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By Hand

October 19, 1994

Professor Janet Johnson
Pace Law School
White Plains, New York

*Jennifer Chur
received for
Janet Johnson*

RE: Disciplinary File A.D. #90-00315

Dear Professor Johnson:

Following up our conversation on Friday, October 14th, I am transmitting herewith pertinent documents to enable you and other Grievance Committee members to gauge the importance of independently reviewing the underlying disciplinary files. Those files resoundingly demonstrate that Mr. Casella, acting in the name of the Committee, has engaged in an on-going and deliberate pattern of criminal and fraudulent conduct.

Upon verification of same by review of the files, it is for the Committee to immediately disavow such conduct and undertake appropriate disciplinary action against Mr. Casella, in accordance with its ethical duty under DR-103 and DR-104 of the Code of Professional Responsibility. As I discussed with you on Friday, Mr. Casella is a menace, destroying the lives of innocent attorneys, my mother among them.

The Committee must also review the files because if Mr. Casella's actions--and those of its Chairmen--were, as we believe, ultra vires, and without the members' knowledge and informed consent--they have powerful cross-claims against Mr. Casella and Mr. Sumer. I am sure you would agree that such fact constitutes a clear conflict of interest, requiring separate counsel in the federal action, Sassower v. Mangano, et al.

Other than yourself and Mr. Hyacinthe, who I served personally on Friday, service of the Verified Complaint upon the other Committee members was accepted by Mr. Casella on Monday, October 17th. Mr. Casella received from me 18 copies of the Verified Complaint for the 18 other Committee members. In the event, he has not already delivered them to the members, they should be disseminated at the Committee meeting scheduled for tomorrow, October 20th.

October 19, 1994

I reiterate my mother's willingness and desire to appear personally before the Committee to answer any and all questions it may have relative to the serious allegations of her Verified Complaint.

Since, from this point of time, at least, the Committee members cannot plead ignorance of the requirements of §691.4 and Mr. Casella's grotesque violations of due process, detailed in the Verified Complaint, the Committee's obligation is to take "reasonable remedial action" (DR-104(a)(2)). Failure to do so constitutes a continuing wrong under DR-103(a).

Such "reasonable remedial action" would include an immediate application to the Appellate Division, Second Department to vacate the June 14, 1991 suspension Order, the October 18, 1990 Order, and each and every Order issued under A.D. #90-00315.

To facilitate review of the files, I would, upon request, be most pleased to furnish the Committee with an inventory of the contents of the underlying files, annotated with extensive cross-referencing. Such cross-referencing conclusively establishes Mr. Casella's utter fraud, dishonesty, and deceit.

Needless to say, this letter--and the enclosed transmittal--is intended to be shared with all members of the Grievance Committee.

Very truly yours,

Elena Ruth Sassower

ELENA RUTH SASSOWER

- Enclosures:
- (a) 20 copies of the sections of the Appellate Division, Second Department's Rules Governing the Conduct of Attorneys, cited in my mother's Verified Complaint
 - (b) my mother's 11/19/93 Motion for Dismissal/Summary Judgment; Mr. Casella's 12/7/93 affirmation in Opposition; my mother's 12/10/93 ltr; the Appellate Division's 1/28/94 Order
 - (c) testimony of Chairman Edward I. Sumber (pp. 484, 490-552, 579-684) and former Chairman William Daly (pp. 685, 731-783) at hearings on the February 6, 1990 Petition
 - (d) pertinent exhibits introduced by my mother during Chairman Sumber's aforesaid testimony (Resp. Exhs. "KK", "MM", "NN", "LL", "OO")