This includes Second Department Justice Krausman, now chairing the Second Department Committee, and former Appellate Division, Second Department Justice Joseph Kunzeman, now a Committee member."

fn.2 "As discussed, this 'Reasons for Granting the Writ' summarizes the importance of *Mildner v. Gulotta*, 405 F.Supp. 182 (E.D.N.Y. 1975) – a consolidation of three separate cases brought by three disciplined New York attorneys, in which, more than 27 years ago, Judge Jack Weinstein, writing in dissent from a three-judge district panel, would have held New York's attorney disciplinary law unconstitutional on due process and equal protection grounds. Point I addresses the facial infirmity of the Second Department's §691.4(l) for interim suspensions, so-recognized by the Court of Appeals in *Matter of Russakoff*, 79 N.Y.2d 520 (1992).

It may be noted that as recently as last year, I brought to Chief Judge Kaye's attention that a decade after *Russakoff*, the Second Department, as well as the Third and Fourth Departments, have continued to operate under constitutionally-infirm interim suspension rules which make NO provision for prompt post-suspension hearings."

Nancy E. Smith, for her review as well.

To facilitate the Subcommittee's examination of the documentary proof substantiating the federal complaint's allegations [A-49-94], as well as the cert petition's recitation – an examination which is the Subcommittee's duty if it takes its mandate seriously -- I will assemble a copy of the files of the Appellate Division, Second Department's disciplinary proceedings against Doris Sassower and her responding Article 78 proceeding and federal action against it. Unless I hear from you to the contrary, these files will be *hand-delivered* to your law office no later than Friday, February 7th for presentment to the full Subcommittee membership, if not all 29 members of the Second Department Committee.

Needless to say, Doris Sassower is available to answer questions and to be interviewed, including under oath, as to the brazen obliteration of her most fundamental constitutional, due process and equal protection rights, resoundingly established by the lawsuit files.

Thank you."

Thereafter, on February 3, 2003, Doris Sassower herself hand-delivered two cartons and one redweld folder to Mr. Kamins' law office. Their content consisted of: (a) a copy of ALL the same disciplinary files as we had provided in 1994 to Mr. Hawkins, organized in precisely the same fashion, with an identical annotated inventory, as well as: (b) a copy of the Appellate Division, Second Department's subsequent disciplinary proceedings against Ms. Sassower; (c) a copy of Ms. Sassower's four futile attempts to obtain appellate review by the New York Court of Appeals of the Appellate Division, Second Department's unlawful "interim" suspension of her law license and of its disciplinary proceedings against her, apart from her two futile attempts in the *Sassower v. Mangano* Article 78 proceeding to seek its appellate review; and (d) a copy of the bulk of the *Sassower v. Mangano* federal action.

This was precisely set forth in my February 3, 2003 transmittal coverletter to Mr. Kamins, whose penultimate paragraph read:

> "Should you, the Subcommittee on Attorney Discipline, or the Second Department Committee wish to review any of the referred-to documentation not herein transmitted, please let me know and it will be furnished forthwith."

What was Ms. Kamins' response to this meticulously-organized and presented case file proof that, *as written*, New York's attorney disciplinary law is unconstitutional and that, *as applied to Ms. Sassower*, all semblance of law had been obliterated by the Appellate Division, Second Department and its appointed disciplinary counsel for the Ninth Judicial District, Gary Casella? Did he deny or dispute it in any way? Did he request to see further documentation? Did he contact me or Ms. Sassower with any questions or to arrange for an interview or testimony under oath, either on behalf of the Second Department Attorney Discipline Subcommittee or the State Bar Committee on Professional Discipline? No. The sum total of Mr. Kamins' response was a March 17, 2003 letter, addressed to me, which read:

> "Ms. Sassower,
>
> I received several boxes of material from you about a month ago and have reviewed the material. Would you please make arrangements for someone to pick the boxes up from my office.
>
> Thank you."

IF Mr. Kamins "reviewed the material", as his March 17, 2003 letter claims, he knows that the allegations of the verified complaint and culminating cert petition in the *Sassower v. Mangano* federal action are serious, substantial, and documented. Under mandatory rules of professional responsibility, applicable to every lawyer, he was not free to ignore such evidentiary showing of lawlessness by the Appellate Division, Second Department, its at-will attorney-disciplinary appointees, such as Mr. Casella, the complicity of the New York Court of Appeals, and the collusive lawlessness of the federal courts. He had a duty to report it under 22 NYRCRR §1200.4 [DR-103(A) of New York's Disciplinary Rules of the Code of Professional Responsibility, "Disclosure of Information to Authorities"].

Indeed, Mr. Kamins should be particularly sensitive to such reporting obligation not only because he chairs the State Bar's Committee on Professional

Discipline, but because he represented Supreme Court Justice Victor Barron, who you indicted for bribery, thanks to Gary Berenholtz' reporting to you of Justice Baron's demand for a bribe. Such reporting, however, was not soon enough for Justice Colabella, who sanctimoniously deemed the delay worthy of disciplinary referral of Mr. Berenholtz[25].

At very least, if Mr. Kamins were not going to discharge his reporting duty by bringing such case file evidence DIRECTLY to you for investigation of what he – as a criminal lawyer – may be presumed to have recognized were profoundly criminal acts – his duty as co-chair of the Second Department Attorney Discipline Subcommittee and as chair of the State Bar's Committee on Professional Discipline was to present such evidence to those bodies for review, discussion, and appropriate action. This was all the more essential as Mr. Casella is a member of both bodies – and his membership and participation could only be deemed odious to any attorney respecting the most basic principles of due process, not to mention the express requirements of New York's attorney disciplinary law.

In conjunction with writing this letter, I telephoned Mr. Kamins' office, requesting to know whether he had presented my January 27th and February 3rd letters and the transmitted case file proof to the Second Department Attorney Discipline Subcommittee or the State Bar's Committee on Professional Discipline. His response, dated October 22, 2003, was a single-sentence letter, stating:

> "This will confirm that I have not revealed the contents of the material you left in my office to anyone."

Such is totally bizarre. As clear from my January 27th and February 3rd letters, the transmitted "material" was for the express purpose of Mr. Kamins' presenting its "contents" to the Attorney Discipline Subcommittee and the full Committee – for which reason both letters indicated Appellate Division, Second Department Justice Smith, Mr. Kamins' co-chair of the Attorney Discipline Subcommittee, as a recipient.

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[25] "*Brooklyn Judge Barron Gets 3 to 9 Years*", New York Law Journal, 10/29/02, p. 1; "*Commend Berenholtz, Don't Sanction Him*, New York Law Journal, 11/4/02, Letter to the Editor by Chaim Steinberger.

As the January 27th letter identifies, Justice Smith was not only provided with that letter, but with her own copy of the cert petition and supplemental brief in the *Sassower v. Mangano* federal action, as well as copies of CJA's relevant published ads, "*Where Do You Go When Judges Break the Law?*" and "*Restraining 'Liars in the Courtroom' and on the Public Payroll*". What did she do with them? Did she not review them, including the specifically-identified "key documents" in the cert appendix, *to wit*, the verified complaint in the federal action and the "Questions Presented" and "Reasons for Granting the Writ" from the Article 78 cert petition. Did she not discuss them with Mr. Kamins? Did she not discuss them with the chair of the full Committee, Appellate Division, Second Department Justice Gabriel Krausman, identified by the January 27th letter (fn. 1) as having been served with the verified complaint in October 1994? Did she not discuss them with former Appellate Division Justice Joseph Kunzeman – a fellow Committee member -- whose name appears on the June 14, 1991 "interim" suspension order as a member of the five-judge panel – Exhibit "A" to the verified complaint [A-97-98]? Certainly, like Mr. Kamins, Justice Smith may be presumed to have recognized that the Attorney Discipline Subcommittee could not possibly discharge its mandate without confronting the indisputable evidence of the Appellate Division, Second Department's lawless, retaliatory use of its disciplinary powers against Ms. Sassower.

If, upon reviewing the verified complaint, the "Questions Presented" and the "Reasons for Granting the Writ", Justice Smith did not immediately discuss them with Justice Krausman and former Justice Kunzeman – if not Presiding Justice Prudenti -- it was because what they particularized was not new to her. She was already familiar with the fact that the Appellate Division, Second Department was engaged in a concerted and on-going scheme of retaliation against Ms. Sassower – and that this included its adjudications of Ms. Sassower's civil appeals and motions. Indeed, Justice Smith had participated in factually and legally insupportable adjudications of two appeals involving Ms. Sassower in 2001 and 2002, the latter as presiding justice (AD2d #00-04362; #01-02885).

The egregious appellate decision on the 2001 appeal generated a new lawsuit and, thereafter, the 2002 appeal. While this second appeal was before her, Justice Smith was apprised that the lower court's egregious decision therein had generated a third lawsuit. The appeal of that third lawsuit came before the Appellate Division, Second Department in 2003 (AD2d #02-02000). On

January 31, 2003 – four days after my January 27th letter – Ms. Sassower presented an Order to Show Cause to disqualify the Appellate Division, Second Department from the appeal. The January 27th letter was the last of many exhibits annexed to Ms. Sassower's 19-page moving affidavit to substantiate the Appellate Division, Second Department's interest and bias (¶¶39-40)[26]. Justice Krausman signed the Order to Show Cause, striking her request for a stay pending determination of such threshold motion. This, notwithstanding he was directly familiar with critical facts which Ms. Sassower's affidavit set forth as warranting disqualification. Among these, that the Appellate Division, Second Department had "countenance[ed] vicious and retaliatory conduct [against her] by Supreme Court judges within its appellate jurisdiction" (¶24)– and that the record of her federal action reflected this. Indeed, as to Supreme Court Justices Fredman and Colabella, whose lawless and depraved conduct in *Breslaw v. Breslaw* and *Wolstencroft v. Sassower* was highlighted in the verified complaint, as likewise the Second Department's bogus disciplinary proceedings against Ms. Sassower based thereon (*inter alia*, ¶¶28-39, 54, 63-66, 101-102, 121-131), Justice Krausman was well familiar with the particulars. They were before him in Ms. Sassower's appeals to the Appellate Division, Second Department, in which he participated subsequent to service of the verified complaint in October 1994. As to these appeals (*Breslaw:* AD2d #92-00562/ 00564; *Wolstenroft:* AD2d #95-09299 /09300 /09301), from which the Appellate Division, Second Department was disqualified for interest under Judiciary Law §14 because a favorable adjudication to Ms. Sassower would disadvantage it in the federal action – the appellate panels, on which he sat, demonstrated their disqualification by cover-up decisions that can only be deemed collusive in the vicious, criminal acts committed by Justice Fredman and Justice Colabella. Among the innumerable lawless, criminal acts to which Justice Krausman put his imprimatur, Justice Colabella's larceny of $100,000 from the Ninth Judicial Committee, the predecessor to the Center for Judicial Accountability, Inc., to Mrs. Wolstencroft, ostensibly.

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[26] These 19 pages are especially valuable for your review, as they present an extensive discussion of the lower court lawlessness that generated the seven consolidated appeals involving Ms. Sassower in 1994 – thereafter the subject of Ms. Sassower's October 26, 1994 and December 5, 1994 judicial misconduct complaints against the Appellate Division, Second Department panel to the Commission on Judicial Conduct. This discussion was necessary because aiding and abetting that lower court lawlessness was Nassau Supreme Court Justice Leo McGinity, as Administrative Judge and Presiding Judge of the Trial Assignment Part, who had since been elevated to the Appellate Division, Second Department. Indeed, Justice McGinity was one of the four judges assigned to the appeal under AD2d #02-02000. [¶¶8-19, 25-28].

En route to hand-delivering this letter to your office today, I will be picking up the two cartons and one redweld folder that have been in Mr. Kamins' possession since February 3, 2003 and bringing them to you in substantiation of CJA's April 27, 1994 criminal complaint against the Appellate Division, Second Department justices – and those who, in concert with them or on their behalf, have filed perjurious submissions at the Appellate Division, Second Department, such as Mr. Casella and the State Attorney General[27]. However, there is no reason why Mr. Vecchione and his staff of "12 prosecutors and 24 investigators", should be burdened with the review of this case file proof – albeit easy to accomplish by virtue of the road-map provided by:

(a) the annotated chronology – paralleling the "factual allegations" of the verified complaint in the *Sassower v. Mangano* federal action (U.S. District Ct/SDNY #94-Civ-4514);

(b) the cert petition in the *Sassower v. Mangano* Article 78 proceeding (U.S. Supreme Court #94-1546); and

(c) the cert petition in the *Sassower v. Mangano* federal action, (U.S. Supreme Ct #98-106).

As a member of Justice Prudenti's Second Department Committee and subcommittee co-chair, you have a right to expect that the Committee will undertake such review, most especially by the Attorney Discipline Subcommittee co-chaired by Mr. Kamins and Justice Smith. This would include findings of fact and conclusions of law as to the above enumerated documents.

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[27] CJA's July 11, 1994 letter identified the penal consequences of perjurious filings, citing Penal Law §§210.05, 210.10, 210.35, 210.40, 170.30, 175.35, and expressly requested that our April 27, 1994 criminal complaint be expanded to encompass:

> "(1) prosecution of the Attorney General's office for their filings of false and perjurious instruments in the Appellate Division in Brooklyn in connection with their representation of the respondents in the Article 78 proceeding; and (2) prosecution of Gary Casella, Chief Counsel for the Grievance Committee for the Ninth Judicial District, whose repeated fraudulent and perjurious representations in his court submissions, filed in Brooklyn, are documented, over and again, by the record under A.D. #90-00315." (at p. 4, emphases in the original).

Should the Second Department Committee and its Attorney Discipline Subcommittee refuse to undertake this review upon your formal request that they do so in discharge of their mandate to "'make sure [the Second Department] is acting fairly and equitably' when dealing with an attorney's right to practice", you must immediately and publicly resign and, by your own review as Brooklyn District Attorney, evaluate which Committee members must be indicted for the criminal conduct documentarily proven by the case files transmitted herein and yet to be transmitted. In addition to Mr. Casella, this would include former Justice Kunzeman, based on his participation in the lawless and retaliatory June 14, 1991 "interim" suspension order and in three of the most proximate and related orders[28]. It would also include Justice Krausman, based on his self-interested and lawless appellate conduct in connection with the *Breslaw* and *Wolstencroft* appeals, among others. Similarly, it would include Justice Smith, for her own corrupt decision-making in two appeals involving Ms. Sassower in furtherance of the Appellate Division, Second Department's retaliatory agenda. Additionally, as to Mr. Kamins, indictment is appropriate for his complicity and collusion in the Second Department's criminal conduct, documented by the file records contained in the two cartons and redweld folder.

It must be noted that Appellate Division, Second Department Justice Cozier, your co-chair on the Attorney Admissions Subcommittee, is a member of Chief Judge Kaye's Commission to Promote Public Confidence in Judicial Elections. As such, he has an especial duty to examine the case file proof that the Appellate Division, Second Department has utilized its disciplinary and other powers to retaliate against Ms. Sassower for her whistle-blowing advocacy against the three-year judge-trading deal and the illegally-conducted judicial nominating conventions, which culminated in her 1990 challenge in *Castracan*.

Last Monday, October 27th, in an hour's meeting with the Commission's counsel, Michael Sweeney, Esq., I deposited with him three cartons of primary-source documentary materials establishing that ALL safeguards for ensuring the integrity of judicial elections are corrupted, including the safeguard of judicial review. As to the corruption of the New York State Board of Elections and the

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[28] These are the two June 12, 1991 orders and the July 15, 1991 order, identified at ¶¶91-92, 98 of the verified complaint in the *Sassower v. Mangano* federal action. [Note: Justice Kunzeman was not on the Appellate Division, Second Department when 20 copies of the verified complaint was served in October 1994 for distribution to the justices– and I take this opportunity to correct footnote 1 to my January 27th letter to Mr. Kamins in that regard].

Commission on Judicial Conduct – two primary safeguards – and the complicity therein of the courts, including the "merit-selected" Court of Appeals – I provided Mr. Sweeney, *inter alia*, with copies of the files of *Castracan* and *Sady*, as well as of the three Article 78 proceedings against the Commission on Judicial Conduct: Ms. Sassower's, mine, and Mr. Mantell's. I did not, however, provide him with a copy of the case files establishing the Appellate Division, Second Department's hijacking of its disciplinary powers to retaliate against Ms. Sassower for her championship of the people's rights against the political manipulation of judicial elections – also with the complicity of the "merit selected" Court of Appeals – aided and abetted by corrupted federal courts. I told him that this would be provided to you in substantiation of our April 27, 1994 criminal complaint against the Appellate Division, Second Department justices – a copy of which I gave him. I stated that the Commission should be able to rely on you for the relevant findings of fact and conclusions of law from these files.

Likewise, you should be able to rely on the Commission to Promote Public Confidence in Judicial Elections for its findings of fact and conclusions of law as to the three cartons of primary-source materials I left with Mr. Sweeney. These materials are fully accessible to Justice Cozier as a Commission member. By this letter, CJA calls upon Justice Cozier to *personally* examine these dispositive documents and take appropriate steps to ensure that the Commission renders findings of fact and conclusions of law based thereon. Such findings of fact and conclusions of law must be made available to you -- as likewise to the "public" whose "confidence" the Commission is trying to "promote". This should begin with findings of fact and conclusions of law as to *Castracan* and *Sady*.

Needless to say, should you wish your own copies of any of the case file and other materials that we have provided to the Commission to Promote Public Confidence in Judicial Elections, we will provide them to you, as well. In any event, because the case file in *Sady* establishes the Appellate Division, Second Department's direct role in the corruption of judicial elections, a copy is enclosed – identical to the one furnished to the Commission last week.

With or without the assistance of the 29-member Second Department Committee, of which you are a member, and of the 29-member Commission to Promote Public Confidence in Judicial Elections, of which Justice Cozier is a member, the case files transmitted herein will *readily* enable Mr. Vecchione and

his staff to verify what the Appellate Division, Second Department did in *Sady* and its vicious misuse of its disciplinary powers to retaliate against Ms. Sassower. Such is plainly preliminary to your verifying the Appellate Division, Second Department's retaliation against Ms. Sassower in a long list of appeals and motions in civil matters involving her, involving Justice Krausman and Justice Smith, among others. Upon your notification of readiness, we will transmit to you a copy of this further case file evidence so that you may see for yourself how over and again, the Appellate Division, Second Department denied, without reasons, Ms. Sassower's countless meritorious motions for its disqualification so as to render adjudications which, where not themselves factually fabricated and lawless, covered up and facilitated the heinous judicial retaliation against her in the lower courts under its appellate jurisdiction.

Needless to say, we are ready to answer your questions, to be interviewed, including under oath – and to give testimony before a grand jury. Although the criminal conduct of the Appellate Division, Second Department justices and its attorney-disciplinary appointees is a matter of documentary evidence – *not credibility* – a Brooklyn grand jury would find Ms. Sassower a most compelling and credible witness, quite apart from the fact that she is Brooklyn-born and raised, lived in Brooklyn for 29 years, was a 1954 graduate of Brooklyn College (*summa cum laude*, Phi Beta Kappa, junior year) and, from 1963-65 was president of the Lawyers' Group of the Brooklyn College Alumni Association.

However belated, your entry to the cause of judicial reform is most welcome – and we look forward to providing you with all possible assistance.

Yours for a quality judiciary,

Elena Ruth Sassower

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosures & cc's on next page

Enclosures:

(1) folder of correspondence with you
(2) folder of correspondence with Mr. Kamins
-- case file materials previously transmitted to Mr. Kamins
(3) folder of the *Sady v. Murphy* file
(4) folder of "road-map documents for ready-verification of transmitted case file evidence"
(5) CJA's informational brochure

cc: First Deputy District Attorney Michael Vecchione
Assistant District Attorney Josh Hanshaft
Presiding Justice Gail Prudenti,
Appellate Division, Second Department
Associate Justice Nancy Smith,
Appellate Division, Second Department
Associate Justice Gabriel Krausman,
Appellate Division, Second Department
Associate Justice Barry Cozier,
Appellate Division, Second Department
Barry Kamins, Esq.
A. Thomas Levin, President, New York State Bar Association
Commission to Promote Public Confidence in Judicial Elections
The Public