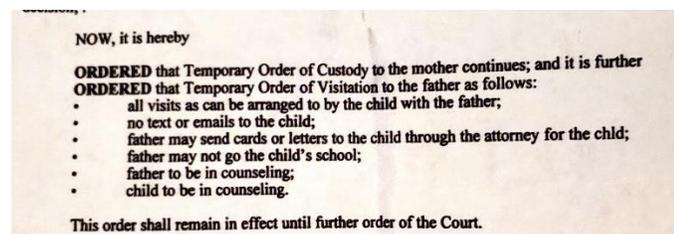




## REPORT ON JUDGE ESTHER MORGENSTERN – MARCH 13, 2023

**Esther Morgenstern** (Kings County, Integrated Domestic Violence Court): New York City's most poisonous jurist, Morgenstern weaponizes children to pursue her own goals. A zealous advocate for maximizing Title IV-D funding, she abhors the concept of shared parenting, and always assigns a winner and loser. She is terrified of public scrutiny, employing a cohort of armed officers to patrol the gallery for people photographing or recording her, and then violently detaining them. Those thuggish Court Officers include Captain John Perrotto, Sergeant Cooney (badge #210), Shaun O'Malley (# 8172), Curtin (#247), and Ciclo (#306). On her orders, she had a litigant violently arrested, and badly injured, in February 2023, for which she is being sued for abuse of power and harassment. A decision she made on March 13, 2023 is a good reason why she needs to fear scrutiny. A father came to her courtroom trying to restore parenting time with his daughter. Morgenstern told him he could only see the child if he underwent therapy. The father told Morgenstern he had been in therapy for six months and sent the court proof of that, on six previous versions. Morgenstern seemed to forget this. She simply ignored him and told him to send proof a seventh time – and then adjourned the case for two months later, with the child still separated from her father. In another case observed by the FCLU, on February 10, 2020, a father of two children had asked Morgenstern to enforce an order she had made a year before to clear up mold in the mother's apartment, which was endangering the children's health. When the mother ignored the order, Morgenstern refused to enforce, and instead ordered the father to pay the mother child support. The father responded that he had just made a \$4,000 payment, and again asked her to protect the children. Morgenstern replied: "*Write her a check, and she will have the mold inspection. Adjourned.*" Another order which she signed on December 13, 2017, is another good example of her arrogant disregard for the Law. It stated that "*the father shall pay \$2,000 in child support arrears by Jan 2, 2018. If not, visits are suspended.*" This order was an attempt to extort a parent of money, using the threat of ending his parenting time. And Morgenstern carried through on the threat: the children have hardly seen their father since, and not at all since March 16, 2020. Morgenstern's support/visitation linkage is illegal: Under New York law, visitation may not be denied solely for reasons unrelated to the best interest and welfare of the child. As such, the failure of the non-custodial parent to make payments of support is an insufficient basis for a court to deny parenting time. *Stewart v. Soda*, 226 A.D.2d 1102, 1102 (4<sup>th</sup> Dept. 1996); *Resignato v. Resignato*, 213 A.D. 2d 616, 617 (2d Dept. 1995); *Farhi v. Farhi*, 64 A.D.2d 840, 841 (4<sup>th</sup> Dept. 1982); *Engrassia v. Di Lullo*, 89 A.D.2d 957, 958 (2d Dept. 1982). But Morgenstern, working in collusion with the corrupt Children's Law Center (CLC) – a publicly funded firm that she appoints as 'Attorney for the Child' in her cases -- believes she can operate above the law. Favored CLC contractors are Martha Schneiderman and Hilarie Chacker. The effect of most of Morgenstern's orders is to alienate children from one parent, usually the father. When that alienated parent requests remedial action, including reunification therapy, Morgenstern retorts, "*don't you understand that, if you force your child to be with you, you'll ruin your relationship with him?*" One of the cases which the FCLU closely monitored was was

Veronica Abella vs Levente Szileszky. The targeted parent here was the father, Szileszky, from whom she cruelly tore all parental access in October 2016. After excluding the children from him for five months, she made him endure supervised visitation for five years. This order ran against the recommendations even of the forensic evaluator whom she appointed, and who recommended generous parenting time for the father. The principal reason for her hostility to the dad was the improper relationship between Morgenstern and the mother's attorney, Barbara Kryszko, director of the powerful group Sanctuary for Families. Morgenstern also helps to enrich her friends at Comprehensive Family Services, including founder Richard Spitzer, who is charging the father \$300 an hour for "supervised visits" with the children. In 2019, Szileszky appealed to the 2nd Department Appellate Division. The point of his appeal was to challenge a **five-year stayaway order** which denied him any contact with his children. Neither the mother, nor the children's attorney had requested such a brutal measure. Morgenstern justified her decision by claiming that the father had missed a court hearing. In fact, the court had told the dad to turn up two days later than the date on which the court date actually happened. It was the earlier date, February 6 2019, that Morgenstern issued a one-line order that severed the bond between dad and the kids. Even the normally toxic Children's Law Center criticized Morgenstern for failing to provide any reasoning for her stayaway order. Levente's application to the Appellate Division (which was eventually dismissed, thanks to Morgenstern's sway there) [can be viewed here](#), at 3:18:00 to 3:48:00. Known as 'Mickey' to her family-court friends, Morgenstern is a former law clerk, who came to the bench in 1996 and now receives \$262,000 in salary and benefits from the NY taxpayer. She lives in a massive house on Long Island with her second husband. Believing her powers to be limitless, she often proclaims "I am the Finder of Fact!" She has taken on a huge case-load with the criminal court, divorce, and family courts. That case-load has been increased by her assumption of the cases of another abusive judge, Patricia Henry, who thankfully retired in July 2016. One attorney states: "*Morgenstern was hand-picked by Sheldon Silver's cronies to eviscerate Brooklyn's families for federal money from the Title IV-D program... She is a loyal mutt for a corrupt master.*" A divorcee herself, she takes the bench at a leisurely 11am – [two hours after the 9am start time that Governor Cuomo demanded as a condition for agreeing to the judiciary's request for pay hikes](#). She speeds through cases, removing children from homes, jailing fathers or journalists, suspending trials in the middle of a witness' testimony and then adjourning for three months, and imposing impossible conditions as part of her orders of protection. Here is one of her typical 'temporary orders', which serves to alienate a boy from his dad, while enriching her favored quack psychologists:



Morgenstern's conduct in court is shocking. She interrupts and derides attorneys, scolding one public defender to "grow a pair" when he asked to be relieved from the case, or telling another one "stop with the attitude!". Morgenstern, an Orthodox Jew, has actually issued orders barring parents from taking their children to Catholic Mass, in blatant breach of their constitutional rights. She has also completely "suspended" the

parenting time of parents who do not follow her order to go to “parenting classes” with “experts” with whom she has a relationship. She gives pro se litigants very short shrift – and discriminates viciously against fathers, regularly issuing orders for them to pay all of the mother’s counsel fees. She took away custody from one father, and went into a furious tirade, stating that father had called the opposing attorney “*a femi-Nazi lowlife.*” Her catch-phrases are: “*Once in IDV, always in IDV!*”, “*Enough is enough!*”, “*What’s the issue?*”, and “*You’re gonna pay her lawyer’s fees!*” Cases drag on years before they come to trial. One father who has come to the FCLU for help has not seen his daughter EVER – and that girl is now 16! The trials she holds are a travesty: defense experts are precluded; the targeted parent’s motions get conveniently lost; court favorites are included; targeted parents are given the incorrect dates for court hearings or ordered to submit their health records and be interrogated by her hand-picked ‘investigators’. Final decisions after trial can take more than six months. Meantime, the children have no contact with one of their parents – almost always their father – and end up deeply disturbed. In the matter of Snyder v Walker, for example, she made a custody order on default, when a hearing on custody was actually being conducted already in Judge Alan Beckoff’s courtroom.

She has her favored court experts, especially forensic examiner **Dr Amal Madani**, to whom she gives an estimated \$400,000 a year in court-ordered appointments. Madani’s reports are slapdash, and her notes are so illegible that one attorney asked if she had submitted them in Arabic. One parent commented: “*Madani is amazingly sloppy. The easiest facts, like rent amounts, number of events etc, are already wrong in her reports - so you can imagine how precise the rest of the report. For instance, she claimed I said that I have alcohol twice a week in bars which I never said. I did say I watch a hockey or a baseball game once or twice a month, drinking 2-3 beers during a 3+ hours long game. She then immediately extrapolated that I am abusing alcohol and so on - then restated it in court, only to admit, in our cross-exam, she has no training, no experience in alcohol or any substance abuse field, that being 6'2" and over 230 lbs it's not much, that I had never had been arrested, cited or any way connected to alcohol - in fact I never had a ticket in my life for anything... absolute lowlife, she literally created a single "fact" out of nothing and that was used for a damning "finding."*” Morgenstern allows Madani to charge parents \$1,500 for a single court appearance.

Morgenstern uses her armed court officers like a personal Gestapo, especially Officer Shaun O’Malley (badge 8172), Sergeant Cooney, and Captain John Perrotto. On February 10, 2020, Morgenstern used those officers to arrest the FCLU’s executive director, Sebastian Doggart, who was observing a case. Here is his account of what happened, as filed in an official complaint:

“At 11:20 am, I was in court to observe Judge Morgenstern on the 18th floor of Kings County Supreme, Court, 330 Jay Street, Brooklyn, NY. In the corridor outside Judge Morgenstern’s courtroom, I happened to meet Mr Schwartz. I approached him courteously and asked him if he had received my email. He replied: “I did receive it, but I really can’t talk to you.” I asked him why, and he repeated, “I can’t talk to you.” I asked him if he was happy that everything was accurate in the report, and he again stated. “I can’t talk to you.” I asked him if he had a response to our request for an interview, and he turned to me and, said pleadingly: “Why are you doing this? I am just doing my job.” I replied with a question: “Does that job including writing articles for the Brooklyn Eagle that sing Judge

Morgenstern's praises, when you do not even disclose to the readers that she is your boss?" He replied again, "I can't talk to you," and hurried back into the courtroom.

At approximately 11:30am, after I had returned into the courtroom, I observed Mr Schwartz approach the bench speak into the ear of Judge Morgenstern. I could make out him mouthing my name. He then gestured towards me, and her gaze followed that gesture. She shook her head angrily, looked at a document he showed her (which I have reason to believe was the email I had sent earlier this day.) She again shook her head, glared at me for a moment, and then proceeded to give him some instructions. He nodded and walked away. At approximately 11:40am, I observed Mr Schwartz speaking to one of the armed court officers, whose name I would later learn was Officer **Shaun O'Malley** (badge number 8172). At approximately 12:17pm, Officer O'Malley approached me aggressively and ordered "Come with me outside." I asked him why, and he repeated "come with me outside, you are recording on your phone." I replied, "I am not recording on my phone." He became more aggressive, and said "Come outside now, or I will arrest you." Terrified, I obeyed this order, and went outside into the small ante-chamber between the court-room and the hallway. At least one witness Levente Szilesky observed the following exchanges.

O'Malley again stated, "I saw you recording on your phone, give me your phone."

I replied, "I was not recording anything. You have no right whatsoever to take my phone, or order me to open it."

He stated: "I saw you using a transcribing app on your phone. Give me your phone, or I will arrest you."

I replied, "I am a journalist and you are legally barred, under the Shield Law, from harassing and intimidating me. Please step aside and let me continue my work inside."

"You are goin' nowhere," he said, blocking my entrance back into the court-room.

At this point a second officer came into the hallway. I would later find out his name was **Sergeant Jason Valentine** (badge number 618).

He was more reasonable and explained: "There's a lot of problem with social media. That's why we can't have people filming in here."

"I was not filming here," I replied.

"He was using his phone," O'Malley said to Valentine.

"I did send a couple of text messages, but everyone in the gallery is using their phone, and no one ever told me not to."

"Were you here when we made an announcement that no one is to use their phone?"

"No," I replied. "When was that?"

"When the court opened," Valentine replied.

"I did not arrive til 11:10am," I replied.

"I can vouch for that," said Szilesky.

"Fine," I said. "I will not use the phone again. Please now allow me to return to my court-watching duties."

"No," barked O'Malley. "I saw you using a transcribing app. We need to see the contents of your phone."

"I have no transcribing app on this phone," I said. "I didn't even know such an app existed."

"Open your phone then," O'Malley sneered.

"You have no authority to demand that," I replied. "Numerous case laws, and statutes, prevent you demanding I open up my phone without a judge-issued warrant."

“Give me the phone,” O’Malley ordered loudly.

At this point one of the court staff came into the ante-chamber: “Take this outside, you’re too loud.”

Furious, O’Malley hustled me out of the ante-chamber into the call, where he went up to another court officer sitting behind the reception desk, and told her. “This guy was filming inside.”

“That is a lie,” I restated, as the woman picked up the phone, apparently to make a call for ‘back-up’.

“Then show me your phone,” he ordered again.

“I will not,” I repeated. “I am a journalist investigating corruption in this very courtroom. You are a colleague of Judge Morgenstern. I saw her court attorney instruct you to go after me. I am not going to show you anything. What is your name?”

“O’Malley.”

I started to write his name down. He then grabbed my notepad from my hands, and started reading my notes.

“Those are private papers, you have no right to read them,” I told him.

He ignored me and then took away my ink-pen.

At this point, seven more armed officers appeared, surrounding me.

“Why are there 10 armed officers seeking to intimidate me?” I asked O’Malley. “Give me back my pad!”

O’Malley held on to the pad, looking through my notes. Shortly after, an eleventh officer appeared. I would later discover he was their boss, **Captain John Perrotto**.

“I am being falsely detained,” I advised him. “Please allow me to return to my work.”

“He was filming inside,” O’Malley said again.

“That is untrue. Ask the other officer,” I said pointing at Sergeant Valentine. “Did you see me filming or recording?”

“I did not,” said Sergeant Valentine.

I said: “This officer is acting under orders from Judge Morgenstern and her court attorney Matthew Schwartz to try and shut the FCLU down. Isn’t that right?”

“I have no idea who you are,” shrugged O’Malley.

“Open your phone and show us all of your photos, videos and applications!” barked Captain Perrotto.

“I cannot and will do that,” I said. “I am a journalist and have protections under the Shield Law.”

“Cuff him now!” Perrotto barked.

O’Malley happily complied. He roughly yanked my hands behind my back and sharply snapped the metal handcuffs down tightly on to my skin. It was the first time I have ever been handcuffed in my life.

“I want to speak to my attorney right now,” I demanded.

O’Malley laughed contemptuously. He and Perrotto grabbed my arms and started to move me forward.

“We’re taking you to be booked,” Perrotto barked as he pushed me into the elevator.

“On what charges?” I said.

“Officer O’Malley asked you to present ID on various occasions, and you did not comply,” Perrotto said.

“What?” I protested. “He never even asked me for ID.”

Perrotto looked baffled, and looked over to O'Malley.

I said, "Come on, officer, did you ever ask me for ID?"

He remained silent.

"I have witnesses to show he never once asked me for ID," I said. "So if that is the grounds for arresting me, I would find another one, since I have no problem showing you my ID."

Perrotto and O'Malley continued to say nothing.

"If you want ID," I said, "I can give it to you now, you don't want to be arresting journalists for no reason."

"OK, let's see it," said Perrotto.

"I can't get it out because you have handcuffs on me! Take these off now. They are hurting me."

"You have NYPD issued press credentials?"

"What on earth are they?" I asked. "Since when does the NYPD get to choose who counts as a journalist?"

"You see," said O'Malley triumphantly, "he has no credentials."

Three other officers were accompanying us, as O'Malley and Perrotto frog-marched me out of the elevator and down a corridor until we reached an office which I believe to be the Supreme Court booking room. At least five other officers, some of them clerical staff, were in that room and witnesses to what transpired.

"We're bringing him in for filming in the courtroom?" said Perrotto

"That is a false accusation," I replied.

"I saw him using a transcribing app on his phone," said O'Malley.

"Really?" I said, more than confident that I have no transcribing app on my phone. "Are you all witness to this? Officer O'Malley is making an allegation in front of all you that he witnessed me recording on a 'transcribing app' in the courtroom? Are you all a witness to that?"

No one replied.

I continued: "Because when an independent observer analyzes my phone and finds no such app or recording exists, he must be held accountable for false testimony and intentional infliction of emotional distress. You sure you witnessed me recording, Officer O'Malley?" I pressed.

He said nothing. One of the booking room staff asked me for ID.

"I can't get my wallet out, because you have handcuffed me. Please remove the handcuffs."

There was an awkward silence.

"OK, uncuff him," said Captain Perrotto.

O'Malley then clumsily unlocked my handcuffs, leaving my wrists red.

I then handed my FCLU business card to Perrotto, who just said, "This is not a Press ID. You have any other ID?"

I gave him my driving license.

Perrotto again ordered, "You need to open your phone and show us everything that's on it."

"I cannot and will not do that. And you cannot and should not order me to do that."

"If you don't show us the contents of your phone," he said, "we will impound your phone, put you under arrest, and incarcerate you."

“This is way out of line,” I said. “That would be a complete violation of my constitutional rights. And it’s coming because a verifiably false allegation by Officer O’Malley. Come on, are you going to lie outright? Did you or did you not see me recording in the courtroom on a transcribing app?”

“I did,” he said.

“You really sure you want to lie like that?”

At this point, one of the other armed officers came right up into my face and said: “Sit down... NOW!”

Shocked, I told him, “You are harassing and intimidating me. Back away from me!”

“Sit the FUCK down!” he said, his fetid spittle spattering my face.

“Tell him to back off, Captain,” I said to Perrotto.

He did nothing, as the officer pushed me down on to the chair.

“What is your name, officer?” I demanded.

“Nicholas,” he said angrily.

“Nicholas what?” I replied

“Cisco,” he said.

“Badge number?”

“Three zero six.”

I reached for my pad and pen, and started to write it down. He wrenched the pen from my hand forcefully.

“Stop writing this down, or I will throw this pen right down the corridor,” he shouted.

“Captain Perrotto, he is threatening me. Is this appropriate behavior for one of your team?” I asked.

He shrugged. “He’s just doing his job.”

“Just like lying is part of Officer O’Malley’s job, right?”

“Look, either open up you phone to us, or we incarcerate you,” Perrotto said.

At this point, I was faced with a big dilemma – either stand up for my rights, and lose my phone and freedom; or capitulate to the abusive and illegal demands of six armed officers staring down at me.

“I completely object to this intimidation and abuse of process,” I said, “but I do not have anything to hide. So I will show one of you that I did not record anything. But I want to choose which one of you does that.”

Perrotto hesitated and said, “You can choose.”

I pointed to Officer Valentine, who seemed the most decent and truthful of all this disgraceful bunch.

“Sit down next to me, and I will show you,” I said. He complied.

First, I showed him the photos and videos from my phone Gallery. The last photo taken was of my nine-year-old daughter the day before, at a soccer tournament. The last video taken was two days before.

“Nothing here,” Valentine said.

Perrotto looked frustrated. O’Malley looked concerned.

“Check the apps,” said the office clerk. She then reeled off a number of ‘transcribing apps’ with which she was clearly familiar, from other people who had been seeking to make a record of abusive practices within the court.

I then took Officer Valentine on a tour of all my Apps, highly personal information.

“This was a complete invasion of my privacy,” I objected.

Valentine stopped at one:

“Revel? What’s that?”

“How do you spell that? One or two Ls?” said the clerk. “I can look it up”.

“One L.”

There was a moment of excitement that maybe Revel was the smoking gun against me.

“Come on, it’s a moped rental app!” I said.

The clerk completed her search and nodded.

Valentine shook his head, clearly embarrassed by the whole process. He went through all my remaining apps, and shook his head.

“Nothing?” said Perrotto.

“Nothing,” said Valentine.

I reached again for my pad, and started to write notes. Another officer – whose name I would later find out was Sergeant Cooney -- tore it out of my hands, and said, “Stop that, or I will throw that pad down the corridor.”

Again, I approached Captain Perrotto: “Are you going to stand by while your officers behave in this way?”

“He’s just doing his job,” Perrotto parroted Perrotto.

“Well, I now want to make a formal complaint about the conduct about three officers: Cooney and Cissco for intimidation, bullying and intentional infliction of distress; and O’Malley for verified false witnessing, and also intentional infliction of distress.”

“I’m not accepting any formal complaints,” Perrotto said. “Now move along and out of here.”

Sergeant Cooney pushed me forward, down the corridor, right up to the elevator. As the elevator doors opened, he shouted at me, “GO BACK TO YOUR OWN COUNTRY!”

I was gobsmacked. “Really, Sergeant Cooney? You are a disgrace to your badge.”

I turned to Officer Valentine, “You heard that right?”

He nodded.

Valentine then went with me back to the 18<sup>th</sup> floor, where I took my seat again to observe proceedings in court.”

Until May 2018, Morgenstern had a brutish court attorney, Brian Kieran, a character straight out of *The Sopranos*, who intimidated litigants by pressing his face right into theirs, so that his anger and halitosis caused nightmares for weeks to come. Following complaints to the Chief Judge and Commission on Judicial Conduct by the FCLU, Kieran was replaced by a more effete operator, [Matthew Schwartz, who came from Judge Sunshine’s chambers](#). As an example of how incestuous NY family court is, Schwartz is [married to Stephanie Paige Schneider](#), whose mother, Harriet R Weinberger, is the Director of the Office of Attorneys for Children. As a further instance of cronyism, Schwartz used his influence to persuade the Democrat rag *The Brooklyn Eagle* to publish [this puff-piece](#) on Morgenstern for “leading the way in helping domestic violence victims”. To ensure the hagiography had maximum impact, the piece does not include a disclaimer that Schwartz was already working for Morgenstern at the time of publication.

Judge Morgenstern’s actions bring into disrepute the court both inside the courthouse and outside. She is regularly featured in media reports about fraud, waste, and abuse in the NY family court system, [including this exposé in the NY Post](#). Morgenstern is also the

main villain in the book *A little lynched: A Judge-ordered kidnapping* by Aleah Holland RN. In the book, Holland details the ex parte hearings held by Morgenstern, and charts how Morgenstern alienated her children from her after she refused to accede to her requests to make false allegations of abuse against the child's father. Judge Morgenstern and her court attorneys have conducted unethical, ex parte communications about the case with Children's Law Center attorneys like Patty Hurtado, Laura Deewald, Helen Singh, Hilarie Chacker, Genevieve Tahang-Behan, Lauren McSwain and Cynthia Lee. These *ex parte* communications are a violation of the judicial canon to which Morgenstern is bound, specifically Section 100.3(B)(6) *A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending proceeding.*"): So cozy is Morgenstern's relationship to the CLC that she even kept a mailbox openly on view in her courtroom for her correspondence with the CLC. (She took this away after the FCLU published a related story in April 2020). Morgenstern allows the CLC to testify in cases before her, in violation of the attorney-witness rule. She also has an improper relationship with Safe Horizon, an organization to which she sends many families for "supervised visitation". In return, Safe Horizon gives her regular "honors" such as the "Annual Award by the New York State Chapter of the Supervised Visitation Network." Morgenstern's inappropriate relationships with the CLC and Safe Horizon place her in violation of judicial canon, Section 100.2 (A): "*A judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*" She also has a track record of changing (aka falsifying) court records. According to one parent, Cynthia Walker, she responded to a complaint to the CJC that she had failed to rule on a motion in a timely manner by filing an "update" on December 24, 2018 that she had made the ruling on August 2, 2018, when records showed that no hearing had been held on that day. Morgenstern's conduct is a fraud upon the Kings County Supreme Court, the Unified Court System, the children whom the CLC and the court purport to represent, and every New York taxpayer. She was elected to the Queens County Integrated Domestic Violence Court in 2003 and to the Supreme Court of Kings County in 2006. She was 're-elected' on November 5, 2019, after both the Democratic and Republican party machines nominated her, and no other candidate stood against her. Even with this institutional backing, she only [secured a risible 15% of the vote](#). Two separate petitions are calling for her removal, one here, and [the other here](#).