

Thomas Thornton

499 Ft. Washington Ave. #3D / New York, NY 10033 / Phone 212.740.7008 / Fax 212.543.0778

Hon. Judith Kaye
230 Park Ave.
New York, NY 10169

via certified mail

February 11, 2000

Dear Justice Kaye:

We are writing to you as a last resort in our attempt to help resolve, within New York State's court system, an urgent problem in our courts. Our previous attempts at effecting change have failed to elicit serious and honest responses from various parts of the Unified Court System. We turn to you not only because of your commitment to reform in general, but also because you are specifically working toward ending a certain kind of collusion between judges and lawyers.

The three of us, along with our children, were for years exposed to the machinations of the same matrimonial Supreme Court judge, Phyllis Gangel-Jacob, who one can safely say is the most sharply and consistently criticized matrimonial judge New York State has had for the past at least ten years. She may be merely symptomatic of the ills of New York's court system, but because her unethical conduct is so extreme, she is also a symbol of where our judicial system fails us, and, tragically, our children, who have had to suffer dire consequences of that failure.

Judge Gangel-Jacob's sexist behavior on the bench and blatantly biased record even incensed many members of the legal community itself. One year ago John Heard and I informed Hon. Stephen Crane, Administrative Judge of the Supreme Court in Manhattan, of the latest case, where Manhattan's Family Court had to step in and save the very life of a child in a case that had been in Judge Gangel-Jacob's hands for four years. In response to our protest, Judge Crane assigned our cases to Judge Silbermann—who of course has a track record of supporting her friend Gangel-Jacob. (I will be happy to provide you with a copy of our correspondence with Hon. Crane if you so request.) The fact that—and how, and why—such a judge can still be on the bench after so many facts about her courtroom behavior have become known reveals perhaps the most fundamental flaw of the UCS.

Now John Heard's case was just reassigned to Judge Gangel-Jacob, who has held on to *Leo v. Heard* for more than ten (!) years, even though the two litigating parties have lived far away from New York for virtually all of that time. (Some seven years ago, Gangel-Jacob stated on the record that "as long as one of the parties wants me to stay on this case, I have the responsibility to stay on this case.")—Ross Giunta's pleas to rescue his son from a violent and abusive stepfather were ignored in Judge Gangel-Jacob's court and brushed aside with the remark: "That (the abuse) doesn't interest me." Only when, in the wake of our protest, Judge Gangel-Jacob was removed from the case did Mr. Giunta gain custody of his son, after years of running into the walls of that judge's courtroom.—As for my son and me, Judge Gangel-Jacob blackmailed me not only into dropping my fight for custody—after I had not gotten a requested custody hearing four years into the case—but also into agreeing

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that my son's mother move to Canada with him. The judge invariably declined my requests for a mediator, in direct violation of the policies you promote in public. She attacked me with a surprise trial on the grounds for divorce that was never on the calendar and became a mere farce in which the judge denied me the right to be judged by a jury, and she not only tolerated but abetted my ex-wife's attorney's malicious attempts to alienate my son from me. In five years she never held a trial or even hearing on equal distribution.

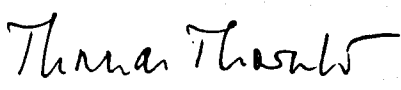
Judge Gangel-Jacob's courtroom behavior is disgraceful, as her unrelenting bigotry soils the dignity of the court. She often denies the presence of court reporters or tells them to stop recording so she can scream, threaten, and insult. She uses her judicial immunity to ruthlessly try to break fathers down by any means necessary—mentally, emotionally, spiritually, and financially. In her sweeping hatred of fathers in general, she does not even pretend to listen to what she does not want to hear, not even when children's welfare is concerned. In fact, she deliberately ignores the danger children are in when eliminating these dangers would run counter to her irrational misandryst fears. She routinely lies and actively encourages lying. Without any regard for the most elementary rules of a democratic court, her contempt for the CPLR is matched only by her contempt for men, and her indifference to children only by her indifference to truth and justice.

The vulgarity of Judge Gangel-Jacob's fanaticism is demeaning—not only to us but to the entire Unified Court System. We believe that you are serious about reforming that system, but we also know that no one will ever know what goes in our courts just by listening to criticism voiced by members of the legal profession. The three of us, on the other hand, are in a position to inform you of details of Judge Gangel-Jacob's monstrous behavior that is based on our own experience as well as that of others with whom we have talked. Since the most serious faults of our court system can only be recognized if one looks at its most corrupt and appalling part, what goes on in Judge Gangel-Jacob's courtroom—and, though less extremely, in other courtrooms—appears to be crucially important information for anyone who is seriously concerned about bringing justice and humaneness to our courts.

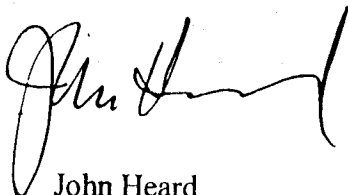
Therefore we respectfully demand a meeting with you to discuss Judge Gangel-Jacob's persistent (and successful) attempts to undermine court reforms; her atrocious mishandling of cases; the harm this has done to countless children and their parents; how to mend the systemic flaws that judge has brought to the fore; and her unconditional removal from the bench.

Thank you.

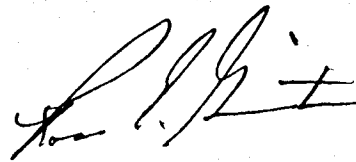
Sincerely,



Thomas Thornton



John Heard



Ross Giunta

*The Chief Judge of the
State of New York*



*Susan K. Knipps
Deputy Counsel*

*230 Park Avenue, Suite 826
New York, New York 10169
(212) 661-6787
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May 5, 2000

Thomas Thornton
499 Fort Washington Avenue #3D
New York, NY 10033

Dear Mr. Thornton:

Chief Judge Kaye has asked me to respond to your letter dated February 11, 2000 regarding your matrimonial litigation.

Your frustration with your court experience is clear from your letter, and I am sorry that you have been dissatisfied with the conduct of your case. However, I must advise you that Chief Judge Kaye has no independent authority to investigate or sanction judges for alleged judicial misconduct. Those tasks are assigned to the Commission on Judicial Conduct. The Commission is located at 801 Second Avenue, 13th Floor, New York, NY 10017; their telephone number is (212) 949-8860.

At Judge Kaye's request, I will forward copies of your letter to New York County Supreme Court Administrative Judge Stephen Crane and Administrative Judge for Matrimonial Matters Jacqueline Silbermann so that they may be aware of your comments and concerns.

Sincerely,

Susan K. Knipps

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Hon. Judith Kaye
 230 Park Ave.
 New York, NY 10169

June 6, 2000

Dear Judge Kaye:

On February 11 of this year Messrs. John Heard, Ross Giunta, and I sent you a letter of complaint concerning Judge Phyllis Gangel-Jacob. Specifically, we addressed three points:

- her endangering the welfare—indeed, the very lives—of children through extreme gender bias, for both of which we provided concrete evidence;
- her defiance of the court reforms you have publicized;
- her consistently ignoring and breaking the most basic rules of the CPLR.

We also addressed the fact that the Unified Court System has built a protective wall around her that seems impervious to any serious criticism, as any pretense of removing Judge Gangel-Jacob from matrimonial cases has been consistently undermined by the UCS itself.

It took your office three (!) months to dismiss our complaint with a perfunctory letter that added insult to injury.

- (1) Your deputy counsel Susan Knipps tried to ignore our complaint by pretending it served to vent our frustration, when instead it evidenced blatant judicial misconduct and its catastrophic consequences.
- (2) Ms. Knipps in effect abdicated all responsibility on your part for the continued endangerment of children and adult litigants, despite Judge Gangel-Jacob's defiance of your own rules.
- (3) We were referred to the Commission on Judicial Conduct to deal with our complaint.

I have first-hand experience of the CJC summarily dismissing facially meritorious complaints, without any investigation. Furthermore, I am well aware of the Center for Judicial Accountability's legal actions against the CJC over the past several years. Specifically, I have copies of the CJA's letters to you dated March 3 and April 18, 2000, in which you were provided with such overwhelming evidence of the CJC's corruption that no one taking proper judicial conduct seriously can ignore the fact that New York State's public is effectively denied the possibility of defending itself against judicial arbitrariness.

I vigorously protest your abdicating your responsibility of overseeing New York's courts and of protecting the public from judicial totalitarianism.

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Lastly—and only as an aside—your office sent a copy of my letter to you to Hon. Jacqueline Silbermann. In light of the facts that my letter implied a complaint about Judge Silbermann inasmuch as she protected her friend Gangel-Jacob in the past, and that my letter informed you that my case has been transferred to Judge Silbermann, your action is blatantly prejudicial. That your office resorts to such cheap implicit threats is sad, but you may rest assured that parents whose children were stolen by totalitarian judges blinded by hate are very hard to intimidate.

I am also enclosing a copy of John Heard's and my previous correspondence with Justice Crane concerning Judge Gangel-Jacob, her dangcrous misconduct, and her supposed removal from our cases.

Sincerely,

cc: Center for Judicial Accountability
Judge Stephen Crane
Mr. Ross Giunta
Mr. John Heard
Judge Jacqueline Silbermann
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