

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 3002
Southampton, New York 11969

Tel. (631) 377-3583
Fax (631) 377-3582

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

DATE: April 30, 2009

TO: Mayor Joseph M. Delfino
White Plains Common Council:
Council President Benjamin Boykin
Council Member Rita Z. Malmud
Council Member Glen Hockley
Council Member Milagros Lecuona
Council Member Thomas M. Roach
Council Member Dennis J. Power

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: The Appointment Process by which White Plains Gets its City Court Judges:
On-the-Bench Corruption of White Plains City Court Judge Brian Hansbury,
Disqualifying Him from Reappointment upon Expiration of His Term

Enclosed is my yesterday's letter to White Plains Corporation Counsel Edward Dunphy, to which you are indicated recipients.

As reflected therein (at p. 4), I am requesting to appear before the Common Council in opposition to Judge Hansbury's reappointment to the White Plains City Court in the event the Judicial Review Committee fails to interview me, fails to refer Judge Hansbury to disciplinary and criminal authorities, and approves him for reappointment. In any event, I request to be notified of the date of the Common Council's meeting to discuss and vote on nominations to the White Plains City Court.

Thank you.



cc: Edward Dunphy, White Plains Corporation Counsel
White Plains City Court Judge Brian Hansbury
White Plains City Court Senior Judge Jo Ann Friia

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful. Its administrative/corporate office is in White Plains, New York.

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Elena Ruth Sassower, Director

BY FAX: 914-422-1231 (10 pages)

BY HAND: April 30, 2009

April 29, 2009

Edward P. Dunphy, Corporation Counsel
Department of Law
City of White Plains
255 Main Street
White Plains, New York 10601

RE: The Appointment Process by which White Plains Gets its City Court Judges
& FOIL Appeal:

On-the-Bench Corruption of White Plains City Court Judge Brian Hansbury,
Disqualifying Him from Reappointment upon Expiration of His Term

Dear Mr. Dunphy:

This follows up my visit to the Department of Law nearly a week ago, on Thursday, April 23rd, hoping to speak with you about your April 3, 2009 letter. Your secretary, Wendy Kirkpatrick, after going to your office, told me you were busy preparing for a Common Council meeting, but took notes as to the reason for my visit, which I stated I would formalize in a letter. This is that letter.

Your April 3rd letter to me purports to respond to my March 20th letter to you – without indicating that you were furnishing copies to the Mayor and members of the Common Council, each indicated recipients of my March 20th letter. If you did furnish them with copies of your April 3rd letter, they surely must be confounded by your second sentence:

“If you wish to provide any documents you would like the Judicial Review Committee to consider, kindly forward a copy of those documents to my office and I will present them to the screening committee.”

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Such sentence makes no sense in light of my March 23rd letter to the Mayor, to which the Common Council members – and you – were indicated recipients. That March 23rd letter accompanied my hand-delivery of the March 20th letter. It could not have been clearer in stating, on its first page, that it was transmitting:

“the referred-to substantiating casefile evidence of Judge Brian Hansbury’s on-the-bench corruption, disqualifying him for reappointment as White Plains City Court Judge upon expiration of his term.” (March 23rd letter, 2nd sentence).

It then specified:

“Such transmitted evidence is a copy of the record of the landlord-tenant case, *John McFadden v. Elena Sassower*, #SP-1502/07, that Judge Hansbury had before him when he rendered his October 11, 2007 and January 29, 2008 decisions & orders therein. These two decisions & orders – each judicial frauds – are each the subject of appeals I have perfected, presently pending before the Appellate Term of the Appellate Division, Second Department. Copies of the appeal briefs are also transmitted as they conveniently summarize the record and establish that my adversary has been unable to defend on appeal what Judge Hansbury did, either factually or legally.” (March 23rd letter, 2nd paragraph).

For your convenience, enclosed is a copy of the first page of my March 23rd letter to the Mayor, bearing your Law Department’s receipt stamp, as well as a copy of the first page of my March 20th letter to you, similarly receipt-stamped on March 23rd by your Law Department.¹ Also enclosed is a copy of your April 3rd letter, with its envelope bearing an April 6th postage meter stamp.

Conspicuously, your April 3rd letter makes no reference to my hand-delivered March 23rd letter. Nor does it disclose that on April 2nd, the Mayor gave written notice to the Common Council of his appointment of the members of the Judicial Review Committee, pursuant to Section 2-5-15 of the Municipal Code of the City of White Plains. Presumably, you drafted the Mayor’s April 2nd notice to the Common Council² – and surely the Mayor consulted with you before making his Committee appointments of “attorneys, all prominent and well qualified members of the Bar of the State of New York”. Isn’t this true?

¹ These receipt stamps are signed by Law Department attorney Elizabeth Mirisola, to whom I displayed the voluminous casefile evidence I was transmitting to the Mayor.

² I obtained a copy of this April 2nd notice from your Chief Deputy Corporation Counsel, Carol L. Van Scoyoc, whose April 13th letter to me transmitted documents responsive to the FOIL requests itemized by my March 20th letter [See pages 4-5 herein].

Indeed, as your April 3rd letter identifies that you are “liaison/counsel” to the Judicial Review Committee, it is hard to believe that immediately upon the Mayor’s receipt of my March 23rd letter, he did not discuss it with you and rely on you to review the casefile evidence it transmitted.

So there is no doubt on the subject – and in light of the statement in your April 3rd letter that you are “not in a position” to interview me – please specify your duties as the Committee’s “liaison/counsel” and the date on which you reviewed the casefile transmitted by my March 23rd letter to the Mayor.

The most cursory review of the transmitted casefile, especially my November 9, 2007 order to show cause for Judge Hansbury’s disqualification and his January 29, 2008 decision & order, would have confirmed what is clear from both my March 20th and March 23rd letters: that at issue are not my “concerns” regarding Judge Hansbury – a word your April 3rd letter uses twice – but **irrefutable documentary proof of Judge Hansbury’s “on-the-bench corruption”, for which your duty, as White Plains Corporation Counsel, is to refer him to disciplinary and criminal authorities as a danger to our justice system and to The People of White Plains and beyond.** This duty is additionally compelled because – as highlighted by my March 20th letter (at p. 3) – investigation and prosecution by disciplinary and criminal authorities “will establish the collusive, if not directing role of White Plains Senior Court Judge Jo Ann Friia in Judge Hansbury’s brazen abuse of office and betrayal of the public trust”. (underlining in original letter)³

There are only TWO WEEKS left until Judge Hansbury’s term expires. Yet, I have heard nothing from the Judicial Review Committee. Did you send each committee member a copy of my March 20th letter, as your April 3rd letter stated you would? Did you also send them my elaborating March 23rd letter? If so, when?

Your April 3rd letter also stated that you would pass on to the Committee’s chair my request to appear before the Committee. Did you do so? – and who is the Committee chair? By now, the Judicial Review Committee should not only have “established a schedule of meeting dates”, but met pursuant thereto. However, and despite the assurance in your letter that “[w]hen such a timetable becomes available, that information will be provided”, I have received no timetable or scheduling information.

³ My March 23rd letter noted (at p. 2) that I was perfecting appeals chronicling Judge Friia’s collusive role in Judge Hansbury’s corruption. I have since perfected these appeals by my April 17, 2009 appellant’s brief in *John McFadden v. Doris L. Sassower and Elena Sassower*, #SP-651/89 and #SP-2008-1474. The brief is posted on CJA’s website, www.judgewatch.org, via the sidebar panel “Judicial Selection-State-NY”, which brings up a menu linking to the webpage entitled “Judicial Appointment Process to White Plains City Court – Now Unfolding!”, from which the appellate papers are accessible.

Should the Judicial Review Committee fail to interview me, fail to refer Judge Hansbury to disciplinary and criminal authorities, and approve him for reappointment⁴, I request to appear before the Common Council in opposition. I so-informed Ms. Kirkpatrick and hereby reiterate and formalize that request.

In any event, please notify me of the date that the Common Council will be meeting to discuss and vote on nominations to the White Plains City Court – and ensure that the copy of the casefile transmitted by my March 23rd letter is brought to the meeting.

Finally, for the benefit of the Mayor and members of the Common Council to whom I am providing copies of this letter, I take this opportunity to note that on the same April 3rd date of your letter, your Chief Deputy Corporation Counsel, Carol L. Van Scoyoc, wrote me a letter. In it, she advised that upon my payment of \$8.25, she would forward me 33 pages responsive to the FOIL requests itemized by my March 20th letter (at pp. 4-5).⁵ Among the documents Ms. Van Scoyoc thereafter sent me under an April 13th coverletter: Section 2-5-15 of the White Plains Municipal Code, entitled “Judicial review committee”, whose subsection (f) reads:

“The committee may adopt such procedures and policies as it may deem appropriate to its functions, including standards for evaluating the best qualified candidates for appointment.”

⁴ Rule 8.2 of New York’s new Rules of Professional Conduct, entitled “Judicial Officers and Candidates”, and effective as of April 1, 2009, states:

“(a) A lawyer shall not knowingly make a false statement of fact concerning the qualifications, conduct or integrity of a judge or other adjudicatory officer or of a candidate for election or appointment to judicial office.”

The December 16, 2008 press release of the Unified Court System, entitled “New Attorney Rules of Professional Conduct Announced”, highlights as “noteworthy” that:

“Rule 8.2 expands the prohibition against false statements of fact regarding ‘qualifications’ of judges or judicial candidates to include false statements about ‘conduct and integrity.’”

Additionally, Rule 8.4 of the Rules of Professional Conduct, entitled “Misconduct”, proscribes a lawyer from:

“(f) knowingly assist[ing] a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law”.

⁵ Ms. Van Scoyoc’s response to the FOIL requests of my March 20th letter, as likewise the response of White Plains Clerk Ann McPherson, is posted on CJA’s webpage “Judicial Appointment Process to White Plains City Court – *Now Unfolding!*” [See footnote 3, *supra*].

Ms. Van Scoyoc did not enclose any “procedures and policies” adopted by the Committee “including standards for evaluating the best qualified candidates for appointment”. Has the Committee not “deem[ed it] appropriate” to adopt any?

According to Ms. Van Scoyoc’s April 13th letter, the Law Department is “not in possession of any documents soliciting information and comment on Judge Hansbury’s on-the-job performance as White Plains City Court Judge”. She also enclosed but a single notice announcing the upcoming White Plains City Court vacancy (in the February 9, 2009 New York Law Journal) and further stated that there are no “‘publicly-available’ documents” as to the number of candidates, excluding Judge Hansbury, who have applied to fill the vacancy. Is this correct?

As Ms. Van Scoyoc’s letter concludes by informing me of “[my] right to appeal [her] determination to the Corporation Counsel, Edward P. Dunphy, the City of White Plains’ designated Records Access Officer”, please consider the foregoing three paragraphs as my appeal.

To assist you in answering this letter, I have underlined those portions to which I am requesting your response.

Should you wish to meet with me tomorrow when I hand-deliver the original of this letter to your office – with copies hand-delivered for the Mayor and members of the Common Council – please advise as to what time would be most convenient and I will arrange my schedule accordingly.

Thank you.

Yours for a quality judiciary,

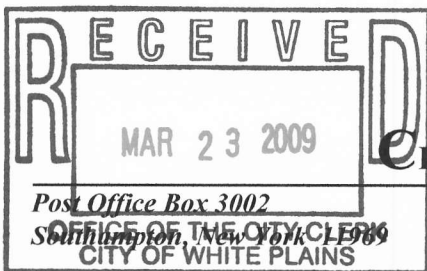


ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)

Enclosures

cc: See next page

cc: Mayor Joseph M. Delfino
White Plains Common Council:
Council President Benjamin Boykin
Council Member Rita Z. Malmud
Council Member Glen Hockley
Council Member Milagros Lecuona
Council Member Thomas M. Roach
Council Member Dennis J. Power
White Plains City Court Judge Brian Hansbury
White Plains City Court Senior Judge Jo Ann Friia



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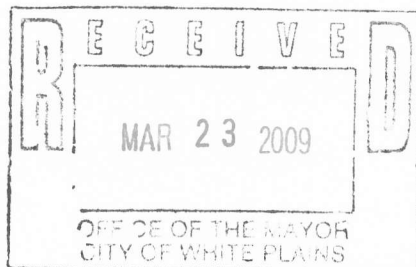
E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

Elena Ruth Sassower, Director

BY HAND

March 23, 2009

Mayor Joseph M. Delfino
City of White Plains
255 Main Street
White Plains, New York 10601



RECEIVED
Per E. M. Delfino
MAR 23 2009
The City of White Plains
LAW DEPARTMENT

RE: The Appointment Process by which White Plains Gets its City Court Judges:
On-the-Bench Corruption of White Plains City Court Judge Brian Hansbury,
Disqualifying Him from Reappointment upon Expiration of His Term

Dear Mayor Delfino:

Transmitted herewith is my self-explanatory March 20, 2009 letter to Corporation Counsel Edward Dunphy, to which you and the members of the White Plains Common Council are indicated recipients. Also transmitted is the referred-to substantiating casefile evidence of Judge Brian Hansbury's on-the-bench corruption, disqualifying him for reappointment as White Plains City Court Judge upon expiration of his term.

Such transmitted evidence is a copy of the record of the landlord-tenant case, *John McFadden v. Elena Sassower*, #SP-1502/07, that Judge Hansbury had before him when he rendered his October 11, 2007 and January 29, 2008 decisions & orders therein. These two decisions & orders – each judicial frauds – are each the subject of appeals I have perfected, presently pending before the Appellate Term of the Appellate Division, Second Department. Copies of the appeal briefs are also transmitted as they conveniently summarize the record and establish that my adversary has been unable to defend on appeal what Judge Hansbury did, either factually or legally.

As suggested by my letter to Mr. Dunphy (p. 2), I recommend that review begin with my November 9, 2007 order to show cause. It presented a 30-page analysis of Judge Hansbury's

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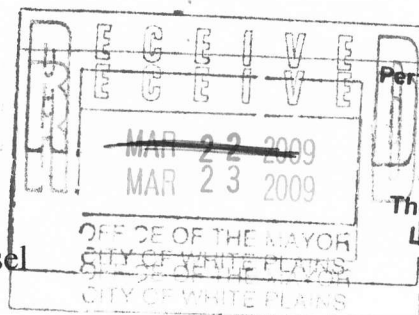
E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

Elena Ruth Sassower, Director

BY FAX: 914-422-1231 (6 pages)
BY HAND: 3/23/09

March 20, 2009

Edward P. Dunphy, Corporation Counsel
Department of Law
City of White Plains
255 Main Street
White Plains, New York 10601



The City of White Plains
LAW DEPARTMENT

RE: The Appointment Process by which White Plains Gets its City Court Judges: On-the-Bench Corruption of White Plains City Court Judge Brian Hansbury, Disqualifying Him from Reappointment upon Expiration of His Term

Dear Mr. Dunphy:

On Monday, March 16th, the Mayor's Office advised me that you are the contact person for the White Plains Judicial Screening Committee which reviews the qualifications of candidates seeking appointment as White Plains City Court Judges. Mayor Delfino himself confirmed that City Court Judge Brian Hansbury, whose term is expiring, has applied to be reappointed and that I should provide you with any relevant information and documents. Yet despite the notice I gave you on March 16th when I visited your office at about 3:00 p.m. and – in your absence – spoke with your legal assistant, Heather¹, about casefile evidence establishing Judge Hansbury's on-the-bench corruption for review by the Judicial Screening Committee, neither you nor anyone else from the Committee has telephoned me for further details or to request the substantiating casefiles.

On Tuesday, March 17th, after waiting all day for a call from you, I telephoned your office at about 4:40 p.m. Heather answered and stated that you had instructed her that if I called she should tell me that if I wanted the date on which Judge Hansbury's term expires, I would have to make a FOIL request for it. Likewise, she stated that my requests for information as to the

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¹ Heather declined to give me her last name.



DEPARTMENT OF LAW
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1241 • FAX: (914) 422-1231

JOSEPH M. DELFINO
MAYOR

EDWARD P. DUNPHY
CORPORATE COUNSEL

CAROL L. VAN SCOYOC
CHIEF DEPUTY CORPORATION COUNSEL

DANIEL K. SPENCER
DEPUTY CORPORATION COUNSEL

April 3, 2009

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
P. O. Box 3002
Southampton, New York 11969

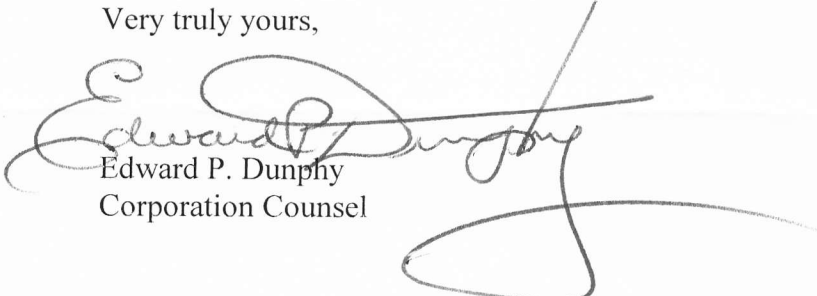
Dear Ms. Sassower:

In reply to your correspondence dated March 20, 2009, this is to advise that my responsibility concerning the Judicial Review Committee is that of liaison/counsel. I am not in a position to interview you relative to your concerns regarding Judge Hansbury.

If you wish to provide any documents you would like the Judicial Review Committee to consider, kindly forward a copy of those documents to my office and I will present them to the screening committee. Likewise, I will send to each committee member, a copy of your March 20th correspondence addressed to me, in which you outline several of your concerns.

Moreover, you have also asked to appear before the screening committee and such request will be passed onto the Chair of that committee. At this juncture, the committee has not established a schedule of meeting dates. When such a timetable becomes available, that information will be provided.

Very truly yours,


Edward P. Dunphy
Corporation Counsel

EPD/agf



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DEPARTMENT OF LAW
255 MAIN STREET
WHITE PLAINS, NEW YORK 10601

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DEPARTMENT OF LAW
255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

• FAX: (914) 422-1231

CAROL L. VAN SCOYOC
CHIEF DEPUTY CORPORATION COUNSEL

DANIEL K SPENCER
DEPUTY CORPORATION COUNSEL

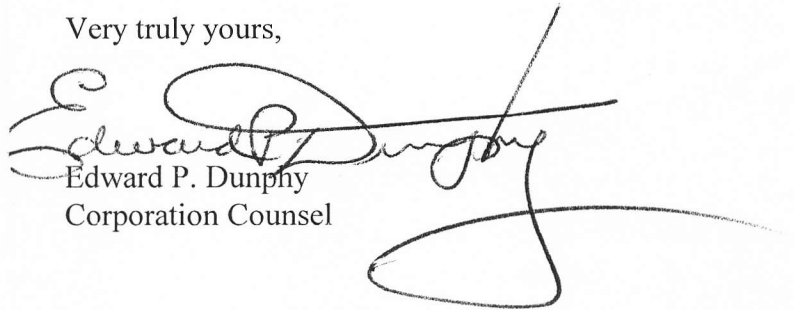
April 3, 2009

On March 20, 2009, this is to advise that my responsibility
is that of liaison/counsel. I am not in a position to
represent Judge Hansbury.

If you would like the Judicial Review Committee
members to meet at my office and I will present them to the
each committee member, a copy of your March 20th
outline several of your concerns.

For a meeting before the screening committee and such request
At this juncture, the committee has not established
a meeting table becomes available, that information will be

Very truly yours,


Edward P. Dunphy
Corporation Counsel



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P. O. Box 3002
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