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SASSOWER v. MANGANO, et al. 2nd Cir. #96-7805

ORAL ARGUMENT: Friday, August 29, 1997

Good morning. I am Doris L. Sassower, the Plaintiff-Appellant pro se in this §1983 civil rights action challenging the constitutionality of New York's attorney disciplinary law, as written and as applied to me. This is a case in which not only every New York attorney has an interest, but the public. The public is directly affected when the state judiciary, which has exclusive control over all aspects of attorney discipline, uses its disciplinary power for political and ulterior purposes to retaliate against an attorney who has been challenging the politicization of appointive and elective state court judgeships.

For me, the legal community, and the public at large, this case is too important to fail to ensure the fairness and integrity of the federal appellate process. With all due respect to this panel, this oral argument is without prejudice to my objection that this Circuit is disqualified for bias, as particularized in my voluminous April 1, 1997 motion. A Circuit panel

Ex "L"

disposed of that motion in a one-word decision, "DENIED". I respectfully submit that the panel hearing this appeal should independently adjudicate the basis for recusal and transfer, as well as the motion's other branches of relief. These include disciplinary and criminal referral of the Attorney General and his co-defendant state clients for their fraud and other misconduct in the appellate case-management phase of this litigation. The panel's one-word general denial of that meritorious, fact-specific motion only further supports my allegations and the public perception of bias by this Circuit.

Although I requested the maximum 20-minutes for this oral argument, only the five-minute minimum was given me, less than all other parties on the calendar. Consequently, time does not permit me to particularize the lower court's own pervasive and virulent disqualifying bias, exemplified in its end-product decision, the subject of this appeal. That bias is the overarching issue presented by my Brief, with five specific subsections relating to the lower court's aberrant and abusive conduct and its factually and legally dishonest decision. As my Reply Brief demonstrates, the Attorney General's defense of this appeal -- no less than his defense of the action before the lower court -- rests on outright fraud and deliberate obstruction of justice. If this is a "hot bench", it should be "steaming mad"

by what it has read in those briefs and verified for itself from the record.

Because this Court is entitled to answers from "the man at the top" -- Attorney General Dennis Vacco -- the Center for Judicial Accountability, Inc. of which I am director, placed a $3,000 ad in Wednesday's New York Law Journal, entitled, ***"Restraining 'Liars in the Courtroom' and on the Public Payroll"***. That ad publicly challenged Mr. Vacco to be here today to argue the appeal. A copy of that ad was included in a letter to Mr. Vacco, which stated,

> "at the oral argument on Friday, I expect you to do your duty as an officer of the court, who also has the higher responsibility of the public office you hold, to act in accordance with the ethical considerations and disciplinary rules of the Code of Professional Responsibilty, particularly Canon 7. Such action includes withdrawing your opposition to the appeal and acceding to the relief requested by me at the...pre-argument conference, which your office sabotaged."

Included among the relief requested was that the Attorney General stipulate to ***immediate*** vacatur of his judicial client's June 14, 1991 so-called "interim" order, which suspended my law license. I request that that letter be made part of the record on this appeal so that this Court can properly adjudicate ultimate liability on the threshold sanctions issue before it.

In the minute I have remaining, I wish to focus on Defendant

Second Department's rule under which its June 14, 1991 order suspended my law license reasons, more than six years ago -- ***without*** a petition, ***without*** findings, ***without*** reasons, ***without*** a pre-suspension hearing -- and as to which I have been deprived of ***any*** post-suspension hearing and ***all*** appellate review in all the years since. I would emphasize further that the court rule under which I was suspended is 22 NYCRR §691.4(l) -- **not** §691.13(b)(1), as the lower court decision falsely claims -- a claim then adopted by the Attorney General in his Appellees' Brief to this Court. The reason for this fraudulent pretense is because, as pleaded in my Verified Complaint and pivotally presented by my motions before the lower court -- are controlling Matter of Nuey + Matter of Rinaldi of my right to ***immediate*** vacatur of the finding-less, hearing-less suspension order. Those two extremely short cases are dispositive **both** as to the unconstitutionality of §691.4(l), as written, ***and*** as applied to me. For this reason, the Attorney General's fraudulent dismissal motion -- which the lower court, contrary to well settled law, converted, ***sua sponte*** and without notice, to one for summary judgment, which he then granted to defendants so as to deprive me of my day in Court -- failed to mention either case. For and deny me the summary judgment to which I was entitled as a matter of law its part, the lower court, conspicuously obliterated from its decision ***any*** mention of Nuey and obscured and failed to adjudicate the constitutional

issues presented by Russakoff and Nuey. In both cases, New York's highest court failed to strike down the interim suspension rule, even while recognizing it as statutorily unauthorized, and ignoring the total absence of a right of appeal--unchecked judicial power, anathema in a democratic society.

I respectfully request that this Court demand that the Attorney General address those issues here today -- so that when I leave this courtroom, it is with my law license restored to me, in accordance with my most fundamental due process and equal protection rights.