

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Box 69, Gedney Station  
White Plains, New York 10605

BY PRIORITY MAIL

November 15, 1995

Court of Appeals  
20 Eagle Street  
Albany, New York 12207-1095

Att: Donald M. Sheraw, Clerk

RE: ACCESS

Dear Mr. Sheraw:

Some weeks ago, I visited the Court and requested access to the appellate papers of attorneys, who had been the subject of discipline by the appellate divisions and had sought to appeal to the Court of Appeals.

Martin Strnad, the Clerk with whom I spoke, was very helpful and provided me with a copy of the papers I requested relating to the appeal of Bernard Hanft from the May 15, 1995 disbarment Order of the Appellate Division, Second Department. However, as to the earlier appeal filed by Mr. Hanft and the appeals of other attorneys, Mr. Strnad told me that more advance notice was necessary and that I should put forth my request to you in writing.

I, therefore, respectfully request access to the appellate papers of all attorneys who, having been the subject of discipline by this state's appellate divisions, have sought review by the Court of Appeals during the past three years.

Additionally, I request access to the appellate papers to this Court of Benjamin B. Hersh, who was disbarred by Order of the Appellate Division, Second Department, dated May 19, 1986. This includes Mr. Hersh's attempt to appeal to this Court from the Second Department's November 14, 1986 denial of his motion for reargument, transfer, and leave to appeal. For your convenience, I enclose a copy of his attorney's December 19, 1986 letter relating to that appeal to the Appellate Division--which indicates a copy to the Court of Appeals. Mr. Hersh also made a motion to this Court, dated April 2, 1987--a copy of which is enclosed for your convenience, together with two letters, including one, dated April 6, 1987 from the Appellate Division, Second Department to this Court. I would also like to see the papers on that motion--as well as any papers relating to any subsequent attempts by Mr. Hersh to appeal to this Court.


November 15, 1995

The citations I presently have for Mr. Hersh's matters are as follows: Matter of Hersh, 117 A.D.2d 264 (2d Dept. 1986), appeal dismissed, 69 N.Y.2d 812 (1987), appeal denied, 69 N.Y.2d 1023 (1987).

Finally, I request access to the appellate papers filed with the Court of Appeals relating to the disciplinary proceedings against Charles Sutton in the Appellate Division, Second Department--for which I have the following citations: Matter of Sutton, 70 A.D.2d 467 (2d Dept. 1979), appeal dismissed, 49 N.Y.2d 799 (1980), motion dismissed, 49 N.Y.2d 802 (1980), appeal denied, 49 N.Y.2d 706 (1980), motion denied, 49 N.Y.2d 919 (1980), motion denied, 49 N.Y.2d 918 (1980), motion dismissed, 50 N.Y.2d 929 (1980), motion denied, 50 N.Y.2d 929 (1980), cert. denied, 449 U.S. 944 (1981), reh'g denied, 449 U.S. 1104 (1981).

Thank you very much.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc.

Enclosures

*Hyman Bravin*

*Law Offices*

FIFTY-ONE EAST FORTY-SECOND STREET · NEW YORK, N. Y. 10017

(212) 697-1055

MELVIN HIRSHOWITZ

ALLEN H. ZELON

CAROLE K. BOYD \*

\* MEMBER OF NEW JERSEY BAR ONLY

December 19, 1986

By Hand

Hon. Martin H. Brownstein  
Clerk of the Court  
Appellate Division - Second Department  
45 Monroe Place  
Brooklyn, New York 11201

Re: In the Matter of Benjamin B. Hersh  
Appeal as of Right to the Court of Appeals

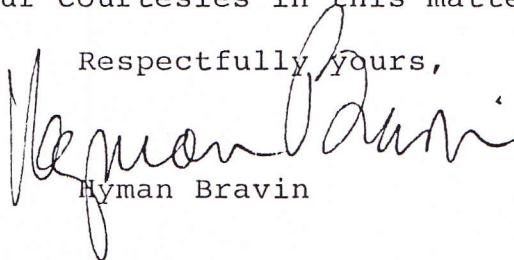
Dear Sir:

We represent the Respondent-Appellant upon the above referenced appeal to the Court of Appeals from the Order of the Appellate Division docketed in your Court on November 14, 1986.

Pursuant to the CPLR, I herewith enclose for filing the original Notice of Appeal with proof of service thereof by mail upon Gary L. Cassella, attorney for the Petitioner-Respondent.

Thank you for your courtesies in this matter.

Respectfully yours,

  
Hyman Bravin

HB/cp

Encls.

cc: Clerk, Court of Appeals  
20 Eagle Street  
Albany, New York  
(Courtesy Copy of Enclosure)



*Bravin*

4-5-87

*Law Offices*

FIFTY-ONE EAST FORTY-SECOND STREET · NEW YORK, N. Y. 10017

(212) 697-1055

ELVIN HIRSHOWITZ  
LLEN H. ZELON  
AROLE K. BOYD \*  
MEMBER OF NEW JERSEY BAR ONLY

April 2, 1987

BY HAND

Hon. Martin Brownstein  
Clerk, App. Div., 2nd Dept.  
45 Monroe Place  
Brooklyn, New York 11201

Re: Benjamin B. Hersh  
Disbarment Order May 19, 1986  
Docket Nos. M-5156, M-5155  
Disbarment Order 6790, 6791  
Amicus Curiae 5270, 5271

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SECRET

Dear Mr. Brownstein:

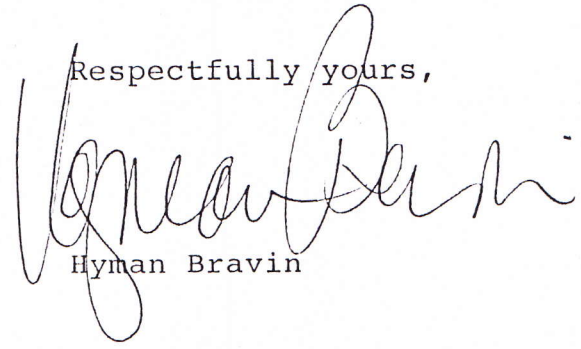
In reference to the above, I have made a motion in the Court of Appeals for leave to appeal, returnable on April 13, 1987.

As your Court is the Court of original jurisdiction, the complete disbarment records and the records generated by the undersigned's motion for reargument or, in the alternative, leave to appeal to the Court of Appeals are in your custody.

Accordingly, I enclose herewith a Subpoena Duces Tecum for the production of this record, to the Court of Appeals, on or before April 13, 1987. Please note the specific request for the Confidential Report of the Grievance Committee for the Ninth Judicial District submitted to the Second Department on or about April 16, 1984 and my correspondence requesting a copy of said report. The failure of your Department to turn over said Report is one of the issues presented to the Court of Appeals.

If there is any charge, please advise and same will be forwarded.

Respectfully yours,



Hyman Bravin

ld/Enclosure

cc: Hon. Donald M. Sheraw  
Clerk, Court of Appeals  
Court of Appeals Hall, Albany, N.Y.



STATE OF NEW YORK  
APPELLATE DIVISION, SUPREME COURT  
2nd JUDICIAL DEPARTMENT

45 Monroe Place  
Brooklyn, New York 11201

Martin H. Brownstein  
Chief Clerk

Arnold Edman  
Mel E. Harris  
Deputy Clerks

April 6, 1987

Honorable Donald M. Sheraw  
Clerk, Court of Appeals  
Court of Appeals Hall  
Albany, New York 12207

Attention: John Asciola

Re: Benjamin B. Hersh, a  
disbarred attorney.

Dear Mr. Asciola:

Complying with the subpoena served upon this office by Hyman Bravin, Esquire, a copy of which is enclosed, we are forwarding herewith this court's file for your court's use on a motion which is returnable in your court on April 13, 1987 in the proceeding referred to above.

Please return this file to the undersigned when it has served its purpose.

Sincerely yours,

MARTIN H. BROWNSTEIN

MHB:rjr  
Encls.

Clerk

STATE OF NEW YORK  
COURT OF APPEALS

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In the Matter of BENJAMIN B. HERSH,	:	App. Div. 2nd Dept.
	:	Docket Nos. M-5156,
Respondent,	:	M-5155
GRIEVANCE COMMITTEE FOR THE NINTH	:	Disbarment Order 6790,
JUDICIAL DISTRICT	:	6791
	:	
-against-	:	Amicus Curiae 5270,
	:	5271
BENJAMIN B. HERSH,	:	
	:	JUDICIAL SUBPOENA
Appellant.	:	<u>DUCES TECUM</u>

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TO: THE PRESIDING JUSTICE OF THE APPELLATE DIVISION OF THE  
SUPREME COURT OF THE STATE OF NEW YORK : SECOND JUDICIAL  
DEPARTMENT

GREETING:

WE COMMAND YOU, That all business and excuses being  
laid aside, you appear and attend before the Court of Appeals of  
the State of New York at Court of Appeals Hall, Albany, New York  
12207 on the 13th day of April, 1987 at the opening of court on  
that day, and at any recessed or adjourned date and that you  
bring with you, and produce at the time and place aforesaid, all  
the transcripts of the hearings, orders, reports, exhibits,  
decisions, amicus curiae applications, correspondence, motions  
and orders pertaining to the disciplinary proceedings concerning  
BENJAMIN B. HERSH (Docket Nos. M-5156, M-5155, Disbarment Order  
6790, 6791, Amicus Curiae 5270, 5271) including a "Confidential  
Report" of the Grievance Committee for the Ninth Judicial

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COURT OF APPEALS



District filed with the Second Department (upon information said "Confidential Report" is dated April 16, 1984) together with two separate letters from the Law Offices of Hyman Bravin, both dated June 15, 1986 addressed to the Presiding Justice and a copy of the Order Authorizing Disciplinary Proceedings dated May 11, 1984, now in your custody, and all other evidences and writings, which you have in your custody or power, concerning the premises.

Failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued or a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

WITNESS, Honorable Sol M. Wachtler, Chief Judge of the Court of Appeals at Albany, New York the 2nd day of April, 1987.



LAW OFFICES OF HYMAN BRAVIN  
Attorneys for Respondent  
51 East 42nd Street  
New York, N. Y. 10017  
(212) 697-1055