

BEFORE THE NEW YORK STATE SENATE
STANDING COMMITTEE ON JUDICIARY

Public Hearing on the
Appellate Division First Department
Departmental Disciplinary Committee,
the Grievance Committees of the
Various Judicial Districts, and the
New York State Commission on Judicial Conduct

Hearing Room 6
Empire State Plaza
Albany, NY

June 8, 2009
10:35 a.m.

PRESIDING:

Senator John Sampson
Chair
Senate Standing Committee on Judiciary

PRESENT:

Senator John A. DeFrancisco (R)
Senator Bill Perkins

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1 CHAIRMAN SAMPSON: All right, we're
2 getting ready to start.

3 Ruth Pollack, Ms. Pollack, go right
4 ahead.

5 MS. POLLACK: Good afternoon,
6 Senator, and thank you very much. My name
7 is Ruth Pollack. I'm an attorney in the
8 east end of Long Island -- Riverhead, New
9 York. Practiced 26, going on 27 years.

10 I love my career, and I have had a
11 wonderful career. I've practiced in just
12 about every court that you can practice in.
13 I've tried cases in Surrogate's Court and
14 took a verdict at 2 o'clock in the morning
15 and won. I have been in the state and
16 federal courts and agencies, and I'm a
17 former prosecutor for the Nassau DA about
18 26, 27 years ago. There's not much I
19 haven't seen and done. And for the most
20 part I love what I do, and I look forward to
21 any new attorney or judge that I meet.

22 I'm here today, however, because of the
23 breakdown of the system and my brief
24 suggestions for what I think, as a member of

1 the brothers and sisters in law in the
2 trenches, we can do to fix it.

3 I got ovarian cancer in June of 2003.
4 I went through the full monty, and I
5 survived that. I'm now considered cured,
6 even though I still suffer from lymphodema
7 in both my legs. That means I carry 60
8 pounds of extra fluid in my legs every day,
9 so I'm partially physically disabled. And
10 of course, as a survivor, we don't seek
11 sympathy, we just want understanding and
12 some accommodation. I'm just happy to be
13 here and happy to be alive.

14 But I tried a case in Eastern District
15 federal court against the US government, and
16 many of my cases, despite my stature, I go
17 up against some big-league people. I go up
18 against the federal government, I've gone up
19 against banking institutions, many school
20 districts and so forth. I have an asbestos
21 case involving a school district on Long
22 Island right now. My cases are
23 controversial, and I'm not afraid to go
24 after anyone, including an attorney, if the

1 attorney is doing something that is
2 improper.

3 When I returned back into active duty,
4 so to speak, as an attorney, the case that I
5 had against the federal government was,
6 partly on account of my disability,
7 dismissed in the middle of my direct
8 examination of -- I must have been through
9 about eight to 10 witnesses at that point.
10 And that was on June 5, 2007.

11 That led to a contempt hearing, and I
12 was held in contempt of court, and I'll move
13 on from there.

14 The very next day I walked into an
15 ongoing Family Court case in Manhattan
16 Family Court, the Jubb case, J-U-B-B,
17 representing a father and his infant son --
18 or actually I represented the father on
19 behalf of him and his son. And I'd been
20 there many times before. I'd objected to
21 what I saw was tampering of witnesses by
22 Child Protective Services, tampering with
23 records, the general poorly run courtroom
24 and poorly run proceedings.

1 And at 9:30 in the morning, in Family
2 Court at 60 Lafayette, and at the beginning
3 of a hearing before Judge Susan Knipps, a
4 male court officer proceeded to come toward
5 me without provocation. He placed me in a
6 forward -- in a front headlock before I was
7 able to sit down. And the ten or so court
8 officers that were already in the courtroom
9 when I walked in, of that group, about five
10 of them came around me from behind and put
11 me in a full bodylock, lifted me from the
12 floor, dragged me out, crashed me against
13 the wall, and then threw me out into the
14 court lobby, physically, bodily.

15 Everyone -- I have lay witnesses and I
16 have my client and other witnesses to this
17 occurrence. Everyone in the courtroom, the
18 judge and everyone, denied that it happened.
19 I had done nothing. The judge said, "Clear
20 the courtroom now," when I had simply said
21 to the court officer: "I have two
22 witnesses, they're not testifying." And
23 that's all I said.

24 As a result, I suffered tremendous

1 posttraumatic stress syndrome. I never
2 walked into a courtroom again feeling the
3 same safety and security that I had for 26
4 years.

5 I filed a case against the State of
6 New York which is pending with the Attorney
7 General's office. I had hoped and I am
8 hoping that the Attorney General will
9 investigate this.

10 But then it continued. Because
11 thereafter, on September 28th of 2007, when
12 I went back to that court to the financial
13 judicial hearing officer for the monetary
14 portion of the case, the record was shut off
15 by the JHO and the court officers slammed my
16 desk against the wall and told me to get up,
17 and my client, and get out. And they
18 surrounded us, but they didn't touch us. I
19 took the badge numbers as well. So it was
20 more internal terrorism, so to speak.

21 I have never before been attacked by
22 anyone in my lifetime. So this was, again,
23 more of a message of some sort; I'm not sure
24 what.

1 Since that time, I've been menaced by
2 court officers on behalf of two judges in
3 district court in Hempstead in a criminal
4 case, because I do a lot of criminal defense
5 work, and that has caused me great
6 consternation. I've had witnesses to that
7 occurrence as well -- I have witnesses.

8 I'm here because while I could go on
9 and on about my long career -- and my
10 curriculum vitae is up there for you and for
11 the panel -- the system is breaking down.
12 We need to fix it. It's worthy of that.
13 You know, my father was a top gun in the
14 Second World War, and I still have him
15 today. And it's because of him and our
16 foremothers and forefathers that we're here
17 today able to speak out about how we feel
18 about this country and our state.

19 And I'm here to be part of the
20 solution, not part of the problem. And I
21 will do everything that I can to be part of
22 the solution, which is a huge, huge -- in
23 need of huge help.

24 I personally am now -- I've been

1 suspended for two years. It started out
2 with a 45-day suspension with a threat of
3 six months' incarceration. And I served my
4 45 days of suspension in the Eastern
5 District of New York because I disagreed
6 with a judge and because I missed a day of
7 court due to my legs. I went to two federal
8 courthouses in the Eastern District, neither
9 of which are ADA-compliant. I have
10 complained about it; nothing's been done.
11 So that my disabled clients -- who are also
12 whistleblowers -- and I have difficulty
13 parking to get to those courthouses.

14 I'm moving rather rapidly because I
15 just want to hit on certain points that I
16 think people should know.

17 Since that time, I have had -- since
18 the federal suspension which I served, I was
19 advised rather cryptically that they thought
20 that I had violated my 45-day suspension by
21 using my former law partner to cover my
22 cases for me, one case for me. And so they
23 just sent me a letter saying, You haven't
24 responded in 20 days, so we're going to

1 suspend you for two years now.

2 CHAIRMAN SAMPSON: Who is this?

3 MS. POLLACK: Only in Eastern
4 District. That was Judge Cogan. They claim
5 that there is an Eastern District of New
6 York grievance committee, but I have never
7 seen any such thing.

8 CHAIRMAN SAMPSON: So you were
9 suspended from practicing in the Eastern
10 District?

11 MS. POLLACK: Only. For two more
12 years. That's where almost all of my cases
13 are. One of my clients is here in the
14 audience today, Mr. Kevin Chesney.

15 Again, that was to put me out of
16 business. That was to get rid of me. My
17 own appointed attorney told me to give up
18 all my cases in the Eastern District, submit
19 to urine tests or else I would go to jail.
20 And that would be the best thing, you know,
21 she could do. She accused me of being
22 mentally ill, something I am clearly not.

23 So I was essentially put in a position
24 where they were going to have me suspended

1 to get me out of the Eastern District come
2 hell or high water. And that's where I am
3 today, fighting all the way to come back.
4 And that is a fight for another day.

5 But the point is that now the Eastern
6 District has sent paperwork behind the
7 scenes, without my knowing what it is, to
8 the 10th Judicial District where I reside,
9 and Rita Adler, who is the chief counsel
10 there, has bombarded me with letter after
11 letter after letter after letter, day after
12 day after day, relating to that case in
13 which I was held in contempt in 2007, saying
14 that she thinks I'm a criminal and I should
15 be treated as a criminal and I shouldn't be
16 allowed to practice and we should do
17 something about this woman --

18 CHAIRMAN SAMPSON: I mean, when you
19 say -- she didn't write you a letter to that
20 extent.

21 MS. POLLACK: She wrote a letter to
22 Mr. Pelzer to that effect.

23 CHAIRMAN SAMPSON: Not calling you a
24 criminal.

1 MS. POLLACK: "What she did was
2 criminal" essentially is what she says in
3 her letter. And that's part of my packet.
4 Basically saying, yeah, her actions are
5 criminal, they're -- you know, quite strong,
6 actually citing to sections of the Penal
7 Law. And as a criminal defense attorney and
8 former prosecutor, I'm very well acquainted
9 with the Penal Law.

10 So part of her approach, if we may look
11 at how rules are to be followed, is she
12 pretended, as did a member of the 10th, that
13 she couldn't reach me or serve me.

14 So an investigator came to my home,
15 left a business card in my door -- which
16 could have floated off into the atmosphere.
17 My 86-year-old father saw that, saw orders
18 slipped under the door.

19 And one day when I walked into my
20 office in 2008, I was met with an order that
21 was taped to my door with red masking tape
22 -- I'm holding it up now -- which I took a
23 picture of and blew up so that you could see
24 the door of my office. Everybody in my

1 office building saw this, my suite with this
2 red masking tape -- I don't know where you
3 get it -- taped to my door.

4 So again, these terror tactics or
5 whatever you want to call them have been
6 used to intimidate me and to make me go
7 away. I may just be a country girl from the
8 east end, but I do not go away. I have
9 always fought for the underdog my whole
10 life. I've seen injustices since I was a
11 kid. And I do discriminate; I represent
12 everybody. I don't care who or what the
13 person is about, I represent them all.

14 Mr. Kelly, in Rockland, is my newest
15 client.

16 I'm an outsider. I'm a new kid on the
17 block. I've seen what he has described. It
18 is a fact. I have never had any problems in
19 my life of any kind, criminal or otherwise,
20 other than one incident with the grievance
21 committee back in the late '90s involving a
22 matrimonial which was clearly a political
23 way of getting a case, a very interesting
24 case involving the Manuses, Morton Manus, a

1 matrimonial, away from me when it was going
2 rather well and given to another attorney.
3 And because I stood up for my retaining lien
4 and I was in the middle of a retaining lien
5 hearing, I had charges brought up against
6 me. But my case was transferred to the
7 9th District that didn't know me at all. So
8 that was my first foray into the 9th.

9 CHAIRMAN SAMPSON: So if you want to
10 sum it up, Ms. Pollack.

11 MS. POLLACK: Yeah. My summary is
12 that the solution to these many things that
13 you've heard today, without my repeating the
14 many things that we've heard as a group
15 here, is that we need transparency, and the
16 transparency must look like this.

17 We need transparency in terms of judges
18 and all public officials that serve in our
19 system and on these committees should
20 disclose what insurance companies insure
21 them, what financial institutions they have
22 their pensions or finances in through the
23 system, what banks are involved, what
24 disability insurance companies are involved

1 -- because when I've sued these various
2 types of companies, I've never known if
3 there was a conflict of interest between
4 those people that I was working in front of
5 as judges or against as litigants, if there
6 was a conflict of interest.

7 So I highly, highly support full
8 disclosure of any and all of those types of
9 things on the docket, including all
10 committee members on all of the committees
11 we've discussed today. Who they are, where
12 they're from, all of their affiliations,
13 what their trainings are. I can't find any
14 of it, and I've looked all over the place.
15 Who are the people on the committee, where
16 did they come from, et cetera.

17 And I don't think I need to go on, I
18 think it's a point that's been taken.

19 CHAIRMAN SAMPSON: Thank you very
20 much.

21 MS. POLLACK: And I just wanted to
22 thank you sincerely for your time.

23 CHAIRMAN SAMPSON: Thank you very
24 much, Ms. Pollack. Thank you very much.