

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

October 16, 2001

Professor Vincent Martin Bonventre
Albany Law School
80 New Scotland Avenue
Albany, New York 12208

RE: Supplementing my October 9th letter to you

Dear Professor Bonventre:

Footnote 3 of my October 9th letter to you states,

“As the Attorney General may be withdrawing his opposition to my [August 17th] motion, I will defer providing it to you, as likewise my correspondence to the Attorney General demonstrating my entitlement to additional sanctions against him, as well as disciplinary and criminal referral, unless his opposition is withdrawn”.

In light of the Attorney General's subsequent refusal to withdraw his opposition -- notwithstanding his *mandatory* duty to do so under 22 NYCRR §1200.5 [DR 1-104 of New York's Code of Professional Responsibility] -- the balance of the papers on my August 17th motion are enclosed. They are:

- (1) Respondent's opposition, consisting of Assistant Attorney General Carol Fischer's August 30th "Affirmation" and Memorandum of Law;
- (2) Appellant's October 15th Reply Affidavit, annexing my exchange of correspondence with the Attorney General's office.

As reflected by ¶¶24-25 of my enclosed Reply Affidavit, the Attorney General's wilful refusal on this appeal to meet the most rudimentary standard of professional responsibility, including supervisory oversight, replicates his similarly violative conduct in the lower court, summarized by my Appellant's Brief.

Finally, annexed is the New York Law Journal's calendar listing of the appeal, now set down for Wednesday, November 21st, at 10 a.m. In the event the Appellate Division, First Department does not, prior thereto, grant my August 17th motion for its disqualification, I invite you, your professional colleagues, and interested students to attend the oral argument on that date – which is the day before Thanksgiving.

Thank you again.

Yours for a quality judiciary,

Elena

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

Enclosures: As indicated

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Professor Vincent M. Bonventre
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PS Form 152, March 1999 (See Reverse)

01-2245 Credit Suisse v. Crisanti
00-784 People v. Forrest Whitaker
01-2670 Pagliaccio v. Holborn Corp.
01-2249 Pallot v. Peltz
01-1386 Mavica v. NYCTA
01-81N Hamilton v. Fab Industries

WEDNESDAY, NOV. 21

10 A.M.

99-4202 People v. Crystal Garner a/k/a Danielle Harver, Danielle Harner
01-1929 Schultz v. 400 Cooperative
97-4348 People v. Franklin Navarez
00-3981 People v. David Snipes a/k/a David Swipes
99-6320 People v. Irwin White
99-4553 People v. Paul Bowman a/k/a Devon Jones
99-4688 People v. James Williams
01-2703 Zuckerwise v. Sorcerer
00-5434 Sassower v. Comm. On Judicial Conduct
01-2627(02) Ciao Europa, Inc. v. Silver Autumn Hotel
01-2543 Krulwich v. Posner
01-1958 Perez v. NYCTA
97-3332 People v. Francisco Ramirez
01-2658 Prenty v. Cava Construction
01-2304 Bongiasca v. Bongiasca
01-2167 Kent v. Kent
01-1906 Coughlan v. Turner
00-5151 Edinboro v. NYDHR
01-1973 Bivins v. Zeckendorf
01-2690(02)N Chait v. Chait

FRIDAY, NOV. 23

10 A.M.

01-1598 Perez v. NYCHA
01-1925 Lunan v. Mormile
01-2036 Regaldo v. Independent Welding
01-1320 Tucker v. Loriero
1996-7034 People v. Paul Martinez
01-2500 Fredericks v. North General
99-5157 People v. Marcell Ross
01-1863 Manrique v. Warshaw
98-10201 People v. Robert Braun a/k/a Robert Brown
01-2017 Kent v. Papert Companies
99-3147 People v. Tangeria Stradford
01-1587 Igarashi v. Higashi
00-2878 People v. Daisy Contes a/k/a Daisy Cortes
01-1964(02) Sumner v. Sumner
01-1512 Coleman v. Norton
01-1826 Chrisomalides v. Ekow
01-1089 Lamot v. City Of New York
01-1187 Harwood v. Chaliha
01-2667N Robert v. Straus Productions v. Pollard
01-2410N Wise v. Blue

Sullivan, P.J.; Rosenberger, Nardelli, Williams and Tom, JJ.

The following cases have been scheduled for pre-argument conference on the dates and at the times indicated:

MONDAY, OCT. 15

9:30 A.M.

602532/99 HRH Construction Corp. v. Forest Electric Coop.
10:30 A.M.
601253/00 ICS Yarn Corp. v. Incomex, Inc.
11:30 A.M.
603145/97 Wien & Malkin LLP v.

12 Noon

601963/01 Montrose Investments v. Fidelity Holdings Inc.

2 P.M.

600207/00 Kassiss v. Mosallem

FRIDAY, OCT. 26

9:30 A.M.

16855/93 Graske v. McHugh

10:30 A.M.

23366/93 Flores v. Dearborne Management, Inc.

11 A.M.

603347/00 Vinder v. Showbran Leasing & Mgt. Inc.

11:30 A.M.

602568/99 Vermont Teddy Bear Co. v. 538 Madison Rlty Co.

600572/00 Kensington House co. v. Oram

MONDAY, OCT. 29

10:30 A.M.

22849/93 Gonzalez v. Our ALady of Mercy Medical Center

11 A.M.

120963/98 Bonds v. NYCHA

12 Noon

24338/99 Zeides v. Hebrew Home for the Aged at Riverdale

TUESDAY, OCT. 30

1 P.M.

121636/97 Azzu v. Reardon

2 P.M.

5631/99 Roman v. Roman

WEDNESDAY, OCT. 31

9:30 A.M.

601922/96 Liddle, Robinson & Shoemaker v. Shoemaker

10 A.M.

16640/96 Santiago v. Allied Outdoor Advertising, Inc.

WEDNESDAY, NOV. 14

9:30 A.M.

350602/97 McManus v. McManus

10 A.M.

16988/91 V.A.L. Floors, Inc. v. Aetna Casualty and Surety Co.

WEDNESDAY, NOV. 21

9:30 A.M.

600821/01 L3 Communications Corp. v. Channel Technologies, Inc.

APPELLATE TERM

60 Centre Street
Room 408, 10 A.M.

New York County

NOTICE:

Please call 800-COURT- NY or 888-COURTNY for updated information con-

C O U R T N

Continued from page 10

A law guardian shall ask the Court to assign additional counsel if the law guardian discovers a potential or actual conflict in his/her representation of multiple children in the same family.

A law guardian shall act in a manner consistent with the Lawyer's Code of Professional Responsibility.

A law guardian shall not assume the role of social worker or mental health professional, but shall seek the assistance of such professionals on behalf of the child when appropriate.

A law guardian shall not engage in *ex parte* communications with the Court absent waiver by all parties.

A law guardian shall not communicate with the parties in the absence of their counsel or without counsel's written permission.

A law guardian, so long as she/he is the legal representative, advisor and advocate for a child in a custody and/or visitation matter, shall not act as a witness or submit any written reports to the court at any point during the proceedings or in any subsequent proceedings.

A lawyer who has met the necessary training and certification requirements established by the Committee to Certify Law Guardians for Appointment in Domestic Relations Matters may apply for and be accepted as law guardians in the First Judicial Department. Agencies or private law firms may not be qualified as a whole to represent children in the First Judicial Department, but individual attorneys employed by such agencies or private law firms may do so if they meet the necessary training and certification requirements.

A law guardian shall receive continuing education pertinent to the role of the law guardian, including relevant areas such as child growth and development, domestic violence, substance abuse, family dynamics, and childhood and adult mental health issues.

A law guardian shall not participate in contested monetary issues raised in a matrimonial proceeding such as equitable distribution, maintenance and child support, except where relevant to custody and visitation determinations.

The Justices of the Appellate Division of the Supreme Court, First Judicial Department, by virtue of the authority vested in them, effective immediately, amend Part 614 of the Rules of the Court (22 NYCRR, Part 614) to add Appendix A as follows:

PART 614. COMMITTEE TO CERTIFY LAW GUARDIANS FOR APPOINTMENT IN DOMESTIC RELATIONS MATTERS

* * *

APPENDIX A. COMMITTEE TO CERTIFY LAW GUARDIANS FOR APPOINTMENT IN DOMESTIC RELATIONS MATTERS

The Appellate Division, First Judicial Department, in furtherance of its obligation to provide for the appointment of competent law guardians approves the bylaws contained herein. Certification for appointment as a law guardian is a privilege granted to qualified attorneys by the Appellate Division, First Judicial Department.

BYLAWS

1. Quorum and Voting

- 1.1 A quorum of a majority of the Committee is required for the conduct of business.
- 1.2 Final action on proposed guidelines requires a majority vote of the quorum.

2. Application for Certification

- 2.1 All applications for certification as a law guardian shall be addressed to the Coordinator.
- 2.2 The Coordinator shall examine each application for facial sufficiency. If the application is found to be insufficient, the Coordinator shall return it to the applicant.
- 2.3 The Coordinator shall promptly assign every application not returned pursuant to 2.2 to a Committee member for review.
- 2.4 The Coordinator shall interview the applicant prior to the Chair or Committee taking action on the application. The Coordinator shall report the results of the meeting to the Chair.
- 2.5 Within sixty days of receiving the application, the assigned Committee member shall: review at least one of the required references in each category listed on the application, confirm that the applicant is registered as an attorney in good standing with the Office of Court Administration, and recommend in writing to the Chair the action to be taken on the application. A copy of the

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