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THE SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : CIVIL TERM : 49

-----X
DORIS L. SASSOWER, :
 :
Plaintiff, :
-against- :
COMMISSION ON JUDICIAL MISCONDUCT OF THE :
STATE OF NEW YORK :
 :
Defendant. :
-----X:

Case #: 109142/95

60 Centre Street
New York, N. Y. 10007
MAY 23, 1995

B E F O R E:
HONORABLE, HERMAN CAHN
Justice

A P P E A R A N C E S:

DORIS L. SASSOWER,
Plaintiff, Pro se
P.O. BOX 69 Gedney Station,
White Plains, N.Y. 10606-0069

ATTORNEY GENERAL OF
THE STATE OF NEW YORK
New York, N.Y. 100
By: OLIVER WILLIAMS , Esq.
Assistant Attorney General

Allen McGill, CSR
Senior Court Reporter

EX "P"

12/94

Proceedings

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2 THE COURT: Good afternoon, please be
3 seated. Do I have the papers? These two
4 cases? We have a first order to show cause,
5 motion: Doris Sassower against Commission
6 on judicial Misconduct. I see Miss
7 Sassower.

8 MR. WILLIAMS: Oliver Williams,
9 Attorney General's office.

10 THE COURT: Ms. Sassower, there is an
11 affidavit of opposition submitted, notice
12 of. Affirmation.

13 MS. SASSOWER: I received that
14 affirmation at about 7:35 P.M. Last night.

15 THE COURT: Fine, so you have it.

16 MS. SASSOWER: By fax, your Honor.

17 THE COURT: Madam, you've got a copy.
18 Everybody ready to argue and submit?

19 MS. SASSOWER: I do want a ruling on
20 that, your Honor, before.

21 THE COURT: Ms. Sassower.

22 MS. SASSOWER:-- My objection to this
23 document.

24 THE COURT: Miss Sassower, answer my
25 question: Ready to argued and submit?

Proceedings

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2 MS. SASSOWER: Yes, I'm ready to argue
3 and submit, your Honor.

4 THE COURT: I'll listen to--.

5 MR. WILLIAMS: If it please the
6 court--.

7 THE COURT: Yes, Mr. Williams.

8 MR. WILLIAMS: We haven't received
9 anything in writing in support of their
10 application for a preliminary injunction
11 from Mrs. Sassower.

12 Secondly, the law in the circuit in
13 this appellate division is that for an
14 application for a preliminary injunction,
15 that a well pled or pleading, it is-- I
16 object to any extraneous documents.

17 THE COURT: Well, wait a minute. Let
18 me say that the only documents that I have
19 received from the petitioner is an order to
20 show cause which in fact I signed on May
21 11, 1995 together with, I assume it is an
22 affidavit; that's all I have received, and
23 I presume that's all I will be receiving.

24 MS. SASSOWER: If your Honor please, in
25 regard to that, may I just note that the

Proceedings

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2 application that was made to you on the
3 11th by the order to show cause, which you
4 signed was on notice to Oliver Williams,
5 the assistant Attorney General, and he
6 chose not to appear. It was an unopposed
7 application. Your Honor, nonetheless, put
8 the application over to today for argument,
9 although, normally, an unopposed--

10 THE COURT: Wait a minute, that's not
11 so. Excuse me, Madam. Let's be
12 correct. Maybe you are not familiar with
13 the procedures here, but that was simply an
14 application to put it on the calendar. In
15 other words, it was an order to show cause,
16 an order directing Attorney General to show
17 cause why certain things should not
18 happen. Initially if the state or City is
19 involved, we gave them an opportunity to be
20 heard on that if there is a temporary
21 restraining order sought, but that doesn't,
22 you know, and I think you know, if you
23 don't then let me tell you, that those
24 orders are never granted proforma, on, or
25 at the time they are submitted.

Proceedings

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2 MS. SASSOWER: If your Honor please, I
3 quite agree with you.

4 THE COURT: Fine. Now, do you want to
5 be heard in support of your application?

6 MS. SASSOWER: Yes, but I would point
7 out to your Honor that that order to show
8 cause did contain an application for a stay
9 with a TRO.

10 THE COURT: Miss Sassower, I'm not
11 going to debate you. I have other matters
12 on, including a trial on this afternoon.
13 If you want to be heard in support of your
14 motion, I will briefly listen to you,
15 otherwise, I'll take as I--.

16 MS. SASSOWER: I would like to first
17 point out to your Honor, there are about 20
18 people for the courtroom today, many of
19 whom are members of the Center for judicial
20 Accountability of which I am director as
21 stated in the second paragraph of my
22 petition, and deeply concerned with the
23 importance of the case that is being
24 brought before your Honor. Other people
25 who have joined because they have heard

Proceedings

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2 about this case and are here on very short
3 notice in order to express their support
4 for this lawsuit and for the preliminary
5 injunction which is being sought today as I
6 would like to offer up to you this
7 affirmation that arrived by fax from George
8 P. Alicio this morning.

9 THE COURT: Is Mr. Alicio a party to
10 this action?

11 MS. SASSOWER: He is not, he is
12 expressing his intention to intervene, as
13 an attorney and former Judge, former public
14 prosecutor, and he has expressed his whole
15 hearted support of the purposes of this
16 lawsuit, and states in conclusion his
17 strong urging of the court to grant the
18 preliminary injunction that is being
19 requested pending the outcome of this
20 litigation so that the commission doesn't
21 continue its unconstitutional summary
22 dismissals of legitimate complaints.

23 THE COURT: Mr. Williams, do you have
24 an objection?

25 MR. WILLIAMS: Yes, I do.

Proceedings

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2 THE COURT: I refuse to accept it. I
3 decline to accept.

4 MS. SASSOWER: May I have it marked for
5 identification, your Honor?

6 THE COURT: At the end of the
7 proceeding.

8 MS. SASSOWER: And I have numerous
9 others, and I do have copies, of course,
10 for Mr. Williams. I have a number of other
11 similar affidavits or affirmations, and
12 expressions of intention to seek
13 intervention, and indeed, an order to show
14 cause that has already been indicated,
15 which I have in my possession seeking class
16 action status for this lawsuit.

17 THE COURT: I have not seen the order
18 to show cause, so, let's continue, now. Do
19 you want to have anything further to say on
20 this?

21 MS. SASSOWER: Yes, your Honor.

22 THE COURT: I mentioned to you, I am
23 in the middle of a trial and I have had to
24 break for that. I have broken for the
25 trial. What is that now are bringing up,

Proceedings

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2 Madam?

3 MS. SASSOWER: In conjunction with my
4 argument may I make reference to these
5 visuals which we have painstakingly
6 prepared so that your Honor understands the
7 profoundly serious nature of this lawsuit,
8 and of the need for the preliminary
9 injunction which I am here seeking today.

10 MR. WILLIAMS: I object your Honor. I
11 haven't had an opportunity to see it. It
12 is not--

13 MS. SASSOWER: It is the law of the
14 state of New York.

15 THE COURT: Wait a minute. Madam, we
16 are not going to have argument in this
17 court. Mr. Williams, sit down. If she
18 wants to use that to assist her in her
19 argument, I don't see anything wrong.

20 MS. SASSOWER: And as I said to the
21 court--.

22 THE COURT: Why don't you proceed with
23 your argument.

24 MS. SASSOWER: Mr. Williams papers,
25 came, as I said, last night, untimely

Proceedings

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2 served in the extreme, and improperly
3 served in the extreme, since they do not
4 conform with the requirements of the CPLR.
5 I will nonetheless address without waiving
6 my objection to their consideration and
7 with the expectation that I will offer
8 those papers myself in support of my
9 application for sanctions against Mr.
10 Williams, personally, and the Attorney
11 General for what can only be described as
12 an absolutely spurious, deceitful and
13 frivolous affirmation in opposition to my
14 application for a preliminary injunction.
15 And it might be noted that when we spoke
16 earlier in the day, he stated to me, and I
17 so confirm by letter that it was not his
18 intention to put in any papers at all
19 today, and that he was going to orally
20 argue in opposition to this oral
21 application.

22 At the outset, Mr. Williams states
23 that the conditions for the granting of a
24 preliminary injunction are 3, there are 3
25 prongs which have to be met: One being

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that the party seeking such an injunction, has to establish a clear right to relief; second, that irreparable injury will result unless relief is granted, and that the balancing of the equities favor the applicant, and that the public interest will not be disserved.

I can meet all of those criteria for the granting of application, without any way, and overwhelming him. In the first, there is a clear right to relief. This application is, and this lawsuit is based on, first and foremost, the violation by the Commission, the respondent here, of its constitutional mandate as expressed in article 6 section 22 C-- I'm sorry, 22 A. My paralegal assistant will point out for the court.

THE COURT: If you want to move it closer to your mother, it is all right.

MS. SASSOWER: I appreciate it your Honor. Thank you so much, your Honor. So that everyone present here can understand that what we are talking about here is a

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STATE OF NEW YORK
OFFICE OF THE CLERK OF THE SUPREME COURT

Proceedings

1 constitutional mandate which reads,
2 specifically, in the mandatory "shall", the
3 commission shall investigate, and I quote
4 the pertinent portion, section 22 A: There
5 shall be a commission on judicial conduct
6 which shall investigate complaints with
7 respect to the conduct, qualifications,
8 fitness to perform, or performance of
9 official duties of any Judge or Justice of
10 the Unified Court System.
11

12 This amendment was passed in or about
13 1978 and represented a promise to the
14 People of this state that they had a
15 watchdog agency for which they were paying
16 the sum of approximately a million and a
17 half dollars a year the last time I looked,
18 so that this watchdog function could be
19 met. Now, nonetheless, the constitution
20 gave the commission the power to establish
21 its own rules and procedures, provided, and
22 I quote "not inconsistent with law" that
23 law being the constitutional mandate that
24 the commission shall investigate complaints
25 of judicial misconduct. Now, over--.

Proceedings

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2 THE COURT: Wait a minute, let me cut
3 through this in the interest of time. And
4 let me assure you, and incidentally, all of
5 the other people in the back, that I will
6 read all of the documents and cases cited
7 separately in my own chambers after this is
8 submitted. But I want to ask you a
9 question. Let me ask you a question:
10 That's the constitutional mandate which
11 you've quoted?

12 MS. SASSOWER: Yes, your Honor.

13 THE COURT: All right. You've quoted
14 it. Is it your claim that the commission
15 is not investigating complaints against
16 judges? Is that your claim?

17 MS. SASSOWER: It is my claim, and it
18 is the proven indisputable documented fact,
19 and it is not only the fact, in the cases,
20 that I had presented in the form of the
21 complaints that I have presented to the
22 commission over the years since 1989 for --
23 1994 alone. It is the fact as shown by the
24 annual report on the Commission of judicial
25 Misconduct, itself, for which the People

Proceedings

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2 pay as well. And what it says, I point, my
3 assistant is pointing, now, to the blowup
4 paragraph of this annual report, '94. That
5 show in 1993, 1457 new complaints were
6 received, compared with 1452 the year
7 before, of these 1275, 87 and a half
8 percent were dismissed by the Commission
9 upon initial review, and that is without
10 investigation.

11 THE COURT: Wait a second. When you
12 said "without investigation", does that
13 quote come from their report, or where does
14 the report stop? Where does the quote stop
15 for the report?

16 MS. SASSOWER: My assistant, will
17 furnish that to you.

18 THE COURT: No, just read it.

19 MS. SASSOWER: The initial review under
20 the save Commission on judicial Conduct
21 rule which is expressed in 22 NYCRR part
22 7,000, on your definition section, initial
23 review, under subparagraph I is defined as
24 the preliminary analysis, and clarification
25 of the matter set forth in a complaint, and

Proceedings

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2 the preliminary fact-finding activities of
3 commission staff intended to aid the
4 commission in determining whether or not to
5 authorize and investigate with respect to
6 such complaint. "

7 THE COURT: My question to you is
8 this, and this may be the heart of this
9 issue. My question to you is this: When
10 they do the things which you have just
11 described and no more, right, no more than
12 what you just described, isn't that an
13 investigation?

14 MS. SASSOWER: No, that is not the
15 investigation that is contemplated under
16 the constitution.

17 THE COURT: Why not?

18 MS. SASSOWER: That, because--.

19 THE COURT: That's what I want you to
20 argue.

21 MS. SASSOWER: Because, what is
22 evident, even from the statute, the section
23 44 of the judiciary law which I was going
24 to point out to your Honor so that your
25 Honor understands what has taken place here

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Proceedings

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2 in terms of the steady erosion of the
3 people's rights to an investigation of
4 their complaints of judicial misconduct.
5 We started out with the constitution, in
6 1987, a constitutional amendment that
7 required a mandatory investigation of
8 complaints of judicial misconduct. We got
9 a statute. The legislature without any
10 showing of authorization or authority for
11 this provision, then cut it down a notch,
12 and provided that the commission shall
13 conduct an investigation of the complaint,
14 so it preserved the mandatory "shall" or,
15 it included an "or the commission may
16 dismiss the complaint if it determines that
17 the complaint on its face lacks merit.

18 Now, that provision does not show
19 where the authority for that diminution of
20 the power of the commission came from,
21 however, it is very clear that the
22 legislative intent was that the only way a
23 complaint could be dismissed was after a
24 determination. A "determination" means a
25 finding, an adjudication that the complaint

Proceedings

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2 on its face lacks merit. As I said, there
3 is no authority shown for that provision
4 and whether that provision is
5 constitutional in and of itself is for the
6 court to rule upon at the appropriate
7 time. But then, from there, we got the
8 ultimate erosion, where the mandatory
9 "shall" that appeared in the constitution
10 of our state and the statute as promulgated
11 by the legislature of our state became in
12 rule section 7000.3, referring to
13 investigations and disposition, an option
14 so that the investigation is dispensed with
15 at the option of the commission without any
16 specification of the standards that are
17 being followed that would govern the
18 discretion of the commission in
19 dismissing.

20 Now, this is what it says: "When a
21 complaint is received, or when the
22 complaint is filed an initial review and
23 inquiry may be undertaken." That's A.
24 Then in B, upon receipt of a complaint or
25 after an initial review an inquiry the

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Proceedings

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2 complaint may be dismissed by the
3 commission" -- doesn't say: After any
4 finding.

5 THE COURT: Read the rest of it.

6 MS. SASSOWER: "Or when authorized by
7 the commission, an investigation may be
8 undertaken."

9 So, we have the ultimate 180 degree
10 erosion of the people's right to
11 investigation, from the constitution to the
12 rule, where you not only don't have it
13 mandated any more, you have it optional,
14 and you don't have to have even a finding
15 made, and you don't state the standards on
16 which it is being -- it is not being
17 undertaken.

18 THE COURT: You made your point, so--.

19 MS. SASSOWER: Concomitant to that, of
20 course, is the increasing number of
21 complaints resulting so that in 1993 by the
22 annual report of the commission itself,
23 published in 1994, the 1457 complaints that
24 were received by the commission represent
25 the largest number in commission history,

Proceedings

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2 instead of that, addressing that, I would
3 rather, if you would address Ms. Sassower's
4 point, that the constitution said "shall"
5 and indeed, under the rules of the
6 commission, apparently, that has been a
7 change to may-- the "shall" has become a
8 "may", and it should have remained a
9 shall.

10 MR. WILLIAMS: Mrs. Sassower premises
11 her position on a legal provision. The
12 constitutional article that she has alluded
13 to, and section 44.1 of the judicial, she
14 said these are the 2 laws that the rule as
15 promulgated by the commission on judicial
16 conduct violated. She is correct when she
17 says there shall be an investigation.
18 However, she is a little short because she
19 didn't go a step further, that shall be an
20 investigation of judicial misconduct. On
21 its face, the committee is a bound to make
22 a decision, whether or not based upon the
23 contents of the complaint or on the face of
24 the complaint. Their allegations of
25 judicial misconduct, if there are

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allegations of judicial misconduct as alleged on the face of the complaint or petition, whatever is submitted, then there will be an investigation. There is no doubt about that. The provision that she is referring to that violated that, which is NYCRR 22, section 7000.3, is identical to that. It is identical also to section 44.1 of the judiciary act, which makes it even more abundantly clear that upon the receipt of a complaint, the commission has a choice. They may investigate it, or they may dismiss it based upon the face of that particular complaint and the allegations as are asserted therein.

There is no dispute. But what the commission did here is consistent with the law in making a determination, are there allegations of judicial misconduct? If there are, we are going to investigate it. If there are not, nobody is disagreeing, that there is nothing to investigate. I call the court's attention to one document and I'll conclude, and that is Exhibit K,

Proceedings

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2 as affidavit to the complaint of the
3 petition by the petitioner.

4 THE COURT: I don't have the petition
5 in front of me. We'll talk about that in a
6 minute.

7 MR. WILLIAMS: What I'm alluding to is
8 there are 8 responses to her 8 complaints,
9 which said: We have looked into your
10 complaint. Insofar as there are no
11 allegations of judicial misconduct, we have
12 nothing to investigate. It is consistent
13 with all the laws and rules.

14 THE COURT: Thank you.

15 MS. SASSOWER: May I be heard, your
16 Honor? That's a totally false.

17 THE COURT: Excuse me, Mrs. Sassower,
18 I have heard everybody on this. The next
19 issue that I just want to bring to both of
20 you, I understand there is the underlying
21 petition which is on for June 12, am I
22 right?

23 MS. SASSOWER: Your Honor, there is
24 more than that. There is an application
25 for default judgment because the Attorney

Proceedings

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2 General is in default and has not responded
3 to it.

4 THE COURT: That's on for June 12.

5 MS. SASSOWER: No, your Honor, that's
6 on for today.

7 THE COURT: That's this procedure?
8 Fine.

9 MS. SASSOWER: This is on for today.

10 MR. WILLIAMS: This is not in the
11 proceeding.

12 THE COURT: What I want to know is,
13 what is-- Pause.) (Brief recess taken).

14 (Resuming in open court).

15 THE COURT: June 12, Mr. Williams, tell
16 me.

17 MR. WILLIAMS: Yes, your Honor, there
18 is a decision on the merits of her claim
19 pertaining to unconstitutionality of the
20 administrative: -- The merits of her claim
21 pertaining to unconstitutionality.

22 THE COURT: That's on June 12.

23 MR. WILLIAMS: Yes, your Honor, that's
24 right.

25 THE COURT: Fine, so that the 2 of you

Proceedings

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2 can submit if you are ready to submit it on
3 June 12.

4 MS. SASSOWER: If your Honor pleases.

5 THE COURT: Excuse me, Miss Sassower.
6 That in room 130. I understand your
7 argument about default. I will consider
8 your argument.

9 MS. SASSOWER: You haven't heard the
10 argument, your Honor.

11 A VOICE: I would like to make an
12 application.

13 THE COURT: Not right now.

14 MS. SASSOWER: I haven't finished the
15 argument about the injunction.

16 THE COURT: You have finished the
17 argument.

18 MS. SASSOWER: I have to respond to the
19 totally false statement made by Mr.
20 Williams.

21 THE COURT: You have finished the
22 argument on the injunction. I really read
23 the paper -- excuse me -- Ms. Sassower,
24 as I read the Attorney General's papers.

25 MS. SASSOWER: If your Honor please--.

Proceedings

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2 THE COURT: Excuse me, Ms. Sassower.

3 MS. SASSOWER: May I have a ruling? Is
4 your Honor saying that he is accepting the
5 Attorney General's papers in view of the
6 objections?

7 THE COURT: Excuse me, the papers that
8 were submitted this afternoon, yes, I'm
9 accepting those.

10 MS. SASSOWER: The papers that were
11 served last night by fax?

12 THE COURT: The papers that were
13 submitted in, yes, I am accepting those and
14 I will consider those; that is my ruling,
15 so that now you know very clearly, I will
16 consider it, I am accepting it. You will
17 have a decision on your application in
18 write writing. Now, Ms. Sassower--

19 MS. SASSOWER: May I have an
20 opportunity to--

21 THE COURT: Now I'm going to go to
22 another area. I had received several
23 applications for the right to use, I think
24 cameras, of one sort or another. Those
25 were in my robing room, I guess. The clerk

Proceedings

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2 got them. They were in the robing room
3 when I got in here. I have not had the
4 chance to consider those. I will consider
5 those. I will rule on those, whatever the
6 ruling is, if the people who made those
7 applications, the person that made the
8 particular application, that ruling, if I
9 have that person's address on the
10 application, we will send you a copy of the
11 ruling. The ruling will be made.

12 Please sit down, sir. Please sit
13 down. Excuse me, sir.

14 Next, I just want to let the people in
15 the back row please, so that you have some
16 idea, this application that was made this
17 afternoon and that has been made this
18 afternoon is not an unusual type of
19 application. The parties may be different,
20 but it is not an unusual type of
21 application; that is, one party in this
22 case, the petitioner, is asking that I
23 restrain the respondent from doing
24 something before the case has been
25 decided. That's not unusual. We call it a

Proceedings

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2 temporary restraining order. On those most
3 of the time those are submitted purely on
4 papers, that is, the petitioner puts her
5 arguments in the form of documents, in the
6 form of affidavits, possibly, in the form
7 of a legal brief; the respondent answers in
8 the same kind of documents. The court then
9 takes it back to chambers, and reads the
10 papers and does research and writes its
11 decision. Sometimes, although not always,
12 I wouldn't say in the majority of the times
13 there is argument, the kind of argument
14 that you had here, that you have heard here
15 this afternoon, where the petitioner gives
16 her view as to whether it should be
17 granted, and the respondent gives their
18 view as to why it should not be granted,
19 either way, once the arguments have been
20 had, and they are not usually lengthy
21 arguments. If I decide and I'm not leaning
22 towards that I must tell you, that I
23 require a formal hearing, then I would
24 order a formal hearing. At a formal
25 hearing the petitioner has a chance to call

Proceedings

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2 witnesses, respondent has a chance to call
3 witnesses, and so on. It seems to me that
4 I, I just heard this afternoon, I haven't
5 done research, it seems to me this is not
6 the kind of application which requires a
7 full formal hearing at this time. So, what
8 we've heard this afternoon is not an
9 unusual kind of application. At the end of
10 the application, and these applications are
11 not lengthy, this one this afternoon is
12 longer than, much longer than the average
13 application has been, I'll take it back to
14 my chambers and I will make a ruling.
15 Thank you, one and all.

16 MS. SASSOWER: May I have--.

17 THE COURT: No, Ma'am. You are
18 finished.

19 Is anyone here on the case of Bloom
20 against-- (interruption).

21 THE COURT: Miss Sassower, excuse me,
22 Miss Sassower--.

23 MS. SASSOWER: Please take the benefit
24 of the research that I have.

25 THE COURT: Miss Sassower, I am now --

Proceedings

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2 Officer, remove her from the courtroom.
3 Please.

4 COURT OFFICER: Step out, Ma'am.

5 MS. SASSOWER: You refuse to allow
6 her? This is--.

7 THE COURT: Miss Sassower, I'm going
8 to have you removed from the courtroom. I
9 cannot conduct my legal business.

10 MS. SASSOWER: This shameful and
11 scandalous. It is unheard of that a party
12 in the default should be allowed to speak,
13 and the party who is complaining--

14 THE COURT: Madam, one more word and I
15 will not only remove you from the
16 courtroom, I will find you guilty of
17 contempt because I cannot continue my legal
18 business. Now, if that's what I want, I'll
19 do it. You'll get everything.

20 MS. SASSOWER: That's not what I want,
21 your Honor.

22 THE COURT: You'll get every courtesy,
23 that you have the right to.

24 A VOICE: We want what the lawyers are
25 entitled to; that's all we want.

Proceedings

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2 MS. SASSOWER: If you hear me you would
3 understand that the Attorney General's
4 papers are contemptuous, and they could
5 hurt the People of the state of New York.
6 The Attorney General should be disqualified
7 from representing the commission. He is
8 being paid to defend the constitution.

9 THE COURT: Gentlemen, you can remove
10 her.

11 (The plaintiff was escorted from the
12 courtroom by the court officers at this
13 time).

14 (The judge left the bench at this
15 time).

16 (The judge resumed the bench at this
17 time).

18 THE COURT: Back on the record. Did I
19 hear someone scream here? Who--.

20 THE CLERK: The assistant.

21 THE COURT: Is the assistant still in
22 the courtroom.

23 If I hear any more screaming, let me
24 make something else quite clear, including
25 the person with the hat on over here. I am

Proceedings

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2 in the court, now, on judicial business. I
3 am hearing other cases and other matters.
4 If I am prevented from continuing that in
5 my courtroom, by reason of-- excuse me --,
6 sir, by reason of people screaming at me,
7 or screaming at other people, or otherwise
8 making lots of noise, I have the power, and
9 indeed, I have the duty, if I have to, of
10 fining people in contempt, in summary
11 contempt of court. Summary contempt of
12 court gives me the right to fine, and/or to
13 jail. I tell you now, I am a patient
14 person, but I will not tolerate bullying,
15 and people attempting to bully me, or to
16 bully the court by screaming at me after I
17 have made a ruling. There are ways of
18 imposing my ruling.

19 Everyone is entitled to object, to
20 appeal to my ruling or do anything else
21 they want within the law to fellow, or take
22 it up, or get around it, but I will not be
23 bullied on this. I think I have made
24 myself clear. Thank you.

25 Sir, what is the problem?

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Proceedings

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2 A VOICE: Eric Schmoldt from Americans
3 For a Better America.

4 THE COURT: Yes?

5 MR. SCHMOLDT: All I want to do is,
6 your Honor, to see that justice is
7 available in the court house, as opposed to
8 what it currently is, the least likely
9 place to get justice is in the court house,
10 the fact that a double standard exists.

11 THE COURT: Mr. Schmoldt, let me say,
12 I don't agree with you, that Justice is not
13 available, and I am not going to debate it
14 with everybody here. Wait. I believe that
15 Justice is available, but, let me assure
16 you, since you raised it, that the
17 arguments that Miss Sassower made in her
18 papers will be very, very carefully
19 considered. However, think about it,
20 yourself for a moment, if every litigant
21 who comes in can continue to go on as along
22 and yell and scream and thereby gets their
23 way, then we will have anarchy.

24 MR. SCHMOLDT: I grant you that, but I
25 still feel that Justice is not available at

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2 the court house.

3 THE COURT: Obviously I disagree with
4 you. I'm sorry you feel that way. I hope
5 that as a result of this case, at least,
6 you will feel, whether you agree with the
7 decision or not, you'll feel that the
8 decision was fair and fairly arrived at.
9 If you don't, I'm sorry about that, but let
10 me assure you, if Miss Sassower disagrees
11 with my decision, she has absolute right to
12 appeal.

13 MR. SCHMOLDT: Why is the Attorney
14 General opposing Justice? He is opposing--

15 THE COURT: Because he doesn't see
16 Justice the same as you do on this case.
17 Let's not get into that.

18 A VOICE: May it please the court, I
19 would like to make an application to be
20 heard as an intervenor as well as a
21 exponent of a class action.

22 THE COURT: Sir, I don't know your
23 name.

24 JUROR: Jean -- Buleti (phonetic).

25 MS. SASSOWER: If you want to make that

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2 kind of an application, you'll have to do
3 it on papers.

4 A VOICE: We did it already.

5 THE COURT: There are ways of doing
6 it. You bring on a motion to intervene and
7 the Attorney General is given the
8 opportunity to oppose it or not oppose it.
9 I will not make a ruling -- excuse
10 me --sir, I will not make a decision on or
11 rule on something like this orally.

12 A VOICE: May I instructions to get
13 papers from the Attorney General, please,
14 because I have tried to reach these people
15 and it has been--.

16 THE COURT: I don't understand what
17 how mean.

18 A VOICE: Well, I would like to have
19 copies of any papers that they've already
20 put into this.

21 THE COURT: No. I'm not going to give
22 them a directive to that. After you
23 intervene, if you intervene, if I give you
24 the right to intervene, then of course you
25 are entitled to it. Before that, I'm not

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2 going do that. But you know, I don't know
3 what your relationship is to Miss Sassower,
4 if you are friendly with Miss Sassower,
5 presumably she'll give you the papers. If
6 you made it in writing, it hasn't reached
7 me yet.

8 A VOICE: I want discovery proceedings
9 against the Attorney General's office to
10 disqualify because of conflict of interest.

11 THE COURT: Why don't we wait and
12 see--

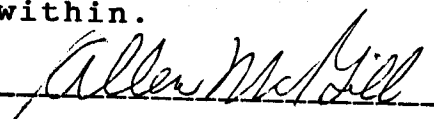
13 A VOICE:-- and the misuse of the word
14 "conduct" and "misconduct" according
15 according to a paradigm--

16 THE COURT: Way don't we wait until we
17 are finished with step 1.

18 (The matter was concluded at this
19 time).

20 * * * *

21 Certified to be a true and accurate
22 transcript of the stenographic minutes
23 taken within.

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25 Allen McGill, CSR