

north castle NEWS

armok • banksville • no.white plains • bear ridge

Martimelli PUBLICATIONS

Thursday, January 18, 2007

FBI Takes Notice Of Our "Everybody Loves Raymond" Story On Corruption In The Courts

By Dan Murphy

Correction: In our story "Everybody Loves Raymond", we incorrectly reported the 'Nick' in Catherine Wilson's letter as Nick Spano. This was an error, and the Nick that Wilson was referring to is Judge Nick Collabella. We apologize for the error and stand corrected.

Two weeks ago, we ran a feature story called "Everybody Loves Raymond Corruption in the White Plains Courts." This story was based on a letter we received from Catherine Wilson, who appeared to be getting a raw deal in her divorce case here in Westchester. Her ex-husband is Raymond Powers, the Law Secretary for Judge Nicholas Collabella, NYS Supreme Court. Wilson presented her case, which appears to show that she is the victim of Ray's power and connections in the divorce courts.

We have received a large number of responses to our story. All of the calls and emails have come from readers who know someone, or who have personally not received justice in the divorce courts here in Westchester.

While most of the responses were from women, we did receive a couple of calls from men who were unable to get a fair review of their case. The one common theme from those alleging no justice? All had neither the money or the political connections, and coincidentally all got the short end of the legal stick, in visitations, support, etc. We know that from the volume of responses we have received that our story was well read. But the response from the courthouse has been silence. This can be viewed as an indication that the story hit home in some of the top floors of the County Courthouse.

Here is a follow up letter we recently received from Catherine Wilson.

"Thank you for running my letter last week. I received an unbelievable amount of supporting calls and emails from around the country (the power of emails and the Internet). I even received a few emails of support from Europe. One litigant's group in Long Island distributed my letter to their 2,000-plus membership and has generated an email campaign to Governor Spitzer on my behalf. The FBI has also contacted me

FBI Takes Notice Of Our "Everybody Loves Raymond" Story On Corruption In The Courts

(Continued from Page 1)

"Unfortunately, this attention has already come too late for my children. I had petitioned the White Plains Family Court in August to modify my divorce order. The child support orders I had throughout this case did acknowledge that my ex-husband had to contribute to our children's educational expenses. However, when I received the final divorce order in August, the provision for education was completely erased! Given that my eldest is a junior in High School, I need his father to pay his share of upcoming college costs. However my request for educational fees was just completely denied by the court.

"I had also submitted a petition for medical expenses Ray owed. Again this was completely dismissed. Ray was given full credit for the expenses he submitted, even though I provided evidence that these "expenses" of his were inflated - a tactic that is typical of recalcitrant parents and unethical attorneys.

"When presented with a child support enforcement petition, such individuals simply turn around and trump up fictitious and/or inflated expenses to offset the other parent's claim. Unfortunately the judges and magistrates entrusted to handle these petitions don't even have the basic financial skills necessary to recognize such Kinnon-styled accounting.

"My petition was also to have the court enforce a court agreement Ray signed two years ago governing our children's medical expenses. In the past four years, I've accumulated over \$4,000 of these expenses for our children. But since the medical insurance for our children is in Ray's name, he gets the checks directly. Most divorced couples handle this by simply splitting the reimbursements according to who paid. Not so in my case. Confident he could get away with it, Ray cashed these checks and knowingly kept my share.

"In early 2006, we both signed an agreement that neither parent owed the other for medical costs. I gave up on my share of the reimbursements at that time, knowing that it was partially offset by a \$900 down payment Ray had made for our daughter's braces (which, when combined with union reimbursements, would cover her braces in full).

"But once Ray figured that out, he demanded that the dentist give him his down payment back and tore up the dental treatment agreement. Family Court didn't even acknowledge my request to enforce that court agreement when they tossed my petition out.

"And as for my daughter? The dentist tells me that if she doesn't start her braces before she stops growing (very soon), she'll need surgery instead to correct her overbite. My child could face surgery because the court refuses to make one of its own obey a court agreement!

"Apart from the fact that Ray works in the Westchester Court system, there is an additional explanation for why my petitions were denied without even looking at my evidence or acknowledging my arguments. These rulings were handed by the court on December 22nd - the Friday before the Christmas break (the courts actually close for the entire last week of December every year).

"The court had my original petitions since August, successfully delayed by Ray's three counter petitions and three motions to dismiss. The court had to answer my petition by December 31st, otherwise it would show up as late on their quarterly reports to Albany.

"So my carefully drafted and well documented petitions were rushed out on the very last working day, without so much as a glance at my evidence or arguments, just to "beat the clock" so the court's statistics wouldn't look bad (more important than my children's needs, apparently).

"So far, tossing out my petitions for my children's needs has been the only response I've received from the court. Not one member of the court administration has called me to express concern, interest, or outrage over the handling of my case. I did, however, receive a response of sorts from Ray.

"When I filed my petitions with the Family Court, Ray, in addition to his counter-attacks on me in that court, also filed several motions with the Appellate Court to have my request for an appeal on our divorce order thrown out. Ray successfully managed to get most of what I requested tossed out last month on a mere filing technicality (again, obviously more important to the court than my children's needs).

"But the court did allow one small appeal - my appeal against the Law Guardian's inflated bills. Ray filed a "motion to reargue" this week to the Appellate Court to toss their decision out.

"Interestingly, if I win that appeal, Ray will actually get money back! The Law Guardian on our case, Kim Rayner, charged us her usual rates of \$280 an hour rather than the customary Law Guardian's fees which are considerably less. She's done this before and the Appellate Court reduced her bills accordingly.

"In my case, the judge (Will Sherwood) never sether fee at all when he appointed her. In defiance of the court rules, she set her own. That defiance could actually get her entire bills tossed out completely - all \$30,000 worth. If my appeal is successful, Ray stands to get back \$15,000.

"That's one year of a SUNY college education for our son. So why would Ray contest my application to appeal here? Okay, so we know why. But how could a father deliberately forgo such an amount of money just for spite? And worse, why can't the courts see this pattern of behavior here and put a stop to it?

"I've already notified the court administration that Ray should not have been using his court I/D (paid for with taxpayer funds) to access the legal research systems for his latest motion (or any other one, for that matter). Whenever I need to research a case, I either have to soldier my handicapped mother with me into a law library in White Plains (impossible, since she's an Alzheimer's victim, to boot), or pay for access at home (\$50 a day). Every other litigant has to do the same. So should Ray. The court (and the New York State taxpayers) should not be financing him on this case any longer.

"Hopefully my letters will make the court realize that all litigants must be treated the same, both in my case and any other case involving influential litigants.

Speaking of influential, my last letter to your paper had

a truncated sentence. My reference to the "kickback" list was about a list that Ray kept on our home computer of kickback appointments that he and Nick Collabella (not Nick Spano) made to local politicians and power brokers to handle issues on court cases. The names on that list are a "Who's Who" of Westchester's political elite, among them James Nolati (Al Piro's partner), Alito Ingrassia (ex Administrative judge), and Nick Spano (ex NY State Senator).

Of the dozens of names on this list there are only two women who received appointments, no Latinos, no Asian Americans, and while I'm not completely confident of the ethnic background of the other recipients, I'm fairly sure that a search for any African or Native Americans on this list would turn up Valdo Foster!

I did bring this to OCA's attention. They actually bragged to me that they now had a "law" to restrict such political favoritism and that my list "predated" that law. We've always had a law governing such biased behavior - it's called the United States Constitution. Pity OCA doesn't expect our judges to obey that.

Further, while the existence of such a law merely restricts behavior, it doesn't change attitudes. Such judges may not be able to award kickback appointments as freely as they did in the past but they can still swing court decisions to their cronies. OCA's law was merely a Band-Aid solution. A far better approach would have been to fine the judges who couldn't treat all citizens fairly.

"As for me, obviously my name wasn't on any kickback list. After my letter to you, however, I imagine it's on quite a few judges' list of another nature now!

I can live with that." Catherine Wilton