

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

E-Mail: probono@delphi.com

Box 69, Gedney Station
White Plains, New York 10605

BY PRIORITY MAIL

December 13, 1994

Prof. Sarah Burns
New York University School of Law
249 Sullivan Street
New York, New York 10012

RE: Cert Petition to the U.S. Supreme Court
Sassower v. Hon. Guy Mangano, et al.

Dear Sally:

Again may I say what a pleasure it was to speak to you last week. Your interest and concern were most gratifying.

Herewith, as promised, are the papers that were before the New York State Court of Appeals in my Article 78 proceeding. I am pleased to report that the U.S. Supreme Court granted my request for a 60-day extension of time to file my cert petition. We now have a February 27, 1995 deadline, which should give you and your class the necessary breathing room. Copies of my application and the Court's Order are also enclosed. Also enclosed is a copy of Mildner v. Gulotta, 405 F. Supp. 182 (1975)--which I discussed with you.

As you will see from Mildner, nearly twenty years ago, Judge Weinstein in his forthright and compelling dissent, found New York's attorney disciplinary law (Judiciary Law §90):

"constitutionally infirm in denying attorneys the due process and equal protection guaranteed by the Fourteenth Amendment to the United States Constitution." (at p. 201)

The facts in my case bear out the validity of Judge Weinstein's cogent analysis and conclusion that the law is unconstitutional. It has not improved with the passage of time.

Unlike the plaintiffs in Mildner, I have made serious allegations of bias and improper motive--the absence of which the two-judge majority in Mildner used as a basis for application of the abstention doctrine, thereby permitting Judiciary Law §90 to stand and destroy the lives of so many blameless lawyers over the years.

As described at ¶7 of my Jurisdictional Statement to the New York Court of Appeals, in the disciplinary proceedings against me underlying my Article 78 proceeding, each and every order under A.D. #90-00315 is, when compared with the record, "jurisdictionally void (and) otherwise factually and legally unfounded". Indeed, the Appellate Division, Second Department's refusal to disqualify itself from the Article 78 proceeding against itself--where law and ethical rules mandated that it do so--can only be seen as a reflection of its knowledge that it could not risk an impartial review of the files in the conglomeration of concocted disciplinary proceedings brought against me under A.D. #90-00315. (see ¶24 of my Jurisdictional Statement).

As to the profound and far-reaching constitutional issues presented by the Article 78 proceeding--which must now be developed in my cert petition, I specifically draw your attention to my reargument/reconsideration motion¹. The unconstitutionality of Judiciary Law §90--and the relevance of Mildner--is detailed at pp. 16-23 of my supporting affidavit².

As reflected by the enclosed copy of my 1989 Martindale-Hubbell listing, prior to the Appellate Division's utterly fraudulent suspension of my license three and a half years ago, I had a long and distinguished legal career for more than thirty-five years--a career I launched, after graduation from NYU Law School, with my appointment to work for former Dean Arthur T. Vanderbilt, then Chief Justice of the highest court of the State of New Jersey.

Not only did Martindale-Hubbell give me its highest "AV" rating throughout the years it rated me, but, as you can see from the enclosed letter from the Fellows of the American Bar Foundation, in 1989 I was elected to membership in that body, an honor reserved for less than one-third of one per cent of the practicing bar of each state.

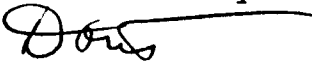
¹ See, pp. 4-23 of my 7/19/94 affidavit in support of my reargument/reconsideration motion, entitled "The Merits of this Appeal Present Multiple Issues Directly Involving Substantial Constitutional Questions"

² As reflected by the Attorney General's flimsy opposing "Memorandum of Law" and pointed out by my reply affidavit (at ¶¶10-13)--the Attorney General totally failed to defend the constitutionality of the Article 78 statute and Judiciary Law §90--which was his duty to do.

December 13, 1994

Again, I deeply thank you for your indicated interest in helping to balance the scale in this herculean David and Goliath battle! I look forward to hearing from you soon, since every passing day is a day lost to the cause of cleansing our justice system from the scourge that has overtaken it.

Yours for a quality judiciary,


DORIS L. SASSOWER, Director
Center for Judicial Accountability

Enclosures:

- (a) 1989 Martindale-Hubbell listing
- (b) ltr of American Bar Foundation
- (c) Mildner v. Gulotta, 405 F. Supp. 182 (1975)
- (d) U.S. Supreme Court Order and extension application
- (e) 1/24/94 Jurisdictional Statement
- (f) Attorney General's 2/11/94 ltr
- (g) 3/14/94 ltr of Evan Schwartz, Esq.
- (h) 7/19/94 motion for reargument/reconsideration
- (i) Attorney General's 8/4/94 Memorandum
- (j) 8/8/94 DLS Reply Affidavit

P.S.

Also enclosed is a "hard copy" of the New York Times' Op-Ed ad, together with the other information I faxed to you about CJA.