

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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*Elena Ruth Sassower, Coordinator*

BY FAX: 212-790-0256 (9 pages)

October 26, 2001

Ellen C. Yaroshefsky, Director  
Jacob Burns Ethics Center  
Benjamin N. Cardozo School of Law  
55 Fifth Avenue  
New York, New York 10003

ATT: Gita Joseph, Assistant

RE: Professor Yaroshefsky's NON-RESPONSE to CJA's hand-delivered June 1, 2001 letter requesting *amicus* and other support from the Jacob Burns Ethics Center in the *already-perfected* appeal of the public interest lawsuit, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against Commission on Judicial Conduct of the State of New York*, including assistance "in building a coalition of support and involvement by members of New York's legal ethics community and, in particular by the professors of legal ethics and professional responsibility at New York law schools" – including her NON-RESPONSE to CJA's follow-up phone messages

Dear Ms. Joseph:

As requested, enclosed is a copy of CJA's *hand-delivered* June 1st letter to Professor Yaroshefsky – to which, despite my follow-up phone messages for her, I have received NO response. Those messages were on September 25<sup>th</sup> (3:55 p.m., left with you); October 10<sup>th</sup> (11:45 a.m., left on voice mail); October 18<sup>th</sup> (11:00 a.m., left with Jessie); and October 19<sup>th</sup> (12:40 p.m., left on voice mail). In these messages, I advised that the important public interest case for which CJA's June 1<sup>st</sup> letter had sought the involvement of the legal ethics community had been calendared for the November Term of the Appellate Division, First Department (November 21<sup>st</sup>, 10 a.m.<sup>1</sup>). Further, in my most recent October 19<sup>th</sup> voice mail message, I warned that if Professor Yaroshefsky continued to ignore this matter, I would

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<sup>1</sup> The calendar date has been appearing in the New York Law Journal since October 15<sup>th</sup>. A copy of the listing is enclosed.

contact Acting Dean Stewart Sterk. Still, no response.

As you know, my call to you today was routed by Acting Dean Sterk's secretary, Robin Savery, in an attempt to clarify the reason for Professor Yaroshefsky's egregious lack of professionalism in a case of transcending public importance involving profound issues of professional and ethical responsibility. Such conduct would be censurable for the average law professor – but is utterly inexcusable for a professor of legal ethics who, additionally is Director of the Law School's "Jacob Burns Ethics Center". That Cardozo Law School is a visibly Jewish institution, with mezuzot on its doorposts, makes Professor Yaroshefsky's unethical and deliberately prejudicial conduct all the more intolerable – and especially to those of us who live and practice the tenets of Judaism.

In the event Professor Yaroshefsky still does not see fit to respond – including with an explanation for her wilful and deliberate non-response throughout the past five months – I request that she promptly transmit the appellate papers and correspondence which I hand-delivered to her office on June 1<sup>st</sup> to Acting Dean Stark so that he can exercise appropriate supervisory and professional responsibilities.

Thank you.

Yours for a quality judiciary,



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

Enclosures

P.S. As discussed, the appellate brief that Professor Yaroshefsky has been "sitting on" these past five months is dedicated to the memory of my good friend, Judy Abram, Esq. The Winter 2001 issue of "*Cardozo Life*" – which was still being distributed by the Law School when I hand-delivered the June 1<sup>st</sup> letter for Professor Yaroshefsky -- lists Judy, a 1996 graduate, in its "In Memoriam" column. A copy of that "In Memoriam" column is enclosed, as is the dedication page from the appellate brief.

**C O U R T N O**

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

- 2.9 An applicant year of the c unless the Cl tions are imp
3. **Complaints and**
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4. **Responsibi**
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- 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. Sorceron
- 00-5434 Sassower v. Comm. On Judicial Conduct
- 01-2627(02) Cio 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. Lortero
- 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.
- 601253/00ICS Yarn Corp. v. Incomex Inc.

- 12 Noon
- 601963/01 Montrose Investments v. Fidelity Holdings Inc.

**2 P.M.**

- 600207/00 Kassis 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 L-3 Communications Corp. v. Channel Technologies, Inc.

**APPELLATE TERM**

60 Centre Street Room 408, 10 A.M.

**New York County**

**NOTICE:**

Please call 800-COURT-NEW YORK COUNTY for

addition, he was appointed by the Palm Beach County Bar Association to serve on its Community Association Law Committee. **Jon Henes** started a software company, BlazeVentures, that helps law firms and their clients manage documents and communicate instantly on a single secure Web-based platform. **Shimmie Horn** opened up a new restaurant, Triomphe, in his Iroquois Hotel on 44th Street in Manhattan. **Richard Horowitz** was interviewed by *Investor's Business Daily* about his work consulting on industrial espionage and other corporate security cases. **Jeff Marx** has written and sold over 4,000 copies of his recent book, *How to Win a High School Election*. **Ephraim Zinkin** announces the birth of a daughter, Tamar Sarah.

## Class of 1997

**Jacqueline Klosek** is an associate in the corporate department of Goodwin, Procter & Hoar, L.L.P. **Luca Palombo** was recently married and has followed a four-generation family tradition by opening a new bakery in Co-op City.

## Class of 1998

**Yael Orkaby Aspir** announces the birth of a son, Gabriel Noah. **Daryl G. Berg** is now director of business development, New Media, for EMI Recorded Music. **Adam S. Bernick**, an associate with Eizen Fineburg & McCarthy, L.L.P., in Philadelphia, authored an article in *Pennsylvania CPA Journal*, entitled "It's Never too Early to Save for College." **Theodore E. Froum** is an associate in the business and finance group of

Miller, Canfield, Paddock, and Stone, P.L.C., in their Ann Arbor, MI, office.

## Class of 1999

**Peter J. Bilfield** has joined Littman Krooks Roth & Ball P.C. **Lisa Dawson** has joined Koenitsberg & Rubin, L.L.P., in NYC. **Steven J. German** practices at Terris, Pravlik and Millian, L.L.P., in Washington, DC, and was part of an eight-attorney team that litigated *Harris v. Florida Elections Canvassing Commission*, from the Florida state court all the way to the US Supreme Court. He represented a group of Florida voters in the overseas absentee ballot election contest cases. **Ran Z. Schijanovich** is a detention attorney with the Catholic Legal Immigrant Network and has worked since February at the Elizabeth, NJ, Detention Center. **Daniel E. Schoenberg** is an associate in the corporate and bankruptcy taxation practice of Gratch Jacobs & Brozman, P.C. **Mary Kate Woods** joined the Los Angeles firm of White O'Connor Curry Gatti & Avanzado, which specializes in media and entertainment litigation. **Andrew S. Zucker** is an associate in the litigation department of Norris, McLaughlin, & Marcus, P.A.

## Class of 2000

**Gregory M. Dell** is an assistant state attorney in Broward County, FL. **Jill Farbman** is an associate in the governmental affairs group of Riker, Danzig, Scherer, Hyland & Perretti in Morristown, NJ. **Erez Gilad** is an associate and member of the financial restructuring department at the NYC office of Cadwalader,

Wickersham & Taft. **David D. Kim** joined the intellectual property department of Norris, McLaughlin & Marcus, P.A., in their NYC office. **Sharon Steiglitz** joined the corporate mergers and acquisitions department of Cadwalader, Wickersham & Taft's NYC office.

## LL.M. ALUMNI

## Class of 1999

**Robert Kraus** is an associate at the Manhattan law firm Robin Blecker & Daley, where she practices trademark, copyright, and Internet law. **Efrat Lev** is a legal counselor in the Finance and International Activity Department of Bank Hapoalim B.M., the largest bank in Israel. She published "The Indenture Trustee: Does It Really Protect Bondholders?" in the *U. Miami Bus. L. Rev.* She and her husband, Zev, announce the birth of their second son, Gil, last January.

## Class of 2000

**Julia Bogudlova** is at Lowenfeld & Associates in NYC, where she works on international copyright protection matters. She plans to take the patent bar in April. **Isabel Feichtner** is employed at Cravath Swaine & Moore as a foreign associate in the corporate department. She plans to return to Germany in August to pursue her Referendiat (practical training). **Robert Greenberg** continues as a professor of business law at Yeshiva University's Sy Syms School of Business. **Angela Kirtlan** returned to her native Australia, where she works on mergers and acquisitions and privatization matters in the

corporate department at Corrs Chambers Westgarth in Sydney. **Zhi (Leon) Li** returned to China after graduation to resume his law practice. With several Shanghai lawyers he will be starting a new law firm, Sinotimes Partners, which will serve high-tech companies. **Ruth Metcalfe-Hay** works as a contract administrator in the legal department of Computer Sciences Corporation in NYC.

## IN MEMORIAM

**Judy Abrams '96** had been a former associate at Fried, Frank, Harris, Shriver & Jacobson and at Cardozo was a member of the *Law Review*. She is survived by her 15-year-old son.

**Ravindra (Rav) Murthy '96** was a member of the *Law Review* and clerked for the Honorable Leonard Bernikow, US magistrate judge for the Southern District of New York, prior to practicing at Debevoise & Plimpton.

**Pamela Vanderputten-Silvernagle '90** was an attorney with the Sussex County Public Defender's Office in the child guardian program. She is survived by her husband, Sean Mike, and her son, Sean Michael, Jr.

**Ian A. Spetgang '82** was a member of Temple Judea of Bucks County, where he taught religious school. He is survived by his wife, Judith A. Gerber, and two children, Sarah and David Spetgang.

**Laurie Beth Tobin '82** was an attorney in Woodbridge, NJ, and a member of the New Jersey State Bar. She was 45 years old.



**THIS BRIEF IS DEDICATED  
TO THE MEMORY OF  
MY DEAR FRIEND, JUDY ABRAMS, ESQ.,  
A WOMAN OF GREAT FAITH AND COURAGE  
WHO DIED SHORTLY BEFORE IT WAS COMPLETED.**