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JUDICIAL
ACCOUNTABILITY



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BY PRIORITY MAIL

May 25, 1994

William Kunstler, Esq.
Kunstler & Kuby
13 Gay Street
New York, New York 10014

RE: Legal Retention or Referral

Dear Mr. Kunstler:

As you know, my family has been speaking out against judicial corruption and political influence in the courts for many years--with consequences to themselves that have been vicious and brutal: my father has been disbarred, my mother suspended, both unjustly and without regard to basic constitutional rights under the First, Fifth, and Fourteenth Amendments. Such retaliation against my parents has been made possible because the disciplinary mechanism is controlled by the Appellate Division and its at-will appointees.

This retaliation was a focal issue in an Article 78 proceeding, entitled, Doris L. Sassower v. Hon. Guy Mangano, et. al, in which my mother alleged and documented a pattern of retaliatory, discriminatory, and selective prosecution by the Appellate Division, Second Department which, inter alia, acted without jurisdiction and without the slightest legal or factual basis in suspending her "immediately, indefinitely, and unconditionally" by its "interim" Order of June 14, 1991. Said Order was accomplished without a plenary proceeding underlying such suspension, with no notice of written charges, no hearing, no evidentiary findings, and without even a statement of reasons in the suspension Order itself¹--all contrary to the explicit requirements of the Appellate Division's own Rules Governing the Conduct of Attorneys. The Order was illegal at the time it was issued (Matter of Nuey, 61 N.Y.2d 513, 474 N.Y.S.2d 714 (1984) and has been maliciously perpetuated for almost three years, notwithstanding the Court of Appeals' supervening decision in Matter of Russakoff, 72 N.Y.2d 520, 583 N.Y.S.2d 949 (1992),

¹ The "interim" suspension Order is annexed to my mother's Jurisdictional Statement as Exhibit "D-6".

holding that interim suspension orders without findings must be vacated as a matter of law².

Although the Article 78 remedy was created to afford independent review for such lawless conduct as here at issue, the Appellate Division, Second Department refused to recuse itself from its own case--and granted the legally insufficient and factually false motion to dismiss of its own attorney, the Attorney General.

The obvious constitutional and due process issues presented by this case--and their impact upon both the legal community and the public at large--are outlined in the enclosed papers, furnished for your review³. They are my mother's January 24, 1994 Jurisdictional Statement to the Court of Appeals and her attorney's March 14, 1994 letter to the Court of Appeals in support of its jurisdiction.

Also enclosed is the Court of Appeals' outrageous May 12, 1994 Decision/Order--which we received last week--pretending that "no substantial constitutional questions are directly involved".

Because of the politically sensitive nature of this case, we have been unable to find lawyers willing to represent my mother. All the lawyers we have consulted consider this case "professional suicide". Indeed, one lawyer informed us that he was told by a colleague that if he took this case, he would probably win it--but would never be appointed to a judgeship. The bar associations have, similarly, refused to provide any assistance.

Since everyone tells us that we need a lawyer "like Kunstler", it is obvious to me that we have to start with Kunstler himself. We need you--and, if not you, your connections to find a "gutsy", public-spirited lawyer, who, like yourself, would be undaunted by the prospect of taking on the most powerful vested interest of them all--the judiciary.

For your information, I enclose my mother's Martindale-Hubbell listing, which always gave her its highest "AV" rating throughout the years it rated her, as well as a copy of a letter

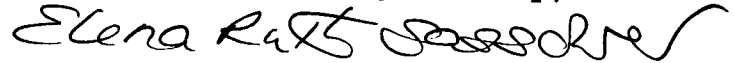
² See Exhibits "G" and "H" to my mother's Jurisdictional Statement.

³ See, particularly, pp. 5-12 of the enclosed March 14, 1994 letter to the Court of Appeals.

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from the Fellows of the American Bar Foundation, confirming her election to membership in that distinguished body.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

- Enclosures:
- (a) Jurisdictional Statement, dated 1/24/94
 - (b) 3/14/94 ltr of Evan Schwartz, Esq.
 - (c) 5/12/94 Court of Appeals' Decision/Order
 - (d) Martindale-Hubbell listing
 - (e) ltr of American Bar Foundation

P.S. Also enclosed is a copy of yesterday's front-page New York Law Journal article as to a \$10,000,000 suit, Thaler v. Casella, brought in federal court by two lawyers--challenging, inter alia, actions taken by the Grievance Committee for the Ninth Judicial District--including an interim suspension, vacated after two months--and ex parte communications between the Grievance Committee and the Appellate Division, upon which disciplinary prosecutions of those attorneys was commenced. You will note that, in dismissing the case, District Judge Raymond Dearie stated: "

Implicit in plaintiffs' argument for federal intervention is the absurd proposition that the New York Court of Appeals will be insensitive to their cries of constitutional foul..." (emphasis added)

The enclosed submissions in my mother's Article 78 proceeding and the Court of Appeals' May 12, 1994 Decision/Order should suffice to convince you not only of the absolute insensitivity of the New York Court of Appeals, but its complicity in what the underlying record unequivocally shows to be the most egregious, profound, and deliberate violations of my mother's due process and equal protection rights imaginable.

Under such circumstances, a federal court case brought by my mother would be worth many, many, many times the \$10,000,000 sought by the plaintiffs in Thaler v. Casella.